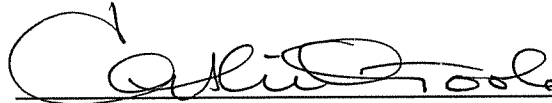


Western Region Community Council  
April 27, 2009

**TO:** Chair and Members of Western Region Community Council

**SUBMITTED BY:**



Cathie O'Toole, CGA, Director, Finance

**DATE:** April 3, 2009

**SUBJECT:** Uniform Charge for Construction of Park in Glengarry Estates

### ORIGIN

Interim Area Rate Guidelines were adopted by Council in January 2000 to create a process to assist communities establish new area rates (or uniform charges), ensure that all taxpayers have an opportunity to participate in setting a rate and ensure that rates are set only for valid municipal purposes and not for services already covered by the general rate.

The purpose of this report is to determine if the Interim Area Rate Guidelines have been satisfied thus far with regard to a proposed new uniform charge for the construction of a park in Glengarry Estates.

### RECOMMENDATION

**It is recommended Western Region Community Council recommend to Regional Council that:**

**An annual uniform charge of \$35.00 per property be approved, to be applied against the properties within the mapped area depicted in Appendix A of this report, for a period of 2 years commencing with the 2009-10 fiscal year, for the purpose of funding the construction of a new playground for the Glengarry Estates subdivision. Implementation of this area rate would be conditional on the Glengarry Estates Homeowners' Association securing two-thirds funding from HRM and the Nova Scotia Department of Health Promotion and Protection.**

## BACKGROUND

The Glengarry Estates Homeowners' Association (GEHA), which has been registered with the Registry of Joint Stock Companies since December 2001, has been working with HRM and the Nova Scotia Department of Health Promotion and Protection to obtain funding for a new community park in the Glengarry Estates subdivision located in Timberlea in District 22. The park would include play structures, picnic tables, a basketball court, a bike park and path, a community garden and landscaping at a total cost of approximately \$150,000. The Association has been working closely with HRM's Parkland Planning section to develop the plans and cost estimates.

The area rate, which would be for a period of 2 years commencing in 2009-10, is intended to raise one-third of the funding required to cover the cost of this project. The other two-thirds would be provided by HRM and Health Promotion and Protection. HRM's share would be included in the proposed 2009-10 Capital Budget. The area rate would not proceed unless Council approves HRM's share, and written confirmation is received from Health Promotion and Protection with respect to their share of the cost.

## DISCUSSION

The current status of this uniform charge in terms of the Interim Area Rate Guidelines is as follows:

- 1. Area rates can only be used for the provision of services within the municipal mandate; services traditionally provided by the municipality.*

Section 79(1)(ah) of the HRM Charter states that "Council may expend money required by the municipality for playgrounds, trails, bicycle paths, swimming pools, ice arenas and other recreational facilities." The Halifax Regional Municipality and its predecessor municipal units have traditionally funded, either entirely or partially through partnerships, the construction and ongoing operating costs of parklands.

- 2. Area rates are not to be used to provide different levels of a municipal service within urban and suburban areas where said service is covered by the general tax rate.*

The community to which the uniform charge would be applied is entirely within the urban area of HRM. However, because there is not currently any developed parkland in Glengarry Estates, the GEHA is not duplicating any services provided directly by HRM to this subdivision.

- 3. In order for a proposed new area rate to move to the process as outlined in #4 below, it must have the support of the area's Councillor(s).*

The catchment area for this uniform charge falls entirely within District 22. In January 2009, the Councillor for the District, Reg Rankin, authorized a vote to be conducted of all community

households to determine if there was support from a majority of the community for the uniform charge. The results of the vote are indicated below. Having determined that sufficient support existed, he has requested staff prepare a report in compliance with Step 5 of the Interim Area Rate Guidelines for consideration at the next meeting of the Western Region Community Council.

- 4. Proposals for new area rates must be advertised publicly, clearly identifying affected areas, the purpose for the rate, rate information and the duration the rate is expected to be charged. A public meeting will be held and those attending the meeting will be informed of the rationale for the rate and consulted on its appropriateness.***

An information package including a ballot was mailed to the owners of all 719 taxable properties identified within the proposed catchment area. A map of the proposed catchment area is provided in Appendix A of this report, and a copy of the information package is provided in Appendix B. The information package included details of the purpose and amount of the uniform charge, and the date, time and location of a public information meeting which was held on April 1, 2009. The results of the ballot are shown below.

