

HALIFAX

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


Item No. 11.1.4

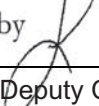
Halifax Regional Council

June 16, 2015

July 21, 2015

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: May 4, 2015

SUBJECT: Proposed By-Law S-440, an Amendment to By-Law S-400 Respecting Charges for Street Improvements

ORIGIN

A by-law is required in order to recover local improvement charges for the paving of HRM owned gravel roads pursuant to By-Law S-400 and the Local Improvement Policy – 1997.

LEGISLATIVE AUTHORITY

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....”.

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

RECOMMENDATIONS

It is recommended that Halifax Regional Council,

1. Approve the 2014 Local Improvement Charges as outlined on the attached By-Law S-440 and;
2. Adopt By-Law S-440, amending By-Law S-400, the *Street Improvement By-law*, as set out in Attachment 1.

BACKGROUND

By-Law S-400, the *Street Improvement Bylaw*, deals with the recovery of costs where Council undertakes a project to construct new street paving, new sidewalks and new concrete curb and gutter. This 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 (LIC) apply for gravel road paving as per By-Law S-400 and the HRM Local Improvement Policy 1997. As per the process, staff reviewed construction costs of the paving of gravel roads from the 2014/15 capital program (i.e., Belvedere Avenue, Braeside Avenue, Flandrum Court, Flandrum Hill Road, Patterson Road and Seanleigh Court), and the chip sealing of Ashwood Drive and Holly Court (refer to attached maps). As a result staff has determined the charges for 2014/15 program as outlined in attached Schedule A and By-Law S-440 of this report. The proposed By-Law S-440, Respecting Charges for Street Improvements, is an amendment of By-Law S-400, the *Street Improvement By-law*, and will enable HRM to charge LICs for the paving and chipsealing of gravel road projects. As a note pursuant to Administrative Order 32 a public hearing is not required on the enactment or amendment of a Bylaw unless specifically directed by Council

FINANCIAL IMPLICATIONS

Upon Council's approval of Bylaw S-440, the Local Improvement Charges for the applicable 2014/15 capital projects will be levied to the relevant property owners. By ensuring that the charges reflect the actual cost of the projects, the revenue collected will offset the cost of the projects so that there is no net impact on the Approved Operating and Project Budgets.

COMMUNITY ENGAGEMENT

A meeting was held on April 3, 2012 at Fisherman's Cove to discuss the paving of Belvedere Avenue, Braeside Avenue, Flandrum Court, Flandrum Hill Road, and Patterson Road. At that meeting staff outlined the Local Improvement Charge process for the paving of these streets. Subsequently the property owners were surveyed, with two streets in favour of the paving and three not supporting the upgrade. Staff was requested to review the feasibility of paving all streets, which culminated in a report (see attached) to Regional Council on December 10, 2013 Council. The recommendation from staff to Regional Council was to pave all five streets which was approved by Regional Council. Residents were then notified by staff of the decision to move forward with the recommendation.

Seanleigh Court (Windsor Junction) was successfully surveyed for paving, and residents were notified in writing of the survey results (refer to attached letter).

Ashwood Drive (Fall River) was successfully surveyed for chip sealing, and residents were notified in writing of the survey results (refer to attached letter).

Holly Court (Fletchers Lake) was successfully surveyed for chip sealing, and residents were notified in writing of the survey results (refer to attached letter).

ENVIRONMENTAL IMPLICATIONS

Not Applicable

ALTERNATIVES

Council may choose not to adopt the new charges for 2014/15; however, staff does not recommend this alternative as the previous rates would not represent the appropriate level of cost recovery.

ATTACHMENTS

Attachment 1 By-Law S-440

Attachment 2 LIC Calculation for By-Law S-440

Attachment 3 Maps By-Law S-440

Attachment 4 Letters to Property Owners By-Law S-440

Attachment 5 Paving of Flandrum Hill Road, Flandrum Court, Braeside Avenue, Belvedere Avenue and Patterson Road Council Report December 10, 2013 and minute extract

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 and Design Services 490-6849

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

Legal Approval: _____
John Traves, Q.C., Director, Legal, Insurance & Risk Management Services 490-4219

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

HALIFAX REGIONAL MUNICIPALITY

BY-LAW NUMBER S-440

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 (20) and before section 3:

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

2. Schedule “A” of By-Law Number S-400 is amended by adding the following at the end of the Schedule:

For all projects approved and completed between January 1, 2014 to December 31, 2014, the charges shall be as follows:

For **new** asphalt paving, the charge per foot of frontage to be applied to both sides of the street shall be **\$28.68** plus **\$1.43** for engineering fees plus **\$0.31** for bridge financing for a total charge of **\$30.43** per foot of frontage.

For **new** chip sealing the charge per foot of frontage to be applied to both sides of the street shall be **\$21.92** plus **\$1.10** for engineering fees plus **\$0.24** for bridge financing for a total charge of **\$23.25** per foot of frontage.

3. The By-law is amended by adding the following schedule after Schedule “T” and before Plan #1:

SCHEDULE “U”

Each property on the streets listed in the table below will be assessed a charge as identified under the heading “Lot Charge” or “Frontage Charge” respectively.

Seanleigh Court, which is identified on Map 4 dated April, 2015, will be assessed a per lot charge for new paving as per the amount noted in the table below. Ashwood Drive, which is identified on Map 3, dated April, 2015, and Holly Court, which is identified on Map 2, dated April, 2015, will be assessed a per lot charge for new chip sealing as per amounts noted in the table below.

The per lot charge for the Seanleigh Court paving was calculated based on the \$30.43 per foot rate times the recoverable frontages divided by the number of properties subject to the assessment. Per lot charges for the chip sealing of Ashwood Drive and Holly Court were calculated based on the \$23.25 per foot rate times the recoverable frontages on the streets divided by the number of properties subject to the assessment.

Belvedere Avenue, Braeside Avenue, Flandrum Court, Flandrum Hill Road, and Patterson Road, which are identified on Map 1, dated April, 2015, are assessed a frontage charge based on the rate of \$30.43 per foot of frontage.

