



City of Barrie

70 Collier Street (Box 400)
Barrie, ON L4M 4T5

Minutes - Final General Committee

Monday, September 12, 2005

7:00 PM

Council Chamber

1 [GC39-050912](#) GENERAL COMMITTEE REPORT NO. 39- September 12, 2005

Attachments: [GC39-050912.pdf](#)

For consideration by the Council of the City of Barrie on September 19, 2005.

The meeting was called to order by Mayor, R.J. Hamilton at 7:53 p.m. and the following were recorded as being present:

COUNCIL:

Mayor, R.J. Hamilton
Councillor, A.V.G. Smith
Councillor, D. Aspden
Councillor, P.W. Brown
Councillor, B.J. Ward
Councillor, L.M. Strachan
Councillor, M.P. Prowse
Councillor, S.B.A. Trotter
Councillor, J.R. Moore
Councillor, K.A. LePage
Councillor, T.J. Moore.

STAFF:

City Administrator, P. Lee
City Clerk, J. Sisson
City Clerk's Assistant, L. Pearson
City Treasurer, S. Ross
Commissioner of Community Services, K. Columbus
Commissioner of Development Services, G. Calvert

Deputy City Clerk, D. McAlpine
Director of Engineering, R. Newlove
Environmental Waste Manager, R. Yole
Manager of Environmental Services, A. Scott.

The General Committee met for the purpose of a public meeting pursuant to the Municipal Act and Reports as follows:

SECTION "A"

Mayor Hamilton advised the public that any concerns dealing with the proposed changes to the fees and charges By-law 2005-113 should be directed to the City Clerk's Office. Any interested persons wishing further notification of the staff report regarding the proposed fee changes were advised to sign the appropriate notification form required by the City Clerk's Office. Mayor Hamilton confirmed with the City Clerk's Assistant that notification was conducted in accordance with the Municipal Act.

05-G-472

PROPOSED CHANGES TO FEES AND CHARGES BY-LAW 2005-113 - GARBAGE CONTAINERS COLLECTED CURBSIDE - THE CITY OF BARRIE (September 12, 2005) (File: F21 User Fees)

Mr. Alec Scott, Manager of Environmental Services advised that the purpose of the public meeting is to present and obtain public input on proposed changes to the fees and charges for garbage containers collected at the curbside. The public meeting was held pursuant to Part XII, section 400 of Regulation 244/02 made under the Municipal Act, 2001.

Mr. Scott stated that two containers are collected each week from residential properties at no additional charge. He noted that the current fee for additional containers collected from each residential property is \$1.00. A fee of \$2.00 per additional container is proposed to replace the current fees outlined in By-law 2005-113.

Mr. Scott indicated that in accordance with the Municipal Act, fees and charges are not permitted to exceed the cost of providing the service. He explained that the gross operational expenditures associated with the program for 2005 are estimated to be \$7.21 million. Mr. Scott commented that the revenue generated by the sale of tags is far below cost and is estimated to be \$146,000.00 for 2005.

Mr. Scott observed that the fees are proposed to increase for the following reasons:

- Offset some costs related to waste collection and disposal
- To encourage waste diversion; and
- To extend the life of the landfill.

Mr. Scott noted that a Public Education and Communication Strategy meeting has been scheduled for Wednesday, October 5th, from 4:00 p.m. to 7:00 p.m., at the Southshore Community Centre.

COMMENTS:

There were no comments.

WRITTEN SUBMISSIONS:

There were no written submissions.

The General Committee met and reports as follows:

SECTION "B"

05-G-473

REPORT NO. 2005-11 OF THE TENDER OPENING COMMITTEE DATED AUGUST 30, 2005

Report No. 2005-11 of the Tender Opening Committee dated August 30, 2005 was received.

- a) Tender No. 2005-20, Dunlop Street and Miller Drive Intersection Improvements.
- b) Tender No. 2005-24, Kidd's Creek Culvert Improvements (Bradford Street to Toronto Street). (File: F18)

05-G-474

REPORT NO. 2005-12 OF THE TENDER OPENING COMMITTEE DATED SEPTEMBER 6, 2005

Report No. 2005-12 of the Tender Opening Committee dated September 6, 2005 was received.