#### **Tabulation of Ballots**

Total In Favour of Uniform Charge:	68
Total Against Uniform Charge:	34
Total Respondents:	102
Total Ballots Made Available:	719
% Respondents Voting In Favour:	66.7 %
% Respondents voting Against:	33.3 %
Response Rate:	14.2 %

- 5. With the concurrence of the Councillor, the request is forwarded to the Community Council for review and a recommendation to Halifax Regional Council. Where a Community Council does not exist, the request will go directly to Halifax Regional Council.***

The purpose of this report is to provide the Western Region Community Council with the necessary information required to consider making a recommendation to Halifax Regional Council for initiating this uniform charge within the proposed catchment area. The implications to the Municipality are identified under the Budget Implications section which follows.

- 6. Any proposed new area rates recommended by a Community Council (or, in the absence of a Community Council, the Councillor for the area) will be submitted to Halifax Regional Council through a staff report with a recommendation from the***

*Chief Administrative Officer. The staff report will identify the implications to the Municipality along with the results of any public meeting.*

7. *Halifax Regional Council is responsible for approving all area rates.*

Completion of steps 6 and 7 are contingent on the Western Region Community Council approving the Recommendation contained in this report.

### **BUDGET IMPLICATIONS**

The uniform charge would take effect in the 2009/10 fiscal year, and is contingent on Council and the Nova Scotia Department of Health Promotion and Protection approving a combined total of \$100,000 for two-thirds of the cost of project. Council's share, if approved, would be provided from the 2009/10 Capital Budget. The wording of the Recommendation provides for flexibility with respect to the split between HRM and the Province. Health Promotion and Protection will not be in a position to make award recommendations until the Province approves its 2009/10 Operating Budget.

The Councillor has indicated that he is willing to provide \$13,344 from his District Capital Fund for this project as per his e-mail dated March 31, 2009 attached to this report as Appendix C. Depending on the final cost of the project, these funds could either be used as a contingency against cost overruns, or used to reduce the uniform charge in the second year.

### **FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN**

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

### **ALTERNATIVES**

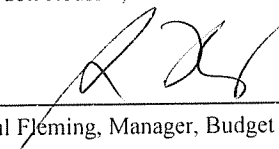
1. Community Council could decide not to proceed with the uniform charge unless the Nova Scotia Department of Health Promotion and Protection provides at least one-third of the funding required for this project, thereby fixing HRM's share at one-third or less.
2. Community Council could change the amount of the uniform charge by varying the required proportion of funding from the three sources identified in this report.
3. Community Council could decide not to implement the uniform charge. However, this is not recommended as the GEHA has received a strong endorsement from the owners of property within Glengarry Estates subdivision to proceed with it.

**ATTACHMENTS**

- Appendix A: Map of Catchment Area for Proposed Uniform Charge for Construction of a Park in Glengarry Estates
- Appendix B: Copy of Ballot and Information Package mailed to Property Owners
- Appendix C: E-mail from Councillor Rankin confirming funding from District Capital Fund

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Gordon Roussel, Financial Consultant, Finance 490-6468

Report Approved by:   
Paul Fleming, Manager, Budget & Financial Analysis 490-7203

## Council Report Sign-Off Sheet

<b>Subject: Uniform Charge for Construction of Park in Glengarry Estates</b>						
Meeting Date: _____ <input type="checkbox"/> Regular Council <input type="checkbox"/> COW <input type="checkbox"/> In Camera <input type="checkbox"/> Information Report <input type="checkbox"/> Community Council						
Prepared by _____ Name & Business Unit _____ Date _____						
<input type="checkbox"/> <b>First Draft for Information Only</b> <input type="checkbox"/> <b>Consultation</b> <input type="checkbox"/> <b>Approval</b>						
√	Stakeholder - Internal	Approved By	Date & Time	Time spent on report (min)	Revised Date	Initial
	Not Required (unique to originating Business Unit)					
	By-Law Rationalization					
	BPIM					
	CD					
	EMS					
	Finance - FinTrack - Accounts - Financial Consultants - Procurement - Manager					
	Fire					
	H R					
	Legal					
	Police					
	TPW					
	Library					
	RCMP					
	Water Commission					
	Councillor (s)					

