

# Town of Riverview

## COUNCIL REPORT FORM



Presented to: Mayor & Council

Department: Corporate Services

Date: January 22, 2018

Subject: 2018 Local Improvement Projects

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Staff has begun work on the 2018 Local Improvement projects. Local Improvements will be completed this year on

- Balmoral Street
- Bloor Street
- Byron Court
- Ealey Crescent
- Leonard Street Loop

Following is a brief outline of changes to the Act, the timeline for the projects and answers to some of the questions you may receive from property owners.

The enactment of the new Local Governance Act brought changes to the requirements for local improvement projects. Some of the more notable changes are:

- 1) Council can now consider “any” capital work project as a local improvement, providing that the local improvement is of greater benefit to an area within the local government rather than to the local government as a whole.
- 2) A notice **must** be sent to all affected property owners and shall include a summary of the local improvement, the costs specified in the by-law, and a statement giving the owner 30 days after receiving the notice to file a written objection. Although we have routinely sent notices to homeowners, the previous Act did not require us to.
- 3) There is **no longer a requirement** to publicly announce the notice in the paper or on our website. However, I would suggest that we do publish the notice on our website for the sake of transparency.
- 4) There is **no longer any requirement** for two-thirds of the property owners having to object in a written petition. If the Town receives any written objection, a Public Hearing **must** be held. If no objections are received by the deadline date, the Public Hearing can be cancelled.
- 5) The by-law **must now include** the total cost of the improvement, how that cost was determined and the total cost of the local improvement that will be apportioned to each property. The components of the total cost and the method of allocation were previously specified in the act.
- 6) Once the Public Hearing is held (if it’s necessary) Council can move ahead with passing the by-law. There is **no longer a requirement** for a unanimous vote of Council should the owners

object. The by-law now **only requires two-thirds** of Council to vote in favour of it in order for it to pass.

Council should also note that the requirement to have Council pass a resolution for a Notice of Intention is also being removed. This procedure is not required anywhere in the legislation and merely adds additional days to an already extensive timeline. Council will however continue to be informed of the beginning of the Local Improvement process in January of every year through a similar notification such as this.

### **Timeline for 2018 Local Improvement Projects**

In 2018 the Town of Riverview is proposing to complete local improvement projects on the aforementioned five streets. Providing all by-laws get passed by Council and there aren't any unforeseen delays, the following timeline will be used:

<b>January 23/18</b>	Send "Notice of Proposed Local Improvement" to all property owners affected by the project. Publish a public notice on our website.
<b>February 12/18</b>	Present updated policy to Council for approval. The policy will be updated to incorporate the changes in the new Act.
<b>February 13/18</b>	Open House to relay detailed information on each street to affected property owners.
<b>March 2/18</b>	Deadline for written objections from property owners.
<b>March 12/18</b>	Public Hearing for all streets and 1 <sup>st</sup> reading of all by-laws.
<b>April 9/18</b>	2 <sup>nd</sup> and 3 <sup>rd</sup> reading and enactment of all by-laws.

The "Notice of Proposed Local Improvement" will include a summary of the local improvement, the costs specified in the by-law and a statement that the owner may file a written objection within 30 days.

In addition to the above timeline, the Engineering Department will be sending letters to homeowners updating them on construction schedules, including any interruption to the water supply as the system is switched over to a temporary water distribution system and the eventual restriction of driveway access when the new curb and gutter is installed and driveway restoration is conducted.

The temporary water system will meet all provincial guidelines and become part of the Town's water distribution system.

### **Questions & Answers**

As councillors you will likely receive questions from the property owners concerning the history of local improvements and what gives us the right to charge it, etc. Here is a Q&A for general questions property

owners may have. If they would like further details concerning the by-law and charges or the construction process, please refer them to myself at 387-2136 or Michel Ouellet at 387-2220.

**Q: What is a local improvement?**

A: Local improvements are construction projects that Council considers to be of greater benefit to a particular local street. The extra revenue received from the LI rate allows the Town to address more streets per year as Council works to reduce the remaining backlog of open ditch streets in the Town.

The full costs for these improvements are not charged to the property owners, approximately only 14% of the full cost of construction is charged to the property owners benefitting from the improvements.

**Q: Why do I have to pay this? Shouldn't my property taxes cover this?**

A: The majority of Local Improvement Capital Projects are funded through property taxes. The local improvement levy represents only a very small portion of the overall cost of the project. The abutting property owners receive the benefit of these improvements through enhanced aesthetics, property values and safety. Because of the significant number of these streets that are eligible for a local improvement, the Town can address them in a more timely fashion through this cost sharing arrangement. Charging the local improvement levy to property owners will ensure the Town is consistent in how it has treated property owners with previous local improvement projects.

**Q: What gives the Town the right to charge for local improvement on my street?**

A: The New Brunswick *Municipalities Act*, under Sections 117-148.1 allows municipalities to undertake the provision of sewerage; sidewalks; roads and streets; or water as a local improvement and recover the cost from the owners of the abutting properties. This approach has been used successfully in recent years to reconstruct and upgrade many streets in the town, including:

Street Name	Year	Street Name	Year
Deerwood Court	1990	Muncey Drive	1991
Laurentide Drive	1992	Manchester Crescent	1992
Roseberry Street	1996	Traynor Street	1996
Strathmore Avenue	1997	Wedgewood Avenue	1997
Waterfall Drive	2003	Union Street	2003
Athabaska Avenue	2003	Randall Drive	2005
Irwin Drive	2006	Lindsay Street	2006
Todd Street	2006	Florence Street	2007
Westminister Avenue	2009	Page Street	2009
Whitepine Road	2012	Suffolk Street	2013
Trites Road	2014	Beverly Crescent	2016
Woolridge Street	2016	Hawthorne Drive	2016

Street Name	Year	Street Name	Year
Ashburn Avenue	2017	Fatima Drive	2017
Hawkes Street	2017	Olive Street	2017
Prescott Drive	2017	Wentworth Drive (Sussex to Traynor	2017

**Q: What share of the total cost of the work are property owners being asked to cover?**

A: The local improvement revenue collected from property owners represents approximately 14% of the total project cost. The remaining costs are paid for by the Town.

**Q: Why is the Local Improvement program in place?**

A: In the early 1980s the Town of Riverview recognized that a number of streets needed to be upgraded with curb and gutters, sidewalks and storm sewers. With so many streets in need of work, property owners would petition the Town to have their street upgraded. In order to facilitate these upgrades the Town followed the appropriate legislation which gave it permission to charge property owners a portion of the cost of these upgrades. Through the local improvement process, the Town and property owners cooperate to support efforts that improve neighbourhood assets. The process has evolved to eliminate the need for property owners to petition and the Town now follows a street management plan. Property owners, however, can still voice their objection to a project through a written submission to the Town within a specified deadline.

**Q: How can I voice my opposition to this work?**

A: Upon receiving a "*Notice of Proposed Local Improvement*" from the Town, any property owner who does not agree with the local improvement should forward their written objections to the Town within the time period outlined in the notice. Council will hear these objections at a public hearing, date and time also outlined in the notice.

**Q: During the construction period, if property owners have concerns, how can I address them?**

A: The best way to address a property owner's concerns is to refer them to staff. Remind them that they should use the contact number provided to them by the Engineering Department.

Annette Crummey  
Director of Corporate Services/Town Clerk

### Report Approval Details

Document Title:	2018 Local Improvements.docx
Attachments:	
Final Approval Date:	Jan 17, 2018

This report and all of its attachments were approved and signed as outlined below:

**Colin Smith - Jan 17, 2018 - 3:55 PM**