

TO: Councillor Stephen Adams, Chair, and Members of the Western Region
Community Council

SUBMITTED BY: Chris Newton
for Mr. Brian Dempsey, Chair and Members of the Herring Cove Advisory
Steering Committee

DATE: January 21, 2011

SUBJECT: Herring Cove Advisory Steering Committee Requests

ORIGIN

The January 20, 2011 meeting of the Herring Cove Advisory Steering Committee.

RECOMMENDATION

The Herring Cove Advisory Steering Committee recommends that the Western Region Community Council:

1. Request an update on the Herring Cove Sewer and Water Project that would include a response to the following concerns:
 - The project was to be done in three phases with no delay between phases. Why is the project not complete and what is the reason for the delay?
 - Is Legal Action to be taken in regard to the project not being completed in three uninterrupted phases as promised.
 - Clarification to be provided in regard to the financing of the project and an explanation as to why the funding ran out after Phase 2. What is being done to obtain financing to complete Phase 3.
 - What are the alternatives to underground infrastructure for sewer services that could be introduced for development in rocky areas?
 - When and where will the water tower be installed?

2. Request that HRM combine the funding that would be used to demolish the existing Fire Hall and the funding that would be used to rebuild the Fire Hall to save the existing structure for use as a Herring Cove Community Centre and that HRM negotiate a

Recommendations continued →

Management Agreement with the Community Centre similar to the Spryfield Lions Rink agreement.

3. Request that HRM commence negotiations to take municipal ownership of the Herring Cove Breakwater, and;
 - a) Negotiate a Management Agreement with the Community of Herring Cove, similar to the Spryfield Lions Rink agreement, in regard to decision making and upkeep of the Breakwater.
 - b) Provide clarification on the issue of liability if HRM were to take ownership of the Breakwater considering that the Government Wharf would be in close proximity as well as the federally owned and maintained Navigation Light.
 - c) Provide alternative options to financing the maintenance/upkeep of the Breakwater, including exploring contributions from other levels of government/organizations, rather than implementing an area rate at this time.
4. Request that HRM staff present the proposed revisions to the Herring Cove Area Settlement and Servicing Strategy to the Herring Cove Advisory Steering Committee and that the Herring Cove Advisory Steering Committee be permitted to put forward additional or alternative revisions.

BACKGROUND

The Herring Cove Advisory Steering Committee was established on January 18, 2010 as an advisory committee to the Western Region Community Council on specific matters related to the community of Herring Cove including: the final stage of sewer and water development in Herring Cove; the new fire hall; related recreation and community services; the Latters Lake Park Development and the need for improvements to the Herring Cove Breakwater.

The Committee has been meeting on a regular basis since January 2010 and has consulted with members of the community on a variety of items. The recommendations being presented for the Community Council's consideration are a result of the community discussions.

DISCUSSION

The Herring Cove Advisory Steering Committee recommends that the Western Region Community Council forward their requests to HRM staff for response on the following matters:

1. Final Stage of the Herring Cove Sewer and Water Development

The Committee has expressed concern that the project has stalled and they are requesting clarification on the reasons for the delay and the plans to complete the project.

2. Herring Cove Recreation and Community Services (New Fire Hall)

The Committee requested that the existing Fire Hall and Community Centre be incorporated and that the Community Centre be renovated for use. It was proposed that the existing Bays of the

Fire Station could be used as storage for recreation equipment such as Lifeguard material that would also assist the Latters Lake Park project. The community of Herring Cove is ready to move forward with various community initiatives such as Senior and Youth programs/activities that would be organized by a Community Centre Board of Directors with various Sub-Committees such as a Social Committee, Fundraising Committee, Recreation Committee and others. There are approximately 100 residents ready to volunteer their time to these Community initiatives, the only hindrance is the lack of a Community Centre to fulfill these goals.

The intent is for the Community Centre to be self-sufficient through fundraising efforts and programs/services that could be offered for a fee such as cooking classes.

The Committee also requested that HRM negotiate a similar agreement with the Community Centre as is in place for the Spryfield Lions Rink.

3. Herring Cove Breakwater

The Committee recommends that HRM take ownership of the Breakwater and negotiate a management agreement with the community of Herring Cove in regard to decision making and maintenance involving the Breakwater. Issues of liability and financing in regard to the Breakwater are requested to be explored by HRM staff with an update provided to the Herring Cove Advisory Steering Committee.