Street Name - Community	District	Lot Charge	Map #
Seanleigh Court – Windsor Junction	1	\$3,260.66	4
Ashwood Drive – Fall River	1	\$5,183.63	3
Holly Court – Fletchers Lake	1	\$3,796.26	2
Street Name - Community	District	Frontage Charge	Map #
Belvedere Avenue – Cow Bay	3	\$30.43	1
Braeside Avenue – Cow Bay	3	\$30.43	1
Flandrum Court – Cow Bay	3	\$30.43	1
Flandrum Hill Road – Cow Bay	3	\$30.43	1
Patterson Road – Cow Bay	3	\$30.43	1

Done and passed by Council this **XX** day of **XXX**, A.D. 2015.

Mayor

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 **XXXX**, 2015.

Cathy Mellett
Municipal Clerk

Local Improvement Rate By-Law S-440

Projects Completed 2014

Chipsealing frontage 1930

Paving Frontage 7358.48

LIC Project	50% Construction Cost to Residents	Cost per foot to Residents	Engineering Fee Revenue	Engineering Fees per foot	Bridge Financing	Bridge Financing per foot	LIC + Eng Fees + Financing
Chip Sealing	\$ 42,305.81	\$ 21.92	\$ 2,115.29	\$ 1.10	\$ 459.32	\$ 0.24	\$ 23.25
New Paving	\$ 211,040.55	\$ 28.68	\$ 10,552.03	\$ 1.43	\$ 2,291.30	\$ 0.31	\$ 30.43
TOTAL RECOVERY	\$ 253,346.36		\$ 12,667.32		\$ 2,750.62		\$ 268,764.30



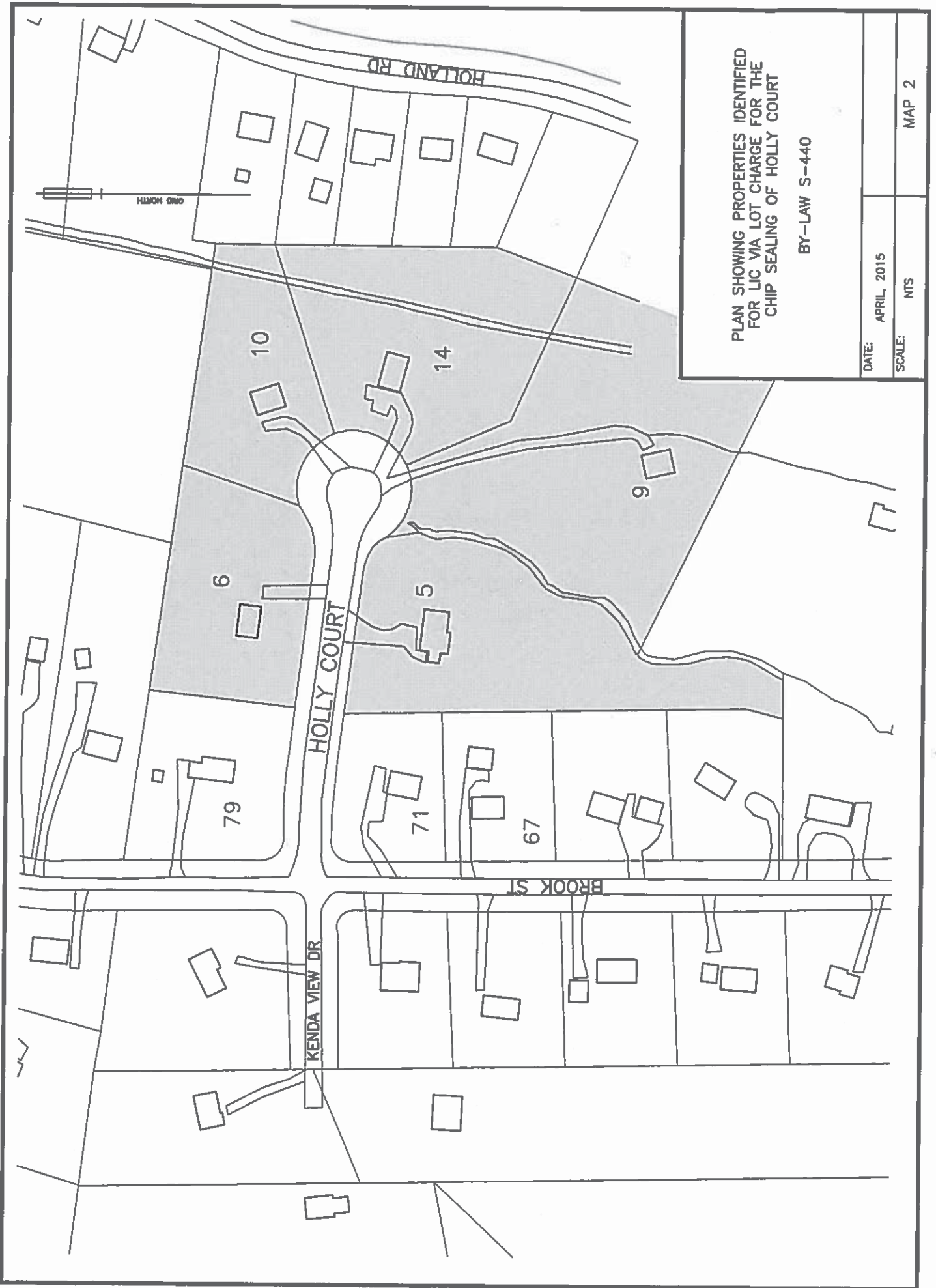
PLAN SHOWING PROPERTIES IDENTIFIED
FOR LIC VIA FRONTAGE CHARGE FOR THE
PAVING OF FLANDRUM HILL ROAD,
BRAESIDE AVENUE, BELVEDERE AVENUE,
FLANDRUM COURT AND PATTERSON ROAD