**Uniform Charge for Construction of Park in Glengarry Estates  
Western Region Council Report**

**April 27, 2009**

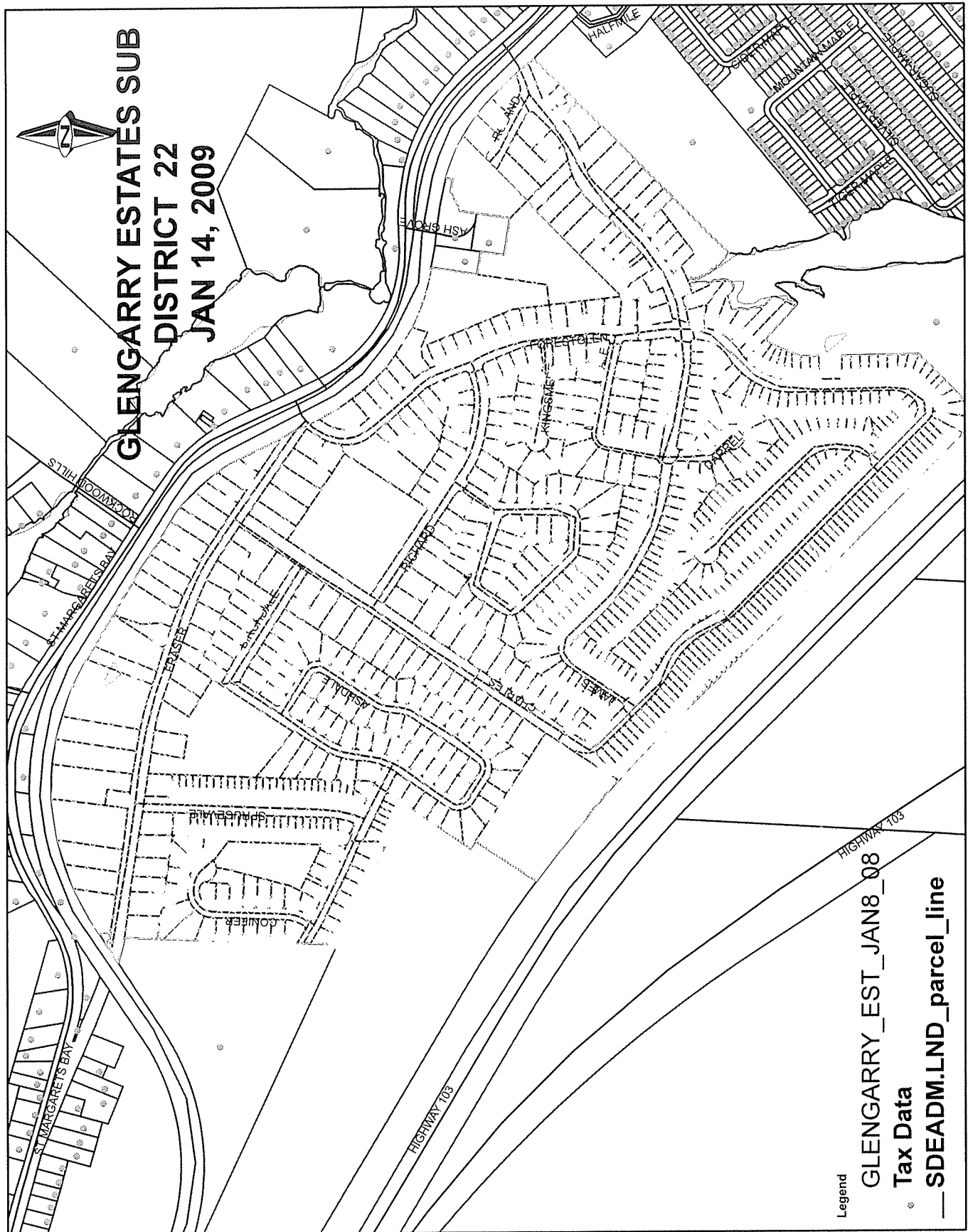
---

	<b>Stakeholder - External</b>					
--	-----------------------------------	--	--	--	--	--

Revised: November 17, 2006



**GLENGARRY ESTATES SUB  
DISTRICT 22  
JAN 14, 2009**



Legend

GLENGARRY\_EST\_JAN8\_08

• Tax Data

— SDEADM.LND\_parcel\_line



## Appendix B



---

### AREA TAX RATE BALLOT

March 23, 2009

FIELD(OWNER)  
FIELD(ADDRESS2)  
FIELD(ADDRESS3) FIELD(PC)

**Assessment #** FIELD(AAN)  
FIELD(LOCATION)

Dear Property Owner:

The Glengarry Estates Homeowners' Association (GEHA) represents the interests of the residents of Glengarry Estates and its goal is to create a better community and enhance the quality of life within the subdivision through neighbourhood improvement programs, recreational development, and social activities in the community. The GEHA has been registered under the Societies Act with the Registry of Joint Stock Companies since December 2001.

