

# HALIFAX

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

**Item No. 11.1.6**  
**Halifax Regional Council**  
**September 22, 2015**  
**November 10, 2015**

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

**SUBMITTED BY:** Original signed by   
Richard Butts, Chief Administrative Officer  
Original Signed  
Jane Fraser, Acting Deputy Chief Administrative Officer

**DATE:** July 16, 2015

**SUBJECT:** Proposed By-Law S-441, an Amendment to By-Law S-400 Respecting  
Charges for Street Improvement, New Paving Projects outside the Core  
Area – 2014

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## ORIGIN

A by-law is required in order to recover local improvement charges for the Municipality's portion of costs for paving of provincially owned and maintained gravel roads outside the core area under the Aid-to-Municipality Construction Agreement 2012-2012.

## LEGISLATIVE AUTHORITY

Clause 73(a) of the *Halifax Regional Municipality Charter* allows the Municipality to "enter into and carry out agreements....(a) for highway construction, improvement and maintenance and other purposes pursuant to the *Public Highways Act*;"

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....".

*Public Highways Act*, R.S., c.371,

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

## RECOMMENDATION

It is recommended that Halifax Regional Council,

1. Approve the 2014 Local Improvement Charges as outlined on the attached By-Law S-441; and
2. Adopt By-Law S-441, amending By-Law S-400, the Street Improvement By-law, as set out in Attachment 1.

## **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 a three-year agreement between NSTIR and other Nova Scotia municipalities (including HRM) to upgrade provincially owned and maintained gravel roads to asphalt or chipseal. Under this program the Province is responsible to design, tender and provide contract administration and inspection during construction while HRM's role is to identify the streets to be paved, and to facilitate the Local Improvement Charge (LIC) process pursuant to By-law S-400. 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 an LIC to the abutting properties on the relevant streets. As a note the 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 apply for gravel road paving as per By-Law S-400 and the HRM Local Improvement Policy 1997. 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 Charge. The roads submitted to NSTIR for the 2014 Aid-to-Municipality Program included Crown Crescent and Village Street, District 13, and were approved by Regional Council in the 2014/15 Capital Budget under Project No. CXU00585 - New Paving of Subdivision Streets outside the Core Area.

Based on the final construction costs provided by NSTIR (refer to Financial Implications section), staff has determined the LIC for the 2014 Aid-to-Municipality Program as outlined in attached Schedule V and By-Law S-441 of this report. The proposed By-Law S-441, Respecting Charges for Street Improvements, is an amendment to By-Law S-400, the *Street Improvement By-law*, and will enable HRM to charge an LIC for the paving 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 by-law unless specifically directed by Council.

## **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 funds 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 at the end of December 2015 for the invoice paid on April 28, 2015 was \$611.90, and will therefore increase the cost per foot by \$0.14 for a total LIC of \$25.27 (refer to Attachment A-2).

The paving program for the provincially owned streets was approved in the 2014/15 Capital Budget under Project No. CXU00585. The estimated LIC portion identified in the 2014/15 Capital Budget was \$105,000. The actual total project construction costs were \$219,720.68; therefore, HRM's share of the total project cost is \$109,860.34 (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	\$ 109,860.34
50% Recoverable from LIC	<u>\$ 109,860.34</u>
Total Project Cost	\$ 219,720.68

**COMMUNITY ENGAGEMENT**

A community meeting was held on October 23, 2013 at the Tantallon Public Library to discuss the Aid-to-Municipality Program to residents on Crown Crescent, Longview Crescent, Murray Drive and Village Street. At that meeting staff outlined the Local Improvement Charge process for the paving of these streets, and subsequently surveyed the property owners. Of the four streets surveyed two streets (Crown Crescent and Village Streets) were in favour of the paving upgrade. Residents on all streets surveyed were then notified in writing of the results (refer to attached letters).

**ENVIRONMENTAL IMPLICATIONS**

Not Applicable

**ALTERNATIVES**

Council may choose not to adopt the new charges for the paving completed in 2014 Aid-to-Municipality Program; however, staff does not recommend this alternative as this paving program has been completed, and has a net zero balance to HRM.

