

Minutes - Final
Finance and Corporate Services
Committee

Wednesday, January 23, 2013

6:00 PM

Council Chamber

For consideration by General Committee on February 4, 2013.

The meeting was called to order by Councillor Prowse at 6:06 p.m. The following were in attendance for the meeting:

PRESENT:

Councillor, M. Prowse, Finance and Corporate Services Committee Chairperson
Councillor, B. Ainsworth, Finance and Corporate Services Committee Member
Councillor, J. Brassard, Finance and Corporate Services Committee Member.

STAFF:

City Clerk, D. McAlpine
Deputy City Clerk, C. deGorter
Municipal Law Enforcement Officer I, B. Keene
Municipal Law Enforcement Officer, J. Shaw
Municipal Law Enforcement Supervisor, T. Banting
Municipal Prosecutor, S. Feeney.

ALSO PRESENT:

S. Bano
J. Clow, Barriston Law LLP
A. Pilkington, Barriston Law LLP.

The Finance and Corporate Services Committee met at 6:06 p.m. for the purpose of conducting an appeal hearing pursuant to City of Barrie By-law 2006 265 (Transportation Industry) as follows:

SECTION "A"

Councillor Prowse advised the public that the purpose of the meeting was to conduct an appeal hearing pursuant to Barrie By-law 2006 265 (Transportation Industry) in response to the appeal submitted by Mr. S. Choudary. Councillor M. Prowse confirmed with the Deputy City Clerk that notification was conducted in accordance with By-law 2006 265 for the hearing.

**APPEAL HEARING - BUSINESS LICENSING BY-LAW 2006-265
TRANSPORTATION INDUSTRY**

Mr. S. Feeney identified himself to the Chair and explained that he was acting on behalf of the Issuer of Licences for the City of Barrie.

Ms. S. Bano identified herself and explained that she was representing the Applicant, S. Choudary.

Ms. T. Banting, Municipal Law Enforcement Supervisor and Issuer of Licences was sworn in by C. deGorter, Deputy City Clerk. Mr. Feeney presented evidence and examined T. Banting as a witness.

Ms. S. Bano was provided an opportunity to cross-examine Ms. Banting. Ms. Bano did not cross-examine Ms. Banting.

Mr. B. Keene, Municipal Law Enforcement Officer I was sworn in by C. deGorter, Deputy City Clerk. Mr. Feeney presented evidence and examined B. Keene as a witness.

Ms. S. Bano was provided an opportunity to cross-examine Mr. Keene. Ms. Bano did not cross-examine Mr. Keene.

Mr. J. Shaw, Municipal Law Enforcement Officer was sworn in by C. deGorter, Deputy City Clerk. Mr. Feeney presented evidence and examined J. Shaw as a witness.

Ms. S. Bano was provided an opportunity to cross-examine Mr. Shaw. Ms. Bano did not cross-examine Mr. Shaw.

Ms. S. Bano was sworn in by C. deGorter, Deputy City Clerk. Ms. Bano presented evidence with respect to the appeal.

Mr. Feeney cross-examined Ms. Bano with respect to the evidence that had been provided.

Members of the Committee requested clarification of the evidence provided Ms. Bano and City staff. Ms. Bano, Ms. Banting, Mr. Keene and Mr. Shaw responded to the questions.

Mr. Feeney provided closing statements on behalf of the Issuer of Licences.

Ms. Bano provided closing statements on behalf of the Applicant.

The Finance and Corporate Services Committee reports that upon adoption of the required procedural motion it met In Camera at 7:10 p.m. in the Georgian Room to receive and discuss confidential advice that is subject to confidential solicitor- client privilege concerning the appeal submitted by Mr. S. Choudary. The Committee members, City Clerk, J. Clow, Legal Counsel to the Committee and A. Pilkington, Legal Counsel to the Committee, were present in the Georgian Room for this portion of the meeting.

SECTION "B"

**CONFIDENTIAL SOLICITOR-CLIENT ADVICE MATTER - APPEAL
HEARING - BUSINESS LICENSING BY-LAW 2006-265 -
TRANSPORTATION INDUSTRY - SUBMITTED BY MR. S. CHOUDARY**

That the motion contained within the confidential notes of the Finance and Corporate Services Committee dated January 23, 2013 concerning advice that is subject to client privilege concerning the appeal submitted by Mr. S. Choudary, be received.

The Finance and Corporate Services Committee resumed in open session in the Council Chamber at 7:29 p.m.

The Finance and Corporate Services Committee met and reports as follows:

SECTION "C"

**APPEAL HEARING - BUSINESS LICENSING BY-LAW 2006-265 -
TRANSPORTATION INDUSTRY - SUBMITTED BY MR. S. CHOUDARY**

J. Clow, Solicitor, provided information regarding the question he was asked by the Committee members while in the Georgian Room and his response to the question.

Councillor Prowse, Chair of the Finance and Corporate Services Committee advised that the Committee had made a decision regarding the appeal submitted by Mr. S. Choudary.

The appeal of By-law 2006-265 by Mr. S. Choudary was denied in accordance with the decision of the majority of the Finance and Corporate Services Committee as outlined in a decision letter to be issued to the Applicant.

The meeting adjourned at 7:31 p.m.