BY-LAW S-440

Date: April, 2015

Scale: NTS

MAP 1



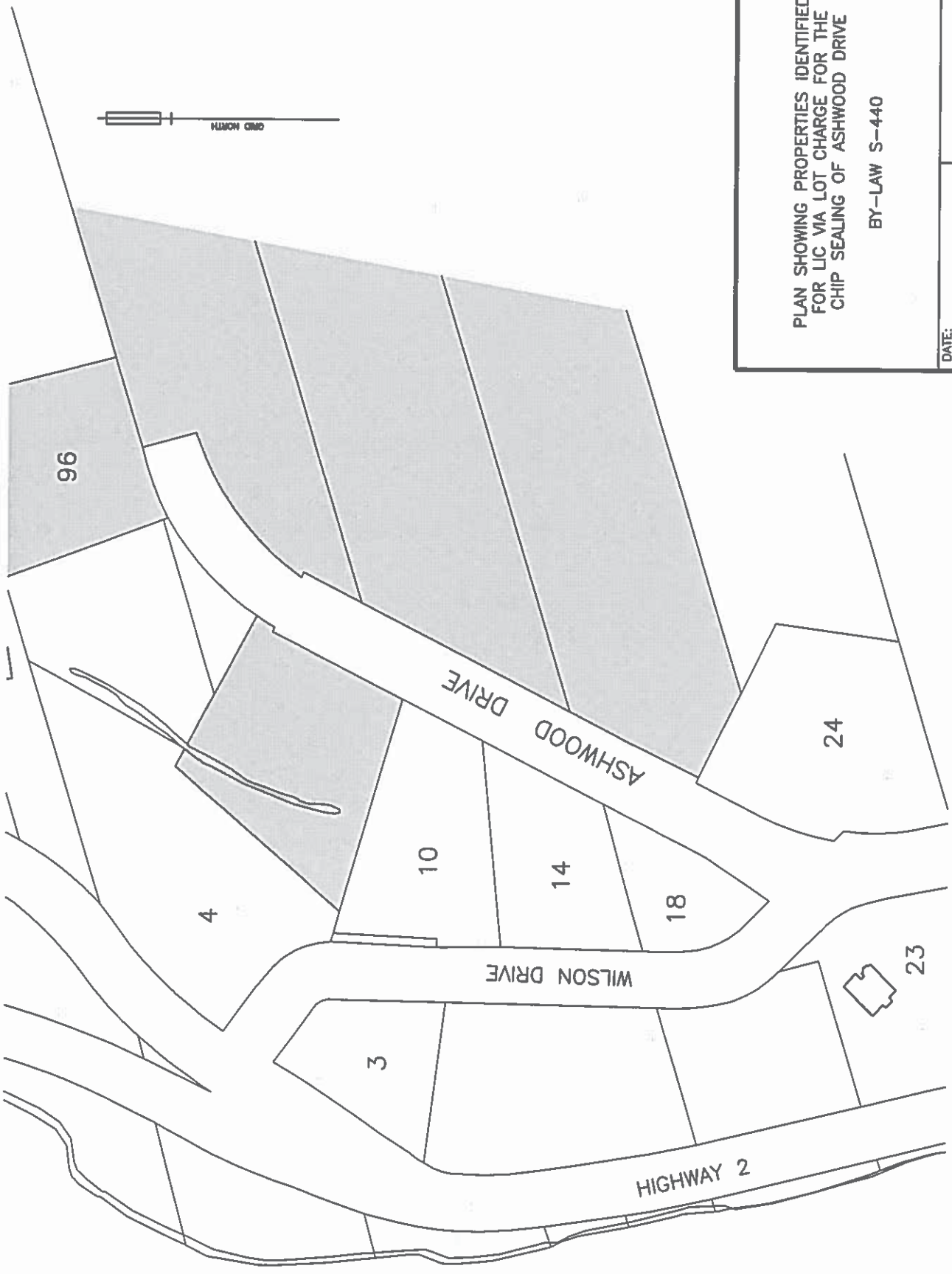
PLAN SHOWING PROPERTIES IDENTIFIED
 FOR LIC VIA LOT CHARGE FOR THE
 CHIP SEALING OF HOLLY COURT

BY-LAW S-440

DATE: APRIL, 2015

SCALE: NTS

MAP 2



PLAN SHOWING PROPERTIES IDENTIFIED
FOR LIC VIA LOT CHARGE FOR THE
CHIP SEALING OF ASHWOOD DRIVE

BY-LAW S-440

DATE: APRIL, 2015

SCALE: NTS

MAP 3

HIGHWAY 102

SEANLEIGH CRT

COBEQUID ROAD

2

6

10

1129

7

11

14

1095

PLAN SHOWING PROPERTIES IDENTIFIED
FOR LIC VIA LOT CHARGE FOR THE
PAVING OF SEANLEIGH COURT

BY-LAW S-440

Date: April, 2015

Scale: NTS

MAP 4



February 14, 2014

Dear Sir or Madam:

RE: Chip Sealing of Ashwood Drive – Fall River

This is to inform you of the result of the survey that closed on January 17, 2014, regarding the paving/chip sealing of the above noted street. Ashwood Drive has been successfully surveyed for chip sealing and has been added to the proposed Halifax Regional Municipality (HRM) 2014\15 Capital Budget, pending Council's final approval.

Under this program, the survey results are determined based on the HRM Local Improvement Policy & By-Law Number S-400. As per the by-law, street paving and chip sealing may be considered by Council, subject to budget availability, provided there is a successful survey from the property owners that indicate at least 50% of the total recoverable frontage is in favor of the project.

If you have any question pertaining to this matter, please do not hesitate to call Ann Reid at 490-6849.

Sincerely,


Original Signed

Bruce Colborne, P.Eng.
Manager, Design & Construction Services
Halifax Regional Municipality

AR/rch.

cc Councillor Barry Dalrymple, District 1

R:\PW\D&C\Design\Local Improvements\2013 Paving survey inside core\District 1\Result letters\Ashwood Drive result letter.docx

December 27, 2013

Dear Sir/Madam:

Re: Paving or Chip Sealing – Ashwood Drive – Fall River

In order to facilitate the development of a list of paving projects for future Capital Budget considerations, we have attached a survey for your feedback.

The purpose of this survey is to ascertain if there is sufficient support from property owners regarding the proposed paving (or chip sealing as an alternative) of Ashwood Drive. If Regional Council approves this project, paving or chip sealing will be subject to Local Improvement Charges (LIC) as stated in By-Law S-400. Under Bylaw S-400 the costs for the upgrade of a gravel road are equally shared between the property owner and the municipality. Each year the LIC is determined and presented to Regional Council for their approval. The rate is calculated on an annual basis and is subject to change. The District Councillor has requested that the LIC be recovered via a lot charge at the estimated cost of \$7,530.00 for paving (and \$3,872.00 for chip sealing) which is to be assessed to each of the 5 properties abutting Ashwood Drive. As indicated above this is an estimated amount, and it is unknown at this point in time as to when the upgrade of the street will be considered for approval in the capital budget.

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. 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 Financial Institution's prime rate of interest at the time the project is approved by Halifax Regional Council.

