



City of Hamilton

CITY COUNCIL AGENDA

20-013

Wednesday, June 3, 2020, 9:30 A.M.

Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website: <https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel: <https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Call to Order

1. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

2. DECLARATIONS OF INTEREST

3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1 May 27 and 28, 2020

4. COMMUNICATIONS

4.1 Correspondence from Lyn Folks respecting the letter from Ontario Clean Air Alliance sent to Enbridge about their pipeline proposed for Hamilton.

Recommendation: Be received.

- 4.2 Correspondence from Anthony Marco President, Hamilton and District Labour Council proposing the consideration of a motion for the City of Hamilton to demand the federal and provincial governments to provide emergency operating funds to protect vital

local services, including public transportation and emergency services.

Recommendation: Be received.

- 4.3 Correspondence from the City of Brantford proclaiming March 17th, as Essential Workers Day in the City of Brantford.

Recommendation: Be received.

5. COMMITTEE OF THE WHOLE

5.1 CONSENT ITEMS

5.1.a Annual Tax Arrears as of December 31, 2019 (FCS20043) (City Wide)

5.1.b Annual Assessment Appeals as of December 31, 2019 (FCS20044) (City Wide)

5.1.c Public Art Master Plan 2016 Annual Update (PED19053(a)) (City Wide)

5.1.d COVID-19 Emergency Delegated Authority Update (CM20004(a)) (City Wide)

5.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS

5.3 STAFF PRESENTATIONS

5.4 DISCUSSION ITEMS

5.4.a Art in Public Places Policy (PED20068) (City Wide)

5.4.b Metrolinx Transit Procurement Initiative Participation (PW20033) (City Wide)

5.4.c Metrolinx Transit Initiative Program (PW20027) (City Wide)

5.4.d Hamilton Tax Increment Grant Program - 15 Queen Street South (PED20101) (Ward 2)

5.4.e Statutory Meetings During the COVID-19 Pandemic Emergency (PED20108(a)) (City Wide) (WITHDRAWN)

- 5.4.f Enbridge Gas Inc. City of Hamilton Natural Gas Expansion Projects for submission to the Ontario Energy Board and the Ministry of Energy Natural Gas Expansion Program (PED20099) (Wards 11 and 12)
- 5.4.g Appropriation Transfer of Funds for Claremont Access Road Resurfacing and Multi-Use Keddy Trail Construction (PED20115/PW16003(b)) (Wards 2, 3, 7 and 8)
- 5.4.h Mohawk College University/College Transit Pass Agreement- Summer Semester (PW20022) (City Wide)

Discussion of Appendix "A" of this report in Closed Session is pursuant to Section 8.1, Sub-sections (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

6. MOTIONS

6.1 Future of LaSalle Park

6.2 Financial Impact of Declining Transit Revenues

7. NOTICES OF MOTIONS

8. STATEMENTS BY MEMBERS

9. PRIVATE AND CONFIDENTIAL

9.1 Closed Session Minutes - May 27 and 28, 2020

Pursuant to Section 8.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals, affecting the City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City of a local board.

9.2 Pending Litigation and Liabilities (LS20006) (City Wide)

Pursuant to Section 8.1, Sub-sections (b), (e), (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (b), (e), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual(s), including City employees; litigation or potential litigation, including matters before administrative tribunals, affecting the City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

9.3 Appendix "A" to Report PW20022, Mohawk College University/College Transit Pass Agreement- Summer Semester (City Wide)

Pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

10. BY-LAWS AND CONFIRMING BY-LAW

10.1 113

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

Schedule 2 (Speed Limits)

Schedule 3 (Flashing School Zones – Reduced Speed Limit)

Schedule 9 (No Right Turn on Red)

Schedule 10 (No Left Turns)

Schedule 13 (Designated Traffic Lanes)

Ward: 3, 7, 12, 13, 15

10.2 114

Being a By-law to Permanently Close and Sell a Portion of a Public Unassumed Alley abutting 255-261 Wellington Street North, Hamilton, Ontario, being Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street, established by Registered Plan 287, City of Hamilton, designated as Part 1 on Reference Plan 62R-21203, being part of PIN 17163-0097 (LT); City of Hamilton

Ward: 2

10.3 115

Being a By-law to Permanently Close and Sell Portions of Public Unassumed Alleys abutting 222 Barton Street East, 263 and 265 Wellington Street North, Hamilton, Ontario, being Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street, established by Registered Plan 287, City of Hamilton, designated as Part 1 on Reference Plan 62R-21081, being part of PIN 17163-0097 (LT); City of Hamilton

Ward: 2

10.4 116

To Repeal and Replace By-law No. 19-220, Respecting Removal of Part Lot Control, Lots 221, 222, and 234 on Registered Plan No. 865 "North Airfield Park" municipally known as 30 and 34 Sumach Street, and 29 and 31 Eastwood Street

Ward: 4

PLC-18-009

10.5 117

To Repeal and Replace By-law No. 19-244, Respecting Removal of Part Lot Control from Lot 172 of Registered Plan 865 "North Airfield Park" known as 89 Martha Street and 3 Oriole Crescent, Hamilton

Ward: 4

PLC-18-008

10.6 118

Respecting Removal of Part Lot Control, Part of Lots 1, 2, 8, 17, 18, 19, 29, 33, 62, 106, 107, 108, and 109, Registered Plan of Subdivision No. 62M-1251, "Summit Park – Phase 10", municipally known as 432, 456 and 460 Dalglish Trail; 4, 8, 12, 45, 52 and 68 Dolomiti Court; and 26, 28, 32 and 36 Bethune Avenue (Glanbrook)

Ward: 11

PLC-18-013 (E) (20900)

10.7 119

Respecting Removal of Part Lot Control Part of Lots 36, 39, 42, 43, 47 to 49, 53 to 55, 87, 90, 92 to 96, 137, 141 to 145, 148 to 150, Registered Plan of Subdivision No. 62M-1251, "Summit Park – Phase 10" municipally known as, 79, 80, 83, 87, 92, 103, 104, 107, 108 and 111 Dolomiti Court; 56, 60, 64, 66, 70, 84 and 88, Rockledge Drive; 68, 70, 74, 78, 80, 86 and 96 Bethune Avenue; 120 Cittadella Boulevard; and 234 Dalgleish Trail (Glanbrook)

Ward: 11

PLC-18-013 (E) (20902)

10.8 120

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 392, 488 and 530 Dundas Street East (Flamborough)

ZAH-19-027

Ward: 15

10.9 121

To Amend Zoning By-law No. 464, as amended by By-law No. 19-111, respecting lands described as Block 131, Registered Plan No. 62M-1062, in the Former Township of Glanbrook, now in the City of Hamilton

Ward: 11

ZAH-19-052

10.10 122

Respecting Removal of Part Lot Control, Part of Block 4, Registered Plan No. 62M-1268, "Myst", municipally known as 590 North Service Road, Units 43-102, Stoney Creek

Ward: 10

PLC-19-018

10.11 123

Respecting Removal of Part Lot Control, Part of Block 4, Registered Plan No. 62M-1268, "Myst", municipally known as 590 North Service Road, Units 43-102, Stoney Creek

Ward: 10

PLC-19-019

10.12 124

To Confirm the Proceedings of City Council

11. ADJOURNMENT



CITY COUNCIL MINUTES 20-012

9:30 a.m.
May 27 and 28, 2020
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor F. Eisenberger
Councillors M. Wilson, J. Farr, N. Nann, S. Merulla, C. Collins (Deputy Mayor), T. Jackson, E. Pauls, J.P. Danko, B. Clark, M. Pearson, L. Ferguson, A. VanderBeek, J. Partridge, T. Whitehead and B. Johnson.

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

4. COMMUNICATIONS (Item 4)

- 4.10 Correspondence in support of for Councillor Jason Farr's Motion to Utilize the Rooftop of York Boulevard Parkade as a Temporary Open-Air Performance Space:
- (a) Mark Furukawa, Dr. Disc (Hamilton) Inc.
 - (b) Brodie Schwendiman, Owner/Operator, The Casbah

Recommendation: Be received and referred to the consideration of Item 6.1

5. COMMITTEE OF THE WHOLE (Item 5)**5.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS****5.2 (a) Written delegations calling for the continuity of Bike Share in Hamilton:**

- (a)(b) Chris Ritsma on behalf of several Hamilton residents;**
- (a)(c) Cindy Gangaram, Chair – Environment Hamilton Board of Directors;**
- (a)(d) Kojo Dampthey, Hamilton Centre for Civic Inclusion;**
- (a)(e) McMaster Students Union;**
- (a)(f) Wayne Terryberry Acting Chair - McMaster Active Transportation Committee;**
- (a)(g) Kate Flynn, Acting Director, Centre for Climate Change Management at Mohawk College;**
- (a)(h) Sean Van Koughnett, Associate Vice-President (Students and Learning) & Dean of Students McMaster University; and**
- (a)(i) Rebekah Jackson-Gravelly.**

Recommendation: Be received and referred to the consideration of Item 5.4 (f) Public Bike Share Transit Contract Update(PED20109(a))

5.2 (b) Written delegation from Tim Potocic on behalf of the Arts community in full support of the Community Enrichment Fund applicants.

Recommendation: Be received and referred to the consideration of Item 5.4 (a) 2020 City Enrichment Funding Recommendations.

5. COMMITTEE OF THE WHOLE**5.4 DISCUSSION ITEMS****5.4 (f) Public Bike Share Transit Contract Update (PED20109(a))(Wards 1, 2, 3, 4,5, and 13)**

Discussion of Appendix "A" of this report in Closed Session is pursuant to Section 8.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City of a local board.

6. MOTIONS (Item 6)**6.2 Establishing a LaSalle Park Acquisition Task Force – WITHDRAWN****7. NOTICES OF MOTION (Item 7)****7.1 Future of LaSalle Park****7.2 Interim Continuation of the SoBi Bike Share Program****9. PRIVATE & CONFIDENTIAL**

Item 9.2 is now listed as follows:

9.2 Appendix "A" to Report PED20109(a), Public Bike Share Transit Contract Update (Wards 1, 2, 3, 4, 5, and 13)

Pursuant to Section 8.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City of a local board.

10. BY-LAWS (Item 10)

106 Being a By-law to Permanently Close a Portion of a Fletcher Avenue, Hamilton, established by Registered Plan 452, in the City of Hamilton, subject to Instrument No. VM175601, being All of PIN 17571-0081 (LT), City of Hamilton Ward: 5

107 Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 1, Plan 62R-5283, being Part of PIN 17383-0144 (LT), City of Hamilton Ward: 11

108 Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Firstly: Part of Road Allowance between Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5283, being Part of the PIN 17383-0144 (LT), Secondly: Part Lot 20, Concession 7 in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Thirdly: Part of Lot 20, Concession 7, in the

Geographic Township of Binbrook, in the City of Hamilton, designated as Part 4 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)
Ward: 11

- 109 Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Firstly: Part of Road Allowance Between Lots 20 & 21, Concession 8, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 6 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Secondly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 8 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)
Ward: 11

CHANGE TO THE ORDER OF ITEMS:

These items are to be considered following the Closed Session portion of the meeting:

5.4 (f) Public Bike Share Transit Contract Update (PED20109(a))(Wards 1, 2, 3, 4,5, and 13)

7.2 Interim Continuation of the SoBi Bike Share Program

(Pauls/Pearson)

That the agenda for the May 27, 2020 meeting of Council be approved, *as amended*.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Deputy Mayor Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

DECLARATIONS OF INTEREST

Councillor Ferguson declared an interest to Item 4.8 correspondence from City of Hamilton's Taxi Brokers asking for some relief with municipal fees related to costs such as; plate renewal fees, lease renewals/registration fees, taxi cab license fees etc., as he is an investor in the Taxi industry.

APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1 May 20, 2020 (Item 3.1)

(Partridge/Farr)

That the Minutes of the May 20, 2020 meeting of Council be approved, as presented.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

COMMUNICATIONS

(Collins/Merulla)

That Council Communications 4.1 to 4.10 be approved, as **amended**, as follows:

- 4.1 Correspondence from the Hamilton Conservation Authority Board requesting that Hamilton City Council amend the Urban Hamilton Official Plan and Zoning By-law No. 05-200 to reflect the re-designation of 60 Arbour Road to Urban Area within the Niagara Escarpment Plan.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.

- 4.2 Correspondence from Kirstin Jensen, Manager of Planning & Government Relations, West End Home Builders' Association respecting the May 20, 2020,

Council Agenda Items 6.1, 10.4 & 10.5: Interim Control By-law – Waterdown Community Node Area.

Recommendation: Be received.

- 4.3 Correspondence from Jay Krause, Co-Chair, Board of Directors, Cycle Hamilton respecting the May 20, 2020, Council Agenda Item 5.4 (g) Social Bicycles & City of Hamilton Contract.

Recommendation: Be received and referred to the consideration of Item 5.4 (f), Public Bike Share Transit Contract Update (PED20109(a))

- 4.4 Correspondence from Michael Power – President, Options for Independent Living and Development respecting some minor variances they require in order to move forward with the building permit process.

Recommendation: Be received.

- 4.5 Correspondence from the City of Kitchener requesting support for their resolution urging the Ontario Provincial government to pursue a partnership with the Federal government for the establishment of a universal basic income.

Recommendation: Be received.

- 4.6 Correspondence from the City of Cambridge requesting support for their resolution requesting the Province of Ontario for much needed funding to provide relief for Rehabilitation Facilities.

Recommendation: Be received.

- 4.7 Correspondence from Michael Gennari requesting that the City of Hamilton publicly commit to investing in the tools and resources necessary for community gardens to thrive in our municipality immediately.

Recommendation: Be received.

- 4.8 Correspondence from City of Hamilton's Taxi Brokers asking for some relief with municipal fees related to costs such as; plate renewal fees, lease renewals/registration fees, taxi cab license fees etc.

Recommendation: Be received **and referred to the General Manager of Finance and Corporate Services for consultation and a report back to Audit, Finance and Administration Committee.**

- 4.9 Correspondence from Kevin Gonci requesting that the City of Hamilton examining the Commonwealth Games risk carefully.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.

- 4.10 Correspondence in support of for Councillor Jason Farr's Motion to Utilize the Rooftop of York Boulevard Parkade as a Temporary Open-Air Performance Space:

- (a) Mark Furukawa, Dr. Disc (Hamilton) Inc.
- (b) Brodie Schwendiman, Owner/Operator, The Casbah

Recommendation: Be received and referred to the consideration of Item 6.1

Result: Motion on Items 4.1 to 4.7; 4.9 and 4.10 CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Deputy Mayor Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT- Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

Result: Motion on Item 4.8 CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Deputy Mayor Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 CONFLICT - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

(Collins/Merulla)

That Council move into Committee of the Whole.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Deputy Mayor Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 NOT PRESENT - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

COMMITTEE OF THE WHOLE

5.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS

(Farr/VanderBeek)

That the following written delegations, be received and referred to the respective items on the Council Agenda:

5.2 (a) Written delegations calling for the continuity of Bike Share in Hamilton:

- (a)(a) Jay Kraus, Chair, Cycle Hamilton Board of Directors**
- (a)(b) Chris Ritsma on behalf of several Hamilton residents;**
- (a)(c) Cindy Gangaram, Chair – Environment Hamilton Board of Directors;**
- (a)(d) Kojo Dampsey, Hamilton Centre for Civic Inclusion;**
- (a)(e) McMaster Students Union;**
- (a)(f) Wayne Terryberry Acting Chair - McMaster Active Transportation Committee;**
- (a)(g) Kate Flynn, Acting Director, Centre for Climate Change Management at Mohawk College;**
- (a)(h) Sean Van Koughnett, Associate Vice-President (Students and Learning) & Dean of Students McMaster University; and**

(a)(i) Rebekah Jackson-Gravelly.

Recommendation: Be received and referred to the consideration of Item 5.4 (f) Public Bike Share Transit Contract Update(PED20109(a))

5.2 (b) Written delegation from Tim Potocic on behalf of the Arts community in full support of the Community Enrichment Fund applicants.

Recommendation: Be received and referred to the consideration of Item 5.4 (a) 2020 City Enrichment Funding Recommendations.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

5.3 STAFF PRESENTATIONS

5.3 (a) Public Health Services Post-Peak Framework (BOH20010) (City Wide)

Dr. Elizabeth Richardson, Medical Officer of Health and Jason Morgenstern, Medical Resident provided the Committee of the Whole with a presentation respecting Public Health Services Post-Peak Framework.

(Pearson/Danko)

That the presentation respecting Report BOH20010, respecting Public Health Services Post-Peak Framework, be received.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann

YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Pauls/Johnson)

That Report BOH20010, respecting Public Health Services Post-Peak Framework, be received.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Pearson/Pauls)

That Committee of the Whole recess at 12:35 p.m.

CARRIED

Committee of the Whole reconvened at 1:10 p.m.

5.3 (b) Hamilton Reopens: A Roadmap to Our New Reality (HSC20019) (City Wide)

Paul Johnson, Director, Emergency Operations Centre provided the Committee of the Whole with a presentation respecting Hamilton Reopens: A Roadmap to Our New Reality.

(Pearson/Pauls)

That the presentation respecting Report HSC20019, respecting Hamilton Reopens: A Roadmap to Our New Reality, be received.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
NOT PRESENT - Deputy Mayor Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Pauls/Farr)

That Report HSC20019, respecting Hamilton Reopens: A Roadmap to Our New Reality, be received.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

5.4 DISCUSSION ITEMS

5.4 (a) 2020 City Enrichment Funding Recommendations (GRA20003) (City Wide)**(Johnson/Farr)**

- (a) That, the 2020 City Enrichment Fund recommended funding allocation for Operating grants, in the amount of \$2,541,713 (as outlined in the attached Appendix "A" to Report GRA20003), be approved;
- (b) That staff be directed to work with organizations to determine whose Programs have not been changed from the description outlined in their original 2020 City Enrichment Fund application and report back with funding recommendations by July 2020;
- (c) That, staff be directed to work with organizations whose Events were scheduled up to July 2, 2020 and have been cancelled or postponed (as outlined in the attached Appendix "B" to Report GRA20003) and to include that information in the forthcoming report;
- (d) That staff be directed to work with organizations whose Programs have been redesigned, cancelled, postponed, or whose future is unknown, (as outlined in Appendix "C" to Report GRA20003) and to include that information in the forthcoming report; -
- (e) That, staff be directed to work with organizations whose Events are scheduled between July 2, 2020 and December 31, 2020 (as outlined in Appendix "D" to Report GRA20003) and report back regarding funding recommendations on or before November 18, 2020;
- (f) That any funds not required in 2020 by organizations, as a result of programs or events being cancelled, reduced, or redesigned, be transferred to the City Enrichment Fund Reserve # 112230, to be utilized for potential one-time reallocation to organizations that are experiencing extraordinary financial pressures in 2020 due to COVID-19; and, are current participants in the City Enrichment Fund program;
- (g) That, Appendix "E" to Report GRA20003, being the City Enrichment Fund Payment Plan, be approved; and
- (h) That, Appendix "F" to Report GRA20003, being the 2020 City Enrichment Fund Application Summary, be received.

Result: Motion CARRIED by a vote of 14 to 2, as follows:

YES - Ward 1 Councillor Maureen Wilson

YES - Ward 2 Councillor Jason Farr

- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Deputy Mayor Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NO - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- NO - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

5.4 (b) Award of Request for Proposal C11-55-19, Waste Collection Services (PW16059(g)) (City Wide)

(Danko/Pearson)

- (a) That GFL Environmental Inc. be selected as the Successful Proponent of Request for Proposals Contract C11-55-19, Waste Collection Services;
- (b) That the General Manager of Public Works be authorized and directed to finalize the terms and conditions of the Contract with GFL Environmental Inc., in accordance with the provisions of Request for Proposals Contract C11-55-19; and
- (c) That the Mayor and City Clerk be authorized and directed to execute the Contract with GFL Environmental Inc. and any ancillary documents for Contract C11-55-19 with content acceptable to the General Manager of Public Works and in a form acceptable to the City Solicitor.

Result: Motion CARRIED by a vote of 13 to 3, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Deputy Mayor Ward 5 Councillor Chad Collins
- NO - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- NO - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- NO - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

5.4 (c) Waste Free Ontario Act Update – Preferred Blue Box Transition Date (PW20028) (City Wide)

(Pearson/Whitehead)

- (a) That the City of Hamilton's Blue Box recycling program preferred transition date to full /extended producer responsibility be established as April 1, 2023; and
- (b) That the following resolution be endorsed and forwarded to the Association of Municipalities of Ontario and the Ontario Ministry of the Environment, Conservation and Parks:

WHEREAS the amount of single-use plastics entering our lakes, rivers, waterways is a growing area of public concern;
WHEREAS reducing the waste we generate and reincorporating valuable resources from our waste stream into new goods can reduce greenhouse gases significantly;

WHEREAS the transition to extended producer responsibility for packaging, paper and paper products is critical to reducing waste, improving recycling and driving better economic and environmental outcomes;

WHEREAS the City of Hamilton is supportive of a timely, seamless and successful transition of Blue Box programs to full financial and operational responsibility by producers of packaging, paper and paper products; and,

WHEREAS the Association of Municipalities of Ontario has requested municipal governments with Blue Box programs to provide an indication of the best date to transition our Blue Box program to full / extended producer responsibility;

THEREFORE BE IT RESOLVED:

That the City of Hamilton's Blue Box Recycling Program preferred transition date to extended producer responsibility be April 1, 2023.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Deputy Mayor Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson

- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

(VanderBeek/Johnson)

That Committee of the Whole recess at 5:58 p.m.

CARRIED

Committee of the Whole reconvened at 6:30 p.m.

5.4 (d) Development Charges Interest Rate Recommendation Related to Bill 108 Changes and Related Site Plan Changes (FCS20028 / PED20105) (City Wide)

(Ferguson/Merulla)

- (a) That for the purpose of section 26.1 (7) of the *Development Charges Act, 1997*, effective as of January 1, 2020, Council approve an interest rate equal to Bank of Canada Prime plus 2%, fixed at the date of building permit issuance, compounded semi-annually;
- (b) That for the purpose of section 26.2 (3) of the *Development Charges Act, 1997*, effective as of January 1, 2020, Council approve an interest rate equal to Bank of Canada Prime, fixed at the date of the related planning application, compounded semi-annually;
- (c) That staff be directed to extend Site Plan Approval to 15 months, with no further Site Plan extensions, for Site Plan applications within the Downtown Hamilton Community Improvement Project Area (Downtown CIPA);
- (d) That By-law No. 19-108, 2020 Tariff of Fees for Planning and Engineering Development Applications, be amended to incorporate a new Site Plan Approval fee for applications that lapse after 15 months within the Downtown Hamilton Community Improvement Project Area (Downtown CIPA);
- (e) That Site Plan Agreements be implemented for Site Plan applications within the Downtown Hamilton Community Improvement Project Area (Downtown CIPA) at the discretion of the Director of Planning and Chief Planner;

- (f) That the Standard Conditions of Approval for Site Plan applications within the Downtown Hamilton Community Improvement Project Area (Downtown CIPA), attached as Appendix "A" to Report FCS20028 / PED20105 be endorsed by Council;
- (g) That recommendations (c), (d), (e) and (f) of Report FCS20028 / PED20105 apply to Site Plan applications submitted to the City retroactive to January 1, 2020 within the Downtown Hamilton Community Improvement Project Area (Downtown CIPA).

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Deputy Mayor Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 YES - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

5.4 (e) Ontario Energy Board Notice of Hearing for Enbridge Gas Inc.'s Integrated Resource Planning Proposal – OEB File Number: EB-2020-0091 (PED20103) (City Wide)

(Pearson/Danko)

- (a) That it be confirmed that the General Manager of Planning and Economic Development maintain "Intervenor" status with the Ontario Energy Board pertaining to file EB-2020-0091, in respect of the Enbridge Gas Inc.'s Integrated Resource Planning Proposal;
- (b) That the General Manager of Planning and Economic Development be authorized and directed to file interrogatories and respond to any interrogatories in accordance with any Procedural Order(s) of the Ontario Energy Board, for file EB-2020-0091 in respect of the Enbridge Gas Inc.'s Integrated Resource Planning Proposal;
- (c) That it be confirmed that no outside consultants will be retained and therefore no evidence will be submitted to the Ontario Energy Board as it pertains to file EB-2020-0091, in respect of the Enbridge Gas Inc.'s Integrated Resource Planning Proposal.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

MOTIONS

6.1 Utilizing the Rooftop of York Boulevard Parkade as Temporary Open-Air Performance Space**(Farr/Eisenberger)**

WHEREAS in January 2014, Hamilton Council approved the Music Strategy which included four goals, to strengthen the local music industry, grow audiences and appreciation of music, increase access to music experiences; and cultivate music creation and talent;

WHEREAS in March 2019 Council approved the Creative Industries Sector Profile Report and Implementation Recommendations (PED19056) in which music was identified as one of the City's top growth areas;

WHEREAS Hamilton's music industry employs an estimated 7,725 workers and has a total of 541 businesses;

WHEREAS the Live Music Venues Research Report has identified that Hamilton's direct GDP from music venues is \$32.6M with \$2.6M from property taxes and total revenues generated by venues was \$62.7M;

WHEREAS the City, with the support and advice of the Hamilton Music Advisory Team (HMAT), has completed a number of actions, including: Musician Loading Zones; Annual Musician Conferences; social media and marketing efforts (@HamOntMusic); Music Mondays outdoor concert series at City Hall; one-to-one mentoring for musicians; support for Hamilton Public Library's Music Archive; Hamilton showcases at local venues; and completion of a draft live music venue report that measures the economic and social impacts of the City's live music sector;

WHEREAS the Provincial Orders resulting from the COVID-19 pandemic have had a significant impact on the music and performing arts sector;

WHEREAS the required closure of a number of venues that normally host such performances has negatively impacted artists as well as host organizations and venue operators;

WHEREAS the City's Economic Development Division's Business Impact Survey found that 71% of creative businesses reported that COVID had impacted their revenues by more than 50% and 36% of businesses in this sector have decreased employment by 100%;

WHEREAS temporarily repurposing a City-owned space to be used by the local performing arts industry provides an opportunity to support the performing arts sector during the COVID-19 recovery phase; and

WHEREAS in considering potential locations for such a use, the top level of the York Boulevard Parkade presents a number of benefits, including that it is currently under-utilized, it would not displace other users which may be the case for other public spaces such as parks, it is fully accessible, it allows for audience sizes to be controlled, and it does not have immediate surrounding sensitive land uses such as residential uses

THEREFORE, BE IT RESOLVED:

- (a) That staff from the Corporate Real Estate Office and Tourism and Culture Division, in consultation with Transportation Planning and Parking Division, be authorized and directed to initiate an open call to seek interest from potential Licensees to operate a small, temporary open-air performance space venue to be located on the underutilized top level of the York Boulevard Parkade located at 28 York Boulevard for the 2020 season, which would include organizing, scheduling and managing a small performance series program;
- (b) That the General Manager, Planning and Economic Development, or their designate, be authorized and directed to negotiate and execute a Licence Agreement, and any other necessary documents, on behalf of the City with the successful proponent (the "Licensee") for the use of the top level of the York Boulevard Parkade as a temporary open air performance space venue based substantially on the terms and conditions attached, with such other content satisfactory to the General Manager, Planning and Economic Development and in a form satisfactory to the City Solicitor
- (c) That the Tourism and Culture Division be authorized and directed to contribute to the initial start-up costs related to the creation of a temporary open-air

performance space venue at the York Boulevard Parkade to an upset limit of \$7,500, to be funded from the City's Economic Development Reserve; and

- (d) That Real Estate and Legal fees of \$1,500, associated with a Licence Agreement for the use of the York Boulevard Parkade as a temporary open-air performance space venue, be funded from the City's Economic Development Reserve and credited to Account No. 45408-812036 (Real Estate – Admin Recovery).

Result: Motion CARRIED by a vote of 14 to 2, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NO - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
NO - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6.3 Amendment to the Loan Agreement between the City of Hamilton and the Winona Peach Festival

(Pearson/Johnson)

WHEREAS, Council at its meeting of March 29, 2017, approved Item 6 of the Audit, Finance & Administration Committee Report 17-004, which authorized the City of Hamilton to provide an interest free loan to the Winona Peach Festival to fund electrical upgrades at the City-owned Winona Park, in an amount not to exceed \$100,000, to be repaid in full over a period of ten years from the date of the loan advance;

WHEREAS, in May of 2017 the Winona Peach Festival entered into a loan agreement with the City of Hamilton to fund expenses for the updating of the electrical service within the City-owned Winona Park to comply with electrical safety regulations;

WHEREAS, this loan agreement requires annual payments of \$10,000 to be made to the City of Hamilton;

WHEREAS, restrictions designed to prevent the spread of the COVID-19 virus are in place limiting the gathering of large groups in public spaces;

WHEREAS, the Winona Peach Festival has determined that these restrictions will prevent them from holding the annual Winona Peach Festival Event in 2020; and,

WHEREAS, the Winona Peach Festival relies on the proceeds from the annual Winona Peach Festival Event to make the annual loan payment.

THEREFORE, IT BE RESOLVED:

That the Mayor and Clerk be authorized and directed to execute an amendment to the Loan Agreement, between the City of Hamilton and the Winona Peach Festival, for the funding of electrical upgrades at the City-owned Winona Park, to suspend the 2020 annual payment and extend the term of the Agreement for one year beyond the original date, in a form satisfactory to the General Manager of Finance and Corporate Services and the City Solicitor.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6.4 Interim Continuation of the SoBi Bike Share Program

(Nann/Farr)

WHEREAS Hamilton's award-winning SoBi bike share program is recognized as the one of the most successful bike share system in North America;

WHEREAS the Everyone Rides Initiative, Canada's first bike share equity program, provides access to bike share to those who cannot afford it, newcomers and those who need more support, such as the use of trikes;

WHEREAS 26,000 Hamiltonians use the SoBi Bike Share Program;

WHEREAS 600 new users have signed up to use SoBi since the COVID-19 pandemic began, up from 300 during the early weeks;

WHEREAS the World Health Organization recommends cycling as a safe mode of travel to maintain safe physical distancing and to encourage physical activity and mental health during the pandemic;

WHEREAS the SoBi Bike Share program is a vital part of our transportation network and complements HSR service, especially while capacity of buses is limited for physical distancing reasons;

WHEREAS the SoBi bike share program plays an essential role in our local economic recovery by enabling workers an affordable option to safely travel to and from work, as well as for residents to run errands or simply enjoy our beautiful city;

WHEREAS Uber unexpectedly announced its intention to unilaterally terminate its c agreement with the City to maintain the operations of SoBi effective June 1, 2020;

WHEREAS the termination of SoBi operations jeopardizes the safe mobility of thousands of Hamiltonians across the City during a health pandemic;

WHEREAS it remains the City's position that Uber has a contractual obligation to operate SoBi until February 2021, but if the City does not act now, the SoBi bike share bikes will cease operation effective June 1, 2020 because of this action by Uber;

THEREFORE BE IT RESOLVED:

- (a) That if Uber does not agree to honour its contractual agreement with the City to operate the SoBi Bike Share program until February 2021 without interruption of services and at no cost to the City:
 - (i) That Council approve the single source procurement, pursuant to Procurement Policy #11 – Non-competitive Procurements, for the interim operation of the SoBi Bike Share program effective June 1, 2020 and that the General Manager, Planning and Economic Development Department be authorized to negotiate, enter into and execute an Agreement and any ancillary documents required to give effect thereto with Hamilton Bike Share Inc., each in a form satisfactory to the City Solicitor;
 - (ii) That the City's contribution to the interim operation of the SoBi Bike Share program be limited to providing the existing and near term committed bikes and stations, at no cost to the operator, as well as a financial contribution up to a maximum of \$400,000;
 - (iii) Notwithstanding the Area Rating Special Capital Re-Investment Reserves Policy, that Council permit an exception to this policy and that funding to maintain the operation of the SoBi Bike Share infrastructure be provided as follows: \$150,000 from Ward 1 Special Capital Re-Investment Reserve Account (108051), \$100,000 from Ward 2 Special Capital Re-Investment

Reserve Account (108052), and \$150,000 from Ward 3 Special Capital Re-Investment Reserve (108053) Cycling Project Account (4661717124 /4031755820);

- (iv) That the City Solicitor be authorized and directed to take all necessary actions to pursue recovery of the full amount of the City of Hamilton's costs, expenses and damages arising from Uber's unilateral decision to cease bike share operations as of June 1, 2020.
- (b) That staff be directed to initiate a competitive procurement process with a goal of identifying a preferred long-term operator for the SoBi Bike Share program and report back to Council with the results of the procurement process prior to the end of 2020; and
- (c) That staff be directed to approach any private entity interested in offering operational bridge funding at this time.***

Result: Motion DEFEATED by a vote of 8 to 8, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 NO - Ward 4 Councillor Sam Merulla
 NO - Deputy Mayor Ward 5 Councillor Chad Collins
 NO - Ward 6 Councillor Tom Jackson
 NO - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 NO - Ward 15 Councillor Judi Partridge
 NO - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 NO - Ward 12 Councillor Lloyd Ferguson
 NO - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

(Collins/Merulla)

- (a) That staff be directed to pursue space currently owned by the City, or if that's not possible, pursue private sector space (rental/donated) for the storage of the bikes; and
- (b) That staff be directed to report back to Planning Committee with a plan, in terms of how the City will be storing the bikes.

Result: Motion CARRIED by a vote of 9 to 7, as follows:

NO - Ward 1 Councillor Maureen Wilson
 NO - Ward 2 Councillor Jason Farr

NO - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NO - Ward 8 Councillor John-Paul Danko
NO - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
NO - Ward 9 Councillor Brad Clark

(Whitehead/Merulla)

That the Rules of Order be waived to allow for the introduction of a reconsideration Motion, respecting the reconsideration of sub-section (b) of Item 6.4, Interim Continuation of the SoBi Bike Share Program.