The GEHA has developed plans for a new community park which would include play structures, picnic tables, a basketball court, a bike park and path, a community garden and landscaping. The total cost is approximately \$150,000. The GEHA is applying to HRM and the Province to obtain funding assistance to cover two-thirds of the cost. Such applications for assistance are generally regarded more favorably if the community shares in the cost. Therefore, it is proposed that each property owner in Glengarry Estates cover the remaining one-third of the cost through an area rate of \$35 annually for two years.

For additional information, enclosed is a letter from the GEHA. An information meeting and formal vote on the area rate will be held:

Wednesday April 1st at 7:00 p.m.  
Sacred Heart Church  
1714 St. Margaret's Bay Road, Timberlea

Information on the project will be provided along with an opportunity to ask questions. A vote will be then be held at the meeting to establish the area rate. Attendees are required to register at the door to obtain a ballot to vote. **Please take this letter with you to assist with locating your property on the register and to verify that you are the owner.**

If you are unable to attend the meeting and wish to vote by proxy, please provide this letter to the person who will be voting on your behalf along with a signed note specifying the name of the person who will be voting for you.

In accordance with the Halifax Regional Municipality's procedures for implementing area rates, the property owners in the subdivision are entitled to one ballot and one vote per property. The Councillor has indicated that he requires at least two-thirds (67%) of ballots cast to be in favour of the area rate before he will recommend it to Council. If approved, the annual flat charge area rate of \$35 will be applied to all properties in Glengarry Estates for the next two years. The area rate will not proceed if the application for funding from HRM and the Province is not successful.

If you have questions or wish to express your opinion and are unable to attend the meeting, Councillor Reg Rankin encourages you to call him at 499-3744 or by e-mail at rankinr@halifax.ca.

**Dear resident:**

The residents of Glengarry Estates Subdivision and surrounding area need a suitable Community Park. With strong support from the community, the Glengarry Estates Homeowners' Association plan to develop a park to meet the needs of all age groups in the area. The fact that children have no place to play except the road presents a major safety concern within the neighbourhood. The community must act before an accident or death occurs.

Glengarry Estates is a very densely populated subdivision with 719 households. It is home to a variety of families including those with young children, parents to be and empty nesters. It is estimated that approximately 1,080 children and 1,500 adults live in the subdivision not to mention that surrounding subdivisions are also heavily populated.

This community park will create a common area to host events that would help to bolster community interaction in our area. Creating a sense of pride would likely decrease vandalism and crime, and permit individuals of all ages a place to participate in various activities. Our plan is to hold social gatherings such as "Glengarry Days" at the park. Also, the park would provide a place for parents to interact with each other while their children play in a safe environment. The park is designed to accommodate a range of ages and would promote exercise and play as well as providing a place to benefit from activities to refresh the mind as well as social interaction. We would accomplish a greening effect by planting flowers, trees and other vegetation while lake development would increase the morale of people young and young at heart alike.

On January 22, 2009 a community meeting was held to discuss the building of the park. It was decided at this meeting that an information package and notice of a vote would be developed and sent out to each household in Glengarry Estates and that, subsequently, a vote would be held at a future meeting. The Homeowners' Association agreed with this recommendation.

The meeting to cast your vote has been set for 7pm on April 1<sup>st</sup>, 2009 at the Sacred Heart Church in Timberlea, Nova Scotia. We will make a short presentation on the park and rate assessment, and then you will cast your vote. Proxy voting will be set in place for those unable to attend the meeting.