**ATTACHMENTS**

- Attachment 1 - By-Law S-441
- Attachment 2 - LIC Calculation for By-Law S-441
- Attachment 3 - Map No. 1
- Attachment 4 - Letters to Property Owners

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 902 490-6849

Report Approved by: \_\_\_\_\_  
David Huble, P.Eng. Manager, Project Planning and Design Services at 902 490-4845

Legal Approval: \_\_\_\_\_  
John Traves, Q.C., Director, Legal, Insurance & Risk Management Services 902 490-4219

Finance Approval : \_\_\_\_\_  
Amanda Whitehead, Director of Finance and ICT/CFO 902 490-4493

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

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Original Signed

**HALIFAX REGIONAL MUNICIPALITY**

**BY-LAW NUMBER S-441**

**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 (21) and before section 3:

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

2. The By-law is amended by adding the following schedule after Schedule "U" and before Plan #1:

**SCHEDULE "V"**

The Local Improvement Charge ("LIC") for properties fronting or abutting in whole or in part on the streets identified on "Map No. 1" dated May 2015 hereto, shall be \$25.13 per foot plus the bridge financing of \$0.14 per foot for a total cost of \$25.27 per foot for asphalt paving .

The Local Improvement Charge 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 \_\_\_ day of \_\_\_\_\_, 2015

\_\_\_\_\_  
MAYOR

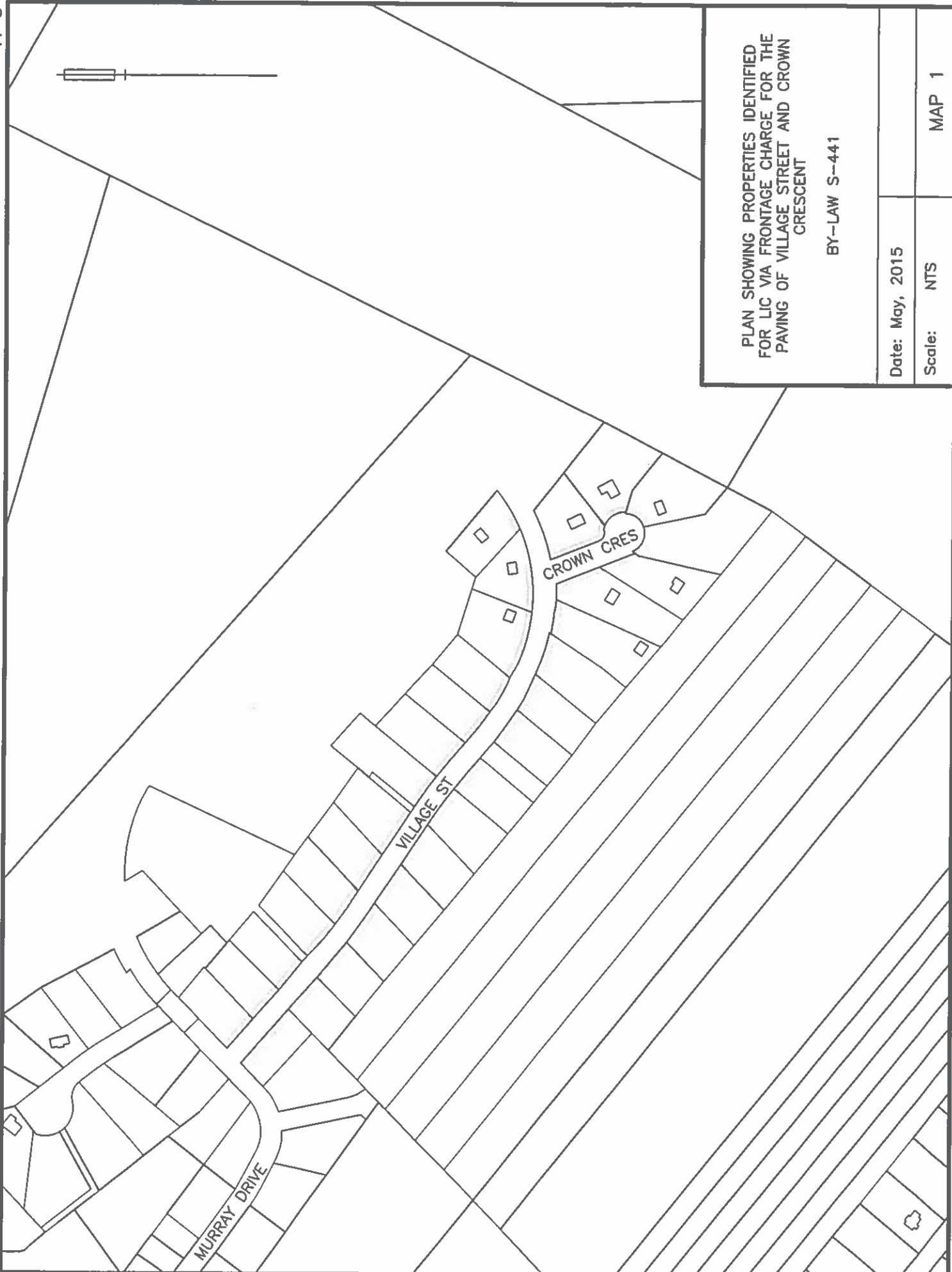
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MUNICIPAL CLERK

