

**MINUTES OF THE SPECIAL MEETING OF
TOWN COUNCIL**

**Held Tuesday, May 16, 2013 at 4:00 p.m.
In the Classroom**

PRESENT:	C. Patterson	Mayor
	R. Anderson	Councillor
	M. Bercovitch	Councillor
	N. Bifulchi	Councillor
	G. Watson	Councillor
	S. Wells	Councillor
	G. Vadeboncoeur	Chief Administrative Officer
	T. Nicholson	Clerk
	P. Archdekin	Deputy Clerk
	W. Higgins	Deputy Fire Chief
	D. Vincent	Senior MLEO
	B. Vickers	Chief Building Official

ABSENT:	D. Foster	Deputy Mayor
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1. CALL TO ORDER

Mayor Patterson called the meeting to order at 4:00 p.m.

Mayor Patterson advised that unfortunately Deputy Mayor Foster is unable to attend the meeting today due to his Mother's passing.

a) Waive Notice Provisions of Council's Procedural By-Law

MOVED BY G. WATSON

SECONDED BY M. BERCOVITCH

RESOLUTION NO. 2013-09-01

RESOLVED THAT Council does hereby waive the provision in its By-Law No. 2006-20, being a by-law to govern the proceedings of Council and its Committees, to summon a Special Meeting of Council for forty-eight (48) hours' notice, to consider Bananas Beach Club application for a Special Occasion Permit.

CARRIED

Councillor Wells advised that he would not be able to support the liquor license application and will speak his position later in the Agenda.

2. DISCLOSURE OF PECUNIARY INTEREST - None

3. DEPUTATIONS, PETITIONS AND PUBLIC MEETINGS

a) Enzo Grozzi, Bananas Beach Club, re Application for Special Occasion Permit

Mayor Patterson welcomed Mr. Grozzi to the table.

Mr. Grozzi thanked Council for the opportunity to speak to them and proceeded to ask for consideration be granted in support of a Special Occasion Permit for the Banana's Beach Club for Friday, Saturday, Sunday and Monday of the Victoria Day long weekend. He advised that he had an agreement with the previous owner to transfer the license; however, he was unaware of issues attached to the license until the eleventh hour. He has made attempts to rectify the matter but has been unable to work out the issues for the transfer. It was also noted that \$10,000 has been committed to pay the employees that did not get paid last year by the previous owner.

Councillor Anderson thought it was great he was trying to get Banana's open and commended Mr. Grozzi to put forward money to pay those in the past that were not paid, even though it is not his responsibility.

Mr. Grozzi noted and clarified that the money is not contingent on the liquor license being issued or not. They are going to pay the arrears and get that cleaned up.

Councillor Bercovitch inquired if \$10,000 is enough. Mayor Patterson responded that the total amount is unknown; however, Mr. Grozzi has made a commitment of \$10,000 and is hiring some of the students back that were affected from last year. They have asked for list of names and proof of non-payment and will look after those people. Councillor Bercovitch questioned the proposed opening on Friday and Council being asked on Thursday.

Mayor Patterson noted that Mr. Grozzi explained the agreement to transfer the license that has not happened.

Councillor Bercovitch inquired if this is the first bar Mr. Grozzi has operated. Mayor Patterson noted that he was the owner of the Dardanella and Mr. Grozzi advised he has been in the bar business since 1994. Mr. Grozzi stated once again that he had a tentative agreement with the previous tenants to have the liquor license transferred and there were unknown issues with the license and so much baggage that the license can't get transferred.

Councillor Bifulchi was supportive of the license and wanted to ensure that the \$10,000 is not on the Town. Mayor Patterson confirmed that the Town has nothing to do with the payment to the employees.

Councillor Wells noted that Mr. Grozzi ran the Dardenella well with no issues whatsoever. Councillor Wells has concerns with declaring May 24th as a special event when it happens every year. Mr. Grozzi has advised it could take up to three months in the normal process to get a license and questioned if Council is going to reconvene every long weekend and every weekend in between. There are lots of other licensed establishments in Town to get a drink and have entertainment. Failure to plan doesn't constitute an emergency. This business has been an issue every year for the past three-four years and Council made exceptions to make sure Banana's opened and we have stretched the ability of Council to make things happen. Councillor Wells questioned if Council would be doing the same thing for other businesses in Town who ran into difficulties. Councillor Wells admitted he was struggling with the request.

Councillor Watson advised he would support the motion. There was concern last year they were not opening. He felt it was good for the Town and the main tourism area. The OPP have indicated they would be happy to have something open on Beach drive also.

Mayor Patterson noted the OPP will eliminate the potential issues if the bar is open on the long weekend. There will be a lot of young people around and this will give them a place to go. Mayor Patterson advised he will support the request.