It is important that you complete the survey to ensure that your vote is recorded. Surveys that are not completed and returned will not be included in the final survey vote. Please sign and return the attached agreement by January 17, 2014 to:

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

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

If you require further clarification, please call Ann Reid at (902) 490-6849.

Respectfully,

Original Signed

David Hubley, P. Eng.
A\Director Transportation & Public Works

AR\rch.

cc: Barry Dalrymple, Councillor, District 1

AGREEMENT

Option # 1

I agree to pay the estimated lot charge of \$7,530 for paving of Ashwood Drive.

Civic Address:

Date:

Signature:

Option # 2

I agree to pay the estimated lot charge of \$3,872 for chipsealing of Ashwood Drive.

Civic Address:

Date:

Signature:

Option # 3

I am not in favour of either chip sealing or paving of Ashwood Drive.

Civic Address:

Date:

Signature:

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

February 11, 2014

Dear Sir or Madam:

RE: Chip Sealing of Holly Court- Fletchers Lake

This is to inform you of the result of the survey that closed on January 17, 2014, regarding the paving/chip sealing of the above noted street. Holly Court has been successfully surveyed for chip sealing and has been added to the proposed Halifax Regional Municipality (HRM) 2014\15 Capital Budget, pending Council's final approval.

Under this program, the survey results are determined based on the HRM Local Improvement Policy & By-Law Number S-400. As per the by-law, street paving and chip sealing may be considered by Council, subject to budget availability, provided there is a successful survey from the property owners that indicate at least 50% of the total recoverable frontage is in favor of the project.

If you have any question pertaining to this matter, please do not hesitate to call Ann Reid at 490-6849.

Sincerely,

Original Signed

Bruce Colborne, P.Eng.
A\Manager, Design & Construction Services
Halifax Regional Municipality

AR/rch.

cc Councillor Barry Dalrymple, District 1

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December 27, 2013

Dear Sir/Madam:

Re: Paving or Chip Sealing – Holly Court – Fall River

In order to facilitate the development of a list of paving projects for future Capital Budget considerations, we have attached a survey for your feedback.

The purpose of this survey is to ascertain if there is sufficient support from property owners regarding the proposed paving (or chip sealing as an alternative) of Holly Court. If Regional Council approves this project, paving or chip sealing will be subject to Local Improvement Charges (LIC) as stated in By-Law S-400. Under Bylaw S-400 the costs for the upgrade of a gravel road are equally shared between the property owner and the municipality. Each year the LIC is determined and presented to Regional Council for their approval. The rate is calculated on an annual basis and is subject to change. The District Councillor has requested that the LIC be recovered via a lot charge at the estimated cost of \$5,708.00 for paving (and \$2,936.00 for chip sealing) which is to be assessed to each of the 5 properties abutting Holly Court. As indicated above this is an estimated amount, and it is unknown at this point in time as to when the upgrade of the street will be considered for approval in the capital budget.

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. 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 Financial Institution's prime rate of interest at the time the project is approved by Halifax Regional Council.

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

If you require further clarification, please call Ann Reid at (902) 490-6849.

Respectfully,

Original Signed

David Hubley P. Eng.
A\Director Transportation & Public Works

AR\rch.

cc: Barry Dalrymple, Councillor, District 1

AGREEMENT

Option # 1

I agree to pay the estimated lot charge of \$5,708.00 for paving of Holly Court.

Civic Address: _____

Date: _____

Signature: _____

Option # 2

I agree to pay the estimated lot charge of \$2,936.00 for chip sealing of Holly Court.

Civic Address: _____

Date: _____

Signature: _____

Option # 3

I am not in favour of chip sealing or paving of Holly Court.

Civic Address: _____

Date: _____

Signature: _____

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February 14, 2014

Dear Sir or Madam:

RE: Paving of Seanleigh Court – Windsor Junction

This is to inform you of the result of the survey that closed on January 17, 2014, regarding the paving/chip sealing of the above noted street. Seanleigh Court has been successfully surveyed for paving and has been added to the proposed Halifax Regional Municipality (HRM) 2014\15 Capital Budget, pending Council's final approval.

Under this program, the survey results are determined based on the HRM Local Improvement Policy & By-Law Number S-400. As per the by-law, street paving and chip sealing may be considered by Council, subject to budget availability, provided there is a successful survey from the property owners that indicate at least 50% of the total recoverable frontage is in favor of the project.

If you have any question pertaining to this matter, please do not hesitate to call Ann Reid at 490-6849.

Sincerely,

Original Signed

Bruce Colborne, P.Eng.
A\Manager, Design & Construction Services
Halifax Regional Municipality

AR/rch.

cc Councillor Barry Dalrymple, District 1

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December 27, 2013

Dear Sir/Madam:

Re: Paving or Chip Sealing – Seanleigh Court – Windsor Junction

In order to facilitate the development of a list of paving projects for future Capital Budget considerations, we have attached a survey for your feedback.

The purpose of this survey is to ascertain if there is sufficient support from property owners regarding the proposed paving (or chip sealing as an alternative) of Seanleigh Court. If Regional Council approves this project, paving or chip sealing will be subject to Local Improvement Charges (LIC) as stated in By-Law S-400. Under Bylaw S-400 the costs for the upgrade of a gravel road are equally shared between the property owner and the municipality. Each year the LIC is determined and presented to Regional Council for their approval. The rate is calculated on an annual basis and is subject to change. The District Councillor has requested that the LIC be recovered via a lot charge at the estimated cost of \$3,540.00 for paving (and \$1,820.00 for chip sealing) which is to be assessed to each of the 5 properties abutting Seanleigh Court. As indicated above this is an estimated amount, and it is unknown at this point in time as to when the upgrade of the street will be considered for approval in the capital budget.

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. 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 Financial Institution's prime rate of interest at the time the project is approved by Halifax Regional Council.

It is important that you complete the survey to ensure that your vote is recorded. Surveys that are not completed and returned will not be included in the final survey vote. Please sign and return the attached agreement by January 17, 2014 to:

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

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

If you require further clarification, please call Ann Reid at (902) 490-6849.

Respectfully,

Original Signed

David Hubley, P. Eng.
A\Director Transportation & Public Works

AR\rch.

cc: Barry Dalrymple, Councillor, District 1

AGREEMENT

Option # 1

I agree to pay the estimated lot charge of \$3,540.00 for paving of Seanleigh Court.