Result: Motion CARRIED by a 2/3's majority vote of 14 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NO - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson

(Whitehead/Merulla)

That Sub-section (b) of Item 6.4, Interim Continuation of the SoBi Bike Share Program, which was defeated by Council on May 27 and 28, 2020 and reads as follows, be reconsidered:

That staff be directed to initiate a competitive procurement process with a goal of identifying a preferred long-term operator for the SoBi Bike Share program and report back to Council with the results of the procurement process prior to the end of 2020.

Result: Motion CARRIED by a 2/3's majority vote of 13 to 2, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NO - Ward 8 Councillor John-Paul Danko
NO - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Whitehead/Merulla)

That staff be directed to initiate a competitive procurement process with a goal of identifying a preferred long-term operator for the SoBi Bike Share program and report back to Council with the results of the procurement process prior to the end of 2020.

Result: Motion CARRIED by a vote of 14 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
NO - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

NOTICES OF MOTION

7.1 Future of LaSalle Park

Councillor Merulla introduced the following Notice of Motion:

WHEREAS, LaSalle Park, comprising approximately 51.5 acres of open space (35 ac.) and park/table land (16.5 ac.), was acquired by the City of Hamilton between 1912-1916;

WHEREAS, in 1958, Aldershot was annexed to the City of Burlington, yet the City of Hamilton continued ownership of LaSalle Park and the park was managed by the Hamilton Parks Board;

WHEREAS, between 1975 and 1983, the City of Burlington managed LaSalle Park under a joint management agreement;

WHEREAS, in 1983, the City of Burlington leased the Park from the City of Hamilton under the following terms:

- Term: forty (40) years, commencing Jan.1, 1983 and expiring Dec.31, 2022
- Annual Rent: \$1.00 (payable Aug.1 each year)
- Use: Exclusive right to maintain, operate, programme and manage LaSalle Park for the sole purpose of a public park and related parks uses - outdoor recreational activities and open to the public at all reasonable times at no charge to the public (with exception of Sailing Club)
- Improvements: Improvements or alterations to existing improvements require prior written consent of Hamilton, in its sole discretion
- Obligation: Burlington to maintain, operate, programme and manage LaSalle Park as its sole cost and expense
- Name: must continue as LaSalle Park
- Renewal: The Lease may be renewed for twenty-five (25) years and only by mutual agreement. There is no notice or exercise period;

and between 1993 and 1997, several amendments/consent agreements were entered into to address the rebuilding and restoration of the historic pavilion;

WHEREAS, the City of Burlington has from time to time expressed a desire to acquire LaSalle Park (barring that to renew the lease), but not at a price acceptable to the City of Hamilton; and,

WHEREAS, the current lease will expire on December 31, 2022 and the current event space operator of the pavilion within the park is seeking to book events beyond the expiry date of the lease;

THEREFORE BE IT RESOLVED:

That the Corporate Real Estate Office, in collaboration with other relevant divisions, be directed to undertake a review of the value and implications of alternative disposition (sell, lease, develop, operate) options for LaSalle Park, and report back to General Issues Committee.

7.3 Financial Impact of Declining Transit Revenues

Councillor Collins introduced the following Notice of Motion:

WHEREAS it is estimated that transit ridership is currently down 70%, and

WHEREAS transit ridership fell 4% after the 2008 recession and 2019 ridership is relatively unchanged from 2008 ridership numbers, and

WHEREAS it is anticipated that recovery and post recovery transit ridership will be well below average annual pre-COVID levels for the foreseeable future, and

WHEREAS the decline in ridership will result in a significant loss in farebox and transit ridership revenue in 2020 and 2021, and

WHEREAS the Municipal Act requires municipalities to pass balanced budgets, thereby offsetting lost transit ridership revenues through the potential of an increase in tax levy, and

WHEREAS the City's Transit Area Rating formula is largely weighted to the former City of Hamilton, and

WHEREAS it is anticipated that the cost of declining transit revenues will be shifted primarily to the former City of Hamilton,

THEREFORE BE IT RESOLVED:

That staff be directed to provide a report to the General Issues Committee that summarizes the financial impact of declining transit revenues, and a list of options available to Council to temporarily offset the loss in 2021.

STATEMENTS BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.

PRIVATE & CONFIDENTIAL

Council determined that discussion of Item 9.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

9.1 Closed Session Minutes – May 20, 2020

(Partridge/Pearson)

That the Closed Session Minutes dated May 20, 2020 be approved, as presented, and remain confidential.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Deputy Mayor Ward 5 Councillor Chad Collins

YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Whitehead/Clark)

That Council move into Closed Session respecting Items 9.2 and 9.3, pursuant to Section 8.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (e), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals, affecting the City; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City of a local board.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

9.2 Appendix "A" to Report PED20109(a), Public Bike Share Transit Contract Update (Wards 1, 2, 3, 4, 5, and 13)

(Clark/Farr)

(a) That the direction provided to staff in Closed Session, respecting Report PED20109(a) respecting Public Bike Share Transit Contract Update, be approved; and

- (b) That Appendix "A" to Report PED20109(a), remain confidential and not be released publicly.

Result: Motion CARRIED by a vote of 15 to 1, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Deputy Mayor Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- NO - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

9.3 Administrative Penalty System Online Payment Service (PED20110) (City Wide)

(Clark/Whitehead)

- (c) That the direction provided to staff in Closed Session, respecting Report PED20110 respecting Administrative Penalty System Online Payment Service, be approved; and
- (d) That Report PED20110 and Appendix "A", remain confidential and not be released publicly.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Deputy Mayor Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

COMMITTEE OF THE WHOLE - CONTINUED

5.4 DISCUSSION ITEMS – CONTINUED

5.4 (f) Public Bike Share Transit Contract Update (PED20109(a))(Wards 1, 2, 3, 4,5, and 13)

(Farr/Nann)

That Report PED20109(a), respecting Public Bike Share Transit Contract Update, be received.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Deputy Mayor Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

(Collins/Merulla)

That the Committee of the Whole Rise and Report.

CARRIED

NOTICES OF MOTION - CONTINUED

7.2 Interim Continuation of the SoBi Bike Share Program

(Nann/Farr)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Interim Continuation of the SoBi Bike Share Program.

Result: Motion CARRIED by a 2/3's majority vote of 16 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson

YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Deputy Mayor Ward 5 Councillor Chad Collins
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Ward 15 Councillor Judi Partridge
 YES - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

Refer to Item 6.4 for further disposition of this item.

BY-LAWS

(Collins/Merulla)

That Bills No. 20-105 to 20-110, be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

- 105 To Establish City of Hamilton Land Described as Parts 3, 4, 5, 6, 7, 8, 10 & 11 on Plan 62R-15395 as Part of Kingsview Drive
Ward: 9
- 106 Being a By-law to Permanently Close a Portion of a Fletcher Avenue, Hamilton, established by Registered Plan 452, in the City of Hamilton, subject to Instrument No. VM175601, being All of PIN 17571-0081 (LT), City of Hamilton
Ward: 5
- 107 Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 1, Plan 62R-5283, being Part of PIN 17383-0144 (LT), City of Hamilton
Ward: 11
- 108 Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Firstly: Part of Road Allowance between Lots 20 & 21, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5283, being Part of the PIN 17383-0144 (LT), Secondly: Part Lot 20, Concession 7 in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 2 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Thirdly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 4 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)

Ward: 11

- 109 Being a By-law to Permanently Close a Portion of the Road Allowance of Harrison Road, established by Firstly: Part of Road Allowance Between Lots 20 & 21, Concession 8, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 6 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT), Secondly: Part of Lot 20, Concession 7, in the Geographic Township of Binbrook, in the City of Hamilton, designated as Part 8 on Plan 62R-5181, being Part of the PIN 17383-0144 (LT)

Ward: 11

- 110 To Confirm the Proceedings of City Council

Result: Motion CARRIED by a vote of 15 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Deputy Mayor Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

(Partridge/Pearson)

That, there being no further business, City Council be adjourned at 1:20 a.m. on May 28, 2020.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk

Pilon, Janet

Subject: Open Letter to Enbridge CEO RE: Lyn & Rick Folkes

From: Lyn Folkes

Sent: Tuesday, May 26, 2020 4:30 PM

To: Ward 8 Office <ward8@hamilton.ca>

Subject: Fwd: Open Letter to Enbridge CEO

Dear Councillor Danko,

Please share with council the forwarded letter (below) that the Ontario Clean Air Alliance sent to Enbridge about their pipeline proposed for Hamilton. It explains very clearly why there is no need for a pipeline to damage the Beverly Swamp or Spencer Creek ecosystems. We absolutely do not want this pipeline to be built.

Please pass this on to anyone who may listen in the government too.

Thank you,
Lyn & Rick Folkes
Ward 8, Hamilton

----- Forwarded message -----

From: **Ontario Clean Air Alliance** <angela@cleanairalliance.org>

Date: Tue, May 26, 2020 at 3:10 PM

Subject: Open Letter to Enbridge CEO

To: <Lhfolkes8112@gmail.com>



[View online](#)

Open Letter to Al Monaco, CEO, Enbridge, Calgary, Alberta

By Email: al.monaco@enbridge.com

Dear Mr. Monaco:

Re: Your proposed Hamilton Pipeline

On May 19th I asked you to [cancel Enbridge's proposed fracked gas pipeline](#) in the City of Hamilton.

Two days later I received a response from Andrea Stass, Enbridge's Manager, External Communications and Media Relations.

According to Ms. Stass, Enbridge's proposed pipeline is needed "to ensure that Ontario families and businesses continue to have reliable access to an affordable energy choice," namely fracked gas. [\[1\]](#)

Fortunately, there is a better option to heat Ontario's homes and businesses. By expanding its energy conservation and efficiency programs Enbridge can avoid the need for additional fracked gas imports, reduce our energy bills, create jobs in thousands of Ontario communities and help Ontario achieve its 2030 climate target.

On average, Enbridge's 2019 energy efficiency programs are forecast to reduce its customers' energy bills by \$4.72 for every dollar spent by your utility. Your most cost-effective programs in the commercial sector are forecast to reduce your customers' bills by \$16.43 for every dollar spent by Enbridge. [\[2\]](#)

Therefore, by investing \$204 million to expand your energy efficiency programs instead of the proposed Hamilton Pipeline, you can reduce your customers' energy bills by \$963 million to \$3.4 billion.

You say the pipeline is needed because of increases in the demand for fracked gas. But, [according to a recent study prepared for the Ontario Energy Board and the Independent Electricity System Operator, energy efficiency programs could cost-effectively reduce Ontario's total gas consumption by 20% by 2038.](#) [\[3\]](#) **Why should Ontarians spend \$204 million on a new pipeline when they could reduce their energy bills and reduce gas demand through energy efficiency instead?**

Unfortunately, as you are well aware, due to the Ontario Energy Board's outdated regulatory rules, building new fracked gas pipelines, not investing in energy efficiency, is Enbridge's most profitable course of action. This doesn't make sense. The Ontario Energy Board should change its regulatory rules to ensure that the pursuit of all cost-effective energy efficiency opportunities is Enbridge's most profitable course of action.

In conclusion, please provide the leadership that is urgently needed to align the interests of Enbridge's customers and shareholders. Specifically: a) [cancel your proposed Hamilton Pipeline](#); b) [ramp up your cost-effective energy efficiency programs to their full potential asap](#); and c) [ask the Ontario Energy Board to make the promotion of energy conservation and efficiency Enbridge's most profitable course of action.](#)

Please share this message: 

Yours sincerely,

Angela Bischoff

[\[1\]](#) According to page 16 of Enbridge's [Annual Gas Supply Plan Update \(2020\)](#), "By 2025, [fracked] shale gas is projected to account for about 80% of all U.S. and Canadian gas production."

[\[2\]](#) Ontario Energy Board Docket No. EB-2015-0049, Exhibit B, Tab 2, Schedule 3, page 6.

[3] Navigant Consulting Ltd., 2019 [Integrated Ontario Electricity and Natural Gas Achievable Potential Study, \(2019\)](#), pages iii, vii and ix.

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ALLIANCE

[Ontario Clean Air Alliance](#)
160 John St., #300
Toronto M5V 2E5

Phone: [416 260-2080](tel:416-260-2080) x 1
angela@cleanairalliance.org

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Hamilton and District Labour Council

210-1130 Barton Street East, Hamilton, ON, L8H 7P9 – 905-547-2944 – hamiltonlabour.ca

Mayor Eisenberger and City Councillors,

The Hamilton and District Labour Council, at a recent Executive meeting, adopted the following motion to propose to City Council. We agree with many of the discussions around the Council table that the federal and provincial governments need to step up to help our city.

I was on a recent call with the Council of the Canadian Labour Congress in which the Prime Minister promised to help workers across the country. One of the most effective ways to help workers is to ensure the services they need to live and get to and from work are secure. Before we concern ourselves about crossing an international border, workers need to concern themselves with how to get across town.

We hope City Council will consider adopting the following motions so that the Labour Council and City Council can stand side by side during this time of crisis. We would be appreciative of any support that members of Council could give in this regard.

We are Canadians. We are Ontarians. We LIVE in Hamilton.

Proposed Motion:

BECAUSE our local city and town councils, big or small, rural or urban are on the front lines of some of the most pressing challenges facing Canada;

BECAUSE municipal workers are going flat out to deliver the public services that keep us safe during the COVID-19 crisis;

BECAUSE municipal revenues are collapsing and unanticipated costs are soaring;

BECAUSE without financial help, cities and towns will be forced to cut vital local services our families and communities rely upon;

BECAUSE public transportation makes our communities more livable and fights climate change;

The City of Hamilton demands the federal and provincial governments to provide emergency operating funds to protect vital local services, including public transportation and emergency services.

In Solidarity,

Anthony Marco

President, Hamilton and District Labour Council



May 28, 2020

Will Bouma, MPP
96 Nelson Street
Suite 101
Brantford, ON N3T 2X1

Sent via email will.bouma@pc.ola.org

Phil McColeman, MP
108 St. George Street
Suite 3
Brantford, ON N3R 1V6

Sent via email phil.mccoleman@parl.gc.ca

Re: Essential Workers Day – March 17

Please be advised that Brantford City Council at its meeting held May 26, 2020 adopted the following:

10.1 Essential Workers Day – Councillor Wall

WHEREAS the Province of Ontario enacted a Declaration of Emergency on March 17th, 2020 in response to the COVID-19 Worldwide Pandemic; and

WHEREAS during the state of emergency certain services have been deemed essential services by the Government of Ontario; and

WHEREAS citizens are asked to isolate at home to reduce the spread of COVID-19 as essential workers continue to work and provide an essential service to their community; and

WHEREAS essential workers across the country are risking their lives; and

WHEREAS some essential workers have been stricken with illness, suffered trauma or injury, or lost their lives as a result of providing an essential service; and

WHEREAS without this dedicated workforce, essential services, including but not limited to, healthcare, police, fire, paramedics, military, social services, community services, food distribution, agriculture, postal and delivery services, education, security, transit, financial services, hospitality, commerce, manufacturing, construction, maintenance and repair, waste management, sanitation services, government, and administrative services would fail to function; and

WHEREAS our community owes a profound debt of gratitude to every single essential worker who ensured our community could continue to operate;

NOW THEREFORE, the Municipal Council of The Corporation of the City of Brantford HEREBY RESOLVES as follows:

- A. THAT March 17 BE PROCLAIMED by the Council for The Corporation of the City of Brantford to be Essential Workers Day in the City of Brantford; and
- B. THAT the Clerk BE DIRECTED to provide a copy of this resolution, with a covering letter, to MPP Will Bouma and MP Phil McColeman to respectfully request that the Government of Ontario and the Government of Canada formally declare March 17 to be Essential Workers Day to honour all of the essential workers who sacrificed so much during the COVID-19 pandemic; and
- C. THAT all municipalities across Ontario and Canada BE INVITED to proclaim March 17 to be Essential Workers Day in their respective municipalities, and that a copy of this resolution be provided to AMO, LUMCO, FCM, and ROMA for that purpose.



Tanya Daniels
City Clerk
tdaniels@brantford.ca

cc All Ontario municipalities
Association of Municipalities of Ontario (AMO)
Large Urban Mayor's Caucus of Ontario (LUMCO)
Federation of Canadian Municipalities
Rural Ontario Municipal Association (ROMA)



INFORMATION REPORT

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	June 3, 2020
SUBJECT/REPORT NO:	Annual Tax Arrears as of December 31, 2019 (FCS20043) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Maria Di Santo (905) 546-2424 Ext. 5254 Rob Divinski (905) 546-2424 Ext. 6196
SUBMITTED BY:	Rick Male Director, Financial Services and Taxation and Corporate Controller Corporate Services Department
SIGNATURE:	

INFORMATION

Property taxation is the main source of revenue for municipalities to fund their operations. As such, the City of Hamilton (City) must ensure that this primary source of revenue is protected and monitored closely. This Report focusses on the level of annual property tax arrears over the last five years and the resulting collection efforts employed by staff. The information in this staff report is as of December 31, 2019 and therefore prior to the current covid-19 pandemic. Any impacts the current pandemic may have on the level of tax arrears or on the taxpayer's ability to pay, are not known at this time and will therefore be captured in the next annual report as of December 31, 2020.

As it relates to property tax arrears, for the most part, the City is protected in that it has priority lien status on the property and eventually will collect the property taxes, and other charges added to the tax roll, in the event of a tax sale.

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.

**SUBJECT: Annual Tax Arrears as of December 31, 2019 (FCS20043) (City Wide) -
Page 2 of 13**

Table 1 is an analysis of the tax arrears from 2015 to 2019.

Table 1

5 Year Analysis of Tax Arrears

	12/31/2019	12/31/2018	12/31/2017	12/31/2016	12/31/2015
Total Arrears ¹	\$77,609,940	\$73,737,453	\$68,792,042	\$82,770,634	\$81,008,372
Increase/(Decrease) Over Previous Year	\$3,872,487	\$4,945,411	(\$13,978,592)	\$1,762,262	(\$2,091,631)
Percentage Increase/(Decrease)	5.25%	7.19%	(16.89%)	2.18%	(2.51%)
Current Taxes Levied ² Plus Additions to Tax Roll	\$1,109,605,356	\$1,077,755,612	\$1,049,614,426	\$1,039,473,707	\$1,011,641,806
Increase/(Decrease) Over Previous Year	\$31,849,744	\$28,141,186	\$10,140,719	\$27,831,901	\$36,443,952
Percentage Increase/(Decrease)	2.96%	2.68%	0.98%	2.75%	3.74%
% of Total Arrears to Current Taxes Levied	6.99%	6.84%	6.55%	7.96%	8.01%
Municipal Benchmarking Network Canada (MBNC) – Current Year's Tax Arrears as a % of Current Year Levy					
Hamilton	TBD	4.1%	3.9%	4.3%	3.8%
Municipal Average ³	TBD	2.5%	2.5%	2.6%	2.6%
Municipal Benchmarking Network Canada (MBNC) – Prior Year's Tax Arrears as a % of Current Year Levy					
Hamilton	TBD	2.6%	2.4%	3.1%	3.5%
Municipal Average ³	TBD	1.6%	1.7%	1.8%	2.0%

Total Arrears¹ is inclusive of current and prior years, penalty and interest charges and charges added to the tax roll (i.e. water arrears, property standards charges, etc.). Exclusive of supplementary/omitted billings levied but not due as of December 31st of each respective year.

Current Taxes Levied² is exclusive of supplementary/omitted billings levied but not due as of December 31st of each respective year.

Municipal Average³ of comparator Municipalities across Canada

As identified in the Table 1 above, 2019 saw an increase in total arrears compared to 2018, yet the level of arrears as of December 31, 2019 is still lower than that of years 2015 and 2016. The reduction in arrears experienced in 2017 was primarily due to substantial payment of arrears received for three large industrial properties.

When looking at the results of the Municipal Benchmarking Network Canada (MBNC), Hamilton continues to be above the average of the comparator Municipalities. It should be noted that MBNC splits out tax arrears between current year and prior year tax arrears. MBNC also does not consider penalty and interest charges added to the tax roll as part of the arrears calculation, which on average, can equate to an additional 1%.

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.

Of particular importance is the fact that the total arrears are not simply for the property taxes levied each year, but also includes penalty and interest charges, as well as other charges added to the tax roll (i.e. water arrears charges, property standards charges, development charges, POA charges, etc.). Where allowable under the *Municipal Act*, charges are added to the tax roll and collected in the same manner as property taxes. Although this practice simply transfers the arrears to the tax roll, it is an efficient and effective method of collecting non-property tax arrears. Charges added to the tax roll continue to increase and would contribute to the overall increase in the total arrears. Table 2 identifies the total amount of charges added to the tax roll on an annual basis. As reflected in Table 2, this amount has been increasing, whereby the amount added in 2019 is approximately 1.8 times the amount added in 2015. On average, water arrears attribute to 63% of the total annual charges added over the last 5 years. With respect to 2019 alone, 66% of the charges added to the tax roll in 2019 were related to water arrears.

Table 2

5 Year Analysis of Charges added to Tax Roll

	12/31/2019	12/31/2018	12/31/2017	12/31/2016	12/31/2015
Charges added to Tax Roll	\$6,653,770	\$5,226,180	\$4,146,590	\$3,060,580	\$3,698,630
\$ Increase/ (Decrease) Over Previous Year	\$1,427,590	\$1,079,590	\$1,086,010	(\$638,050)	694,603
% Increase/ (Decrease) Over Previous Year	27%	26%	35%	-17%	23%

Breakdown of Tax Receivable by Property Class

Table 3 provides a breakdown of the annual Taxes Receivable by major property class and the respective share to the overall total Taxes Receivable. The second portion of Table 3 identifies the number of properties with a balance owing at the end of the year, by major property class, and the respective share to the overall total number of properties with a balance owing at year end.

Table 3

5 Year Analysis of Tax Receivable by Major Property Class

	12/31/2019	12/31/2018	12/31/2017	12/31/2016	12/31/2015
Taxes Receivable ¹	\$88,844,463	\$83,598,660	\$79,954,701	\$89,282,439	\$91,059,641
Vacant Land	\$3,376,527 3.80%	\$2,944,401 3.52%	\$2,580,918 3.23%	2,331,508 2.61%	2,198,808 2.41%
Farm/Managed Forest	\$2,402,659 2.70%	\$1,590,046 1.90%	\$1,931,372 2.42%	2,228,680 2.50%	2,050,572 2.25%
Residential	\$53,397,051 60.10%	\$50,275,034 60.14%	\$48,675,560 60.88%	45,664,994 51.15%	49,830,344 54.72%
Commercial	\$15,233,912 17.15%	\$16,311,790 19.51%	\$14,458,260 18.08%	\$14,085,536 15.78%	\$14,341,232 15.75%
Industrial	\$14,306,901 16.10%	\$12,435,451 14.88%	\$12,143,278 15.19%	\$24,951,991 27.95%	\$22,621,460 24.84%
Other	\$127,414 0.14%	\$41,939 0.05%	\$165,313 0.21%	\$19,732 0.02%	\$17,225 0.02%
# of Properties	21,968	19,288	17,582	16,239	16,505
Vacant Land	525 2.39%	565 2.93%	645 3.67%	528 3.25%	661 4.0%
Farm/Managed Forest	487 2.22%	392 2.03%	382 2.17%	403 2.48%	411 2.49%
Residential	19,618 89.30%	17,191 89.13%	15,395 87.56%	14,162 87.21%	14,373 87.08%
Commercial	996 4.53%	802 4.16%	825 4.69%	839 5.17%	784 4.75%
Industrial	325 1.48%	333 1.73%	329 1.87%	305 1.88%	274 1.66%
Other	17 0.08%	5 0.03%	6 0.03%	2 0.01%	2 0.01%

Tax Receivable¹ is inclusive of supplementary/omitted billings levied but not due as of December 31st of each respective year and exclusive of credit balances or balances under \$5 as of December 31st of each respective year.

As shown in Table 3 above, relatively speaking, the level of tax arrears by property class has remained stable. Overall, taxes receivable continues to rise, however lower than the levels experienced in 2015 and 2016. It should be noted that Table 3 identifies any property with a balance outstanding greater than \$5.00. As such, some of the properties identified may be due to an unpaid charge added to the tax roll, unpaid penalty and interest as a result of late payment or a missed instalment, and therefore not a representation of the significance of each respective property's arrears. For example, 29% of the 19,618 Residential properties identified in Table 3 with arrears in 2019, have a balance owing of under \$100.

With respect to the number of properties with an amount owing at yearend, although the number of Residential properties in arrears has increased by 5,245 (19,618 in 2019 compared to 14,373 in 2015), on a per unit basis, the arrears per property has declined (\$2,722/property in 2019 compared to \$3,467/property in 2015).

Breakdown of Property Tax Arrears by Ward

Table 4 is a breakdown of the number and percentage of properties by ward that are in 3+ years arrears. For comparison purposes, Table 4 also includes the average household income, as well as owner versus renter split, per the 2016 Census.

Table 4

Property Breakdown of Arrears per Ward

Ward	January, 2020		January, 2019		2016 Census ²	
	# of properties in 3yrs+ arrears ¹	% of total ward	# of properties in 3yrs+ arrears ¹	% of total ward	Average Household Income	Owner/Renter split in %
1	97	0.94%	84	0.82%	\$75,762	48%/52%
2	125	1.44%	102	1.19%	\$51,190	24%/76%
3	290	2.14%	265	1.96%	\$54,269	47%/53%
4	176	1.20%	190	1.29%	\$66,128	70%/30%
5	104	0.87%	93	0.78%	\$66,755	51%/49%
6	119	0.95%	112	0.89%	\$85,514	71%/29%
7	134	0.96%	121	0.87%	\$76,818	68%/32%
8	83	0.74%	89	0.79%	\$85,828	73%/27%
9	101	0.88%	91	0.85%	\$108,602	88%/12%
10	130	0.87%	145	0.98%	\$106,049	90%/10%
11	108	1.09%	93	0.89%	\$105,468	94%/6%
12	160	0.96%	153	0.95%	\$150,262	93%/7%
13	112	0.90%	99	0.79%	\$113,930	81%/19%
14	82	0.83%	66	0.67%	\$95,966	77%/23%
15	134	1.23%	112	1.05%	\$136,351	88%/12%
TOTAL	1,955	1.06%	1,815	1.00%	\$87,775	68%/32%

of properties in 3yrs+ arrears¹ is exclusive of supplementary/omitted billings completed in the second half of the year which may include billing for prior 2 years.

2016 Census² - Source: 2016 Statistics Canada semi custom table by City of Hamilton (New) Ward Boundaries

Table 4 above, shows that all wards have properties in arrears. Compared to January 2019, the arrears per ward, for the most part, have increased. Total properties in three years arrears have increased to 1,955 from 1,815 the year prior. Percentage of properties in arrears per ward has seen a slight increase from 1.00% in 2019 to 1.06% in 2020, with ward 3 having the highest percentage of arrears at 2.14%, while ward 8 the lowest at 0.74%. Of the 1,955 properties identified in Table 4 above, approximately 210 properties have a lien already registered on title, with the remainder being at risk of a lien being registered in 2020, should the arrears not be adequately addressed. Approximately 88% of these properties are Residential or Residential with a commercial component.

As far as demographics are concerned, staff do not have a “profile” of a taxpayer in arrears. Based on discussions with taxpayers, the reasons for being in arrears vary, however some common reasons include:

- Estate issues whereby the family is in the process of dealing with the estate or it is currently occupied by a surviving family member that is simply not addressing the property taxes or not expediting the settling of the estate in a timely manner
- Rental properties (i.e. single-family homes / condos not owner-occupied) where the property owner is assuming the tenant is paying the property taxes
- Charges added to the tax roll (i.e. water arrears, property standards charges, provincial offenses fines, development charges, etc.)
- Taxpayers in financial hardship (i.e. due to job loss, divorce, illness or the death of one of the owners or family, etc.). These cases are referred to the Compassionate Appeal process, requiring taxpayers to apply annually by the application deadline and provide the required financial records and/or attending physician’s statement
- Taxpayers making incorrect/misinformed assumptions (i.e. assuming they are paying their property taxes through their mortgage, assuming they are in good standing on their monthly pre-authorized payment plan, assuming another family member/partner is paying the property taxes, etc.)
- Opting to pay just the minimum required to discharge the lien or to avoid the City registering a lien. As such, these taxpayers are always in arrears and continue to incur significant penalty and interest charges on a monthly basis.
- Remnant parcels, non-buildable lots.
- Pending assessment appeal (i.e. choosing not to fully pay the taxes levied, by assuming a successful outcome to their appeal that will eventually clear the arrears once processed).
- Opting to enter into a 2-year extension agreement once they are registered.

Residential Tax Assistance Programs

Unfortunately, there are limited number of programs to assist taxpayers falling into arrears due to lower ability to pay. For the most part, the onus is on the taxpayer to contact the City to discuss options and available programs. Information is available on the City's website, as well as included in the tax information brochure mailed out with both the Interim and Final tax bills. The programs available to residential property owners include:

Seniors (65+) Tax Rebate – the 2019 rebate was \$194, requiring income of \$36,100 or lower and prior year taxes paid in full. In 2019 there were approximately 3,300 seniors that received the rebate.

Deferral of Tax Increase for Low-Income Senior or Low-Income Persons with Disability – the deferral requires income of \$36,100 or lower and prior year taxes paid/deferred in full. In 2019, 7 applications were approved to defer the 2019 property tax increase. As of December 31, 2019, there are currently 36 taxpayers with a deferral. Some taxpayers apply every year to defer the annual increase, while others have only applied once or apply periodically.

Full Deferral for Low-Income Senior or Low-Income Persons with Disability – a 3-year pilot program approved for 2018-2020. It allows deferral of the full property taxes, however requires income of \$36,100 or lower and prior year taxes paid/deferred in full. In 2019 there were 20 applicants which deferred their 2019 property taxes, an increase from 4 applicants in 2018 (being the first year of the program).

Compassionate Appeals for Extreme Poverty or Sickness – in 2019, the City received 26 applications. Of the 26 applications received, 12 were awarded relief (ranging from 20% to 100% relief of their 2018 total property taxes), 12 were dismissed or withdrawn (either failure to appear or income too high) and 2 are still pending. The average age of the applicants is 55 years old. With respect to the 12 applicants that were awarded relief, all were from wards 3 - 6 and 13.

As shown above, even with the limited programs available to residential property owners, with the exception of the Seniors Tax Rebate, there is minimal take-up.

Penalty and Interest Analysis

Table 5 identifies the penalty and interest charges applied to the tax roll accounts for amounts not paid by the due dates. In adherence to By-law 13-136 "A By-law to Set Penalty and Interest Rates", taxpayers are charged penalty of 1.25% on the first day of default, then interest of 1.25% per month (15% per year) thereafter, to all property taxes (inclusive of other charges added to the tax roll) past due, until paid in full. Penalty and

interest charges are added the first of the month, for the full month. The penalty and interest rate charged is the maximum allowable under the *Municipal Act* and is consistent with what most Ontario Municipalities charge. The high interest rate acts as a deterrent for most taxpayers to avoid paying late or accumulating arrears, however, some taxpayers continue to pay late or allow the arrears to grow, regardless of the penalty and interest charges incurred.

As identified in Table 5 below, over the last five years, penalty and interest revenue has averaged approximately \$11.8M per year, with 2016 being the highest year at \$12.5M in penalty and interest revenue. Approximately \$2.5M of the 2016 total penalty and interest revenue was attributed to three large industrial properties that were in arrears. The significant reduction in penalty and interest revenue in 2017 was due primarily to the settling of some of the arrears for these large industrial properties. The 2019 penalty and interest charges at approximately \$12M are the largest total since 2016 and part of this can be attributed to the increase in overall arrears, inclusive of increases in the amount of charges added to the tax roll.

Table 5
5 Year Analysis of Penalty and Interest Charges

	12/31/2019	12/31/2018	12/31/2017	12/31/2016	12/31/2015
P&I charges added to the Tax Roll	\$12,012,070	\$11,290,901	\$11,368,557	\$12,534,763	\$11,904,628
\$ Increase/(Decrease) over Previous Year	\$721,169	(\$77,656)	(\$1,166,206)	\$630,135	\$156,214
%Increase/(Decrease) over Previous Year	6.39%	(0.68%)	(9.30%)	5.29%	1.33%

Significant revenue continues to be generated through penalties and interest charges for late payments. This is a cost borne exclusively by taxpayers who do not pay by the due dates. The City's collection efforts ultimately have an impact on this revenue. The more aggressive the City's collection efforts are, the less revenue in penalty and interest.

