

HALIFAX

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

Item No. 14.1.4
Halifax Regional Council
September 6, 2016
October 4, 2016

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 

John Traves, Q.C. Acting Chief Administrative Officer

Original Signed by 

Jane Fraser, Acting Deputy Chief Administrative Officer

DATE: August 5, 2016

SUBJECT: Proposed By-Law S-443, an Amendment to By-Law S-400 Respecting Charges for Street Improvement, New Paving Projects outside the Core Area – 2015

ORIGIN

A by-law is required in order to recover local improvement charges for the Municipality's portion of costs for paving of provincially owned and maintained gravel roads outside the core area under the Aid-to-Municipality Construction Agreement 2015-013.

LEGISLATIVE AUTHORITY

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

Subsection 104(1)(f) of the *Halifax Regional Municipality Charter* allows Council to make "by-laws imposing, fixing and providing methods of enforcing payment of charges for ... (f) laying out, opening, constructing, repairing, improving and maintaining streets, curbs, sidewalks, gutters, bridges, culverts and retaining walls....".

Public Highways Act, R.S., c.371,

The following report conforms to the Local Improvement Policy and the *HRM Charter*.

RECOMMENDATION

It is recommended that Halifax Regional Council,

1. Approve the 2015 Local Improvement Charges as outlined on the attached By-Law S-443; and,
2. Adopt By-Law S-443, amending By-Law S-400, the *Street Improvement By-law*, as set out in Attachment 1 to 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 Scotia 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. 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 a note the by-law provides the authority to impose a levy on property owners as described in By-Law S-400 and the local improvement policy.

DISCUSSION

Local Improvement Charges apply for gravel road paving as per By-Law S-400 and the HRM Local Improvement Policy 1997. Each year HRM submits a prioritized list of gravel roads outside the core area to NSTIR for consideration of paving under the Aid-to-Municipality Program. These roads are owned and maintained by the Province; however, HRM facilitates the priority rating process and the recovery of the Local Improvement Charge. The street submitted to NSTIR for the 2015 Aid-to-Municipality Program was Crouchers Point Road, Glen Haven, District 13, and was approved by Regional Council in the 2015/16 Capital Budget under Project No. CR990001 - New Paving of Subdivision Streets outside the Core Area.

Based on the final construction costs provided by NSTIR (refer to Financial Implications section), staff has determined the LIC for the 2015 Aid-to-Municipality Program as outlined in Attachment 1 By-Law S-443 of this report. The proposed By-Law S-443, Respecting Charges for Street Improvements, is an amendment to By-Law S-400, the *Street Improvement By-law*, and will enable HRM to charge an LIC to 70 properties for the paving of Crouchers Point Road. As a note pursuant to Administrative Order 32 a public hearing is not required on the enactment or amendment of a by-law unless specifically directed by Council.

FINANCIAL IMPLICATIONS

The paving program for the provincially owned streets was approved in the 2015/16 Capital Budget under Project No. CR990001. The estimated LIC portion identified in the 2015/16 Capital Budget was \$137,500. The actual total project construction costs were \$237,980.50; therefore, HRM's share of the total project cost is \$118,990.25 (50%) (Net HST included). HRM has reimbursed this amount to the Province as they were responsible for completing the work. Below provides the recovery breakdown.

Budget Summary: CR990001 - New Paving of Subdivision Streets Outside the Core Area

50% NSTIR	\$ 118,990.25
50% Recoverable from LIC	<u>\$ 118,990.25*</u>
Total Project Cost	\$ 237,980.50

* This project was estimated in the 2015/16 Capital Budget at \$137,500.

RISK CONSIDERATION

There are no significant risks associated with the recommendations in the Report. The risks considered rate Low. To reach this conclusion, consideration was given to financial, legal and compliance, and service delivery risks.

COMMUNITY ENGAGEMENT

A community meeting was held on Monday June 9, 2014 at St. Margaret Sailing Club to discuss the Aid-to-Municipality Program to residents. Notifications of the public meeting were mailed to all properties owners on Crouchers Point Road, Brynawelon Lane, Foxberry Hill and Juniper Ridge for a total of 70 properties (refer to attached Map No. 1). At that meeting, HRM staff outlined the Local Improvement Charge procedure for the paving of Crouchers Point Road as well as the survey process. Residents on these streets were notified in writing of the survey results (refer to attached Letters to Property Owners).