4. Herring Cove Area Settlement and Servicing Strategy

The Committee requests that they have an opportunity to provide input into the proposed revisions to the Herring Cove Area Settlement and Servicing Strategy in order to ensure the community of Herring Cove obtains the benefits of central services while retaining its village character and the quality of community life that is centered on the historic cove and fishing village.

BUDGET IMPLICATIONS

There are no budget implications associated with this report.

FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

The Herring Cove Advisory Steering Committee is comprised of eight (8) members from the community of Herring Cove. The Committee has held discussions with the community on various topics over the past year. The community engagement requirement has been met.

ALTERNATIVES

1. The Western Region Community Council may choose not to approve the recommendations as presented. This is not the recommended action.

ATTACHMENTS

1. Letter dated January 18, 2011 from Mr. Wayne Anstey, Acting Chief Administrative Officer, to Councillor Stephen Adams.
2. Letter dated September 22, 2010 from Councillor Stephen Adams to Mr. Wayne Anstey, Acting Chief Administrative Officer.
3. Terms of Reference for the Herring Cove Advisory Steering Committee.

A copy of this report can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Chris Newson, Legislative Assistant, 490-6732



P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

January 18, 2011

Councillor Stephen Adams,
District 18, Spryfield -- Herring Cove
C/O Council Office
4th Floor, City Hall

Dear Councillor Adams:

RE: Herring Cove Breakwater

In response to your letter dated September 22, 2010, respecting the breakwater in Herring Cove, I have been informed by staff that they have been involved with discussions with Mr. Brian Dempsey representing the Herring Cove Steering Committee; have gathered information around the breakwater; and have conducted a preliminary visual inspection.

Municipal ownership of these types of assets is not the norm; however, staff are willing to explore, with the Steering Committee and the community, the mechanisms available to ensure that the breakwater remains in good functional condition and continues to benefit the community. These options include municipal ownership with community management and a local area rate. Peter Bigelow of Infrastructure and Asset Management (IAM) will be the lead at this point in engaging the Steering Committee in discussions. IAM will set up a meeting with the Steering Committee within the next three weeks. Should municipal ownership be the preferred direction, any asset that is to be transferred to HRM is subject to the approval of Halifax Regional Council.

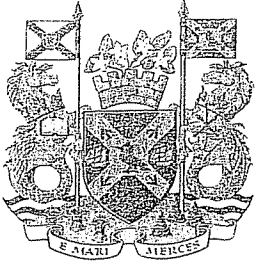
I trust this meets with your satisfaction.

Yours truly,

A handwritten signature in black ink, appearing to read "Wayne Anstey".

Wayne Anstey,
Acting Chief Administrative Officer

Copy: Phil Townsend, Director, IAM
Peter Bigelow, Manager, Real Property Planning



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September 22, 2010

Mr. Wayne Anstey, Acting CAO
1841 Argyle Street
Halifax, NS B3J 3A5

Dear Mr. Anstey:

I write to you with respect to the Breakwater in Herring Cove. The Herring Cove Steering Committee has been dealing with this issue for a number of years with respect to the transfer from the Pilotage Authority, annual upkeep and liability. As well our committee has had some discussion with our staff.

On behalf of our committee, I would ask that you explore opportunities for HRM to acquire the Breakwater, and charge the Herring Cove Steering Committee with the responsibility of upkeep and on-going decision making. This arrangement would be similar in principle to that utilized with the Spryfield Lions Rink.

Should this be attainable, the committee would then utilize an area rate, if necessary, to ensure the ongoing success of this project.

As always, I am available if you have any questions.

Yours very truly,

Stephen Adams
Councillor, District 18
Spryfield - Herring Cove

Herring Cove Advisory Steering Committee

Terms of Reference

The Herring Cove Advisory Steering Committee was established by motion of the Western Region Community Council on January 18, 2010 pursuant to Section 25 (b) of the Halifax Regional Municipality Charter, Chapter 39 of the Acts of 2008, powers of Community Council.

1. MANDATE

The Committee is to act as an advisory committee to the Western Region Community Council on specific matters related to the community of Herring Cove including; the final stage of sewer and water development in Herring Cove, the new fire hall, related recreation and community services, the Latters Lake Park development, and the need for improvements to the Herring Cove breakwater.

