

**Item No. 10.1.4**  
**Halifax Regional Council**  
**June 18, 2013**

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

**SUBMITTED BY:** Original Signed by  
\_\_\_\_\_  
Mike Labrecque, Acting Chief Administrative Officer

Original Signed by Director  
\_\_\_\_\_  
Greg Keefe, Director of Finance and ICT/CFO

**DATE:** May 31, 2013

**SUBJECT:** **Proposed By-Law S-437, an Amendment to By-Law S-400 Respecting Charges for Street Improvement, New Paving Projects outside the Core Area – 2012**

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**ORIGIN**

This report originates from staff.

**LEGISLATIVE AUTHORITY**

Section 104 of the *Halifax Regional Municipality Charter* allows Council to make by-laws to impose charges for laying out, opening, constructing, repairing, improving and maintaining streets, curbs, sidewalks, gutters, bridges, culverts and retaining walls.

**RECOMMENDATION**

It is recommended that Halifax Regional Council give First Reading to By-Law S-437, an amendment to By-Law S-400, Respecting Charges for Street Improvements, relating to New Paving of Subdivision Streets Outside the Core Area – 2012, to begin the formal process of adoption of this by-law.

**BACKGROUND**

On October 18, 2011, Halifax Regional Council approved the Nova Scotia Transportation and Infrastructure Renewal (NSTIR) Aid-to-Municipality Construction Agreement 2012-2012. 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 Provincial roads located within the HRM boundaries, 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 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.

January 31, 2012, Council approved the recommendation for the paving of streets as identified in Table 1 of that report. The paving projects were approved in the 2012/13 Capital Budget under Project No. CXU00585 - New Paving of Subdivision Streets outside the Core Area.

**DISCUSSION**

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 Charges. The list of streets identified in the January 31, 2012 Council report included:

**Table 1 – Subdivision “J” Class Streets to be Considered for the 2012 Aid to Municipality Program**

Street Name	Limits	Community	District	Estimated cost
Honey Court	Old Sambro Rd to End	Williamswood	18	\$70,000
Grover Drive	Old Sambro Road to End	Williamswood	18	\$400,000
Oakwood Drive	End to End	Williamswood	18	\$275,000
Maplewood Drive	Grover Drive to Oakwood Drive	Williamswood	18	\$55,000
Mercury Avenue	Neptune Drive to End	Harrietfield	18	\$150,000
Willow Street	Ketch Harbour Road to End	Sambro Head	18	\$50,000
<b>TOTAL</b>				<b>\$1,000,000</b>

Additional notification was sent to NSTIR on March 15, 2012 requesting consideration for the double chipsealing of Old Coach Road in Goodwood, District 22. The property owners had been successfully surveyed for chipsealing in February 2012. An Information Report regarding the chipsealing of this street was presented at the April 17, 2012 Council meeting.

Upon completion of the paving of the above noted streets, the amount to be recovered from the Local Improvement Charges was determined to be \$336,739.62 (net HST included). The total recoverable frontage was calculated to be 13,256.25 feet; therefore, the proposed 2012 Local Improvement Charge frontage rate of **\$25.40** per foot will provide the funding necessary to recover the required amount. The amount to be recovered for the double chipsealing of Old Coach Road is \$55,591.09 (net HST included) with a total recoverable frontage of 3079.12 feet. The proposed Local Improvement Charge frontage rate of **\$18.05** per foot will provide the funding necessary to recover the required amount for the chipsealing project.

### **FINANCIAL IMPLICATIONS**

In 2005 Regional Council approved a staff recommendation that interest be charged on the bridge financing provided from HRM internal cash resources for Capital Projects that are for the benefit of a specific identifiable group or area and which are either partially or fully funded by local improvement charges including those levied as an area rate. The rationale is that HRM cash tied up in the costs of these projects is not available to earn interest for the benefit of HRM taxpayers in general so including a bridge financing cost in relevant local improvement charges would remedy this. The interest rate applied is the actual, or where necessary the projected, rate of return earned by HRM under the Investment Policy. The amount of interest to the end of June for the two subject invoices paid is \$831.31 which will increase the cost per foot for paving to \$25.45 and the cost for double chip sealing to \$18.10 per foot.