Tax Collection Efforts

This Report also identifies the steps taken by Taxation staff to ensure the protection and collection of these arrears, while adhering to requirements under the *Municipal Act, 2001*. There are several steps taken to ensure the City's taxes receivable are protected and ultimately collected:

- Arrears are indicated on both tax billings (Interim tax bill mailed out in early February and Final tax bill mailed out in early June)

**SUBJECT: Annual Tax Arrears as of December 31, 2019 (FCS20043) (City Wide) -
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- Setting the penalty and interest rate at the maximum allowable under the *Municipal Act* (1.25% per month / 15% per year) – this rate is identified on all tax bills and remainder notices, so taxpayers are aware of the cost of falling into arrears
- From 2015 - 2019, the City's practice was to issue four reminder notices per year (in March, May, July and October, being the months following each instalment due date). Staff report "Strategies to Reduce Property Tax Arrears (FCS19077)" approved by Council recommended increasing the frequency from the existing four reminder notices per year to seven reminder notices per year effective January 1, 2020. The additional three mailings will be in August, November and December. Staff will not be able to measure any resulting positive effects of the additional reminders until the end of 2020.
- Letters mailed out to new owners of properties advising of any arrears and of upcoming instalments due. When property ownership changes, Taxation staff send letters to the new owners when there is no upcoming billing or reminder notice. This avoids new owners falling into arrears where their lawyer failed to settle any arrears on closing or where new owners were not made aware of upcoming instalments. The additional reminder notices effective January 1, 2020 will replace most of these letters.
- An annual letter is sent in January to all properties in 3+ years in arrears, advising the taxpayer a lien will be registered should the arrears not be dealt with. Taxpayers are made aware that should a lien be registered, that any interested parties registered on title, such as a mortgage company, will be notified of the arrears.
- For taxpayers who ignore the 3+ years in arrears letters, liens are registered on title and notices are sent to anyone on title, including mortgage holders. The approved user fee to cover the City's costs for the registration of delinquent accounts is also added to the tax roll account. Tax staff monitor all properties in 3+ years in arrears, registering liens in order of largest arrears.
- On average, the City runs two tax sales per year. This is the last step in the collection of property tax arrears. For the most part, arrears are settled before the tax sale, by either the property owner or their mortgage company. For properties that do go to tax sale, the arrears are paid by the proceeds of the successful bidder.

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When analysing arrears and arriving at an acceptable level of collection, the level of arrears compared to the assessed value of the property will be considered in an effort to minimize all risk of eventually collecting the arrears, should the City need to proceed to tax sale. For the most part a property's assessed value far exceeds any property tax arrears.

Table 6 identifies the number of reminder notices mailed out in March, May, July and October, as well as, the number of properties in arrears as of year-end.

Table 6
5 Year Analysis of Reminder Notices issued

	2019	2018	2017	2016	2015
# of March Reminders	18,995	18,409	19,859	18,660	20,016
# of May Reminders	21,610	21,514	22,723	22,380	21,371
# of July Reminders	21,111	20,516	21,125	20,630	19,929
# of Oct Reminders	22,978	23,298	24,544	23,579	23,176
# of Properties billed ¹	178,841	177,258	175,961	174,634	172,841
# of Properties in Arrears at year-End	21,968	19,288	17,582	16,239	16,505
% of Properties in Arrears	12.28%	10.88%	9.99%	9.30%	9.55%

of Properties billed¹ in the June final property tax billing for each respective taxation year.

As Table 6 illustrates above, the number of reminder notices issued are consistent year over year. Reminder notices are mailed to all taxpayers with a balance of \$50 or greater. There is typically an increase in reminder notices mailed out in May and October, due to taxpayers forgetting the second instalment of their Interim or Final property tax bill. A newspaper ad is also published in the local paper to remind taxpayers of the upcoming instalment due date. Regardless of this collection effort, some taxpayers will continue to misplace or lose their tax bills, sell/purchase property and pay on their previous roll number in error, or simply ignore the reminder notices until they risk being registered with a tax lien.

By the end of 2019, approximately 12% of the total number of properties billed had not paid their property taxes in full. This percentage is higher than prior years, when approximately 10% had not fully paid off total outstanding by yearend.

Tax Registration

Table 7 on the following page breaks down the number of properties, on a yearly basis, that are in arrears three years or more. The annual 3+ years in arrears letters (typically

mailed out mid to late January), elicit several responses ranging from promises to pay, payment arrangements, payment of the minimum amount required to discharge the lien (third year in arrears) and payment in full. Unfortunately, some taxpayers simply ignore the City's letter.

Taxation staff sorts and monitors these arrears into different categories (i.e. properties with payment arrangements, properties that will pay in full, properties that can only settle the third year, properties that have not contacted the City, etc.). Staff then begin to register liens on those who have ignored their arrears, starting with the properties with the largest arrears. Staff also monitor arrears of taxpayers who have made promises and move them into the registration process if those promises are not kept. It has been the practice of Taxation staff to show compassion for taxpayers in financial difficulty and will work with the taxpayer to allow them some time, within reason, to sort out their financial affairs.

The tax registration and sale of properties is regulated under Part XI of the *Municipal Act, 2001*. Once a property is eligible to be registered, an extensive title check is required to determine who is registered on title. Once the lien is registered, Taxation staff must send notices within 60 days to all parties registered on title. The full cost of this process is added to the tax roll account, as per the annual Council approved user fee by-law. In many cases, Mortgage companies will act to protect their interest and work with the taxpayer on the arrears or use their Power of Sale legislation.

If the tax arrears are not addressed on receiving the Notice of Registration, then Final Notices must be sent after 280 days of registering a lien. A tax sale cannot take place before one year (365 days) has passed since the registration of the lien.

Table 7 identifies how many properties, per year, receive 3+ years in arrears letters versus how many are registered.

Table 7

5 Year Analysis of Tax Registration / 3+ years in Arrears Letters issued

	2019	2018	2017	2016	2015
3+ years in Arrears letters	1,181	1,203	1,288	1,284	1,408
Increase / (Decrease) over Prior Year	(22)	85	4	(124)	(196)
Properties Registered with Tax Lien	452	360	310	400	500
% in Arrears for 3+ years Registered with Tax Lien	38.3%	29.9%	24.1%	31.2%	35.5%

As reflected in Table 7 above, Taxation staff typically register approximately 400 to 500 liens per year. The lower number of liens registered in 2017 was primarily due to staff vacancies.

Although the *Municipal Act* was amended in 2017 to allow the registration of liens for properties in 2+ years arrears, staff are not recommending doing so at this time. Doing so would increase the number of properties that could potentially be registered by over 2.5 times. Based on existing resources, Taxation staff will continue to register at three years in arrears. As the City is protected via the priority lien status and ultimately can collect the property taxes levied, any proposed change to the status quo would need to balance the expected resulting reduction in total tax arrears with the added costs for additional staff resources required, potential loss of penalty and interest revenue and impacts to taxpayers in financial difficulty.

Tax Sale of Properties

The actual tax sale of a property is the final step of the process and one with serious consequences. When a property goes to tax sale, several of the properties generally get rectified by the owners and pulled from the tax sale. Every effort possible is made to allow property owners to keep their properties by settling the arrears themselves. For many of the properties that go to tax sale, properties may also have large property standard charges and/or water arrears added to the tax roll, as well as Federal and/or Provincial liens. The City must also deal with estate issues where no will exists. A further issue is where slivers of properties have been created and have been over-valued, and where the only means to rectify the problem is through the tax sale process.

Of the properties that end up going through to the final bidding process of a tax sale, there are three potential results:

1. They sell for at least the minimum bid (taxes owing including all charges and fees added to the tax roll) and the City recovers all that is owed.
2. They do not sell (no acceptable bids are received) and the property is not vested to the City due to liability concerns. These properties are then dealt with by the City's process for potentially contaminated properties or re-evaluate by the Municipal Property Assessment Corporation (MPAC) to a reasonable value for un-buildable land and left in the current owner's name.
3. They do not sell (no acceptable bids are received) and the property is vested to the City. City Real Estate staff would then attempt to sell the properties vested, at which time a report goes to Council to write-off any difference between what it sold for and the taxes owing.

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Table 8 confirms that most property tax arrears are eventually settled, with relatively very few properties required to proceed to tax sale.

Table 8

5 Year Analysis of Tax Sales

	2019	2018	2017	2016	2015
Letters sent advising of impending tax sale	40	37	42	85	121
Properties advertised for tax sale	20	18	8	25	28
% to Tax Sale	50.0%	48.6%	19.0%	29.4%	23.1%
Rectified by Taxpayer	16	14	5	18	19
%Rectified	80.0%	77.8%	62.5%	72.0%	67.9%
Sold at Tax Sale	4	4	3	6	4
% Sold at Tax Sale	20.0%	22.2%	37.5%	24.0%	14.3%
No Bids Received	0	0	0	1	5
% with No Bids	0.0%	0.0%	0.0%	4.0%	17.9%
Sold at a later date by Real Estate	0	0	0	0	2

As shown in Table 8 above, most arrears are rectified by the taxpayer even after the property is advertised for Tax Sale. The actual number of properties that eventually are sold at tax sale in order to collect the arrears ranges from just 3 to 6 properties per year over the last 5 years, representing less than 0.002% of total properties.

MD/dw



INFORMATION REPORT

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	June 3, 2020
SUBJECT/REPORT NO:	Annual Assessment Appeals as of December 31, 2019 (FCS20044) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Maria Di Santo (905) 546-2424 Ext. 5254 David Janaszek (905) 546-2424 Ext. 4546
SUBMITTED BY:	Rick Male Director, Financial Services and Taxation and Corporate Controller Corporate Services Department
SIGNATURE:	

INFORMATION

Introduction

This staff report is intended to keep Council apprised of the trends in assessment appeals over the last five years. The information in this staff report is as of December 31, 2019 and therefore prior to the current covid-19 pandemic. Any impacts the current pandemic may have on supplementary/omitted property tax revenues or on the possible delay in settling arrears are not known at this time and will therefore be captured in the next annual report as of December 31, 2020.

Appeals of assessment value and tax classification have a large impact on the Municipality's annual budgeted tax revenue. As property taxes are calculated by multiplying an assessment value by a tax rate, any reduction in the assessment value or change in classification (from a class with a higher tax rate to a class with a lower tax rate) will have a negative impact on the Municipality's property tax revenues.

Assessment Base Growth

Assessment growth is the change in the assessment base due to addition of new developments, as well as changes in the assessment of existing properties. Positive net

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**SUBJECT: Annual Assessment Appeals as of December 31, 2019 (FCS20044)
(City Wide) - Page 2 of 8**

assessment growth from 2019 has a positive impact on 2020 taxation by generating additional property tax revenue.

Table 1 below shows the positive gains over the last five years due to supplementary/omitted billing revenues. Under the *Assessment and Municipal Acts*, assessments and property taxes can be retroactively billed after the final roll is returned for the current year (referred to as supplementary taxes) and prior two years (referred to as omitted taxes).

**Table 1
Five Year Analysis of Supplementary / Omitted Tax Revenues**

	12/31/2019	12/31/2018	12/31/2017	12/31/2016	12/31/2015
Supplementary/ Omitted Revenues	\$10,525,700	\$10,394,300	\$11,211,100	\$7,915,400	\$15,017,000
Loss due to Appeals	-\$5,462,200	-\$3,888,500	-\$7,229,500*	-\$9,799,900	-\$7,680,900
Net – Supplementary Revenues less Appeals	\$5,063,500	\$6,505,800	\$3,981,600	-\$1,884,500	7,336,100

*Exclusive of City Housing properties exemption from property taxes in 2017 (Municipal Capital Facility by-law)

The above table shows that the City of Hamilton (the City) supplementary and omitted tax revenues have, for the most part, resulted in a net positive increase in municipal property taxes. This increase is further supplemented by growth, only reflected on the year-end assessment roll return. Year-end assessment growth is reported yearly during the budget process (2019 Assessment Growth (FCS20019) – General Issues Committee, March 2, 2020).

The five-year average for supplementary/omitted municipal property tax revenue is approximately \$11.0 million. This revenue is contingent on the volume of new development, the type of development, the length of construction, and ultimately the Municipal Property Assessment Corporation (MPAC) ability to timely reflect the new development on the assessment roll. Taxation staff are pro-active in ensuring that large developments are assessed as quickly as possible, while also looking for areas where the tax classifications and assessed values for new developments may be incorrect.

In recent years, the City of Hamilton has experienced record building permit construction values which unfortunately do not always translate into increased assessments and property taxes. Some of the factors in reconciling building permits construction values to assessment growth include:

- Construction value does not equate to assessed value – discussed in detail in staff report “2019 Assessment Growth (FCS20019)”;

- The current value assessment determined by MPAC can be challenged and subsequently reduced if the appeal/request for reconsideration is successful;
- Institutional/Government development may ultimately be exempt from taxation;
- Alterations, plumbing, and sewage building permits that increase building permit construction value may not affect the assessed value;
- Demolition permits increase the overall construction value, while having the opposite effect, for the most part, on assessed value; and
- Timing – total construction value reported for one year (i.e. \$1,264,757,129 and \$1,408,521,764 for 2018 and 2019 respectively) will not be added all at once to the assessment roll – MPAC will only assess the development (if it affects assessed value) when occupancy is granted which could be anywhere between 1 and 3 years from the day the first building permit for the development is issued.

Assessment Base Erosion

Assessment base erosion is the depletion of the assessment base due to assessment appeals, requests for reconsideration and *Municipal Act* tax applications.

The figures reflected in Table 2 are municipal property tax reductions from the following processes: Assessment Review Board (ARB) appeals, MPAC Request for Reconsideration (RfR), Post Roll Amended Notices (PRAN) and *Municipal Act* tax applications (under section 357/358 of the *Municipal Act*).

**Table 2
5 Year Analysis of Appeals/Tax Reduction by Property Type**

	12/31/2019	12/31/2018	12/31/2017	12/31/2016	12/31/2015
Loss due to Appeals	-\$5,462,200	-\$3,888,500 ²	-\$19,842,700 ¹	-\$9,799,900	-\$7,680,900
Taxes Lost by Property Type					
Commercial	-\$3,384,600 62.0%	-\$1,573,200 ² 40.5%	-\$4,095,000 20.6%	-\$1,946,600 19.9%	-\$3,982,500 51.8%
Taxable to Exempt	-\$164,000 3.0%	-\$41,600 1.1%	-\$12,646,400 ¹ 63.7%	-\$1,024,900 10.5%	-\$315,600 4.1%
Farm/Managed Forest	-\$247,400 4.5%	-\$266,400 6.9%	-\$217,000 1.1%	-\$305,400 3.1%	-\$330,400 4.3%
Industrial	-\$560,400 10.3%	-\$1,019,000 26.2%	-\$1,506,500 7.6%	-\$5,176,400 52.8%	-\$1,136,800 14.8%
Residential	-\$1,105,800 20.2%	-\$988,400 25.4%	-\$1,377,800 6.9%	-\$1,346,600 13.7%	-\$1,915,600 24.9%

¹ inclusive of \$12.6M loss due to City Housing exemption (via Municipal Capital Facility by-law)

² inclusive of \$550,000 benefit due to the settlement of the City's appeal of Flamboro Downs

Trends continue to show that appeals have off-set, in part, the growth of the City's assessment base. Through the budget process, the City recognizes that assessments will be challenged and lost. Expected loss of property tax revenue due to reduction of assessment values is budgeted annually (2019 budget = \$7.3 million), with additional allowances set aside for more significant multi-year appeals. The five-year average municipal property tax revenue loss due to the combined impacts of Assessment Review Board (ARB) appeals, MPAC Request for Reconsideration (RfR), Post Roll Amended Notices (PRAN) and *Municipal Act* tax applications (under section 357/358 of the *Municipal Act*), exclusive of the City Housing exemptions processed in 2017 and Flamboro Downs positive settlement processed in 2018, equates to approximately \$6.9 million per year. This represents just under 0.8% of the Municipal tax levy.

In 2019 staff processed 74 tax applications under section 357/358 of the *Municipal Act*. Total loss to tax revenue from these applications only accounted for \$251,900. Some of the assessment reductions under section 357/358 of the *Municipal Act* may in turn lead to assessment growth. Where assessment is reduced due to a fire or demolition, assessment subsequently may increase due to a renovation or new development ultimately leading to an increase in property taxes.

As can be seen from Table 2, the actual loss in Municipal property tax dollars can vary widely from year to year and by property class. As such, it is difficult to predict annual losses, as the loss would depend on when the appeal/request for reconsideration is ultimately resolved. As appeals are typically filed for the same property every tax year, an increase in the municipal property tax revenue loss is typically experienced in the year in which significant multi-year appeals are settled.

The 2019 loss of \$5.5M is the second lowest in the last five years. This is not an indication there has been a decrease in the number of appeals filed or that property owners have been unsuccessful with their appeals, but rather, it reflects the reduced amount of resolved appeals resulting from the scheduling delay due to the changes implemented in 2017 by the Assessment Review Board. Because of this delay, any allowance set up for significant appeals will simply be carried forward until the pending appeals are resolved.

The 2017 total loss of \$19.8 million identified in Table 2 is skewed due to City Housing properties being made exempt from taxation. Exclusive of the City Housing exemptions, the 2017 total Municipal loss due to appeals would equate to approximately \$7.2 million.

Some of the more significant ARB appeals resolved in 2019 include; Flamborough South Centre (for taxation years 2009-2019); Smart Centres Ancaster (for taxation years 2010-2019), Mondelez International (for taxation years 2017-2019) Clappison's Power Centre (2017, 2018) and Melvin Apartments (2015-2019).

Assessment Review Board New Rules of Practice

The Assessment Review Board introduced new Rules of Practice and Procedure which came into effect on April 1, 2017. The changes impact all parties in the process, including Municipalities, and were introduced to streamline the property tax appeal process and promote fairness and efficiency. The new rules are intended to help ensuring that appeals, both old and new, will commence within the current four-year cycle and be completed on a timely basis. Under the new rules, a commencement date is assigned to each appeal and from there on each appeal proceeds following a robust and rigid 2-year long Schedule of Events that must be complied with. An appeal would exceed 2 years should the parties be unable to resolve the appeal(s) and a full hearing before the ARB is required.

Although the new rules came into effect on April 1, 2017, the first commencement date scheduled by the ARB was November 15, 2017 with additional appeals commencing regularly throughout the 4-year cycle. Given the first commencement date and the 2-year timeline associated with the schedule of events, there were fewer than usual number of appeals had been resolved within 2018. As we have seen more appeals approaching end of the regulated 2-year timeline in 2019, many of them were resolved and resulted in further losses to tax revenue this past year.

More recently, the ARB has made further changes to expediate appeals filed prior to 2017 by adapting a new shortened 18-week timeline for the Schedule of Events to ensure most of older appeals are dealt with by 2021.

Current State of Assessment Appeals at the City

Assessment appeals are not unique to the City of Hamilton. The issue of the loss of commercial and industrial assessments is province-wide. As the Municipal Property Assessment Corporation (MPAC) is responsible for the property assessment, municipal property tax revenues hinge on how well their assessment holds up when challenged by taxpayers and highly trained assessment consultants. It is a common practice for assessment consultants to automatically file appeals on business properties, regardless of the assessment returned by MPAC. As the assessment of business properties is complex, with multiple variables, assessment consultants simply need to prove the inaccuracy of one of these variables which, in most cases, may ultimately warrant some type of reduction in the assessed value.

Table 3 on the following page shows the number of properties with outstanding ARB appeals by CVA (Current Value Assessment) Cycle:

Table 3

Outstanding appeals by Assessment Value and Number

	2019- 2017 Assessment Cycle (2016 CVA)	2016 – 2013 Assessment Cycle (2012 CVA)	2012 – 2009 Assessment Cycle (2008 CVA)	2008 – 2006 Assessment Cycle (2005 CVA)
CVA under Appeal	9,013,689,682	1,811,441,681	472,928,559	0
# of properties by taxation year ¹	1,373	120	28	0

¹ a property will be identified multiple times if the appeal extends multiple taxation years

Table 3 highlights the magnitude of the number of current outstanding appeals for properties within the City of Hamilton. The assessment values in Table 3 are the cumulative property values under appeal. Since the same property could be appealed every year, it also includes assessed value of the same property for every year an appeal is filed (i.e. 4 times in the 4-year assessment cycle). Some of these appeals will be withdrawn or settled for no reduction, while others may be settled anywhere from a loss of 1% to 30% of the assessment, leading to a loss in municipal property tax dollars. Currently, the largest appeals are in the big box category (i.e. Walmart, Canadian Tire), along with the neighbourhood shopping plaza category. Many of these appeals are province-wide appeals as to the valuation issues being challenged and are cumbersome due to the number of owners, municipalities and tenants involved.

Further complicating matters is the fact that large province-wide appeals are being delayed due to their complexity and the time it takes to be heard at the Assessment Review Board (ARB). An appeal that takes five to seven years for a decision can lead to a significant cumulative municipal property tax revenue loss if a reduction in assessment value is warranted. The City sets an annual allowance for these potential significant reductions as part of the yearend process.

The Municipal Property Assessment Corporation along with the Province are working towards setting standards and procedures around assessment methodologies that hopefully will take some of the volatility out of the assessment challenges the City has seen to date. MPAC has committed to providing the property owners comprehensive guides that explain assessment methodology and how the methodology was applied to assess their property. The intent of this work is to ultimately reduce the number of appeals.

Proactive Assessment Base Management Program

Considering Council's concerns with respect to the volatility of the assessment base, resources within the Taxation section were realigned in 2017 to dedicate more time and be proactive in managing assessment base. Staff are currently working on developing Proactive Assessment Base Management Program and creating a roster of assessment

**SUBJECT: Annual Assessment Appeals as of December 31, 2019 (FCS20044)
(City Wide) - Page 7 of 8**

professionals, as per approved recommendations in staff report "Use of External Services for Tax Assessment & Appeals (FCS20005)", January 16, 2020 Audit, Finance and Administration Committee. This roster will be used to help manage the City's assessment base in conjunction with existing Taxation staffing resources.

Proactive Assessment Base Management Program when fully developed includes but is not limited to the following activities:

- Work with MPAC on proactively managing assessment base
- Analysis of the assessment roll with specific attention to exempt properties, annual changes, low value properties, and taxation classes
- Review of supplementary and omitted assessment
- Study of assessment to sale ratio
- Analysis of vacant land value and zoning
- Monitor assessment appeals initiated by taxpayers - review and discussion the reasons for any assessment reductions with MPAC; attend settlement meetings between MPAC and property owners and/or their agents
- Tracking of building permit, draft plans of subdivision, condo plans, and severances
- Review of the City owned properties
- Initiate appeals to the ARB for issues that cannot be addressed by other means

The City initiates assessment appeals for the increase in the assessment or for the change in the classification from the class with lower tax rate to the class with higher tax rate. Two recent examples of city-initiated appeals are:

- 1) The Flamboro Downs assessment appeal for taxation years 2013-2018 which resulted in a \$550,000 municipal property tax benefit to the City; and
- 2) The Stelco assessment appeal – a recently filed appeal as a result of MPAC's significant reduction to Stelco's assessed value for 2018 taxation year. MPAC's reduction to Stelco's assessed value translated into municipal tax revenue losses of over \$2 million. This appeal is currently in early stages of the process.

Taxation staff work diligently with the Hamilton Port Authority and the Airport to ensure all tenant movement is addressed on the assessment roll in a timely fashion. Taxation staff also work closely with the City's Planning & Economic Development department and MPAC to ensure new developments are assessed by MPAC in a timely manner.

**SUBJECT: Annual Assessment Appeals as of December 31, 2019 (FCS20044)
(City Wide) - Page 8 of 8**


City staff will continue to monitor and report back to Council annually on the state of assessment appeals in the municipality.

MD/dw



Hamilton

INFORMATION REPORT

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	June 3, 2020
SUBJECT/REPORT NO:	Public Art Master Plan 2016 Annual Update (PED19053(a)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ken Coit (905) 546-2424 Ext. 6281
SUBMITTED BY:	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

On November 16, 2016 Council directed Tourism and Culture staff to provide an annual update on implementation of the Public Art Master Plan 2016 (PED16221) (Master Plan) to the General Issues Committee.

INFORMATION

Implementation Update

This is the third update on the Public Art Master Plan 2016 since it was approved by Council in November 2016. The previous update was provided in February 2019 (PED19053).

Purpose of the Public Art Master Plan

The City of Hamilton Public Art Master Plan is an important tool in the ongoing implementation of Public Art in Hamilton. Its primary intent is to identify and prioritize potential sites and opportunities for new Public Art projects across the City, recommend project budgets and to outline the principles by which sites are selected and this art is commissioned.

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.

Developed in consultation with the public, Councillors, City staff and stakeholders, the Public Art Master Plan 2016 identified, from over 110 projects initially considered, 14 priority Public Art projects. These along with a series of 19 projects already in progress are to be funded and implemented between 2016 and 2022.

Project Updates

A list of projects completed since the approval of the Public Art Master Plan 2016 along with the current status of the other projects identified in the Master Plan is attached as Appendix "A" to Report PED19053(a).

In summary, 41% of the projects identified in the Public Art Master Plan 2016 are complete or in progress. Four projects have been cancelled. In addition, four projects not identified at the time of approval have been completed. Since the Master Plan was approved, the program has received 374 artists proposals; over 3,400 citizen comments; and has conducted 34 juries and artist information meetings.

Financial Update

In the period since the previous Information Update ending on October 31, 2018 and until March 31, 2020, \$247,480 of capital funds were spent to implement Public Art projects including contract, artist fees, fabrication, installation, maintenance, policy development and selection process costs.

The funding for Public Art projects is from the Public Art Reserve, the Downtown Public Art Reserve, project specific capital budgets, area rating and community partners. The Public Art Reserve is funded through an annual transfer from operating in the amount of \$171 K. The Downtown Public Art Reserve is funded from voluntary contributions from developers working in the Downtown Community Improvement Plan Area, therefore these funds can only be spent on projects in that area. It is anticipated that contributions to the Downtown Public Art Reserve will diminish in the next few years as incentive programs for the downtown are scaled back. Public Art projects have been identified as important components of capital projects such as the West Harbour and Gore Park. These projects have included funding for Public Art in their budgets. Community partners such as the Tesla Foundation have proposed to provide funding for specific Public Art projects identified in the Master Plan.

Staff will continue to seek Council approval for the use of funds from the respective reserve at the initiation of each Public Art project. The funding available in the Public Art Reserve projected to 2022 is \$1.9 M; 97% of these funds are allocated to Public Art projects. A detailed Public Art Implementation and Funding Plan is attached as Appendix "B" to Report PED19053(a).

Public Art Background and Definition

Cities around the world are increasingly realizing the economic and social benefits and quality of life enhancements that flow from creativity and investment in culture and the expression of a community's culture through mediums such as Public Art. In addition to bringing vibrancy to a city's public spaces, Public Art is a tremendous source of civic pride and conveys the identity and cultural image of a city to its residents and visitors.

The City of Hamilton defines Public Art as follows:

- Public Art is created by artists, or in collaboration with artists, through a public process and existing on a publicly accessible City of Hamilton owned property.
- Public Art is created with the intention of reflecting and engaging the community and has undergone a formal adjudicated selection process as per the City's Call for Artists Policy.
- Public Art can take a variety of forms and media; it may have functional as well as aesthetic qualities; it may be integrated into its site, or it may be a discrete piece; it can be permanent or temporary.
- The process by which the City commissions Public Art is set out in the Council approved Call for Artists Policy.

Public Art Project Site Selection Criteria

The Public Art Master Plan is intended to be a living document that will evolve in accordance with changes in urban development, Public Art practice and policy. It therefore anticipates that new opportunities for Public Art may come forward. Given limited resources, any new opportunity would be evaluated based on how well it aligns with the following:

- Site to be owned by The City of Hamilton;
- The potential visibility and public accessibility of the artwork;
- The historic and cultural significance to the community in which the artwork will be located;
- The response to the project during public consultation;

- The implementation potential, including synergies with other City projects and available funding;
- The distribution of projects across the City.

Art in Public Places Policy

Public Art as defined in this report is only one type of art that can be used to animate public places. There are other processes that businesses, community groups and the City can employ to commission art for public and publicly accessible private property that are not selected through the formal City-led Public Art Call for Artists process. These types of projects include donated art, community art, integrated art, art on publicly accessible private property and memorials.

There is a growing demand for these types of projects, especially community art and art on publicly accessible private property such as murals. Tourism and Culture staff are currently developing an Art in Public Places Policy to provide guidance for implementing these types of projects for Council approval.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED19053(a) - Public Art Projects Status Update, May 2020

Appendix "B" to Report PED19053(a) - Public Art Implementation and Funding Plan 2019-2022

KC:ac

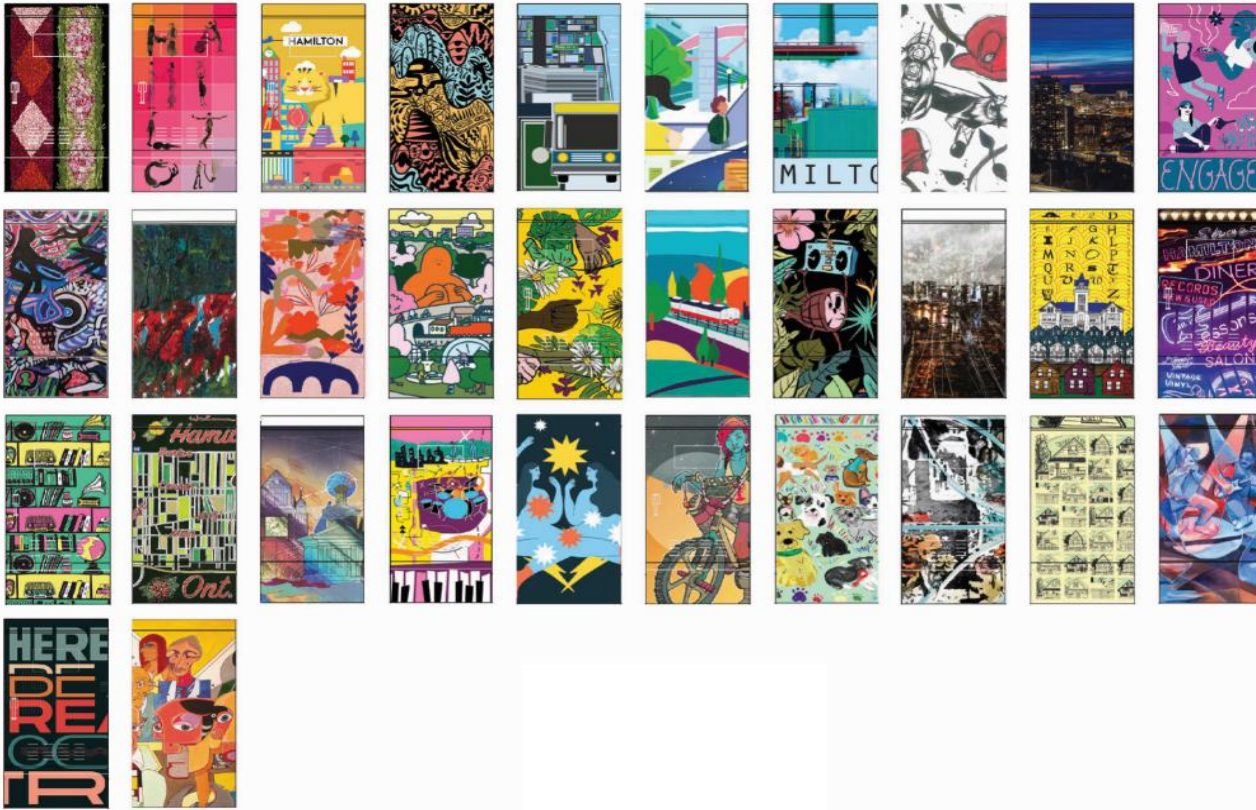
Public Art Projects Status Update, May 2020

1.0 COMPLETED PROJECTS

The following provides a list of the projects completed since the approval of the Public Art Master Plan 2016.