- a) Tender No. 2005-35 North Shore Trail Kempenfelt Park Access. (File: F18)

The General Committee reports having met and recommends adoption of the following recommendations:

SECTION "C"

05-G-475

DELEGATED AUTHORITY FOR CITY STAFF APPOINTMENT BY-LAWS

That the City Clerk be authorized to present by-laws to City Council appointing such officers and inspectors as may be required for the enforcement of City of Barrie By-laws and Provincial Statute(s). (CLK108-05) (File: C06)

This matter was recommended for adoption (Section "C") to City Council for consideration of receipt at its meeting to be held on 9/19/2005.

05-G-476

SIGN BY-LAW - AMENDMENT TO AUTHORIZE ADMINISTRATIVE EXEMPTIONS

That By-law 2005-93 be amended by adding the following:

EXEMPTION(S)

The City Clerk of The Corporation of the City of Barrie, may grant an exemption to any person from any provision of this by-law and impose conditions for such exemption as may be considered reasonable and necessary, provided such exemption does not interfere with the general integrity of this by-law." (CLK109-05) (File: P00)

This matter was recommended for adoption (Section "C") to City Council for consideration of receipt at its meeting to be held on 9/19/2005.

05-G-477

FIRE ROUTE AMENDMENTS - BY-LAW 89-86 - 10 BROOKS STREET AND 300 VESPRA STREET, BARRIE

That Fire Route By-law 89-86 be amended to designate a Fire Route at:

- a) 10 Brooks Street, Barrie (IOOF Long Term Care Facility); and
- b) 300 Vespra Street, Barrie (Ted Shier Auto & Truck Service). (CLK110-05) (File: P19-FI)

This matter was recommended for adoption (Section "C") to City Council for consideration of receipt at its meeting to be held on 9/19/2005.

05-G-478

OFFER TO PURCHASE - RICK SCHALY, IN TRUST

That Council accept and the City Clerk and Mayor be authorized to execute the Agreement of Purchase and Sale from Rick Schaly (In Trust for a Company to be Incorporated) for a 3.2 acre parcel approximately of City-owned industrial land described as Part 1, Reference Plan 51R-33098, located on the west side of Huronia Road in the South Barrie Business Park, for the purchase price of \$88,500 per acre be accepted, subject to the following exceptions and additions to the Standard Offer:

- a) The Purchaser agrees that it will be responsible for any fees to connect laterals to sanitary sewers, water and hydro.
- b) The Purchaser agrees that it is purchasing the property in its present condition "as is". The Purchaser further acknowledges and agrees that it will conduct, by the conditional date indicated in Paragraph 6 (c) of the offer, such tests as it deems necessary to determine to its satisfaction, that the soil conditions for the property are satisfactory to support the development and construction of the building and other structures contemplated for its proposed use of the property and that it may develop the lands and construct the required building in accordance with its development plans.
- c) The Purchaser acknowledges that acceptance of this offer, including all amendments, is conditional upon the approval of City Council and that the execution of this offer by the Director of Economic Development in no way binds the Corporation.
- d) The Purchaser acknowledges that this transaction is subject to GST and such tax shall be paid in addition to the purchase price. Notwithstanding this, no goods and services tax will be paid by the Purchaser on closing provided that the Purchaser is a GST registrant and provides its registration number prior to closing. The parties will instruct their respective solicitors to enter into a document registration agreement in the form approved by the Law Society of Upper Canada on closing.
- e) The Purchaser undertakes that the only assignment of this agreement will be by way of direction that title be drawn in the name of a corporation which has the same controlling shareholders. This will be confirmed by the Purchaser's lawyer prior to closing along with confirmation that the Purchaser's lawyer has no knowledge of any intention on the Purchaser's part to sell the shares to another party.
- f) The Purchaser agrees to convey, on closing and as per the terms outlined in Schedule A to the offer, a free and uninterrupted easement across Part 1, Plan 51R-33098. This easement, either as a blanket access easement or a defined access easement, shall generally allow for access by the City of Barrie and/or its agents to the municipally owned lands described as Part 2, Plan 51R-33098. The cost of preparation and registration of the registered plan, substitute easement and release of the temporary blanket easement shall be borne by the Transferor. Notwithstanding this, the

Transferor may, up to 30 days prior to closing, make a request in writing that the substitute access easement be transferred on closing instead of the temporary blanket access easement. In such event, the Transferee will be responsible for the costs of preparation and registration of the registered plan and substitute easement, and the Transferor will only be responsible for their own legal costs, if any.

