



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

Item No. Info Item 2
Halifax and West Community Council
February 18, 2020

TO: Chair and Members of Halifax and West Community Council

Original Signed

SUBMITTED BY:

John W. Traves, Q.C., Director, Legal, Municipal Clerk & External Affairs

Original Signed

Jacques Dubé, Chief Administrative Officer

DATE: January 28, 2020

SUBJECT: Clayton Park Business Improvement District Formation

INFORMATION REPORT

ORIGIN

Letter dated November 5, 2019 advising that the Steering Committee formed pursuant to By-Law B-700, the *Business Improvement District By-Law*, had expressed its desire to form a Business Improvement District in Clayton Park.¹

On December 11, 2019 Halifax and West Community Council passed the following motion:

THAT Halifax and West Community Council:

- 1) Approve, for the purposes of conducting an area rate vote and public meeting pursuant to By-law B-700, the proposed Clayton Park Business Improvement District area rate, minimum levy, and maximum levy; and
- 2) Approve, for the purposes of conducting an area rate vote and public meeting pursuant to By-law B-700, the proposed Clayton Park Business Improvement District boundaries,

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter, S.N.S. 2008. c. 39, section 70, Area Improvement and Promotion.

By-law B-700, the Business Improvement District By-Law (By-law B-700).

¹ See [Item No. 13.1.3 Halifax and West Community Council December 11, 2019](#) (Attachment A) for a copy of the letter submitted to the CAO by the Clayton Park BID Steering Committee.

Administrative Order Number 47, Business Improvement District Administrative Order

BACKGROUND

By-law B-700, Respecting the Regulation of Business Improvement Districts

By-law B-700 governs the formation of Business Improvement Districts within HRM.² It stipulates that a BID formation must be: (1) initiated by a Steering Committee; (2) communicated to commercial property owners and business owners within the district's proposed boundary area; (3) approved, for the purposes of a BID formation vote, by one or more Community Councils; (4) voted in favour of by a majority of commercial property owners and business owners within the proposed BID boundary area; and (5) approved by Regional Council.

A Steering Committee for the proposed Clayton Park BID defined a geographic boundary for the business district. The proposed boundaries included commercial properties within the area bounded by Parkland Drive, Lacewood Drive, Bayview Road, Bedford Highway, Kearney Lake Road and Dunbrack Street. Halifax staff Assessment Account Numbers (AANs), Parcel Identification Numbers (PIDs) and addresses and descriptions of commercial properties within the proposed boundary area.³ The proponents generated a list of commercial tenants currently occupying commercial properties located within the proposed business district boundary.⁴

On December 11, 2019, Halifax and West Community Council reviewed the proposed boundary, area rate, minimum and maximum levy, and budget and activity plan. Halifax and West Community Council approved them for the purposes of conducting an area rate vote and public meeting.⁵

DISCUSSION

HRM Public Meeting

Pursuant to By-law B-700, HRM staff placed a notice in the City Voice on December 31, 2019, seven (7) calendar days prior to the date the Clayton Park BID formation public meeting was to be held.⁶ HRM Staff hosted a public meeting on January 15, 2020, from 6:30 - 8:00 p.m. at the Canada Games Centre, 26 Thomas Raddall Drive. The Clayton Park BID formation public meeting was attended by a mix of commercial property owners and commercial tenants (33 attendees including 2 HRM staff). Renee Fields (lead volunteer for the Clayton Park BID steering committee) was given the opportunity to speak during the question-and-answer portion section of the public meeting.

Area Rate Vote (11 in favour | 58 not in favour | 2 spoilt)

HRM staff placed notices in the City Voice on December 31, 2019 and in the Halifax Herald on January 10, 2020, more than the required fourteen (14) calendar days prior to January 24th, 2020, the return date specified on the area rate levy.⁷ Staff mailed area rate ballot packages to all commercial tenants⁸ and

² See [By-law B-700](#).

³ See [Item No. 13.1.3 Halifax and West Community Council December 11, 2019](#) (Attachment F) for a list of commercial property owners in the proposed Clayton Park BID catchment/boundary area.

⁴ See [Item No. 13.1.3 Halifax and West Community Council December 11, 2019](#) (Attachment E) for a list of commercial tenants in the proposed Clayton Park BID catchment/boundary area.

⁵ See [Item No. 13.1.3 Halifax and West Community Council December 11, 2019](#) and [Halifax and West Community Council \(Minutes\)](#).