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 \_\_\_\_\_, 2015

\_\_\_\_\_  
Cathy Mellett  
Municipal Clerk

## LIC's Calculations for the 2014 Aid to Municipalities Cost Sharing Paving

	Frontage	Total Cost of Paving	50% Cost - LIC recovery
<b>Street Name</b>			
Village Street	3666	\$ 175,586.29	\$ 87,793.15
Crown Crescent	705.9	\$ 35,104.20	\$ 17,552.10
<b>Total</b>	<b>4371.9</b>	<b>\$ 210,690.49</b>	
50% Recovery Amount			\$ 105,345.25
Net HST			\$ 4,515.10
Total LIC Recovery			\$ 109,860.34
<b>Cost per foot</b>			\$ 25.13
Bridge Finance			\$ 611.90
Bridge Finance cost per foot			\$ 0.14
<b>Cost per foot plus Bridge Finance</b>			\$ 25.27



PLAN SHOWING PROPERTIES IDENTIFIED  
FOR LIC VIA FRONTAGE CHARGE FOR THE  
PAVING OF VILLAGE STREET AND CROWN  
CRESCENT

BY-LAW S-441

Date: May, 2015

Scale: NTS

MAP 1



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

04 June 2014

Dear Sir/Madam:

**Paving Upgrade of Crown Crescent & Village Street - Tantallon**

Halifax Regional Municipality (HRM) received a letter from the Minister of Transportation and Infrastructure Renewal (NSTIR) on May 21, 2014, confirming that all the streets submitted by HRM for paving in the 2014 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.

Crown Crescent & Village Street have been successfully surveyed at the estimated frontage rate of \$35.00 per foot. The actual rate will be set once HRM receives the final invoice from NSTIR in 2015. HRM has been advised the paving will be completed during the 2014 construction season.

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

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

CC: Matt Whitman, Councillor District 13

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January 15, 2014

Dear Sir or Madam:

**Re: Survey Results – Crown Crescent and Village Street - Tantallon**

This is to inform you of the results of the survey that closed on **November 15, 2013**, regarding the paving of the above-noted streets. These streets are owned and maintained by Nova Scotia Department of Transportation Infrastructure Renewal (NSTIR).

Under the HRM Local Improvement Policy, By-Law Number S-400, and subject to budget considerations, street paving may be implemented provided there has been a successful survey of the property owners showing that 50% of the total recoverable frontage of the surveys returned is in favor of the project. Crown Crescent and Village Street have been successfully surveyed for paving and have been sent to NSTIR for consideration for paving under the 2014 Aid to Municipality Program.

When HRM is notified as to what streets have been approved for the 2014 paving program, the property owners will be notified in writing as to the status of the paving of Crown Crescent and Village Street. 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 me at 490-6849 or e-mail: [reida@halifax.ca](mailto:reida@halifax.ca).

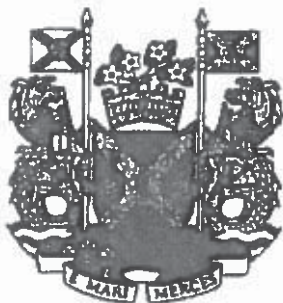
Yours very truly,

Original Signed

Ann Reid  
LIC Technician

AR/rch.

cc Matt Whitman, Councillor District 13



Councillor  
Matt Whitman  
District 13

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

Cell: (902) 240-3330

City Hall:  
Phone: (902) 490-4050  
Fax: (902) 490-4122

**Invitation to attend a meeting about the paving or chip sealing of the  
gravel roads as listed below**

Crown Crescent, Longview Crescent, Murray Drive and Village Drive –  
Tantallon

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 or chip sealing. We will review the actual process and answer all your questions. After this meeting, HRM will present survey ballots to residents in attendance and will mail out ballots to anyone not present, this meeting will be as noted below.

