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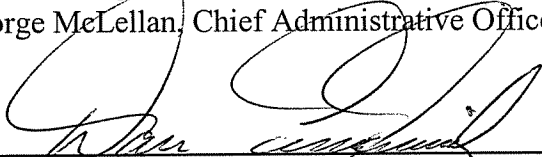
Halifax Regional Council
June 14, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



George McLellan, Chief Administrative Officer



Dan English, Deputy Chief Administrative Officer

DATE: June 3, 2005

SUBJECT: **St. Margaret's Bay Village at Fox Hollow Homeowners' Association
Area Rate**

ORIGIN

Interim Area Rate Guidelines were adopted by Council in January 2000 to create a process to assist communities to establish new area rates, 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 area rate to develop parkland and other recreational amenities within the St. Margaret's Bay Village subdivision.

RECOMMENDATION

It is recommended that :

A flat rate of \$60.00 be approved to be applied against the properties within the mapped area depicted in Appendix A effective with the 2005/06 fiscal year for the purpose of enabling the St. Margaret's Village at Fox Hollow Homeowner's Association to develop parkland and other recreational amenities within the St. Margaret's Bay Subdivision.

BACKGROUND

The St. Margaret's Village at Fox Hollow Homeowner's Association was formed in Spring 2004 and registered under the Societies Act with the Registry of Joint Stock Companies. The Association is proposing to use the area rate revenue for the development of a playground, to develop, promote, and administer programs and activities for the improvement of the community and the enjoyment of the members.

DISCUSSION

The current status of this proposed new area rate 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 65 (ag) of the Municipal Government Act 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 recreation amenities.

- 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.***

St. Margaret's Bay Village is in the rural tax area, not an urban or suburban area. Accordingly, this area rate allows the community to acquire a level of service that is available in many communities within HRM but has not been provided by HRM in this area. The community has a need for these programs and are willing to raise the financing through the implementation of an area rate. Further, the Association is not duplicating any services currently provided directly by the Municipality to the community.

- 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 the proposed area rate falls entirely within District 23. The Councillor for the District, Gary Meade, attended the Association meeting on September 8, 2004 when the vote was conducted. The results of the vote are indicated below. Having determined that sufficient support existed, he presented the result in compliance with Step 5 of the Interim Area Rate Guidelines for consideration at the next meeting of the Western 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.

A public meeting was held on September 8, 2004 to vote on the proposed area rate. The date, time, location, and purpose of the meeting was advertised in a newsletter that was delivered to every affected household (Appendix B), a Notice and Agenda was delivered by email (Appendix C) and a second newsletter emailed from the Association (Appendix D).

The results of the voting process are as follows:

		Percentage of Total
# of Households	103	
Ballots Cast	31	30% of Property Owners
Votes in Favour	28	90%
Votes Against	3	10%

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.*

At the April 25, 2005 meeting, the Western Community Council approved forwarding to Halifax Regional Council the recommendation contained in this report.

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.*

The purpose of this report submitted by the Chief Administrative Office is to provide Council with the necessary information required to consider the recommendation forwarded from the Western Region Community Council for a new area rate. The results of the public meeting and vote were outlined previously in this report, and the implications to the Municipality are identified under the Budget Implications section which follows.

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

BUDGET IMPLICATIONS

There are currently 103 properties within the proposed catchment area which would generate \$6,180.00 in revenue from the new area rate. There would be \$6,180.00 in offsetting expenditures. The playground will be built on HRM owned land and will, therefore become a HRM asset. There will be additional operating costs to HRM relating to maintenance. These funds were identified in the 2005/06 Budget and are currently being held in Fiscal Services. The operating funds will be transferred once the project is complete.

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

Council may decide not to approve this new area rate, in which case the St. Margaret's Bay Village at Fox Hollow Homeowners' Association would not engage in all activities currently planned by the Association.

