



City of Hamilton
PUBLIC WORKS COMMITTEE

Meeting #: 18-008
Date: June 4, 2018
Time: 9:30 a.m.
Location: Council Chambers, Hamilton City Hall
71 Main Street West

Lauri Leduc, Legislative Coordinator (905) 546-2424 ext. 4102

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(Added Items, if applicable, will be noted with *)	
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11.1 Outstanding Business List Item requiring a revised due date:

11.1.a Emergency Shoreline Protection Works

Current Date: June 18, 2017

Revised Date: July 12, 2018

11.1.b Clean and Green Hamilton Strategy - Year End Update

Current Date: August 2018

Revised Date: September 6, 2018

12. PRIVATE AND CONFIDENTIAL

13. ADJOURNMENT



PUBLIC WORKS COMMITTEE

MINUTES 18-007

9:30 a.m.

Monday, May 14, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillor T. Jackson (Vice Chair)
Councillors C. Collins, S. Merulla, D. Conley, A. VanderBeek
and T. Whitehead

Absent with Regrets: Councillor L. Ferguson (Chair) and R. Pasuta – Personal

Also Present: Councillor B. Johnson

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. **Intersection Control List (PW18001(c)) (Ward 4, 8, 9 and 12) (Item 5.1)**

(Merulla/Whitehead)

That the appropriate by-law be presented to Council to provide traffic control as follows:

Intersection		Stop Control Direction		Class	Comments / Petition	Ward
Street 1	Street 2	Existing	Requested			
Section "A" Ancaster						
(a)	Cooley Grove	Robertson Road	NC	NB	A	Plan of New Subdivision 12
(b)	Beasley Grove	Robertson Road	NC	NB	A	Plan of New Subdivision 12
(c)	Lightfeather Place	Grandell Drive	NC	WB	A	Plan of New Subdivision 12
(d)	Whittington Drive	Grandell Drive	NC	WB	A	Plan of New Subdivision 12
(e)	Whittington Drive	Robarts Drive	NC	EB	A	Plan of New Subdivision 12
(f)	Findlay Drive	Grandell Drive	NC	WB	A	Plan of New Subdivision 12
(g)	Findlay Drive	Robarts Drive	NC	EB	A	Plan of New Subdivision 12
(h)	Morrison Drive	Robarts Drive	NC	EB	A	Plan of New Subdivision 12
(i)	Morrison Drive	Grandell Drive	NC	WB	A	Plan of New Subdivision 12

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(j)	Robarts Drive	Lightfeather Place	NC	NB	A	Plan of New Subdivision	12
(k)	Roberts Drive	Robertson Road	NC	SB	A	Plan of New Subdivision	12
(l)	Callon Drive	Raymond Road	NC	WB	A	Plan of New Subdivision	12
(m)	Callon Drive	Heming Trail	NC	EB	A	Plan of New Subdivision	12
(n)	Heming Trail	Raymond Road	NC	WB	A	Plan of New Subdivision	12
(o)	Heming Trail	Robertson Road	NC	NB	A	Plan of New Subdivision	12
(p)	Scanlon Place	Robarts Drive	NC	WB	A	Plan of New Subdivision	12

Section "E" Hamilton

(q)	Brunswick Street	Walmer Road	NB	All	B	Neighborhood plan as per Clr.	4
(r)	Brunswick Street	Vansitmart Avenue	EB/WB	All	B	Neighborhood plan as per Clr.	4
(s)	Talbot Avenue	Vansitmart Street	EB	All	A	Neighborhood plan as per Clr.	4
(t)	Connell Crescent (north leg)	Fortissimo Drive	NC	WB	A	Housekeeping – missing t-type stop sign	8
(u)	Connell Crescent (south leg)	Fortissimo Drive	NC	WB	A	Housekeeping – missing t-type stop sign	8
(v)	Verne Court	Nellida Crescent	NC	NB	A	Housekeeping – missing t-type stop sign	8
(w)	Tampa Court	Sarasota Avenue	NC	EB	A	Housekeeping – missing t-type stop sign	8
(x)	Marriott Place	Sarasota Avenue	NC	EB	A	Housekeeping – missing t-type stop sign	8
(y)	Talisman Court	Sarasota Avenue	NC	EB	A	Housekeeping – missing t-type stop sign	8
(z)	Coralridge Court	Mountbatten Drive	NC	WB	A	Housekeeping – missing t-type stop sign	8
(aa)	Quarry Court	Hawkridge Avenue	NC	EB	A	Housekeeping – missing t-type stop sign	8
Section "F" Stoney Creek							
(bb)	Bonita Drive	Brentwood Drive	SB	SB	A	Housekeeping – yield conversion to stop sign	9

Legend

No Control Existing (New Subdivision) - **NC**

Intersection Class: **A** - Local/Local **B** - Local/Collector **C** - Collector/Collector

CARRIED

**2. Waterford Park Redevelopment – 10 Waterford Crescent, Hamilton (Ward 11)
(PW18040) (Item 5.3)**

(Conley/VanderBeek)

That the remaining funds of \$241,545.93 (\$147,159.59 - Levy, \$94,386.34 - DC) from Trillium Gardens Park Capital Project (4401256516) be transferred to a new Waterford Park capital project to fund consulting services required to complete the studies and design of the park in 2018.

CARRIED

3. 2017 Annual Energy Report (PW18041) (City Wide) (Item 5.4)

(Whitehead/Conley)

That Report PW18041 respecting the 2017 Annual Energy Report, be received.

CARRIED

4. Everyone Rides Initiative Pilot Project (PED18108) (City Wide) (Item 5.5)

(Collins/Conley)

That Report PED18108 respecting the Everyone Rides Initiative Pilot Project, be received.

CARRIED

**5. Investment Stabilization Reserve Funded Projects – Athenia Drive (Ward 9)
(Item 9.1)**

(Merulla/Whitehead)

WHEREAS, modern winters appear to have accelerated the deterioration of Athenia Drive from Amberwood Street to Athenia Drive, as a result of increased frequency of freeze/thaw cycles and more extreme variability of temperatures; and,

WHEREAS, the City of Hamilton has current competitively bid projects and prices available as a base for comparison and negotiation that can be used to ensure value for money on the award of the proposed works, and,

WHEREAS, given the current resources along with the time needed to complete a tender and award process, road improvements cannot be addressed within the City's normal process manner during the 2018 construction process;

THEREFORE BE IT RESOLVED:

- (a) That Athenia Drive, at an estimated cost of \$900,000, be rehabilitated using asset preservation practices, with the work to include the rehabilitation of the existing asphalt with repaving; and,

- (b) That the Ward 9 allocation, in the amount of \$900,000 (Project ID 4031811809) and previously approved and funded from the Investment Stabilization Reserve (No. 112300), be utilized to fund the asset preservation of Athenia Drive from Amberwood Street to Athenia Drive, and,
- (c) That upon project completion, should any surplus funding be generated, that the same be transferred to the Ward 9 road maintenance being project no. 4031611609, and,
- (d) That the General Manager of Public Works be authorized to procure all or some of the proposed works identified through Procurement Policy #11 Non-Competitive Procurements, where deemed appropriate, to expedite the works for this construction season.

CARRIED

6. Investment Stabilization Reserve Funded Projects (Ward 6) (Added Item 10.1)

(Jackson/Merulla)

WHEREAS, modern winters appear to have accelerated the deterioration of Upper Kenilworth Avenue, Mohawk Road East to Fennell Avenue East, as a result of increased frequency of freeze/thaw cycles and more extreme variability of temperatures; and,

WHEREAS, the City of Hamilton currently has competitively bid projects and prices available as a base for comparison and negotiation that can be used to ensure value for money on the award of the proposed works, and,

WHEREAS, given the current resources along with the time needed to complete a tender and award process, road improvements cannot be addressed within the City's normal process/manner during the 2018 construction process;

THEREFORE BE IT RESOLVED:

- (a) That Upper Kenilworth Avenue East, at an estimated cost of \$900,000, be rehabilitated using asset preservation practices, with the work to include the rehabilitation of the existing asphalt with repaving; and,
- (b) That the Ward 6 allocation, in the amount of \$900,000 (Project ID 4031811806) and previously approved and funded from the Investment Stabilization Reserve (No. 112300), be utilized to fund the asset preservation of Upper Kenilworth Avenue, Mohawk Road East to Fennell Avenue East, and,
- (c) That upon project completion, should any surplus funding be generated, that the same be transferred to the Ward 6 road maintenance being project no. 4031611606, and,

- (d) That the General Manager of Public Works be authorized to procure all or some of the proposed works identified through Procurement Policy #11 Non-Competitive Procurements, where deemed appropriate, to expedite the works for this construction season.

CARRIED

7. Replacement of Deficient Sidewalks and Mountable Curbs in Ward 5 (Added Item 10.2)

(Collins/Merulla)

That Public Works staff be directed to replace the deficient sidewalks and mountable curbs at various location throughout Ward 5, at an estimated cost of \$155,000, to be funded from the Ward 5 Area Rating Reserve Fund (Account #108055).

CARRIED

FOR INFORMATION:

Vice Chair Jackson recognized that next week marks the *58th Annual Public Works Week*. He thanked the 2,300 full-time, part-time and seasonal staff members in the Public Works Department for their hard-work and dedication to the City of Hamilton.

Vice Chair Jackson acknowledged the upcoming retirement of Gary Moore, Director, Engineering Services and thanked him for his years of service to the City of Hamilton and wished him well in his upcoming role in the LRT Office.

(a) APPROVAL OF THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the agenda:

1. WITHDRAWN DELEGATION REQUEST (Item 6)

- 6.1 Alan Hansell, Stewards of Cootes Watershed, respecting an Update on the Group's work/activities has withdrawn his request.

2. ADDED NOTICES OF MOTION (Item 10)

- 10.1 Investment Stabilization Reserve Funded Projects (Ward 6)

(Conley/Whitehead)

That the Agenda for the May 14, 2018 meeting of the Public Works Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) April 30, 2018 (Item 3.1)

(Merulla/VanderBeek)

That the Minutes of the April 30, 2018 Public Works Committee meeting be approved, as presented.

CARRIED

(d) CONSENT ITEMS (Item 5)

(i) Minutes 18-001 of the Accessible Transit Services Review Sub-Committee – January 18, 2018 (Item 5.2)

(Merulla/VanderBeek)

That the Minutes 18-001 of the Accessible Transit Services Review Sub-Committee dated January 18, 2018, be received.

CARRIED

(e) PUBLIC HEARINGS / DELEGATIONS (Item 6)

(i) Allan Hansell, Stewards of Cootes Watershed, respecting an Update on the Group's work/activities (Item 6.1)

As noted under Changes to the Agenda, Mr. Hansell has withdrawn his delegation request.

(ii) James Lafferty respecting Damage from Truck Traffic on Corlis Road in Binbrook (Item 6.2)

Mr. James Lafferty addressed the Committee respecting Damage from Truck Traffic on Corlis Road in Binbrook with the aid of speaking notes. A copy of the notes have been retained for the official record and are available at www.hamilton.ca.

Ward Councillor B. Johnson, Betty Matthews-Malone, Director, Roads and Traffic and Brian Hollingsworth, Director, Transportation Planning and Parking, spoke to the matter. They answered questions from the Committee and provided an update.

(VanderBeek/Merulla)

That the delegation from James Lafferty respecting Damage from Truck Traffic on Corlis Road in Binbrook, be received.

CARRIED

(f) NOTICES OF MOTION (Item 10)**(i) Investment Stabilization Reserve Funded Projects (Ward 6) (Added Item 10.1)**

Vice Chair Jackson relinquished the Chair to Councillor VanderBeek in order to introduce a notice of motion respecting Investment Stabilization Reserve Funded Projects (Ward 6).

(Jackson/Merulla)

That the Rules of Order be waived to allow for the introduction of a motion respecting Investment Stabilization Reserve Funded Projects (Ward 6).

CARRIED

For disposition of this matter refer to Item 6.

(ii) Replacement of Deficient Sidewalks and Mountable Curbs in Ward 5 (Added Item 10.2)

Councillor Collins introduced a notice of motion respecting the Replacement of Deficient Sidewalks and Mountable Curbs in Ward 5.

(Collins/VanderBeek)

That the Rules of Order be waived to allow for the introduction of a motion respecting the Replacement of Deficient Sidewalks and Mountable Curbs in Ward 5.

CARRIED

For disposition of this matter refer to Item 7.

(g) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**(i) Changes to the Outstanding Business List (Item 11.1)****(a) Item considered complete and to be removed (Item 11.1(a))**

Everyone Rides Initiative Pilot Project (Item 5.5 of today's agenda)

(b) Item requiring a revised due date (Item 11.1(b))

Review and Update Option 4 – Strategic renewal and New Construction Strategy (every five years)

Current due date: June 18, 2018

Revised due date: July 12, 2018

CARRIED

(h) ADJOURNMENT (Item 13)

(Collins/Whitehead)

That there being no further business, the Public Works Committee be adjourned at 10:13 a.m.

CARRIED

Respectfully submitted,

Councillor T. Jackson, Vice Chair
Public Works Committee

Lauri Leduc
Legislative Coordinator
Office of the City Clerk

Form: Request to Speak to Committee of Council

Submitted on Wednesday, May 23, 2018 - 11:32 am

==Committee Requested==

Committee: Public Works

==Requestor Information==

Name of Individual: Mathieu Koevoets, P.Eng

Name of Organization: Ancaster Tennis Club Inc.

Reason(s) for delegation request: To speak, not only on behalf of the members of the Ancaster Tennis Club, but also for those tennis players living across the western portion of the City, including Flamborough, Dundas, Waterdown and Greensville, about our proposal to install an air-supported structure (Dome/Bubble) over the five tennis courts in Village Green Park during the winter months.

Will you be requesting funds from the City? Yes

Will you be submitting a formal presentation? Yes



Thank you Mr. Chairman for the opportunity to speak to you and the Committee.

My name is Mathieu Koevoets and I am the President of the Ancaster Tennis Club and we are here to ask you for help in establishing a winter tennis facility on the existing Ancaster club site.

We are confident that once up and running the Winter facility will be self funding. We are mainly looking for some help to get started.

I will not only be speaking on behalf of our members, but also for tennis players living across the whole western portion of the City, including Flamborough, Dundas, Waterdown, Greenville and not just Ward 12.

The Ancaster Tennis Club has been in operation since the early 1930's and it was incorporated 6 years ago. We had a membership last year of 630 of which 32% are Juniors (18 and under).

Our goal is to have an air-supported structure (Dome/Bubble) installed over the 5 existing tennis courts in Village Green Park behind the Ancaster Library. Just to confirm to you the Dome will only be installed during the winter months.

As tennis grows in Canada, the use of Domes/Bubbles over Municipally owned lands makes all the economic sense as the need for exercise and the need to develop our junior players are there 12 month a year requirements, and we must provide the most economical means possible to fill the need locally.

While, as you will hear in the balance of my remarks, we are in agreement with most of the Public Works report it does make reference to the Recreation Department's Outdoor Study (2011) and indicates some staff concerns on the actual level of demand for winter tennis in the area. Unfortunately, this concern was not raised at any of our joint meetings, where we could have easily addressed it, by reviewing current situation in a little more detail. Please let me do that now.

There are only 6 indoor courts in the Greater Hamilton Area, 2 of which are at the Lada Tennis School in Ancaster (private) and 4 at the Rosedale Tennis Club in Gage Park. So, the Greater Hamilton Area with a population of 550,000 has 6 indoor tennis courts. In contrast to those numbers our neighbour, the City of Burlington with a population of 195,000, has we believe at least 18 indoor courts, (not the 11 as mentioned in the Public Works report.)

Before the closing of the 4 indoor courts at the Jewish Community Centre (JCC), there were 10 indoor courts in Hamilton. Since this closure there has been an increase in demand which has swamped the Rosedale Tennis Club. They have capped their winter membership at 325, and so



now have a waiting list for winter tennis memberships, similar to the long-term situation at Aldershot Tennis Club.

The two clubs closest to Ancaster now both have long waiting lists of people wanting to play winter tennis. So, this is the right time to install a Dome in Ancaster. We receive almost daily inquiries from Hamilton area citizens, who play at other summer clubs, asking when the Dome will be ready for playing tennis.

City staff retained a local Architect to submit a feasibility report and this report also indicates that the City lacks indoor tennis facilities.

Over the last 3 years we have seen a significant increase in our family memberships with a corresponding increase in our Junior category. Confirming our belief that we ought to provide a winter facility as soon as possible that adult players can use to stay active for 12 months of the year, and that will provide an opportunity for junior players to develop their skills year round.

Based on our in-club survey and response to our loan program we are confident that a winter facility at the Ancaster Tennis Club would have great starting base of at least 300 playing members, which is enough to make the club financially self sustaining. The new bubble will be a major draw to all tennis players in this area. It is estimated that we will grow, over the first 3 years to 500 winter members, which would essentially fill the club. Growth will come quickly from new tennis players, and existing players from other local summer clubs who will appreciate our “friendly” atmosphere, our pricing, new facilities and first-class lighting.