1.1 Traffic Signal Box Wraps in Downtown Hamilton (Wards 2 and 3)

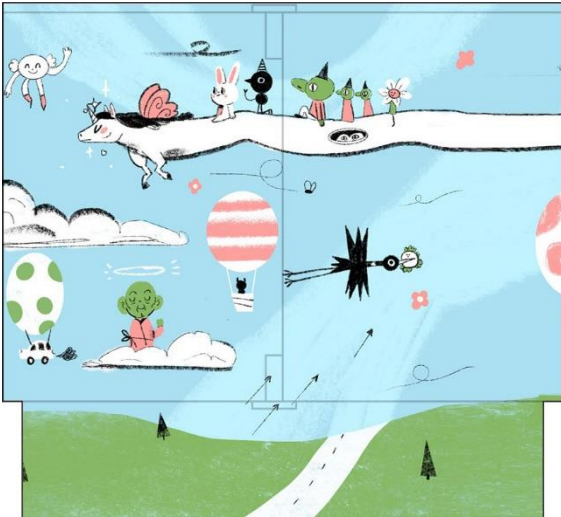
- 32 artist designed traffic signal boxes
- Location (various) - throughout downtown Hamilton
- Project cost - \$51,500



1.2 Electrical Box Wraps in Downtown Hamilton (Ward 2)

- Hamilton Enchanted - Charlit Floriano
- Location (various) - 5 boxes in downtown Hamilton Community Improvement Area
- Project cost - \$6,000





1.3 Legal Street Art Wall - Woodlands Park (Ward 3)

- Various artists (ongoing) - initiated by Concrete Canvas
- Location - Woodlands Park (northern edge)
- Project cost - \$8,000
- Art in Public Places pilot project



1.4 Concrete Canvas Street Art Festival (Wards 2 and 3)

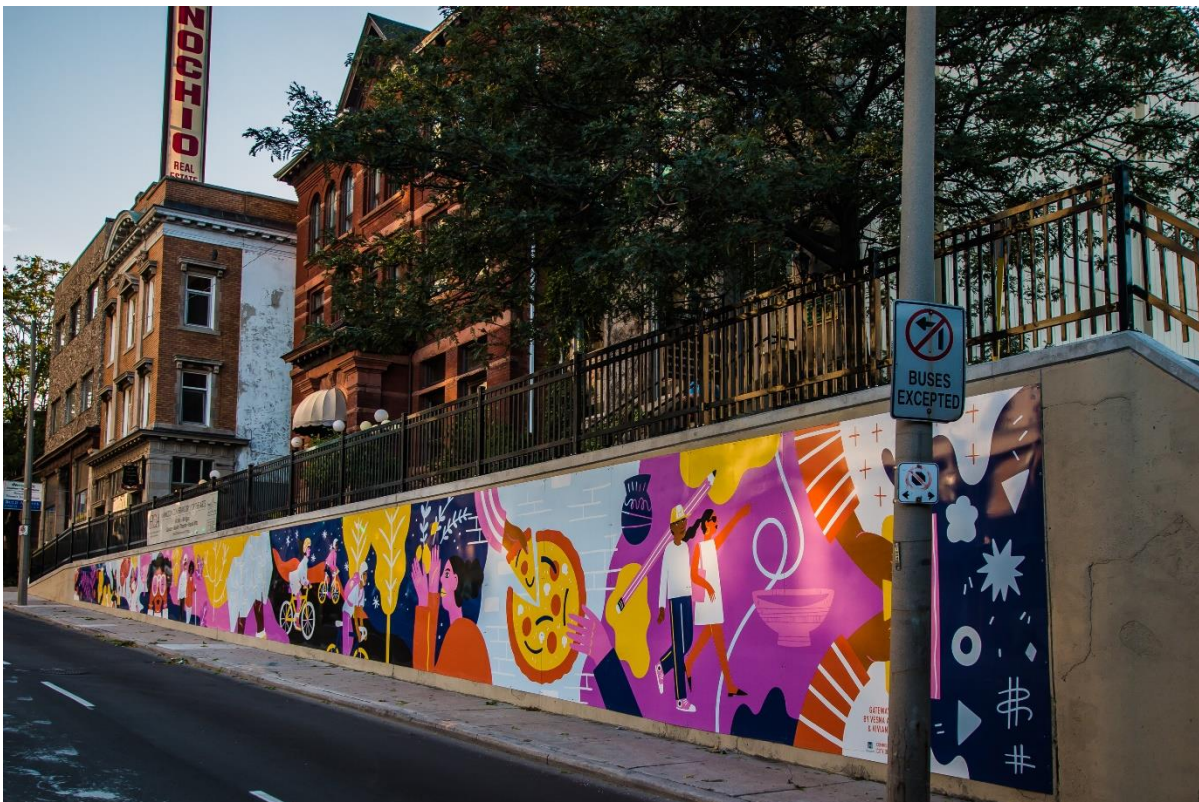
- Various artists - curated and organized by Concrete Canvas
- Location - 25 locations
- Project cost - \$5,780
- Art in Public Places pilot project to deter graffiti



(@prank_DBS @thehigherups @high.dynamics)

1.5 The James Street South Public Art Mural Project (Ward 2)

- Gateway - Vivian Rosas and Vesna Asanovic
- Location - exterior wall on James Street South, across from the Hamilton GO Centre
- Project cost - \$23,200



(Photo by Kobby Crabbe)

1.6 The Ancaster Fieldcote Gateway Public Art Project (Ward 12)

- Landmark - Simon Frank
- Location - Fieldcote Walkway in the Fieldcote woodlot (Ancaster)
- Project cost - \$60 K



1.7 The Market District Public Art Project (Ward 2)

- Raising the Barn, Aluminium Quilting Society - coordinated by David Hind
- Location - Hamilton Farmers' Market (York Boulevard at MacNab Street North)
- Project cost - \$140 K



(Photos by Jeff Tessier)

1.8 The Gore Park Beacons Public Art Project - Beacon 1 (Ward 2)

- Music City Markers - Dave Kuruc
- Location - Gore Park (west entrance)
- Project cost - \$2,000 artist fees (artist fees, beacon and glass fabrication from Gore Park project budget)



2.0 PROJECTS CURRENTLY IN PROGRESS

The following provides the status of the projects identified in the Public Art Master Plan 2016 that have approved capital funding and have been initiated.

2.1 Churchill Park Public Art Project (Ward 1)

- Artwork - "be:longings" by Gary Barwin, Simon Frank and Tor Lukasik-Foss
- Status - fabrication in process; installation anticipated Fall 2020/Spring 2021
- Budget - \$280,500

2.2 Public Art as Part of the Harbour West Redevelopment (West Harbour James Street Plaza) (Ward 2)

- Artwork - "All Our Relations" by Angela DeMontigny and project partners
- Status - artist agreement in process; followed by start of fabrication; installation pending construction of Piers 5 to 7
- Budget - \$420 K (includes fees for Hamilton Waterfront Trust to administer project)

2.3 The Dundas Driving Park Public Art Project - Phase 2 (Ward 13)

- Artwork - "The Big Bounce" by Paul Slipper and Mary Anne Liu
- Status - artwork complete; installation planned for Summer 2020
- Budget - \$145 K

2.4 The King William Art Walk Public Art Project (Ward 2)

- Status - Stage 1 adjudication complete. Shortlisted artists to be invited to submit more detailed proposals for Summer 2020. Installation anticipated Summer 2021.
- Budget - \$190 K (funded from the Downtown Public Art Reserve)

2.5 Copps Pier (Formerly Pier 8 Promenade Park) (Ward 2)

- Status - Three artworks are included as part of the park design: "Hamilton Hammer City", which won the Pier 8 Promenade Park design competition in 2017. These artworks are designed and are to be fabricated and installed as part of the park construction in 2020-2021.
- Budget - \$20 K artist's fees (fabrication costs are included in the park construction budget)

2.6 The Gore Park Beacons Public Art Project - Beacon 2 (east entrance) (Ward 2)

- Music City Markers - Dave Kuruc
- Status - Artists graphics received. Installation pending Rapid Transit plans.
- Project cost - \$2,000 artist's fees (artists fees, beacon and glass fabrication by Gore Park project budget)

2.7 Interpretive Panels for "Eagles Among Us" Public Artwork (Ward 5)

- Battlefield House Museum and Park
- Status - Draft panel design completed. Installation planned for Summer 2020.
- Budget - \$16 K

2.8 Century Street Parkette Public Art Project (Ward 3)

- Status - Initial public consultation currently underway.
- Budget - \$150 K (Ward 3 area rating)

2.9 Desjardins Canal Bridge Columns (Ward 1)

- Status - Stabilization work to begin 2020.
- Budget - \$70 K for art work; \$18 K for stabilization

2.10 Bike Racks and Street Furniture (Ward 2)

- Status - Initial consultation underway.
- Scale - Small
- Budget - \$91,500

3.0 CANCELLED PROJECTS

3.1 Tim Horton's Stadium Plaza Public Art Project (Ward 3)

- Status - Cancelled due to a lack of funding. Funding originally allocated to the project in the stadium budget was needed to cover other items required by the recent settlement of construction issues with the contractor, Province and Tiger Cats.

3.2 Public Art as a Component of HSR Bus Shelters (5 Projects)

- Locations as follows:
 - Queenston Road at Nash Road (north-west corner)
 - Queenston Road at Parkdale Avenue South (north-west corner)
 - Upper James Street at Fennell Avenue East (south-east corner)
 - West 5th Street at Fennell Avenue West
 - Limeridge Mall Transit Terminal
- Status - Funding re-directed to transit infrastructure by Council.

3.3 Waterdown Memorial Park (Ward 15)

- Project - A work to complement the skating loop.
- Status - Cancelled as per the project jury's recommendation.

3.4 West Harbour Bayview Park (Ward 2)

- Project - Large-scale identified in West Harbour plan.
- Status - Funding re-directed to fund Piers 5, 6 and 7 infrastructure.

4.0 PROJECTS SCHEDULED TO BE INITIATED IN 2020

The following provides a list of the projects identified in the Public Art Master Plan 2016 proposed to be initiated in 2020.

4.1 Central Memorial Recreation Centre Area Mural (Ward 2)

- Location - 93 West Avenue South
- Scale - Small
- Budget - \$17,500

4.2 Hamilton the Electric City, Nikola Tesla and the Five Johns (Ward 5)

- Location - 180 Van Wagners Beach Road (waterfront trail)
- Scale - Major
- Budget - Minimum \$200 K

4.3 Wilson and James Parkette (formerly Arts District - James Street North) (Ward 2)

- Location - Parkette at the north-east corner of James Street North and Wilson Street
- Scale - Major
- Budget - Minimum \$250 K (Downtown Public Art Reserve)
- Themes and scope are being reviewed as part of the initial public consultation for this project given the recent changes in the character of business on James Street North.

4.4 Ancaster Arts Centre (formerly Ancaster Memorial School) (Ward 12)

- Location - 357 Wilson Street East (Ancaster)
- Scale - Major
- Budget - Minimum \$250 K

5.0 PROJECTS TO BE INITIATED 2021-2022

The following provides a list of the projects identified in the Public Art Master Plan 2016 proposed to be initiated in 2021-2022. The order presented is not intended to direct the sequence in which these public art projects will be initiated.

- Gore Park Veteran’s Place
- Andrew Warburton Memorial Park
- Binbrook Branch, Hamilton Public Library
- Dundas Branch, Hamilton Public Library
- Johnson Tew Park and Arboretum
- King Street Parkette at Highway No. 8
- Pipeline Trail at Kenilworth Avenue North
- Vincent Massey Park
- William Connell Community Park
- Sam Lawrence Park
- Firefighters’ Memorial - Gage Park
- New Entrance to Confederation Park

In addition to these site, 85 sites are identified in the Public Art Master Plan 2016 for future consideration should additional staff resources or funding become available.

6.0 HAMILTON PUBLIC ART COLLECTION

The City of Hamilton’s Public Art Collection currently includes 77 works located across the city. An online mapping tool that illustrates, explains and locates each artwork in the collection can be accessed from the City of Hamilton’s website at www.hamilton.ca/publicart.

Public Art Implementation and Funding Plan 2019-2022

Available Funding in Reserves

	Public Art Reserve	Downtown Public Art Reserve
Reserve Funds as of March 31, 2020	\$1,569,864	\$52,582
Annual Contribution 2 x \$171 K	\$342 K	
Total Available funds to 2022	\$1,911,864	\$52,582
Total Allocated Funding to 2022	\$1.86 M	\$0
Balance	\$51,864	\$52,582

Funding Allocations by Project

Project	Proposed Initiation	Ward	Public Art Capital Funding in Place	Public Art Reserve	Downtown Public Art Reserve	Other/ Specific Project Funding in Place	Notes/Comments
Battlefield Park Art Interpretive Signs	2019	9	\$16 K				
King William Art Walk Public Art Project	2019	2	\$231,800				\$100 K transferred from the Downtown Public Art Reserve (108049) to the King William Art Walk Public Art Project (7101558508) PED17024
Desjardins Canal Bridge Stabilization	2018	1		\$20 K			
Churchill Park	2018	1	\$285,247				From Ward 1 Area Rating
Bike Racks by Artists - James Street North	2020	2	\$91,500				Identified by the Ward 2 participatory budget process. Funded from Downtown Public Art Reserve PED18601
West Hamilton Rail Trail	2020	1	\$25 K	\$45 K			
Central Memorial Recreation Centre Area Mural	2020	2	\$21,350				Ward 2 Area Rating and Downtown Public Art Reserve
Desjardins Canal Bridge Public Art	2020	1		\$60 K			


Project	Proposed Initiation	Ward	Public Art Capital Funding in Place	Public Art Reserve	Downtown Public Art Reserve	Other/ Specific Project Funding in Place	Notes/Comments
Arts District Public Art - Wilson and James Street North	2020		\$427 K				From the Downtown Public Art Reserve PED18061 and the Gore Park Project
West Harbour James Street North Plaza	2019	2				\$430 K	Funding Source: Harbour West Redevelopment Project Budget
Binbrook Branch - Hamilton Public Library	2021	11		\$85 K			
Waterfront Public Art Projects	2021	2				\$1.11 M	Public Art projects as outlined in the West Harbour Rec Master Plan. Funding Source: Harbour West Redevelopment Project Budget
Temporary Art in Public Places Pilot Project	2020	2	\$73,200				From the Downtown Public Art Reserve PED18061
Hamilton the Electric City, Tesla and the 5 Johns	2020	5		\$100 K		\$100 K	Matching funding by Nikola Tesla Educational Charity
Ancaster Memorial School - Arts and Culture Centre	2020	12		\$250 K			
William Connell Community Park	2021	8		\$150 K			
King Street Parkette at Queenston Road	2021	10		\$100 K			Additional funding may be available from LJM Developments re: development at the corner of Highway 8 and Ellington Avenue. Still to be confirmed.
Pipeline Trail - Kenilworth Avenue North Area	2021	4		\$100 K			

Project	Proposed Initiation	Ward	Public Art Capital Funding in Place	Public Art Reserve	Downtown Public Art Reserve	Other/ Specific Project Funding in Place	Notes/Comments
Gore Park - Veteran's Place Peace Project	2022	2	\$116 K			\$250 K	Funding from the Gore Park project and the Downtown Public Art Reserve PED18061
Dundas Branch - Hamilton Public Library	2021	13		\$75 K			
New Entrance to Confederation Park	2022	5		\$250 K			
Vincent Massey Park	2021	6		\$125 K			
Andrew Warburton Memorial Park	2021	4		\$125 K			
Johnson Tew Park and Arboretum	2022	14		\$250 K			
Sam Lawrence Park	2021	7		\$125 K			
Total Allocated Funding to 2022			\$1,287,097	\$1.86 M	\$0	\$1.89 M	



CITY OF HAMILTON
City Manager's Office

INFORMATION REPORT

TO:	Chair and Members Committee of the Whole
COMMITTEE DATE:	June 3, 2020
SUBJECT/REPORT NO:	COVID-19 Emergency Delegated Authority By-Law Update (CM20004(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Janette Smith (905) 546-2424 Ext. 5420
SUBMITTED BY:	Janette Smith City Manager
SIGNATURE:	

The purpose of this Information Report is to provide Council with an update on the use of the Emergency Delegated Authority By-law.

BACKGROUND

On March 12, 2020, the City activated its Emergency Operation Centre under the City's Emergency Management Plan, pursuant to the Emergency Management and Civil Protection Act (EMCPA).

On March 17, 2020 the Province of Ontario declared a state of emergency under the EMCPA.

On March 20, 2020 Council adopted Emergency Delegated Authority By-law 2020-056 granting the City Manager delegated authority to take certain actions during the COVID-19 Emergency. At the time the By-law was passed, Council requested updates be provided on the exercise of authority under the By-law.

This report provides an update on the use of Emergency Delegated Authority By-law 2020-056.

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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.

INFORMATION

As outlined below, the majority of the instances where the By-law was used relate to the acceptance and quick distribution of funding from other levels of government for the COVID-19 emergency response related to housing and shelter services.

The City of Hamilton has received Federal and Provincial funding to help support the response to COVID-19 in our community. The amounts received are as follows:

- a) \$2,274,966 from Canada's COVID-19 Economic Response Plan: Support for People Experiencing and at Risk of Homelessness; and
- b) \$6,880,800 from Ontario's Social Services Relief Fund, provided through the Community Homelessness Prevention Initiative (CHPI).

These funds were distributed to various community organizations under the terms of the funding agreements, as outlined in Appendix 1.

The only non-COVID-19 time sensitive use of the By-law involved the Materials Recycling Facility. On February 12, 2020 City Council approved proceeding with the award of a contract to GFL Environmental Inc. for the operations and maintenance of the Materials Recycling Centre. The existing contract was expiring on March 29, 2020 and staff needed a 30-day extension to the current contract to complete discussions with GFL for the new contract. The cost of the 30-day extension was \$266,591.53 (based on actual tonnage received) and was within the Council approved contract. As virtual Council meetings had not been arranged yet, the contract extension was granted under the Emergency Delegated Authority By-law.

APPENDICES ATTACHED

Appendix "A" to Report CM20004(a) – COVID-19 Emergency Delegated Authority By-law Update

COVID-19 Services and Expenditures Funded by Federal and Provincial Governments and Approved by the COVID-19 Emergency Delegated Authority By-Law

FEDERAL FUNDING – REACHING HOME (\$2,274,966)

Provider	Services Provided	Total Amount (\$)	Period (2020 Unless Stated)
Coalition of Hamilton Indigenous Leadership (CHIL)	Funds for PPE, Food Security, and Social Services	\$454,993.00	April - March
		\$454,993.00 *specific spent to date	

PROVINCIAL FUNDING – SOCIAL SERVICES RELIEF FUND (\$6,880,800)

Provider	Services Provided	Total Amount (\$)	Period (2020 Unless Stated)
<i>Sheltering</i>			
Hotel (family)	Sheltering for family overflow	\$400,000.00	March - May
Hotel (family)	Food (for hotel)	\$75,000.00	March - May
Hotel (women)	Sheltering for single women’s overflow	\$210,000.00	March - May
Service Master	Cleaning services for hotel (women)	\$70,000.00	April - August
YWCA	Food Services for hotel	\$10,000.00	April - May

COVID-19 Services and Expenditures Funded by Federal and Provincial Governments and Approved by the COVID-19 Emergency Delegated Authority By-Law

Provider	Services Provided	Total Amount (\$)	Period (2020 Unless Stated)
Good Shepherd Centre	Additional staffing and support services operations for sheltering	\$103,713.00	May
Good Shepherd Centre	Additional staffing and support services operations for sheltering	\$708,963.00	May - March 2021
Hotel (men and couples)	Sheltering for single men & couples overflow	\$180,000.00	March - May
Mission Services	Additional staffing and support services operations for sheltering (hotel – men and couples)	\$193,963.00	April - June
Hotel (men and couples)	Additional Cleaning services for sheltering in hotel	\$6,000.00	March - May
Hotel (men and couples)	Security services for Sheltering in hotel	\$120,000.00	April - August
Good Shepherd Centre	Shelter staffing costs	\$5,477.33	One Time (Mar-Apr)
First Ontario Centre (FOC)	Shelter overflow for single men	\$89,057.56	Monthly
Good Shepherd Centre	Additional staffing and support services operations for sheltering (FOC)	\$149,925.00	April - May
Good Shepherd Centre	Additional staffing and support services operations for sheltering (FOC)	\$599,625.00	June - March 2021
Salvation Army	Cleaning Services @ FOC	\$3,604.00	April - May
YWCA	Food Services @ FOC	\$39,240.00	March - April

COVID-19 Services and Expenditures Funded by Federal and Provincial Governments and Approved by the COVID-19 Emergency Delegated Authority By-Law

Provider	Services Provided	Total Amount (\$)	Period (2020 Unless Stated)
Spectra	Staffing @ FOC	\$182,617.00	April - May
Catering Services	Food Services @ FOC	\$114,375.00	April - May
<i>Isolation Centre</i>			
Wesley Urban Ministries	Food Services	\$10,000.00	April
Service Master	Cleaning	\$54,000.00	May - October
Staffing costs Mileage and Pcard Expenses	Isolation Centre Supplies	\$5,000.00	One Time
Red Cross	Cots for isolation centre	\$10,416.00	April
<i>Drop-In Centres</i>			
Mission Services	Willow's Place	\$192,129.00	April - June
Living Rock	Youth Services	\$29,358.00	April - May
Living Rock	Youth Services	\$14,679.00	June
Wesley Urban Ministries	Washrooms, Laundry, Support Services	\$300,334.00	April - May
Wesley Urban Ministries	Washrooms, Laundry, Support Services	\$150,167.00	June
<i>Wage Premium</i>			
Good Shepherd Centre	Frontline staff pay premium	\$360,000.00	April - June
Salvation Army	Frontline staff pay premium	\$9,857.00	April
YWCA	Frontline staff pay premium	\$249,738.00	April - June
Salvation Army	Frontline staff pay premium	\$67,200.00	April - June

COVID-19 Services and Expenditures Funded by Federal and Provincial Governments and Approved by the COVID-19 Emergency Delegated Authority By-Law

Provider	Services Provided	Total Amount (\$)	Period (2020 Unless Stated)
Various Cleaning Services			
Good Shepherd Centre	Cleaning Services	\$5,000.00	May - June
Good Shepherd Centre	Cleaning Services	\$2,880.00	May
Mission Services	Cleaning Services	\$20,000.00	May - June
Salvation Army	Cleaning Services	\$2,634.00	April - May
Wesley Community Homes Inc	Cleaning Services	\$1,440.00	May
SuperShine	Cleaning Services at 135 Mary St shelter	\$2,163.95	Monthly
Various Residential Care Facilities (52 RCFs)	Staffing, Food, Cleaning, PPE	\$414,600.00	March
Various Residential Care Facilities (52 RCFs)	Staffing, Food, Cleaning, PPE	\$322,408.00	April
Personal Protective Equipment (PPE)			
Salvation Army	PPE bulk Purchase for various locations	\$54,128.00	April - May

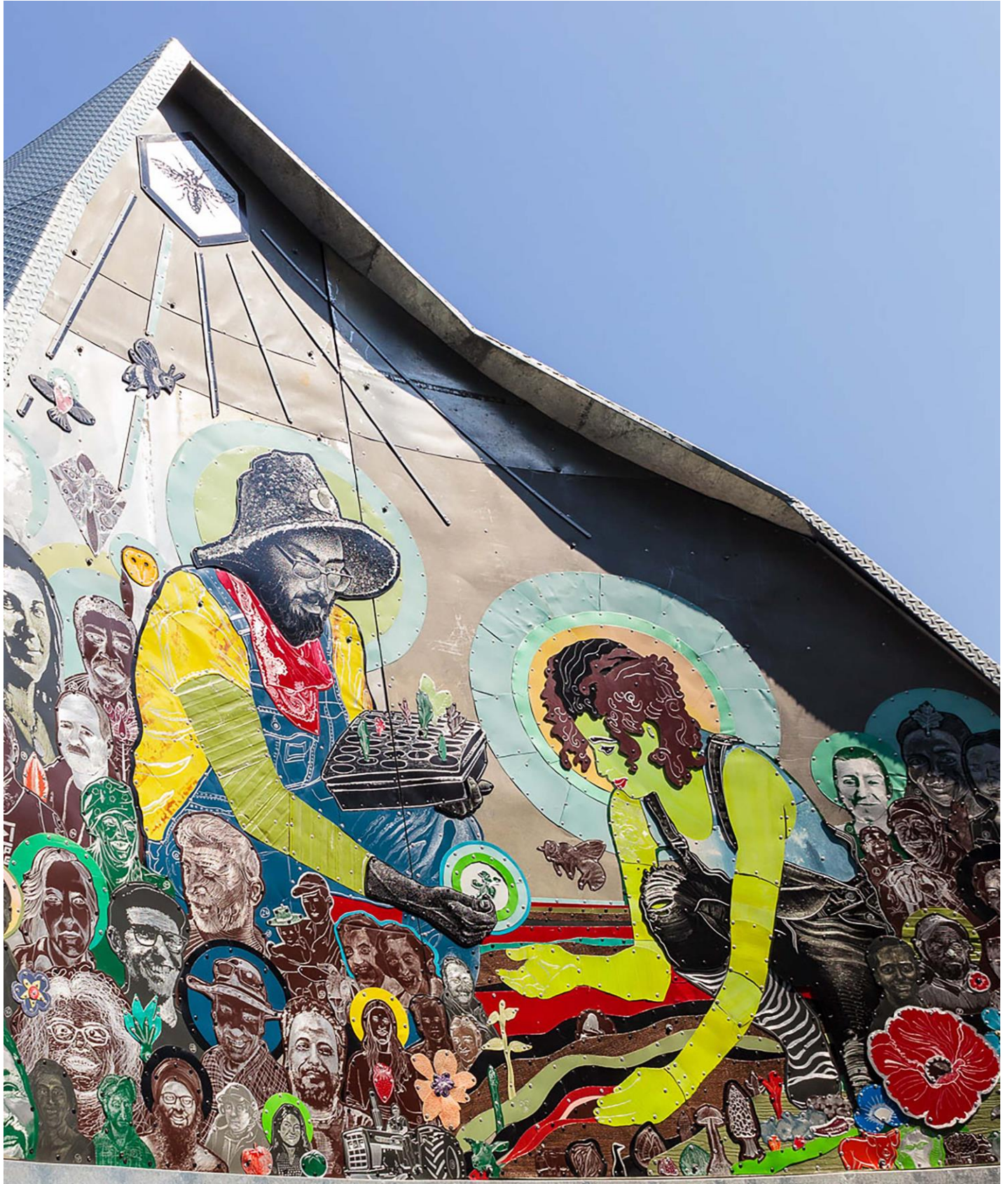
COVID-19 Services and Expenditures Funded by Federal and Provincial Governments and Approved by the COVID-19 Emergency Delegated Authority By-Law

Provider	Services Provided	Total Amount (\$)	Period (2020 Unless Stated)
Security Services			
Salvation Army	Security	\$12,870.00	April - May
Other			
YMCA	Food Security and Cleaning	\$170,800.00	April - May
Blue Line Taxi	Transportation of clients between shelters	\$1,000.00	Monthly
Community Applications (supporting Covid19 responses)			
Kyle's Place	PPE, Cleaning and Food Security	\$5,440.00	One Time
Jewish Social Services	Administration Costs, Cleaning Food Security	\$40,610.00	One Time
Elizabeth Fry Society	Food Security, PPE	\$7,500.00	One Time
Cancer Assistance Program	Food Security	\$10,000.00	One Time
Food4Kids Hamilton Halton	Food Security	\$60,000.00	One Time
Micah House	Rent Supports	\$2,340.00	One Time
New Vision	Staffing, Cleaning and Food Security	\$8,338.00	One Time
Wayside House of Hamilton	PPE	\$3,200.00	One Time
Flamborough Information & Community Services	Food Security, PPE	\$3,696.00	One Time

**COVID-19 Services and Expenditures Funded by Federal and Provincial Governments and Approved by the
COVID-19 Emergency Delegated Authority By-Law**

Provider	Services Provided	Total Amount (\$)	Period (2020 Unless Stated)
Mission Services Good Food Centre	Food Security, Staffing	\$13,436.00	One Time
Amity Goodwill Industries	Food Security, Staffing	\$27,800.00	One Time
New Vision United Church	Food Security, Administration Supports, Staffing	\$7,218.00	One Time
St. Matthew's House	Food Security, Administration Supports	\$11,400.00	One Time
Hamilton's Centre for Civic Inclusion	CareMongering activities	\$25,000.00	April
AIDS Network	Program supplies; Sex Workers Action Program (SWAP)	\$5,000.00	April
Native Women's Centre	PPE, Transportation, Cleaning	\$17,385.00	March
Total Amount		\$5,972,725.00	

CITY OF HAMILTON ART IN PUBLIC PLACES POLICY



Raising the Barn
David Hind and the Aluminum Quilting Society
Image: Jeff Tessier

ART IN PUBLIC PLACES POLICY

“Art in public spaces plays a distinguishing role in our country’s history and culture. It reflects and reveals our society, enhances meaning in our civic spaces, and adds uniqueness to our communities. Public art humanizes the built environment. It provides an intersection between past, present, and future; between disciplines and ideas. Public art matters because our communities gain cultural, social, and economic value through public art.” America for the Arts 2018

1.0 Background

The City of Hamilton has commissioned seventy-seven works of public art since the approval of its first Public Art Master Plan in 2009. These works have been selected through an open, adjudicated call for artists process that relies on extensive public consultation. Hundreds of artists’ proposals and thousands of citizen comments have been received through this process resulting in landmark and award-winning Public Art installations across the City.

Through the implementation of the Public Art Master Plan, and in response to issues identified by artists and the community, it was recognized that there were opportunities to expand and enhance the role of public art in the community and the methods for commissioning it beyond the process and definitions set out in the Public Art Master Plan. As directed by Council, staff began work with the arts community to develop an Art in Public Places Policy to widen the scope and opportunities for implementing public art in Hamilton.

Public consultation was undertaken between November 2019 and January 2020. In a series of twelve conversations, fifty-seven artists, arts administrators, arts community leaders and City staff contributed their perspectives. Key priorities for art in public places in Hamilton identified in these discussions included:

- Embracing Placemaking - express the evolving physical, cultural, and social identities that define us;
- Encouraging social cohesion and cultural understanding - public art as a catalyst for discourse, social engagement and reinforcing social connectivity;
- Empowering artists, arts organizations and community groups to take greater ownership of the public realm;
- Embracing digital and social media technology to assist in accessibility, share stories and bring people to places; and
- Encouraging public health and belonging through active living and social connectedness essential to mental health.

The input from the consultation process has informed the principles and processes set out in this Policy.

2.0 Policy Statement

The City of Hamilton recognizes that art in public places enriches the quality of life of its citizens adding cultural, social and economic value to our shared public places. It encourages a sense of belonging, social cohesion, cultural understanding and allows for the expression of our evolving collective history, values and culture. Therefore, the City is committed to working with artists, businesses and citizens in the ongoing development and implementation of art in public places projects to enhance our sense of community and public places across the City.

3.0 Purpose

To provide guidance to staff, artists, citizens and businesses in the planning, commissioning and implementation of Art in Public Places projects that will be meaningful to the community and enhance public places across the City.

To outline a range of processes for commissioning or acquiring art for installation in public places within Hamilton.

4.0 Definitions

Public Place

A Public Place is any space in the City accessible or visible to the public and includes:

- **City-Owned** - Any space accessible to the general public that is owned or managed by the City of Hamilton including but not limited to parks, road allowances, tunnels, boulevards, streets, courtyards, squares bridges, building exteriors and publicly accessible interior areas.
- **Privately Owned and Publicly Accessible** - Any outdoor space accessible to the general public that is private property such as courtyards, entrance plazas, forecourts, lanes, etc.
- **Privately Owned Visible to the Public** - Private property and features such as building facades, retaining walls and fences that are visible from a public place and contribute to the character of the adjacent public place.

Private Property

For this Policy, private property is any property, building or structure in the municipality not owned or managed by the City of Hamilton.

Artist

An artist is an individual who is recognized as a professional practicing artist by other artists working in the same field; has completed training in their artistic field or has a history of public presentation; spends a significant amount of time practicing their art, and seeks payment for their work.

Art in a Public Place

An artwork created by artists, or in collaboration with artists installed in a public place.

Artwork

A monument, marker, statue, mural, projection, sound or other feature created by or in collaboration with an artist.

Placemaking

A collaborative process by which citizens, business and government shape our public realm to maximize shared value, strengthen the connection between people and place, and reflect the physical, cultural, and social identities that define a place and support its ongoing evolution.

Public Art

An artwork created by artists, or in collaboration with artists that is installed on publicly accessible City of Hamilton property and is owned and maintained by the City.

Publicly Commissioned Art

An artwork created by artists, or in collaboration with artists, through a public process and existing in a publicly accessible City of Hamilton owned or managed location. This art is created to reflect and/or engage the community and has undergone a formal Call for Artists selection process administered by City staff or their representatives.

Donated Art

Artworks given to the City of Hamilton as a gift, bequeath or sponsored acquisition to be installed in a City-owned outdoor public place.

Community Art

An artwork in a public place, the design and implementation of which is led by an artist and involves community members directly in its creation through collaboration, production, and/or dialogue.

Temporary Art

An artwork created by an artist or in collaboration with an artist for exhibition in a public place that is intended to be installed for a limited amount of time; from several hours to several years. Its temporary nature allows for less rigorous selection and maintenance requirements.

Integrated Art

An artwork created by an artist working in collaboration with a team of designers that is installed or fabricated as an integral part of newly constructed infrastructure such as a building, bridge or park.

Privately Commissioned Art in Public Places

Artwork installed on publicly accessible/visible private property that contributes to the quality of the adjacent public place that is commissioned by the private property owner.

5.0 Guiding Principles

The planning, conception, selection and implementation of any Art in Public Places project that is funded in whole or part by the City or is located on City-owned or managed property shall be grounded in the following guiding principles:

- Respect the intellectual and moral rights of the artist;
- Engage, enhance and be reflective of our community;
- Respect community standards concerning appropriate subjects and imagery for display in public places;
- Recognize the value of artists’ work by providing appropriate compensation;
- Consider durability, ongoing maintenance, public safety and any other relevant technical issues;
- Consider accessibility, both physical and sensory interaction;
- Value the role of artists in placemaking;
- Embrace evolving best practices to ensure high-quality artworks that are meaningful to the community;
- Reflect the evolving demographics and the diverse communities of Hamilton;
- Consider environmental sustainability;
- Encourage artwork that is innovative, topical and allows for critical discourse;
- Recognize that the City and art practices continuously evolve and new and innovative approaches be welcomed; and
- Evolve collaboratively and transparently with City staff and community partners.

6.0 Processes for Commissioning Public Art

The following outlines five processes for commissioning or acquiring Art in Public Places for the City of Hamilton. Combinations or variations of these processes may be used depending on the site, project goal and individual or organization planning and implementing the project.

6.1 Publicly Commissioned Art

Publicly commissioned art is artwork created by artists, or in collaboration with artists, through a public process and existing in a publicly accessible City of Hamilton owned or managed location.

This art is created to reflect and engage the community and has undergone a formal Call for Artists selection process administered by City staff or representatives.

This process is typically used to commission larger permanent publicly funded works that will have significant community impact and be of interest to a large number of citizens.

The types, locations, themes and funding for publicly commissioned art projects are set out in the Council approved Public Art Master Plan.

Publicly commissioned art shall be acquired through a transparent competitive process and involve public consultation and adjudication by a citizen jury as per the Council approved Public Art Call for Artists Policy.



Eagles Among Us - David M. General

6.2 Donated Art

Donated art is an artwork given to the City of Hamilton as a gift, bequeathed or sponsored acquisition to be installed in a City-owned public place.

This process typically does not include public funding and requires less public consultation. It allows the donating group, individual or business more control of the artwork and generally is best suited for works celebrating or commemorating a specific person, group or event of significance to both the donor and the larger community.

Proposed donations are reviewed by City staff for relevance, location, public safety and other criteria through a process required by the Council approved Art and Monuments Donation Policy to determine a recommendation for the City to accept or decline the donation.



Migration - Donated by The Ukrainian Community of Hamilton

6.3 Community Art

Community art is an artwork located in a public place, the design and implementation of which is led by an artist and involves community members directly in its creation through collaboration, production, and/or dialogue.