Civic Address: _____

Date: _____

Signature: _____

Option # 2

I agree to pay the estimated lot charge of \$1,820.00 for chip sealing of Seanleigh Court.

Civic Address: _____

Date: _____

Signature: _____

Option # 3

I am not in favour of chip sealing or paving of Seanleigh Court.

Civic Address: _____

Date: _____

Signature: _____

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**Councillor
Bill Karsten**

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

Cell: (902) 476-1855

City Hall:
Phone: (902) 490-7032

Email:
karsteb@halifax.ca

Invitation to attend a meeting about the paving of Braeside Ave, Belvedere Ave., Flandrum Hill Rd., Flandrum Crt., Patterson Rd. - Cow Bay

This meeting is to discuss the paving of the above noted streets. There are numerous issues, rumours and mis-information about the pros and cons and the process and costs of paving gravel roads. I am inviting you to attend a meeting with myself and our HRM Design & Construction Services where we will present to you the estimated costs of paving and we will present the actual process and answer all your questions. After this meeting HRM will present ballots to residents in attendance to vote on paving or not and will mail out ballots to anyone not present, this meeting will be as noted below.

Regards, Bill

**Bill Karsten, HRM Councillor District 3
Dartmouth South – Eastern Passage**

**Date: April 3, 2013
Time: 7:00 to 9:00 PM
Location: Fisherman's Cove
4 Government Wharf Road
Henneberry Room**



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

January 29, 2014

Dear Sir or Madam:

RE: Paving of Belvedere Avenue, Braeside Avenue, Flandrum Court, Flandrum Hill Road and Patterson Road – Cow Bay

This is to inform you that at the Halifax Regional Council meeting of December 10, 2013, Council approved in principle the paving of the above noted streets as per the 1997 Local Improvement Policy and the paving of these streets be prioritized thru the normal budget process. These streets have been included in the 2014-15 budget, awaiting final Council approval.

The property owners abutting these streets will be assessed the LIC approved per foot rate. The rate will be calculated upon completion of the work and the final cost of the paving project has been determined.

The Local Improvement Charge payable to HRM may, at the option of the property owner, 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 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.

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

Sincerely,

Original Signed

Bruce Colborne, P.Eng.
A Manager, Design & Construction Services
Halifax Regional Municipality

AR/rch.

cc: Bill Karsten, Councillor District 3

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April 3, 2013

Dear Sir/Madam:

Re: Paving – Belvedere Avenue – Eastern Passage

In order to facilitate the development of a list of paving projects for future Capital Budget considerations, we have attached a survey for your review and feedback. The purpose of this survey is to ascertain if there is sufficient support from property owners regarding the proposed paving of Belvedere Avenue. If Belvedere Avenue is to be considered as a future paving project, Regional Council must approve it through the capital budget process.

The paving of gravel roads is subject to Local Improvement Charges (LIC) as stated in By-Law Number S-400, and pursuant to the Local Improvement Policy. Under this Bylaw the total construction costs for the paving of the gravel roads program are equally cost shared between the property owners and Halifax Regional Municipality. The property owners share is recovered through the LIC process, and the rate is presented to Regional Council for their approval. The rate is determined on an annual basis and is subject to change. For the purpose of this survey an interim rate of \$35 per linear foot of property frontage is being used. This is an estimated amount, and will be adjusted accordingly if this street is to be paved in the future.

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. Billings may also be paid in full at any time if the abutter so desires. Interest shall accrue on charges outstanding from the first payment due date forward at a rate equal to the prime rate of the Municipality's financial institution plus two percentage points.

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 **April 19, 2013 to:**

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

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

If you require further clarification, please call Ms. Ann Reid at (902) 490-6849.

Respectfully,

Original Signed

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

AR\pm

cc: Bill Karsten, Councillor District 3

AGREEMENT

Option # 1

I agree to pay the interim rate of \$35 per linear foot of property for the proposed paving of Belvedere Avenue. I understand the \$35 per linear foot of property is an estimate and is subject to change.

Civic Address: _____

Date: _____

Print/Signature: _____

Option # 2

I am not in favour of the paving of Belvedere Avenue.

Civic Address: _____

Date: _____

Print/Signature: _____

April 3, 2013

Dear Sir/Madam:

Re: Paving – Braeside Avenue – Eastern Passage

In order to facilitate the development of a list of paving projects for future Capital Budget considerations, we have attached a survey for your review and feedback. The purpose of this survey is to ascertain if there is sufficient support from property owners regarding the proposed paving of Braeside Avenue. If Braeside Avenue is to be considered as a future paving project, Regional Council must approve it through the capital budget process.

The paving of gravel roads is subject to Local Improvement Charges (LIC) as stated in By-Law Number S-400, and pursuant to the Local Improvement Policy. Under this Bylaw the total construction costs for the paving of the gravel roads program are equally cost shared between the property owners and Halifax Regional Municipality. The property owners share is recovered through the LIC process, and the rate is presented to Regional Council for their approval. The rate is determined on an annual basis and is subject to change. For the purpose of this survey an interim rate of \$35 per linear foot of property frontage is being used. This is an estimated amount, and will be adjusted accordingly if this street is to be paved in the future.

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. Billings may also be paid in full at any time if the abutter so desires. Interest shall accrue on charges outstanding from the first payment due date forward at a rate equal to the prime rate of the Municipality's financial institution plus two percentage points.

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 **April 19, 2013 to:**

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

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

If you require further clarification, please call Ms. Ann Reid at (902) 490-6849.

Respectfully,

Original Signed

David Hubley, P/Eng
Manager, Design & Construction Services

AR\pm

cc: Bill Karsten, Councillor District 3

AGREEMENT

Option # 1

I agree to pay the interim rate of \$35 per linear foot of property for the proposed paving of Braeside Avenue. I understand the \$35 per linear foot of property is an estimate and is subject to change.

Civic Address:

Date:

Print/Signature:

Option # 2

I am not in favour of the paving of Braeside Avenue.

Civic Address:

Date:

Print/Signature:

April 3, 2013

Dear Sir/Madam:

Re: Paving – Flandrum Court – Eastern Passage

In order to facilitate the development of a list of paving projects for future Capital Budget considerations, we have attached a survey for your review and feedback. The purpose of this survey is to ascertain if there is sufficient support from property owners regarding the proposed paving of Flandrum Court. If Flandrum Court is to be considered as a future paving project, Regional Council must approve it through the capital budget process.