A detailed Business Plan for the Dome project was prepared by two of our members, a retired Business Professor and a Chartered Accountant. Councillor L. Ferguson as well as your staff have a copy of our Business Plan.

It was decided that our approach will likely be to lease the Dome for 10 years. Our work has estimated that our total start up project cost, including a 15% contingency, is \$587,650. This amount also includes Consulting fees and the payment for non-recoverable lease items.

Last Fall, we applied for an Ontario Trillium Grant in the amount of \$150,000, but we were not successful this time, but the Grant office asked us for more detailed information. We will reapply before the deadline for the next Capital Grant application date of August 25, 2018.

We initiated a Fundraiser/Temporary loan program, whereby a member or non-member can loan the Club \$2000. As incentive they will receive several free summer memberships and as of May 25 we received \$100,000 in post dated cheques.



We are here to ask you, not only for your support for this project in principal, but also for some financial assistance to help us get started (see PW's report) and make this winter tennis Dome project a reality sooner rather than later. We believe delaying is not an option, as is pointed out in the report if we hesitate and the City may miss the opportunity presented by the significant ATC financial contribution with strong pledges and Board support.

The City and ATC, have together an opportunity to make a major dent in the shortage of indoor tennis facilities that currently exists in the Greater Hamilton area.

On behalf of our members, I would like to thank Councillor Ferguson for his help and support and also mention Ms. Robyn Ellis, your Manager of Facilities for her hard work and professional advice, which has kept us pointing us in the right direction over the last 2 years

Thank you Mr. Chairman

Form: Request to Speak to Committee of Council

Submitted on Thursday, May 24, 2018 - 8:59 am

==Committee Requested==

Committee: Public Works Committee

==Requestor Information==

Name of Individual: Suzanne Mammel

Name of Organization: Hamilton-Halton Home Builders' Association

Contact Number: 905-575-3344

Email Address: smammel@hhbba.ca

Mailing Address: 1112 Rymal Road East, Hamilton, Ontario, L8W 3N7

Reason(s) for delegation request: At the June 6th, 2018 GIC meeting, Suzanne Mammel would like to speak to council regarding unresolved water main approval issues, and make recommendations for items to include master-water, wastewater, and servicing studies. This is important as these unresolved issues directly affect the HHHBA and their members.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No



Community Builders...Building Communities

City of Hamilton
71 Main Street West
Hamilton, ON L7P 4Y5

May 28, 2018

Attn: Mr. Robert Lalli, P.Eng.,
Strategic Advisor, Open for Business

Re: Watermain Design/Approval Procedures and Policies and their Economic Impact

Dear Rob:

As you are aware, and as we have discussed on numerous occasions in the past, our Association remains very concerned regarding the way in which watermain designs are reviewed and approved in the City of Hamilton, and their impact on timelines and costs for project implementation. Please find below details of our concerns, which will form the basis of a delegation we have requested be heard at the June 4th Public Works Committee meeting.

Background:

Over the last five years, changes to the way in which watermain designs are reviewed and approved in the City of Hamilton have resulted in reported approval timing delays, increased construction costs, and frustration on the part of designers making submissions for land development and/or redevelopment projects.

While efforts have been made at various levels (individual consultants approaching staff at the City, the Association discussing the matter in liaison committees and subcommittees, and bringing the issue to the attention of senior Management at the City), the situation has not improved.

The Association, through discussions with its members, feels that these efforts have stalled. Anecdotally, HHHBA staff have heard that the timeline for watermain approvals now exceeds that of stormwater management reviews by the MOE, that the scope of review/terms of reference for design is a moving target, and that increases in construction costs (both to the watermain distribution system and home/building construction) may now form a significant part





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of the home price. Further, it is surmised that the increased long term repair/maintenance/replacement costs will have a calculatable and negative effect on the taxpayer, all of which has a negative economic impact to the new home buyer, the City itself, and the taxpayer respectively.

At the last Open for Business Subcommittee, I commented that while many initiatives discussed that day were positive outcomes, the watermain approvals issue needed to be addressed and is the single largest issue affecting development approvals at this time.

HHHBA Attempts to Address the Issue:

Beyond the aforementioned meetings and discussions with City Staff, in 2017 as an Association we put out two *Request for Proposals* to address specific concerns we had, a copy of which was forwarded to City staff in an effort to remain transparent. The first, sent out in September 2017, was sent to appropriate HHHBA members (given our mandate is "Members using members first"). We did not receive any submissions, and the general sentiment was that those members circulated were also interested in the results and felt the work needed doing, but they were concerned due to their working relationship with the City. We then re-circulated to a group of non-members generally practising outside of the Hamilton area, also without response. The general response was the same – some consultants indicated their concern with putting together such a study while also attempting to do work within or for the City itself.

Formal Request

Our ability to work with City staff to resolve the issue has stalled. However, there is an opportunity for the City to take ownership of the issue and review it in detail, through the Water/Wasterwater Master Servicing process.

When looking at new policies and procedures on many issues, the Growth Management Department usually does a best practises review to see "where they sit" relative to other municipalities. We ask that this occur for watermain approvals, based on the Terms of Reference we prepared in 2017 (a copy of which is attached for reference). Specifically, we request that:

- Design standards:
 - Compare the design standards (for both subdivision and site plans) and compare them to those of comparable municipalities to determine best practices.
 - Specifically, the study should note if and how the Fire Underwriters' Survey (FUS) forms part of the comparator's policies and procedures.
 - Outline the benefits that use of the Fire Underwriters' Survey (FUS) may have.



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- The comparison should also attempt to address typical approval times for these comparable municipalities where possible.
- A "best practises" from these comparators should be developed and compared to the Hamilton model.
- Comparators must include, but is not limited to:
 - City of London
 - City of Ottawa
 - Waterloo Region
 - Region of Halton
 - City of Toronto
 - One additional GTA municipality/Region
- Economic Impact:

When comparing the best practises model developed above, the economic impact of the current Hamilton model should be calculated based on the following desired outcomes:

- Their effect on initial construction costs (increased cost, if any, on watermain distribution system and housing construction), and the resultant increase in cost to the new home buyer.
- Their effect on the City's finances (ex. economic loss due to delays in collecting building permit fees, development charges, etc.)
- Their effect on longer term operations/maintenance/replacement, and the resultant increased cost to the taxpayer

We note that in recent weeks there have been discussions between some member consultants, developers and City Staff regarding the work done in the City of Ottawa who were facing a similar situation, and who have developed a different protocol than the FUS for watermain design. While the City of Ottawa was specifically listed in comparator municipalities, we bring this to everyone's attention given the timeliness of the issue relative to this formal request.

We have formally requested delegation status at the June 4th Public Works committee meeting to discuss the above. On this issue, as with all others, we have attempted to be transparent in our asks, in relaying our concerns, and we would like to continue in this fashion. We would therefore ask that the City do the same, and include the above scope of work in their Master Servicing study (or separately if appropriate) as the issue is one I consider to be of the most concern for our members at this time.

Thank you for your anticipated cooperation in this matter. If you have any questions or require additional information, please do not hesitate to contact the undersigned.



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Yours sincerely,

A handwritten signature in blue ink, appearing to read "Suzanne Mammel", is written over a horizontal line.

Suzanne Mammel, MBA CET
Executive Officer & Policy Director
Hamilton-Halton Home Builders' Association

- Copy -
- Mr. Chris Murray, City Manager
 - Mr. Jason Thorne, General Manager, Planning and Economic Development
 - Mr. Dan MacKinnon, General Manager, Public Works
 - Mr. Tony Sergi, Director, Growth Management
 - Ms. Loren Kolar, Legislative Coordinator, Open for Business Subcommittee
 - Ms. Lauri Leduc, Legislative Coordinator, PW Committee
 - Ms. Maria Pearson, Councillor, Chair, Open for Business Subcommittee



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**Request for Proposals
Review of Watermain Design Procedures and Policies
and their Economic Impact
in the City of Hamilton**

1. DESCRIPTION, PURPOSE AND OBJECTIVE:

HHHBA is seeking proposals for a research study concerning the watermain design policies and procedures currently in place in the City of Hamilton.

HHHBA has been the voice of the residential construction and land development industry since 1942. Over the last five (approximately) years, our members have struggled with changes in policy to the watermain approval process, and while consultation and discussions have taken place, no effective change has occurred to improve the current process; rather our members advise that the situation worsens with time.

As a result, we would like to enlist a consultant (or team) to provide us with a research study providing the necessary background information and facts, to allow us to formally address the situation (at both staff and political levels), which clearly portrays the ramifications of choices made by Public Works to timelines, construction costs, ongoing operations and maintenance costs, etc.

2. TERMS AND CONDITIONS:

HHHBA must be able to provide a fulsome, well prepared research study, both to its membership to understand how the situation in Hamilton relates to best practices elsewhere, but also to use/make available to substantiate an intended delegation to the City to formally address the issue.

It is expected that the successful consultant or team would be able to provide a draft report for review by HHHBA staff on or before December 15, 2017 and finalize the report January 31, 2018.



Terms for Proposal:

- Proposals should be submitted via email to: smammel@hhhba.ca. All proposals must include/address all of the outcomes listed in Section 5: Scope of Work, below.
- Submission deadline is Tuesday, October 31, 2017 at 4:30pm. Any proposals received after this date will not be considered.
- Bidder Status:
 - Primary bidders may elect to carry out all components of the work themselves, or may subcontract/partner with other firms to meet the full Scope of Work. If subcontractors/partners are enlisted, those firms should be listed as part of the RFP submission.
 - All bidders must disclose any relevant conflicts of interest.

3. BACKGROUND:

Over the last five years, changes to the way in which watermain designs are reviewed and approved in the City of Hamilton have resulted in reported approval timing delays, increased construction costs, and frustration on the part of designers making submissions for land development and/or redevelopment projects.

While efforts have been made at various levels (individual consultants approaching staff at the City, the Association discussing the matter in liaison committees and subcommittees, and bringing the issue to the attention of senior Management at the City), the situation has not improved.

The Association, through discussions with its members, feels that these efforts have stalled. Anecdotally, HHHBA staff have heard that the timeline for watermain approvals now exceeds that of stormwater management reviews by the MOE, that the scope of review/terms of reference for design is a moving target, and that increases in construction costs (both to the watermain distribution system and home/building construction) may now form a significant part of the home price. Further, it is surmised that the increased long term repair/maintenance/replacement costs will have a calculatable and negative effect on the taxpayer, all of which has a negative economic impact to the new home buyer, the City itself, and the taxpayer respectively.

4. AUDIENCE:

For this particular issue, HHHBA has three audiences that are affected by the issue and resultant study:

- HHHBA members – predominantly the builder/developer/consultant groups of the membership
- Municipal Government – both at staff and political levels
- Home owners – both the new home buyer and taxpayer

5. SCOPE OF WORK:

The following components are essential to this proposal:

- Design standards:
 - Compare the design standards (for both subdivision and site plans) and compare them to those of comparable municipalities to determine best practices.

- Specifically, the study should note if and how the Fire Underwriters' Survey (FUS) forms part of the comparator's policies and procedures.
- Outline the benefits that use of the Fire Underwriters' Survey (FUS) may have.
- The comparison should also attempt to address typical approval times for these comparable municipalities where possible.
- A "best practises" from these comparators should be developed and compared to the Hamilton model.
- Comparators must include, but is not limited to:
 - City of London
 - City of Ottawa
 - Waterloo Region
 - Region of Halton
 - City of Toronto
 - One additional GTA municipality/Region
- Economic Impact:

When comparing the best practises model developed above, the economic impact of the current Hamilton model should be calculated based on the following desired outcomes:

- Their effect on initial construction costs (increased cost, if any, on watermain distribution system and housing construction), and the resultant increase in cost to the new home buyer.
- Their effect on the City's finances (ex. economic loss due to delays in collecting building permit fees, development charges, etc.)
- Their effect on longer term operations/maintenance/replacement, and the resultant increased cost to the taxpayer

6. PLEASE SUBMIT PROPOSALS TO:

Suzanne Mammel, MBA CET
Executive Officer & Policy Director
Hamilton-Halton Home Builders' Association
1112 Rymal Road East
Hamilton, Ontario L8W 3N7

Telephone: 905-973-3663
Fax: 905-574-3411
Email: smammel@hhhba.ca

Form: Request to Speak to Committee of Council

Submitted on Wednesday, May 30, 2018 – 10:17 am

==Committee Requested==

Committee: Public Works

==Requestor Information==

Name of Individual: Sergio Manchia

Name of Organization: UrbanSolutions

Contact Number: 905-546-1087

Email Address: krauscher@urbansolutions.info

Mailing Address:

105 Main St. E, suite 501

Hamilton, ON

L8N 1G6

Reason(s) for delegation request: Item 6.1 - Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 49 Walnut Street South, Hamilton (PW18047)

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Form: Request to Speak to Committee of Council

Submitted on Wednesday, May 30, 2018 – 1:30 pm

==Committee Requested==

Committee: Public Works

==Requestor Information==

Name of Individual: Kalipso Terpoy

Name of Organization: Lo Presti's at Maxwells Fine Dining Restaurant

Contact Number: 905-528-0205

Email Address: kalipso.terpoy@outlook.com

Mailing Address: 165 Jackson St. East

Reason(s) for delegation request: Opposed to staff recommendation related to the Alley Closure at 49 Walnut Street South being discussed at the PW Committee this coming Monday, June 4, 2018. This alley is used by suppliers for my restaurant business and the closure will have severe negative impacts to the business.

Will you be requesting funds from the City? No

Will you be submitting a formal presentation? No

Martin White, Extension 4345
PW18001d

INTERSECTION CONTROL LIST
Public Works Committee – June 4, 2018
PUBLIC WORKS DEPARTMENT
Roads and Traffic
Traffic Operations & Engineering Section

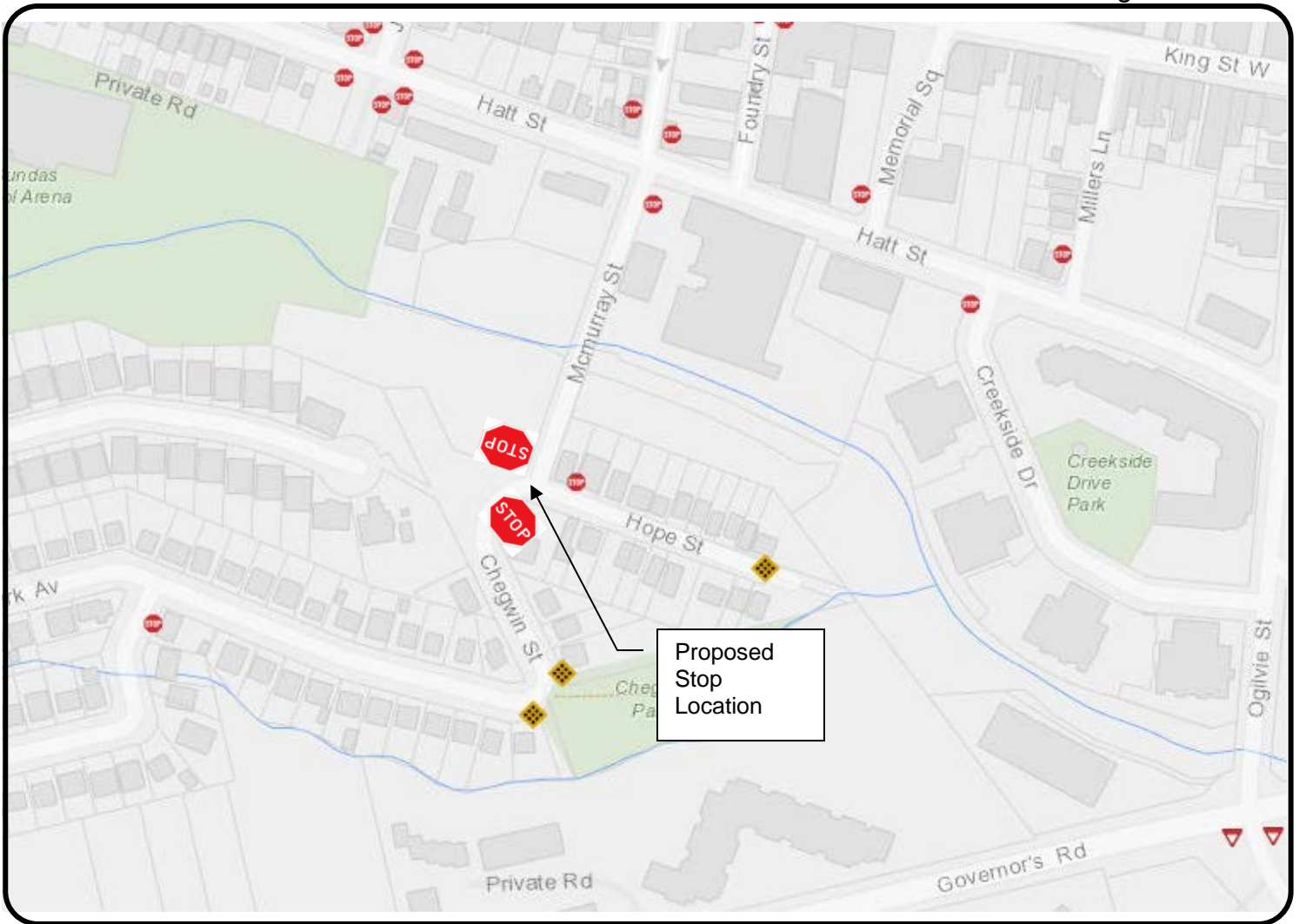
RECOMMENDATION

That the appropriate By-law be presented to Council to provide traffic control as follows:

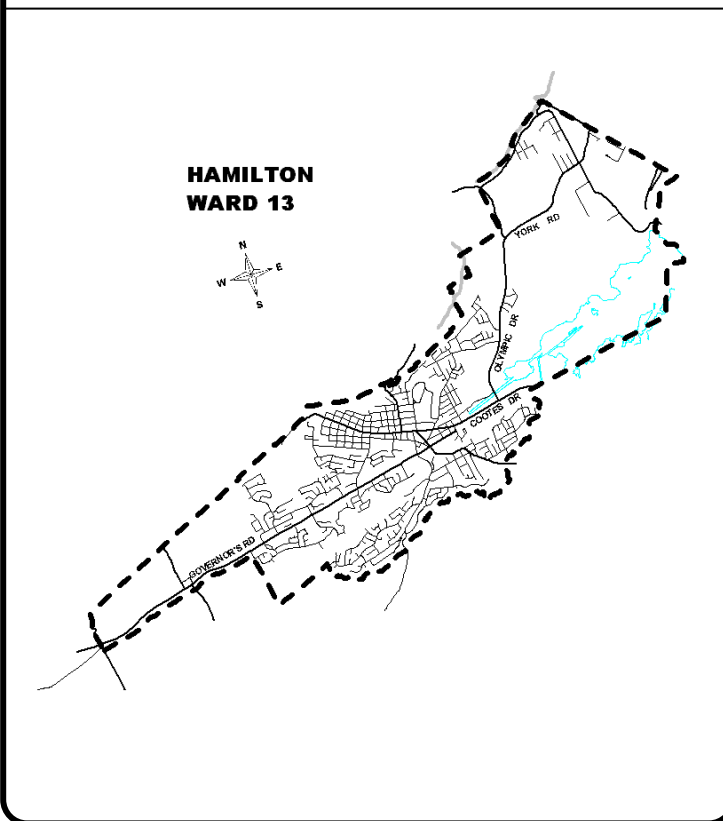
Intersection		Stop Control Direction		Class	Comments / Petition	Ward	
		Existing	Requested				
Street 1	Street 2						
Section "B" Dundas							
(a)	Chegwin Street/McMurray Street	Hope Street	WB	All	A	Operational Review – Clr. Approved	13
(b)	Hope Street	Chegwin Street/McMurray Street	WB	All	A	Operational Review – Clr. Approved	13
Section "E" Hamilton							
(c)	James Street	Strachan Street	EB/WB	All	B	Operational Review, Clr Approved	2
(d)	Elgin Street	Robert Street	EB	All	A	Operational Review, Clr Approved	2
(e)	Dunsmure Road	Fairholt Road	NB/SB	All	A	Operational Review, Clr Approved	3
(f)	Catharine Street	Robert Street	EB/WB	All	A	Operational Review, Clr Approved	3

No Control Existing (New Subdivision) - **NC**

Intersection Class: **A** - Local/Local **B** - Local/Collector **C** - Collector/Collector



KEY MAP




LOCATION PLAN

PROPOSED STOP CONTROL:

Chegwin St/McMurray Street at Hope Street

Roads and Traffic
PUBLIC WORKS DEPARTMENT

LEGEND

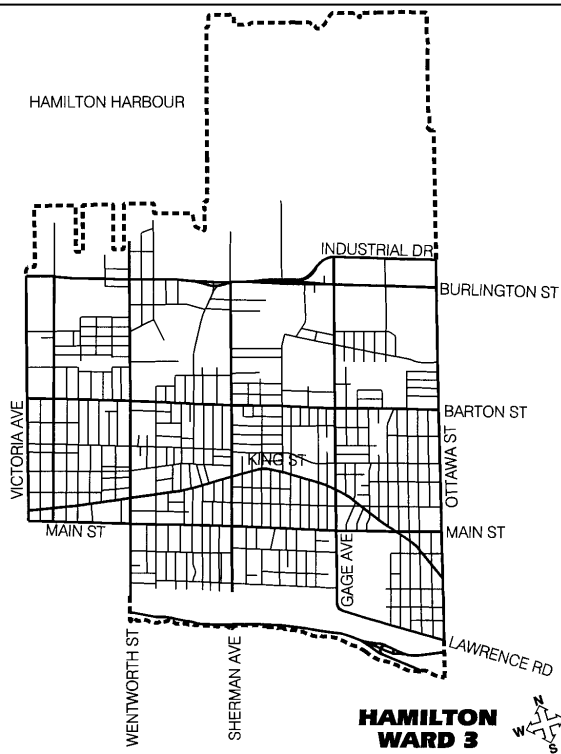
- EXISTING STOP
-  PROPOSED STOP

SCALE
NOT TO SCALE

DATE
June 4, 2018



KEY MAP



LOCATION PLAN

PROPOSED STOP CONTROL:

Dunsmure Road at Fairholt Road

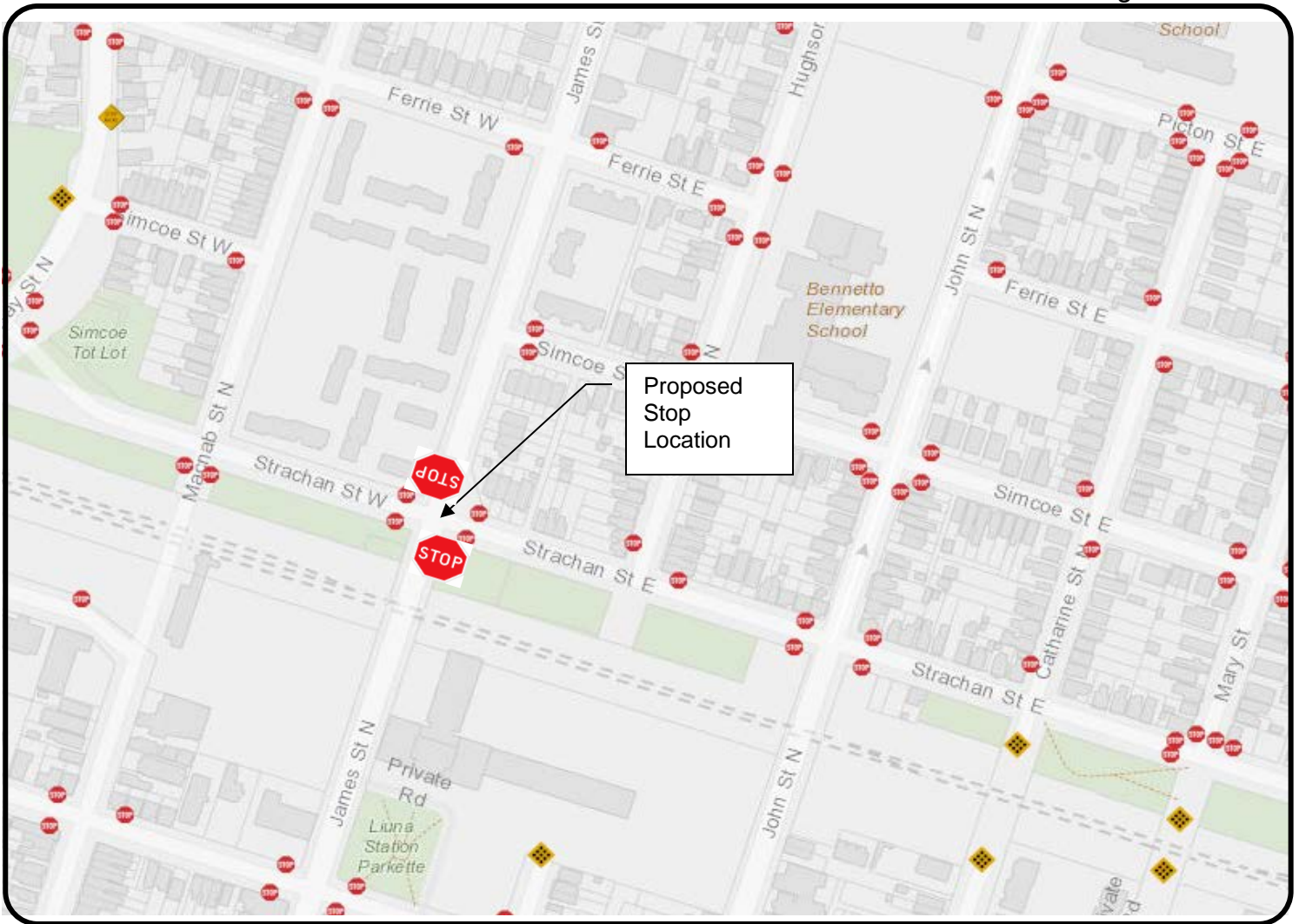
Roads and Traffic
PUBLIC WORKS DEPARTMENT

LEGEND

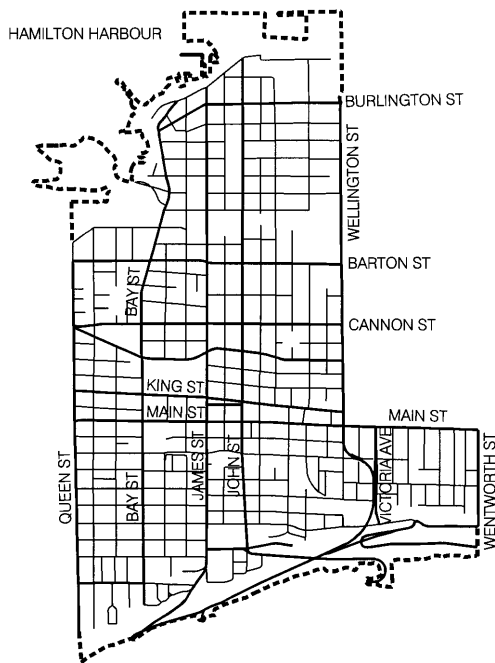
- EXISTING STOP
- ◻ STOP PROPOSED STOP

SCALE
NOT TO SCALE

DATE
June 4, 2018



KEY MAP



HAMILTON WARD 2

LOCATION PLAN

PROPOSED STOP CONTROL:

James Street at Strachan Street

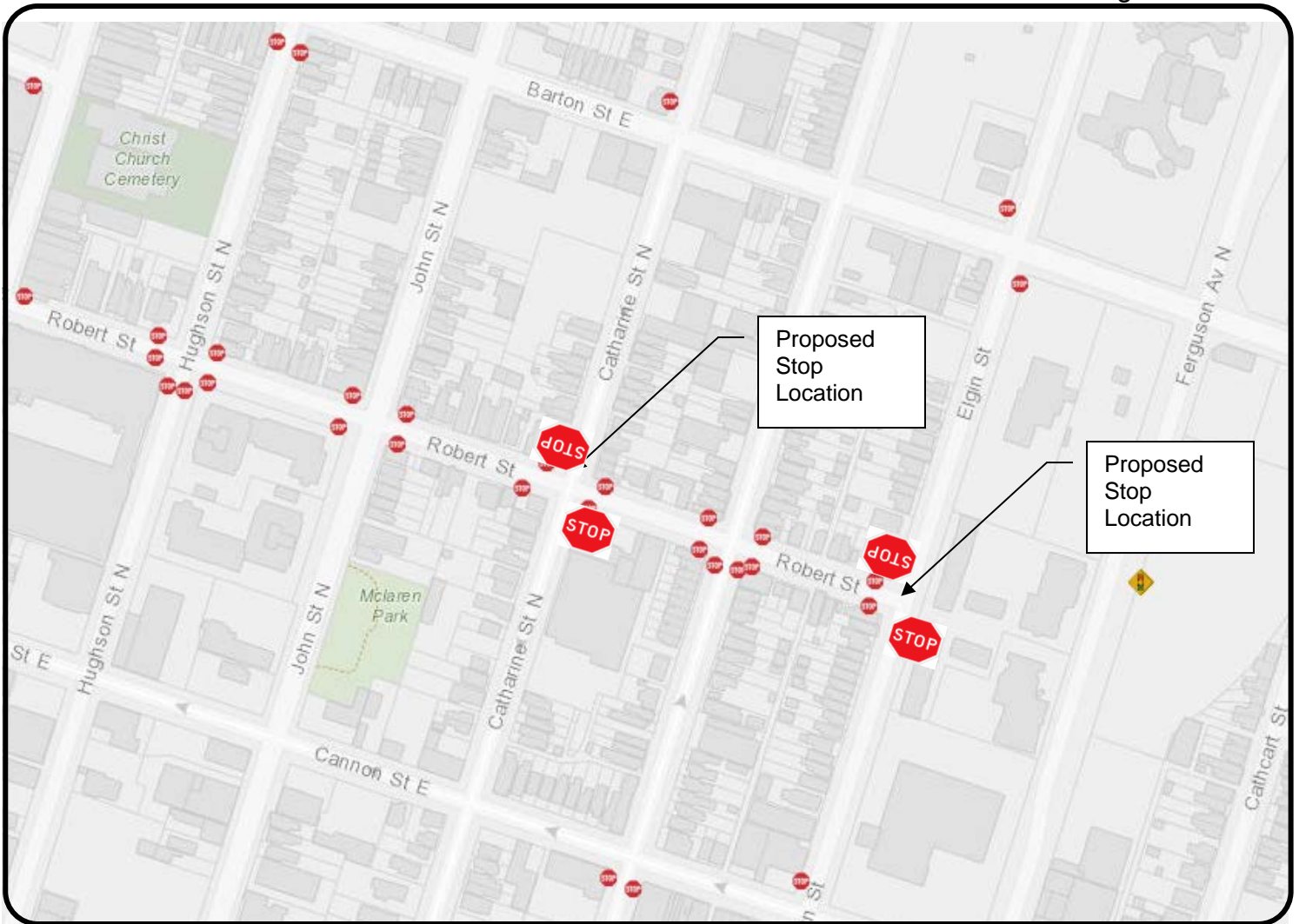
Roads and Traffic
PUBLIC WORKS DEPARTMENT

LEGEND

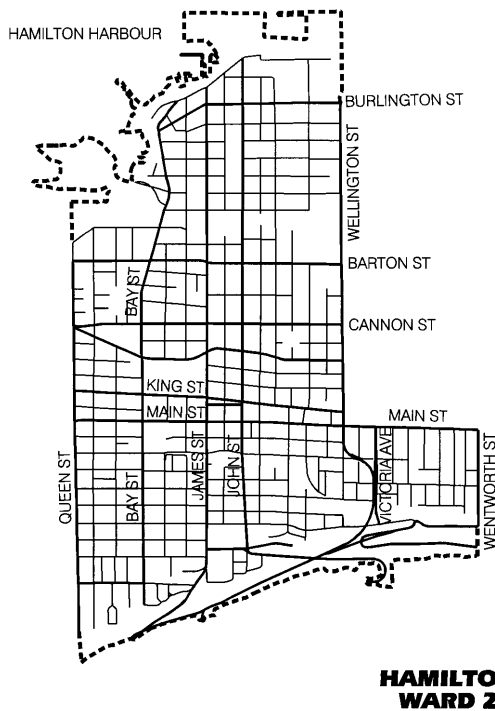
- EXISTING STOP
- ◻ STOP PROPOSED STOP

SCALE
NOT TO SCALE

DATE
June 4, 2018



KEY MAP



**HAMILTON
WARD 2**

LOCATION PLAN

PROPOSED STOP CONTROL:

**Catharine Street at Robert Street
Elgin Street at Robert Street**

Roads and Traffic
PUBLIC WORKS DEPARTMENT

LEGEND

- EXISTING STOP
- PROPOSED STOP

SCALE
NOT TO SCALE

DATE
June 4, 2018

Authority: Name of Committee
 Report:
 Date:
 Wards: 2, 3, 13

Bill No.