ENVIRONMENTAL IMPLICATIONS

Not Applicable

ALTERNATIVES

Council may choose not to adopt the new charges for the paving completed in 2015 Aid-to-Municipality Program; however, staff does not recommend this alternative as this paving program has been completed, and has a net zero balance to HRM.

ATTACHMENTS

- Attachment 1 - By-Law S-443
- Attachment 2 - LIC Calculation for By-Law S-443
- Attachment 3 - Map No. 1
- Attachment 4 - Letters to Property Owners

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: Ann Reid, LIC Technician, Project Planning & Design 902 490-6849

Report Approved by: _____
David Hubley, P.Eng., Manager, Project Planning and Design Services at 490-4845

Legal Approval: _____
Karen Brown, Acting Director, Legal, Insurance & Risk Management Services
902 490-4226

Financial Approval by: _____
Ed Thornhill, A/Director of Finance and Information Technology/CFO, 902.490.4480

Report Approved by: _____
Bruce Zvaniga, P.Eng., Director, Transportation and Public Works at 490-4855

Original Signed

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER S-443

RESPECTING CHARGES FOR STREET IMPROVEMENTS

BE IT ENACTED by the Council of the Halifax Regional Municipality that By-Law Number S-400, the *Street Improvement By-law*, is hereby further amended as follows:

- 1. Section 2 of the By-Law is amended by adding the following subsection after subsection (23) and before section 3:

(24) Notwithstanding Subsections (1), (2) and (3) a charge is hereby imposed on those areas listed in Schedule X as more particularly set out in that Schedule.

- 2. The By-law is amended by adding the following schedule after Schedule "W" and before Plan #1:

SCHEDULE "X"

The Local Improvement Charge ("LIC") for properties on the streets identified on "Map No. 1" dated November 2015 hereto, shall be a lot charge \$1,699.86 plus the bridge financing of \$9.72 per lot for a total cost of \$1,709.58 per lot for asphalt paving of Crouchers Point Road.

The Local Improvement Charge imposed under this Schedule may be paid over a 10 year period with interest. Notwithstanding Section 4 of By-Law Number S-400, interest shall accrue on charges outstanding from the first payment due date forward and the interest rate shall be set by that first payment due date at a rate equal to the prime rate of the Municipality's banker plus two percentage points.

Done and passed by Council this ___ day of _____, 2016

MAYOR

MUNICIPAL CLERK

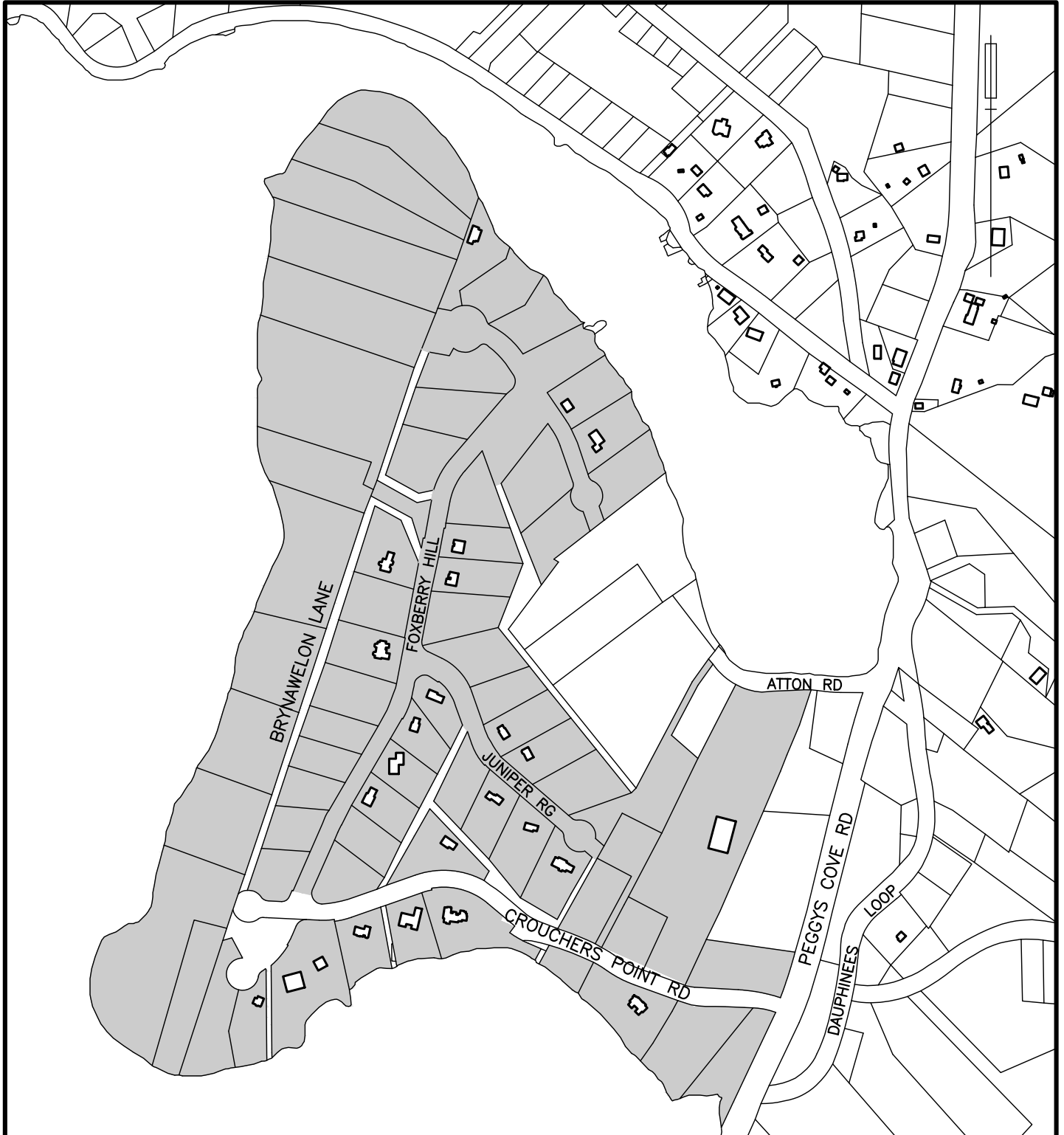
I, Kevin Arjoon, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted by-law was passed at a meeting of the Halifax Regional Council held on _____, 2016

