

<p><b>The Corporation of the Town of Spanish</b>  <b>Council Minutes</b>  <b>Regular Meeting of</b>  <b>Wednesday, February 2, 2022</b>  <b>7:00 p.m., Zoom</b></p>
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Present:	Jocelyne Bishop Karen Von Pickartz Debra Joncas Sandra Trudel Mary-Louise Zarichney Pam Lortie	Mayor Deputy Mayor Councillor Councillor Councillor CAO/Clerk-Treasurer
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Members of the Public:

Karel Grant Rick Smith Paul and Marlene Travers Lesley Boulrice Maliha Shaikh and Sabrullah Khan Glenn Tunnock, Municipal Planner	Gary Fournier Mark Smith John Raniowski Debbie Brasch
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The Mayor called the meeting to order at 7:09 p.m. and asked for the disclosure of any pecuniary interest and the general nature thereof.

Councillor Zaraichnay declared a conflict on Item 5. Banking Proposals due to her employer being a financial institution. The declaration was provided in writing and is appended to these minutes.

Mayor Bishop declared a conflict of interest on Item 4. Delegations – Maliha Shaikh and Sabrullah Khan, re: Application for a Zoning Amendment to permit storage at 35 John Street. The declaration was provided in writing and is appended to these minutes.

**ADOPTION OF AGENDA:**

**RESOLUTION #22-02-01**

**MOVED BY:** Sandra Trudel

**SECONDED BY:** Debra Joncas

**BE IT RESOLVED THAT** the agenda for the regular meeting of February 2, 2022 be adopted as presented.

**Carried**

Mayor Bishop advised that she had a conflict on the following matter and handed this portion of the meeting to Deputy Mayor Von Pickartz. Mayor Bishop refrained from participating in any discussion.

**DELEGATIONS:** Maliha Shaikh and Sabrullah Khan, re: Application for a Zoning Amendment to permit storage at 35 John Street.

Deputy Mayor Von Pickartz introduced herself and welcomed Maliha Shaikh and Sabrullah Khan as delegates to tonight's meeting to respond to questions related to their application for a Zoning By-Law Amendment for the Temporary Storage of 13 modular homes on their property at 35 John Street.

Deputy Mayor Von Pickartz also introduced Glenn Tunnock as the municipal planner.

The Public was reminded that all questions were to be directed through her as the Chair for the presentation. They were also asked to keep all questions relevant to the current application, which is for temporary storage. Deputy Mayor Von Pickartz advised that the applicant would present first, then the floor would be open for questions. The Public was asked to raise their hand if they had a question. They were advised that everyone would have an opportunity to ask their questions.

Deputy Mayor Von Pickartz advised that Council would be reserving their decision tonight. They will be considering all relevant comments and a decision would be made at either their February 16<sup>th</sup> or March 2<sup>nd</sup> meeting. She also provided that all those who have participated or requested to be notified, would be notified of Council's decision.

Deputy Mayor Von Pickartz invited Maliha Shaikh and Sabrullah Khan to make their presentation.

Sabrullah (Sab) advised that they took ownership of the property on November 19, 2021 and that the property was purchased as an investment. The modulars were purchased in October 2021, prior to the property in Spanish being purchased. Home ownership is becoming out of reach for many and there is an increased demand for rentals.

Maliha advised that they are currently interviewing architects and engineers to come up with a design for the existing building and looking for a planner to prepare a plan of subdivision. The intention for the modular units is to have them retrofitted into living quarters. Whether they will be on individual lots or connected hasn't been decided, they will be working with their consultants to figure out those details.

They bought the units because they got a good deal on them and are paying a lot for storage currently. They are hoping that with the application they will be granted permission to store on their own property until they have prepared their plan of subdivision. They are spending a significant amount of money on transporting the units from Vaughn. They do not plan, after spending \$120,000 for transporting, plus the cost of the units, to have them sit on the property

and deteriorate. Plan to proceed with plan of subdivision, get the units retrofitted and used as rental units.

