



## **PUBLIC WORKS COMMITTEE MINUTES 18-011**

9:30 a.m.

Thursday, August 16, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

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**Present:** Councillors L. Ferguson (Chair), T. Jackson (Vice Chair), C. Collins, S. Merulla, T. Whitehead, R. Pasuta, A. VanderBeek D. Conley

**Also Present:** Councillor J. Farr

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### **THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:**

- 1. 2018 Mid-Term Report on Stadium Event Bookings at Tim Hortons Field (PW18075) (Ward 3) (Item 5.2)**

**(Collins/Merulla)**

That Report PW18075, respecting the 2018 Mid-Term Report on Stadium Event Bookings at Tim Hortons Field, be received.

**CARRIED**

- 2. Proposed Permanent Closure and Sale of a Portion of Public Assumed Alley and a Portion of Public Unassumed Alley Abutting 286 Sanford Ave N and 276 Sanford Avenue North, Hamilton (PW18072) (Ward 3) (Item 6.1)**

**(Merulla/VanderBeek)**

That the application of the owners of 286 Sanford Avenue North and 276 Sanford Avenue North, to permanently close and purchase a portion of the assumed and unassumed alleyway abutting the South side of 286 Sanford Avenue North and the North Side of 276 Sanford Avenue North, Hamilton ("Subject Lands"), as shown on Appendix "A", attached to Report PW18049, 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:

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- (i) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order;
  - (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:
  - (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 286 Sanford Avenue North and 276 Sanford Avenue North, Hamilton, as described in Report PW18072, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
  - (iii) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 286 Sanford Avenue North and 276 Sanford Avenue North, Hamilton, pursuant to an Agreement of Purchase and Sale or Offer to Purchase, as negotiated by the Real Estate Section of the Planning and Economic Development Department;
  - (iv) 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; and,
  - (v) 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.

**CARRIED**

**3. Proposed Permanent Closure and Sale of a Portion of Public Assumed Alley Abutting 542 Upper Sherman Avenue, Hamilton (PW18073) (Ward 7) (Item 6.2)**

**(Collins/Pasuta)**

That the application of the owner of 542 Upper Sherman Avenue, Hamilton, to permanently close and purchase a portion of the assumed alleyway abutting the East side of 542 Upper Sherman Avenue, Hamilton, ("Subject Lands"), as shown on Appendix "A", attached to Report PW18073, 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:
  - (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 542 Upper Sherman Avenue, Hamilton, as described in Report PW18073, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
  - (iii) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of 542 Upper Sherman Avenue, Hamilton, pursuant to an Agreement of Purchase and Sale or Offer

to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;

- (iv) 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;
  - (v) 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; and,
- (d) That the applicant/owner of 542 Upper Sherman Avenue, Hamilton, enter into agreements with any Public Utility requiring easement protection.

**CARRIED**

**4. Parkside Cemetery (PW18074) (Ward 13) (Item 8.1)**

**(VanderBeek/Conley)**

- (a) That the establishment of a new city-owned and operated cemetery on the entire property municipally known as 31 Parkside Avenue in Dundas, be approved;
- (b) That staff be directed to send a copy of Council's decision to the Registrar appointed under the *Funeral, Burial and Cremation Services Act*, 2002, and to publish notice of Council's decision in a local newspaper;
- (c) That staff be directed to seek the consent of the Registrar for the establishment of the cemetery on the entire property municipally known as 31 Parkside Avenue in Dundas, pursuant to *Funeral, Burial and Cremation Services Act* by submitting the prescribed application, together with the required supporting documentation;
- (d) That the General Manager of Public Works be authorized and directed to execute any documentation required respecting the application for consent for a new city-owned and operated cemetery on the entire property municipally known as 31 Parkside Avenue in Dundas, in a form satisfactory to the City Solicitor;
- (e) That staff be authorized and directed to execute the documents required with the Registrar of Cemeteries to designate the entire property municipally known as 31 Parkside Avenue (Dundas) as a cemetery; and,
- (f) That staff be directed to proceed with applications to fulfil the *Planning Act* requirements for zoning approval, site plan approval and an Official Plan

amendment for a new city-owned and operated cemetery on the entire property municipally known as 31 Parkside Avenue in Dundas.

**CARRIED**

**5. Feasibility of Green Burials as a Burial Option in Hamilton (PW18071) (City Wide) (Item 8.2)**

**(VanderBeek/Whitehead)**

That Report PW18071, respecting the Feasibility of Green Burials as a Burial Option in Hamilton, be received.