The paving of gravel roads is subject to Local Improvement Charges (LIC) as stated in By-Law Number S-400, and pursuant to the Local Improvement Policy. Under this Bylaw the total construction costs for the paving of the gravel roads program are equally cost shared between the property owners and Halifax Regional Municipality. The property owners share is recovered through the LIC process, and the rate is presented to Regional Council for their approval. The rate is determined on an annual basis and is subject to change. For the purpose of this survey an interim rate of \$35 per linear foot of property frontage is being used. This is an estimated amount, and will be adjusted accordingly if this street is to be paved in the future.

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. Billings may also be paid in full at any time if the abutter so desires. Interest shall accrue on charges outstanding from the first payment due date forward at a rate equal to the prime rate of the Municipality's financial institution plus two percentage points.

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Respectfully,

Original Signed

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

AR\pm

cc: Bill Karsten, Councillor District 3

AGREEMENT

Option # 1

I agree to pay the interim rate of \$35 per linear foot of property for the proposed paving of Flandrum Court. I understand the \$35 per linear foot of property is an estimate and is subject to change.

Civic Address: _____

Date: _____

Print/Signature: _____

Option # 2

I am not in favour of the paving of Flandrum Court.

Civic Address: _____

Date: _____

Print/Signature: _____

April 3, 2013

Dear Sir/Madam:

Re: Paving – Flandrum Hill Road– Eastern Passage

In order to facilitate the development of a list of paving projects for future Capital Budget considerations, we have attached a survey for your review and feedback. The purpose of this survey is to ascertain if there is sufficient support from property owners regarding the proposed paving of Flandrum Hill Road. If Flandrum Hill Road is to be considered as a future paving project, Regional Council must approve it through the capital budget process.

The paving of gravel roads is subject to Local Improvement Charges (LIC) as stated in By-Law Number S-400, and pursuant to the Local Improvement Policy. Under this Bylaw the total construction costs for the paving of the gravel roads program are equally cost shared between the property owners and Halifax Regional Municipality. The property owners share is recovered through the LIC process, and the rate is presented to Regional Council for their approval. The rate is determined on an annual basis and is subject to change. For the purpose of this survey an interim rate of \$35 per linear foot of property frontage is being used. This is an estimated amount, and will be adjusted accordingly if this street is to be paved in the future.

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Respectfully,

Original Signed

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

AR\pm

cc: Bill Karsten, Councillor District 3

AGREEMENT

Option # 1

I agree to pay the interim rate of \$35 per linear foot of property for the proposed paving of Flandrum Hill Road. I understand the \$35 per linear foot of property is an estimate and is subject to change.

Civic Address: _____

Date: _____

Print/Signature: _____

Option # 2

I am not in favour of the paving of Flandrum Hill Road.

Civic Address: _____

Date: _____

Print/Signature: _____

April 3, 2013

Dear Sir/Madam:

Re: Paving – Patterson Road– Eastern Passage

In order to facilitate the development of a list of paving projects for future Capital Budget considerations, we have attached a survey for your review and feedback. The purpose of this survey is to ascertain if there is sufficient support from property owners regarding the proposed paving of Patterson Road. If Patterson Road is to be considered as a future paving project, Regional Council must approve it through the capital budget process.

The paving of gravel roads is subject to Local Improvement Charges (LIC) as stated in By-Law Number S-400, and pursuant to the Local Improvement Policy. Under this Bylaw the total construction costs for the paving of the gravel roads program are equally cost shared between the property owners and Halifax Regional Municipality. The property owners share is recovered through the LIC process, and the rate is presented to Regional Council for their approval. The rate is determined on an annual basis and is subject to change. For the purpose of this survey an interim rate of \$35 per linear foot of property frontage is being used. This is an estimated amount, and will be adjusted accordingly if this street is to be paved in the future.

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. Billings may also be paid in full at any time if the abutter so desires. Interest shall accrue on charges outstanding from the first payment due date forward at a rate equal to the prime rate of the Municipality's financial institution plus two percentage points.

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 **April 19, 2013** to:

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If you require further clarification, please call Ms. Ann Reid at (902) 490-6849.

Respectfully,

Original Signed

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

AR\pm

cc: Bill Karsten, Councillor District 3

AGREEMENT

Option # 1

I agree to pay the interim rate of \$35 per linear foot of property for the proposed paving of Patterson Road. I understand the \$35 per linear foot of property is an estimate and is subject to change.

Civic Address:

Date:

Print/Signature:

Option # 2

I am not in favour of the paving of Patterson Road.

Civic Address:

Date:

Print/Signature:



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

Item No. 11.1.9
Halifax Regional Council
December 10, 2013

TO: Mayor Savage 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

DATE: November 7, 2013

SUBJECT: Paving of Flandrum Hill Road, Flandrum Court, Braeside Avenue,
Belvedere Avenue and Patterson Road – Cow Bay

ORIGIN

This report originates from the following motion tabled at Halifax Regional Council on May 1, 2013:

“Motion passed that Regional Council requests staff prepare a report recommending whether or not to proceed with the paving of Flandrum Hill Drive, Flandrum Court, Braeside Avenue, Belvedere Avenue and, at the request of Councillor Hendsbee, Patterson Road and where the Local Improvement Charges will apply.”

LEGISLATIVE AUTHORITY

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

RECOMMENDATION

It is recommended that Halifax Regional Council approve in principle the gravel road paving of Flandrum Hill Road, Flandrum Court, Braeside Avenue, Belvedere Avenue and Patterson Road – Cow Bay pursuant to the approved Local Improvement Policy – 1997, and that the scheduling of paving of these streets be prioritized through the normal budget process.

BACKGROUND

Flandrum Hill Road, Flandrum Court, Braeside Avenue, Belvedere Avenue and Patterson Road are gravel roads located in Cow Bay. Each street has been surveyed for paving a number of times from 2003 to 2013. The most recent survey was initiated on April 3, 2013 and concluded the following:

- Flandrum Hill Road – property owners having a total of 52% of the recoverable frontage were not in favour of the paving;
- Flandrum Court – property owners having a total of 50% of the recoverable frontage were in favour of the paving;
- Braeside Avenue – property owners having a total of 79% of the recoverable frontage were not in favour of the paving;
- Belvedere Avenue – property owners having a total of 76% of the recoverable frontage were in favour of the paving; and,
- Patterson Road - property owners having a total of 79% of the recoverable frontage were not in favour of the paving.