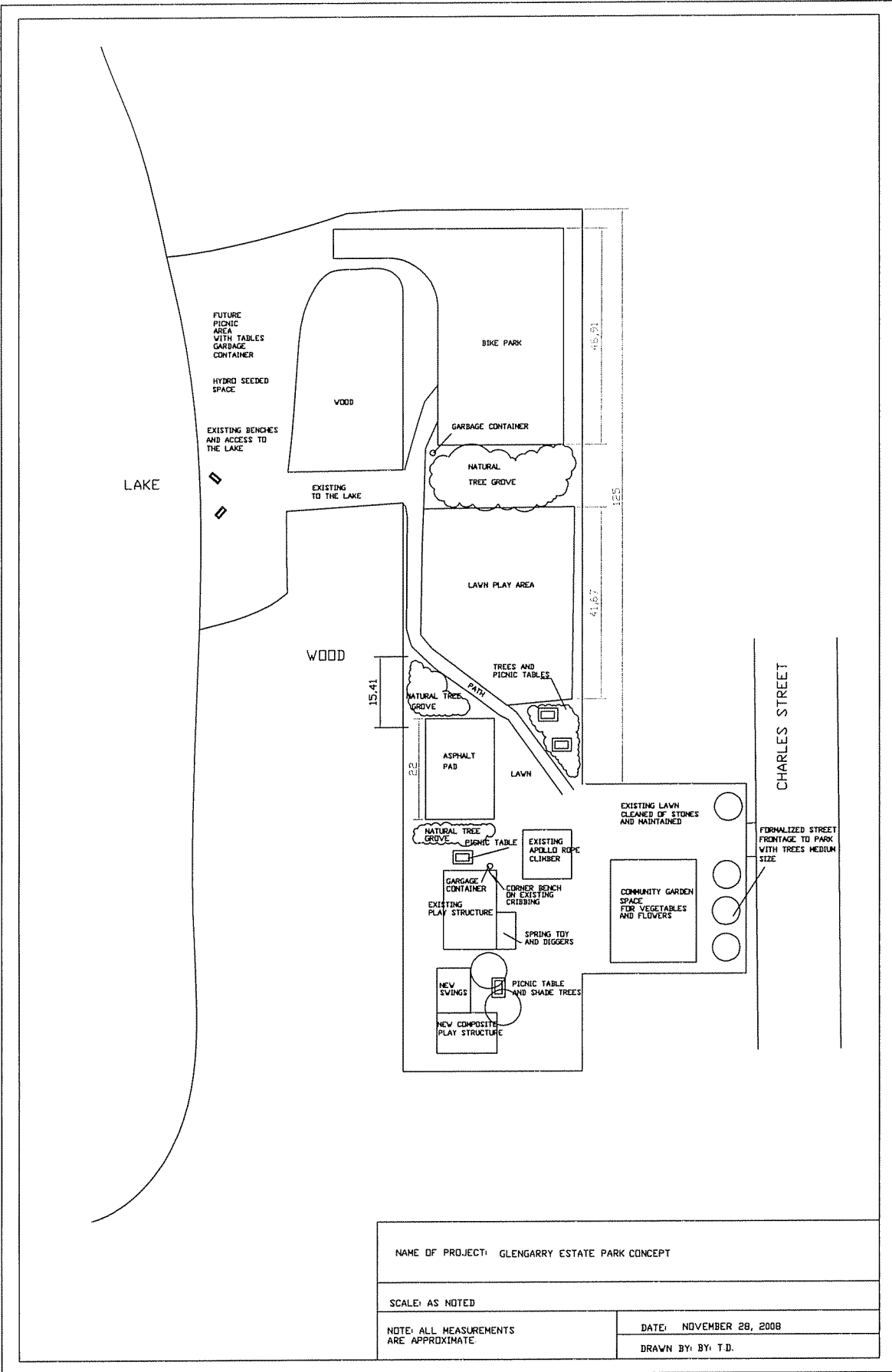
Included in this package, you will find a drawing of the plan for the park. This diverse park has been designed with various age groups in mind and will include a playground, basketball/hockey court, bike-park, horseshoe/washer pit, picnic tables and benches and a community garden. Please come to the meeting, support your community, and vote.

To obtain further details, please contact one of the following:

**John Feetham – 902.876.2643**

**Brian Johnson – 902.876.0815**

**Ken Hubley – 902.876.1317**



NAME OF PROJECT: GLENGARRY ESTATE PARK CONCEPT	
SCALE: AS NOTED	
NOTE: ALL MEASUREMENTS ARE APPROXIMATE	DATE: NOVEMBER 28, 2008
	DRAWN BY: BY: T.D.

## Appendix C

**From:** Reg Rankin  
**To:** jfeetham@ns.sympatico.ca, Brian Johnston, kenja...  
**Date:** 3/31/2009 9:35 pm  
**Subject:** Charles st. ( Adjacent to BLT School ) parkland funding commitment

Good evening Ken, Brian and John:

I wish to let you know that I have just recently allocated from my own district capital grant a funding commitment of \$ 13,344 to the park.

Best wishes,  
Reg