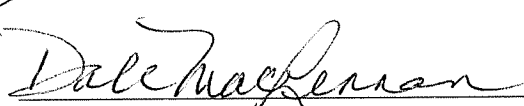
ATTACHMENTS

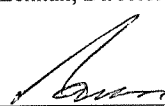
- Appendix A Map of Catchment Area for Proposed Area Rate
- Appendix B St. Margaret's Village at Fox Hollow Homeowners' Association Newsletter 28 July 2004 - delivered to every home in Catchment Area
- Appendix C Notice of Meeting and Agenda - emailed or delivered to every home
- Appendix D Reminder Notice - emailed or delivered to every home

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Debby McCaig, Budget Coordinator

Report Approved by:  Bruce Fisher, Manager, Financial Planning

 Dale MacLennan, Director Financial, Services

 Bob Nauss, A/Director, Recreation, Culture & Heritage



PLAN SHOWING

ST. MARGARETS BAY VILLAGE
FOR AREA RATE

AREA IDENTIFIED FOR
AREA RATE

DATE: JANUARY 31, 2005

NTS

St. Margaret's Village at Fox Hollow
Homeowners' Association
Newsletter 28 July 2004

Welcome to our first newsletter. We will endeavor to send one out at least bi-monthly to keep our community informed on the progress of our activities and other events. To get everyone up to speed, we have formed our own homeowners' association with the hope of having a respected voice with HRM and the province. It is amazing what a united voice in the form of an association can accomplish where as single citizens the door remains closed.

To start with we will be planning to hold our first annual general meeting the week after school starts. Date and place yet to be confirmed but should be finalized within the next couple of weeks. This will be a very important meeting and I hope to see most of you there. Here we will be outlining where we think the community should be heading (based on the responses from the survey sent out). We will also be attempting to pass a community area rate so that we can get on with some of our planned projects i.e. playground and sub-division sign. This rate will be used to develop, promote, and administer programs and activities for the improvement of the community and the enjoyment of the members. We will be looking for between \$25-60/household annually as a flat rate. The only way we can pass this rate is at our general meeting, so if you want a voice either for or against please show up.

The playground will cost a minimum of approximately \$30,000. The majority of members wish for the playground to be located in the vacant lot on the corner of Ashford Close and Fox Hollow. I will be setting up a meeting with the city's Parks and Recreation Planner so that he can go over exactly what we can have and where it can go. Anyone wishing to attend this session please contact myself.

As for having the sub-division paved there is some light at the end of the tunnel. We are a fairly unique community in that the roads in the front half (Fox Ridge to the railroad tracks) belong to the Provincial Department of Transportation, and the back half (from the railroad tracks to Fox Point) belong to HRM. This is the reason why only a portion of Fox Hollow gets graded at a time. The province does the front half and HRM the back half. As for paving, the front half is on the Provinces 71 road "to do" list. We are fairly high up on the list and should be done in 2006. However...there is always a however...the front section will get surveyed again because the rate has gone up considerably since you were last surveyed. It currently stands at \$60 a foot, with the city/province paying half and the homeowner paying the other half (\$30/foot). The survey will occur when it gets closer to the time to have it done. If less than 51% say they want it then the roads go back to the end of the 71 street list and start over again. Remember the cost will more likely increase as time goes on.

For the back half of the sub-division, the last time we were surveyed the developer owned more than 50% of the lots. Therefore since he didn't want to pay for the paving we didn't get on any list. The good news is that since the back streets belong to HRM, there are only 10 streets on their paving list. The back section will be re-surveyed in the next couple of weeks. To ensure the city gets the survey I would like to ask that everyone on the top part of Fox Hollow Dr, Ashberry Crt and Fox Point Crt return the surveys to me and I will take them in to the city. If we get 51% who want paving, it should also happen in about 2006. Remember the number of streets that get paved each year is dependent on the amount of funding the province and city allocate so it may be sooner or a little later.

At the Annual General Meeting we will also have to vote in our executive. We currently have an interim executive committee that was formed from the people who started the association. I'm sure the majority would love to stay on in their current positions, myself included, but the positions will be open for all. We will also be looking at forming several different committees; a social committee, a playground committee, and a road improvement committee.