**CARRIED**

**6. Investment in Flamborough Parking Lots (Ward 14) (Item 9.1)**

**(Pasuta/Merulla)**

WHEREAS, the majority of City of Hamilton owned facility and park assets in Ward 14 are operated and maintained by volunteer community groups and park sub- committees;

WHEREAS, many of the current parking lots at the volunteered operated facilities and parks in Ward 14 are in need of repair;

WHEREAS, the volunteer community groups and park sub-committees do not have sufficient funds to repair their parking lots; and,

WHEREAS, the parking lots at Sheffield Town Hall, Sheffield Baseball Diamond Park, Strabane Park, Greensville Baseball Diamond Park, Freelon Centennial Park and Freelon Baseball Diamond are all in need of repair;

THEREFORE, BE IT RESOLVED:

That staff be directed to complete the parking lot paving work at the current projects listed below ***to an upset limit of \$300,000***, to be funded from Capital Account 4031611614 (Ward 14 Roads Minor Maintenance - \$ 739,000 unspent):

- (a) Sheffield Town Hall;
- (b) Sheffield Baseball Diamond Park;
- (c) Strabane Park;
- (d) Greensville Baseball Diamond Park;
- (e) Freelon Centennial Park;
- (f) Freelon Baseball Diamond; and,
- (g) ***Westover Park.***

**MOTION, AS AMENDED, CARRIED**

**7. Expediting Approvals and Permits for Odour Mitigation at the Central Composting Facility (Item 9.2)**

**(Merulla/Ferguson)**

WHEREAS, City Council has maintained an adequate capital budget for necessary upgrades to the Central Composting Facility since its commissioning in 2006;

WHEREAS, on October 31, 2016, City Council directed staff to investigate opportunities to improve odour control at the facility;

WHEREAS, on December 4, 2017, City Council supported the pilot testing and implementation of a long-term odour mitigation solution in the form of carbon filters;

WHEREAS, the City of Hamilton's Central Composting Facility had a high number of odour complaints in May and June of 2018;

WHEREAS, the City of Hamilton voluntarily shut down the Central Composting Facility and stopped receiving organic waste until an odour control solution is found; and,

WHEREAS, City Council approved a capital budget of approximately \$2,600,000 for a variety of measures including odour control management upgrades at the Central Composting Facility.

THEREFORE, BE IT RESOLVED:

- (a) That City of Hamilton staff be directed to work with both the Hamilton District and the Environmental Approvals Branch of the Ministry of the Environment, Conservation and Parks, to expedite any issuance of permits or approvals that may be required to implement any short-term and/or long-term odour mitigation solutions, as identified by the City for the Central Composting Facility; and,
- (b) That the Mayor correspond with the Honourable Rod Phillips, Minister of the Environment, Conservation and Parks, requesting that any permits and/or approvals for odour mitigation solutions at the Central Composting Facility, be expedited.

**CARRIED**

**8. New Stop Controls – Market Street South at Mill Street (Dundas) (Ward 13)  
(Item 9.3)**

**(VanderBeek/Pasuta)**

WHEREAS, the City of Hamilton is committed to creating safe neighbourhoods and vibrant communities; and,

WHEREAS, ensuring the safety of both pedestrians and motorists is a priority;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to take the required steps to add new stop controls on Market Street South at Mill Street (Dundas), as illustrated on Appendix “A” attached hereto; and,
- (b) That the By-law, being a by-law to Amend By-law No. 01-215, being a By-law to Regulate Traffic, as it relates to new Stop Controls on Market Street South at Mill Street (Dundas) attached hereto as Appendix “B”, be enacted.

**CARRIED**

**9. Retaining Wall Repair/Replacement Loan Agreements Between the City of Hamilton and the Property Owners, at 93 Greencedar Drive, Hamilton and 140 Golfwood Drive, Hamilton (Item 10.1)**

**(Whitehead/Merulla)**

WHEREAS, the City of Hamilton’s Property Standards by-law requires property owners to maintain their properties;

WHEREAS, the City of Hamilton has no obligation for the funding of repairs and / or replacement of retaining walls on private properties;

WHEREAS, retaining walls on private property on 93 Greencedar Drive, Hamilton and 140 Golfwood Drive, Hamilton are in need of repair and / or replacement;