Kevin Arjoon
Municipal Clerk

Attachment 2

LIC's Calculations for the 2015 Aid to Municipalities Cost Sharing Paving

	# of Lots	Total Cost of Paving	50% Cost - LIC recovery
Street Name			
Crouchers Point Road	70	\$ 228,199.85	\$ 114,099.93
		\$ -	\$ -
		\$ -	\$ -
Total		\$ 228,199.85	\$ 114,099.93
50% Recovery Amount			\$ 114,099.93
Net HST			\$ 4,890.32
Total LIC Recovery			\$ 118,990.25
Cost per Lot			\$ 1,699.86
Bridge Finance			\$ 680.56
Bridge Finance cost per lot			\$ 9.72
Cost per lot plus Bridge Finance			\$ 1,709.58



PLAN SHOWING PROPERTIES
IDENTIFIED FOR LIC VIA LOT CHARGE
FOR THE PAVING OF CROUCHERS
POINT ROAD

BY-LAW S-443

Date: NOV. 18, 2015

Scale: NTS

MAP 1



Councillor Matt Whitman
District 13
Hammonds Plains–St. Margaret's

Phone: (902) 240-3330
Email: Matt.Whitman@halifax.ca

1841 Argyle Street
PO Box 1749
Halifax, NS B3J 3A5

City Hall:
Phone: (902) 490-4050
Fax: (902) 490-4122

Notification of public meeting for the paving of Crouchers Point Road – Glen Haven

I am inviting you to attend a meeting with me and staff from HRM Design & Construction Services where we will present to you the estimated costs of paving of Crouchers Point Road. HRM staff will explain the cost sharing paving process and answer all of your questions. After this meeting HRM will present ballots to residents in attendance to vote on paving or not; staff mail out ballots to anyone not present. The meeting date, time, and location will be as noted below.

Date: Monday, June 9, 2014

Time: 7:00 to 9:00 PM

Location: St. Margaret Sailing Club
5 Foxberry Hill
Glen Haven, NS

Matt Whitman
HRM Councillor District 13
Hammonds Plains – St. Margaret's

11 June 2015

Dear Sir/Madam:

Re: Paving Upgrade of Croucher's Point Road – French Village

Halifax Regional Municipality (HRM) received a letter from the Minister of Transportation and Infrastructure Renewal (NSTIR) dated May 1, 2015, confirming that this street has been approved for paving under the 2015 Aid to Municipality Cost Sharing Program. Under this program, the Province designs, tenders and facilitates the construction of this work. HRM's responsibility is to select the streets for consideration, and to recover Local Improvement Charges (LIC) from the property owners. The Province covers 50% of the construction costs, and HRM recovers the remaining 50% from the residents through the LIC process.

