

File #: 4025-01 CSW

ADMINISTRATIVE REPORT

TO:	Development Services Committee
FROM:	Administration
DATE:	May 27, 2019
RE:	Public Hearing Report – Cook Street Reconstruction LIC

ISSUE

Report on the Public Hearing and the results of responses received regarding the Local Improvement Charge (LIC) Bylaw 2019-09 proposed for Cook Street West Reconstruction (Fourth Avenue to Escarpment)

REFERENCE

<i>Municipal Act</i>	Bylaw 2019-09
Whitehorse Sustainability Plan	Schedule A – Local Improvement Charges
Local Improvement Charge Policy	Sketch of Concept Design

HISTORY

Cook Street (west of Fourth Avenue) is identified as one of 12 areas in the downtown as requiring full road and utility reconstruction. The Engineering Services Department initiated the process by gauging preliminary support in summer 2018 with a public meeting and a survey circulated to collect feedback from property owners and residents. There was support expressed, and no strong opposition was given to advancing the local improvement project.

The Public Hearing for the Cook Street West Reconstruction LIC took place at the May 6th Regular Council Meeting. Two property owners spoke to Council regarding Bylaw 2019-09 Cook Street Reconstruction Local Improvement Project.

One person who spoke at the hearing had questions about the costs of the internal plumbing work for individual properties. The second presenter expressed concerns about groundwater, costs to the property owners, and time to make their decision.

Local Improvement Charges Notices

Local improvement charges are a funding mechanism used by municipalities to collect revenue to help pay for improvements in part or all of the municipality. The City regularly uses this system to levy charges for improvements that primarily benefit adjacent property owners. If the LIC Bylaw is approved by Council, subject property owners are required to only pay a portion of the surface works, with the remaining of the surface expenses and all of the subsurface works paid by City reserves or external funding.

On March 25th Council gave first reading to a local improvement charges (LIC) bylaw with respect to the reconstruction of Cook Street West (4th Avenue to the escarpment). Following a minor correction, first reading to the revised bylaw was given on April 8th.

In accordance with the *Municipal Act*, following first reading of a LIC bylaw, notice is sent out to all benefitting property owners advising that the local improvement charges process

has started and providing information on all the details associated with the bylaw, including the deadline for filing an objection and the date scheduled for a public hearing on the issue.

Following the April 8th first reading, Administration mailed notices of the Cook Street West LIC Bylaw, along with response forms, to the 41 benefitting property owners. The deadline for returning these forms was May 21, 2019 at 4:30pm. The results of the responses received are:

- Responses stating objection to the project: 3 (7% of benefitting property owners)
- Responses stating approval for the project: 12
- Response forms not returned: 26

ALTERNATIVES

1. Approve the Cook Street West Local Improvement Charges Bylaw 2019-09
2. Do not approve the Local Improvement Charges Bylaw 2019-09

ANALYSIS

A property owner raised concern about the cost and variability of internal plumbing work amongst individual properties. The extent of work can vary significantly depending on the location, orientation, and complexity of the internal plumbing. Administration has followed up with the delegate directly and provided this clarification.

The second presenter expressed concerns about groundwater in the area, costs to the property owners, and asked for more time to make the decision. Groundwater is frequently encountered in downtown reconstruction projects and is dealt with appropriately. With regards to costs, LICs are allocated to residents per the LIC Policy, as has been consistently applied to other projects. In regards to the concern about time provided for responses to be returned, the *Act* specifies the period for responses, which was adhered to.

Local Improvement Charge Responses

Section 269(2) of the *Municipal Act* states that “a written objection to the local improvement may only be filed with the municipality within 30 days of the notice being sent...”. That wording places the onus on objecting property owners to make their views known to the City.

Section 269(3) of the *Act* states that “If the majority of the benefitting property owners object to a local improvement, the council cannot proceed with the local improvement and no further proposals for the same local improvement can be made for a period of one year.” With only three written responses (7%) stating objection from benefitting property owners on Cook Street West, Council may proceed with the Bylaw.

Funding for the Project

The Engineer’s estimate to complete this project is \$7,400,000 of which \$632,409.49 is contributed through this local improvement charge applied to the properties fronting Cook Street between Fourth Avenue and the escarpment. Funding is in place for the design, and approval would be sought from the Federal Building Canada Fund/Investing in Canada Infrastructure Plan for the bulk of the cost of reconstruction, with the balance

coming from City reserves. The earliest potential date for construction is spring 2020. The earliest the LIC would be charged is 2021.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct Bylaw 2019-09, a bylaw to provide for a local improvement charge with respect to the Cook Street West reconstruction project (Fourth to Escarpment), be brought forward for second and third reading under the bylaw process.