⁶ See Attachment 1 for a reproduction of the BID plebiscite/public meeting notice.

⁷ See Attachment 1 for a reproduction of the BID plebiscite/public meeting notice.

⁸ See Attachment 2 for a sample commercial tenant BID plebiscite ballot package.

commercial property owners⁹ in the proposed expanded Business Improvement District. A total of 240 ballots were sent out (67 commercial property owners and 173 commercial tenants).¹⁰

Of the 240 ballots sent, 74 ballots were returned, representing an overall response rate of 30.8%. A majority of the ballots returned were marked against establishing an area rate levy within the proposed Clayton Park BID boundary area. Of the 69 eligible votes cast, 11 voters (15.9%) supported the levy and 58 voters (84.1%) did not support the levy.¹¹ Two ballots were spoilt. Three ballots were deemed ineligible.¹² Of those ballots returned to the Municipality, 41.9% were emailed back and 58.1% were mailed back.

The voting breakdown was as follows:

Table 1: Clayton Park BID Plebiscite | Returned Ballots *

	Commercial Tenants	Commercial Property Owners	Totals (Tenants + Owners)
<i>Ballots returned</i>	53 (71.6%)	21 (28.4%)	74 (100.0%)
<i>Ballots in favour of levy</i>	9 (12.2%)	2 (2.7%)	11 (14.9%)
<i>Ballots not in favour of levy</i>	41 (55.4%)	17 (23.0%)	58 (78.4%)
<i>Spoilt ballots</i>	2 (2.7%)	0 (0.0%)	2 (2.7%)
<i>Ineligible ballots</i>	1 (1.4%)	2 (2.7%)	3 (4.1%)

* Table percentages are based on the total number of returned area rate levy ballots (inclusive of spoilt and ineligible ballots).

Pursuant to By-law B-700, the Chief Administrative Officer has declared the proposed Clayton Park BID area rate levy defeated. No further action is required on the part of either Halifax and West Community Council or Regional Council.

FINANCIAL IMPLICATIONS

There are no financial implications.

COMMUNITY ENGAGEMENT

To satisfy By-law B-700's consultation requirements, the proponents consulted with stakeholders in the proposed BID boundary area and held an information session on December 4th, 2019. Individual commercial property tenants (businesses) were enumerated and a commercial tenant list generated.¹³ The proponents also created a brand identity and logo for the prospective Business Improvement District and launched a Clayton Park Business Improvement District Facebook site.¹⁴ As detailed above, a public

⁹ See Attachment 3 for a sample commercial property owner BID plebiscite ballot package.

¹⁰ Replacement ballots were emailed to 25 commercial tenants/commercial property owners.

¹¹ Excludes ineligible and spoilt ballots.

¹² Ballots sent in error to commercial property owners (i.e. properties exempt from paying a Business Improvement District (BID) levy).

¹³ See [Item No. 13.1.3 Halifax and West Community Council December 11, 2019](#) (Attachment E) for a list of commercial tenants in the proposed Clayton Park BID catchment/boundary area.

¹⁴ See [Item No. 13.1.3 Halifax and West Community Council December 11, 2019](#) (Attachment D) for details on Clayton Park BID stakeholder engagement activities.

meeting was held, and an area rate levy plebiscite vote was conducted by HRM staff pursuant to By-law B-700.

ATTACHMENTS

Attachment 1: Notice of Public Meeting and Area Rate Vote (Newspaper Advertisement)

Attachment 2: BID Plebiscite Ballot Package – Commercial Tenant (Sample)

Attachment 3: BID Plebiscite Ballot Package – Commercial Property Owner (Sample)

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Scott Sheffield, Government Relations & External Affairs, 490-3941

ATTACHMENT 1

Notice of Public Meeting and Area Rate Vote

Notice of Public Meeting and Area Rate Vote

A steering committee of Clayton Park-based businesses is proposing to establish a Business Improvement District that would include commercial properties within the area bounded by Parkland Drive, Lacewood Drive, Bayview Road, Bedford Highway, Kearney Lake Road and Dunbrack Street. The Halifax Regional Municipality is hosting a public meeting to discuss the proposed BID on Wednesday, January 15, 2020, from 6:30–8:00 p.m. at the Canada Games Centre, 26 Thomas Raddall Drive, Halifax.

