


**Item No. 11.1.8**  
**Halifax Regional Council**  
**July 5, 2011**

**TO:** Mayor Kelly and Members of Halifax Regional Council

Original signed by 

**SUBMITTED BY:** \_\_\_\_\_  
Richard Butts, Chief Administrative Officer

Original Signed by \_\_\_\_\_  
Mike Labrecque, Deputy Chief Administrative Officer, Operations

**DATE:** May 30, 2011

**SUBJECT:** **Approval of By-Law S-432, an Amendment to By-Law S-400  
Respecting Local Improvement Charges, New Paving Projects  
Outside the Core Area – 2010**

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**ORIGIN**

This report originates from staff.

**RECOMMENDATION**

It is recommended that Halifax Regional Council approve in principle the adoption of By-Law S-432, an amendment to By-Law S-400, Respecting Charges for Street Improvements, relating to New Paving of Subdivision Streets Outside the Core Area – 2010, and to give notice of motion to begin the formal adoption process.

**BACKGROUND**

On February 9, 2009, Halifax Regional Council approved the Nova Scotia Transportation and Infrastructure Renewal (NSTIR) Aid-to-Municipality Construction Agreement 2009-2012. The Aid-to-Municipality Program is an agreement between NSTIR and other Nova Scotia municipalities (including HRM) to upgrade provincially owned and maintained gravel roads to asphalt. With respect to roads located within the HRM boundaries (outside the core area), it is the Province’s responsibility under this program to create a construction agreement and to design, tender and construct the work. HRM’s role is to identify the streets to be paved and to facilitate the Local Improvement Charge (LIC) process. 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 LIC’s to the abutting properties on the relevant streets.

It is also noted that in a Council report dated August 17, 2010, HRM staff requested four streets that are owned by HRM be included in the Aid-to-Municipality Program tender in order to be more cost effective and to minimize disruption to the local residents. The paving projects are approved under Project No. CXU00585 - New Paving of Subdivision Streets outside the Core Area in the HRM Project Budget, and for the HRM owned streets under Project No. CZU01080.

**DISCUSSION**

Each year HRM submits a prioritized list of gravel roads outside the core area to the 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 LIC’s. A Council report dated August 17, 2010, listed the streets that were submitted to NSTIR for the 2010 paving program. Listed below are the streets that were approved by HRM and NSTIR and subsequently tendered by NSTIR and paved in 2010. Included in the list are the four HRM owned streets that were tendered in the 2010 Aid-to-Municipality Paving Program\*.

Street Name	Street Name
Mannette Crt – District 3	James Roy Drive – District 3
Sandy Point Road – District 3	Keating Drive – District 3
Hartland Drive – District 2	George Redmond Drive – District 3
Florence Lane – District 2	Meadowview Drive – District 3
Seans Lane – District 3	Doyle Drive – District 3
Evergreen Crescent – District 3	Roblea Drive – District 3
Spruce Court – District 3	Jericho Road – District 22
David Allen Drive–NSTIR section – District 3	Five Island Road – District 22
Melinda Avenue – District 3	*Emerald Drive – HRM – District 3
Roma Drive – District 3	*David Allen Drive – HRM section District 3
Bernice Drive – District 3	*Joan Elizabeth Way – HRM -District 3
Earl Court NSTIR section – District 3	*Earl Court – HRM section– District 3

The actual cost to be recovered from the LIC’s is \$1,159,198.36 (net HST included) for provincially owned streets, plus \$214,301.35 (net HST included) for the HRM owned streets, for a total of

\$1,373,499.71 (net HST included). The total recoverable frontage is 40308.64 feet. Therefore, the proposed LIC frontage rate of \$34.07 per foot will provide the funding necessary to recover 50% of the total project cost.

**BUDGET IMPLICATIONS**

Paving of streets was approved under Project No. CXU00585 - New Paving of Subdivision Streets Outside the Core Area, and Project No. CZU01080 - New Paving of HRM Owned Streets. HRM's share of the total project cost is \$1,373,499.71 (50%) (Net HST included). HRM has reimbursed the Province its share (50%) as they were responsible for completing the work. HRM has also reimbursed the Province 100% of the cost for the paving of the HRM owned streets. HRM's cost is recoverable as per the breakdown shown below through Local Improvement Charges, at the frontage rate of \$34.07 per foot.

**Budget Summary: CXU00585 - New Paving of Subdivision Streets Outside the Core Area**

50% NSDTIR	\$ 1,159,198.36
50% Recoverable from LIC	<u>\$ 1,159,198.36</u>
Total Project Cost	\$ 2,318,396.72

**CZU01080 - New Paving of HRM Owned Streets**

50% HRM	\$ 214,301.35
50% Recoverable from LIC	<u>\$ 214,301.35</u>
Total Project Cost	\$ 428,602.70*

- HRM's estimate for this work was \$428,000. Net of local improvement charges, the total cost to HRM is \$214,301.35 which is budgeted for under CZU01080.

**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**

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. In this case, the abutters were notified of the respective paving projects and the anticipated amount of the LIC prior to commencement of the work. Attached are the notification letters that were mailed to all property owners abutting the streets that were approved for paving in the Aid to Municipality 2010 Program. The letters indicated that the estimated LIC Rate was \$35.00 and, in some cases as noted, the LIC would be recovered via a lot charge based on the approved frontage rate times the recoverable frontage on the street divided by the number of properties.

A meeting was held on September 28, 2009, at the Grand Lake Community Hall to discuss the paving of Hartland Drive and Florence Lane. Hartland Drive had been surveyed a number of times but failed to meet the required 50% of the recoverable frontage in favour of the paving. HRM staff, along with former Councillor Snow and current Councillor Dalrymple, have received many inquiries requesting the paving be completed as soon as possible. Residents have complained about damage to their vehicles and snow removal issues. Considering that the paving would benefit all property owners who gain access to their property via Hartland Drive, Councillor Dalrymple has requested that all properties in the subdivision be included in the LIC recovery using a lot charge. The property owners were then successfully surveyed, and they agreed to have the LIC's as a per lot charge to the 75 properties within Brookhill Estates, as per the attached letter and map.

The gravel section of Five Island Road was the last remaining graveled section in the subdivision. The property owners of Cambrian's Cove, Ashley Court and Five Island Road submitted a successful survey and requested that the LIC's be assessed on a per lot charge to the 75 properties as per the attached letter and map.

### **ALTERNATIVES**

Council could choose to not approve the recommendations in this report, but this is not recommended by staff.

### **ATTACHMENTS**

- By-Law S-432 2010 NSTIR LIC Rates – A- 1
- By-Law S-432 2010 NSTIR Letters – A- 2
- By-Law S-432 2010 NSTIR Maps– A- 3

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

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