CITY OF HAMILTON

BY-LAW NO. 18-

**To Amend By-law No. 01-215
 Being a By-law To Regulate Traffic**

WHEREAS sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 8 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Control) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "B" (Dundas) thereof the following item, namely;

Hope St.	Westbound	McMurray St.
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And by adding to Section "B" (Dundas) thereof the following items, namely;

Chegwin Street/McMurray Street	Northbound/Southbound	Hope Street
--------------------------------	-----------------------	-------------

Hope Street	Westbound	Chegwin Street/McMurray Street
-------------	-----------	--------------------------------

And by adding to Section "E" (Hamilton) thereof the following items, namely;

To Amend By-law No. 01-215
Being a By-law to Regulate Traffic

Page 2 of 2

Dunsmure Road	Eastbound/Westbound	Fairholt Road
James Street	Northbound/Southbound	Strachan Street
Strachan Street	Eastbound/Westbound	James Street
Catharine Street	Northbound/Southbound	Robert Street
Elgin Street	Northbound/Southbound	Robert Street

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.

3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 13th day of June, 2018.

F. Eisenberger
Mayor

Janet Pilon
Acting City Clerk



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Roads and Traffic Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	June 4, 2018
SUBJECT/REPORT NO:	Two-Way Conversion of Birch Avenue (PW18044) (Ward 3)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Jeff Cornwell, C.E.T. 905-546-2424, Extension 7443 Martin White, C.E.T. 905-546-2424, Extension 4345
SUBMITTED BY:	Betty Matthews-Malone, P.Eng. Director, Roads and Traffic Public Works Department
SIGNATURE:	

RECOMMENDATION

That Birch Avenue be converted from one-way to two-way traffic from Wilson Street to Barton Street East in 2019 and from Barton Street East to Burlington Street East between 2020 and 2022.

EXECUTIVE SUMMARY

The Hamilton Street Railway (HSR) is currently planning to construct a new Transit Maintenance and Storage Facility to accommodate the current and projected transit system growth in Hamilton. The selected location for the new facility is on lands bounded by Wentworth Street North, Brant Street, Barton Street East and Birch Avenue.

Included in the project scope is funding for the conversion of Birch Avenue from its current southbound only operation to two-way operation for its full length. As vehicular access to the new HSR maintenance facility will be via Birch Avenue, a two-way conversion will substantially increase the efficiency of transit operations both northbound and southbound on Birch Avenue. A two-way conversion will also provide greater options for the existing commercial, industrial and residential properties along Birch Avenue as well as for the construction of the new facility.

The proposed design includes a single northbound and southbound lane, two-way cycling infrastructure and auxiliary turn lanes at signalized intersections.

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Two-Way Conversion of Birch Avenue (PW18044) (Ward 3)
– Page 2 of 3

The project will be delivered in two phases, the first phase being from Wilson Street to Barton Street East and will consist of full road reconstruction including revised pavement markings, signage, traffic signal infrastructure and minor curb radius changes to facilitate the two-way conversion. The second phase will consist of the portion of Birch Avenue from Barton Street East to Burlington Street East and will result in a full road reconstruction including bridge works. As this work is more extensive, commencement is tentatively scheduled between 2020 and 2022. The two-way conversion of Birch Avenue will be coordinated with HSR and Engineering Services and in co-ordination with the new Transit facility.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The estimated total project cost for the reconstruction and two-way conversion of Birch Avenue is \$5,500,000 (50% Municipal / 50% Federal) to be funded from PTIF Project #HAM-001 (Maintenance & Storage Facility) using account number 59271-5301785701.

Staffing: N/A – Staff will continue to manage the design of the various projects using both in-house resources and consultants.

Legal: N/A

HISTORICAL BACKGROUND

The Hamilton Street Railway (HSR) is currently planning to construct a new Transit Maintenance and Storage Facility to accommodate the current and projected transit system growth in Hamilton. The selected location for the new facility is on lands bounded by Wentworth Street North, Brant Street, Barton Street East and Birch Avenue.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

No impacts.

RELEVANT CONSULTATION

A working group led by the Transit Strategy and Infrastructure group have consulted with relevant Public Works staff on the planning and design of Birch Avenue.

Traffic Operations and Engineering staff further solicited comments from Parking, Roads, Waste Collection, Fire Department and EMS. All sections responded with no objections to the proposed redesign.

Staff has also consulted with the Ward Councillor who has provided support for this conversion and will be hosting an upcoming public meeting.

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SUBJECT: Two-Way Conversion of Birch Avenue (PW18044) (Ward 3)
– Page 3 of 3

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff in the Traffic Operations and Engineering section reviewed the feasibility of the two-way conversion of Birch Avenue from Wilson Street to Burlington Street East in 2017. Staff reviewed historical turning movement count data and completed an analysis to determine if Birch Avenue had excess southbound capacity in order to reduce the number of lanes. Staff concluded that Birch Avenue has excess capacity and that the existing right-of-way is sufficient to provide one lane travel in each direction along Birch Avenue as well as two-way cycling infrastructure, while still maintaining signal operations of Level of Service D or better as required under the Transportation Master Plan.

The proposed two-way design includes a single traffic lane in each direction, two-way cycling infrastructure and auxiliary turn lanes as required. Much of the existing on-street parking will be maintained.

ALTERNATIVES FOR CONSIDERATION

If Birch Avenue is not converted to two-way operation, Transit staff expects additional delays in both the construction of the new Transit Maintenance and Storage Facility as well as ongoing operational delays in the future once the facility is operating.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

None

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INFORMATION REPORT

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	June 4, 2018
SUBJECT/REPORT NO:	Amendments to Encroachments on City Property - Policy and Procedure (PW11024a) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Gary Kirchknopf (905) 546-2424, Extension 7217 Cetina Farruggia (905) 546-2424, Extension 5803
SUBMITTED BY:	Gord McGuire, O.L.S., B.Sc. Geomatics & Corridor Management Public Works Department
SIGNATURE:	

Council Direction:

City Council at its meeting April 13, 2011 approved report PW11024 that recommended the following:

That the Encroachment on City Property Procedure, attached to Report PW11024 as Appendix “B”, be received and the General Manager of Public Works be authorized and directed to amend the procedure as required.

City Council at its meeting April 25, 2018 approved report PED18075 that recommended the following:

That the General Manager of Public Works be authorized and directed to make any and all necessary changes to the existing Encroachment on City Property Policy, previously approved via Report PW11024, to remove the requirement for a minor site plan approval for patios that do not trigger a Building Permit requirement under the Ontario Building Code and to streamline the circulation process for applications for Encroachment Agreements for patios.

The purpose of this Information Report is to provide Council with a copy of both the revised Encroachment on City Property Policy shown on Appendix “A” attached to Report PW11024(a) and revised Encroachment on City Property Procedures shown as Appendix “B” attached to Report PW11024(a).

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SUBJECT: Amendments to Encroachments on City Property - Policy and Procedure (PW11024a) (City Wide) - Page 2 of 3

Information:

At its meeting on April 27, 2009, Committee of the Whole (COW) Report PED09127 was considered and subsequently approved by Council (COW Report 09-013) on April 29, 2009, which principally dealt with the administration by the City of such matters as handling of applications for liquor licences, road allowance encroachments through City Outdoor Patio Encroachment Agreements, Encroachment Agreements on the Hess Village Pedestrian Mall and assistance to Hamilton Police Services through the Public Works Department.

With respect to the issue of Outdoor Boulevard Patio Encroachment Agreements, it was recommended that a requirement of approval of an Encroachment Agreement for an Outdoor Boulevard Café be that the owner prepare and submit a patio layout plan to the satisfaction of the Manager of Development Planning.

Further, Report PW11024 to Public Works Committee on April 4, 2011, approved by Council at Public Works Committee Report 11-005 on April 13, 2011, established the Encroachment on City Property Policy and the Encroachment on City Property Procedure with the General Manager of Public Works authorized and directed to amend the procedure as required. The purpose of this Report was to formalize written policies and procedures detailing steps and controls to manage processes and agreements for encroachments and Outdoor Boulevard Cafes.

Due to recent issues and complaints received from applicants regarding processing timelines for Encroachment Agreements for Outdoor Boulevard Cafés, staff worked together with the Continuous Improvement Team to look into the feasibility of adjusting the current requirements in order to increase efficiencies while still maintaining the integrity of these processes.

In the Fall of 2017, staff from PW and PED met in separate meetings with staff in Legal, Building, Zoning, Fire Prevention Bureau, Licensing, to discuss and consider their proposed changes to the current processes and the steps needed in order to ensure compliance is maintained while working through the process changes.

On March 7, 2018, PED and PW staff proposed process changes to the Continuous Improvement Team that would only require an Outdoor Boulevard Café to require Site Plan Approval if a Building Permit was required and the members of the Continuous Improvement Team were in favour of the proposed changes.

On April 25, 2018, Council approved Report PED18075 through General Issues Committee Report 18-009, which adopted the proposed changes to the Outdoor Boulevard Café requirements.

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SUBJECT: Amendments to Encroachments on City Property - Policy and Procedure (PW11024a) (City Wide) - Page 3 of 3

As per Council direction provided through both PW11024 and PED18075, Public Works has amended its Encroachment on City Property Policy and Encroachment on City Property Procedures accordingly to reflect these changes, which were approved by the General Manager of Public Works on May 4th, 2018.

Relevant Consultation

The following City staff were consulted on the revisions of the Policy and the Procedure:

- Corporate Services Department: Legal Services Division
- Planning and Economic Development Department: Development Engineering, Planning, Building, Licensing, Zoning
- Public Works Department: Engineering Services: Geomatics and Corridor Management

Appendices and Schedules Attached

Appendix A: Encroachment on City Property Policy

Appendix B: Encroachment on City Property Procedures

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CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
ENGINEERING SERVICES DIVISION
POLICY

POLICY NO:
SUBJECT: Encroachments on City Property Policy
ELIGIBILITY:

1. Introduction

The purpose of this policy is to establish a written process for the City of Hamilton (the “City”) consideration of requests for encroachments in, on, above, or under City Property and subsequent approval and management of encroachment agreements (“Encroachment Agreements”) approved under the Policy.

2. Definitions

“**Areaway**” means an open subsurface space adjacent to a building used to admit light and/or air or as a means of access to underground storage space.

“**City**” means the City of Hamilton

“**City Authority**” means the Public Works Department, Engineering Services Division, or such other City department, division, group, section, official or person(s) designated from time to time by Council to act on the City’s behalf.

“**City Property**” means a road allowance, park, cemetery, open space, or any property owned or managed by the City.

“**Commenting Agency**” means any agency (either internal and external) that is circulated for comments on Encroachment applications. This may include but is not limited to: Bell Canada, Building, Development Engineering, Planning, Alectra Utilities, Hydro One, Municipal Law Enforcement, Police Services, Risk Management, Roads Operations, Surveys, Traffic Engineering, Union Gas, and the Ward Councillor.

“**Encroachment**” means an improvement such as a building, structure, planted area or outdoor boulevard café, made to City Property that is located entirely on partly in, on, under, or above City Property authorized by an Encroachment Agreement.

“**Fence**” means:

- a) a railing, wall, line of posts, wire, gate, boards, pickets, latticework, or any combination thereof, or other similar erection for the purposes of enclosing or providing privacy; and,
- b) a hedge or grouping of shrubs used for the purposes listed in subsection (a).

“Landscaping” means a natural vegetation area, garden, constructed area such as a pathway, retaining wall, and decorative rock (save and except Fences and trees).

“Owner” means the legal registered owner of property that abuts City Property.

“Refreshment Vehicle” means any vehicle from which refreshments are sold for consumption by the public and includes, without limiting the generality of the foregoing, carts, wagons, trailers, trucks, and bicycles, irrespective of the type of power employed to move the refreshment vehicle from point to point.

“Sign” means any surface, structure and other component parts, which are used or capable of being used as a visual medium or display to attract attention to a specific subject matter for identification, information or advertising purposes and includes advertising device.

“Street Furniture” means elements and amenities installed in the public right of way for the use and convenience of the public. This may include but is not limited to a bench, waste/recycling bin, transit shelter, telephone booth, publication box, bike rack, and cigarette receptacle.

“Temporary Encumbrance” means a movable object located within the City’s road allowance. This may include but is not limited to, temporary signs, fruit and vegetable stands, planters, soft drink machines and ice machines.

3. Background

The City is authorized to enter into Encroachment Agreements pursuant to Sections 8, 9, and 10 of the *Municipal Act, 2001* which further authorizes the City, amongst other things, to delegate its authority and to impose fees or charges on persons for services or activities provided or done by or on behalf of it.

Pursuant to Item 21 of the Committee of the Whole Report 01-029, approved by Council on September 18, 2001, as amended by Item 9 of the Corporate Administration Committee Report 05-011, adopted by Council on June 29, 2005, the City is authorized to enter into agreements with abutting owners to permit, among other things, Encroachments onto City Property. The authority to approve and to release or discharge such agreements is delegated to the department responsible for the subject City Property.

The Public Works Department is responsible for, among other things, administration and care of City Property. This policy establishes the terms and conditions upon which Public Works may enter into agreements to permit certain Encroachments in, on, under, or above, City Property. Terms and conditions of the encroachment will be set out in the Encroachment Agreement or, where temporary in nature, a permit allowing temporary access.

4. Policy

The City does not encourage Encroachments on City Property. Applicants must satisfy to the City the followings:

- that the need for an encroachment is reasonable/feasible as no other alternative exists;
- the health and safety of the public is not in jeopardy;
- it is in the public's best interest; and,
- it is minor in nature.

When satisfied, the City may, at its discretion, enter into agreements with abutting property owners for Encroachments, such as a building, structure, or outdoor boulevard café located partially or wholly on City Property, subject to the criteria set out within this policy and accompanying procedures.

4.1 Guidelines for Considering Encroachments

The following guidelines are used to facilitate requests for Encroachment Agreements for various situations:

1. Property owners may submit a request for an encroachment in, on, under, or above City Property, for consideration by the City. Requests must include the following to be considered:
 - a. Completed Encroachment Application or Boulevard Café Encroachment Application Form
 - b. Applicable Fees as set out in the City's User Fees and Charges By-law;
 - c. Site Survey, Surveyor's Sketch, or Reference Plan completed by an Ontario Land Surveyor (O.L.S) outlining the extent of the Encroachment; and
 - d. Minor Site Plan Approval when required for Outdoor Boulevard Café Encroachments that require a Building Permit.
2. The City may enter into an Encroachment Agreement where it has been determined that the health and safety of the public is not in jeopardy, where it

is in the public's best interest and where it is minor in nature, including but not limited to such instances as:

- i) awnings
- ii) Landscaping
- iii) Outdoor Boulevard Café
- iv) out swinging door
- v) paving to replace Landscaping to minimize maintenance purposes only and where no vehicular movement is permitted
- vi) porch or deck
- vii) Sign (where not otherwise prohibited)
- viii) steps
- ix) Street Furniture (where not otherwise authorized)
- x) wheelchair ramps

3. The City generally will not enter into an Encroachment Agreement where it has been determined that the health and safety risk of the public is in jeopardy, where it is not in the public's best interest, where it is not minor in nature or other non-permitted instances including but not limited to such instances as:

- i) Areaway
- ii) Fences
- iii) open spaces
- iv) encroachments on public unassumed alleyways
- v) Refreshment Vehicle
- vi) temporary encumbrances

4. Applicants will be advised in writing of the City's decision. Requests for reconsideration of a decision may be submitted in writing to the General Manager of Public Works or his/her designate and must be received within 60 days of the original decision. Such requests shall include any additional information supporting the request for reconsideration.

Where concerns are identified by City Staff or Commenting Agencies that cannot be remedied, those concerns may be presented to Public Works Committee for direction.

CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
ENGINEERING SERVICES DIVISION
PROCEDURE

POLICY NO:
SUBJECT: Encroachments on City Property Procedure
ELIGIBILITY:

1. Process Overview

An Owner may apply to the Public Works Department, Engineering Services Division, to request an Encroachment Agreement. The Owner is required to pay the applicable fees set out in the City of Hamilton User Fees and Charges By-Law.

Upon receipt of a completed application form, the Public Works Department will circulate notice of the completed application to relevant Commenting Agencies for their review and comment. The Public Works Department will assess the application together with the comments received to determine whether the requested Encroachment should be approved within the guidelines set out below.

The Owner may be required to submit a Registered Plan (R-Plan) to the satisfaction of the Senior Project Manager - Surveys, Geomatics and Corridor Management Section.

If approval is granted, the Owner will execute the Encroachment Agreement and the Mayor and City Clerk will execute the Encroachment Agreement on behalf of the City. The Encroachment Agreement is then registered on title to the Owner's property by the Owner's solicitor and is not discharged until the Encroachment is removed, no longer exists or has been brought to an end, as determined by the Public Works Department, regardless of any change in ownership.

2. Encroachment Agreement Application Procedure

- i) The Owner must submit the following required documentation via email, mail, or in person to the Public Works Department:
 - a. A completed Encroachment Agreement Application Form along with the required fee; and
 - b. Site Survey, Surveyor Sketch, or R-Plan showing the extent of all Encroachments prepared by an Ontario Land Surveyor (O.L.S.).