Croucher's Point Road has been successfully surveyed at an estimated lot charge of \$1,965. The actual rate will be set once HRM receives the final invoice from NSTIR in the Spring 2016.

The Local improvement Charge amount payable may, at the option of the owner of the property, be paid in equal annual installments for a period not exceeding ten years. These installments are due on the anniversary date of the original billing, until the full debt is paid. This billing may also be paid in full at any time, without interest penalty, if the abutter so desires. The unpaid balance is subject to an interest charge at the rate of 2% above the Municipality's Bankers Prime Rate of interest at the time the project is approved by Halifax Regional Council.

If you have any questions or concerns pertaining to this matter, please do not hesitate to call the undersigned at 490-6849 or e-mail: reida@halifax.ca.

Respectfully,

(Original Signed)

Ann Reid
LIC Technician
Project Planning and Design Services

cc: Matt Whitman, Councillor District 13
Bruce Zvaniga, P.Eng. Director, Transportation and Public Works
David Hubley, P.Eng. Manager, Project Planning and Design

HALIFAX

Halifax Regional Municipality
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5

halifax.ca

July 11, 2014

Dear Sir or Madam:

Re: Survey Result – Croucher's Point Road – French Village

This is to inform you of the result of the survey that closed on June 30, 2014, regarding the paving of Croucher's Point Road. This street is owned and maintained by Nova Scotia Department of Transportation Infrastructure Renewal (NSTIR).

Under the HRM Local Improvement Policy, By-Law Number S-400, and subject to budget considerations, street paving may be implemented, provided there has been a successful survey of the property owners. The paving survey was mailed to 70 properties within the area and 52 were returned, this means 74% returned their ballots, and out of those returned 90% are in favour, and 10% are against the project. Therefore the survey is successful and Croucher's Point Road will be submitted to NSTIR for consideration in the 2015 Aid to Municipalities Paving Program.

Should you have any questions pertaining to this matter, please do not hesitate to contact me at 490-6849 or e-mail: reida@halifax.ca.

Yours very truly

Original Signed

Ann Reid
LIC Technician

AR

cc Matt Whitman, Councillor District 13

HALIFAX

Halifax Regional Municipality
PO Box 1749, Halifax, Nova Scotia
Canada B3J 3A5

halifax.ca



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

June 9, 2014

Dear Sir/Madam:

Re: Paving – Crouchers Point Road – French Village

In order to facilitate the process used to determine which streets are to be included in future Cost Sharing Programs for consideration by the Nova Scotia Department of Transportation Infrastructure and Renewal (NSTIR) and HRM Council, we are attaching a survey for your review.

The purpose of this survey is to ascertain if there is sufficient support from property owners regarding the proposed paving of Crouchers Point Rd which is a provincially owned and maintained road. If NSTIR and HRM Council approve this project, paving will be subject to Local Improvement Charges as stated in By-Law Number S-400. Under this bylaw the property owners are responsible for paying 50% of the total construction costs and the province pays for the remaining 50% of costs. The Local Improvement Charges will be based on 50% of the actual cost invoiced by NSTIR in the year the project is tendered and constructed. Mariners Anchorage is a private subdivision with access via Crouchers Point Road. Councillor Matt Whitman and HRM have received a number of requests over the last number of years to have Crouchers Point Road paved. There are 70 properties as per the attached map that will be surveyed for the paving of Crouchers Point Road.

Final billings for all Local Improvement Projects are payable over a 10 year period, with the first installment due 30 days after the billing date. Installments are due on the anniversary date of the original billing, until the full debt is paid. This billing may also be paid in full at any time, if the abutter so desires. The unpaid balance is subject to an interest charge at the rate of 2% above the Municipality's bankers Prime Rate of Interest at the time the project is approved by Halifax Regional Council.

It is important that you return the survey to ensure that your vote is recorded. Surveys that are not returned will imply you have no preference, and will not be included in the final survey vote. Please sign and return the attached agreement by June 30, 2014 to:

Mail: Ann Reid, LIC Technician
Design & Construction Services
P.O. Box 1749
Halifax, NS B3J 3A5

Hand Deliver: Ann Reid, LIC Technician
21 Mount Hope Ave.
Dartmouth, NS
Fax: (902) 490-4858
Email: reida@halifax.ca

Yours very truly,

Original Signed

David Hubley P.Eng.,
Manager Design and Construction Services

TRANSPORTATION & PUBLIC WORKS, DESIGN AND CONSTRUCTION

Tel: (902) 490-4865 Fax: (902) 490-4858
E-mail: reida@halifax.ca Website: www.halifax.ca

AGREEMENT

Option # 1

I agree to pay the estimated lot charge of \$ 1,965 for paving of Crouchers Point Rd.