This process requires community members to be directly involved in the creation of the artwork. It is best suited to art for localized smaller public places such as neighbourhood parks or Business Improvement Areas and the involvement of smaller community groups.

Community artworks may take different forms such as murals, sculpture, functional or digital works depending on the site and project conceived by the lead artist and community partners. The work is generated by the artist based on the collection of elements, images or ideas from the community and in many cases the community is directly involved in the fabrication of the work, i.e. painting a mural.

Artists leading this type of process should be experienced in public consultation and collaborative processes. They shall be hired in keeping with all applicable City of Hamilton procurement policies and processes.



Beasley Community Mural - Members of the Beasley Community with artists Sylvia Nickerson, Matt McInnes and Becky Katz

6.4 Integrated Art

An integrated artwork is one created by an artist working in collaboration with a team of designers that is installed or fabricated as an integral part of newly constructed infrastructure such as a building, bridge or park.

Integrated art allows for a wide range of types of art and can be of significant scale depending on the project it is integrated with. It is well suited to functional works such as seating, fences or lighting but can also be decorative or interpretive such as a mural integrated into a building façade or a series of works set into a park path.

The conception and design of the artwork is developed by an artist working as an integral member of the project design team with architects, landscape architects, engineers and other experts in consultation with City staff and community groups advising on the project.

The fabrication and installation of the artwork is tendered as part of the overall project, is funded through the Capital project and implemented by the general contractor and specialist sub-contractors as required.

Artists undertaking this type of project should be experienced working with tendering processes and with fabricators and consultants.



Agricultural History of Canada - Joseph Ernest Gause - Wentworth County Courthouse 1957

6.5 Temporary Art

A work of art created by an artist or in collaboration with an artist for exhibition in a public place that is intended to be installed for a limited amount of time; from several hours to several years.

The temporary nature allows for less rigorous selection and maintenance requirements.

Temporary art in public places may be commissioned using any of the processes outlined in this Policy. However, due to its temporary nature, it can be approved for installation only based on reviews for public safety and community standards by City staff.

The temporary nature of the work allows it to explore topical and critical themes.



Meter 236 in Blue on Yellow - Clarence Porter - King William Art Walk

7.0 Art on Private Property

The City recognizes that the character of City-owned public places is often impacted by the publicly accessible private places and buildings adjacent to and surrounding the area. The City, therefore, encourages private property owners to commission art in public places projects for publicly accessible private places and privately-owned building facades, fences and other features that are directly adjacent to or visible from prominent City-owned public places such as commercial streets, parks and plazas.

The City encourages private property owners to use the principles and processes outlined in this Policy in the commissioning of art in public places for their property.

Art on private property is subject to the requirements of all applicable by-laws, statutes and policies.



Tim Horton - Jerry McKenna

ART IN PUBLIC PLACES POLICY CONSULTATION SUMMARY



Image Credits (left to right): Scott McDonald; John Haney and Carey Jernigan; Sylvia Nickerson, Matt McInnes, Becky Katz and members of the Beasley community; Joseph Ernest Gause

Background

Consultation was undertaken to determine clear and consistent purposes, goals, definitions and best practices related to art in public places to guide the development of an Art in Public Places Policy and associated guidelines and processes. In a series of 12 conversations held between November 2019 and January 2020, 57 artists, arts administrators, arts community leaders and City staff contributed their perspectives.

Prior to each discussion, staff shared a presentation defining what constitutes the public realm and the different ways in which the City of Hamilton currently commissions Art in Public Places; the City of Hamilton Public Art Vision Statement (2016); as well as several other external resources describing the value of public art and placemaking.

Two questions were posed as a jumping off points to inspire broader discussion:

- How do you think Art in Public Places benefits the community?
- Thinking about the next 5 to 10 years, what are the most meaningful things that new Art in Public Places projects can do for the community?

Key Themes

Multiple key themes emerged from the consultation discussions, identified in the post-consultation summaries and verified by participants. These themes included:

- **Placemaking** - artists can make a unique contribution to the evolving physical, cultural and social identities that define a place and support its ongoing evolution.
- **Social Cohesion and Cultural Understanding** - art in public places can act as a catalyst for discourse, social engagement and reinforce social connectivity.
- **Empower artists, arts organizations and community groups** to take greater ownership of the public realm.
- **Embracing digital and social media technology** to assist in accessibility, share stories and bring people to places.

- **Public Health and Belonging** - art in public places as a necessity to health of community - encouraging active living and social connectedness essential to mental health.

Consultation Matrix

The following matrix outlines the topics addressed in the 12 consultation meetings.

How do you think Art in Public Places benefits the community?	Who addressed?
Citizen/neighbourhood ownership and pride of place. Participation and sense of care/responsibility to the neighbourhood.	<ul style="list-style-type: none"> • City Lab students • Community leaders • Melissa Bennett • Arts Advisory Commission • City staff
Art is for the public. Public access to art/“democratic” - public art belongs to all of us. Creates a non-commodified space which are becoming increasingly scarce.	<ul style="list-style-type: none"> • City Lab students • Community leaders • Tor Lukasic-Foss/Claire Lougheed • Colina Maxwell • Yvonne Felix
Breaks down walls of gallery to be more inclusive and accessible. Not waiting for the public to come to the gallery but bring it to them. Art shouldn't be separated.	<ul style="list-style-type: none"> • City Lab students • Community leaders • Melissa Bennett • Colina Maxwell • Arts Advisory Commission
Provides us with permission to stop and gather; signals to citizens that they are valued and invited in public spaces.	<ul style="list-style-type: none"> • Community leaders • Tor Lukasic-Foss/Claire Lougheed
Can enable us to see the city in a different way and notice things previously overlooked in the urban landscape - introducing citizens to new spaces that they return to outside of an art context.	<ul style="list-style-type: none"> • Art Spin Hamilton
Encourages social engagement/facilitates connection to others/empathy/varied cultural expression/social cohesion. Can break isolation and instill happiness, a sense of safety and belonging.	<ul style="list-style-type: none"> • City Lab students • Community leaders • Tor Lukasic-Foss/Claire Lougheed • Melissa Bennett • Arts Advisory Commission • Art Spin Hamilton
Increases safety of public spaces. Transformative ability for stigmatized neighbourhoods.	<ul style="list-style-type: none"> • City Lab students • Tor Lukasic-Foss/Claire Lougheed • City staff
Evoke feelings and reactions in people. Art is supposed to make you feel.	<ul style="list-style-type: none"> • Community leaders
Improves quality of life - enriches environment, day-to-day well-being with colour and texture. Mundane objects can be transformed (e.g. utility boxes).	<ul style="list-style-type: none"> • City Lab students • Community leaders • Melissa Bennett • Colina Maxwell • City staff
Attracts visitors to neighbourhoods - economic impact. Beauty and vibrancy attracts tourism.	<ul style="list-style-type: none"> • Community leaders • Arts Advisory Commission
Expression of community identity - to selves and to visitors.	<ul style="list-style-type: none"> • Community leaders

How do you think Art in Public Places benefits the community?	Who addressed?
Where limited art education opportunities, can bring art in to children’s lives and present the possibility of art as a career (sustainability of arts sector).	<ul style="list-style-type: none"> • Community leaders • Arts Advisory Commission
Invites businesses to invest in neighbourhood improvements and more art.	<ul style="list-style-type: none"> • Community leaders • Tor Lukasic-Foss/Claire Lougheed
Tool for public discourse - can reflect values and demonstrate discontent.	<ul style="list-style-type: none"> • Community leaders
Provides employment opportunities for artists. Demonstrates respect for the creative process.	<ul style="list-style-type: none"> • Community leaders • City staff
Public art levels the playing field for differently-abled artists as is “about the art” rather than the artist. It provides access to a level of success that may not otherwise be available	<ul style="list-style-type: none"> • Yvonne Felix

Thinking about the next 5 to 10 years, what are the most meaningful things that new Art in Public Places projects can do for the community?	Who addressed?
Representation of Indigenous culture visually in public places	<ul style="list-style-type: none"> • Shelly Hill • City staff
Placemaking - artists can make a unique contribution to the evolving physical, cultural and social identities that define a place and support its ongoing evolution.	<ul style="list-style-type: none"> • All
Social Cohesion and Cultural Understanding - art in public places can act as a catalyst for discourse, social engagement and reinforce social connectivity.	<ul style="list-style-type: none"> • All
Empower artists, arts organizations and community groups to take greater ownership of the public realm.	<ul style="list-style-type: none"> • All
Embracing digital and social media technology to assist in accessibility, share stories and bring people to places.	<ul style="list-style-type: none"> • All
Public Health and Belonging - art in public places as a necessity to health of community - encouraging active living and social connectedness essential to mental health.	<ul style="list-style-type: none"> • Most/emphasis from City staff
Can be a tool of reconciliation for City and marginalized communities to address misunderstandings. Build Cultural Understanding - tell some of the stories we have in Hamilton and individual communities (e.g. reconciliation, immigration, industry). Public education regarding land & original ownership; reinforce acknowledgement of Indigenous communities. Reflect globalization/movement of people, while owning “Hamilton” identity. Engage millennials/reflect changing demographic of city. Can introduce historical (and possible future) narratives and stories into community that may have been previously eclipsed. Community Art can be a tactic to elevate lesser-known cultural artist communities.	<ul style="list-style-type: none"> • Shelly Hill • Community leaders • Arts Advisory Commission • City Lab students • Colina Maxwell • City staff • Creative Café
Think of Art in Public Places in Hamilton as part of an international conversation (not just local). Take risks, start a conversation. Be a leader. Benefits include: pride in our work; acknowledgement; being part of the national discourse regarding what is happening in our country; put Hamilton on the map.	<ul style="list-style-type: none"> • Community leaders • Melissa Bennett • Colina Maxwell • Kim Selman
Spaces for temporary performances (e.g. pop up stage, Speaker’s Corner)/artist showcase/events to encourage artists.	<ul style="list-style-type: none"> • Community leaders
Encourage emerging artists in neighbourhoods other than James Street North (e.g. other art crawls or spaces to exhibit/sell without financial barrier).	<ul style="list-style-type: none"> • Community leaders

Thinking about the next 5 to 10 years, what are the most meaningful things that new Art in Public Places projects can do for the community?	Who addressed?
Arm artists with knowledge of City processes, access to funding for art in public places so that they feel empowered and that they have permission. Make processes more transparent.	<ul style="list-style-type: none"> • Community leaders • Arts Advisory Commission
Foster mentorship between experienced and emerging artists.	<ul style="list-style-type: none"> • Community leaders • Melissa Bennett
Facilitate cultural exchange with visiting artists. This can bring new skills in to the community and ensure we aren't in a cultural bubble.	<ul style="list-style-type: none"> • Colina Maxwell
Grow Hamilton into a City where art can be found everywhere and grassroots “guerrilla” art in public places is encouraged - serendipitous discoveries. Encourage and facilitate whimsy.	<ul style="list-style-type: none"> • Community leaders • Tor Lukasic-Foss/Claire Lougheed
<p>Properly funded and well-rounded community and temporary art programs - e.g. matching program and bigger grants for a smaller pool of artists - \$5 K minimum. Can encourage:</p> <ul style="list-style-type: none"> • More community-level projects. • Projects that are topical and responsive to contemporary issues. More open-ended projects. • Work in different neighbourhoods outside of downtown or big building projects. 	<ul style="list-style-type: none"> • Kim Selman
Geographic diversity of temporary and community art projects. Placemaking in communities that don't have a strong sense of identity. Start with seed projects to show what is possible in areas not accustomed to art. Have patience as it may take a while to build culture.	<ul style="list-style-type: none"> • Arts Advisory Commission • Kim Selman • Art Spin Hamilton
Build story of Hamilton in the digital realm - “digital space making”. Augmented reality technologies will become common place in the next 10 years. Can commission digital pieces as temporary art - has a large tourist appeal. One advantage is that it avoids physical restrictions.	<ul style="list-style-type: none"> • Community leaders
Market art in public places projects as tourism - facilitate projects that can draw photographers, Instagrammers, etc.	<ul style="list-style-type: none"> • Community leaders • Creative Café
Empower communities by letting them know about opportunities and assisting them in navigating City processes (or simplifying them) - e.g. through a communication strategy, one-stop-shop/hotline and by precedent-setting project to demonstrate what is possible. Address fear that impulse to do work in the public realm will be stymied by regulation/bureaucracy. Consider how to reduce bureaucratic hoops - what is the bare minimum that is required?	<ul style="list-style-type: none"> • Community leaders • City staff • Art Spin Hamilton
Cultivate culture/sense of possibility amongst businesses/corporations regarding funding/commissioning art work in the public realm.	<ul style="list-style-type: none"> • Community leaders • Tor Lukasic-Foss/Claire Lougheed
More documentation of Art in Public Places projects - particularly community and temporary art. Past projects have rarely been documented or documentation is not publicly accessible.	<ul style="list-style-type: none"> • Colina Maxwell
<p>In 5 years, nearly 40% of the population will be living with a disability. There is an opportunity for the arts to embed accessibility in our process to ensure inclusion - we could be leaders to demonstrate possibilities to the business community.</p> <p>Technology can assist in making art in public places accessible (both for those with disabilities and new English language learners). Some possible approaches:</p> <ul style="list-style-type: none"> • Include more interpretive signage with accessibility in mind - e.g. an audio component. 	<ul style="list-style-type: none"> • Community leaders • Colina Maxwell • City staff • Yvonne Felix

Thinking about the next 5 to 10 years, what are the most meaningful things that new Art in Public Places projects can do for the community?	Who addressed?
<ul style="list-style-type: none"> • Integrate wifi cellphone beacons to allow for the use of specialty phone applications. • Ensure there is a power source nearby (e.g. plug for breathing apparatuses). • Consider environment around the piece re: accessibility - no barriers, ramps, cane friendly. • For those unable to venture into public space or experience the work in person - could use street maps to create a virtual tour online. A more advanced approach: digital weight scanning / haptic simulators of public art collection paired with an interpretive map. • Consider: closed captioning, tactile works, sound works, headphones, create means for work to be enjoyed in absence of stimulation. 	
<p>Hamilton has the highest proportion of people living with disabilities in Ontario - including artists. Consider accessibility in Art in Public Places process, e.g.:</p> <ul style="list-style-type: none"> • Asking whether artists require accommodation as part of the Call for Artists process. • Opening up ways of submitting - e.g. allowing for video/audio proposals. 	<ul style="list-style-type: none"> • Yvonne Felix
<p>Move beyond art works that are simply consumed visually - encourage more engagement and interactivity e.g. through digital. Could be done through partnerships (e.g. QR codes/“Public Art Bingo”). Incorporate time/performance - based art and create infrastructure for this to happen in public. Extend beyond the visual to the tactile, multi-sensory.</p>	<ul style="list-style-type: none"> • Colina Maxwell • Arts Advisory Commission • City Lab students • Community leaders • City staff • Yvonne Felix • Creative Café
<p>Encourage work that is topical/ties to larger culture.</p>	<ul style="list-style-type: none"> • Colina Maxwell • Kim Selman
<p>Inclusivity: mental health; youth; elderly; people living with disabilities. Black, Indigenous, and People of Colour (BIPOC) led projects.</p>	<ul style="list-style-type: none"> • Tor Lukasic-Foss/Claire Lougheed • Colina Maxwell • Yvonne Felix
<p>Design public spaces that are designated for public art - e.g. they are “prepped” for it. Incorporate in Secondary Plans - consider - where are spaces for public art? Consider pre-zoning for temporary art where safe.</p> <p>Think outside the box regarding spaces that are already available, e.g. farms and community gardens - these are already mapped and strong possible sites for public art, cemeteries, alleyways (private). Consider providing design guidelines/public art resource to private developers - what are the possibilities and what should they be considering?</p> <p>Engage artists in design process for buildings - e.g. through Integrated Art.</p>	<ul style="list-style-type: none"> • City staff • Creative Café
<p>Consider more projects that encourage alternative movement through the city - that are pedestrian and bike friendly and change the urban environment.</p>	<ul style="list-style-type: none"> • Art Spin Hamilton
<p>Works that explore sustainability/climate change or that employ sustainable methods should be given preferential treatment (e.g. through specific calls or a lens applied to all calls).</p>	<ul style="list-style-type: none"> • Creative Café

Comments Regarding Development of an Art in Public Places Vision Statement

Capture an emotional layer/questioning or critical of how we see ourselves and how we want to evolve. Ensure that the emotional value of art in public places be made more prominent as part of the Vision.

Participants

September 26, 2019

- City Lab students (McMaster students)
 - Hannah Lobb, Ameya Nair, Gurvir Chana, Salo Rodriguez Solarte, Ada Zhu

October 29, 2019

- Urban Indigenous Strategy
 - Shelly Hill (Senior Project Manager - City of Hamilton)

November 11, 2010

- Community Leaders
 - Leon Robinson (Visual Artist, Concrete Canvas Festival)
 - Mike Kukucska (Fabricator and Photographer, “HAMILTON” Sign Designer)
 - Petra Matar (Visual Artist, Architect, Hamilton Audio Visual Node)
 - John Smith (Media Artist, Hamilton OPTICKS)
 - Kerry Jarvi (Executive Director, Downtown Hamilton BIA)
 - Eli Nolet (Visual Artist, Arts Educator, Youth Advisory Committee)
 - Dope Chief (Visual Artist)
 - Stephanie Vegh (Visual Artist, Former Executive Director of Hamilton Arts Council)
 - Shirley Madill (Executive Director - Kitchener-Waterloo Art Gallery, Former Chief Curator - Art Gallery of Hamilton)
 - Queen Cee (Visual and Performing Artist, Community Artist)

Follow-Up Interview - Community Leaders

November 18, 2019

- Tor-Lukasic-Foss (Director, Programs and Education - Art Gallery of Hamilton, Artist)
- Claire Loughheed (Executive Director, Dundas Valley School of Art)

November 20, 2019

- Melissa Bennett (Curator of Contemporary Art - Art Gallery of Hamilton)

November 22, 2019

- Colina Maxwell (Executive Director - Centre [3] for artistic + social practice)

November 26, 2019

- Arts Advisory Commission
 - Councillor Jean-Paul Danko
 - Monika Ciolek
 - Janna Malseed
 - Annette Paiement
 - Lisa LaRocca
 - Monolina Bhattacharyya-Ray

- Ranil Sonnadara

November 29, 2019

- Kim Selman (Strategic Initiatives Lead - Cobalt Connects)

December 2, 2019

- City of Hamilton staff
 - Mike Field (Manager of Transportation Operations, Public Works)
 - Cynthia Graham (Manager, Landscape Architectural Services, Public Works)
 - Kara Bunn (Manager, Parks and Cemeteries, Public Works)
 - Rikki Frith (Project Manager, Neighbourhood Development, Health and Safe Communities)
 - Carlo Gorni (Coordinator, Urban Renewal Incentives, Planning and Economic Development)
 - Chris Herstek (Director of Recreation, Healthy and Safe Communities)
 - Christine Newbold (Manager, Community Planning and GIS, Planning and Economic Development)
 - Sarah Linfoot-Fusina (Cultural Projects Specialist, S.E.A.T., Health and Safe Communities)
 - Dina Urciuoli (Project Manager Facilities and Compliance, Public Works)
 - Robyn Ellis (Manager, Strategic Planning, Capital and Compliance, Public Works)
 - Jocelyn Strutt (Project Manager, Neighbourhood Development, Healthy and Safe Communities)

December 9, 2019

- Jordyn Stewart (Art Spin Hamilton, Artist)
- David Trautrimas (Art Spin Hamilton, Artist)

December 26, 2019


- Yvonne Felix (Public and Community Artist)

January 10, 2020

- Creative Café - CoWork at The Cotton Factory attendees:
 - Annette Paiement (Coordinator)
 - Debbie Ellis
 - Susan Barton-Tact
 - Karen Logan
 - Harrison Wheeler
 - Kamila Miszelska
 - Alyssa Tisson
 - Judy Marsales
 - Paize Usiosefe
 - Patty Lynes
 - Lesia Mokrycke
 - Shane Clair
 - Marta Hewson
 - Jerrod Hewson
 - David Hudson



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Tourism and Culture Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	June 3, 2020
SUBJECT/REPORT NO:	Art in Public Places Policy (PED20068) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ken Coit (905) 546-2424 Ext. 6281
SUBMITTED BY:	Carrie Brooks-Joiner Director, Tourism and Culture Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the Art in Public Places Policy, attached as Appendix “A” to Report PED20068, be approved.

EXECUTIVE SUMMARY

Art in public places is recognized by cities around the world as important to their social, cultural and economic success. Understanding this, the City of Hamilton approved its first Public Art Master Plan in 2009. Since that time, the City has built a successful public art program, having commissioned 77 artworks for public places across the City.

Through formal consultation and informal feedback, artists, citizens and businesses have noted that the current public art program is limited to certain types of art and projects and suggested that the role of public could be expanded and enhanced to provide more opportunities to contribute to the culture and vitality of public places. The Art in Public Places Policy has been developed to address this gap.

The proposed Art in Public Places Policy sets out a set of principles to guide the conception, planning and implementation of successful art in public places projects and sets out five processes for commissioning public art that provides more flexibility and opportunity for artists, citizens and businesses seeking to contribute art to public places.

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

The five processes include: Publicly Commissioned Art; Donated Art; Community Art; Integrated Art and Temporary Art. The Policy also recognizes the importance of art on the publicly accessible and visible private properties that surround many of our important public places.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Individual projects or groups of projects will be brought to Council as they are identified by staff and the community for any required funding approval before proceeding.

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The development of a City of Hamilton Art in Public Places Policy was first identified as a need during public consultation for the Public Art Master Plan 2016 review. Participants noted that the Publicly Commissioned Art process is only one of many ways in which art is created for the public realm. Staff were directed by Council to develop the Art in Public Places Policy at the November 16, 2016 General Issues Committee (Report16-029 Item 13(f)).

“That Tourism and Culture staff be directed to develop an Art in Public Places Policy to guide and encourage citizens, businesses and stakeholder groups to create high quality types of art in public places not addressed in the Public Art Master Plan 2016 such as; community art, temporary art, art on publicly accessible private property, donated art, art integrated into city buildings and infrastructure, and art memorializing a specific individual, event or cultural group and report back to the General Issues Committee in 2018.”

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendation is in keeping with the following goals and recommendations of the Council approved Cultural Plan, Transforming Hamilton Through Culture 2013:

Goal: Quality of Life Quality of Place

Recommendation: Develop and animate public spaces and places.

RELEVANT CONSULTATION

Internal

- Senior Project Manager, Urban Indigenous Strategy, Children's Services and Neighbourhood Development Division, Healthy and Safe Communities Department
- Manager of Transportation Operations, Public Works Department
- Manager, Landscape Architectural Services, Environmental Services Division, Public Works Department
- Manager, Parks and Cemeteries, Environmental Services Division, Public Works Department
- Project Manger, Neighbourhood Development, Children's Services and Neighbourhood Development Division, Healthy and Safe Communities Department
- Coordinator, Urban Renewal Incentives, Planning and Economic Development Department
- Director of Recreation, Healthy and Safe Communities Department
- Manager, Community Planning and GIS, Planning Division, Planning and Economic Development Department
- Cultural Projects Specialist, Chair - S.E.A.T, Recreation Division, Healthy and Safe Communities Department
- Senior Project Manager, Continuous Improvement, Energy Fleet and Facilities Management Division, Public Works Department
- Manager, Strategic Planning, Capital & Compliance, Energy Fleet and Facilities Management Division, Public Works Department
- Project Manager, Neighbourhood Development Division, Healthy and Safe Communities Department

External

Consultation with artists, arts administrators and arts community leaders was undertaken between November 2019 to January 2020.

Participants included:

- Leon Robinson, Visual Artist, Concrete Canvas Festival
- Mike Kukucska, Fabricator and Photographer; “HAMILTON” Sign Designer
- Petra Matar, Visual Artist, Architect, Hamilton Audio Visual Node
- John Smith, Media Artist, Hamilton OPTICKS
- Kerry Jarvi, Executive Director Downtown Hamilton Business Improvement Area
- Eli Nolet, Visual Artist, Arts Educator, Youth Advisory Committee
- Dope Chief, Visual Artist
- Stephanie Vegh, Visual Artist; Former Executive Director of Hamilton Arts Council
- Shirley Madill, Executive Director Kitchener-Waterloo Art Gallery; Former Chief Curator of the Art Gallery of Hamilton
- Queen Cee, Visual Artist, Musician, Community Artist
- Tor Lukasic-Foss, Director - Programs and Education, Art Gallery of Hamilton; Visual and Performance Artist
- Claire Lougheed, Executive Director, Dundas Valley School of Art
- Melissa Bennett, Curator of Contemporary Art, Art Gallery of Hamilton
- Colina Maxwell, Executive Director, Centre [3] for artistic + social practice
- Jordyn Stewart, Art Spin Hamilton; Video and Performance Artist
- David Trautrimas, Art Spin Hamilton, Public and Visual Artist
- Yvonne Felix, Public and Community Artist
- Hannah Lobb, Semester in Residence Student, City Lab
- Ameya Nair, Semester in Residence Student, City Lab
- Gurvir Chana, Semester in Residence Student, City Lab

- Salo Rodriguez Solarte, Semester in Residence Student, City Lab
- Ada Zhu, Semester in Residence Student, City Lab

Arts Advisory Commission:

- Councillor Jean-Paul Danko; Monika Ciolek; Janna Malseed; Annette Paiement; Lisa LaRocca; Monolina Bhattacharyya-Ray; and Ranil Sonnadara

Creative Café at The Cotton Factory:

- Annette Paiement (Coordinator); Debbie Ellis; Susan Barton-Tact; Karen Logan; Harrison Wheeler; Kamila Miszelska; Alyssa Tisson; Judy Marsales; Paize Usiosefe; Patty Lynes; Lesia Mokrycke; Shane Clair; Marta Hewson; Jerrod Hewson and David Hudson

A complete summary of consultation details and discussion themes is attached as Appendix “B” to Report PED20068.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Art in public places has been recognized by cities across the country and around the world as playing an important role in a community’s history, culture and economy. It reflects and reveals our society, enhances meaning in our civic spaces and adds uniqueness to our communities.

The City of Hamilton approved its first Public Art Master Plan in 2009. Since that time, it has commissioned 77 works of public art. These works have been selected through an open, adjudicated call for artists process that relies on extensive public consultation. Hundreds of artists proposals and thousands of citizen comments have been received through this process resulting in landmark and award-winning Public Art installations across the city.

Although Hamilton’s Public Art program is perceived to be successful, an evolving city culture and arts sector has revealed opportunities to expand and enhance the role of public art in the city. Hamilton has seen a series of evolving public art practices and types of art that have demonstrated new ways to engage the community and improve public space. Staff, artists and community members have identified a need to extend methods for commissioning public art beyond the process and definitions set out in the Public Art Master Plan, in order to facilitate more and varied ways for artists, businesses and citizens to contribute to the public places of the City. As part of the review of the Public Art Master Plan in 2016, Council directed staff to work with the community to develop an Art in Public Places Policy that would include these opportunities and practices.

Consultation addressing the breadth of art in public places practices and Hamilton's contemporary context was undertaken between November 2019 and January 2020. In a series of 12 conversations, 57 artists, arts administrators, arts community leaders and City staff contributed their perspectives. The discussions identified the following key priorities for art in public places in Hamilton:

- Embracing placemaking - express the evolving physical, cultural, and social identities that define us;
- Encouraging social cohesion and cultural understanding - public art as a catalyst for discourse, social engagement and reinforcing social connectivity;
- Empowering artists, arts organizations and community groups to take greater ownership of the public realm;
- Embracing digital and social media technology to assist in accessibility, share stories and bring people to places;
- Encouraging public health and belonging through active living and social connectedness essential to mental health.

The proposed Art in Public Places Policy, informed by these key priorities, provides guidance to staff, artists, citizens and business on the planning and implementation of art in public places projects that will be meaningful to the community and will enhance public places across the city. It also sets out five methods to commission art in public places. These include Publicly Commissioned Art, which is the current process outlined in the Public Art Master Plan; and Donated Art, a process described in the Council approved Art and Monuments Donation Policy. An additional three new processes are set-out in the policy; Community Art; Integrated Art and Temporary Art. The Policy also provides guidance to private property owners that commission art for publicly accessible and visible private properties.

If approved, this Policy will provide greater opportunity for more art in the City's public places through collaboration with artists, businesses and citizens. It will allow citizens a greater role in evolving the character of public places; and will maximize City resources through more partnerships with community funders and donors.

Upon approval of the Art in Public Places Policy, staff in the Tourism and Culture Division will develop a set of communication tools and templates to assist staff, local artists, businesses and citizens to plan, gain approval and implement art in public places projects. A Community Art Toolkit model was drafted for Hamilton by City Lab students in 2019 to assist in the conceptualization, planning, implementation and celebration of successful community art projects in public places. The Community Art Toolkit will be refined by staff and shared with Council and the wider community as part of the implementation of the Policy.

ALTERNATIVES FOR CONSIDERATION

Not Applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and 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.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - City of Hamilton Art in Public Places Policy


Appendix “B” - Art in Public Places Consultation Summary

KC:ac



Hamilton

INFORMATION REPORT

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	June 3, 2020
SUBJECT/REPORT NO:	Metrolinx Transit Procurement Initiative Participation (PW20033) (City Wide) Outstanding Business List Item
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Mark Selkirk (905) 546-2424 Ext. 5968
SUBMITTED BY:	Debbie Dalle Vedove Director, Transit Public Works Department
SIGNATURE:	

COUNCIL DIRECTION

On August 15, 2019, Council approved the Motion (Item (g)(i) in Report 19-011) for staff to report on the quantitative and qualitative benefits as well as the deficiencies/shortcomings of participating in the Metrolinx Transit Procurement Initiative.

INFORMATION

The Metrolinx Transit Procurement Initiative (TPI) is one of the largest joint transit procurement programs in North America. TPI was initiated in 2006 through the Ministry of Transportation of Ontario and transferred to Metrolinx in 2008. The program was designed to assist municipal transit authorities in Ontario save on costs such as joint bus fleet procurement.

Since 2008 New Flyer Industries and Nova Bus, Division of Volvo Group Canada Inc are the only 2 certified bus manufacturers approved to sell both diesel and compressed natural gas (CNG) 40ft and 60ft public transit vehicles in Canada.

City of Hamilton's TPI Contract: Purchases and Market Conditions

With Council's approval, the Hamilton Street Railway (HSR) joined the voluntary TPI program in 2008 in order to purchase buses. HSR has continued to purchase buses

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under subsequent Metrolinx-led tenders. The 2014 to 2017 TPI contract was awarded to Nova Bus. Through this contract HSR purchased 56 replacement buses and 41 expansion buses for a total of 97 40-foot CNG buses.

The City of Hamilton requested and was granted a one month extension to the 2014 to 2017 TPI contract (from March 31st, 2017 to April 30th, 2017). With Council approval, HSR leveraged the federal government's Public Transit Infrastructure Fund (PTIF) and through the extended TPI contract purchased 16 expansion 40-foot CNG powered buses thereby avoiding costs by \$3M.

The City of Hamilton did not purchase any vehicles in the most recent TPI contract for 2017 to 2020 which expired on March 31st, 2020. This procurement included two vendors, New Flyer and Nova, and was awarded to Nova Bus. Since 2008 increases to the cost of buses through the TPI contracts have been in the range of 3 to 4% resulting from increases due to Consumer Price Index (CPI) and Product Price Increases (PPI). It is noteworthy that bus prices in the 2017 to 2020 TPI contract were as much as 25% higher than the previous contracts. While speculative, the higher price may in part be driven by the presence of PTIF as a potential funding source; successful transit agency applicants to PTIF would have additional funds to support fleet expansion. As such, TPI bidders may perceive that the market in general could bear a higher price point.

The upcoming TPI contract is for 2020 to 2024. The Request for Proposal (RFP) has not been released. Similar to the previous contract period, there is a grant program available to public transit agencies – the Investing in Canada Infrastructure Program (ICIP, formerly PTIF) – which is funded by the federal government, and provinces and territories. It is possible that the knowledge of the funding program may be a cue for bidders to escalate prices in the TPI contract. If prices escalate in the new TPI contract, as they did in the previous contract, the prices will simply reflect general market conditions. When the HSR purchased buses outside the scope of the TPI (i.e.: the TPI did not list the required vehicle type, and Council approved a Policy 11 purchase of 60-foot CNG powered buses), the price increase was also 25%.

Quantitative Factors: Assessment of Benefits and Deficiencies

To date, participation in the TPI program has been voluntary and free, with the quantitative benefit of Transit avoiding a dedicated FTE to develop specifications, construct the RFP, participate in the procurement process and manage the contract as required; the savings are estimated at \$120 K per annum, in addition to saving staff time in Corporate Services (e.g.: Procurement and Legal). As a result, HSR staff time is freed to focus on core duties.

In the future, it's possible that the TPI program may introduce a nominal participation fee. In the spirit of keeping joint bus purchases affordable for local transit agencies, it's

estimated that any participation fee will be less than the cost of an FTE, in order to maintain a net financial benefit to participating agencies in staffing costs alone.

Identifying an overall number to express the total quantitative benefits of participating in the TPI is difficult. In order to estimate purchase price savings, there would need to be comparable stand-alone RFPs that also adjust for individual agency customizations which is not possible. Nevertheless, it is generally accepted by members of the TPI consortium that joint purchases increase economies of scale and lower unit costs to fair market pricing. The quantitative benefits and deficiencies of the TPI program are summarized in the Chart 1 below.