The BID proponents' Facebook page is <https://www.facebook.com/ClaytonParkBusinessCommission/>

In accordance with By-Law B-700, commercial property owners and commercial tenants within the proposed BID boundary area are entitled to vote on whether a Clayton Park BID should be formed. If a majority of the area rate ballots are marked in favour of establishing a BID, the proposal will be considered by Halifax Regional Council.

Owners and tenants should receive ballot packages by mail. The deadline for the Halifax Regional Municipality to receive completed ballots is 4 p.m., January 24, 2020.

If you believe that you are entitled to a ballot, but have not received one, please contact Scott Sheffield at 902.430.3654.

HALIFAX

**MUNICIPAL GOVERNMENT
NOTICES**

FOR MORE INFORMATION ON HRM MEETINGS & EVENTS
VISIT WWW.HALIFAX.CA/CALENDAR
BOX 1749, HALIFAX, NOVA SCOTIA B3J 3A5

ATTACHMENT 2

BID Plebiscite Ballot Package – Commercial Tenant (Sample)

Re: Public Meeting and Area Rate Ballot

Dear Commercial Tenant:

A community-led Steering Committee has proposed the formation of a Clayton Park Business Improvement District (BID). The BID boundary would include commercial properties on Parkland Drive, Lacewood Drive, Dunbrack Street, Parkland Drive, Bayview Road, Bedford Highway and Kearney Lake Road. You are receiving this letter because you are a tenant occupying a commercial property within this proposed boundary.

A BID is a special area rate district where commercial property owners and commercial tenants cooperate to create a clean, safe and attractive environment that benefits businesses and enhances property values. Each BID is managed by the Board of a non-profit entity that is accountable to, and elected by, commercial property owners and commercial tenants within the business district. There are thousands of BIDs worldwide and nine BIDs in Halifax.

The annual budget for the proposed Clayton Park BID would be raised through an area rate levy applied to commercial properties within the district. The budget and area rate would be proposed by the BID's Board and approved annually by Halifax Regional Council. Once the BID is formed, area rate levies are mandatory (no opting out) and will continue in perpetuity (unless the BID is dissolved). The Steering Committee for the proposed Clayton Park BID is proposing the following initial levy:

- Area Rate: 22¢ (per \$100 of assessed commercial property value);
- Minimum Levy: \$300;
- Maximum Levy: \$8,000.

To calculate the levy payable, multiply your commercial landlord's property assessment by 0.0022. If the amount is more than \$8,000, your commercial landlord would pay the maximum levy (\$8,000). If the amount is less than \$300, your commercial landlord would pay the minimum levy (\$300). The BID levy would appear on your commercial landlord's annual commercial property tax bill. Area rate levies payable by your commercial landlord may be passed on to you, depending on the terms and conditions set out in your commercial lease. All area rate funds would be remitted to the Clayton Park BID; no BID area rate levy money would be retained by the municipality.

A municipal staff report regarding the proposed Clayton Park BID's formation can be found here:

<https://www.halifax.ca/sites/default/files/documents/city-hall/community-councils/191211hwcc1313.pdf>

The staff report includes:

- proposed Clayton Park BID boundary map (Attachment C);
- list of commercial properties in the proposed Clayton Park BID (Attachment F);
- proposed activity plan (Attachment G); and
- proposed budget (Attachment H).

A public meeting will take place on January 15th from 6:30 pm until 8:00 pm. The meeting will be hosted at the Canada Games Centre Board Room (26 Thomas Raddall Drive | ph. 902.490.2400). The public meeting will be hosted by municipal staff and will be attended by representatives from the Clayton Park

BID's Steering Committee. Commercial property owners and commercial tenants in the proposed Clayton Park BID formation area are invited to attend the public meeting.

In accordance with By-Law B-700, each property owner and each commercial tenant, within the proposed BID boundary area, is entitled to one ballot and one vote. Commercial property owners that also occupy a property, as commercial tenants, are only entitled to one ballot and one vote. Legal entities (including individuals) that own multiple commercial properties within the proposed BID expansion area are entitled to one ballot, and one vote, for each separately assessed commercial property on the assessment roll.

Enclosed is an area rate ballot. You may mark the ballot either for or against the area rate levy. Voting for the area rate levy signals your support for forming a Clayton Park Business Improvement District. Please either

- mail the ballot to: Scott Sheffield, 5251 Duke St, Halifax, NS B3J 3S1 (Duke Tower, Suite 304)
- email a scanned copy of the ballot to sheffis@halifax.ca; or
- drop off the ballot at the public meeting (see above for date, time and location).