The paving and chipsealing program for the Provincially owned streets was approved in the 2012/13 Capital Budget under Project No. CXU00585. HRM's share of the total project cost is \$392,330.72 (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: CXU00585 - New Paving of Subdivision Streets Outside the Core Area**

50% NSTIR	\$ 392,330.72
50% Recoverable from LIC	<u>\$ 392,330.72</u>
Total Project Cost	\$ 784,661.44

### **COMMUNITY ENGAGEMENT**

All streets were successfully surveyed. Refer to January 31, 2012 Council report for a description of the community engagement for the paving. Also, refer to April 17, 2012 Information Report for a description of the community engagement for the chipsealing of Old Coach Road.

**ENVIRONMENTAL IMPLICATIONS**

Implications not identified.

**ALTERNATIVES**

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

**ATTACHMENTS**

By-Law S-437 NSTIR 2012 LIC Rates – A- 1  
By-Law S-437 Maps A-2  
Letter to Residents A-3

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

Report Prepared by: Ann Reid, LIC Technician, Design & Construction Services 490-6849

Report Approved by: \_\_\_\_\_  
David Hubley, P.Eng. Manager, Design & Construction Services at 490-4845

Financial Approval by: \_\_\_\_\_  
Greg Keefe, Director of Finance & Information Technology/CFO, 490-6308

Report Approved by: \_\_\_\_\_  
Ken Reashor, P.Eng., Director, Transportation and Public Works at 490-4855

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AR/pm

# By-Law S-437 NSTIR 2012 LIC Rates – A- 1

**HALIFAX REGIONAL MUNICIPALITY**  
**By-Law Number S-437**  
**Respecting Charges for Street Improvements, New Paving Projects**

**BE IT ENACTED** by the Council of the Halifax Regional Municipality that By-Law Number S-400, the By-Law Respecting Charges for Street Improvements, Section 2 is hereby further amended as follows:

Section 2 of By-Law S-400 is amended by adding as Subsection (21) the following:

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

## **SCHEDULE “S”**

The Local Improvement Charges (“LIC”) for properties fronting or abutting in whole or in part on the streets identified on “Map No. 1 to Map No. 3”, dated April 15, 2013, and “Map 4” dated April 30, 2013 attached hereto, shall be \$25.45 per foot for asphalt paving and \$18.10 per foot for double chipsealing. Each property will be assessed a lot charge as identified below. Lot charges for the paving are calculated on \$25.45 per foot times the recoverable frontages on the streets divided by the number of properties subject to the assessment. Lot charges for the double chipsealing of Old Coach Road are calculated on \$18.10 per foot times the recoverable frontages on the street divided by the number of properties subject to the assessment.

<b>Street Name - Community</b>	<b>New District (Former District)</b>	<b>Lot Charge</b>	<b>Map #</b>
Mercury Avenue – Harrietsfield	11 (18)	\$3,969.76	1
Oakwood Drive - Williamswood	11 (18)	\$4,328.04	2
Honey Court – Williamswood	11 (18)	\$3,208.17	2
Grover Drive - Williamswood	11 (18)	\$3,582.66	2
Willow Road - Sambro Head	11 (18)	\$1,404.88	3
Old Coach Road - Goodwood	11 (22)	\$3,278.36	4

The Local Improvement Charges 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 date:

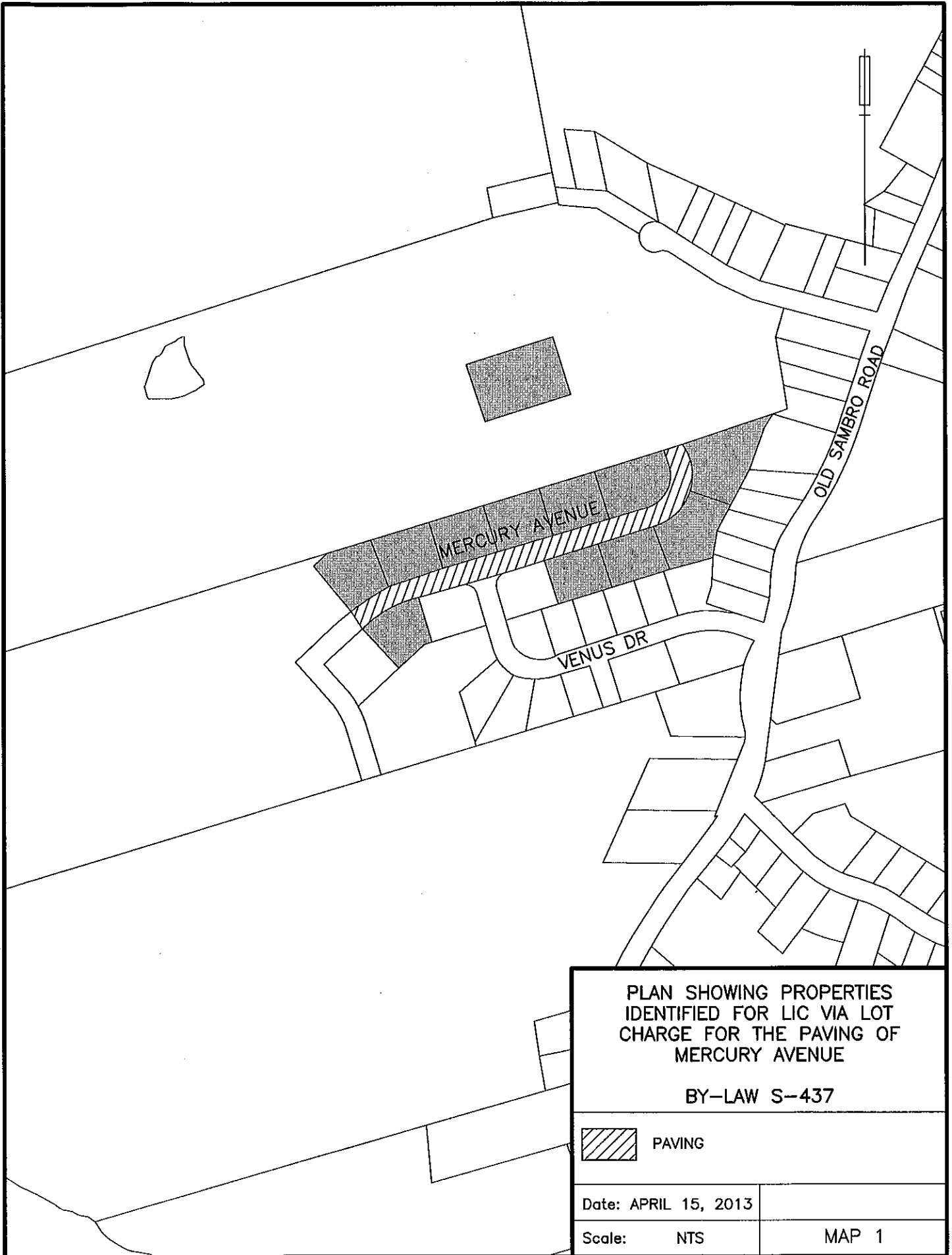
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Mayor

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Municipal Clerk  
Cathy Mellett

I, Cathy Mellett, 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 \_\_\_\_\_, 2013.