- ii) Upon receipt of the required documentation, the appropriate Public Works staff (“Staff”) will take the required steps to open a file and process the application.
- iii) A site visit by Staff will be conducted when considered necessary.
- iv) A memo is prepared by Staff (which may include maps, drawings and/or photos) and is circulated to the appropriate Commenting Agencies for comments.
- v) Comments are received from the Commenting Agencies and additional investigation may be undertaken as a result, including the request for an R-Plan from the Owner if one has not already been provided.
- vi) Staff recommendations are made based on whether the proposed Encroachment, during the evaluation process, meet the following evaluation criteria:

Encroachment Application Evaluation Criteria	
Approve	Refuse
<ul style="list-style-type: none"> • Conforms with Encroachment Policy • Meets Public Works guidelines • Approval from Commenting Agencies • Pre-Approved Council direction (non-routine matters) 	<ul style="list-style-type: none"> • The health and safety of the public is in jeopardy • It is not in the public’s best interest • It is not minor in nature • Negative internal or external feedback that cannot be resolved • Where concerns are identified by City staff or Commenting Agencies, those concerns may be presented to Public Works Committee for direction

- vii) If the Encroachment Agreement Application is denied:
 - a. Staff will notify the Owner by letter via mail and/or email; and
 - b. Inform Municipal Law Enforcement for potential enforcement.
- viii) If the Encroachment Agreement Application is approved:
 - a. A draft Encroachment Agreement is prepared by Public Works Staff.

- b. If Staff have concerns with the contents of the Encroachment Agreement, they will digitally send the draft Encroachment Agreement, via email, to Legal Services for review and comment.
- c. Upon Staff's completion of the drafting of the Encroachment Agreement, the Encroachment Agreement is forwarded to the Owner for execution.
- d. Three (3) original copies of the signed Encroachment Agreements are returned to Staff.
- e. Staff complete memos to both Legal Services and the City Clerk and forward the three (3) signed copies for Legal sign off and then for execution by the Mayor and City Clerk.
- f. The fully executed Encroachment Agreement is to be returned to the attention of Public Works Staff.
- g. Staff scan and save a copy of the fully executed Encroachment Agreement and return two (2) hard copies to the Owner's solicitor for registration on title to the Owner's property.
- h. Owner's solicitor registers the Encroachment Agreement on title to the Owner's property via Teraview, and a copy of the registered Notice is forwarded to the attention of Public Works Staff to be saved in the file.
- i. A copy of the registered Notice and original signed Encroachment Agreement is then forwarded to Clerks for record keeping purposes.
- j. The registered Notice and a copy of the Encroachment Agreement are also forwarded to the Property Clerk to be added to the City's Encroachment Database GIS, who will import all the appropriate information into the GIS system for record keeping and annual billing purposes.
- k. If the Encroachment Agreement is a condition of approval by another City Department (e.g. Building, Site Plan Approval, Committee of Adjustment) Staff will notify the Department that the Encroachment Agreement was registered on title and that the condition has been met.
- l. The completed file is retained in accordance with By-law No. 06-333, To Establish Retention Periods for Records of the City of Hamilton.

3. Encroachment Agreement Discharge Process Procedure

- i) Staff receives written notice from an Owner or the Owner's solicitor, requesting discharge of the Encroachment from their property and provides a copy of the original Encroachment Agreement.
- ii) Upon receiving the request to discharge the Encroachment Agreement, Staff will take the required steps to open the file and process the request.
- iii) Staff will conduct a site visit and/or review photos taken by the Owner, as required, to ensure the Encroachment has been removed.

- iv) A Discharge Agreement is drafted by Public Works Staff and forwarded via email to Legal Services for review as to form.
- v) Once Legal Services confirms that the form of the draft Discharge Agreement is correct, Staff forwards a copy of the Discharge Agreement to the Owner for execution.
- vi) Three (3) original copies of the signed Discharge Agreement are returned to Staff.
- vii) Staff complete memos to both Legal Services and the City Clerk and forward three (3) signed copies for Legal sign off to form. Legal Services forwards the Discharge Agreement to the Mayor and City Clerk for execution. The Discharge Agreements are returned to the attention of Public Works Staff.
- viii) Staff retains one (1) copy of the fully executed Discharge Agreement and returns the two (2) remaining original copies of the Discharge Agreement to the Owner or their solicitor for registration.
- ix) The Owner's solicitor registers the Discharge Agreement on title via Teraview and a copy of the registered Notice is forwarded to the attention of Public Works Staff to be saved in the file.
- x) A copy of the registered Notice and an original signed Discharge Agreement is then forwarded to Clerks for record keeping purposes.
- xi) The registered Notice and a copy of the Discharge Agreement are also forwarded to the Property Clerk to be added to the City's Encroachment Database GIS, who will import all the appropriate information into the GIS system for record keeping and annual billing purposes.
- xii) The completed file is retained in accordance with By-law No. 06-333, To Establish Retention Periods for Records of the City of Hamilton.

4. Outdoor Boulevard Café Agreement Application Process Procedure

- i) If the proposed Outdoor Boulevard Café requires a Building Permit the Owner must obtain Minor Site Plan approval from Planning and Economic Development before an Encroachment Application for an Outdoor Boulevard Café will be processed.

- ii) The Owner submits a complete Encroachment Agreement Application for Outdoor Boulevard Café to the Public Works Department via e-mail, mail or in person, which includes the following documents:
 - a. If required, a Minor Site Plan approval if the Outdoor Boulevard Café requires a Building Permit. The Minor Site Plan must include the comments from Planning and Economic Development’s Minor Site Plan Circulation, which can be forwarded to Public Works Staff by Planning and Economic Development Staff;
 - b. Site Survey, Surveyor Sketch or R-Plan showing the extent of the proposed Outdoor Boulevard Café encroachment completed by an Ontario Land Surveyor (O.L.S.);
 - c. Completed application form with the required fee;
 - d. Proof of Zoning Compliance; and
 - e. If required, proof of Liquor License Approval.
- iii) Upon receipt of the required documentation, Staff will take the appropriate steps to open the file and begin processing the application.
- iv) A site visit by Staff will be conducted when considered necessary.
- v) If a Minor Site Plan was not required, a memo is prepared by Staff which may include maps, drawings or photos, Survey, Surveyor Sketch or R-Plan, and application information -is circulated to the appropriate Commenting Agencies for comments.
- vi) After comments are received an additional investigation may be undertaken, which could include the request of an R-Plan if not already provided.
- vii) Staff recommendations are made based on whether the proposed Encroachment, during the evaluation process meet the following evaluation criteria:

Encroachment Application Evaluation Criteria	
Approve	Refuse
<ul style="list-style-type: none"> • Conforms with Encroachment Policy • Meets Public Works guidelines • Approval from Commenting Agencies 	<ul style="list-style-type: none"> • The health and safety of the public is in jeopardy • It is not in the public’s best interest • It is not minor in nature • Negative internal or external feedback that cannot be resolved

<ul style="list-style-type: none"> • Pre-Approved Council direction (non-routine matters) 	<ul style="list-style-type: none"> • Where concerns are identified by City staff or Commenting Agencies, those concerns may be presented to Public Works Committee for direction
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- viii) If the Encroachment Agreement Application for an Outdoor Boulevard Café is denied:
 - a. Staff will notify the Owner by letter via mail and/or email; and
 - b. Inform Municipal Law Enforcement for potential enforcement.

- ix) If the Encroachment Agreement Application for an Outdoor Boulevard Café is approved:
 - a. A draft Encroachment Agreement is prepared by Public Works Staff.
 - b. If Staff have concerns with the contents of the Encroachment Agreement, they will digitally send the draft Encroachment Agreement, via email, to Legal Services for review and comment.
 - c. Upon Staff's completion of the drafting of the Encroachment Agreement, the Encroachment Agreement is forwarded to the Owner for execution.
 - d. Three (3) original copies of the signed Encroachment Agreements are returned to Staff.
 - e. Staff complete memos to both Legal Services and the City Clerk and forward the three (3) signed copies for Legal sign off and then for execution by the Mayor and City Clerk.
 - f. Two (2) fully executed Encroachment Agreements will be returned to the attention of Public Works Staff.
 - g. Staff scan and save a copy of the fully executed Encroachment Agreement and return two (2) hard copies to the Owner and the Owner's solicitor for registration.
 - h. The Owner's solicitor registers the Encroachment Agreement on title to the Owner's property via Teraview, and a copy of the registered Notice is forwarded to the attention of Public Works Staff to be saved in the file.
 - i. A copy of the registered Notice and an original signed Encroachment Agreement is then forwarded to Clerks for record keeping purposes.
 - j. The registered Notice and a copy of the Encroachment Agreement are also forwarded to the Property Clerk to be added to the City's Encroachment Database GIS, who will import all the appropriate information into the GIS system for record keeping and annual billing purposes.
 - k. Staff notifies the Alcohol and Gaming Commission of Ontario (AGCO) that the Encroachment Agreement for the Outdoor Boulevard Café has been registered if a liquor license is requested.

- l. Staff provides the Owner with a metal plaque to be fastened on the outside of the building authorizing use of City Property.
- m. If the Encroachment Agreement is a condition of approval by another City Department (e.g. Building, Site Plan Approval, Committee of Adjustment) Staff will notify the Department that the Encroachment Agreement was registered on title and that the condition has been met.
- n. The completed file is retained in accordance with By-law No. 06-333, To Establish Retention Periods for Records of the City of Hamilton.

5. Outdoor Boulevard Café Agreement Discharge Process Procedure

- i) Same process as outlined in Section 3 with the additional step of:
 - a. Staff notifies the Alcohol and Gaming Commission of Ontario (AGCO) that the Encroachment Agreement for the Outdoor Boulevard Café has been discharged, if applicable.



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	June 4, 2018
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 49 Walnut Street South, Hamilton (PW18047) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Gary Kirchknopf Geomatics & Corridor Management (905) 546-2424, Extension 7217
SUBMITTED BY:	Gary Moore, P.Eng. Director, Engineering Services Public Works
SIGNATURE:	

RECOMMENDATION

That the application of the owner of 49 Walnut Street South, Hamilton, to permanently close and purchase a portion of the unassumed alleyway abutting the North side of 49 Walnut Street South, Hamilton, ("Subject Lands"), as shown on Appendix "A", attached to Report PW18047, be approved, subject to the following conditions:

- (a) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
 - (i) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and
 - (ii) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;
- (b) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
- (c) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 49 Walnut Street South, Hamilton (PW18047) (Ward 2) - Page 2 of 5

- (i) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
 - (ii) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to sell the closed alleyway to the owners of 49 Walnut Street South, Hamilton, as described in Report PW18047, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
 - (iii) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office;
 - (iv) The Public Works Department provide any required notice of the City's intention to pass the by-laws and/or permanently sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204;
- (d) That the applicant enters into agreements with any Public Utility requiring easement protection.

EXECUTIVE SUMMARY

The owner of 49 Walnut Street South, Hamilton has applied to permanently close and purchase a portion of the public unassumed alleyway running East/West at the North side of their property for the purpose of land assembly required for future development proposed under Formal Consultation file FC-17-079. There were no objections received from any City Departments, Divisions, or Public Utilities. There were 4 opposed responses received from abutting land owners with access concerns. Staff completed an on-site visit of the Subject Lands, and due to the placement of a Hydro Pole approximately 2.8m from the building known as 154 Main Street East, limited vehicular traffic is currently only able to access the alleyway from the Walnut Street South entrance and therefore, must use the Ferguson Street entrance for deliveries and access to the rear of abutting properties. As this proposed closure does not impact access from Ferguson Street South, staff are supportive of the proposed closure and sale to the owner of 49 Walnut Street South.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The applicant has paid the Council approved user fee of \$4,454.00. The Subject Lands will be sold to the owners of 49 Walnut Street South, Hamilton, as determined by the Real Estate Section of the Planning and Economic Development Department in accordance with the City of Hamilton Sale of Land Policy By-law 14-204.

Staffing: An agreement to purchase the Subject Lands will be negotiated by the Real Estate Section of the Planning and Economic Development Department.

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SUBJECT: Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 49 Walnut Street South, Hamilton (PW18047) (Ward 2) - Page 3 of 5

Legal: Subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved, the City Solicitor will prepare all necessary by-laws to permanently close and sell the Subject Lands and will register such by-laws in the Land Registry Office once Council has approved the by-law. The by-law does not take effect until the certified copy of the by-law is registered in the proper land registry office. The City Solicitor will complete the transfer of the Subject Lands to the owners of 49 Walnut Street South, Hamilton pursuant to an agreement negotiated by the Real Estate Section of the Planning and Economic Development Department.

HISTORICAL BACKGROUND

The Subject Lands are composed of an alleyway created by Registered Plan 48. There is currently a Hydro Pole located within this alleyway that sits approximately 2.8m from the south wall face of the building known as 154 Main Street East. This pole currently limits the ability for through vehicular traffic to pass through this alleyway from Walnut Street South to Ferguson Street South. Currently, the owners of abutting portions of this alleyway access the rear of their properties via the Ferguson Street South entrance. On June 8, 2017, the owners of 49 Walnut Street South made application to close and purchase a portion of this alleyway in order to facilitate land assembly required to complete future development plans being part of Formal Consultation FC-17-079. After receiving letters of opposition for abutting land owners, staff completed an on-site investigation on April 27, 2018. The results of the investigation provided insight into the travel ability of the Subject Lands and the impact this closure would have on abutting land owners. It was determined that due to the distance of the Hydro pole from the existing south face of the building of 154 Main Street East, there is limited ability for a vehicular traffic to access the rear of the properties abutting the Easterly portion of the alleyway from the Walnut Street South entrance. As the Subject Lands do not impact the access for abutting land owners via the Ferguson Avenue South entrance, staff determined this proposed closure would not negatively impact the abutting land owners. As such, staff are supportive of this proposed closure and sale of the Subject Lands to the owner of 49 Walnut Street South.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The closure of the Subject Lands will be subject to any application required by the City. In addition, a by-law must be passed to permanently close the Subject Lands in accordance with the *Municipal Act, 2001*.

RELEVANT CONSULTATION

The following public utilities, City departments and divisions were provided with a copy of the application and were invited to provide comments:

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SUBJECT: Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 49 Walnut Street South, Hamilton (PW18047) (Ward 2) - Page 4 of 5

- Planning and Economic Development Department: Development Engineering, Building, Economic Development, Real Estate, and Planning
- Public Works Department: Engineering Services, Hamilton Water, Operations, Environmental Services, and Transportation
- Hamilton Emergency Services
- Corporate Services Department: Budgets and Finance
- Mayor and Ward Councillor
- Bell, Horizon Utilities/Alectra Utilities, Hydro One, and Union Gas

There were no objections received from any public utilities, City departments and divisions.

Engineering Services provided the following comments regarding the Hydro Pole within the Subject Lands:

“The space between the hydro pole and the building wall measures out to be 2.8M. The average width of a standard car is about 3M. Therefore, no delivery trucks or vans would be able to fit between that area.”

Zoning provided the following comments:

“This applicant has applied for Formal Consultation (File No. FC-17-079). The applicant proposes to replace the existing commercial office and parking lot in order to establish a mixed use development consisting of a sixteen (16) storey residential tower with 200 units fronting Main Street East. A five (5) storey parking structure is proposed along Jackson Street East that will comprise 206 parking spaces. The proposed density would be 647 units per hectare. Approximately 1,408 square metres of retail/commercial floor space is proposed on the ground floor of the residential tower. A Zoning By-law Amendment application will be required to implement the proposal.”

Bell has advised that they will require easement protection.

Notice of the proposal was sent to all abutting property owners of the Subject Lands, as shown on Appendix “B”, for comment. In this instance, there were 7 notices mailed, and the results are as follows:

In favour: 0

Opposed: 4

No comment: 0

Those opposed expressed concerns regarding access to the rear of their properties for business purposes, deliveries, and parking. After an onsite investigation by staff, it was determined that the Subject Lands do not currently provide access to the portion of the alleyway used by these abutting owners and therefore, the proposed closure would not negatively impact the abutting owners.

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**SUBJECT: Proposed Permanent Closure and Sale of a Portion of Public
Unassumed Alley Abutting 49 Walnut Street South, Hamilton
(PW18047) (Ward 2) - Page 5 of 5**

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As there were no objections received from any City Departments, Divisions, or Public Utilities, and as an on-site investigation by Staff removed the relevance of the objections received from abutting land owners regarding access concerns, staff are supportive of the proposed closure and sale of the Subject Lands to the owner of 49 Walnut Street South.