Please sign and date the ballot. Unsigned/undated ballots will not be counted. Ballots returned to the Municipality by **4:00 pm** on **January 24, 2020** will be counted. Ballots returned to the Municipality after 4:00 pm on January 24, 2020 will not be counted.

If a majority of the BID area rate levy ballots returned are marked against establishing a BID area rate levy, then no Clayton Park BID will be formed. If a simple majority (50%+1) of the BID area rate ballots that are returned are marked in favour of establishing an area rate levy, then the matter will go before Regional Council. Note, however, that meeting the simple majority threshold (50%+1 in favour) only triggers Regional Council review. Under By-law B-700, Regional Council retains the discretion to approve or reject the proposed Business Improvement District.

For questions regarding the proposed Clayton Park Business Improvement District (BID), please contact Renee Field at claytonparkbusinesscommission@gmail.com or 902.495.0212. The proposed BID's Facebook Page can be viewed here: <https://www.facebook.com/ClaytonParkBusinessCommission/>.

If you lose your enclosed area rate ballot, or have any questions regarding the BID formation process, please contact Scott Sheffield at 902.490.3941 or sheffis@halifax.ca.

Sincerely,

Paul Johnston
Acting Managing Director
Government Relations and External Affairs
Halifax Regional Municipality
Tel 902.490.6616

**Commercial Tenant
Area Rate Levy Ballot**

Business Name:

Civic Address:

As a commercial tenant occupying a commercial property within the proposed Clayton Park Business Improvement District, you are entitled to one vote.

Ballots must be received by **4:00 pm** on **January 24, 2020**. Ballots received after 4:00 pm on January 24, 2020 will not be counted. If you are mailing your ballot, please allow adequate time for delivery.

I understand that BID area rate levies:

- are mandatory (no opting out);
- will continue in perpetuity unless the BID is dissolved;
- are set annually (and are, therefore, subject to change); and
- are calculated as a percentage of assessed property value (subject to a minimum levy and maximum levy).

I further understand that the proposed initial BID area rate levy is as follows:

- BID Area Rate: 22¢ (per \$100 of assessed commercial property value);
- Minimum Levy: \$300;
- Maximum Levy: \$8,000.

I further understand that commercial property owners, that also occupy a property as commercial tenants, are only entitled to one vote.

- YES, I am in favour of paying an annual BID area rate levy.
- NO, I am not in favour of paying an annual BID area rate levy.

Name of Commercial Tenant (please print): _____

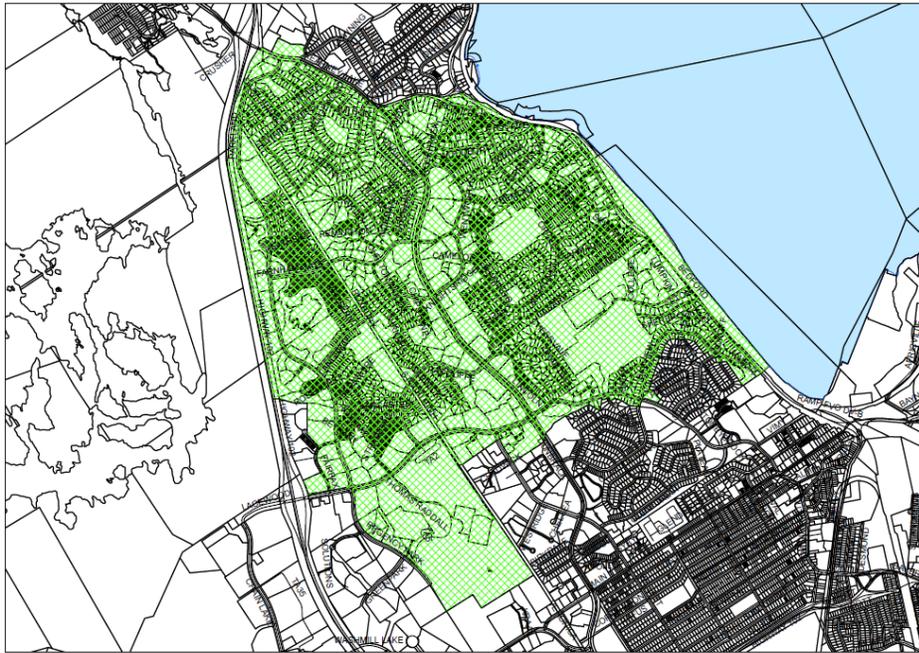
Name of Signing Authority (please print): _____

Signature of Signing Authority: _____

Date: _____

* Unsigned/undated ballots will not be counted.