PLAN SHOWING PROPERTIES  
IDENTIFIED FOR LIC VIA LOT  
CHARGE FOR THE PAVING OF  
MERCURY AVENUE

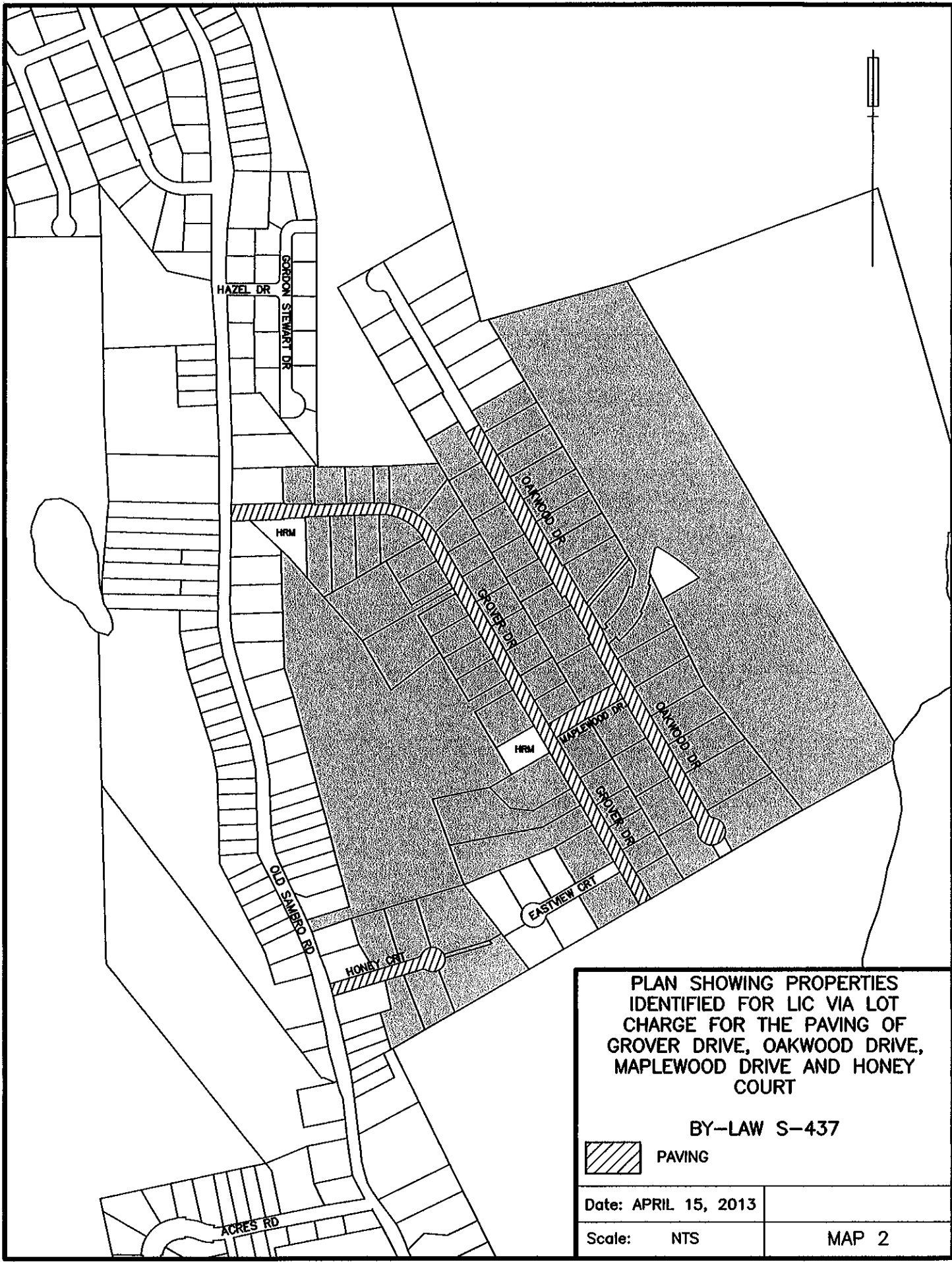
BY-LAW S-437

 PAVING

Date: APRIL 15, 2013

Scale: NTS

MAP 1



PLAN SHOWING PROPERTIES  
 IDENTIFIED FOR LIC VIA LOT  
 CHARGE FOR THE PAVING OF  
 GROVER DRIVE, OAKWOOD DRIVE,  
 MAPLEWOOD DRIVE AND HONEY  
 COURT