If anyone has anything else they would like to see brought up at the meeting please forward to myself or the secretary prior to August 31st. If anyone has any other concerns or questions do not hesitate to call/email or drop in and see me. I will also be sending out the Community Directory shortly. If there are any errors or omissions, I apologize in advance. Please do not get angry, just inform me and I will make the required changes. The numbers listed therein are for community usage only and are not to be used for any type of solicitation for businesses. Thanks.

Cheers,

Scott Van Will
Chairman
St. Margaret's Village at Fox Hollow Homeowners' Association
88 Fox Point Crt
826-7997

Current Executive:

Scott Van Will –
Colleen Purcell –

Chairman
Secretary

Jeff Walker –
Chuck Williams -

Vice-Chairman
Treasurer

From: " The Van Will's " <spnvanwill@ns.sympatico.ca>
To: <spnvanwill@ns.sympatico.ca>
Date: Mon, Aug 9, 2004 9:08 PM
Subject: St. Margaret's Village at Fox Hollow Newsletter #2

**** High Priority ****

St. Margaret's Village at Fox Hollow
Homeowners' Association
Newsletter 9 August 2004

First Annual General Meeting:

When: Wednesday 8 September, 2004 7pm - 8:30pm

Where: Tantallon Library Community Room

As stated above, this will be our first AGM and there will be a lot of ground to cover. Included will be:

1. a Common Area Rate - to be set initially for 5 years to go towards building a playground, establishing a sign for the community and to keep the community informed of issues;
2. a playground to be located at the corner of Ashford Close and Fox Hollow Dr;
3. road issues and the attempt to bring the entire subdivision under one body (HRM);
4. election of the executive committee;
5. formation of a playground committee, social committee, fund-raising committee; and
6. any other issues brought to our attention prior to meeting.

I really hope to see all of you there to show support and concern for our community and help in guiding us in the direction you wish to see us head. I will be sending out reminders of the meeting at weekly intervals.

Thanks,

Scott Van Will
Chairman
88 Fox Point Crt
826-7997

From: " The Van Will's " <spnvanwill@ns.sympatico.ca>
To: <spnvanwill@ns.sympatico.ca>
Date: Tue, Aug 31, 2004 9:25 PM
Subject: MEETING 8TH SEPTEMBER AT 7PM

Just a reminder that the Annual General Meeting of the St. Margaret's Village at Fox Hollow Homeowners' Association will be held Wednesday September 8th at 7pm in the Tantallon Library. If you are concerned about your community and want to have a say in the direction that it's headed please show up.

Of particular note we will be voting on a common area rate to be used to develop, promote, and administer programs and activities for the improvement of the community and the enjoyment of the members. The major project that will benefit from this rate will be a playground that could begin construction next June. In order to make this project feasible, we will be looking at an area rate of \$60/household/year for an initial term of 5 years. This will be used in lieu of collecting homeowners' dues. Again that's only an additional \$60/year added to your taxes (\$5/month).

Other topics that will be discussed are: road issues, the attempt at amalgamating the entire subdivision under HRM, traffic lights and the formation of sub-committees. We have invited the city councilor Gary Meade and MLA Bill Estabrooks as well as a Parks and Recreation representative to answer any questions about the playground.

For those on Ashberry Crt, and the top of Fox Hollow, if you haven't returned your paving surveys, the deadline is fast approaching. As it stands right now, from the feedback I've received and from the city, only Fox Point Crt will make it on the list to be paved. Although \$30/foot does sound expensive, it's not going to get any lower and will undoubtedly continue to increase. So if you would like to see your roads paved sometime in the near future, sign the petition and return it to the city or if you've lost it, contact me and I will inform you on how to go about getting your name included. After this it will be at least 5 years before we will be able to be petitioned again, and then who knows how long after before we make it low enough on the list to get paved (at an even higher rate).

~~So please show up to the meeting, and we will hopefully be able to~~
address any and all your concerns and inquiries. Thanks.

Scott Van Will
Chairman
St. Margaret's Village at Fox Hollow Homeowners' Association
826-7997