Mayor Patterson requested permission of Council to direct questions to the OPP Officers in attendance. Council agreed.

Hurononia West OPP Staff Sgt. Hewlett introduced Sgt. Jack from the Investigation & Enforcement Bureau Alcohol & Gaming Commission of Ontario, Regional Enforcement Unit Commander based out of Orillia. Sgt. Jack advised that he has an excellent working relationship with the local OPP and the local AGCO Officer is Harry Quirt, who is also in attendance. Sgt. Jack advised that the AGCO is very hesitant to step into what is considered a municipally significant event. Each municipality has to be its own judge as there are no provincial standards. If it is important to the Town, then it is a municipally significant event. There are procedures that need to be followed, timelines and legislation for a reason. The AGCO may refuse the license if it is received in less than 30 days. They do make exceptions for unplanned events like funerals or something without a large impact on a community. The special occasion permit (SOP) applicant is required to provide in writing what they intend to run, how, staff, security and provide a small operational plan. The plan is provided to a planning team. The onus will be placed on Mr. Grozzi to go to the planning team members to solicit, in writing, that they have no concerns and

everything is in compliance. When Sgt. Jack receives the letters he assigns a person to issue the license. We are dealing with a building that has been closed and its status today is unknown. Sgt. Jack advised that he will insist in writing on a report from the Fire Department that all is well and the suppression systems working and up to code as well as a full fire inspection. Dale Rowe from the Simcoe Muskoka Health Unit will be required to provide a written letter that the food storage and preparation areas meet health unit standards. He will look to Huronia West OPP for what it takes to guarantee a safe environment. He will meet with Staff Sgt. Hewlett on what security arrangements are in place to be a law abiding environment. He looks at previous precedents for security officers and paid duty officers. The AGCO does not demand a certain number of paid duty; they demand the local OPP to say safe and secure levels can be maintained. If he gets those requirements he will call Toronto to release the application. Unfortunately Mr. Grozzi is running out of time and does not know if it will happen. Sgt. Jack also noted there may be an LCBO strike.

Mayor Patterson thanked Sgt. Jack for all the information.

Staff Sgt. Hewlett advised that with respect to policing issues nothing will change for the long weekend; requirements for security to be in place as well as normal paid duty amount for Friday two (2) Officers and Saturday, Sunday, four (4) Officers each. Traditionally the bars let out and everyone is on the street and now the working Officers in the platoon are dealing with people no longer part of the bar. Staff Sgt. Hewlett noted if an Officer has not put in for overtime or paid duty he cannot guarantee the get Officers on this short notice. They will look outside the detachment if required. He had trouble getting the ten (10) additional Officers for the long weekend.

Mayor Patterson inquired of Deputy Fire Chief Higgins if he had been in the building. The Deputy Fire Chief advised that he has been in and there are issues with the exit doors, electrical issues and he does have to go back to complete his inspection. The Chief Building Official has provided an occupancy load number.

Mr. Quirt advised that the Sandbar will be open.

The Chief Building Official advised that he has been twice to Banana's and met with Mr. Grozzi and has been given assurances that things will be done. The occupancy load will be 640, which will support the washroom capacity. Mr. Grozzi will bring in staff washrooms on site. He is presently awaiting the paperwork from the Fire Department before issuing his letter.

Mr. Vincent, Senior Municipal Law Enforcement Officer has not completed a property standards inspection yet and the application for business license has not been received. He was at the property last week but did not do an inspection and felt there are some minor things to be fixed.

Mayor Patterson noted that Mr. Grozzi has huge hurdles to jump through in the next 24 hours. Mayor Patterson then inquired if there are any questions of Council.

Councillor Wells inquired of the go forward circumstance. If this application is approved subject to all conditions, what happens next weekend and the weekend after that; will Council have a series of these meetings; is he opening for three (3) days then close or will they be shut down for the next four months.

Mr. Grozzi advised that he will submit an application for all they own and will be shut down as he cannot operate without a liquor license. There being no further questions, it was then;

MOVED BY N. BIFOLCHI

SECONDED BY R. ANDERSON

RESOLUTION NO. 2013-09-02

RESOLVED THAT in support of an application for a Special Occasion Permit, Council does hereby declare the event at Bananas Beach Club on Friday, May 17/13, Saturday, May 18/13, Sunday, May 19/13 and Monday, May 20/13 as a municipally significant event.

CARRIED

4. ADJOURNMENT

Mayor Patterson adjourned the meeting at 4:30 p.m.

The Minutes of this meeting were approved by Council on the 28th day of May, 2013.

Cal Patterson, Mayor

Twyla Nicholson, Clerk