Clayton Park Business Improvement District Proposed Boundary



Legend

- Street Centreline
- SDEADM.LND_parcel_polygon

ATTACHMENT 3

BID Plebiscite Ballot Package – Commercial Property Owner (Sample)

Re: Public Meeting and Area Rate Ballot

Dear Commercial Property Owner:

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- Maximum Levy: \$8,000.

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A municipal staff report regarding the proposed Clayton Park BID's formation can be found here: <https://www.halifax.ca/sites/default/files/documents/city-hall/community-councils/191211hwcc1313.pdf>

The staff report includes:

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Sincerely,

Paul Johnston
Acting Managing Director
Government Relations and External Affairs
Halifax Regional Municipality
Tel 902.490.6616

**Commercial Property Owner
Area Rate Levy Ballot**

Assessment Number:

As the commercial property owner of the commercial property within the proposed Clayton Park Business Improvement District above, you are entitled to one vote.

Ballots must be received by **4:00 pm** on **January 24, 2020**. Ballots received after 4:00 pm on January 24, 2020 will not be counted. If you are mailing your ballot, please allow adequate time for delivery.

I understand that BID area rate levies:

- are mandatory (no opting out);
- will continue in perpetuity unless the BID is dissolved;
- are set annually (and are, therefore, subject to change); and
- are calculated as a percentage of assessed property value (subject to a minimum levy and maximum levy).

I further understand that the proposed initial BID area rate levy is as follows:

- BID Area Rate: 22¢ (per \$100 of assessed commercial property value);
- Minimum Levy: \$300;
- Maximum Levy: \$8,000.

I further understand that commercial property owners, that also occupy a property as commercial tenants, are only entitled to one vote.

- YES, I am in favour of paying an annual BID area rate levy.
- NO, I am not in favour of paying an annual BID area rate levy.

Name of Commercial Property Owner (please print): _____

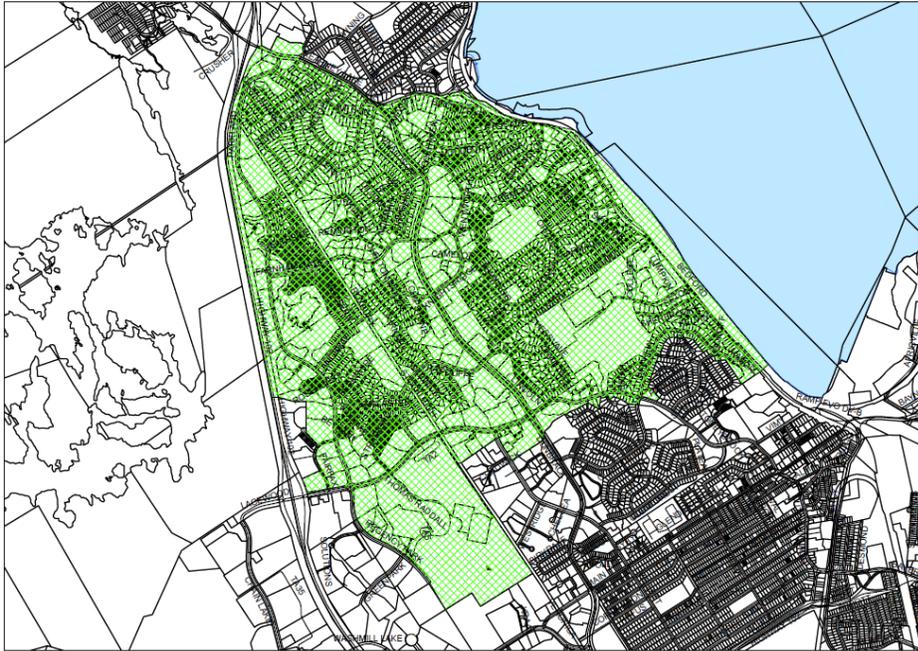
Name of Signing Authority (please print): _____

Signature of Signing Authority: _____

Date: _____

*** Unsigned/undated ballots will not be counted**

Clayton Park Business Improvement District
Proposed Boundary



Legend

- Street Centreline
- SDEADM.LND_parcel_polygon