- A question was posed regarding the Mayor's conflict. The applicants advised that they were given the Mayor's husband's contact information by the former owner of the property when they found out that they couldn't store the units on their property, to see if there were any other locations in the area where it would be allowed. The Mayor's husband provided them with some contacts in the area, but didn't find anything feasible.
- The applicants were asked how they heard about the Town of Spanish and what made them want to invest in something here? Applicant indicated that he didn't think the question was relevant to the application, but advised that he is a fisherman and they also boat in the North Channel. They like the natural beauty of the area. Not really familiar with the Town itself. Was interested when they saw this property for sale. They think it's a good project in a nice area. Thinks people will make the drive to live in a less expensive, nicer area.
- What is your timeline on completing project? If you don't meet timeline, what are your plans? Do not expect to take that long. The plan is to have this done soon. Not proceeding is not an option, they have too much money invested. They will have a planner helping with the sub-division and architects are being interviewed. These are classroom portables that were being used up to 2 weeks prior to the applicants purchasing them...if something were to happen, they would be easy to sell. There is a very high demand for these units.
- The application would be for 3 years, if the units are there for the duration, are they in good condition. Yes, they were being used not long ago. They will not be an eyesore. They have not seen the property in the summer, but are hoping that they can be stored in the back of the property that is tucked away. Wants to store where they are not visible. Will be spring before they are moved.
- Will units be retrofitted? Needs architect to design and the approval from the Town. Once approval is received, they will proceed. Want to follow all procedures of the Town and need to meet the building code. Plan for storage currently – doors will be screwed shut and openings tarped and placed on blocks. They have friends in the area who will check in on the property. Maliha's father is retiring in the spring and will be up here to manage the project. Applicant will put up a billboard, with their contact information if there are problems.
- How old are the units – They were purchased new by the previous owners in 2005.
- Units will be stored 10-15 feet apart, with a 20' roadway in between for fire safety.
- Currently working on a project, but once done will concentrating on the Spanish project. Within 3-4 months wants to have preliminary layout provided to the municipality
- Will put in an application to install a temporary driveway once the snow is gone
- Is in touch with a Planner.
- Maliha works in the building department for the City of Vaughan
- Units will be moved after the snow is gone
- Glenn Tunnock asked the applicants if they have insurance on the buildings and are you prepared to provide a certificate to the municipality. The applicant advised that they have insurance on the property, but would not have a problem have additional insurance if this was a requirement. Applicant indicated that they would benefit most by having

insurance. This is private property. Sab indicated that he is proactive, rather than reactive. Will be installing private property signs.

- Intends to board up the windows of the school to deter damage from occurring.
- Maliha advised that they believe in giving back to the community and may keep 1-2 units open and if there is someone in an abuse situation or someone lost their job, they could be given a 30-60 day grace period.
- Will be preserving trees on the property
- Applicants were asked if they have the financial backing if costs spiral – The Chair advised that the question was not appropriate.
- Glenn advised that the plan of subdivision will include a fairly comprehensive consultation, which will include housing types and housing uses. Next steps will be to work with the applicant and their professionals to get a clear understanding of what is required, and bring back to Council to expedite the subdivision application process.
- Applicant advised that as soon as the drawings are done, she is hoping pre-consultation can start.
- The applicants advised that they are open to any questions that may arise

Deputy Mayor Von Pickartz thanked the applicants for providing the information tonight.

Mayor Bishop resumed the Chair.

Councillor Zarichney has declared a conflict of interest on the following item and refrained from comment or voting.

**TENDERS** – Banking Request for Proposals - Three proposals were received and reviewed by the CAO. An additional two proposals were received electronically and were not opened or considered, as the Request for Proposal clearly indicated that electronic proposals would not be considered.

**RESOLUTION #22-02-02**

**MOVED BY:** Sandra Trudel

**SECONDED BY:** Karen Von Pickartz

**BE IT RESOLVED THAT** the results of the RFP for Banking Proposals be accepted as presented;

And further be it noted that the CAO will present a recommendation at the next regular council meeting.

**Carried**

**MINUTES OF PREVIOUS MEETING(S):**

**RESOLUTION #22-02-03**

**MOVED BY:** Debra Joncas

**SECONDED BY:** Mary-Louise Zarichney

**BE IT RESOLVED THAT** the minutes of the regular meeting of January 19, 2022 and the special meeting of January 26, 2022 be adopted as presented.

**Carried**

Deputy Mayor Von Pickartz spoke on the minutes of the Special Meeting of Council of January 26, 2022. The minutes record that GFL Environmental was asked to provide a cost to provide a waste depot system. Deputy Mayor Von Pickartz advised she is not in favour of this and if the rest of Council agreed, that GFL should be advised not to work on providing a price. The Deputy Mayor said that she felt that this would be a step backwards and would make it very difficult for residents to dispose of their waste. The rest of Council concurred.

**RESOLUTION #22-02-04**

**MOVED BY:** Karen Von Pickartz

**SECONDED BY:** Mary-Louise Zarichney

**BE IT RESOLVED THAT** GFL Environmental be advised that Council is not interested in obtaining a price for a waste depot system in the Town of Spanish.