WHEREAS, Hamilton City Council, at its meeting June 14, 2017 passed a motion stating that no action be taken to establish a non-repayable grant program for the funding of repairs and/or replacements of retaining walls located on private properties on Guildwood Drive (Report PW17038);

WHEREAS, the City would like to provide compassionate loans for residential property owners for the repair and / or replacement of retaining walls on their private property at 93 Greencedar Drive, Hamilton and 140 Golfwood Drive, Hamilton for an amount not to exceed \$10,000 per affected property;

WHEREAS, the City has External Loan Guidelines (Reports FCS06078 and FCS06078(a)) for loans to external, not-for-profit corporations for the repair and / or replacement of their capital assets;

WHEREAS, some of the conditions of these loan guidelines would need to be waived to provide loans to the affected property owners at 93 Greencedar Drive, Hamilton and 140 Golfwood Drive, Hamilton to repair and / or replace their private retaining walls;

WHEREAS, these loan guidelines include interest rate terms for interest bearing loans at the City's cost of borrowing plus 0.25% administration fee;

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton provide an interest-bearing loan to the affected property owners at at 93 Greencedar Drive, Hamilton and 140 Golfwood Drive, Hamilton, as borrowers to fund the repair of retaining walls on their private property in an amount not to exceed \$10,000 to be repaid in full over a period of five years from the date of the loan advance at an interest rate of 3.07% for an annual amount of \$2,187.91;
- (b) That the affected property owners at at 93 Greencedar Drive, Hamilton and 140 Golfwood Drive, Hamilton, provide a charge/mortgage to be registered on title for the retaining wall loans as security;
- (c) That the affected property owners at at 93 Greencedar Drive, Hamilton and 140 Golfwood Drive, Hamilton, provide proof of payment for the repairs / replacement to the retaining walls by October 31, 2018 to the General Manager of Finance and Corporate Services, prior to the loan advance payment, in a form satisfactory to the General Manager of Finance and Corporate Services;
- (d) That the affected property owners at at 93 Greencedar Drive, Hamilton and 140 Golfwood Drive, Hamilton, enter into Retaining Wall Repair/Replacement Loan Agreements with the City of Hamilton, in a form satisfactory to the City Solicitor; and,
- (e) That the Mayor and Clerk be authorized to execute these Retaining Wall Repair/Replacement Loan Agreements between the City of Hamilton and the affected property owners, at at 93 Greencedar Drive, Hamilton and 140 Golfwood Drive, Hamilton, with content satisfactory to the General Manager of Finance and Corporate Services and in a form satisfactory to the City Solicitor.

**CARRIED**



**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 1)**

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

**1. ADDED DELEGATION REQUESTS (Item 4)**

- 4.1 Brian Zeman, MHBC Planning, on behalf of Lafarge Canada Inc., to speak in support of Lafarge's application requesting the closure of Moxley Road (for September 17, 2018 Public Works Committee)

**2. PUBLIC HEARINGS / DELEGATIONS (Item 6)**

- 6.2 Proposed Permanent Closure and Sale of a Portion of Public Assumed Alley Abutting 542 Upper Sherman Avenue, Hamilton (PW18073) (Ward 7) (Item 6.2)

Sub-section (c)(iii) in the recommendations (on page 2) has a typographical / copy and paste error that will be properly reflected in the Minutes:

The address reflected in that sub-section is "102 Francis Street, Hamilton" and should read "**542 Upper Sherman Avenue, Hamilton**".

**3. NOTICES OF MOTION (Item 10)**

- 10.1 Retaining Wall Repair/Replacement Loan Agreements Between the City of Hamilton and the Property Owners, at 93 Greencedar Drive, Hamilton and 140 Golfwood Drive, Hamilton

**(VanderBeek/Pasuta)**

That the agenda for the August 16, 2018 Public Works Committee meeting be approved, as amended.

**CARRIED**

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

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

**(i) July 12, 2018 (Item 3.1)**

**(VanderBeek/Pasuta)**

That the Minutes of the July 12, 2018 meeting of the Public Works Committee be approved, as presented.