BY-LAW S-437

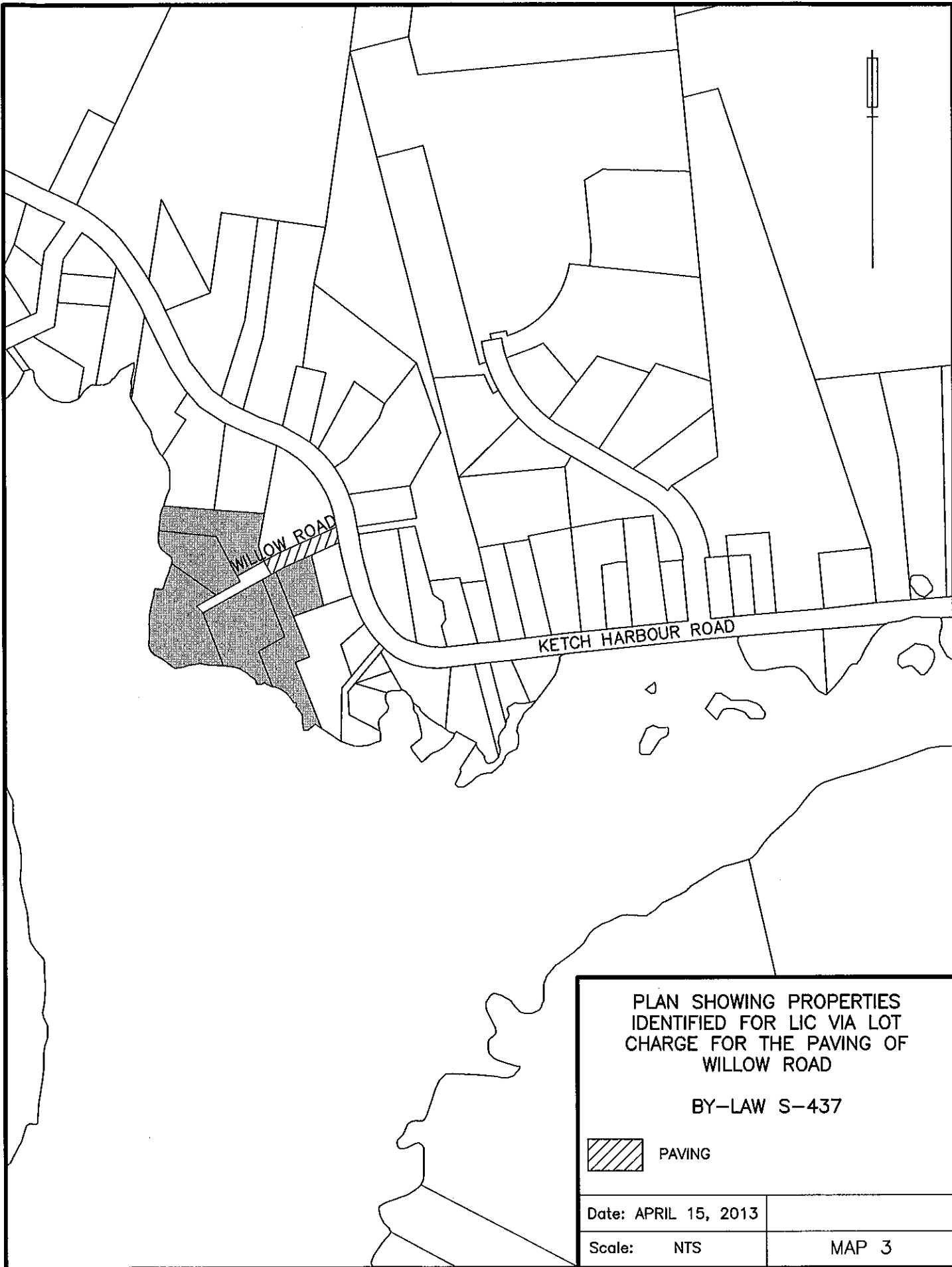
 PAVING

Date: APRIL 15, 2013

Scale: NTS

MAP 2





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

BY-LAW S-437

 PAVING

Date: APRIL 15, 2013

Scale: NTS

MAP 3



PLAN SHOWING PROPERTIES  
 IDENTIFIED FOR LIC VIA LOT  
 CHARGE FOR THE DOUBLE  
 CHIPSEALING OF OLD COACH  
 ROAD

BY-LAW S-437

 CHIPSEALING

Date: APRIL 30, 2013

Scale: NTS

MAP 4











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

May 17, 2012

Dear Sir/Madam:

**Revised Paving Upgrade of Willow Road – Sambro Head**

Halifax Regional Municipality (HRM) received a letter from the Minister of Transportation and Infrastructure Renewal on April 19, 2012, confirming that all the streets submitted by HRM for paving in the 2012 Aid to Municipality Cost Sharing Program have been approved. 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). The Province covers 50% of the construction costs and HRM recovers the remaining 50% from the residents through the LIC process.

Willow Road was successfully surveyed for paving at the estimated LIC lot charge of \$2,073. The actual rate will be set once HRM receives the final invoice from NSTIR in April of 2013. The paving will take place this fall, work to be completed by October 31, 2012.

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. 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 question or concerns pertaining to this matter, please do not hesitate to call Ann Reid at 490-6849 or e-mail: [reida@halifax.ca](mailto:reida@halifax.ca).

Respectfully,

Original signed

Clary White  
Supervisor Drafting and Plan Records,  
Design & Construction Services

CW/pm

cc: Steve Adams, Councillor District 18

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

May 11, 2012

Dear Sir/Madam:

**Re: Chipsealing of Old Coach Road - Goodwood**

Halifax Regional Municipality (HRM) received a letter from the Minister of Transportation and Infrastructure Renewal on April 19, 2012, confirming that all the streets submitted by HRM for paving or chipsealing in the 2012 Aid to Municipality Cost Sharing Program have been approved. 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). The Province covers 50% of the construction costs and HRM recovers the remaining 50% from the residents through the LIC process.

Old Coach Road was successfully surveyed for chipsealing at the estimated LIC lot charge of \$3,622. The actual rate will be set once HRM receives the final invoice from NSTIR in April of 2012. The paving will take place this fall, work to be completed by October 31, 2012.

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. 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 question or concerns pertaining to this matter, please do not hesitate to call Ann Reid at 490-6849 or e-mail: [reida@halifax.ca](mailto:reida@halifax.ca).

Respectfully,

Original Signed

Clary White  
Supervisor Drafting and Plan Records,  
Design & Construction Services

CW/pm

cc: Reg Rankin, Councillor District 22

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