ALTERNATIVES FOR CONSIDERATION

The City could deny this application and the Subject Lands would remain public unassumed alleyway.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

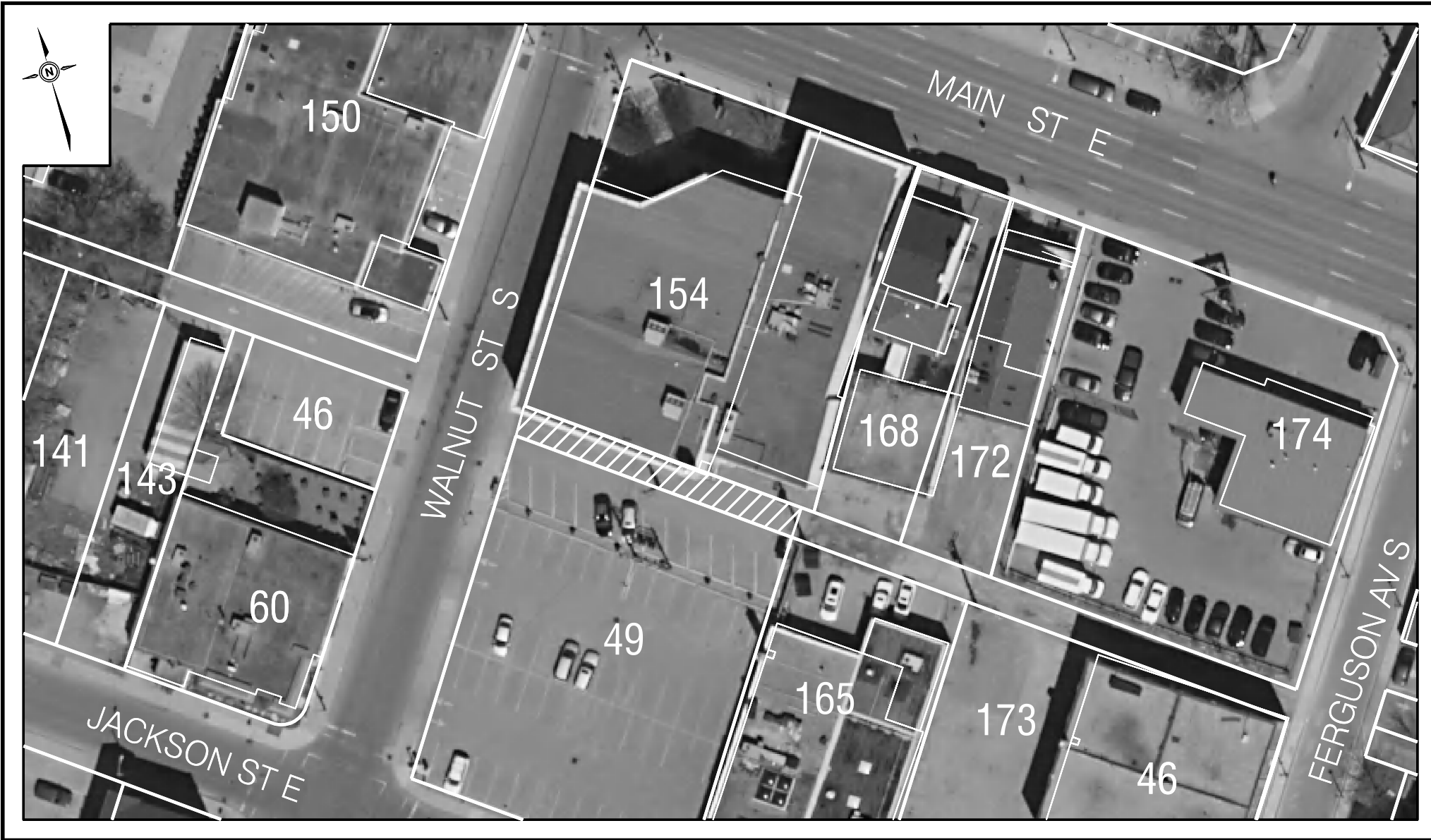
Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix A: Aerial Drawing

Appendix B: Location Plan



Hamilton

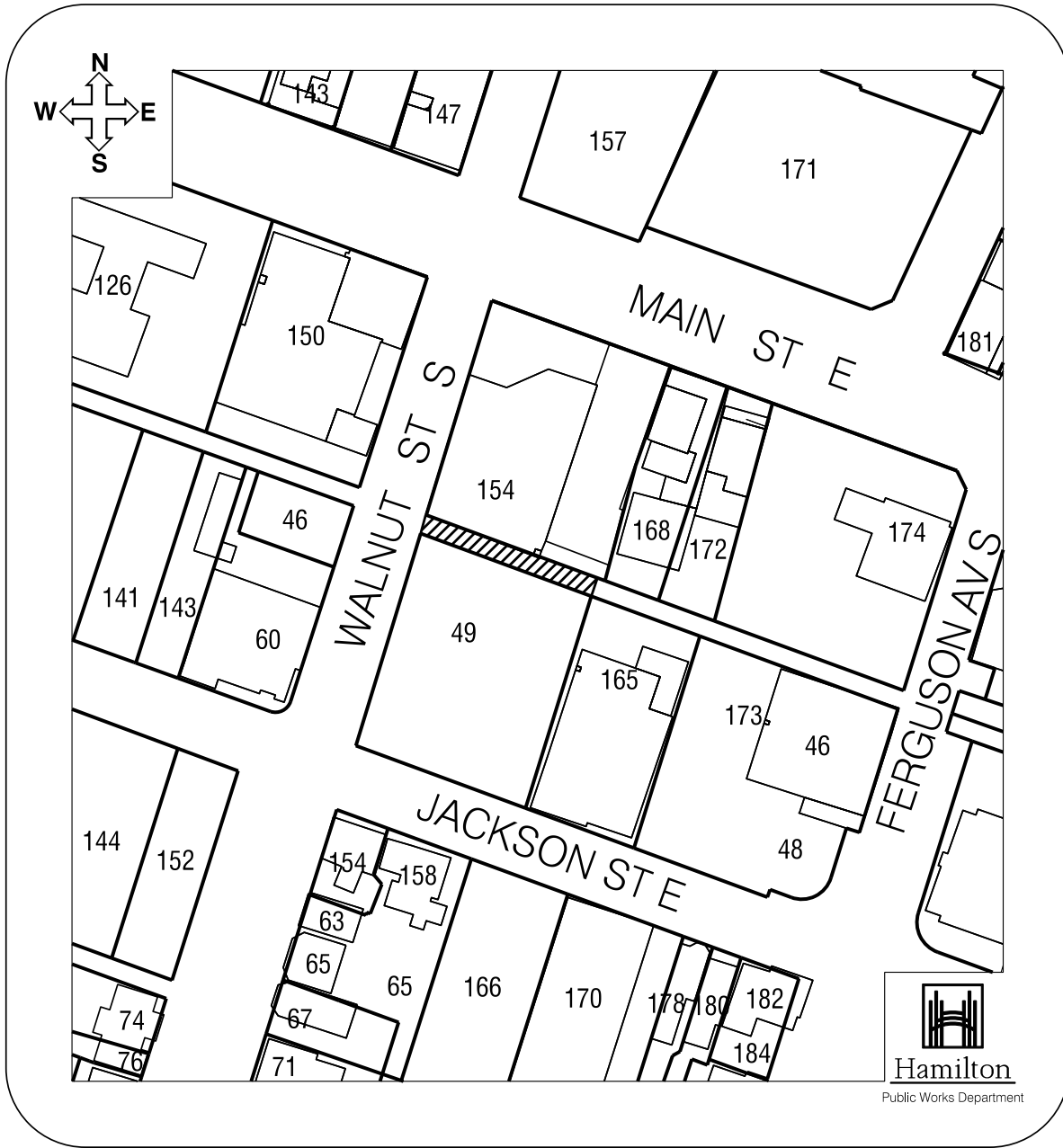
PROPOSED CLOSURE OF PORTION OF UNASSUMED ALLEY
AT 49 WALNUT STREET SOUTH, HAMILTON

Geomatics & Corridor Management Section
Public Works Department

LEGEND

 **Lands to be Closed**

NTS
13/06/2017
Sketch By: KM



LOCATION PLAN

PROPOSED CLOSURE OF
 UNASSUMED ALLEY AT

49 WALNUT STREET SOUTH

CITY OF HAMILTON
 PUBLIC WORKS DEPARTMENT

LEGEND



SUBJECT LANDS

DATE: JUNE 13, 2017

Not to Scale

REFERENCE FILE NO : PW17_



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	June 4, 2018
SUBJECT/REPORT NO:	Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 49 Walnut Street South, Hamilton (PW18047) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Gary Kirchknopf Geomatics & Corridor Management (905) 546-2424, Extension 7217
SUBMITTED BY:	Gary Moore, P.Eng. Director, Engineering Services Public Works
SIGNATURE:	

RECOMMENDATION

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 - (i) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and
 - (ii) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;
- (b) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
- (c) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:

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SUBJECT: Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 49 Walnut Street South, Hamilton (PW18047) (Ward 2) - Page 2 of 5

- (i) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
 - (ii) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to sell the closed alleyway to the owners of 49 Walnut Street South, Hamilton, as described in Report PW18047, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
 - (iii) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office;
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- (d) That the applicant enters into agreements with any Public Utility requiring easement protection.

EXECUTIVE SUMMARY

The owner of 49 Walnut Street South, Hamilton has applied to permanently close and purchase a portion of the public unassumed alleyway running East/West at the North side of their property for the purpose of land assembly required for future development proposed under Formal Consultation file FC-17-079. There were no objections received from any City Departments, Divisions, or Public Utilities. There were 4 opposed responses received from abutting land owners with access concerns. Staff completed an on-site visit of the Subject Lands, and due to the placement of a Hydro Pole approximately 2.8m from the building known as 154 Main Street East, limited vehicular traffic is currently only able to access the alleyway from the Walnut Street South entrance and therefore, must use the Ferguson Street entrance for deliveries and access to the rear of abutting properties. As this proposed closure does not impact access from Ferguson Street South, staff are supportive of the proposed closure and sale to the owner of 49 Walnut Street South.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The applicant has paid the Council approved user fee of \$4,454.00. The Subject Lands will be sold to the owners of 49 Walnut Street South, Hamilton, as determined by the Real Estate Section of the Planning and Economic Development Department in accordance with the City of Hamilton Sale of Land Policy By-law 14-204.

Staffing: An agreement to purchase the Subject Lands will be negotiated by the Real Estate Section of the Planning and Economic Development Department.

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SUBJECT: Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 49 Walnut Street South, Hamilton (PW18047) (Ward 2) - Page 3 of 5

Legal: Subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved, the City Solicitor will prepare all necessary by-laws to permanently close and sell the Subject Lands and will register such by-laws in the Land Registry Office once Council has approved the by-law. The by-law does not take effect until the certified copy of the by-law is registered in the proper land registry office. The City Solicitor will complete the transfer of the Subject Lands to the owners of 49 Walnut Street South, Hamilton pursuant to an agreement negotiated by the Real Estate Section of the Planning and Economic Development Department.

HISTORICAL BACKGROUND

The Subject Lands are composed of an alleyway created by Registered Plan 48. There is currently a Hydro Pole located within this alleyway that sits approximately 2.8m from the south wall face of the building known as 154 Main Street East. This pole currently limits the ability for through vehicular traffic to pass through this alleyway from Walnut Street South to Ferguson Street South. Currently, the owners of abutting portions of this alleyway access the rear of their properties via the Ferguson Street South entrance. On June 8, 2017, the owners of 49 Walnut Street South made application to close and purchase a portion of this alleyway in order to facilitate land assembly required to complete future development plans being part of Formal Consultation FC-17-079. After receiving letters of opposition for abutting land owners, staff completed an on-site investigation on April 27, 2018. The results of the investigation provided insight into the travel ability of the Subject Lands and the impact this closure would have on abutting land owners. It was determined that due to the distance of the Hydro pole from the existing south face of the building of 154 Main Street East, there is limited ability for a vehicular traffic to access the rear of the properties abutting the Easterly portion of the alleyway from the Walnut Street South entrance. As the Subject Lands do not impact the access for abutting land owners via the Ferguson Avenue South entrance, staff determined this proposed closure would not negatively impact the abutting land owners. As such, staff are supportive of this proposed closure and sale of the Subject Lands to the owner of 49 Walnut Street South.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The closure of the Subject Lands will be subject to any application required by the City. In addition, a by-law must be passed to permanently close the Subject Lands in accordance with the *Municipal Act, 2001*.

RELEVANT CONSULTATION

The following public utilities, City departments and divisions were provided with a copy of the application and were invited to provide comments:

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SUBJECT: Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 49 Walnut Street South, Hamilton (PW18047) (Ward 2) - Page 4 of 5

- Planning and Economic Development Department: Development Engineering, Building, Economic Development, Real Estate, and Planning
- Public Works Department: Engineering Services, Hamilton Water, Operations, Environmental Services, and Transportation
- Hamilton Emergency Services
- Corporate Services Department: Budgets and Finance
- Mayor and Ward Councillor
- Bell, Horizon Utilities/Alectra Utilities, Hydro One, and Union Gas

There were no objections received from any public utilities, City departments and divisions.

Engineering Services provided the following comments regarding the Hydro Pole within the Subject Lands:

“The space between the hydro pole and the building wall measures out to be 2.8M. The average width of a ~~standard car~~ **transport truck** is about 3M. Therefore, no delivery trucks or vans would be able to fit between that area.”

Zoning provided the following comments:

“This applicant has applied for Formal Consultation (File No. FC-17-079). The applicant proposes to replace the existing commercial office and parking lot in order to establish a mixed use development consisting of a sixteen (16) storey residential tower with 200 units fronting Main Street East. A five (5) storey parking structure is proposed along Jackson Street East that will comprise 206 parking spaces. The proposed density would be 647 units per hectare. Approximately 1,408 square metres of retail/commercial floor space is proposed on the ground floor of the residential tower. A Zoning By-law Amendment application will be required to implement the proposal.”

Bell **and Horizon Utilities/Alectra Utilities has have** advised that they will require easement protection.

Notice of the proposal was sent to all abutting property owners of the Subject Lands, as shown on Appendix “B”, for comment. In this instance, there were 7 notices mailed, and the results are as follows:

In favour: 0

Opposed: 4

No comment: 0

Those opposed expressed concerns regarding access to the rear of their properties for business purposes, deliveries, and parking. After an onsite investigation by staff, it was determined that the Subject Lands do not currently provide access to the portion of the alleyway used by these abutting owners and therefore, the proposed closure would not negatively impact the abutting owners.

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SUBJECT: Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 49 Walnut Street South, Hamilton (PW18047) (Ward 2) - Page 5 of 5

ANALYSIS AND RATIONALE FOR RECOMMENDATION

As there were no objections received from any City Departments, Divisions, or Public Utilities, and as an on-site investigation by Staff removed the relevance of the objections received from abutting land owners regarding access concerns, staff are supportive of the proposed closure and sale of the Subject Lands to the owner of 49 Walnut Street South.

ALTERNATIVES FOR CONSIDERATION

The City could deny this application and the Subject Lands would remain public unassumed alleyway.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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APPENDICES AND SCHEDULES ATTACHED

Appendix A: Aerial Drawing

Appendix B: Location Plan



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
 Energy, Fleet and Facilities Management Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	June 4, 2018
SUBJECT/REPORT NO:	Ancaster Tennis Bubble (PW17089a) (Ward 12) (Outstanding Business List)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Robyn Ellis (905) 546-2424, Extension 2616 Sarah Cellini (905) 546-2424, Extension 3859 Steve Sevor (905) 546-2424, Extension 4645
SUBMITTED BY:	Rom D'Angelo, C.E.T.;CFM Director, Energy, Fleet and Facilities Management Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the City's capital cost of the Ancaster Tennis Bubble, in the amount of \$290,000 loan and \$60,000 capital contribution, be referred to the 2019 Capital Budget (GIC), for consideration against all Recreation Facility and City-Wide capital priorities as part of the 2019 capital budget process;
- (b) That the matter respecting the Ancaster Tennis Bubble be removed from the Public Works Outstanding Business List.

EXECUTIVE SUMMARY

Council directed staff to report back regarding the Ancaster Tennis Bubble to address the Outstanding Business List item. This matter is a follow-up to the letter from the Ancaster Tennis Club (ATC) received by Council February 14, 2018, attached to Report PW17089a as Appendix "A" and as a follow up to staff Report PW17089 Ancaster Tennis Bubble at the November 13, 2017 Public Works Committee.

There is significant staff question in the analysis section of Report PW17089a regarding the recreational demand for adding this new amenity. However, there also is significant support from the ATC membership and board, including financial support. There are a number of competing considerations on this project as follows:

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SUBJECT: Ancaster Tennis Bubble (PW17089a) (Ward 12) - Page 2 of 8

1. ATC financial contribution with member and board support; and,
2. Question of recreational demand for this amenity; and,
3. Serves larger geographical area.

Given all factors in this analysis, staff recommend that this project be deferred for consideration for comparison and consideration in overall priority against all the other City-wide capital priorities as part of the 2019 capital budget process.