**CARRIED**

**(d) DELEGATION REQUESTS (Item 4)**

**(i) Brian Zeman, MHBC Planning, on behalf of Lafarge Canada Inc., to speak in support of Lafarge's application requesting the closure of Moxley Road (for September 17, 2018 Public Works Committee) (Item 4.1)**

**(Pasuta/VanderBeek)**

That the delegation request, submitted by Brian Zeman, MHBC Planning, on behalf of Lafarge Canada Inc., to speak in support of Lafarge's application requesting the closure of Moxley Road, be approved to appear before the Public Works Committee on September 17, 2018,

**CARRIED**

**(e) CONSENT ITEMS (Item 5)**

**(i) Various Sub-Committee/Advisory Committee Minutes (Item 5.1)**

**(Collins/Merulla)**

That the following Sub-Committee/Advisory Committee Minutes, be received:

- (1) Keep Hamilton Clean and Green Advisory Committee, January 23, 2018 (Item 5.1(a))
- (2) Keep Hamilton Clean and Green Advisory Committee, March 20, 2018 (Item 5.1(b))
- (3) Keep Hamilton Clean and Green Advisory Committee, May 15, 2018 (Item 5.1(c))
- (4) Accessible Transit Services Review Sub-Committee, April 27, 2018 (Item 5.1(d))

**CARRIED**

(f) **MOTIONS (Item 9)**

(i) **Investment in Flamborough Parking Lots (Ward 14) (Item 9.1)**

**(Pasuta/Jackson)**

That the Motion, respecting an Investment in Flamborough Parking Lots, be amended by deleting the words “at the estimated cost of \$ 250,000” and replacing them with the words “**to an upset limit of \$300,000**”; and, by adding the words “**Westover Park**” under a new sub-section (g), to read as follows:

That staff be directed to complete the parking lot paving work at the current projects listed below ~~at the estimated cost of \$ 250,000~~ **to an upset limit of \$300,000**, to be funded from Capital Account 4031611614 (Ward 14 Roads Minor Maintenance - \$ 739,000 unspent):

- (a) Sheffield Town Hall;
- (b) Sheffield Baseball Diamond Park;
- (c) Strabane Park;
- (d) Greensville Baseball Diamond Park;
- (e) Freelon Centennial Park;
- (f) Freelon Baseball Diamond; and,
- (g) **Westover Park.**

**AMENDMENT CARRIED**

For disposition of this matter, please refer to Item 6.

(g) **NOTICES OF MOTION (Item 10)**

Councillor Whitehead introduced a Notice of Motion respecting retaining wall repair/replacement loan agreements between the City of Hamilton and the property owners, at 93 Greencedar Drive, Hamilton and 140 Golfwood Drive, Hamilton (Item 10.1)

(i) **Retaining Wall Repair/Replacement Loan Agreements Between the City of Hamilton and the Property Owners, at 93 Greencedar Drive, Hamilton and 140 Golfwood Drive, Hamilton (Item 10.1)**

**(Whitehead/Merulla)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting Retaining Wall Repair/Replacement Loan Agreements Between the City of Hamilton and the Property Owners, at 93 Greencedar Drive, Hamilton and 140 Golfwood Drive, Hamilton.

**CARRIED**

For disposition of this matter, please refer to Item 9.

(h) **GENERAL INFORMATION / OTHER BUSINESS (Item 11)**

(i) **Amendments to the Outstanding Business List (Item 11.1)**

**(Merulla/Collins)**

***That the matter respecting the Photo Radar on the LINC and Red Hill Expressway remain on the Public Works Committee's Outstanding Business List with a due date of December 10, 2018.***

**AMENDMENT CARRIED**

**(Merulla/Collins)**

That the following amendments to the Public Works Committee's Outstanding Business List, be approved:

(a) Items to be removed:

- (i) Feasibility of Green Burials as a Burial Option in Hamilton  
(Addressed as Item 8.2 on today's agenda – Report PW18071)

(b) Proposed New Due Dates:

- (i) Watermain Approval Issues and Recommendations for the Master Water-Wastewater Servicing Studies  
Current Due Date: August 16, 2018  
Proposed New Due Date: September 17, 2018
- (ii) Mandatory Drive-Thru Garbage Containers  
Current Due Date: August 16, 2018  
Proposed New Due Date: September 17, 2018

**MOTION, AS AMENDED, CARRIED**

(i) **ADJOURNMENT (Item 13)**

**(Jackson/Conley)**

That there being no further business, the Public Works Committee be adjourned at 10:15 a.m.

Respectfully submitted,

Councillor L. Ferguson  
Chair, Public Works Committee

Stephanie Paparella  
Legislative Coordinator  
Office of the City Clerk