**Carried**

**INFORMATION AND ACTION ITEMS:**

**RESOLUTION #22-02-05**

**MOVED BY:** Debra Joncas

**SECONDED BY:** Mary-Louise Zarichney

**BE IT RESOLVED THAT** Whereas FedNor staff has reviewed our application for funding under the Tourism Relief Fund and have advised that municipal roads are an ineligible expense; Therefore be it resolved that the application to double-surface Declerck Road as part of the Great Lakes Waterfront Trail be withdrawn.

**Carried**

**RESOLUTION #22-02-06**

**MOVED BY:** Karen Von Pickartz

**SECONDED BY:** Sandra Trudel

**BE IT RESOLVED THAT** Whereas the Mayor and Council of the Corporation of the Town of Spanish fully supports tourism and economic development strategies in the Town of Spanish and recognize the important role that marine tourism plays in those strategies;

Therefore be it resolved that the CAO be authorized to submit an application under FedNor's Tourism Relief Fund for a feasibility study for improvements/expansion of the Spanish Municipal Marina.

And further that the Town's share (25%) of the cost of the study be funded by the marina funded reserves.

**Carried**

**RESOLUTION #22-02-07**

**MOVED BY:** Mary-Louise Zarichney

**SECONDED BY:** Karen Von Pickartz

**BE IT RESOLVED THAT** the CAO be authorized to submit an application for funding under the Northern Ontario Resource Development Support (NORDS) Fund Year One for expenses related to the Crab Lake Road culvert replacement;

And further that an application under the NORDS Fund Year Two be submitted for the Short Street Culvert replacement.

**Carried**

**RESOLUTION #22-02-08**

**MOVED BY:** Sandra Trudel

**SECONDED BY:** Mary-Louise Zarichney

**BE IT RESOLVED THAT** Council meetings be moved back into the Council Chambers with a limit of 6 members of the public permitted to attend;

And further that meetings be moved to the Four Seasons Complex if more than 6 members of the public express an interest in attending;

And further that Zoom meetings will be an option where feasible, i.e. delegations that would have to travel a great distance.

**Carried**

**RESOLUTION #22-02-09**

**MOVED BY:** Debra Joncas

**SECONDED BY:** Karen Von Pickartz

**BE IT RESOLVED THAT** the CAO's report of February 2, 2022 be accepted as being presented.

**Carried**

**COUNCIL REPORTS:**

Councillors provided information on the following meetings they attended since the last Council meeting.

Karen Von Pickartz – Jan. 24 – Public Works, Jan. 26 – Special Council

Debra Joncas – Jan. 26 – Special Council

Sandra Trudel – Jan. 24 – ELNOS, Jan. 26 – Special Council

Mary-Louise Zarichney – Jan. 24 – Public Works, Jan. 26 – Special Council

Jocelyne Bishop – Jan. 26 – Special Council , Jan. 27 - ADSAB

**INFORMATION AND ACTION ITEMS**

**RESOLUTION #22-02-10**

**MOVED BY:** Sandra Trudel

**SECONDED BY:** Karen Von Pickartz



**BE IT RESOLVED THAT** further to the recommendation of the Public Works Committee that 2 winter tires on rims be purchased for the Mack truck, as per the low quote received in the amount of \$2,693.20, plus HST.

And further that this expense form part of the 2022 operating budget.

**Carried**

**RESOLUTION #22-02-11**

**MOVED BY:** Mary-Louise Zarichney

**SECONDED BY:** Debra Joncas

**BE IT RESOLVED THAT** further to the recommendation of the Public Works Committee that 6 winter tires on rims be purchased for the Ford 550 sander/plow truck, as per the low quote received in the amount of \$3,126.84, plus HST.

And further that this expense form part of the 2022 operating budget.

**Carried**

**RESOLUTION #22-02-12**

**MOVED BY:** Debra Joncas

**SECONDED BY:** Karen Von Pickartz

**BE IT RESOLVED THAT** the Huron Bass Tour organizers be advised that Council is interested in hosting 1 of 9 bass tournaments at the Spanish Municipal Marina on July 23, 2022; And further that staff work with the organizers to identify a parking area for the participants.

**Carried**

**CORRESPONDENCE/INFORMATION – no action required**

**RESOLUTION #22-02-13**

**MOVED BY:** Sandra Trudel

**SECONDED BY:** Mary-Louise Zarichney

**BE IT RESOLVED THAT** the following correspondence be noted as being presented:

- a. Spanish Recreation Advisory Committee Minutes of January 17, 2022
- b. Annual Building Fee Report for the Period Ending December 31, 2021, with 2020 Report for Comparison
- c. Annual Statement of Remuneration and Expenses Paid to Council

**Carried**

**BY-LAWS – None**

**NEW BUSINESS –** Councillor Zarichney advised that there were still numerous pigeons at the Farmers' Market and asked the CAO to check with Pest Control to see if anything further can be done to get rid of them.