Civic Address: _____

Date: _____

Signature: _____

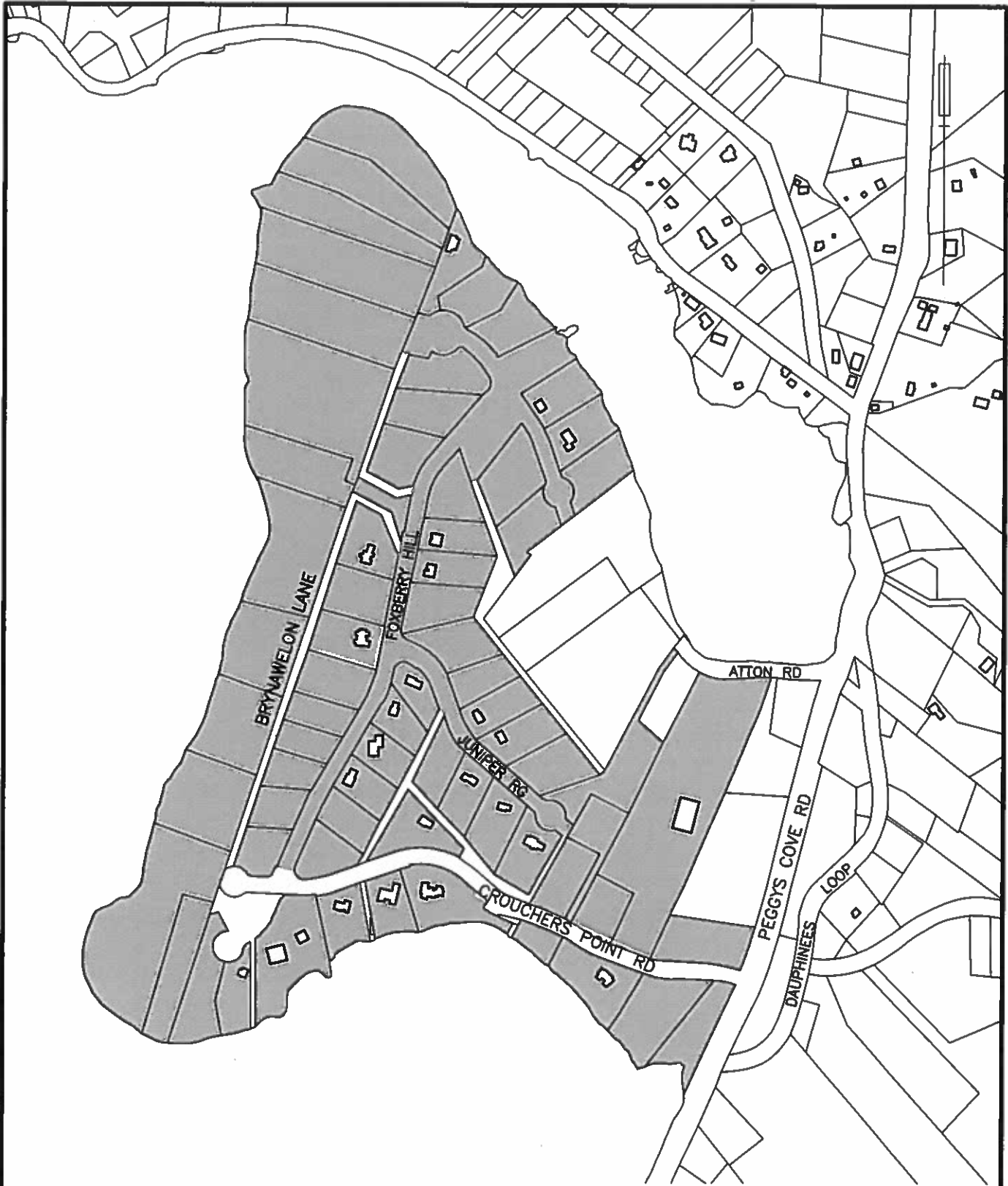
Option # 2

I am not in favour of the paving of Crouchers Point Rd.

Civic Address: _____

Date: _____

Signature: _____



CROUCHERS POINT ROAD	
Date: JUNE 5, 2014	
Scale: NTS	MAP 1