

Minutes - Final

Finance and Corporate Services Committee

Tuesday, October 18, 2011

7:00 PM

Council Chamber

FINANCE AND CORPORATE SERVICES COMMITTEE REPORT

For consideration by the General Committee on October 24, 2011

The Finance and Corporate Services Committee met at 7:04 p.m. and the following were recorded as being present:

- PRESENT:** Mayor, J. Lehman, Acting Chair
Councillor A. Nuttall
Councillor J. Brassard
- STAFF:** City Clerk, D. McAlpine
Deputy Treasurer, C. Millar (joined the meeting at 9:22 p.m.)
Director of Finance, D. McKinnon (joined the meeting at 9:22 p.m.)
Financial Analyst, C. Smith (joined the meeting at 9:22 p.m.)
General Manager of Corporate Services, E. Archer (joined the meeting at 9:22 p.m.)
General Manager of Infrastructure, Development and Culture, R. Forward
Municipal Law Enforcement Officer I, J. Shaw (left the meeting at 9:15 p.m.)
Municipal Law Enforcement Officer I, B. Keene (left the meeting at 9:15 p.m.)
Municipal Law Enforcement Supervisor, T. Banting (left the meeting at 9:15 p.m.)
Municipal Prosecutor, S. Feeney (left the meeting at 9:15 p.m.)
Supervisor Vital Statistics and Corporate Print and Mail Services, N. Brancaccio.
- ALSO PRESENT:** J. Clow, Solicitor, Barriston LLP (left the meeting at 9:15 p.m.)
K. Desharnais, (left the meeting at 9:15 p.m.)
A. Franklin, Harris Immigration and Legal Services (left the meeting at 9:15 p.m.)
M. Harris, Harris Immigration and Legal Services (left the meeting at 9:15 p.m.)
G. Bodkin, BDO Canada LLP (joined the meeting at 9:22 p.m.)
T. Crockford, BDO Canada LLP (joined the meeting at 9:22 p.m.).

The Finance and Corporate Services Committee met at 7:04 p.m. for the purpose of conducting a hearing pursuant to City of Barrie By-law 2005-276 (Adult Entertainment Industry) as follows:

SECTION "A"

Mayor Lehman advised the public that the purpose of the meeting was to conduct an appeal hearing pursuant to City of Barrie By-law 2005-276 (Adult Entertainment Industry) filed by K. Desharnais (Adult Entertainment Attendant). Mayor Lehman confirmed with the Supervisor Vital Statistics and Corporate Mail and Print Services that notification was conducted in accordance with By-law 2005-276 for the hearing.

APPEAL HEARING - BUSINESS LICENSING BY-LAW 2005-276 - ADULT ENTERTAINMENT INDUSTRY

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

Ms. T. Banting, Municipal Law Enforcement Supervisor and Issuer of Licences was sworn in by N. Brancaccio, Supervisor Vital Statistics, Corporate Print and Mail Services. Mr. Feeney presented evidence and examined Ms. T. Banting as a witness.

Mr. Franklin identified himself to the Chair and explained that he was representing Ms. Desharnais, the Applicant.

Mr. Franklin cross-examined Ms. Banting with respect to the evidence that had been provided.

Mr. Feeney provided a reply to the comments raised by Mr. Franklin.

Ms. K. Desharnais was sworn in by N. Brancaccio, Supervisor Vital Statistics, Corporate Print and Mail Services. Mr. Franklin presented evidence and examined Ms. Desharnais as the Applicant with respect to the appeal.

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

Mr. Franklin provided a reply to the comments raised by Mr. Feeney.

Ms. M. Harris was sworn in by N. Brancaccio, Supervisor Vital Statistics, Corporate Print and Mail Services. Mr. Franklin presented evidence and examined Ms. Harris as an adult entertainment industry representative with respect to the appeal.

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

Members of the Committee requested clarification of the evidence provided by the Issuer of Licences regarding the City's policies and procedures and the Applicant regarding her conviction and probation.

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

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

The members of the Committee requested further clarification of matters raised during the closing statement.