Chart 1: Quantitative Benefits and Deficiencies of Participating in the TPI

Factor	Benefits (Pros)	Deficiencies (Cons)
Cost	Zero cost to participate. Cost savings based on economies of scale from consortium buying volumes to achieve a market average cost, or fair market pricing reflecting market conditions.	Nominal participation fee may be introduced in the future. However, there will still be a net savings for agencies to participate.
Staff Time	Reduces the amount of transit, procurement and legal staff time required to prepare, award, and manage the contract. Savings of at least one FTE in Transit, estimated at \$120 K per annum. Staff time is freed to focus on core competencies.	Occasional travel to attend meetings.
Efficiency	Reduces the number of procurement and contract related activities through coordination and pooling.	None

Qualitative Factors: Assessment of Benefits and Deficiencies

In addition to quantitative factors, there are also qualitative factors to consider.

One major benefit of the TPI is leveraging industry expertise. Instead of a dedicated FTE within the City of Hamilton’s Transit Division, there are experienced TPI staff experts to develop detailed technical specifications, develop the RFP, manage the procurement process, and award the contract. In addition, there is an evaluation committee made up of senior transit participants that pool industry knowledge. Metrolinx also provides inspections of buses during the manufacturing process which increases the level of quality control on the product build.

Another benefit of the TPI is enhanced warranty and contract terms. The consortium’s purchasing influence results in more favourable warranties, performance specification standards, and contract terms. In addition, there are specialists dedicated to ensure adherence to the contract, advocate for repairs and provide better contract issue resolution. It is important to note that buses are relatively similar from a manufacturing

standpoint and there are common issues that need to be resolved. The two main portions of a bus provided directly from the manufacturer are the body and the chassis. The bulk of component parts are sourced from various vendors to create the finished product. There is a substantial amount of common parts used by bus manufacturers and all buses sold in Canada must meet the Canadian Motor Vehicle Safety Standard (CMVSS). There have been issues with the build quality and failures with all buses purchased by HSR over the last 20+ years. Regardless of the bus manufacturer, there are expected issues which are resolved post-delivery. This is typical in the manufacturing process of heavy, essentially custom built, vehicles. Buses are built to the specification outlined in the Metrolinx tender and then adjusted to meet the needs of the specific transit agency. Once the TPI contract has been awarded, the winning vendor creates a schedule and then works with each transit agency to accommodate individual requirements. Even with the aforementioned additional Metrolinx quality control measures provided during inspection, there are issues that appear and must be resolved while the bus is under warranty. The issues can range from relatively small problems, to larger, potentially serious, or “coach down” issues. In all these situations, Metrolinx advocates for the repairs for all members of the consortium, as well as advocating for any other infractions of the contract, which ensures contract and warranty compliance.

Next, entering the agreement is voluntary and transit agencies have voting authority on the evaluation criteria and the award process. The joint procurement process requires consensus among participating transit agencies within the procurement processes and timelines. Transit agencies have discretion over vehicle purchases once they join the TPI consortium.

The TPI contract is awarded based on the highest technical specifications at the lowest bid, which is a common practice. Historically, the Metrolinx RFP did not differentiate by bus power source type – there was one bid regardless of the power source (or propulsion system) type. As a result, the structure of the RFP was biased towards diesel-powered vehicles, which have a lower unit cost. In the last decade, HSR has purchased buses powered by both diesel and natural gas (or CNG), through the TPI. In 2013, Council approved the return to CNG as the primary power source for all HSR bus purchases based on environmental concerns and volatile diesel fuel prices at the time. The HSR currently operates 51% (or 137 buses of the 267 bus fleet) on CNG. The majority of the other transit agencies in the TPI purchase buses that use diesel power, so the structure of the RFP and bias to diesel did not impact them. It is significant to note that in the upcoming TPI, the RFP will have both a technical evaluation for the bus, and a separate evaluation for the power source type, which will allow agencies to select the lowest price by power source type (e.g.: diesel, hybrid or natural gas).

The qualitative benefits and deficiencies of the TPI program are summarized in the Chart 2 below.

Chart 2: Qualitative Benefits and Deficiencies of Participating in the TPI

Factor	Benefits (Pros)	Deficiencies (Cons)
Expertise and Quality Control	Experienced TPI staff oversee the RFP end-to-end. Evaluation committee of senior transit agency talent. Metrolinx inspects buses during the manufacturing process increasing quality control.	None
Warranty and Contract terms	Enhanced product warranties, vehicle performance specifications, and contract terms. Ensure adherence to contract, advocates for repairs and provides better contract issue resolution.	Terms may be perceived as increased risk to bus supplier.
Control and Influence	Voluntary participation; transit agencies have voting authority on evaluation criteria, award and vehicle purchases. Participating transit agencies are required to reach consensus with joint procurement processes and timelines.	With consensus, there is some relinquishing of individual agency control.
Structure of RFP	Award is based on highest technical specs and lowest price bid which is a common practice.	Award process has been biased towards diesel-powered buses (lower price); HSR primarily favours natural gas for environmental reasons and diesel cost fluctuations. However, the upcoming RFP will remedy the bias by stating lowest pricing differentiated by power source type: diesel; hybrid; and natural gas.

Neutral Factors

Metrolinx TPI RFPs are posted publicly on the MERX system and are open to bidders around the world. To date, only Canadian/USA based companies have submitted bids. In the most recent awards, bids were received from Nova Bus and New Flyer Industries. There are other international bus builders – e.g.: Van Hool (Belgium), Marco Polo (Brazil), Gillig (USA) – that have not submitted bids on Metrolinx RFPs. Recently loosened restrictions on Canadian content for vehicle procurement due to the Canada-European Union Comprehensive Economic and Trade Agreement (CETA) may influence international bidding activity; the Ontario Ministry of Transportation’s Canadian Content Transit Vehicle Procurement Policy now requires municipalities procuring transit vehicles with provincial funding to apply a Canadian Content of no more than 25%. That said, higher shipping and parts costs likely deter international bidding in general. From a benefit versus short-coming standpoint, the lack of international bidding is likely a neutral factor; the TPI bidding process is open to all.

It is important to note that there do not appear to be any deficiencies related to the specific manufacturers sourced through the TPI. In order to maintain and manage the bus fleet, HSR continues to analyse bus fleet performance on a monthly basis, including service road calls and work orders. There are natural variations between series and over time, which make “apple to apple” comparisons difficult or impossible. For example, HSR does not have 40-foot CNG buses, built in the same year, from both Canadian manufacturers. In order to assess performance, HSR compares the operating cost of the 40-foot CNG fleet to the rest of the 40-foot buses in service. In this example, parts, labour, fuel and overall operating costs for the 40-foot CNG buses have remained within an average range.

Furthermore, any performance issues are flagged, reviewed and can be resolved through the TPI contract if necessary. For example, the initial 40-foot CNG buses experienced issues within a typical range (for any manufacturer or series), and the issues have largely been resolved. The 40-foot CNG fleet initially experienced HVAC system issues resulting in hot buses in the summer months, as well as issues with vibrations, steering balancing (in which the operator feels the bus pull slightly to one side) and “stiff rides” (in which passengers feel the road surface to a greater extent). There was a lengthy service update to the HVAC systems on the early 40-foot CNG series of buses which was completed in 2019, and HVAC campaign updates to the later series buses were completed during the summer of 2019. Vibrations were improved by operator ride-height adjustments and steering balancing issues were improved through a balancing valve. Certain severe road conditions were found to pronounce differing and/or outlier experiences due to bus design (i.e.; shorter wheel base) resulting in a “stiffer” ride. In the end, all performance issues continue to be monitored by HSR to ensure a normal range of performance.

Conclusion

Overall, there is a net benefit to participating in the Metrolinx TPI from both a quantitative and qualitative standpoint. The TPI program is voluntary and has saved the City of Hamilton time and money, in addition to enjoying other benefits.

While we have heard from both operators and passengers that different vehicles have better or worse performance than others, the data available in our system relative to maintenance and repair illustrates that the difference between vehicles relative to general performance and quality is similar. The 2014 TPI term did result in the addition of a new manufacturer to the HSR fleet, problems experienced with these new models have been addressed and have not been outside industry norms.

Purchasing quality buses at the best possible price is key to balancing taxpayer and customer satisfaction and is a vital part of HSR’s 10 Year Local Transit Strategy.

APPENDICES AND SCHEDULES ATTACHED

N/A



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Transit Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	June 3, 2020
SUBJECT/REPORT NO:	Metrolinx Transit Initiative Program (PW20027) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Mark Selkirk (905) 546-2424 Ext. 5968
SUBMITTED BY:	Debbie Dalle Vedove Director, Transit Public Works Department
SIGNATURE:	

RECOMMENDATION

That the participation of the City of Hamilton in the upcoming Metrolinx Transit Procurement Initiative (TPI) for Joint Transit Bus Procurements and other procurements Facilitated by Metrolinx for the years 2020 to 2024, pursuant to a Metrolinx Multi-Year Governance Agreement (M-Y GA) and Terms of Reference (ToR) in a form satisfactory to the City Solicitor and content satisfactory to the General Manager of Public Works be approved

EXECUTIVE SUMMARY

The City of Hamilton joined the Metrolinx Transit Procurement Initiative (TPI) agreement in 2008 with Council's approval for the acquisition of the 2008 Transit bus replacement Fleet and has continued to procure Transit buses under subsequent Metrolinx-led tenders. During the 2014-2016 Metrolinx contract, the HSR purchased ninety-seven 40-foot Compressed Natural Gas (CNG) powered buses as part of the Transit fleet replacement program and the City's Ten-Year Local Transit Strategy. The most recent tender issued by Metrolinx for the years 2017 to 2020 was awarded to Nova Bus, Division of Volvo Group Canada Inc. The City did not participate in this contract. The current contract expired on March 31st, 2020. The upcoming Metrolinx TPI is for the years 2020 through to 2024.

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SUBJECT: Metrolinx Transit Initiative Program (PW20027) (City Wide)
- Page 2 of 4

City Procurement staff has reviewed with Metrolinx the proposed terms and conditions of the upcoming TPI Request For Proposals (RFP) for buses. The RFP will be constructed such that there is one technical proposal evaluation for the bus, and a separate evaluation for the propulsion system with costing exercises and awards based on the various propulsion systems described in the RFP. City Procurement staff have indicated this is the optimal way to award such a contract.

This award provision would ensure that the HSR receives the best product and price based on the propulsion system ordered.

The consolidating of transit needs achieves economies of scale, collaboration and reduces the time and costs associated with the public procurement process by standardizing the procurement documents thereby allowing transit systems to focus on core competencies.

Furthermore, Metrolinx expressed the possibility of procuring Battery Electric Buses and has indicated that they would begin this work in Q4 2020.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There is the potential for Transit bus pricing to increase because of (or dependent on) market pressures. The economies of scale achieved through participation as a member of TPI reduces administrative time and financial costs on the part of the City.

Legal: The City will be required to enter into a Multi-Year Governance Agreement (M-Y GA) and Terms of Reference (ToR) with Metrolinx to participate in joint transit procurements. Legal review of the M-Y GA and (ToR) will be required on form as well as content. By signing the M-Y GA, the City will be a member of TPI and eligible to purchase under the terms and conditions of TPI procurement.

Staffing: N/A

HISTORICAL BACKGROUND

The Transit Procurement Initiative (TPI) program was initiated in 2006 through the Ministry of Transportation of Ontario, and through the transfer of the program to Metrolinx in 2008, was designed to assist Transit Authorities in the Province to procure Transit buses using economies of scale to reduce costs.

The HSR has purchased diesel and CNG powered buses through the Metrolinx led procurements for over a decade. In 2013 Council approved the return to CNG as the primary propulsion source for all transit buses based on environmental concerns and at that time, the volatile cost of diesel fuel. The HSR currently operates 51% (137 buses) of the 267 Transit bus fleet on CNG.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Participating in the TPI would be in accordance with Procurement Policy #12, Section 4.12 Cooperative Procurements.

RELEVANT CONSULTATION

The following groups have been consulted and are supportive of the recommendation: Corporate Services – Procurement Section/Financial Section/Legal Section

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The “at no charge” benefits to the City as a member of the Metrolinx consortium include:

- Industry knowledgeable and experienced TPI staff to develop detailed technical specifications, develop the Request for Proposal (RFP) and manage the procurement process and contract award;
- Enhanced contract terms and product warranties;
- An Evaluation Committee made up of transit participants;
- Cost savings based on economies of scale and standardization of the procurement process.

The above benefits substantially reduce the amount of staff time required to prepare, award, and manage the contract. The construction and management of a standalone RFP issued by the City is time consuming and does not guarantee that contract pricing will be consistent with pricing obtained through the Metrolinx consortium.

In December 2019, Procurement staff reviewed with Metrolinx TPI staff the proposed RFP for 2020-2024 and determined that Metrolinx’s proposed RFP is aligned with the requirements of both Procurement and Transit and has improved upon previous RFP’s issued through the TPI.

Funding however for the TPI program has become more restrictive and there will be participation fees implemented for some previous no charge benefits. Based on the number of buses that the HSR will require for replacement and expansion, this fee will top out at \$40,000/year in each contract year that buses are purchased. This participation fee is substantially less than the cost of an additional FTE, and the staff

time required, to develop specifications, construct the RFP, participate in the procurement process and manage the contract as required.

The City of Hamilton remains one of the larger municipalities that has continued to participate in the consortium.

The price differential from the 2014/2016 contract to the current contract was over \$100,000/bus. This price differential was also present in the HSR's Single Source procurement of 60' CNG powered buses (PW-18029) as approved by Council on April 16, 2018. Securing the best price and best product is paramount for the HSR to continue to provide excellent customer service in the most cost-effective manner. Over the next 2 years (2020/2021) the HSR will be procuring 73 replacement vehicles. As per the 10-year local transit strategy, and pending council approval, year 5 will require 13 expansion vehicles to be procured in 2020, and Year 6 will require 14 expansion vehicles to be procured in 2021.

ALTERNATIVES FOR CONSIDERATION

Council could direct the Transit Division to construct and publish a Request for Proposal (RFP) for the procurement of 30, 40, and 60-foot Compressed Natural Gas (CNG)-powered urban Transit buses. This alternative would also require increased and ongoing assistance from the Procurement section as well as 1 Full Time Employee (FTE) to develop detailed technical specifications, develop the RFP, support the procurement process and manage the contract.

It should be stated that there is no assurance that the price of a bus would differ substantially or at all from vehicles that could have been purchased within the Metrolinx TPI contract and, in fact, could be a higher purchase price.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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

N/A



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	June 3, 2020
SUBJECT/REPORT NO:	Hamilton Tax Increment Grant Program - 15 Queen Street South (PED20101) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Carlo Gorni (905) 546-2424 Ext. 2755
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That a Hamilton Tax Increment Grant Program application submitted by 15 Queen Holdings Inc. (Paul Kemper), for the property at 15 Queen Street South, Hamilton, estimated at \$1,824,833.79 over a maximum of a five-year period, and based upon the incremental tax increase attributable to the development of 15 Queen Street South, Hamilton, be authorized and approved in accordance with the terms and conditions of the Hamilton Tax Increment Grant Program;
- (b) That the Mayor and City Clerk be authorized and directed to execute a Grant Agreement together with any ancillary documentation required, to effect recommendation (a) of Report PED20101, in a form satisfactory to the City Solicitor;
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any Grant Amending Agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Hamilton Tax Increment Grant Program, as approved by City Council, are maintained.

EXECUTIVE SUMMARY

The Hamilton Tax Increment Grant Program (HTIGP) application for the construction of the project at 15 Queen Street South, Hamilton was submitted by 15 Queen Holdings Inc. (Paul Kemper). When completed, the project will be comprised of a 24 storey, 292-unit residential condominium with ground floor retail and church/community space.

Development costs are estimated at \$98,450,787 and it is projected that the proposed redevelopment will increase the assessed value of the property from its current value of \$1,077,500 to approximately \$60,511,000.

This will increase total annual property taxes generated by the property. The municipal share of this property tax increase (municipal tax increment) will be approximately \$608,277.93, of which 100% would be granted to the owner during year one, 80% or approximately \$486,622.34 in year two, 60% or approximately \$364,966.76 in year three, 40% or approximately \$243,311.17 in year four and 20% or approximately \$121,655.59 in year five. The estimated total value of the grant is approximately \$1,824,833.79. Note that every year the tax increment is based on actual taxes for that year.

Upon completion of the redevelopment and reassessment of the property by the Municipal Property Assessment Corporation (MPAC), staff will report back in an Information Update to Council on the actual redevelopment costs, the reassessment amount determined by MPAC and the grant amount.

Upon completion of the redevelopment and reassessment of the property by the Municipal Property Assessment Corporation (MPAC), staff will report back in an Information Update to Council on the actual redevelopment costs, the reassessment amount determined by MPAC and the grant amount.

Alternatives for Consideration – See Page 7

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The City will collect full property taxes on the property and, in turn, provide a grant for five years, declining each year after the first year by 20%, based on the increase in the municipal portion of the taxes, post-development completion of 15 Queen Street South, Hamilton. Following year one of the grant payment, the City will start to realize the positive results of the Program from a financial perspective. Based on the projected figures, the estimated tax increment over five years totals \$3,041,389.65, of which the applicant would receive a grant totalling

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SUBJECT: Hamilton Tax Increment Grant Program - 15 Queen Street South (PED20101) (Ward 2) - Page 3 of 7

approximately \$1,824,833.79 and the City retaining taxes totalling approximately \$1,216,555.86.



15 Queen Street South, Hamilton

Staffing: Applicants and subsequent grant payments under the HTIGP are processed by the Commercial Districts and Small Business Section and Taxation Division. There are no additional staffing requirements.

Legal: Section 28 of the *Planning Act* permits a municipality, in accordance with a Community Improvement Plan, to make loans and grants which would otherwise be prohibited under Section 106(2) of the *Municipal Act*, to registered / assessed owners and tenants of lands and buildings. A Community Improvement Plan can only be adopted and come into effect within a designated Community Improvement Project Area. Changes to a Community Improvement Plan or Community Improvement Project Area require formal amendments as dictated by the *Planning Act*.

The applicant will be required to execute a Grant Agreement prior to the grant being advanced. The Grant Agreement will be developed in consultation with Legal Services.

**SUBJECT: Hamilton Tax Increment Grant Program - 15 Queen Street South
(PED20101) (Ward 2) - Page 4 of 7**

As construction projects move forward, it is sometimes necessary to amend previously approved Grant Agreements and any ancillary documentation. Therefore, staff recommends that the General Manager of Planning and Economic Development be authorized to amend Grant Agreements and any ancillary documentation, provided that the terms and conditions of the HTIGP are maintained.

HISTORICAL BACKGROUND

City Council, at its meeting held August 22, 2001, approved an amendment to the Downtown and Community Renewal Community Improvement Plan which introduced the HTIGP. Since that time, a number of Program refinements have been approved by City Council, including expanding the Program to Community Downtowns, Business Improvement Areas, the Mount Hope / Airport Gateway, the corridors of Barton Street and Kenilworth Avenue as identified in the Downtown and Community Renewal Community Improvement Project Area and most recently, to properties designated under Part IV or V of the *Ontario Heritage Act*. The terms of the Program offer a five-year grant not to exceed the increase in municipal realty taxes as a result of the development. The grant is to be in an amount which does not exceed 100% of the municipal realty tax increase during the first year, 80% in year two, 60% in year three, 40% in year four, and 20% in year five.

The project at 15 Queen Street South, Hamilton, is an eligible project under the terms of the HTIGP. The applicant will qualify for the HTIGP grant upon completion of the development project. Development costs are estimated at \$98,450,787. The total estimated grant over the five-year period is approximately \$1,824,833.79.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Urban Hamilton Official Plan

The subject lands are municipally known as 15 Queen Street South and are located within the "Downtown Urban Growth Centre" on Schedule "E" – Urban Structure.

The property is located within the Downtown Hamilton Secondary Plan area (OPA 102) and designated "Downtown Mixed Use" on Map "B.6.1-1" – Downtown Hamilton Secondary Plan – Land Use Plan (OPA 102).

The planned use of the property conforms to the above designations. The specific ground floor commercial uses have not yet been identified and will be subject to the respective sections of the in force and effect Urban Hamilton Official Plan with respect to permitted uses and associated policies.

**SUBJECT: Hamilton Tax Increment Grant Program - 15 Queen Street South
(PED20101) (Ward 2) - Page 5 of 7**

Zoning By-law No. 05-200

Under the City of Hamilton Zoning By-Law No. 05-200, the subject property is zoned "Downtown Prime Retail Streets (D2) Zone - Exception 625".

The planned use of the property is permitted. The specific ground floor commercial uses have not yet been identified and will be subject to the respective sections of the in force and effect Zoning By-Law with respect to permitted uses and associated regulations.

RELEVANT CONSULTATION

Staff from the Finance and Administration Division, Corporate Services Department and the Legal Services Division, City Manager's Office was consulted, and the advice received is incorporated into Report PED20101.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Commercial Districts and Small Business staff, in co-operation with staff from the Taxation and Legal Services Divisions, developed an estimated schedule of grant payments under the terms of the Program. The final schedule of grant payments will be contingent upon a new assessment by MPAC following completion of the project. The applicant will be required to sign a Grant Agreement. The Grant Agreement contains provisions for varying the grant payment in each year based on MPAC's assessed value. By signing, the applicant will accept the terms and conditions outlined therein prior to any grant payments being made. The Agreement outlines the terms and conditions of the grant payments over the five-year period.

The estimated grant shall be calculated according to the following formulas:

Grant Level:		100%
Total Eligible Costs (Maximum):	\$	98,450,787
Total Pre-project CVA: CX(Commercial, Vacant Land)	\$	1,077,500
		Year: 2019

Pre-Project Property Taxes		
Municipal Levy:	\$	22,633.12
Education Levy:	\$	<u>11,105.57</u>
Pre-project Property Taxes	\$	33,738.69

**SUBJECT: Hamilton Tax Increment Grant Program - 15 Queen Street South
(PED20101) (Ward 2) - Page 6 of 7**

*Post-project CVA: RT (Residential)	\$	58,392,000	
XT (New Commercial, New Construction)	\$	545,000	
EN-Place of Worship (Exempt)	\$	<u>1,574,000</u>	
Estimated Post-project CVA	\$	60,511,000	Year: TBD

Post-Project Property Taxes		
** Estimated Municipal Levy:	\$	630,911.05
** Estimated Education Levy:	\$	<u>99,624.62</u>
** Estimated Post-Project Property Taxes:	\$	730,535.67

*The actual roll number(s), assessed value(s), tax classification(s) and value partitioning (where applicable) are to be determined by the Municipal Property Assessment Corporation (MPAC).

**2019 tax rates have been used for calculation of the estimated post-development property taxes.

Pre-project Municipal Taxes = Municipal Levy = \$22,633.12
Municipal Tax Increment = \$630,911.05 - \$22,633.12 = \$608,277.93

Payment in Year One = \$608,277.93 x 1.0 = \$608,277.93

ESTIMATED GRANT PAYMENT SCHEDULE for mixed-use building: 24 storey building, main floor commercial, place of worship and 292 residential condominium units

(Subject to re-calculation each year and up to the total eligible costs)

Year	Grant Factor	Tax Increment*	Grant
1	100%	\$ 608,277.93	\$ 608,277.93
2	80%	\$ 608,277.93	\$ 486,622.34
3	60%	\$ 608,277.93	\$ 364,966.76
4	40%	\$ 608,277.93	\$ 243,311.17
5	20%	\$ 608,277.93	\$ 121,655.59
Total		\$3,041,389.65	\$1,824,833.79

*Note that the tax increment is based every year on actual taxes for that year. The figures above are estimates. In other words, for each year a grant payment is paid, the

**SUBJECT: Hamilton Tax Increment Grant Program - 15 Queen Street South
(PED20101) (Ward 2) - Page 7 of 7**

actual taxes for the year of the grant payment will be used in the calculation of the grant payment.

ALTERNATIVES FOR CONSIDERATION

Declining a grant and/or approving a reduced amount would undermine the principles of the HTIGP and regeneration efforts in general. This alternative is not recommended.

Financial: Grants totalling \$1,824,833.79 over a five-year period would not be issued.

Staffing: Not applicable

Legal: Not applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

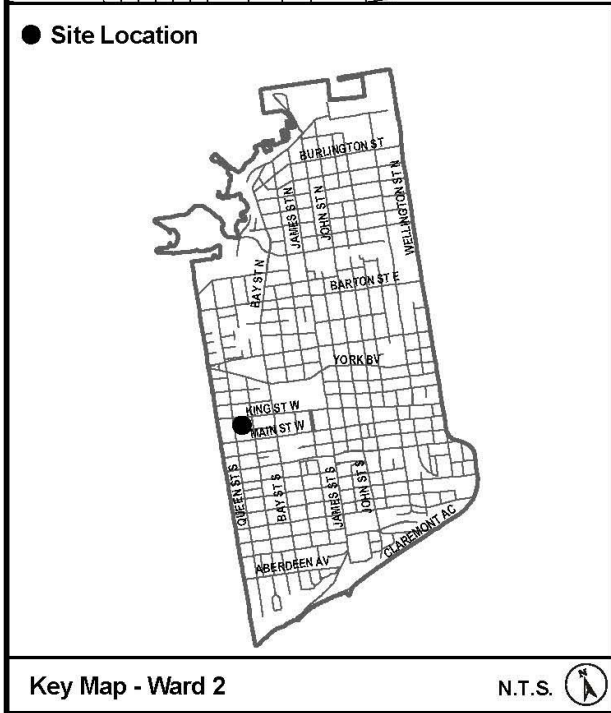
Economic Prosperity and Growth

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED20101 – Location Map

CG:dt



Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
15 Queen St S

Date:
February 1, 2019

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
CG/NB

Subject Property

15 Queen Street South, Hamilton

N.T.S.



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	June 3, 2020
SUBJECT/REPORT NO:	Enbridge Gas Inc. City of Hamilton Natural Gas Expansion Projects for submission to the Ontario Energy Board and the Ministry of Energy Natural Gas Expansion Program (PED20099) (Wards 11 and 12)
WARD(S) AFFECTED:	Wards 11 and 12
PREPARED BY:	Alvin Chan (905) 546-2424 Ext. 2978 Guy Paparella (905) 546-2424 Ext. 5807
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the City of Hamilton provide a letter of support attached as Appendix “B” to Report PED20099 for the submission by Enbridge Gas Inc. to the Provincial Government’s Natural Gas Expansion Projects for the Airport Employment Growth District and Red Hill Business Parks, and individual applications for the rural settlement areas of Rockton; Sheffield, Westover; and Alberton, with no financial contribution.

EXECUTIVE SUMMARY

The Ontario government has announced its intention to further increase access to natural gas by making additional projects eligible for financial support through the Natural Gas Expansion Project to serve communities that are not currently connected or underserved with respect to natural gas services.

Projects that can commence construction between 2021 and 2023 are eligible for a share of \$130 million in ratepayer funded financial support. The Province has asked the Ontario Energy Board (“OEB”) to compile a list of potential projects.

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SUBJECT: Enbridge Gas Inc. City of Hamilton Natural Gas Expansion Projects for submission to the Ontario Energy Board and the Ministry of Energy Natural Gas Expansion Program (PED20099) (Wards 11 and 12) - Page 2 of 7

Accordingly, the OEB put out a request for proposals to proponent's for potential projects. Of note, as part of any submission to the OEB, requires the proponent to secure support from the municipality and identification of any financial support.

Enbridge Pipeline Inc., being a proponent, has identified five potential projects ("Projects") within the City of Hamilton, being the expansion of natural gas services to facilitate existing and future developments within the Airport Employment Growth District and Red Hill Business Parks; and, individual applications to provide natural gas services to the rural settlement areas of Rockton; Westover; Sheffield; and Alberton.

As the proposed Enbridge Gas Inc. Projects would service and encourage development within the Business Parks, by ensuring shovel ready natural gas service for existing and future developments; while also providing services to underserved rural settlement areas, it is recommended that the City endorse the Projects with no financial support.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: This report is not recommending any commitment of City financial support at this time.

Should any of the Projects be selected under the Ministry of Energy Natural Gas Expansion Program; and, a preferred option and route be subsequently identified, the City will conduct a more detailed analysis of the individual undertakings, subject to receipt of the required information, in order to determine if a financial contribution by the City is supportable.

Staffing: There are no staffing implications associated with this report.

Legal: As preferred options or routes have not been identified at this time, staff are unable to identify the potential legal implications of the Projects, with respect to any potential resulting legal agreements, securities, etc. that may be required to facilitate the Project.

HISTORICAL BACKGROUND

On December 12, 2019, through a letter issued under Section 35 of the *Ontario Energy Board Act, 1998*, the Minister of Energy, Northern Development and Mines, with the support of the Associate Minister of Energy, asked the OEB to examine potential projects

SUBJECT: Enbridge Gas Inc. City of Hamilton Natural Gas Expansion Projects for submission to the Ontario Energy Board and the Ministry of Energy Natural Gas Expansion Program (PED20099) (Wards 11 and 12) - Page 3 of 7

and report back to the Ministry as an input to assist the government in making a determination on future expansion projects.

On March 5, 2020, the OEB issued its final Guidelines for Potential Projects to Expand Access to Natural Gas Distribution. Interested project proponents that wish to file project information for inclusion in the OEB's report to the Ministry must do so by June 3, 2020, in accordance with the final Guidelines.

The OEB is expected to report back to the Ministry by August 31, 2020. A focus of the OEB's review will be whether the proposed projects can be implemented substantially as proposed.

Among other things, the OEB will analyse the proposed project costs and timelines, as well as the technical expertise and financial capability of proponents not already regulated by the OEB. Proponents will be expected to demonstrate local support for their projects, as well as a commitment to be held to the costs, timelines and volume forecasts for their projects as filed with the OEB.

Considering the above, Enbridge Gas Inc. intends to submit the proposed five Projects for the expansion of Natural Gas services for the Airport Employment Growth District and Red Hill Business Parks; and, individual applications to service the rural settlement areas of Rockton; Westover; Sheffield; and, Alberton, to the OEB for approval under the Ministry of Energy Natural Gas Expansion Program.

On May 6, 2020, Enbridge Gas Inc. wrote to the City of Hamilton requesting support for application to the Provincial Natural Gas Expansion Program for the Airport Employment Growth District, received by Council on May 13, 2020; and, was subsequently referred to staff. The additional rural settlement areas were added upon subsequent discussion by Staff with Enbridge Gas Inc. on May 14th and 19th, 2020, respectively.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Province, under Section 35 of the *Ontario Energy Board Act, 1998*, have asked the OEB to examine potential projects and report back on future expansion projects for approval under the Ministry of Energy Natural Gas Expansion Program by June 3, 2020.

Accordingly, Enbridge Gas Inc., seeks to file project information for the expansion of natural gas services to the Airport Employment Growth District and Red Hill Business Parks; and, also for individual applications to service the rural settlement areas of Rockton; Westover; Sheffield; and, Alberton with the OEB; for approval under the Ministry of Energy Natural Gas Expansion Program.

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SUBJECT: Enbridge Gas Inc. City of Hamilton Natural Gas Expansion Projects for submission to the Ontario Energy Board and the Ministry of Energy Natural Gas Expansion Program (PED20099) (Wards 11 and 12) - Page 4 of 7

Per the Guidelines for submission, a letter of support is required from the City along with the identification of any financial support from the City for the Project.

Of note, submission of the Project by the Proponent, Enbridge Pipeline Inc. does not ensure selection by the OEB as a potential, nor approval for funding under the Ministry of Energy Natural Gas Expansion Program should it be submitted by the OEB.

RELEVANT CONSULTATION

The City of Hamilton Growth Management and Economic Development Divisions met with Enbridge Gas Inc. on April 20, 2020, with additional detailed discussions on April 24, 2020 which identified the Airport Employment Growth District and Red Hill Business Park Project.

An additional meeting with Enbridge Gas Inc was held on May 14th, 2020, which resulted in the additional individual projects for servicing the rural settlement areas of Rockton; Westover; and, Sheffield. Upon further discussion with Enbridge Gas Inc, the rural settlement area of Alberton was added as a project on May 19, 2020.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Enbridge Pipeline Inc., proposes five applications, being a project to expand natural gas services to the Airport Employment Growth District and Red Hill Business Parks; and, individual applications for the expansion of services to the rural settlement areas of Rockton; Westover; Sheffield; and, Alberton for submission under the Ministry of Energy Natural Gas Expansion Program. All submissions are to be made to the OEB by June 3, 2020, for consideration.

In order for Enbridge Gas Inc. to submit the Projects for inclusion in the OEB report to the Ministry, the municipality must provide a Council Resolution supportive of the Projects and identify if a financial contribution to project costs will be provided.

The Project descriptions are of a high-level nature at this time, being to establish the required infrastructure to service the identified business parks; and the rural settlement areas. However, no specific undertakings have been identified at this time. Any future specific undertakings will be reviewed through future subsequent OEB applications should the Projects be selected for funding by the Province.

The preferred options or route have not been identified, and staff are therefore unable to evaluate or comment on the Projects specifics, Accordingly, it is requested that the City be

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SUBJECT: Enbridge Gas Inc. City of Hamilton Natural Gas Expansion Projects for submission to the Ontario Energy Board and the Ministry of Energy Natural Gas Expansion Program (PED20099) (Wards 11 and 12) - Page 5 of 7

provided sufficient time to review any subsequent proposals upon identification by the Ministry and / or application to the OEB.

Furthermore, as part of this review, staff request sufficient time to also evaluate partnering with respect to the timing of project construction, in order to leverage other municipal works occurring along the same corridor.

In review of the Business Park project study area attached as Page 1 of Appendix "A" to Report PED20099, staff note 26 active development applications within the Airport Employment Growth District yielding 552 single detached dwellings; 5 semi-detached dwellings; 853 townhouse dwellings; 1,327 apartments; and 7,203,279 square feet of non-residential development.