- g) The Purchaser acknowledges that, as per the terms outlined in Schedule C to the offer, they have been advised that the Allandale Community Development Corporation (ACDC) is the owner and operator of a railway line that abuts the property and that they agree to comply with any additional requirements made by ACDC. The Purchaser is also advised that alteration to or expansion of railway facilities and services may occur in the future resulting in increased use along the railway line in proximity to the property. The Purchaser is warned that the present and future use of the railway line may affect the living or working environment of residents in the vicinity notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development by the owner or builder. The Allandale Community Development Corporation, its successors, assigns and licensees shall not be liable for any complaints or claims arising from the operation, use or expansion of the railway line and related facilities. The transferee covenants and agrees to include a copy of this warning clause as a schedule to any subsequent Transfer/Deed of Land transferring an interest in the lands.
- h) The vendor agrees that all of the subject lands are outside the Regional Flood Line and outside the boundaries of a Provincially or locally Significant Wetland.
- i) The Vendor agrees to the removal of Paragraph 23 as the Purchaser acknowledges that the property is subject to Site Plan Control.
- j) The Vendor agrees to a one year extension in the time period to start construction of the building. This increases the maximum period for the start of construction from one (1) year to two (2) years.
- k) This Offer is conditional for a period of 120 days from the date of acceptance upon the seller, at the seller's cost obtaining a rezoning of the property to allow the buyers intended uses. Failing this the offer shall become null and void and the buyers deposit shall be returned in full without interest or penalty. (EDO031-05) (File: L15)

This matter was recommended for adoption (Section "C") to City Council for consideration of receipt at its meeting to be held on 9/19/2005.

05-G-479

OFFER TO PURCHASE - AMX STEEL INC.

1. That Council accept and the City Clerk and Mayor be authorized to execute the Agreement of Purchase and Sale from AMX Steel Inc. for a 8.88 acre parcel of City-owned industrial land described as lots

55, 56, 57, 58, 59, 60, 61 and 62, Plan 51M-379, fronting onto the east side of Rawson Avenue in the South Barrie Industrial Park for the purchase price of \$50,000 per acre, subject to the following exceptions and additions to the Standard Offer:

- a) The Purchaser agrees that it will be responsible for any fees to connect laterals to sanitary sewers, water and hydro.
- b) The Purchaser agrees that it is purchasing the property in its present condition "as is". The Purchaser further acknowledges and agrees that it shall conduct, by the conditional date indicated in Paragraph 6 (c) of the offer, such tests as it deems necessary to determine to its satisfaction, that the soil conditions for the property are satisfactory to support the development and construction of the building and other structures contemplated for its proposed use of the property and that it may develop the lands and construct the required building in accordance with its development plans.
- c) The Purchaser acknowledges that acceptance of this offer, including all amendments, is conditional upon the approval of City Council and that the execution of this offer by the Director of Economic Development in no way binds the Corporation.
- d) The Purchaser acknowledges that this transaction is subject to GST and such tax shall be paid in addition to the purchase price. Notwithstanding this, no goods and services tax will be paid by the Purchaser on closing provided that the Purchaser is a GST registrant and provides its registration number prior to closing. The parties will instruct their respective solicitors to enter into a document registration agreement in the form approved by the Law Society of Upper Canada on closing.
- d) The Purchaser acknowledges that the Vendor will be passing a by-law which will deem the lots described herein not to be lots on a plan of subdivision. The Purchaser agrees that it will not object to this by-law. Approval under the Planning Act will be necessary to subdivide the property into 2 or more separate parcels.
- e) The Purchaser agrees that it will, within one and a half (1.5) years from the date of registration of the transfer of land, start construction therein of an industrial building or buildings.
- f) The Vendor agrees to a reduction in the minimum coverage from 20% to 3%.
- g) This Agreement of Purchase and Sale shall be conditional until October 31st, 2005, upon the Purchaser satisfying itself in its sole discretion that the Purchaser has received acceptable financing to complete the transaction.