The Finance and Corporate Services Committee reports that upon adoption of the required procedural motion it met In-Camera at 8:45 p.m. in the Council Lounge to discuss a confidential solicitor-client advice matter with respect to the appeal hearing of Ms. K. Desharnais. The General Manager of Infrastructure, Development and Culture, Municipal Law Enforcement Officer I, Municipal Law Enforcement Officer I, Municipal Law Enforcement Supervisor, Municipal Prosecutor and members of the press and public were not present for this portion of the meeting. J. Clow, Solicitor was present in the Council Lounge for this portion of the meeting.

SECTION "B"

CONFIDENTIAL SOLICITOR-CLIENT ADVICE MATTER - APPEAL HEARING OF MS. K. DESHARNAIS

That the motion contained within the confidential notes of the Finance and Corporate Services Committee dated October 18, 2011 concerning solicitor-client advice with respect to the appeal hearing of Ms. K. Desharnais, be received.

The Finance and Corporate Services Committee resumed in open session in the Council Chamber at 9:14 p.m.

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

SECTION "C"

APPEAL HEARING - BUSINESS LICENSING BY-LAW 2005-276 - ADULT ENTERTAINMENT INDUSTRY

J. Clow, Solicitor, provided information regarding the question that he was asked by the Committee members while in the Council Lounge and his responses to the question.

Mayor Lehman, Acting Chair of the Finance and Corporate Services Committee advised that the Committee had made a decision regarding the appeal of Ms. Desharnais.

The appeal of By-law 2005-276 by Ms. K. Desharnais was granted in accordance with the decision letter dated October 18, 2011 to be issued to the applicant.

The Committee concluded the appeal hearing portion of the meeting at 9:15 p.m.

The Committee recessed at 9:15 p.m. and reconvened at 9:22 p.m.

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

SECTION "D"

REPORT OF THE ACCESSIBILITY ADVISORY COMMITTEE DATED AUGUST 25, 2011.

The Accessibility Advisory Committee Report dated August 25, 2011 was received.

Attachments: [110825 AAC Report.pdf](#)

The Finance and Corporate Services Committee recommends as follows:

SECTION "E"

REVIEW OF NUISANCE BY-LAW 2004-142

That staff in Legal Services Department review the Nuisance By-law 2004-142 to ensure the By-law is in compliance with the Accessibility for Ontarians with Disabilities Act and any amendments be made to the By-law as deemed necessary to reflect the Act. (11-AAC-022)

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

SECTION "F"

**REPORT OF THE ACCESSIBILITY ADVISORY COMMITTEE DATED
SEPTEMBER 22, 2011.**

The Accessibility Advisory Committee Report dated September 22, 2011 was received.

Attachments: [110922 AAC Report.pdf](#)

**REPORT OF THE INTERNATIONAL RELATIONS COMMITTEE DATED
SEPTEMBER 20, 2011**

The International Relations Committee Report dated September 20, 2011 was received.

Attachments: [110920 IRC Report.pdf](#)

**REPORT OF THE TOWN AND GOWN ADVISORY COMMITTEE DATED
SEPTEMBER 27, 2011.**

Town and Gown Advisory Committee Report dated September 27, 2011 was received.

Attachments: [T&G - 110927 Report.pdf](#)

2010 AUDITED CONSOLIDATED FINANCIAL STATEMENTS

The Committee met with the General Manager of Corporate Services, Director of Finance, BDO Canada LLP and asked several questions of both staff and the City's auditor with respect to the 2010 Audited Consolidated Financial Statements.

Attachments: [2010 Audited Financial Statements Report.pdf](#)

The Finance and Corporate Services Committee recommends as follows:

SECTION "G"

2010 AUDITED CONSOLIDATED FINANCIAL STATEMENTS

That the 2010 Audited Consolidated Financial Statements attached as Appendix "A" to the Finance and Corporate Services Committee Report dated October 18, 2011, be approved.

Attachments: [2010 Audited Financial Statements Report.pdf](#)

The meeting adjourned at 9:38 p.m.

CHAIRMAN