2. DUTIES AND RESPONSIBILITIES

The main responsibilities of the Committee are to:

- 2.1 Garner community input on the projects by acting as a liaison with the community of Herring Cove so as to advise the Western Region Community Council on the community's aspirations in regard to these projects.
- 2.2 Advise the Western Region Community Council on the aspirations of the community in regard to these projects.
- 2.3 Advance the expressed aspirations of the Community in regard to these projects with the local Councillor, Western Region Community Council, and staff, where appropriate.
- 2.4 Act as a resource for municipal departments responsible for, or working on, the community projects.
- 2.5 Advise the Community Council on strategies or approaches designed to achieve the aspirations of the community in regard to the projects.
- 2.6 The Committee shall submit a report of activities to the Community Council during the first nine (9) months of the Committee's term and at the end of the eighteen (18) months of the Committee term.
- 2.7 The Chairperson of the Committee, or a designate, may make reports to the Community Council on the activities of the Committee as necessary, or; as requested by the Community Council, make presentations deemed advisable by the Community Council.

3. COMPOSITION

- 3.1 Members of the Committee shall be appointed by the Western Region Community Council and shall be residents of the Herring Cove Community from within the Herring Cove and Area Settlement and Servicing Area . The Committee shall be no less than five (5) and no more than eight (8) residents plus the District Councillor who will serve as an

ex-officio member of the committee.

4. TERM OF OFFICE

- 4.1 The Committee is to serve for a period of eighteen (18) months from the first meeting held by the Committee.

5. QUORUM

- 5.1 Quorum shall consist of not less than 50% +1 of the voting members.
5.2 Meetings can be held without a quorum present, however, a quorum will be required for all motions for voting purposes.

6. SUB-COMMITTEES

- 6.1 The Committee may establish sub-committees to deal with specific issues within their mandate subject to the submission of a work plan (identifying goals, time frame, scope of the work and resources required). Sub-committees require the approval of the Community Council.

7. OFFICERS

- 7.1 The Committee shall elect a chairperson and vice-chairperson from among its members at the first meeting of the year.

8. MEETINGS

- 8.1 The Committee shall meet no less than six (6) times during the eighteen (18) month term of the Committee.
8.2 Agendas for the meeting will be posted in advance and approved minutes will be made available on the HRM Boards & Committees website.
8.3 All meetings will be open to the public except as specifically provided for in the Halifax Regional Municipality Charter, section 19 (1) and (2) a-h.
8.4 The office of the Municipal Clerk will provide resources for all regular and special meetings of the Committee subject to approval and/or revision based on a work plan where the number of meetings and resources are identified.
8.5 A special meeting of the Committee may be called at the written request of two (2) or more members of the committee, or; in the case of an emergency, the chairperson or designate may call a meeting with reasonable notice.

9. RELATIONSHIP TO COMMUNITY COUNCIL AND STAFF

- 9.1 The Committee shall make recommendations to Community Council and staff solely in an advisory capacity.
- 9.2 Staff shall refer significant issues, plans and programs impacting the Herring Cove Community in regard to the designated initiatives to the Committee for their consideration, input and recommendations.

10. APPOINTMENTS

- 10.1 All appointments shall be made for the eighteen (18) month term of the Committee following HRM's normal selection and appointment process encouraging representation from Herring Cove's diverse community.
- 10.2 Should there be an extension in the term of the Committee, Committee members may be re-appointed for no longer than two (2) consecutive terms of eighteen (18) months.

11. RESIGNATIONS

- 11.1 Any resignation from the Committee shall be tendered in writing to the Chairperson with a copy to the Municipal Clerk.
- 11.2 The name of a replacement member shall be obtained from the most recent public appointment process list maintained by the Municipal Clerk and follow the normal appointment process.
- 11.3 The new appointee shall serve for the remainder of the vacant term.

12. ABSENTEEISM

- 12.1 In the case of any member missing three meetings without consent of the Committee, the member shall be deemed to have resigned.

13. PROCEDURE

- 13.1 The meetings shall follow the Rules of Order approved by Council, as amended from time to time, and found in HRM's Administrative Order #1.

14. AMENDMENTS TO TERMS OF REFERENCE

- 14.1 The Committee may, from time to time, recommend to the Community Council amendments to the Terms of Reference that do not substantially change the mandate provided to the Committee by the Community Council following an appropriate voted resolution.

15. **REMUNERATION**

- 15.1 Each member of the Committee shall serve without remuneration but may be reimbursed by the Community Council for any necessary expenses incurred while engaging in official duties as provided for under HRM policies, and provided such expenses are approved in advance by motion of the Community Council.

Approved by the Western Region Community Council on February 16, 2010.