Alternatives for Consideration – See Page 7**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The loan to ATC of \$290,000 and City capital funding of \$60,000 is required to complete the Ancaster Tennis Bubble as described in Report PW17089a:

Table 1: Estimated Bubble Capital Costs and Proposed Funding Source

Item	Budget	Proposed Funding Source
Bubble Cost (*Amortized into Annual 10 year Lease cost of \$60,000)	\$450,000 *	ATC
Foundations & Structural	\$200,000	City Loan to ATC
Site work, Electrical, Fence	\$125,000	ATC
Permit Engineering, & Contract Admin & Permit Fees	\$90,000	City Loan to ATC
Project Contingency	\$75,000	ATC
Geotechnical, & Survey & Internal Costs	\$60,000	City capital funding
Total	\$1,000,000	

Table 1 above is a summary of the estimated project and proposed funding sources. For a summary of the additional annual operating costs to ATC for the bubble, please see Table 2 below. ATC has indicated in their business plan that they are in agreement to pay these costs, with the exception of utilities, which they will request that the City of Hamilton pay. The increase in utility cost due to the Ancaster Tennis Bubble is unknown but is not anticipated to exceed \$10k per year.

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SUBJECT: Ancaster Tennis Bubble (PW17089a) (Ward 12) - Page 3 of 8

Table 2

Summary of ATC's agreed upon Annual Operating Costs for Bubble

Annual Bubble Lease Cost:	\$60,000
ATC Staff & Pro Incremental Salaries	\$91,000
Annual Repairs & Maintenance	\$10,000
Annual Bubble Assembly & Disassembly	\$8,500
Website, Credit Card, Accounting	\$7,800
Annual Insurance	\$4,200
Snow Removal	\$2,200
Special Events	\$2,000
Other	\$2,000
Court Cleaning	\$1,600
Telephone & Bank	\$1,300
Subtotal	\$190,600
ATC Funding (membership & court fees)	-\$190,600
Net Operating Cost Impact (to City)	\$0

This does not include consideration of the approximately \$30,000 annual principal and interest repayment for the requested \$290k loan from the City, an annual cost which ATC has indicated they are able and willing to pay.

Staffing: There are no new staffing implications associated with this report. Ancaster Tennis Club indicates that they have budgeted for the necessary increase in winter staffing within their business plan.

Legal: There are no new legal implications associated with this report. However, should this project be approved as part of the 2019 capital budget process, staff cannot negotiate or enter a cost-contribution agreement with ATC for their contribution to the Bubble without first receiving Council direction and authority to do so.

The Procurement By-Law governs how City Staff procure goods and services at City sites. Standard clauses in procurement documents and contracts used by City Staff cover off standard risk, liability, constructor considerations (under the *Occupational Health and Safety Act (OHSA)*) and the City's labour obligation considerations. All agreements that staff are directed to enter into are in a form acceptable to the City Solicitor. However, there are currently no provisions which govern the procurement practices of Community Groups such as ATC and their procurement of the Tennis Bubble. It is unclear at this time whether levels of risk in terms and conditions between ATC and their vendor may incur possible risk to the City.

HISTORICAL BACKGROUND

October 3, 2016, at Public Works Committee City staff was asked to report back on the feasibility of a Tennis Bubble for ATC at Village Green Park through Notice of Motion, later approved by Council. Staff spoke with ATC, gathered information and completed

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SUBJECT: Ancaster Tennis Bubble (PW17089a) (Ward 12) - Page 4 of 8

due diligence work with a licensed Architect. This information and due diligence was reported back to Council Committee.

November 13, 2017, staff reported their findings to Public Works Committee in Information Report PW17089 Ancaster Tennis Bubble (Ward 12).

December 2017, Recreation and Facilities staff met with ATC and reviewed their Business Plan for the Dome.

February 14, 2018, Council received a letter from the Ancaster Tennis Club (ATC) addressed to Mayor Fred Eisenberger and Members of Council outlining the benefits of constructing the air-supported structure (Dome/Bubble) over the five hard surface courts located on City owned lands in Village Green Park behind the Ancaster Library. A Council motion was also passed February 14, 2018 which directed Staff to report back to Council Committee regarding the Ancaster Tennis Bubble.

February 22, 2018, Recreation and Facilities staff met with ATC to discuss details of the project and an update on their funding sources. ATC notified staff that they intend to apply for Minor Site Plan in 2018 and progress to construction in 2019 (if approved by the City).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**Public Use of the Tennis Bubble**

There is no policy directive regarding public use of facilities. However, it has been practice to ensure that if public funds are being used in relation to a recreational facility, staff ensure that there the public are benefitting in some manner. In similar situations, staff negotiate public access to the facility in a manner that is mutually acceptable to the City and the contracted facility operator.

Negotiating an Agreement with ATC

Staff cannot negotiate or enter an agreement with ATC for their contribution to the Bubble without Council direction and authority.

Procurement Policy

The Procurement By-Law governs how City Staff procure goods and services at City sites. Standard clauses in procurement documents and contracts used by City Staff cover off standard risk, liability, constructor considerations and labour obligation considerations. However, there are currently no provisions which govern the procurement practices of Community Groups such as ATC.

ATC has conducted industry research with different vendors and identified a vendor that they wish to enter into a long-term lease with for the Tennis Bubble. The total value of the lease is approximately \$450k to a single vendor over 10 years. There are currently no provisions which govern the procurement practices of Community Groups such as ATC at City sites.

Facility Design

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SUBJECT: Ancaster Tennis Bubble (PW17089a) (Ward 12) - Page 5 of 8

The facility design being implemented is in compliance with all existing Corporate and Provincial policies and procedures (e.g. The Accessibility for Ontarians with Disabilities Act (AODA), Ontario Building Code (OBC), etc.).

Site Plan and Building Permit

The facility design being implemented is will be required to follow Site Plan and Building Permit processes in accordance with processes under the purview of Planning and Economic Development, the Planning Act and Ontario Building Code.

RELEVANT CONSULTATION

The following Departments / Divisions / Sections have reviewed and contributed to this report:

Healthy and Safe Communities (Recreation):

- Authored the sections regarding the Recreational demand for this amenity, drawing from Recreation's Indoor Use Study and Outdoor Use Study.

Public Works (Landscape Architectural Services):

- Reviewed the report from an Outdoor Recreation perspective and a historical background of Tennis Courts in Ancaster.

Corporate Services (Procurement):

- Reviewed the procurement aspects of the report.

Corporate Services (Finance Administration & Financial Planning and Policy):

- Was engaged in reviewing the financial section of the report, as well as financial recommendations

Staff from Healthy and Safe Communities, Recreation and Public Works, Facilities worked collaboratively to gather and analyse the information presented in the report.

All staff that have contributed to this report recognize that there is a significant question regarding the recreational demand for adding this new amenity, particularly among competing capital priorities City-Wide. As a counterpoint to this question, there is significant support from the Ancaster Tennis Club (ATC) membership and board, including significant pledges of financial support.

Recreation and Public Works staff has consulted with ATC at length. This organization presented a detailed business case to Recreation and Facilities staff. The business case is based on additional membership fees to current members by extending memberships to winter once the Ancaster Tennis Bubble is operational and additional court fees for winter play by non-members. ATC has reported their current membership level 630, of which 32% are juniors and they anticipate that this membership number will increase once a winter amenity becomes available.

ATC's membership values the opportunity for enjoyment of the sport year-round. They report that waiting lists at nearby indoor Tennis facilities are prohibitive due to volume.

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SUBJECT: Ancaster Tennis Bubble (PW17089a) (Ward 12) - Page 6 of 8

Also, ATC enjoys serving a membership from a much wider geographical area beyond Ancaster and including Flamborough, Dundas, Waterdown and Greenville.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

There is significant staff question regarding the recreational demand for adding this new amenity. However, there also is significant support from the ATC membership, including financial support. This presents a number of conflicting factors when analyzing this project as follows:

ATC Financial Contribution with Member and Board Support

ATC's Board of Directors (7 members) have voted unanimously in support of the project. This includes financial support of the lease of the \$450k Tennis Bubble over 10 years, as well as \$200k capital contribution to the construction and site works, \$100k reportedly collected to date (in the form of loans from members), as well as repayment of the proposed loan to the City of Hamilton over 10 years with interest. ATC is seeking out other funding sources and grants such as the Ontario Trillium Fund, which it will apply for in 2019.

Question of Recreational Demand for this Amenity

There is one existing Tennis Bubble amenity on lands owned by the City of Hamilton, Rosedale Tennis Club located in Gage Park. The only other indoor Tennis facility in Hamilton is a private facility in Ancaster: Lada Tennis School (2 courts). Also within the vicinity of Hamilton, Burlington offers two indoor tennis facilities that are subject to membership fees: Aldershot Tennis Club (4 courts), Cedar Springs Health Racquet and Sports Club (11 indoor courts).

The closure of indoor Tennis Facilities at the Jewish Community Centre (JCC) site in Ancaster has been attributed by ATC, in the consultation section of this report, to an increase in demand for an indoor Tennis Amenity in Hamilton. Yet Recreation staff review in 2015 of the potential sale of the Jewish Community Centre site (which had both indoor and outdoor tennis courts) to determine need to acquire the site, concluded that the acquisition by the City of Hamilton would not be supported.

Recreation's Outdoor Study (2011) did not recommend direct municipal provision of providing "bubbling" of outdoor amenities outright. Although direct municipal investment was not recommended for indoor tennis, bocce or lawn bowling facilities, it could be considered in partnership with local community-based clubs, including but not limited to the following reasons:

Demand for these specialized indoor facilities is quite small. From the household survey, 22% of households support additional spending on indoor racquet / tennis facilities (ranking them 20th out of 26 facility types) and 11% support additional spending on indoor lawn bowling or bocce courts (ranking them 24th out of 26 facility types).

ATC, which worked with the City to redevelop and expand tennis facilities in Village Green Park (reoriented the three existing courts and adding two more) – had previously considered the possibility of erecting an air-supported dome during the winter. Village

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SUBJECT: Ancaster Tennis Bubble (PW17089a) (Ward 12) - Page 7 of 8

Green Park is located in downtown Ancaster and is one of only a few parks offering green space in the area. Recreation's Outdoor Use study supported that completed renovation and expansion. However, the installation of an air-supported dome was not supported at this location by the study.

The Outdoor Study identified provision targets for City-wide Sport Fields and Other Outdoor Recreation Facilities; specifically, Indoor Sports Facilities (bubbling) have a recommended provision target of 1 private/public facility for every 1,000 regular peak-season participants (estimated); municipal provision may be dependent on other factors including partnerships. ATC reports a membership of 630 which does not appear to support the Indoor Sports Fields provision target. However, it may be argued that membership may increase with winter amenity availability, including identified Dundas Tennis members, as well as players from the surrounding geographical area.

Serves Larger Geographical Area

Recreation staff have observed that if a facility type is limited in existence, by default it would serve a larger geographical area provided that the users are willing to travel to participate (i.e. pump track, arenas, indoor tennis, etc.).

ATC has identified that a winter tennis facility in Village Green Park would serve not only Ancaster tennis players, but also those living across Hamilton, particularly the western portion of the City, including Flamborough, Dundas, Waterdown and Greensville. Dundas Tennis Club members have pledged funds to ATC in support of winter tennis play. ATC has reported receiving daily inquiries from Hamilton area citizens, who play at other summer clubs, asking when the Tennis Bubble will be ready for playing tennis.

ALTERNATIVES FOR CONSIDERATION

One alternative location for the bubble identified in Recreation's Outdoor Use Study (2011) was as follows: "Should the Ancaster Tennis Club be interested in the establishment of an indoor/outdoor tennis complex and be willing to contribute appropriate funds to the project, the recommended alternative is to relocate the tennis courts to the Ancaster Community Centre Park. It is recognized that the addition of tennis courts and a dome at this site may result in the loss of an existing sports field; site design options are required to determine the proper placement of the courts at this location." Staff has not investigated the feasibility of this request to understand the difference in financial implication of this option. This option would likely have additional capital and operating costs beyond those identified in this report, including the cost of constructing new tennis courts, renovating existing courts. Therefore, Ancaster Community Centre Park would be a higher cost than the Village Green Park option identified in this report. Staffing and Legal implications would not change from the Village Green Park option identified in this report. There may be additional permitting options at Ancaster Community Centre Park relating to the Niagara Escarpment and Hamilton Conservation Authority.

Another alternative from a financial standpoint is to defer the project to a later capital budget year. The project was identified in the 2018 capital budget in the forecast for

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SUBJECT: Ancaster Tennis Bubble (PW17089a) (Ward 12) - Page 8 of 8

Ward 12 for 2023. The project can be deferred until 2023 when ATC's membership numbers can be re-evaluated to see if their membership has grown to meet the provision target of 1,000 regular peak-season participants (estimated). There is no difference in financial, staffing or legal implications from this alternative, except that the cost would be deferred to a later year.

The last alternative is status quo and to ultimately decline ATC's project request. Declining the request does not have negative Financial, Staffing or Legal implications for the City. Capital funds would be saved with this alternative from the Taxpayer and City's point of view. The \$60k in capital funds and \$290k in debt capacity could be leveraged to address other capital priorities for Recreation Facilities City-wide. This alternative does not harness the opportunity presented by the significant ATC financial contribution with strong pledges of member and board support.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**Built Environment and Infrastructure**

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APPENDICES AND SCHEDULES ATTACHED

Appendix A - Ancaster Tennis Club Letter to Council

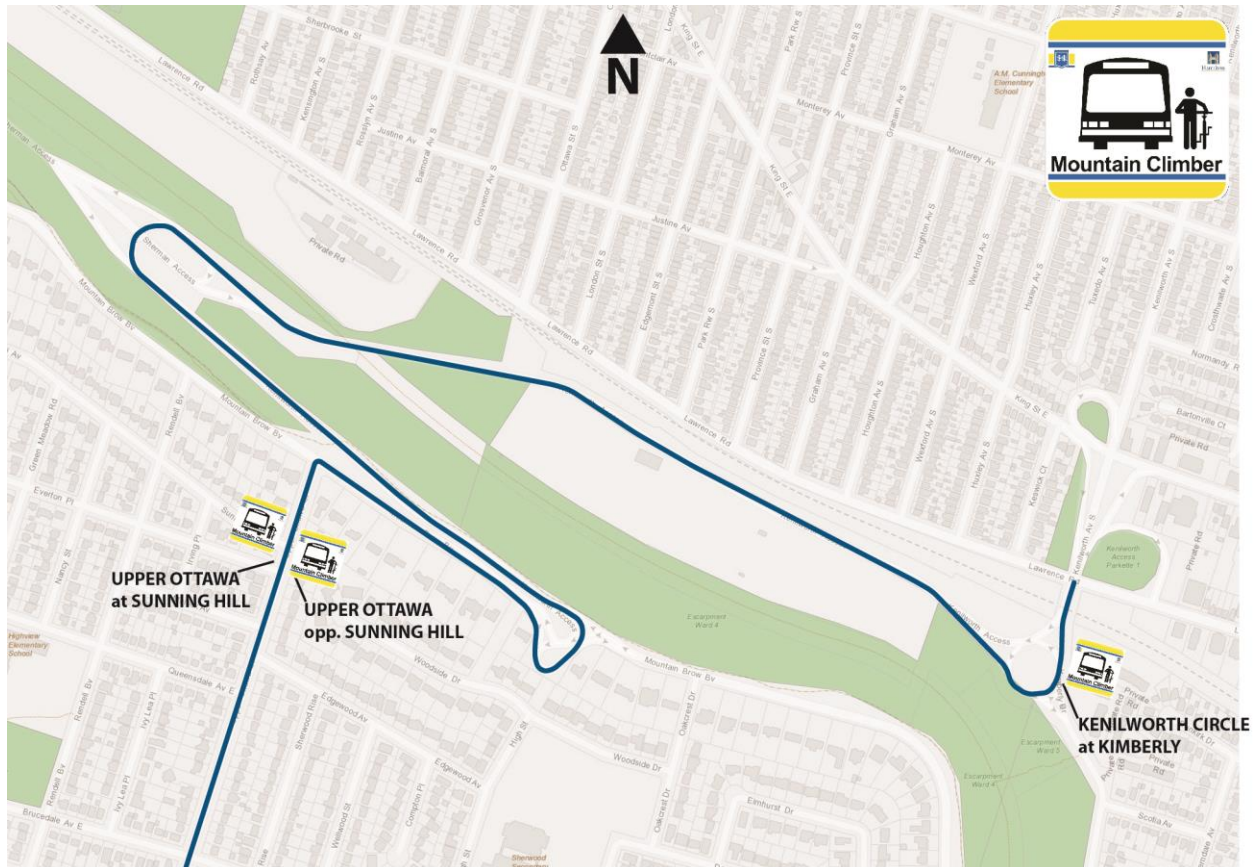
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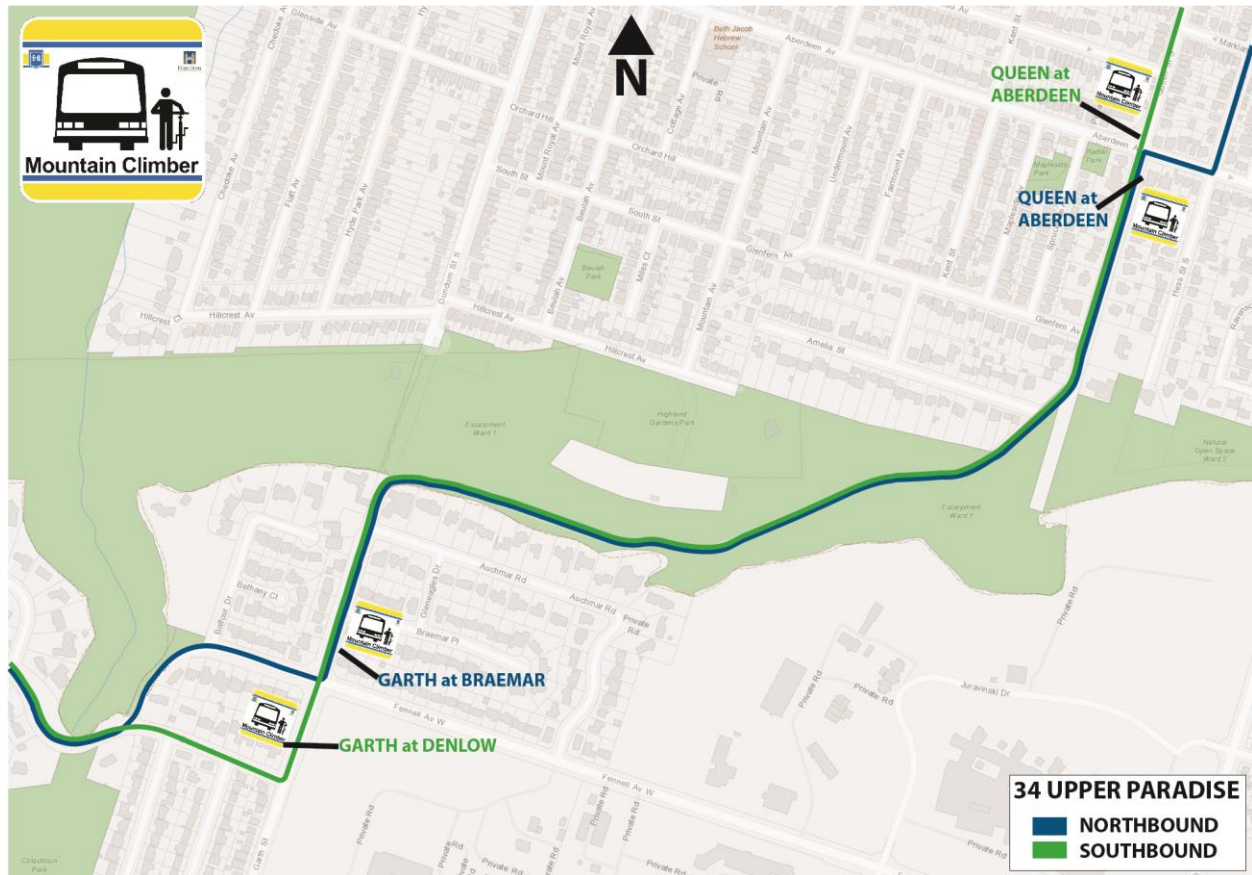
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Kenilworth and Beckett Pilot Stop Locations

