

**HERITAGE DEVELOPMENT BOARD
OF
THE CITY OF SAINT JOHN**

WEDNESDAY, FEBRUARY 22, 2017

The meeting of the Heritage Development Board was held in the 10th Floor Boardroom of City Hall, commencing at 5:10 pm.

IN ATTENDANCE: Bob Boyce, Chair
 Patrick McCaffrey, 1st Vice Chair
 Elizabeth McGahan, 2nd Vice Chair
 Scott Rinehart
 Chris Boudreau

Amy Poffenroth, Deputy Commissioner
Alice Fudge, Heritage Officer
Julie Carleton, Recording Secretary

ITEM 3.0 BUSINESS ARISING FROM THE MINUTES

ITEM 3.1 – HERITAGE DEVELOPMENT BOARD RULES OF PROCEDURE

The only item to be discussed at this meeting was the Rules of Procedure document. There was no discussion on Section 1, “Chair & Vice Chair.

Pat McCaffrey opened the discussion by noting a slight grammatical change to the first paragraph in Section 2, “Regular Meetings”. He also noted that the existing wording does not seem to allow for a change of location for a regular monthly meeting. He also suggested changing the work “and” to “or” in the third paragraph of the Section 2. The sixth paragraph of this section “Minutes of Meeting” is duplicated in Section 7, “Minutes”, so it was agreed that this paragraph can be deleted.

There was a lengthy discussion of Section 3, “Special Meetings”. The discussion centered on the circumstance of a quorum of four at a special meeting, and the requirement for a unanimous vote in this case. Alice reviewed the discussion of previous meetings on this subject. Upon closer review, it was noted that a “quorum” refers to either four members with a Chair or Vice Chair, or five with no Chair or Vice Chair. The unanimous vote is only required if the quorum is four members; if the quorum is five members, there could be a dissenting vote. All members present were comfortable with this paragraph.

There was some discussion about giving notice for special meetings. Amy said that the agendas for regular meetings are usually posted the Friday before a scheduled meeting. Notice of special meetings could be posted 48 hours in advance. It would be unlikely a special meeting would need to be called with less than 48 hours’ notice.

Under Section 4 “Notice of Meeting”, there was a question regarding the difference between regular meetings, which are open to the public, and public meetings. Amy said that a public meeting could be called when undertaking the Heritage By-Law review, for example. It would be a chance for input from any interested parties, perhaps in a location that is larger and more appropriate for a large group.

Under Section 5, “Notice”, there was some concern about the requirement to provide an applicant with at least 48 hours’ notice prior to a meeting. Amy said that currently, emergencies can be dealt with adequately, and it would be unlikely that the Board would have to deal with anything with less than 48 hours’ notice.

Under Section 6, “Business Procedures”, there was a discussion regarding Paragraph 4, “Conflict of Interest” and Paragraph 5, “Presentation”. Pat McCaffrey questioned having an applicant who was a board member leave the room during discussion of their application. Pat was concerned that the presence of a member could be perceived to be influencing such a discussion, and he felt strongly that should be guarded against. Scott felt that was a valid concern. Amy explained that by having members leave the room, if the application was denied, the applicant would be at a disadvantage if they chose to file an appeal. Chris thought that the applicants should be in the room to answer questions in relation to their application. However, if the applicant chooses not to be in the room, that is acceptable as well.

Scott felt this was giving a way for members to recuse themselves. He felt that if it could be perceived that a member was exerting influence, they should recuse themselves. Chris said that perceived influence could happen at any point, even outside the meeting room. Pat said that when Council members have a conflict of interest, they were not eligible to vote, but he was unsure whether or not the members had to leave the room, or just the horseshoe.

Amy explained that Andrew Valeri had drafted this paragraph after reviewing past correspondence from John Nugent. Pat asked if the approval of this document could be postponed until the Board has a chance to investigate Council procedures in this same situation.

Elizabeth expressed concern with the paragraph “Motions” that confirms abstentions recorded as votes in favour of a motion. She explained that she sits on other Boards where abstentions are recorded as such. Alice said that since the Board’s votes are not individually recorded, an abstention is probably not counted at all. Pat said the assumption is that if you say nothing, it’s because you agree. Scott said if someone truly wants to abstain, they can leave the room.

There was no discussion on Section 7, “Minutes” or Section 8, “Application for a Heritage Permit”.

Under Section 9, “Board Members and Applicants”, Pat asked if a person could be removed from the Board, by Council. The Chairman said that the Board is a creation of the Heritage Conservation Act, not of Council. Amy said that Council makes some determinations, such as length of terms, which are not identified in the Act. For clarification, Alice read Section 48(5) of the Heritage Conservation Act, as follows:

“...On the advice of the heritage board, a council may revoke the appointment of a member who without good cause consistently fails to attend the meetings of the heritage board and, if the appointment is revoked, the council shall declare the member’s position vacant.”

Pat asked if there was any allowance to remove someone from the Board for disciplinary reasons and if not, what mechanisms could be used. Amy said she is unaware of any policy, but will ask the Common Clerk’s office.

The Chairman asked if the Board wanted to vote on this document with two sections still outstanding. Amy said that it could be voted on, but it doesn't have to be. Board members should not feel pressured to adopt this document tonight; it can be adopted at the next meeting. She explained that any additional information to be submitted to council to accompany the public hearing information on March 6 must be submitted by Tuesday. Since Council approval is not required, the Board's goal was to present a letter to council advising them that the Board had passed the Rules of Procedure, and potentially the administrative procedures. To that end, Alice and Amy had discussed the possibility of a presentation to council walking them through the amendments to the By-law and to the Rules of Procedure document. During that presentation, Council can be advised that the Board is still working on these documents.

Amy also explained that since the By-law changes are expected to be approved on March 20, and because there are some administrative preparations to be finalized, monthly meetings will not start until May 3.

Chris asked if any advice had been given on the issue of virtual attendance at meetings. Alice said that legal staff did not recommend this. It is not currently a policy of the City, so if the Board wants to incorporate this into its meetings, there will need to be more time for discussions with legal staff. Amy said that although a final answer has not been formulated, but the discussion was not going in a favourable direction. Chris offered to investigate how other Councils of same-sized municipalities handle this issue. He felt there must be a means to progress with this that would save time as well.

There being no further business the meeting adjourned at 6:29 pm

ITEM 8.0 NEXT MEETING

The next regular Board meeting will be held Wednesday, March 1, 2017.

ITEM 9.0 ADJOURNMENT

There being no further business the meeting adjourned at 6:29 pm.



Alice Fudge
Heritage Officer,
Growth & Community Development Services