With respect to the Red Hill Business Park staff note 11 development proposals; however, only six of these proposals have identified a development envelope, yielding 1,056,434 square feet of non-residential development.

Accordingly, this proposed Enbridge Gas Inc. project would currently facilitate 552 single detached dwellings; 5 semi-detached dwellings; 853 townhouse dwellings; 1,327 apartments; and 8,259,713 square feet of non-residential development; and, would further encourage development within the Airport Employment Growth District and Red Hill Business Park, by ensuring shovel ready natural gas service for future development proposals.

Additionally, as part of a collaborative exercise between our Economic Development Division and Enbridge Gas Inc., a non-binding Expression of Interest estimating the number of new direct jobs; indirect jobs; and, total site investment related for each site from 2020 through to 2030, was initiated after the initial meeting of April 24, 2020.

As of May 13th, 2020, Enbridge Gas Inc. had received 11 non-binding responses to their Expression of Interest, with an estimated collective investment total of over \$1.35 billion; and, an aggregated total of 6,030 direct jobs and 5,420 indirect jobs.

It should be noted that these are potential development yields and jobs; and, may therefore fluctuate when brought to market. Notwithstanding, the project scope will ensure adequate natural gas services for the development of the Airport Employment Growth District and Red Hill Business Park.

Lastly, the individual projects to service the rural settlement areas of Rockton; Westover; Sheffield; and, Alberton, attached as Page 2 of Appendix "A" to Report PED20099, will benefit residents within these areas with a guaranteed source of Natural Gas.

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SUBJECT: Enbridge Gas Inc. City of Hamilton Natural Gas Expansion Projects for submission to the Ontario Energy Board and the Ministry of Energy Natural Gas Expansion Program (PED20099) (Wards 11 and 12) - Page 6 of 7

If the project is selected for the respective rural settlement area, each resident in the project area who signs up will have a system expansion surcharge added to their bills for a defined term (40 years). Notwithstanding, the project will result in hundreds-to-thousands of dollars in cost savings per year for residents depending on their current energy source, even with the system expansion surcharge added.

Therefore, staff are recommending that the City provide a letter of support attached as Appendix “B” to Report PED20099 for the submission by Enbridge Gas Inc. to the Provincial Government’s Natural Gas Expansion Project for the five identified individual Projects, with no financial contribution from the City.

ALTERNATIVES FOR CONSIDERATION

Should Council decide not to endorse the letter attached as Appendix “B” to Report PED20099, Enbridge Gas Inc., would not be able to complete their submission to the Ontario Energy Board and the Ministry for consideration of the five Projects, being the expansion of natural gas services to the Airport Employment Growth District and Red Hill Business Parks; and, the individual applications for expansion of natural gas services to the rural settlement areas of Rockton; Westover; Sheffield; and Alberton.

Of note, endorsing Appendix “B” also does not guarantee selection of the Projects by the OEB for submission to the Ministry of Energy Natural Gas Expansion Program, nor does it guarantee selection of the Projects by the Ministry under this program if submitted by the OEB.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Built Environment and Infrastructure

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

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

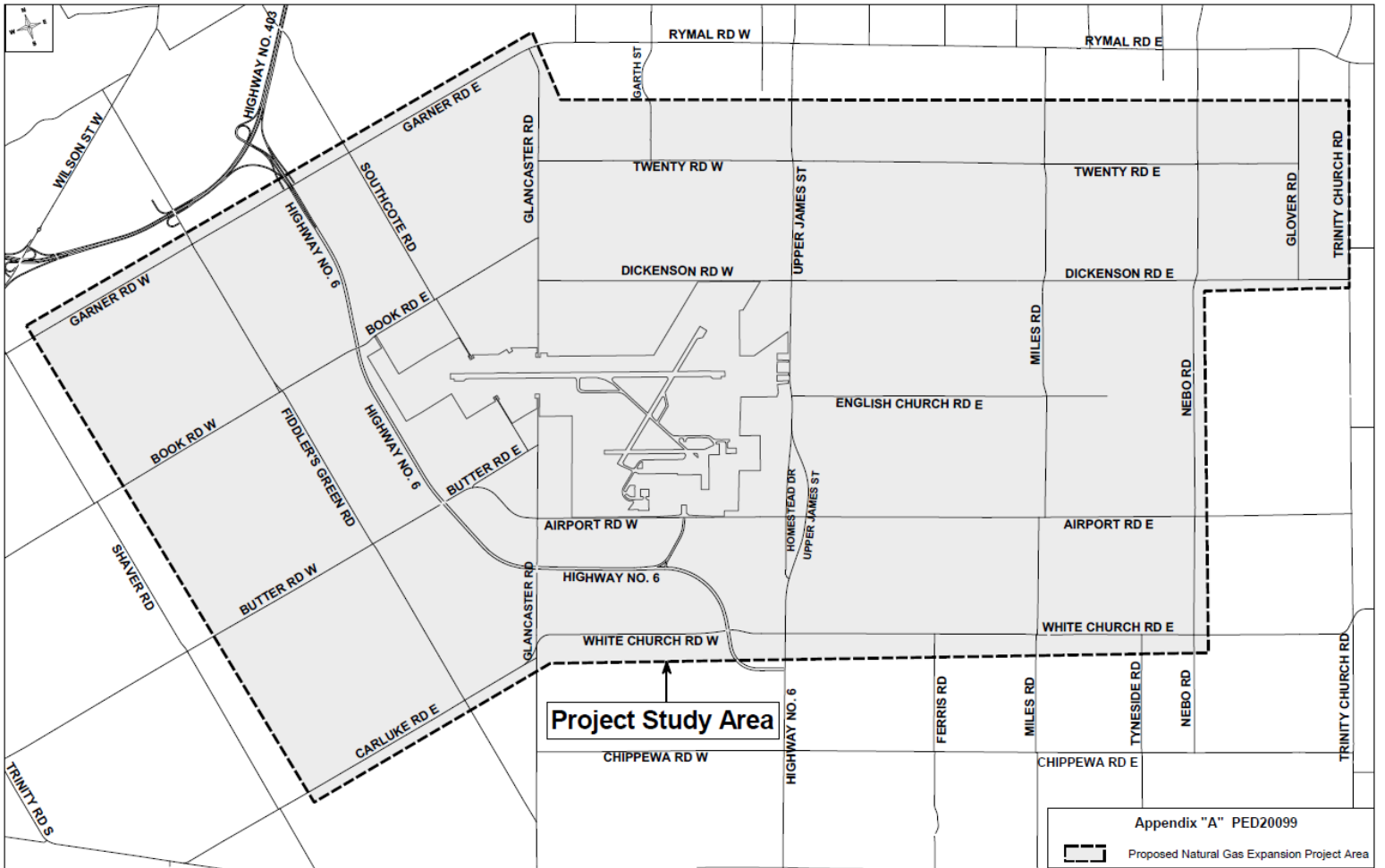
SUBJECT: Enbridge Gas Inc. City of Hamilton Natural Gas Expansion Projects for submission to the Ontario Energy Board and the Ministry of Energy Natural Gas Expansion Program (PED20099) (Wards 11 and 12) - Page 7 of 7

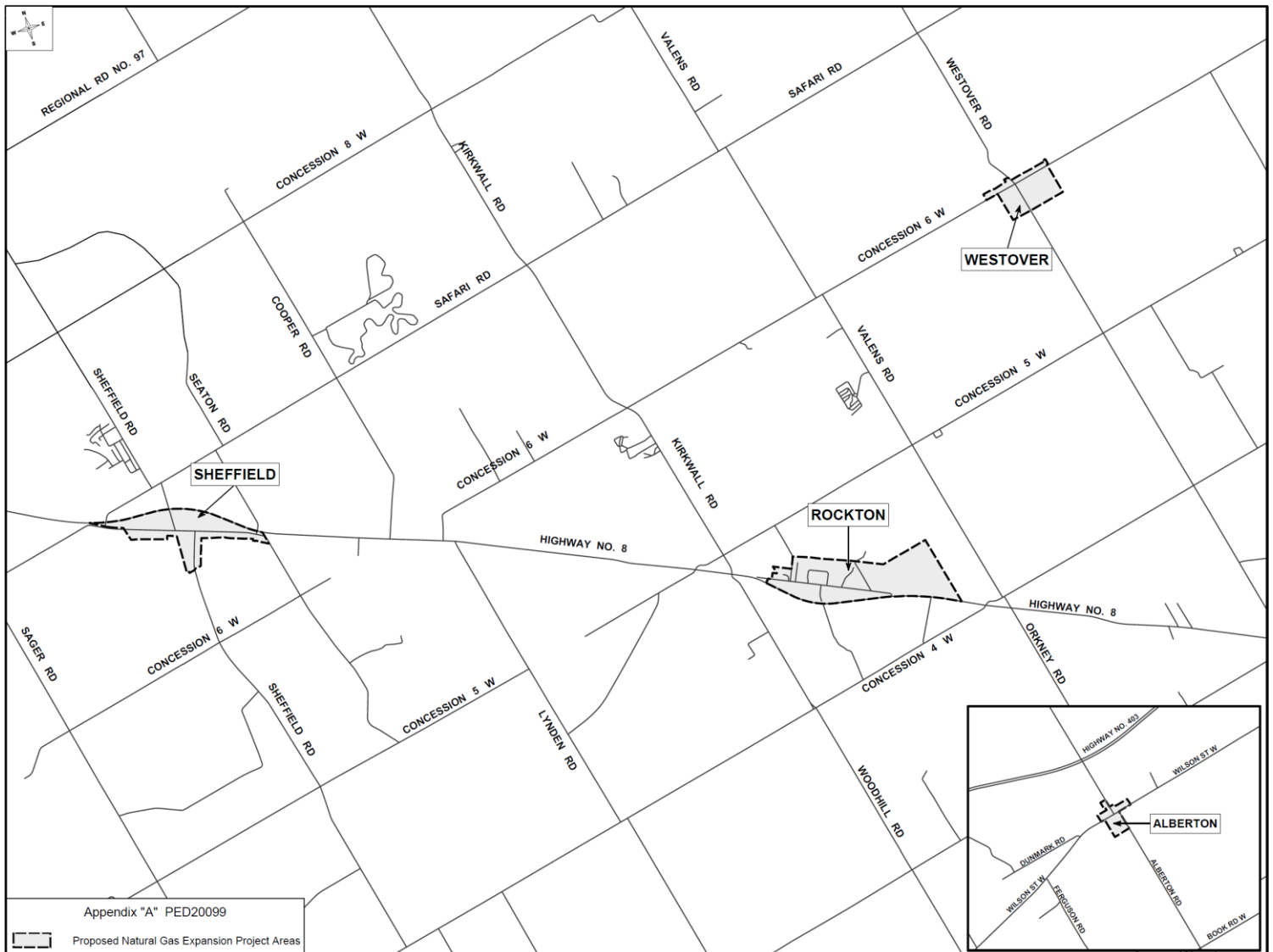
APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Proposed Natural Gas Expansion Project Area – Airport Employment Growth District and Red Hill Business Parks; and, the rural settlement areas of Rockton; Westover; Sheffield; and Alberton

Appendix “B” – Letter of Support to Enbridge Gas Inc., regarding the Expansion of Natural Gas Services Projects in the City of Hamilton, for Submission to the Ontario Energy Board and Ministry of Energy Natural Gas Expansion Program

AC/GP/sd







Hamilton

City Hall, 71 Main Street West
Hamilton, Ontario,
Canada L8P 4Y5
www.hamilton.ca

Alvin Chan, Manager, Legislative Approvals / Staging of Development
Planning and Economic Development Department
Growth Management Division
71 Main Street West, 6th Floor, Hamilton, ON L8P 4Y5
Phone: 905.546.2424 Ext. 2978 Fax: 905.540-5611
Email: Alvin.chan@hamilton.ca

June 3, 2020

Enbridge Gas Inc.
50 Keil Drive North,
Chatham, ON, Canada
N7M 5M1

Attention: Wayne Passmore

**RE: City of Hamilton (“City”) Letter of Support
Enbridge Gas Inc. City of Hamilton Natural Gas Expansion Projects
(“Projects”) for submission to the Ontario Energy Board; and, the Ministry of
Energy Natural Gas Expansion Program**

Dear Wayne,

The City’s interest in the five individual Projects relates to how it may impact the environmental and financial well-being of the municipality, as well as the health, safety and well-being of its inhabitants.

In review of these Projects for the expansion of natural gas services by Enbridge Gas Inc., to the Airport Employment Growth District and Red Hill Business Parks; and, the rural settlement areas of Rockton; Westover; Sheffield; and Alberton, be submitted to the Ontario Energy Board for application under the Ministry of Energy Natural Gas Expansion Program.

Accordingly, as per the Program Guidelines, **the City supports the expansion of natural gas services to the Airport Employment Growth District and Red Hill Business Parks; and, to the rural settlement areas of Rockton; Westover; Sheffield; and, Alberton. However, the City is not in a position to make any financial contributions to this Project**, as per the rationale documented below:

Rationale for No Financial Contribution:

Financial Concerns:

Staff was unable to document the financial implications of the individual Projects and requests for Financial Contribution, due to internal deadlines and availability of Council meetings.

**Subject: City of Hamilton (“City”) Letter of Support
Enbridge Gas Inc. City of Hamilton Natural Gas Expansion Projects
 (“Projects”) for submission to the Ontario Energy Board; and, the
Ministry of Energy Natural Gas Expansion Program**

As such, the City was not provided sufficient time to complete a thorough financial analysis and evaluation of the potential implications of making a financial contribution to these projects.

In particular, albeit the City did receive mapping from Enbridge Gas Inc, additional information, including but not limited to, the type, length, and diameter of the pipeline, and the rate applied for property assessment purposes would be required together in consultation with the Municipal Property Assessment Corporation (MPAC) in order to validate the estimated property tax figure.

Natural Heritage Concerns; Source Water Protection Concerns; Cultural and Built Heritage Concerns; Municipal Infrastructure Concerns; and, Emergency Response.

In discussion with Enbridge Gas Inc., the preferred options and optimal route have not yet been established and will be completed should the Ministry approve a Grant for any of the five individual projects.

Accordingly, the City requests the opportunity under any project, to review and comment on any proposed options and / or routes; and potential conditions of approval, as part of any approval process, including, but not limited to, applications before the Ontario Energy Board.

Lastly, in the absence of a preferred option or route, the City was not provided sufficient time to evaluate partnering and the timing of project construction, in order to leverage other municipal works occurring along the same corridor for any of these projects.

Should you have any questions, please do not hesitate to contact the undersigned.

Sincerely,

Alvin Chan, BES, MCIP, RPP
Manager, Legislative Approvals/Staging of Development
Growth Management Division
Planning and Economic Development Department
71 Main Street West, 6th Floor
Hamilton, ON, L8P 4Y5
905-546-2424 Ext 2978
alvin.chan@hamilton.ca

**Subject: City of Hamilton (“City”) Letter of Support
Enbridge Gas Inc. City of Hamilton Natural Gas Expansion Projects
 (“Projects”) for submission to the Ontario Energy Board; and, the
Ministry of Energy Natural Gas Expansion Program**

C.C. Jason Thorne, General Manager, Planning and Economic Development Department
Tony Sergi, Senior Director, Growth Management Division
Norm Schleeahn, Director, Economic Development Division
Guy Paparella, Special Projects Manager, Growth Management Division
Sue Rimac, Business Development Consultant, Economic Development Division
Jennifer Patterson, Senior Business Development Consultant, Economic Development Division
Councilor Brenda Johnson (Ward 11)
Councilor Lloyd Ferguson (Ward 12)
Councilor Arlene VanderBeek (Ward 13)



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division
and
PUBLIC WORKS DEPARTMENT
Engineering Services Division
and
Transportation Operations and Maintenance

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	June 3, 2020
SUBJECT/REPORT NO:	Appropriation Transfer of Funds for Claremont Access Road Resurfacing and Multi-Use Keddy Trail Construction (PED20115/PW16003(b)) (Wards 2, 3, 7 and 8)
WARD(S) AFFECTED:	Wards 2, 3, 7 and 8
PREPARED BY:	Steve Molloy (905) 546-2424 Ext. 2975 Daryl Bender (905) 546-2424 Ext. 2066
SUBMITTED BY: SIGNATURE:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SUBMITTED BY: SIGNATURE:	Gord McGuire Director, Engineering Services Public Works Department
SUBMITTED BY: SIGNATURE:	Edward Soldo Director, Transportation Operations and Maintenance Public Works Department

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.

RECOMMENDATION

- (a) That the General Manager of Public Works be authorized and directed to award tender C15-13-20 (H) to Dufferin Construction Company in the amount of \$5,563,240 (not including Contingency and Non-Refundable HST) as identified in the attached Appendix “A” to Report PED20115/PW16003(b) and that the General Manager of Public Works be authorized to execute, on behalf of the City of Hamilton, all agreements and other documents necessary to implement this award on confirmation that each such agreement be in a form satisfactory to the City Solicitor;
- (b) That Project ID 4662017130 (Claremont Access – Keddy Access Trail) be set up with a budget of \$3,384,000 and that all identified funding sources, as outlined in the attached Appendix “B” to Report PED20115/PW16003(b) be transferred to this consolidated project ID;
- (c) That a budget adjustment be approved to increase Capital Project ID 4662017130 (Claremont Access – Keddy Access Trail) by \$896,000 from \$3,384,000 to \$4,280,000 and that this increase be funded by a transfer of surplus gas tax \$896,000 from Project ID 4032011020 Claremont Access - Inverness to Main resurfacing project which benefitted from a favourable tender price;
- (d) That the barrier coating line items within the tender be deferred to a future implementation date, which will result in a cost savings of \$248,755 (not including Contingency and Non-Refundable HST).

EXECUTIVE SUMMARY

The Claremont Access extends between Main Street to Upper James Street and includes a ramp to West 5th Street. The total length of this roadway is approximately 2.7 kms, including the ramp. These upbound segments are identified within the 2020 Capital Roads Program for resurfacing in 2020. The escarpment face and downbound segments of this roadway are planned for rehabilitation in 2021.

The approved total estimated budget available for this 2020 project is \$5,980,000 and subdivided as \$2,880,000 for the roadway resurfacing plus \$3,100,000 for the Keddy Access Trail (cycling/pedestrian) component. The multi-use trail budget is match funded through the Provincial Ontario Municipal Commuter Cycling (OMCC) Program up to 80% of the cost of the project. The lowest and preferred tender bid was \$5,563,240 (not including Contingency and Non-Refundable HST). Including Contingency and Non-Refundable, the total funding required is \$6,272,000.

SUBJECT: Appropriation Transfer of Funds for Claremont Access Road Resurfacing and Multi-Use Keddy Trail Construction (PED20115/PW16003(b)) (Wards 2, 3, 7 and 8) - Page 3 of 9

The contract includes street resurfacing, the construction of a concrete barrier wall to separate trail users from auto traffic, a new traffic signal for trail users at the top of the James Street stairs, short-trail connections to the facility at three locations, and the creation of a short-cycling connection to the Hunter Street bicycle facility.

The successful bid was within the overall budget allocated for this project. However, the bid for the resurfacing portion of the project was less than budgeted, while the bid for the Keddy Access Trail portion exceeds the budget. Specifically, the item that contributes to the increased cost of the multi-use trail is the extent of barrier separation, which provides valuable safety enhancements to the project. As a result, budget adjustments through the transfer of funds for the multi-use trail portion of the contract is required in order to award the contract.

Alternatives for Consideration – See Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The approved total budget available for this 2020 project is \$5,980,000 and subdivided as \$2,880,000 for the roadway resurfacing plus \$3,100,000 for the multi-use (cycling/pedestrian) component. The Keddy Access Trail budget is substantially funded through the Provincial OMCC Program using matching funds up to 80%. The lowest and preferred tender bid was \$5,563,240 (not including Contingency and Non-Refundable HST). Including Contingency and Non-Refundable HST, the total funding required is \$6,272,000.

There are opportunities to defer non-essential items for future implementation that will reduce the price of the contract. Specifically, the removal of Section D items 41, 42, 43, and 44 relating to the installation of barrier coating (public art mural), which equates to \$248,755 in contract savings. Funding for future implementation of a public art mural will be investigated. Based on this reduction of cost, the total amount required to implement the Keddy Trail is \$4,292,000.

In order to award the contract, the appropriations of funds must be made to provide the required budget for each part of the project (Part 1: Road Resurfacing and Part 2: Keddy Access Trail). Appendix “B” attached to this Report provides a detail breakdown of the available funding for appropriation. This includes \$896,000, which utilizes Part 1: Road Resurfacing surplus, plus \$392,000 from cycling accounts 4661717124 (\$99,000) and 4662017124 (\$293,000).

**SUBJECT: Appropriation Transfer of Funds for Claremont Access Road
Resurfacing and Multi-Use Keddy Trail Construction
(PED20115/PW16003(b)) (Wards 2, 3, 7 and 8) - Page 4 of 9**

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

In 2009, Hamilton's Cycling Master Plan (Shifting Gears) identified the Claremont Access to have an upbound and downbound bicycle facility. Direction was given to staff via a motion from Council to investigate cycling infrastructure along the Claremont Access in December 2015. Subsequently, a presentation and report were prepared in January 2016, and staff was directed by Council to investigate options for a delineated bicycle lane for consideration within the 2017 Capital Budget process (Report PW16003).

Staff retained Dillon Consulting Ltd to complete a feasibility study and functional design (Report PW16003(a)) and the direction was provided by Council to design a multi-use facility. On August 17, 2017, (Report PW17069) Council approved the project for submission to the OMCC Program. Funding was subsequently transferred to the City in April 2018. In May 2018, Council passed a motion to officially name the proposed facility the Keddy Access Trail in honour of Jay Keddy, who was tragically killed while cycling on the Claremont Access.

Additional improvements were also identified as part of the Capital Budget and asset management process, including full resurfacing of the upbound lanes from Main Street to Fennell Avenue, to improve surface quality and to extend the life of the pavement. In order to improve the efficiency of construction, the planned multi-use trail project and road resurfacing project were combined into a single tender.

The Keddy Access Trail is a signature active transportation project for the City that will provide a continuous route for cyclists and pedestrians to travel between the lower city and the escarpment in a comfortable and efficient way. The Keddy Access Trail will connect to a variety of destinations and will act as an important network link, making use of the upbound side of the Claremont Access, as shown in Appendix "C" attached to this Report.

In order to minimize risk associated with the project, an independent safety audit of the trail detail design was initiated and has been completed. The independent safety audit recommended a number of measures that have been incorporated into the final design. The full Road Safety Audit Report is attached as Appendix "D" to this Report.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The proposed funding arrangements do not complicate the OMCC contract with the Province, as the critical aspect of the contract is that Provincial funding does not exceed 80% for the project.

The OMCC Program requires that the project must be completed by the end of 2020 to ensure the City maximizes its use of these OMCC funds.

There is a time sensitivity on this contract as the working days required to deliver this project is close to the available amount of time for the contractor to complete the project. This project must commence by July 1, 2020 to be completed.

The Keddy Access Trail is a Schedule A/A+ project under the *Municipal Class Environmental Assessment (EA)*, October 2000, as amended 2007, 2011 and 2015 (Approach 1) process, which is an approved process under the *Ontario Environmental Assessment Act*.

RELEVANT CONSULTATION

Internal stakeholders were consulted in the creation of this Report as identified in the list below.

- Transportation Operations and Maintenance;
- Engineering Services;
- Asset Management; and
- Corporate Finance.

Throughout this planning and design of this signature project, internal and external consultation was undertaken. A Public Information Centre (PIC) was held on August 16, 2016. Approximately 60 people attended. This meeting was advertised in The Hamilton Spectator, on the City Website, and a notice was delivered to properties in the vicinity of the study area. The information from the PIC was posted on the City Website to encourage additional community input (www.hamilton.ca/ClaremontAccessCycling).

Consultation with external stakeholders and citizen advisory committees also took place to incorporate a broader pedestrian mobility perspective, as well as, route alternatives, possible side-connection opportunities, and the criteria to assess these options.

In addition, the affected Ward Councillors, past and present, have also been engaged throughout the project.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Design Update

The design of the multi-use facility is based on the functional design, as described in GIC Report 16-031 on November 25, 2016 (PW16003(a)). As per that Report, the facility is designed as a multi-use trail facility on the north side of the Claremont Access from Hunter Street in the lower City to West 5th Street on the Escarpment.

The design incorporates five connections via sidewalk, bicycle lane, stairs, and trail. These connections are planned to be constructed to enhance the access to the main corridor of the Keddy Access Trail. These are described below:

- West Avenue – a direct connection to this local street;
- St. Joseph's Drive Trail – a new multi-use trail, about 300 m long, providing multi-use trail access to St. Joseph's Drive;
- Arkledun Avenue/Jolley Cut – two new multi-use trails, each about 50 m long, providing multi-use trail access to Arkledun Avenue; and,
- Southam Park Trail – a new multi-use trail through Southam Park, about 200 m long, providing multi-use trail access to Tanner Street and Inverness Avenue. This facility includes an AODA compliant ramp access (replacing an existing stairway) to the Keddy Access Trail and includes a new signalized pedestrian crossing for trail users to cross the West 5th flyover to access the James Street stairs.

The Keddy Access Trail maintains three existing connections:

- The Bruce Trail near the West 5th Street terminus;
- The James Street stairs; and,
- The Bruce Trail, a few metres east of the James Street stairs.

Multi-use Trail Considerations

The Cycling Master Plan (2018) identifies the Keddy Access Trail corridor as a multi-use trail facility. This trail will establish a safer and convenient escarpment crossing for active transportation, which recognizes that it will be used by pedestrians, in addition to cyclists.

It is expected that pedestrian volumes will be low, given the additional options available to them, including the James Street Stairs. The interaction between users on any multi-use facility can have challenges, and the slope of the Keddy Access Trail provides additional technical challenges. For example, providing adequate trail width to

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accommodate upbound cyclists who require more operating space, while also managing speed of downbound cyclists. Applying education and engineering techniques to manage the interaction between pedestrians such as the use of signs and markings can provide positive guidance to all trail users and promote proper trail etiquette.

Safety Provisions

Given the slope of the facility, the interaction between pedestrians and cyclist and managing their respective safety and risk has been a prominent consideration in the design development. Relying on enforcement to ensure safe user behaviour is not feasible. Therefore, education and engineering considerations will be applied to address these issues.

In order to minimize risk associated with the project, an independent safety audit of the trail detail design was initiated and has been completed. The independent safety audit recommended a number of measures which have been incorporated into the final design. The full Road Safety Audit Report is attached as Appendix “D” to this Report.

As a result, the Keddy Access Trail includes signs and pavement markings to support positive guidance along the Keddy Access Trail and support slower speeds. The Keddy Access Trail will be physically separated from vehicular traffic through a barrier wall, based on Ontario Traffic Manual Book 18 Guidelines. The barrier wall will consist of a poured concrete “jersey style” barrier with steel reinforced fencing on top, similar to what is constructed on the King Street West bridge over Highway 403 (Chedoke Expressway).

Winter Maintenance Considerations

The Trail is planned as an all-season facility but will be closed at times when it is not feasible to meet minimum maintenance standards or where it is deemed unsafe due to snow accumulation or ice. For example, it is uncertain if there will be enough cycling and pedestrian volumes during snow events to activate the salt on the trail. Additionally, even minor ice build-up could present a higher level of risk of injury as compared to a flat facility. As such, provisions have been made in the design to enable easy closures through gates at the top and bottom of the facility.

Winter maintenance of the trail’s side connectors is contingent on whether the main Keddy Access Trail is maintained. However, given the existing well-established all-season utilization of the James Street stairs, the continued access to those stairs year-round is desired. Thus, staff recognize the benefit of winter maintenance of the new Southam Park ramp, providing a connection from Claremont Drive to the James

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Street stairs, and from the existing sidewalk on West 5th Street to the James Street stairs.

In order to balance the optimum maintenance conditions with the needs of trail users, as well as safety, staff will develop a winter maintenance plan prior to opening. Even if minimum clearing and salting standards are met, given the slope of the access trail, it may be difficult to prevent icing during some periods. Accordingly, provisions are being made to facilitate the closure of the trail during winter as needed. After opening, data will be collected on activity levels in order to future inform maintenance strategies.

Project Timelines and Construction Closures

In order to construct the multi-use trail and resurface two upbound lanes of the Claremont Access, it is expected that full or partial closures of the upbound lanes of the Claremont Access will be required. Construction is tentatively planned to commence in late June and require several months to completion.

Construction management techniques will be considered to reduce the impacts of this closure.

It is also noted that the rock face of the escarpment is planned to be 'scaled' in 2021, and the City is currently reviewing the Emergency Traffic Routing Plan for the Claremont Access to finalize traffic circulation during those works.

Identified Projects for OMCC Program Funding

The Keddy Access Trail budget is substantially funded through the Provincial OMCC Program using matching funds up to 80%. In order to accommodate the requirement for increased funding for the Keddy Access Trail, some previously identified OMCC projects will be deferred including Charlton Avenue between James Street and Ferguson Street (Ward 2), King Street East/Lawrence Road across the RHVP (Ward 4 and 5), a bicycle path on Barton Street east of RHVP (Ward 5), and conventional bicycle lanes on Stonehenge Drive and Kitty Murray (Ward 12). Some of these projects were at risk of delay due to unresolved design challenges. The reallocation of funds between OMCC projects is permitted under the program.

ALTERNATIVES FOR CONSIDERATION

An alternative for consideration is to not award the tender and defer the project construction to the year 2021. In this case, existing funds for the road resurfacing component would be maintained and earmarked to fund 2021 construction. This may result in the need to alter the timing of other currently proposed projects in the

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short-term forecast, specifically the escarpment scaling project, and the resurfacing of the downbound lanes of the Claremont Access. Any such deferral will result in declining service levels increasing risk and liability along with increased maintenance costs.

One critical impact of the project being delayed is the loss of Provincial OMCC funds. The project is budgeted to be from this Provincial program, including past design costs and planned construction costs. Given that these funds require the project to be completed by the end of 2020, it is not possible to identify a replacement project of this magnitude, and as such the majority of the provincial funding would be foregone.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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.