Kenilworth (41/41A): Three sign locations



Beckett (34/34A): Four sign locations





CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Transit Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	June 4, 2018
SUBJECT/REPORT NO:	Mountain Climber Pilot Results and Expansion (PW17026a) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Jason VanderHeide (905) 546-2424, Extension 2390 Christie Meleskie (905) 546-2424, Extension 5860
SUBMITTED BY:	Debbie Dalle Vedove Director, Transit Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Mountain Climber Pilot on James Mountain Road be considered complete as a pilot, and continue on a permanent basis;
- (b) That the Transit Division implement two new Mountain Climber pilot locations: Beckett Drive and Kenilworth Access with a total one-time capital cost of \$2100 to be funded through the existing budgets in account and Dept ID 53070-530270. Included in this cost is the installation of signage and all related communications (internal and external);
- (c) That staff be directed to monitor both new pilot locations for a total of one year, and report results to Public Works Committee in 2019.

EXECUTIVE SUMMARY

Staff launched the Mountain Climber Program in 2017 as a pilot on James Mountain Road. Cyclists are allowed a free ride up or down the access provided they board and disembark at designated stops. Through monitoring, staff determined there have been minimal impacts to HSR Operations, generally positive feedback from users and residents, a healthy but not overwhelming number of users, and a nominal financial

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SUBJECT: Mountain Climber Pilot Results and Expansion (PW17026a) (City Wide)
- Page 2 of 5

impact. Staff are recommending that the existing pilot be maintained as a permanent program, and that Kenilworth Access and Beckett Drive are piloted as expansion locations through 2018 and 2019.

Alternatives for Consideration – See Page 5

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Based on estimated lost fare revenue of \$600 during the James Mountain Road Pilot, staff anticipate a comparable loss in fare revenue for each new Mountain Climber location. Staff were unable to quantify the fare revenue gained while introducing new customers to our service, therefore pilot implications for gained fare revenue are uncertain.

Implementation of the two new pilot locations will come at a total one-time capital cost of \$2100 and will be paid within existing budgets in account and Dept ID 53070-530270. Included in this cost is the installation of signage and all related communications (internal and external).

Staffing: None.

Legal: None.

HISTORICAL BACKGROUND

Staff launched the Mountain Climber Program as a one-year pilot on May 29, 2017. The program allows cyclists to board HSR buses at designated stops on James Mountain Road / the West 5th Cut for a free ride up or down the escarpment. Program users (or “Mountain Climbers”) must get on and off the bus at designated stops, marked with signage, and communicate to the driver that they are using the program.

Staff have continuously promoted the program through 2017 and 2018, including at Bike to Work Day, and other City attended events. Promotion outside of cycling events included posters distributed in key locations, a media release; a promotional video released on the City’s YouTube channel, and coordinated tweeting among various City accounts. A City website page has been created and maintained containing key program information.

Staff have been monitoring the pilot since implementation last year (please see below for details). The pilot is considered a success based on positive results in all four areas monitored: minimal impact to HSR operations, positive feedback from the public and users (including several requests to expand the program), reasonable usage, and nominal operating cost. In addition to this, staff have identified a demand to expand the pilot beyond James Mountain Road.

Staff analysis concluded that an identifiable need for expansion beyond James Mountain Road exists. The expansion process began with the evaluation of all potential

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SUBJECT: Mountain Climber Pilot Results and Expansion (PW17026a) (City Wide)
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accesses i.e. those with HSR service. Accesses considered included Centennial Parkway (Route 44), Red Hill Valley Parkway (Route 11), Kenilworth Access (Route 41), the Jolley Cut (Routes 22, 23, 24, 25, 26, 27), Beckett Drive (Route 34/34A), Wilson Street East (5A, 5C), and Mill Street South / Waterdown Road (Route 18). While all accesses showed varying level of potential, staff narrowed the second phase to two locations that prioritized (among other things): improvements to safety, geographical spread across city residents, and coordination with existing and planned cycling infrastructure.

1. Beckett Drive (Route 34/34A). Beckett is steep and narrow with no paved shoulders, creating existing and future conflicts between cyclists and drivers. There is no current or planned cycling infrastructure on the access itself. There is connecting built bicycle infrastructure at the bottom, and planned bicycle infrastructure at the top. For recommended stop locations please see Appendix "A" attached to Report PW17026a.
2. Kenilworth Access (Route 41/41A). Similar to Beckett, the Kenilworth access is narrow with no paved shoulders. There is no current or planned cycling infrastructure on the access itself. There is existing cycling infrastructure at the top and bottom, and additional planned cycling infrastructure at the top. For recommended stop locations please see Appendix "A" attached to Report PW17026a.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

None.

RELEVANT CONSULTATION

1. Users were surveyed at Mountain Climber stop locations. They were asked about previous travel habits, frequency of program use, general program satisfaction, and for their suggestions for program improvement.
2. City of Hamilton (CoH) Traffic (Signals/Cycling) were consulted on existing and future cycling infrastructure, as it might benefit certain locations (current and future), general feedback on project decisions, as well as an identified signal concern at the bottom of James Mountain Road.
3. CoH Planning and Economic Development (Transportation Planning Services) were consulted on general feedback, promotion alongside existing efforts, and assistance in project management including the evaluation of program expansion and website maintenance.
4. CoH Corporate Communications analysed twitter feedback, produced a media release, and created a promotional video.
5. CoH Transit Division (Operations, Training, Marketing, Planning and Infrastructure) in Operator feedback, Operator training, farebox maintenance (set up, maintenance, data collection, and data cleaning), twitter engagement and analysis, and stops and shelters coordination.
6. Hamilton Cycling Committee for their feedback.

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SUBJECT: Mountain Climber Pilot Results and Expansion (PW17026a) (City Wide)
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ANALYSIS AND RATIONALE FOR RECOMMENDATION

Staff have monitored the Mountain Climber Pilot Program in relation to operational impact, resident and user feedback, usage statistics, and budget impacts. The results are as follows:

Staff consulted with Operators and Operations staff to determine the impacts to HSR Operations:

- A potential safety issue (existing) became more apparent due to the pilot (James at St Joseph's Drive, as cyclists load bicycles). Signals staff have been engaged and will consider the issue in the next signal review.
- Many operators found that having fewer cyclists on the access was a benefit to safe and efficient operation along the access.
- There have been no issues with fare evasion or schedule adherence resulting from the program, and therefore no associated budget impacts.

Staff conducted surveys, and monitored digital media including twitter, news outlets, and resident emails for public response and feedback to receive resident and user feedback:

- Surveys: Overall, feedback was positive. Most surveyed users were happy with the service. There were several requests to expand the service, and a few comments that bike racks were occasionally full (requiring customers to wait for the next bus).
- Twitter: At program launch staff monitored related tweets. The two most common themes were positive feedback, and requests for additional accesses beyond James Mountain Road.
- News outlets: Staff monitored news coverage, which indicated a positive reception to the program.
- Resident emails: Monitoring resident emails to staff indicated general support for the program, as well as requests for expansion to a variety of additional accesses.

Usage Statistics: A process was implemented whereby bus operators manually counted program users by pushing a farebox key.

- Bus Operators collected data resulting in approximately 900 key presses. Estimated average monthly use is approximately 100 users. Based on this, staff estimate annual use at approximately 1100 unique cyclist trips.
- Based on staff surveys, it was determined that the majority of program users would not have used the HSR on that trip were it not for the Mountain Climber Program.

Budget Impacts: Based on data collected, staff estimated minimal fare revenue loss during the pilot of this program. Staff surveyed users about their previous commuting patterns to identify the proportion of Mountain Climber trips that were previously being

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SUBJECT: Mountain Climber Pilot Results and Expansion (PW17026a) (City Wide)
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completed as HSR trips. A combination of survey results and farebox data was used to estimate lost fare revenue.

- Overall, staff estimate that lost fare revenue for the pilot period was approximately \$600.

ALTERNATIVES FOR CONSIDERATION

1. Continue program exclusively on James Mountain Road.
 - a. Financial: \$600 (approximate ongoing cost per annum in lost fare revenue).
 - b. Legal: None.
 - c. Policy: None.
 - d. Pros: Continue the program for existing users. No additional costs associated with expansion (i.e. capital) and maintenance of new locations (i.e. lost fare revenue).
 - e. Cons: Program is limited to one access, and therefore residents in other parts of the City will not benefit.

2. Discontinue the pilot program entirely.
 - a. Financial: \$200 (one-time cost for removal of signage to be absorbed in existing budgets).
 - b. Legal: None.
 - c. Policy: None.
 - d. Pros: No ongoing loss of fare revenue.
 - e. Cons: Existing users need to return to their previous commute habits. Loss of the new connection between the lower City and Mountain.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”: Kenilworth and Beckett Pilot Stop Locations

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

CITY OF HAMILTON

MOTION

Public Works Committee

Date: June 4, 2018

MOVED BY COUNCILLOR T. JACKSON.....

SECONDED BY COUNCILLOR.....

Fay Park Redevelopment (Ward 6)

WHEREAS, the play structure and safety surfacing at Fay Park located at 95 Broker Drive, Hamilton has reached its end of life cycle and has become worn-out;

WHEREAS, Fay Park would benefit from the addition of asphalt pathways to provide accessibility and help to better serve the community,

THEREFORE BE IT RESOLVED:

That play structure improvements at Fay Park, at an upwards cost of \$90,000, which includes the addition of a new play structure (demolition, design, construction and safety surfacing) as well as pathway additions, be funded as follows:

- (i) \$40,000 from the remaining funding available from the completed Macassa Irrigation System (#4241609603)
- (ii) \$50,000 funded through the Ward 6 Area Reserve, with any unspent funds to be returned to the Ward 6 Area Reserve.

CITY OF HAMILTON

MOTION

Public Works Committee

Date: June 4, 2018

MOVED BY COUNCILLOR.....

SECONDED BY COUNCILLOR.....

Investment Stabilization Reserve Funded Projects (Ward 11)

WHEREAS, modern winters appear to have accelerated the deterioration of roads throughout Ward 11 as a result of increased frequency of freeze/thaw cycles and more extreme variability of temperatures; and,

WHEREAS, the City of Hamilton current has competitively bid projects and prices available as a base for comparison and negotiation that can be used to ensure value for money on the award of the proposed works, and,

WHEREAS, given the current resources along with the time needed to complete a tender and award process, road improvements cannot be addressed within the normal process manner during the 2018 construction process;

THEREFORE BE IT RESOLVED:

- (a) That Airport Road, from Homestead Drive to the Hamilton International Airport and Homestead Drive, Strathearne Drive., north to Upper James., at an estimated cost of \$900,000, be rehabilitated using asset preservation practices, with the work to include the rehabilitation of the existing asphalt with repaving, and,
- (b) That the Ward 11 allocation, in the amount of \$900,000 (Project ID 4031811811) previously approved from the Investment Stabilization Reserve Account (112300) be utilized to fund the asset preservation of Airport Road, from Homestead Drive to the Hamilton International Airport and Homestead Drive, Strathearne Drive., north to Upper James, and,

- (c) That upon project completion, should any surplus funding be generated, that the same be transferred to the Ward 11 road maintenance being project no. 4031611611.
- (d) That the General Manager of Public Works be authorized to procure all or some of the proposed works identified through Procurement Policy #11 Non-Competitive Procurements, where deemed appropriate, to expedite the works for this construction season.

CITY OF HAMILTON

NOTICE OF MOTION

Public Works Committee

Date: June 4, 2018

MOVED BY COUNCILLOR T. WHITEHEAD.....

SECONDED BY COUNCILLOR.....

Parkland Acquisition Strategy

WHEREAS, the City of Hamilton has Official Plans and Secondary Plans to guide the development of existing and future parkland across the city;

WHEREAS, there are many neighbourhoods across the city that have neighbourhood parkland deficiencies based on the supply criteria of 0.7 ha/1000 people;

WHEREAS, there are areas in the city experiencing growth and intensification, increasing the parkland deficiencies in these areas resulting in increasing pressures on existing parkland, and increasing the parkland deficiencies;

WHEREAS, land acquisition costs are increasing across the city, putting financial pressure on the city's limited funding for parkland purchase;

WHEREAS, there is an obligation to understand and evaluate parkland purchase opportunities against other city priorities, resources, and policies;

WHEREAS, the creation of a framework by which to evaluate the opportunities to purchase parkland as they arise would assist with the responsible expenditure of city funds and ensure consistent application of policies city-wide:

THEREFORE BE IT RESOLVED:

That staff from Public Works, and Planning and Economic Development departments complete a city-wide parkland acquisition strategy, and report back with recommendations to General Issues Committee.

CITY OF HAMILTON

NOTICE OF MOTION

Public Works Committee

Date: June 4, 2018

MOVED BY COUNCILLOR R. PASUTA.....

Freelton Water Tower

WHEREAS, the existing Freelton Water Tower does not have lettering displayed on the tower;

WHEREAS, the Community has requested an identity be included on the tower and, as such, it is proposed to display the name "Freelton" with the City of Hamilton logo on the side of the tower facing Freelton Road;

WHEREAS, efficiencies can be maximized by utilizing the current Contractor for the upgrades to the Freelton Water Tower (Contract C13-04-18) to complete the lettering and logo work at no additional cost, with an anticipated completion by the end of 2018;

WHEREAS, there are no existing City policy for naming water towers,

THEREFORE BE IT RESOLVED:

That the Freelton Water Tower display the name "Freelton" with the City of Hamilton logo on the side facing Freelton Road.