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Item No. 14.1.11
Halifax Regional Council
August 15, 2017

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed

Brad Anguish, A/Chief Administrative Officer

DATE: July 27, 2017

SUBJECT: Cost-Shared Paving on Loriann Drive

ORIGIN

Councillor Hendsbee tabled a motion at the March 21, 2017, Regional Council meeting which stated: "THAT the petition submitted at the March 21, 2017 Council be forwarded to staff for a report regarding the request for cost-shared street paving on Loriann Drive in Porters Lake and consideration under the aid to the municipality program in the upcoming fiscal year."

LEGISLATIVE AUTHORITY

Clause 73(1)(a) of the *Halifax Regional Municipality Charter* provides that "The Municipality may enter into and carry out agreements (a) for highway construction, improvement and maintenance and other purposes pursuant to the *Public Highways Act*;"

Subsection 74(1) of the *Halifax Regional Municipality Charter* provides that "The Municipality may agree with one or more municipalities, villages, service commissions, the Government of the Province or of Canada or a department or agency of either of them or a band council pursuant to the Indian Act (Canada) to provide or administer municipal or village services.

Clause 79(1)(aa) of the Halifax Regional Municipality Charter provides that "The Council may expend money required by the Municipality for ... (aa) streets, culverts, retaining walls, sidewalks, curbs and gutters;"

RECOMMENDATION

It is recommended that Halifax Regional Council not include Loriann Drive for consideration under the Aid to Municipality Program in the 2017 fiscal year for the reasons provided in this report.

BACKGROUND

On January 13, 2015, Halifax Regional Council approved the Nova Scotia Transportation and Infrastructure Renewal (NSTIR) Aid-to-Municipality Construction Agreement 2015-013. The Aid-to-Municipality Program is a three-year agreement between NSTIR and other Nova Scotian municipalities (including HRM) to upgrade provincially owned and maintained gravel roads to asphalt or chipseal. Under this program, the Province is responsible to design, tender and provide contract administration and inspection during construction while HRM's role is to identify the streets to be paved, and to facilitate the Local Improvement Charge (LIC) process pursuant to By-law S-400 and the Local Improvement Policy 1997. The program is cost-shared between the Province and the Municipality, each paying 50% of the total construction costs. HRM's portion is recovered in its entirety by levying an LIC to the abutting properties on the relevant streets as described in By-law S-400.

Loriann Drive is a provincially owned "J" class road (cul-de-sac) that is located off Trunk 7, Porters Lake (Attachment A - Location Plan). It is approximately 1044 meters in length and is currently listed as a gravel road. As it is listed as a "J" class road, it is eligible to be paved under the Aid to Municipality program. Typically, a street is added to the list for consideration to pave if, through a survey, it is determined that property owners who own more than 50% of the total recoverable frontage are in agreement to pave the street and pay the LIC amount. Loriann Drive was last surveyed by HRM staff in 2009, and the results of the survey concluded that overall the residents were not in favour of paving the street.

DISCUSSION

Each year (typically in late summer), HRM responds to a request by NSTIR to submit a prioritized list of provincially owned gravel roads to the Province for consideration of paving under the Aid-to-Municipality Program. HRM has 30 days to present this list to the Province. Once submitted to the Province, HRM staff adds these streets to the HRM Capital Program as the municipality is required to finance these streets pursuant to the local improvement charge requirements. HRM is then notified by NSTIR in the Spring of the subsequent year as to which streets are being selected by the Province for paving. Once agreement has been confirmed between the two government levels, the Province moves forward with the tendering and construction of the work.

As background information, in 2015 HRM submitted fourteen streets for consideration under the Aid to Municipality program. Of these fourteen streets, only the top three were selected by the Province to be paved in 2016. The remaining eleven streets as outlined in Attachment 2 are a carryover from the 2015 list and were submitted to the Province in October 2016 for consideration for paving in 2017. Of these eleven streets, the Province advised HRM staff in May 2017 that (based on their funding levels) the top three streets were being selected leaving eight on the list.

At this time, staff is not recommending adding additional streets such as Loriann Drive for consideration until the remaining eight streets have been selected and paved by the Province. HRM staff contacted the Province following Council's motion to confirm if additional streets could be added for this year under the Aid Program, and were informed that the cut-off date for submission was October 2016. As well, staff reviewed the survey that was facilitated and completed by residents on Loriann Drive and are not recommending approval of the survey. The survey provides incorrect information regarding the calculation of interest that is not consistent with subsection 4(1) of By-law S-400 and the Province requires a certain cost estimate to be used which was not in this case. Staff also has concerns with the language that suggests the estimated costs are to be no more than \$30 per foot.

FINANCIAL IMPLICATIONS

There are no financial implications at this time. The projects submitted by HRM to the Province for consideration of paving in 2017 have been accounted for in the HRM 2017/18 Capital Budget.

RISK CONSIDERATION

There are no significant risks associated with the recommendation in this report. The risks considered rate low.

COMMUNITY ENGAGEMENT

There was no community engagement required in the drafting of this report.

ENVIRONMENTAL IMPLICATIONS

Implications not identified.

ALTERNATIVES

Council could choose to direct staff to submit Loriann Drive to the Province for consideration of paving in the 2017 Aid Program. However, the Province has already selected the program for this year as identified above.

ATTACHMENTS

Attachment A – Location Plan

Attachment B1 – Current List of Streets Submitted to the Province for the 2017 Aid Program.

A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/cagenda.php> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: David Hubley, P. Eng., Manager, Project Planning & Design 902-490-4845



LORIANN DRIVE
(PORTERS LAKE)

Date: July, 2017

Scale: NTS

LOCATION PLAN

**Candidate Cost Shared Subdivision Streets Fiscal 2017-18
Aid to Municipality Program**

Street Name	Community	District
Carmella Drive	Whites Lake	11
Denford Road	Whites Lake	11
Spruceview Drive	Whites Lake	11
Prospect River Court	Hatchet Lake	11
Birchpond Court	Whites Lake	11
Delmerle Drive	Whites Lake	11
Tara Drive	Whites Lake	11
Maple Drive	Whites Lake	11
Bayshore Drive	Prospect Bay	11
Tidal Way	Prospect Bay	11
	TOTAL	

HRM Owned

Swan Crescent	Whites Lake	11
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