**QUESTION PERIOD – None**

**MOTIONS/NOTICE OF MOTIONS – None**

**RESOLUTION #22-02-14**

**MOVED BY:** Karen Von Pickartz

**SECONDED BY:** Mary-Louise Zarichney

**BE IT RESOLVED THAT** we now go into Closed Session to discuss a proposed or pending acquisition or disposition of land by the municipality under Section 239 of the *Municipal Act*.

**Carried**

**GO INTO CLOSED SESSION – TIME IN: 8:38 p.m.**

**RETURN TO OPEN COUNCIL – TIME OUT: 8:53 p.m.**

**RESOLUTION #22-02-15**

**MOVED BY:** Debra Joncas

**SECONDED BY:** Sandra Trudel

**BE IT RESOLVED THAT** we now return to Open Council.

**Carried**

**RECOMMENDATION(S) FROM CLOSED SESSION**

**RESOLUTION #22-02-16**

**MOVED BY:** Karen Von Pickartz

**SECONDED BY:** Sandra Trudel

**BE IT RESOLVED THAT** the CAO be authorized to have our solicitor confirm the ownership of Part 3, 1R-8491, Colonization Road.

**Carried**

**CONFIRMATION BY-LAW**

**RESOLUTION #22-02-17**

**MOVED BY:** Debra Joncas

**SECONDED BY:** Mary-Louise Zarichney

**BE IT RESOLVED THAT** a by-law being a confirmation by-law regarding a regular meeting of council held on the 2<sup>nd</sup> day of February, 2022 be read a first time, be considered read a second and third time, be passed, signed by the Mayor and CAO/Clerk-Treasurer, numbered by-law #2022-08 and be engrossed in the by-law book.

**Carried**

**RESOLUTION #22-02-18**

**MOVED BY:** Karen Von Pickartz

**SECONDED BY:** Sandra Trudel

**BE IT RESOLVED THAT** we do now adjourn to meet again on Wednesday, February 16, 2022 at 7:00 p.m., in the Council Chambers for Regular Meeting of Council or at the call of the Mayor.

**Carried**



The meeting adjourned at 8:56 p.m.

  
\_\_\_\_\_  
Jocelyne Bishop, Mayor

  
\_\_\_\_\_  
Pam Lortie, CAO/Clerk-Treasurer

**Declaration of Interest – Municipal Conflict of Interest Act**

Meeting Date: Feb 2 2022

I, (Councillor or Mayor) Zarichny (last name)

declare a potential (deemed / direct / indirect) pecuniary interest on:

Council Agenda No #5

Item Title: Banking Proposals

for the following reason: My employer is a Financial Institution

M. Zarichny  
Councillor/Mayor Signature

Mary-Louise Zarichny  
Councillor/Mayor Name

As a resource, we have excerpted the relevant provision of the *Municipal Conflict of Interest Act* herein:

*Municipal Conflict of Interest Act*

**Indirect pecuniary interest**

**2** For the purposes of this Act, a member has an indirect pecuniary interest in any matter in which the council or local board, as the case may be, is concerned, if,

- (a) the member or his or her nominee,
  - (i) is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public,
  - (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or
  - (iii) is a member of a body,

that has a pecuniary interest in the matter; or

- (b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

**Interest of certain persons deemed that of member**

**3** For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).

**Declaration of Interest – *Municipal Conflict of Interest Act***

Meeting Date: February 2, 2022

I, (Councillor or Mayor) Jocelyne Bishop (last name)

declare a potential (deemed / direct / indirect) pecuniary interest on:

Council Agenda No. 4

Item Title: Delegations - Maliha Shaikh and Sabryallah, re: Application for Zoning By-Law Amendment 35 John St.  
for the following reason: \_\_\_\_\_

May have an interest thru my spouse.

Jocelyne Bishop  
Councillor/Mayor Signature

Jocelyne Bishop  
Councillor/Mayor Name

As a resource, we have excerpted the relevant provision of the *Municipal Conflict of Interest Act* herein:

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  - (ii) has a controlling interest in or is a director or senior officer of, a corporation that offers its securities to the public, or
  - (iii) is a member of a body,

that has a pecuniary interest in the matter; or

- (b) the member is a partner of a person or is in the employment of a person or body that has a pecuniary interest in the matter. R.S.O. 1990, c. M.50, s. 2.

**Interest of certain persons deemed that of member**

**3** For the purposes of this Act, the pecuniary interest, direct or indirect, of a parent or the spouse or any child of the member shall, if known to the member, be deemed to be also the pecuniary interest of the member. R.S.O. 1990, c. M.50, s. 3; 1999, c. 6, s. 41 (2); 2005, c. 5, s. 45 (3).