Project Approval

The Local Improvement Policy – 1997 report states the following: “This report proposes two levels of project approval with respect to local improvements namely, Council and the affected property owners. This report recommends approval from property owners receiving the local improvement, who collectively own a minimum 50% of the total frontage, be required prior to the project going to tender. Council may initiate or proceed with a project without this approval, if Council determines it is required based on consideration of HRM’s best interests and the local improvement charges will still apply.”

DISCUSSION

Municipal Operations (MOPS) maintains all HRM owned gravel roads through the road grading program. Each year MOPS expends an average of \$13,200 per km (or roughly \$1.47 per sm (square meter)) for the routine maintenance of HRM owned gravel roads. Routine maintenance includes spring and fall grading, rolling, the addition of necessary aggregates and magnesium chloride application (for dust control) as well as sanding during winter operations (Note: This number does not include snow removal). During the summer season, response to service requests is on an as required basis.

MOPS has indicated three of the five roads noted above deteriorate at a greater rate than other locations, and the department has reported challenges with respect to maintaining them in a state of good repair due to a number of site related variables, funding levels and competing responsibilities. Flandrum Hill Road, Braeside Avenue, and Belvedere Avenue are categorized as high maintenance while Flandrum Court and Patterson Road are categorized as low. The criteria used to distinguish between high and low are based on existing roadbed conditions, traffic volumes, slope, ice and winter management, drainage problems, etc. The unit price of \$1.47 sm is an average cost, and at this time, specific costs are not available for each street identified above. It is believed though the streets categorized as high maintenance would have a higher unit cost.

HRM staff reviewed the cost to maintain these roads as gravel in contrast with the upfront capital cost to pave and maintain them as asphalt. As outlined above, the annual average maintenance costs for HRM owned gravel roads are in the order of \$1.47 sm. In contrast the initial total capital cost to pave these streets would be roughly \$38 sm. Pursuant to By-law S-400 and the LIC Policy, the cost to pave gravel roads is cost shared between the municipality and the property owners with each paying 50% of the total construction costs (or in this particular example \$19 sm, respectively). Assuming a 50 year life expectancy with multiple micro and thin overlay applications (once every 10 years) to maintain the surface distress index, the combined HRM portion of the capital and preventive maintenance costs would be approximately \$1.63 per sm per year. Therefore the unit cost to pave and maintain the roads as asphalt (\$1.67 sm per year) is only slightly higher than the cost to maintain them as gravel (\$1.47 sm per year).

It is noted HRM's pavement management system aids in prioritizing the paving capital program each year. The scheduling of long-term paving upgrades though is not known as it is based on future funding availability and overall priorities. At this time a commitment cannot be made to micro and overlay these streets every 10 years, thereby illustrating some uncertainty with respect to the unit prices provided above. Additionally, each gravel road has unique variables that can influence cost, and unit prices for maintenance and capital cost upgrades can vary from year-to-year. However the determination of the unit costs noted above is a realistic approach at this point in time.

As part of the review HRM staff also conducted a traffic survey of several sections of streets within the subdivision. Below is a summary of the ADT (Average Daily Traffic) counts:

- Flandrum Hill Road (between Braeside Avenue and Belvedere Avenue) – 101 vehicles per day
- Braeside Avenue – 399 vehicles per day
- Belvedere Avenue – 150 vehicles per day
- Patterson Road – 85 vehicles per day

Generally speaking the greater number of vehicles utilizing a road, the faster it will deteriorate. One particular study performed in the United States indicates researchers recommend from an economic viewpoint, that a jurisdiction should begin planning the investment to pave or upgrade a road when traffic volumes reach 100 vehicles per day, and conduct the upgrade before the growth reaches 200 vehicles per day. These numbers are guidelines but represent a useful tool when reviewing this particular parameter. It is noted traffic counts were not conducted on Flandrum Court, and it is believed the number would be significantly less than 100 vehicles per day. The property owners though have voted 50% in support of the paving which is the minimum requirement under the Local Improvement Charge (LIC) Policy to move forward with the improvement. Patterson Road also has less than 100 vehicles per day as noted above; however, staff believes the benefits of paving this street outweigh maintaining it as gravel. Benefits associated with the paving of gravel roads include: reduction in dust and noise, provides for a smoother and safer surface, improves the rideability for motorists and cyclists, decreases maintenance costs to vehicles, reduces icing problems, and promotes improved drainage. Of note, gravel road surfaces typically require greater winter maintenance attention than asphalt roads. Icing problems on gravel roads tend to be longer lasting and more problematic to manage than asphalt roads that have a smoother surface and an ability to absorb the sun's heat (thus aiding in the thawing process).

In summary, there is no national standard to support the decision to pave or maintain a gravel road. The decision is based on several factors some of which include relative costs, traffic counts, budgets and safety/design parameters. Staff did review the streets for possible safety issues, and have concluded there is no negative impact or increased safety concerns if upgraded to pavement. Overall HRM staff believes there are greater benefits to pave these roads rather than to maintain them as gravel for reasons outlined above.

If the recommendation is approved by Council, each street will be evaluated based on a set of criteria and prioritized against other roads being considered for future capital budget planning. Below is an estimated cost of paving each street:

Street Name	Length in meters	Estimated cost (assuming a 6.4 meter wide road at \$38 sm)
Belvedere Avenue	222	\$54,000
Braeside Avenue	205	\$50,000
Flandrum Court	120	\$29,000
Flandrum Hill Road	869	\$211,000
Patterson Road	250	\$61,000
Total		\$405,000

As previously mentioned, the cost to pave gravel roads is cost shared between the municipality and the property owners with each paying 50% of the total construction costs.

FINANCIAL IMPLICATIONS

There are no financial implications at this time. If Council approves the recommendation these roads will be prioritized based on a set of criteria and considered for future capital budgets.

COMMUNITY ENGAGEMENT

A meeting was held at Fisherman's Cove on April 3, 2013 for all interested residents within the affected subdivision to discuss the paving option. Information regarding paving of gravels roads, the HRM Local Improvement Policy, By-law S-400 and the surveying process were presented at the meeting.

ENVIRONMENTAL IMPLICATIONS

Implications not identified.

ALTERNATIVES

Council could choose to pave only the roads where the survey results were in favour of paving; however, staff does not recommend this for reasons identified in the report.

ATTACHMENT

Subdivision Map

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.