2. That a Deeming By-law be approved per Section 50(4) of the Planning Act over Lots 55 to 62, inclusive, Registered Plan 51M-379, which would serve to create a single property. (EDO033-05) (File: L15)

This matter was recommended for adoption (Section "C") to City Council for consideration of receipt at its meeting to be held on 9/19/2005.

05-G-480

Welham Road Construction (Saunders Road southerly 200 m)

That Contract 2005-27, for Welham Road Construction, Saunders Road southerly 200 m, be awarded to Bill Strudwick Construction Ltd. in accordance with their tender dated August 23, 2005, in the amount of \$680,295.79, excluding GST. (EDO035-05) (File: T04-2005-27)

This matter was recommended for adoption (Section "C") to City Council for consideration of receipt at its meeting to be held on 9/19/2005.

05-G-481

ESSA ROAD - SPEED LIMIT

That the maximum speed limit be 60 kilometres per hour on Essa Road between Harvie Road and the south City limits and that By-law 2002-191 be so amended. (LTW041-05) (File: P00)

This matter was recommended for adoption (Section "C") to City Council for consideration of receipt at its meeting to be held on 9/19/2005.

05-G-482

LAKE SIMCOE REGION CONSERVATION AUTHORITY APPOINTMENT

1. That the resignation of Councillor P.W. Brown from the Lake Simcoe Region Conservation Authority be accepted.
2. That Councillor J.R. Moore be appointed to the Lake Simcoe Region Conservation Authority. (File: C06)

This matter was recommended for adoption (Section "C") to City Council for consideration of receipt at its meeting to be held on 9/19/2005.

05-G-483

ALTERNATIVE TRAFFIC CONTROL MEASURES FOR HICKLING TRAIL, CHELTENHAM ROAD AND SYDENHAM WELLS

That, in response to the layout and population density of residential neighbourhood streets within the Georgian Glen and surrounding subdivisions, staff in the Leisure, Transit and Works Department investigate and report back to General Committee with alternative traffic control measures and parking restrictions, specifically on Hickling Trail, Cheltenham Road and Sydenham Wells within these subdivisions. (File: T00)

This matter was recommended for adoption (Section "C") to City Council for consideration of receipt at its meeting to be held on 9/19/2005.

05-G-484

LAKE SIMCOE LADIES OF THE LAKE PRESENTATION

That the Lake Simcoe Ladies of the Lake be invited to make a presentation to General Committee concerning the future of Lake Simcoe. (Circ. September 12, 2005, C1) (File: C00)

This matter was recommended for adoption (Section "C") to City Council for consideration of receipt at its meeting to be held on 9/19/2005.

The General Committee reports that upon adoption of the required procedural motion it met In-Camera to discuss confidential security of property matters. The members of the press and public were not present for this portion of the meeting.

The General Committee reports having met and recommends adoption of the following recommendation(s):

SECTION "D"

05-G-485

CONFIDENTIAL SECURITY OF PROPERTY MATTER

That motion 05-G-485 contained within the confidential notes of the General Committee Report No. 39 be adopted.

This matter was recommended for adoption (Section "D") to City Council for consideration of receipt at its meeting to be held on 9/19/2005.

05-G-486

CONFIDENTIAL SECURITY OF PROPERTY MATTER

That motion 05-G-486 contained within the confidential notes of the General Committee Report No. 39 be adopted.

This matter was recommended for adoption (Section "D") to City Council for consideration of receipt at its meeting to be held on 9/19/2005.

The meeting adjourned at 8:09 p.m.

The General Committee Report No. 39 was adopted by Council with an amendment to 05-G-476 by 05-A-421.

CHAIRMAN