Regards,

Original Signed

Matt Whitman  
HRM Councillor  
District 13 Hammonds Plains- St. Margarets

**Date: Wednesday, October 23, 2013**  
**Time: 6:30 to 8:30 PM**  
**Location: Tantallon Public Library**  
**3646 Hammonds Plains Road**  
**(Hubley Centre)**  
**Upper Tantallon, NS**

October 23, 2013

Dear Sir/Madam:

**Re: Paving – Crown Crescent - Tantallon**

In order to facilitate the process used to determine which streets are to be included in future Cost Sharing Programs for consideration by the Nova Scotia Department of Transportation Infrastructure and Renewal (NSTIR) and HRM Council, we are attaching a survey for your review.

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 Crown Crescent which is a provincially owned and maintained road. If NSTIR and HRM Council approve this project, paving will be subject to Local Improvement Charges as stated in By-Law Number S-400. Under this bylaw the property owners are responsible for paying 50% of the total construction costs and the province pays for the remaining 50% of costs. The Local Improvement Charges will be based on 50% of the actual cost invoiced by NSTIR in the year the project is tendered and constructed. Therefore, the frontage charge will vary from year to year. HRM is currently using the estimated rate of \$35 per foot for paving and the estimated rate of \$25 per foot for chip sealing.

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, 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.

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 **November 15, 2013**.

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

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

Yours very truly,

Original Signed

~~Bruce Corbome, P.Eng.,~~  
A\Manager Design and Construction Services

AR/rch.

cc: Councillor Matt Whitman, District 13

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## AGREEMENT

### Option # 1

I agree to pay the interim rate of \$35.00 per linear foot frontage of my property for paving on Crown Crescent .

Name \_\_\_\_\_

Signature \_\_\_\_\_

Lot # \_\_\_\_\_ Street Address: \_\_\_\_\_

### Option # 2

I agree to pay the interim rate of \$25.00 per linear foot frontage of my property for chip sealing on Crown Crescent .

Name \_\_\_\_\_

Signature \_\_\_\_\_

Lot # \_\_\_\_\_ Street Address: \_\_\_\_\_

### Option # 3

I am not in favour of the paving or chip sealing of Crown Crescent.

Name \_\_\_\_\_

Signature \_\_\_\_\_

Lot # \_\_\_\_\_ Street Address: \_\_\_\_\_

October 23, 2013

Dear Sir/Madam:

**Re: Paving – Village Street - Tantallon**

In order to facilitate the process used to determine which streets are to be included in future Cost Sharing Programs for consideration by the Nova Scotia Department of Transportation Infrastructure and Renewal (NSTIR) and HRM Council, we are attaching a survey for your review.

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 Village Street which is a provincially owned and maintained road. If NSTIR and HRM Council approve this project, paving will be subject to Local Improvement Charges as stated in By-Law Number S-400. Under this bylaw the property owners are responsible for paying 50% of the total construction costs and the province pays for the remaining 50% of costs. The Local Improvement Charges will be based on 50% of the actual cost invoiced by NSTIR in the year the project is tendered and constructed. Therefore, the frontage charge will vary from year to year. HRM is currently using the estimated rate of \$35 per foot for paving and the estimated rate of \$25 per foot for chip sealing.

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Mail: Ann Reid, LIC Technician  
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Halifax, NS B3J 3A5

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21 Mount Hope Ave.  
Dartmouth, NS  
Fax: (902) 490-4858  
Email: [reida@halifax.ca](mailto:reida@halifax.ca)

Yours very truly,

Original Signed

  
Bruce Colborne, P.Eng.,  
A Manager Design and Construction Services

AR/rch.

cc: Councillor Matt Whitman, District 13

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## **AGREEMENT**

### **Option # 1**

I agree to pay the interim rate of \$35.00 per linear foot frontage of my property for paving on Village Street .

Name \_\_\_\_\_

Signature \_\_\_\_\_

Lot # \_\_\_\_\_ Street Address: \_\_\_\_\_

### **Option # 2**

I agree to pay the interim rate of \$25.00 per linear foot frontage of my property for chip sealing on Village Street .

Name \_\_\_\_\_

Signature \_\_\_\_\_

Lot # \_\_\_\_\_ Street Address: \_\_\_\_\_

### **Option # 3**

I am not in favour of the paving or chip sealing of Village Street.

Name \_\_\_\_\_

Signature \_\_\_\_\_

Lot # \_\_\_\_\_ Street Address: \_\_\_\_\_