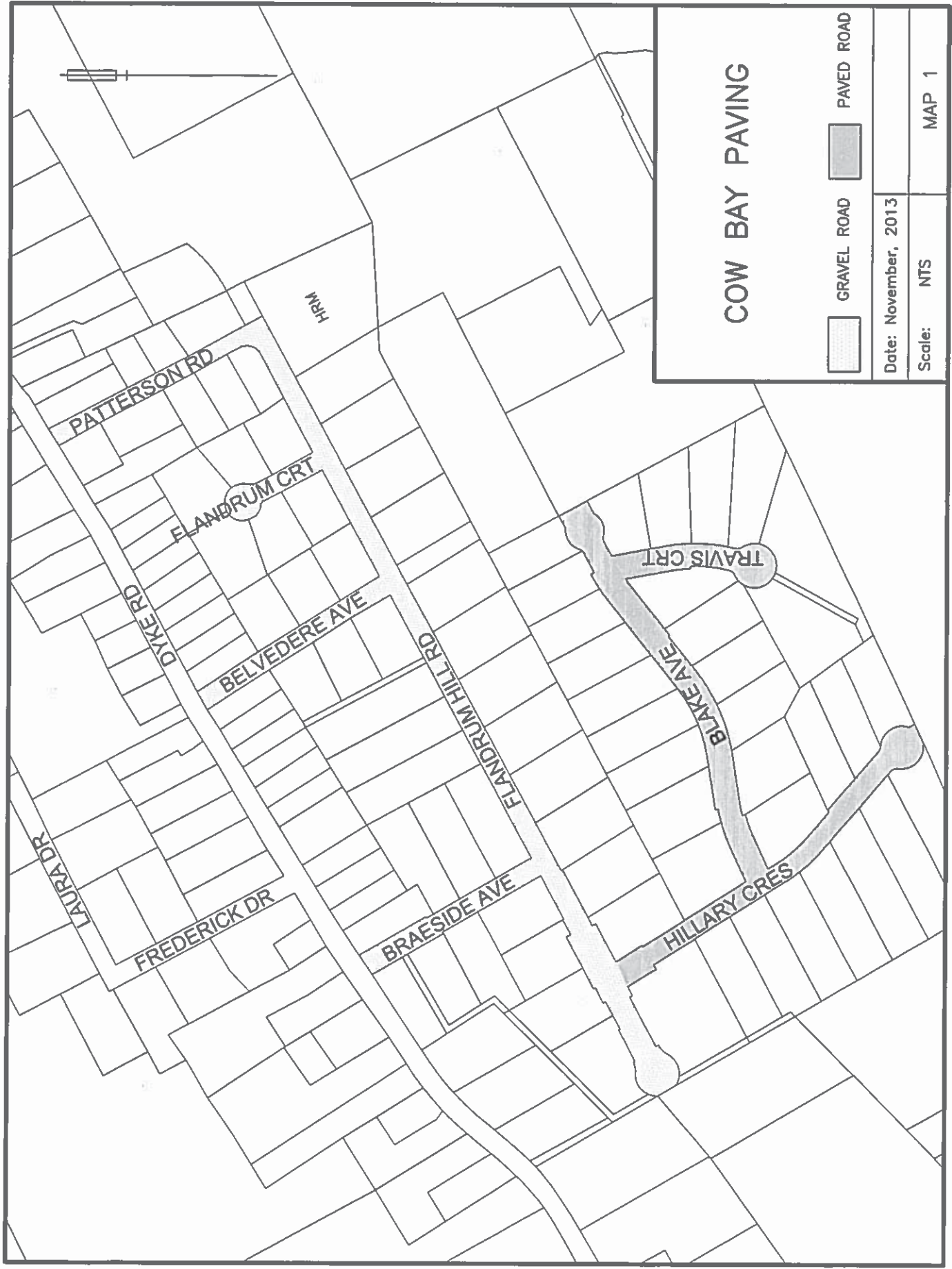
Report Prepared by: David Hubley, P.Eng., Manager, Design & Construction Services 490-4845

Report Approved by: Chris Mitchell, Manager, Municipal Operations at 490-4673

Report Approved by: David Hubley, P.Eng., A/ Director, Transportation and Public Works at 490-4855

DH/rch

Original Signed



COW BAY PAVING

-  GRAVEL ROAD
-  PAVED ROAD

Date: November, 2013

Scale: NTS

MAP 1

Following a further short discussion, the **MOTION WAS PUT AND PASSED UNANIMOUSLY.**

11.1.9 Paving of Flandrum Hill Road, Flandrum Court, Braeside Avenue, Belvedere Avenue and Patterson Road – Cow Bay

A staff recommendation report dated November 7, 2013 was before Council.

MOVED by Councillor Karsten, seconded by Councillor Hendsbee that Halifax Regional Council approve in principle the gravel road paving of Flandrum Hill Road, Flandrum Court, Braeside Avenue, Belvedere Avenue and Patterson Road – Cow Bay pursuant to the approved Local Improvement Policy – 1997, and that the scheduling of paving of these streets be prioritized through the normal budget process. MOTION PUT AND PASSED UNANIMOUSLY.

11.1.10 Halifax Explosion 100th Anniversary

A staff recommendation report dated November 18, 2013 was before Council.

MOVED by Councillor Watts, seconded by Deputy Mayor Fisher that Halifax Regional Council convene an ad hoc advisory committee to provide input into the development and implementation of a municipal Halifax Explosion 100th Anniversary Commemoration Plan 2017 with the Committee's terms of reference and appointment of members approved by the HRM Community Planning & Economic Development Standing Committee.

Councillor Watts noted that she has received a number of e-mails from persons interested in serving on the ad hoc Committee. The Councillor advised the intent is to first develop the ad hoc body and the event which will in turn guide the development of a Commemorative Policy for HRM.

MOTION PUT AND PASSED UNANIMOUSLY.

11.1.11 First Reading, Proposed By-law S-801 – Temporary Sign By-law Amendments - Motion – Deputy Mayor Fisher – Give First Reading of By-law S-801 and set a date for a public hearing

A staff recommendation report dated December 2, 2013 was before Council. A motion memo for consideration was also before Council.

MOVED by Deputy Mayor Fisher, seconded by Councillor Adams that Halifax Regional Council:

- 1. Move First Reading to consider the adoption of the proposed By-law S-801 Temporary Sign By-law as outlined in Attachment A of the staff report**