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" Schedule A - Tender Information Summary

Appendix "B" Breakdown of Funding Sources for Appropriations

Appendix "C" Claremont Access Proposed Multi-use Trail (Brantdale Avenue to Hunter Street) with Proposed Connectors

Appendix "D" Road Safety Audit (Detailed Design Stage) Final Report

SM:DB:cr

Public Works Department
 SCHEDULE A - TENDER INFORMATION SUMMARY

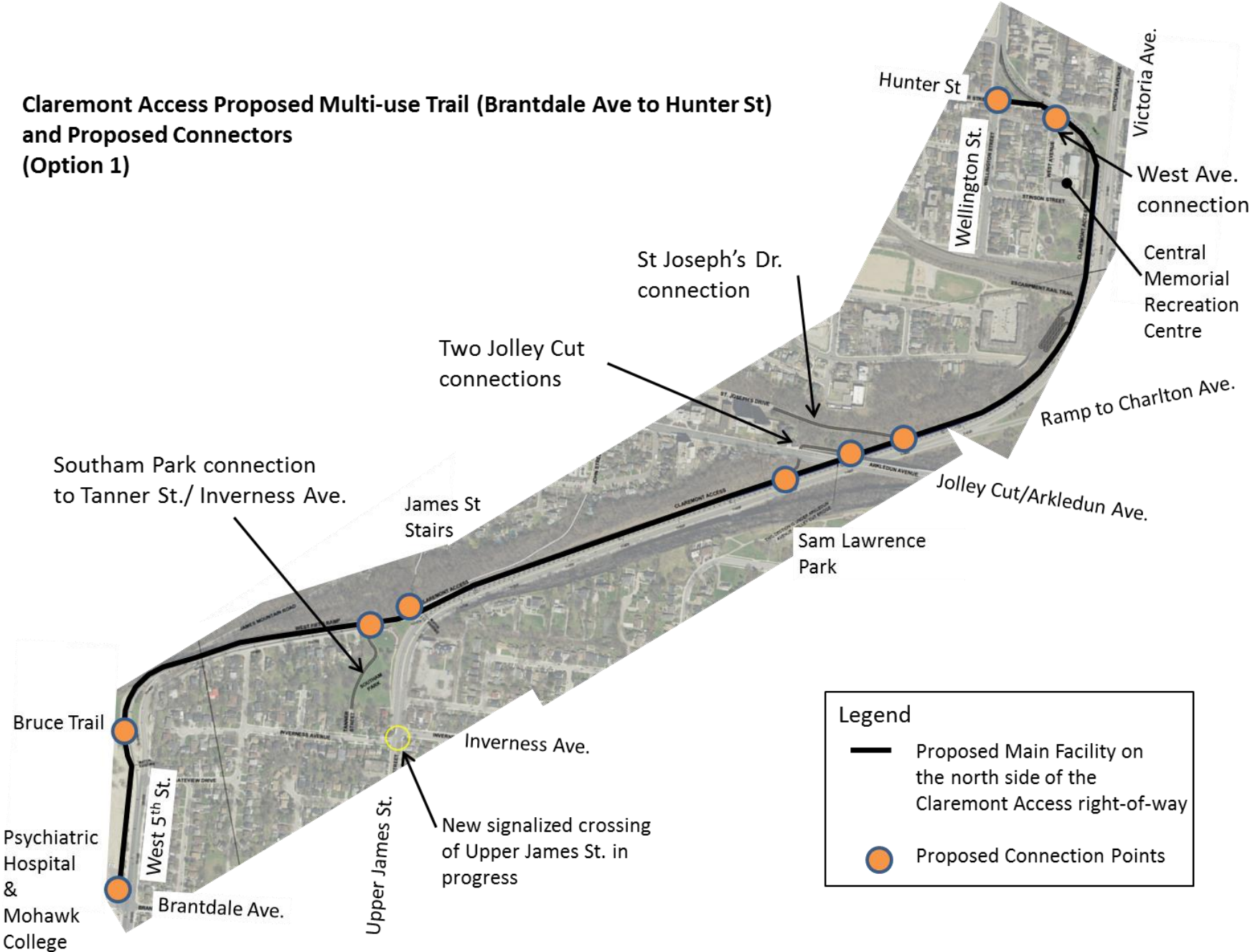
CONTRACT NUMBER: C15-13-20 (H) - Claremont Access
 Description: Road Resurfacing and Multi-Use Trail Construction

	LIST OF BIDDERS	BID PRICE*** (NOT INCLUDING HST & CONTINGENCY)	CONTINGENCY	13%HST	TOTAL AWARD INCL 13%HST & CONTINGENCY	LOCATION AND TYPE OF WORK	TOTAL EST'D COST (INCL ENG. ETC.)	APPROPRIATION IN BUDGET	APPROPRIATION ADJUSTMENT REQUIRED	COMMENTS
1.	Dufferin Construction Company, A division of CRH Canada Group Inc. (Oakville)	\$ 5,563,245.00	600,000.00	801,221.85	\$ 6,964,466.85	Section A (50% - all Items 1 to 4 inclusive) Location: Claremont Access Description: General				
2.	Rankin Construction Inc. (Hamilton)	\$ 5,694,185.00				Section B (100% - all Items 1 to 42 inclusive) Location: Claremont Access Description: Road				
3.	Coco Paving Inc. (Hannon)	\$ 5,851,491.00				Section G (100% Items 1 and 2) Location: Claremont Access Description: Cash Allowance Project ID: 4032011020	\$1,993,000	\$1,993,000		
						Section A (50% - all Items 1 to 4 inclusive) Location: Claremont Access Description: General				
						Section C (100% - all Items 1 to 49 inclusive) Location: Claremont Access Description: Multi Use Trail - Road				
						Section D (100% - all Items 1 to 44 inclusive***) Location: Claremont Access Description: Multi Use Trail - Structural				
						Section E (100% - all Items 1 to 13 inclusive) Location: Claremont Access Description: DT:1686A01 -Trail Crossing				
						Section F (100% - all Items 1 to 4 inclusive) Location: Claremont Access Description: Impacted Material				
						Section G (100% - Items 3, 4, 5 and 6) Location: Claremont Access Description: Cash Allowance Project ID: 4661817124	\$4,280,000	\$4,280,000		
NOTE: *** Section D - Items 41, 42, 43 and 44 deleted subsequent to Contractor Negotiations - value removed from Bid Price										

APPROPRIATION ADJUSTMENT SCHEDULE - CLAREMONT ACCESS INCLUDING KEDDY TRAIL

Project Number	Project Description	GROSS COST			REVENUE			NET FINANCING REQUIRED			REASON FOR ADJUSTMENT
		Budget	Increase/ (Decrease)	Revised	Budget	Increase/ (Decrease)	Revised	Budget	Increase/ (Decrease)	Revised	
4662017130	Claremont Access - Keddy Trail	0	3,384,000 <u>3,384,000</u>	3,384,000	0 OMCC	2,394,000 <u>2,394,000</u>	2,394,000	0	990,000 <u>990,000</u>	990,000	Set up separate project ID for Keddy Trail (C15-13-20(H) Dufferin) to consolidate all identified sources of cycling funds and appropriate additional funds from Claremont 990,000 Access road resurfacing.
4661817124	On Street Bike Facilities	4,635,000	-2,992,000 <u>-2,992,000</u>	1,643,000	3,708,000 OMCC (80%)	-2,394,000 <u>-2,394,000</u>	1,314,000	927,000	-598,000 <u>-598,000</u>	329,000	Consolidation of funds
4661717124	On Street Bike Facilities	438,000	-99,000 <u>-99,000</u>	339,000		0 <u>0</u>	0	438,000	-99,000 <u>-99,000</u>	339,000	Consolidation of funds
4662017124	On Street Bike Facilities	300,000	-293,000 <u>-293,000</u>	7,000		0 <u>0</u>	0	300,000	-293,000 <u>-293,000</u>	7,000	Consolidation of funds

**Claremont Access Proposed Multi-use Trail (Brantdale Ave to Hunter St)
and Proposed Connectors
(Option 1)**



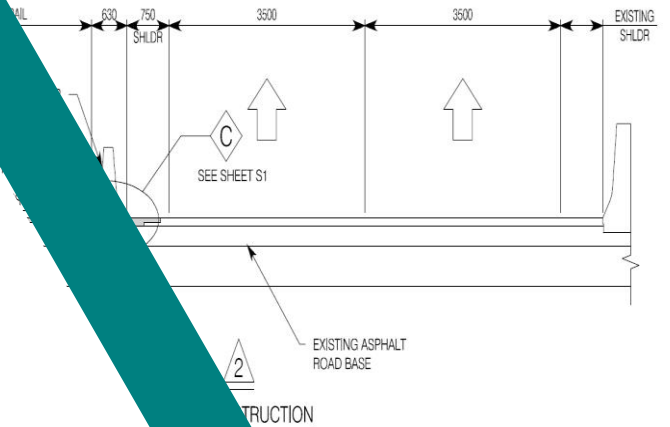


Road Safety Audit (Detail Design Stage) Final Report

Keddy Access Trail
Hamilton, Ontario, Canada

Prepared for:

Daryl Bender and Steve Molloy
City of Hamilton




Keddy Access Trail
Hamilton, Ontario, Canada

Road Safety Audit (Detail Design Stage)
Final Report

March 3, 2020

Prepared and Submitted by:



Gerald Forbes, M.Eng., P.Eng., PTOE
President & Chief Engineer

Intus Road Safety Engineering Incorporated
2606 Bluffs Way
Burlington, ON L7M 0T8
Phone: 905.332.9470
email: gerry@intus.ca



1.0 INTRODUCTION

1.1 Project Scope

- 1.1.1 This report details the results of the 90% Design Stage Road Safety Audit for the Keddy Access Trail in the City of Hamilton, Ontario using drawings issued on December 20, 2019.
- 1.1.2 The audit was completed for the City of Hamilton by ***Intus Road Safety Engineering Incorporated***. No previous road safety audits have been completed for this project.
- 1.1.3 The project scope includes the detailed design and construction of a bicycle path and multi-use trail (MUT) along the north side of the Claremont Access from the intersection of West 5th Street and Brantdale Avenue to the intersection of Wellington Street and Hunter Street East, including trail connections and reconfiguration of the lanes for motor vehicle traffic. The scope of the audit does not include temporary work and detours required during the construction of the trail.

1.2 Road Safety Audit Objectives

- 1.2.1 A road safety audit is a process for systematically checking the safety of road transportation projects, based on sound road safety engineering principles and undertaken from the road users' perspectives. A road safety audit provides an independent assessment of the anticipated safety performance of a road transportation project at predetermined intervals by road safety specialists. It is duly noted that the project design team remains ultimately responsible for the design. A road safety audit is defined as:

a formal and independent safety performance review of a road transportation project by a qualified safety specialist, addressing the safety of all road users.

- 1.2.2 The objectives of the road safety audit are to identify design elements which may have a negative impact on the safety performance of the facility and to suggest corrective measures for consideration by the design team at this stage. The corrective measures suggested in a road safety audit report are not prescriptive and should be regarded as indicative of the nature of a solution, which may or may not be adopted by the design team "as is". The responsibility for the final design and hence for the selection of specific solutions to identified safety issues, rests with the designer, and not with the road safety auditor.

1.3 Auditor

- 1.3.1 This Road Safety Audit was undertaken by *Gerry Forbes, M.Eng., P.Eng., PTOE*, who is President & Chief Engineer of Intus Road Safety Engineering Incorporated.
- 1.3.2 The road safety auditor was not involved with the design or the development of the project. The scope of a road safety audit does not cover structural safety.

1.4 Audit Process

- 1.4.1 The safety audit was carried out in general conformance with the procedures set out in the Transportation Association of Canada's (TAC) Canadian Road Safety Audits Guide, December 2001. Material that was reviewed for the audit is listed in Appendix A.
- 1.4.2 The designers are under no obligation to accept all the audit findings and/or its suggestions. Also, it is not the role of the auditor to agree to or approve of the designer's responses to the audit. Rather, the audit provides the opportunity to highlight potential safety issues and have them formally considered by the designer, in conjunction with all other project considerations.
- 1.4.3 The designers and/or owners are encouraged to prepare response reports that complete the road safety audit process. Identified safety issues should be accepted, conditionally accepted, or rejected (with detailed explanations). The mitigation measures suggested are based on the auditor's experience and are not intended to cover the full range of countermeasures.

2.0 ROAD SAFETY AUDIT FINDINGS

- 2.1 The project initiation meeting was held between the auditor and the owner on February 10, 2020. At that time the owner highlighted the following road safety concerns for this phase of the project.
- The type of barrier to be used to physically separate the MUT and the vehicular lanes of the Claremont Access (i.e., steel beam guard rail versus a concrete barrier);
 - The need for a directional dividing line (i.e., a centreline) on the MUT; and
 - The operating speed of downbound cyclists on the MUT.

Each of the above-captioned issues are addressed below, along with other identified safety issues to be considered by the designers/owners.

2.2 Type of Barrier

2.2.1 The prevailing design manuals and guidance offered to designers with respect to selecting barrier type do not overtly consider the safety of road users other than motorists. In other words, when a barrier is being used to physically separate motorized traffic from a MUT, the design advice only considers motorist safety. As a result, the type of barrier recommended for the project is based on the following risk assessment.

2.2.2 The following risks are present and must be considered to inform decisions concerning barrier type:

- **Motorist impact with the barrier:** The severity of the crash when impacted by a motorist on the Claremont Access;
- **Cyclist impact with the barrier:** The severity of the crash when impacted by a cyclist on the MUT;
- **Secondary crashes:** The likelihood of a MUT user being involved in a secondary crash, when the barrier is struck by an errant motorist;
- **Ancillary risks:** Drainage and winter maintenance of the trail surface.

2.2.3 Both the likelihood of the barrier being struck by a motorist or being struck by a cyclist is the same regardless of the barrier type selected¹. As such, these aspects of safety, in and of themselves, are not relevant to a safety-based assessment of barrier type.

2.2.4 With respect to the severity of a crash when impacted by a motorist, the Roadside Design Manual (MTO, 2017) provides *severity indices* for various roadside hardware and states that steel beam guard rail (SBGR) and concrete barrier systems have severity indices of 3.1 and 3.2, respectively. This means the probabilities of the different crash severities are as follows:

Barrier System	Probability of Crash Severity (%)		
	Property Damage Only	Injury	Fatal
SBGR	41.7	57.1	1.2
Concrete	40.4	58.2	1.4

¹ Assuming the steel beam guard rail and a concrete barrier are in the same general location within the road allowance.

- 2.2.5 The concrete barrier is expected to result in a slightly higher crash severity than the SBGR. However, the difference between the crash severities of the two barrier systems is nominal. In this respect, there is no preference between the two barrier systems.
- 2.2.6 When considering the severity of a crash when the barrier is impacted by a cyclist, the research is sparse and offers no definitive guidance. When a cyclist strikes a barrier there are two main scenarios: colliding with the barrier while upright; and sliding into the barrier (either with or separated from the bicycle). Crashes while upright can result in a cyclist being thrown off the bicycle due to snagging or entanglement with the barrier, making the horizontal members of the barrier the important factor in crash severity. In the sliding scenario, the barrier posts and the vertical members are the principle hazard.
- 2.2.7 The subject barrier will separate the Keddy Access Trail from the motorized vehicle lanes of the Claremont Access and offers a situation that will generally restrain impact angles (even within the horizontal curves). In the instance of a shallow impact angle crash, research for motorcycle crashes with roadside barriers reveals that concrete barriers are favoured over SBGR. The concrete barrier offers a smooth and continuous profile that better dissipates the kinetic energy of the crash during a sliding type crash. Moreover, there is less chance of snagging and entanglements. The SBGR posts are particularly hazardous as they can concentrate impact forces during a direct impact.
- 2.2.8 In fact, Daniello and Gabler (2011) in research concerning the impacts of barrier type on motorcyclist safety concluded that concrete barriers were less hazardous than SBGR. While this research pertains to motorcyclist, as opposed to bicyclists, the crash mechanisms and results are reasonably transferable. Therefore, the concrete barrier is the preferred option with respect to cyclist crash severity.
- 2.2.9 The likelihood of a trail user being involved in a secondary crash when the barrier is struck by an errant motorist is determined by the probability of a motorist striking the barrier, the probability of a trail user being at the same location at the same time as the barrier strike, and the deformation/deflection of the barrier towards to MUT. The probability of a barrier strike and the probability of a MUT being present are not dependent on the type of barrier. Hence, the choice of a barrier type is dependent on the deflection of the barrier once it is struck. In this regard, the Roadside Design Manual (MTO, 2017) recommends that there be no obstacles within 1.6 metres and 0.8 metres of the face of the barrier for SBGR and concrete barriers, respectively. The recommended setbacks are reflective of the different deflection characteristics of the two barrier systems. The concrete barrier offers lower deflections during impact and minimizes the chances of a secondary crash with a MUT user. Therefore, in this aspect of the risk analysis, a concrete barrier is the preferred barrier system.
- 2.2.10 The ancillary risks presented by the different drainage characteristics of the SBGR and the concrete barrier are mixed. The design drawings clearly show catchbasins installed at the base of a concrete barrier separating the MUT from the Claremont Access. If the concrete barrier is replaced by a SBGR with no other changes to drainage/grading, then there is no safety advantage with either option. However, if the SBGR is implemented

without catchbasins at the interface between the Claremont Access and the MUT (because the comparatively unobstructed road surface of the SBGR would allow surface water from the Claremont Access to drain across the MUT to catchbasins on the north side of the MUT) then there are two impacts on safety:

- The SBGR would be considered advantageous during winter maintenance, where the brine created by the applied salt and motor vehicle traffic on the Claremont Access would assist with melting snow on the MUT; and
- The concrete barrier would be considered advantageous during wet weather when temperatures are above freezing, because the SBGR would allow the surface runoff from the Claremont Access to flow across the MUT, creating a marginally thicker layer of water.

It is not practical to quantify the risks of both safety impacts without knowing the volume of trail users, the relatively frequency of wet and snowy weather, and other sundry factors.

At any rate, it is my understanding that the design team has decided that regardless of the type of barrier to be used, catchbasins are to be implemented at the interface of the Claremont Access and the MUT.² If this is the case, then there is no preference among SBGR or concrete barrier.

- 2.2.11 The above risk analysis indicates that a concrete barrier is the preferred separator. The primary purpose of the barrier is to protect MUT users from errant vehicles, and this objective is best achieved with a concrete barrier.
- 2.2.12 Having stated the above, it is noted that the pedestrian crossing located at or near Southam Park requires a short break/opening in the barrier system. Furthermore, it is planned to have other short breaks/openings in the barrier system to accommodate MUT access by emergency services. The breaks/openings will be approximately 1.0 metres wide.
- 2.2.13 The unprotected, blunt end of a concrete barrier is a significant safety hazard to errant road/trail users. If the ends of the barrier cannot be protected by an industry-approved end treatment it is recommended that barriers be offset as shown in Figure 1. Most vehicles will depart the roadway at an angle of 25 degrees or less. Offsetting the downstream barrier effectively shields the exposed end of the downstream barrier with the upstream barrier.

² Under a SBGR configuration a continuous concrete curb would be required to direct surface runoff to the catchbasins.

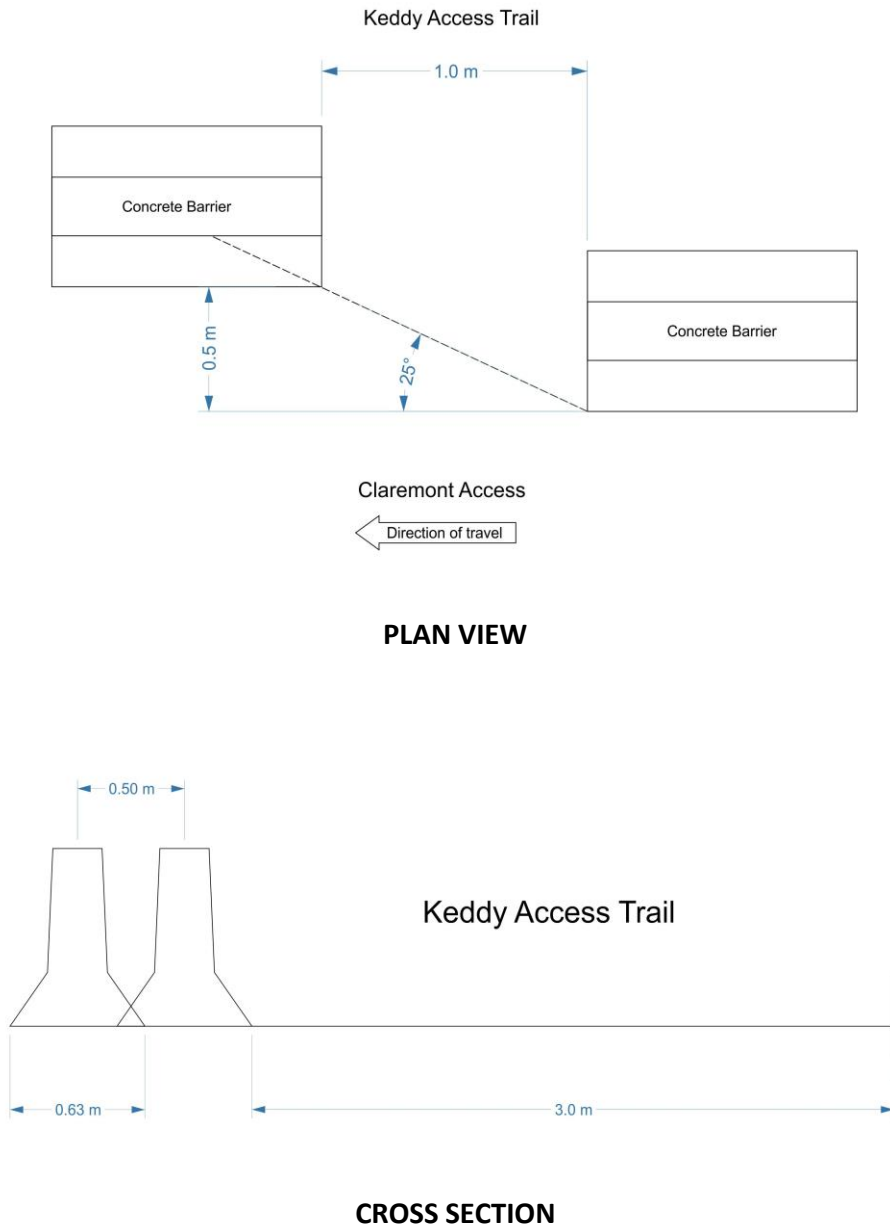


FIGURE 1: Emergency and Pedestrian Openings

2.2.14 While the offset addresses safety concerns for motorists on the Claremont Access and downbound MUT users, the offset does not address the exposed end hazard for upbound MUT users. However, given the grade of the Keddy Access Trail, operating speeds of upbound MUT users is not expected to be very high. As a result, the risk presented by the exposed end of the barrier is low. No action is required, however, a hazard marker or

similar delineation may be placed in the exposed end to warn upbound MUT users of the existence of the hazard.

- 2.2.15 The barrier offset makes the opening slightly more obvious to upbound MUT users – leading to potential confusion about whether the opening is an allowable route. This is expected to be a minor concern, since the opening is relatively small and the offset still results in the base of the concrete barriers visually overlapping (see the Cross Section in Figure 1). If desired, measures may be taken to minimize the probability of upbound MUT users passing through the opening to the Claremont Access. For example, a directional dividing line and/or edge lines may be marked on the trail from 20 metres in advance of, and through the opening. Also, signing may be used to direct upbound trail users to keep to the right at these locations. Alternatively, if it is acceptable to the emergency services, a movable or breakable horizontal beam or member could be erected across the opening. The beam is intended to be a visual obstruction that discourages MUT users from entering the opening, but not a substantive structural measure that would inhibit emergency services from using the opening.
- 2.2.16 Based on the material made available for this audit, there is an emergency services opening at or near the St. Joseph's Drive connection. Openings in the barrier to accommodate emergency services should not align with any of the side trails that intersect the Keddy Access Trail. The openings may be confused as pedestrian/cyclist crossings of the Claremont Access and inadvertently cause pedestrians/cyclists to enter the motor vehicle lanes of the Claremont Access. The emergency services opening should be offset a suitable distance from the St. Joseph's Drive connecting trail.

2.3 Directional Dividing Line

- 2.3.1 The prevailing guideline concerning pavement markings on MUTs is *OTM Book 18 – Bicycle Facilities*. With respect to in-boulevard shared-use facilities, Book 18 states:

... segregation of cyclists and pedestrians should be avoided where possible. Instead, a directional dividing line may be marked on the pathway, thus allowing it to operate as a "miniature roadway". This relies on users obeying the basic premise that slower moving pedestrians and cyclists should keep right, and faster moving path users should pass on the left.

- 2.3.2 With respect to two-way, raised cycling tracks, the OTM states:

... a 100 millimetre yellow directional dividing line should be placed in the centre of the two-way raised cycle track to separate bidirectional travel. This directional dividing line should be solid along segments with reduced sightlines and visibility in order to discourage passing manoeuvres. A

broken (dashed) directional dividing line should be provided along segments where passing is permitted.

- 2.3.3 The OTM indicates that a DDL is *permitted* on an in-boulevard MUT, but a DDL is recommended for a two-way cycle track. This is more confusing than helpful as the two types of facilities are generally very similar.
- 2.3.4 The primary purpose of a DDL is to provide clear delineation of the trail into directions of travel. If there is no confusion among trail users concerning the side of the path on which they should be travelling, then a DDL is not required. Moreover, if good forward visibility is afforded to trail users, then there is no reason why reasonably prudent trail users should not be able to see any potentially conflicting users and avoid any conflicts. The Keddy Trail offers excellent forward visibility and as such, a DDL is not required.
- 2.3.5 In fact, a DDL, in most cases, is contraindicated on a MUT. The research concerning cyclist speed on MUTs indicates cyclists are more likely to travel above the average speed on paths with a DDL.³ A DDL for the Keddy Trail is not recommended except in instances where the forward visibility is less than the stopping sight distance for the design speed.

2.4 Speed

- 2.4.1 The speed of downbound cyclists on the Keddy Access Trail has been identified as a potential safety issue by the owners.
- 2.4.2 The Geometric Design Guide for Canadian Roads (TAC, 2017) states:
- On a grade of 4.0%, downhill coasting speeds can reach 25 km/h;
 - On grades of 4.0% to 6.0%, downhill coasting speeds can reach 40 km/h; and
 - On grades between 6.0% and 8.0% downhill coasting speeds can reach 60 km/h.
- 2.4.3 The design speed of the horizontal alignment of the MUT, particularly near the bottom of the Claremont Access, appears to be suitable for 60 km/h operating speeds. It would be preferable to provide a wider path at this location to better accommodate the trajectory variations of fast-moving cyclists. However, the lower end of the trail is constructed on an existing structure, and there is no practical opportunity to widen the trail for this purpose.

³ NSW Government, "Shared paths: Discussion of research findings and key safety issues", Centre for Road Safety, Australia, August 2015.

- 2.4.4 Nonetheless, faster-moving cyclists on a MUT can be a hazard to pedestrians (and themselves). When steep grades and higher cyclist speeds cannot be avoided (such as on the Keddy Access Trail), higher cyclist speeds should be mitigated through the use of regularly-spaced speed reducing measures. The following measures are available for use and should be considered by the designer/owner.

Device	Comment	Example
Speed hump and vertical deflections	These can destabilize riders and be a hazard if poorly sited or inadequately marked. Vertical deflections may also present a trip hazard for pedestrians. Use humps with care. These devices must be marked and provided with advance warning signs.	Port Mann Bridge, British Columbia (see Figure 2)
Chicanes and horizontal deflection	Very effective at reducing speeds. Must be sited properly, easily detectable, and provided with advance warning	Jacques Cartier Champlain Bridge, Quebec (see Figure 3)
Pavement Markings	These low-cost options place important messages directly within the cyclists line of sight. Large areas of paint may become slippery during wet surface conditions.	Brisbane, Australia (see Figure 4)
Tactile coloured surfaces and alternative paving materials	Minimal to no hazard to trail users, but the effectiveness of these measures is largely unknown. Also, the colour and texture of the pavement provides no specific guidance to road users concerning speed.	None available.

- 2.4.5 Since bicycles are not required to have a speed-measuring device (and most do not have one), speed limits are not a practical measure for the Keddy Access Trail (even if the speed limit could be effectively enforced).
- 2.4.6 In all cases, any physical speed-reducing device must provide a clear unambiguous direction to the user, and the device must not become an unexpected hazard for the trail user.



FIGURE 2: BUMP Warning Sign on the Port Mann Bridge⁴



FIGURE 3: Chicane on the Jacques Cartier Champlain Bridge⁵

⁴ The speed hump is not visible but is denoted by the warning sign shown at the side of the MUT.

⁵ The chicanes have the ability to be swung "open" for emergencies and/or snow removal in winter. The distance between the barriers is sufficient for bicycles as well as bicycles with child trailers to pass through without dismounting. Signs and reflective materials assist path users in identifying the chicanes during times of low light.



FIGURE 4: SLOW Pavement Marking (Brisbane, Australia)⁶

- 2.4.7 Speed may also be a factor in the upbound direction, where steep grades limit speeds to the minimum speeds to maintain balance and/or cause some cyclists to dismount and walk. Any physical speed reducing measures that are implemented should not lower upbound speeds to less than about 10 km/h (i.e., the minimum speed required to maintain balance and forward momentum).
- 2.4.8 It is assumed that the MUT will be equipped with all other traffic control devices as required and recommended by *OTM Book 18 – Bicycle Facilities*.
- 2.4.9 It is necessary for the Keddy Trail to be signed with a STEEP GRADE sign

2.5 Other Safety Issues

- 2.5.1 The following road safety issues were identified by the auditor.
- 2.5.2 The concrete barrier separating the MUT from the Claremont Access allows errant cyclists who strike the barrier at a shallow angle to be thrown from their bicycle, over the barrier, and into the motorized lanes of the Claremont Access. A steel beam should be mounted along the top of the concrete barrier to minimize the chances of a cyclist vaulting over the barrier into the Claremont Access.
- 2.5.3 Signs are required to clearly communicate to trail users the transition from the bicycle path to the MUT (Sheet MC-2). A SHARED PATHWAY sign (Rb-71) should be posted

⁶ Note that the KEEP LEFT message is used because Australian rules of the road require cyclists to operate on the left side of the road.

- for northbound trail users, and a similar sign with an ENDS tab sign should be posted for southbound trail users.
- 2.5.4 Trail user conflicts are exacerbated on the MUT at the IPS, where the P-gates west of the IPS require cyclists on the MUT to attend to users entering the MUT from the Southam Park and select an appropriate speed and path to traverse the P-gates almost simultaneously (Sheet MC-5). Consideration should be given to relocating the P-gates further west.
- 2.5.5 It is unclear which trail user has the right-of-way at the intersection of the MUT with the Southam Park crossing (see the "Traffic Signal Installation (IPS) – 5th West Street" sheet). The IPS controls conflicts between motorists on the West 5th Street ramp and users of the pedestrian crosswalk, but the IPS does not control the conflict between the MUT and the crosswalk. The pedestrian signal heads may give crosswalk users the impression that they have the right-of-way to enter the MUT from Southam Park (and not simply to cross the ramp), while MUT users have no control and the apparent right-of-way.
- 2.5.6 Related to the above concern is some confusion about whether cyclists are permitted to ride across the West 5th Street ramp or whether they are required to dismount and walk across the ramp. The signal configuration and pavement markings displayed on the IPS drawing suggest that cyclists are required to dismount and walk across the ramp. If this is the case, then a DISMOUNT AND WALK sign (Rb-70) should be erected on both sides of the West 5th Street ramp crossing. If cyclists are permitted to ride across the ramp, then crossride markings and bicycle signal heads are required.
- 2.5.7 The pedestrian pushbutton on the north side of the West 5th Street ramp crossing, which is intended for southbound users, is located on the left side of the crossing, and may result in users waiting/standing in the path of northbound users (see "Typical Signal Installation (IPS) 5th West Street" sheet).
- 2.5.8 There is a drafting error where the STOP HERE ON RED SIGNAL (Rb-78) sign is not shown erected adjacent to the marked stop line (see "Typical Signal Installation (IPS) 5th West Street" sheet).
- 2.5.9 There are two side paths to Arkeldun Avenue (Sheet MC-9) and, therefore the potential for MUT users to use the wrong side path for their intended purpose resulting in cyclists crossing Arkeldun Avenue midblock or cycling in the wrong direction on Arkeldun Avenue. For example, a downbound cyclist on the MUT who wants to continue downbound on Arkeldun Avenue may turn left onto the first side path encountered. This action would result in the cyclist landing at the upbound lanes of Arkeldun Avenue. Directional signing for the Arkeldun Avenue, and other, side paths is recommended to minimize out-of-way travel and risky manoeuvres resulting from improper turns.

- 2.5.10 Westbound cyclists on the MUT are directed on to the south side of Hunter Street East (the left-side of the street) and placed in conflict with northbound right turns from Wellington Street (Sheet MC-14). Signs and markings should be used to define right-of-way and provide better positive guidance to road users in this area.
- 2.5.11 Ensure there is adequate forward visibility across the inside of the horizontal curves in the Southam Park path (Sheet SP-2). Also, consider widening the path at the horizontal curves to allow for cyclist lean and off-tracking during curve negotiation.
- 2.5.12 The grade of the MUT may be a surprise to unfamiliar trail users, especially cyclists. It is recommended that STEEP HILL signs (see Figure 5) be erected to warn trail users of this feature of the trail. This sign may be supplemented with a length of grade tab sign, and/or an indication of the severity of the grade (e.g., 6%).




FIGURE 5: STEEP HILL Sign

- 2.5.13 There is little information on the design drawings concerning the traffic signs to be implemented along the MUT and the various side trails. It is assumed that these facilities will be outfitted with these traffic control devices in accordance with the recommendations of *OTM Book 18 – Bicycle Facilities*.

3.0 CONCLUSION

- 3.1 This road safety audit has been carried out solely for the purpose of identifying any features of the design that could be added, removed or altered to improve the road safety performance associated with the project.



Gerry Forbes, M.Eng, P.Eng, PTOE
President & Chief Engineer
Intus Road Safety Engineering Incorporated

Statement of Limitations

The findings and opinions contained in this document are based on an examination of available and relevant plans and documents, as well as the specified road and its surroundings. The findings reflect the Road Safety Auditor's best professional judgment in light of the information available to him at the time of the preparation of the safety audit.

This safety audit was conducted using generally accepted road safety engineering principles, covers only physical features that may affect road users' safety, and has sought to identify potential road safety hazards. However, guarantees cannot be made or implied that all safety deficiencies or collision causes have been identified. Further, if all the issues raised in this report were to be rectified or amended, this would not confirm that the highway is 'safe'; rather, the consideration of the identified issues may result in changes to the design which could prove beneficial to the safety performance of the facility.

The document was prepared for the City of Hamilton and no third party should solely rely on the information therein in any particular circumstances without seeking professional advice. The road safety auditor and Intus Road Safety Engineering Incorporated accept no responsibility for damages, if any, incurred to any person or property acting or failing to act as a result of the material in this document.

APPENDIX A


The following material was reviewed in preparation of this road safety audit report:

- Bicycle Lane and Multi-Use Trail Construction drawings for West 5th Street at Brantdale Avenue to Claremont Access, Claremont Access to Hunter Street E, Contract No. C15-39-19 (TP), City of Hamilton, Public Works Department:
- Memo from Dillon Consulting Limited to Daryl Bender of the City of Hamilton, Subject: Design Brief – Claremont Cycling Access Multi-use Pathway Lighting, dated November 28, 2019, 2 pages.
- Claremont Multi-use Trail Key Plan showing Emergency Services Openings in the Barrier, delivered as *Claremont Access – Traffic Separation.PDF*, undated, 1 page.
- Sheet No. S12, Box Beam Railing on Sidewalk – PL2 (With Concrete End Wall), Project No. 11-4364, County of Essex, last updated January 2013, 1 page.
- Electronic mail message from Edward Soldo to Brian Hollingsworth, re: Claremont Separator, dated February 6, 2020.
- Word file titled “Claremont Access to Forbes.docx”, created by Daryl Bender, last edited February 7, 2020, 5 pages.
- Electronic mail message from Jody Yarmo to Daryl Bender, re: Claremont Keddy Trail (cyclists & peds), dated February 18, 2020.

END OF REPORT



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Transit Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	June 3, 2020
SUBJECT/REPORT NO:	Mohawk College University/College Transit Pass Agreement- Summer Semester (PW20022) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Nancy Purser (905) 546-2424 Ext. 1876
SUBMITTED BY:	Debbie Dalle Vedove Director, Transit Public Works Department
SIGNATURE:	

Discussions of Confidential Appendix “A” to this Report PW20022 in Closed Session is subject to the following requirement(s) of the City of Hamilton’s Procedural By-Law and the Ontario Municipal Act, 2001;

- **Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

RECOMMENDATION(S)

- (a) That the General Manager, Public Works, or their designate, be authorized and directed to negotiate and execute on behalf of the City all necessary agreements and related documents to temporarily suspend the University/College Transit Pass agreement (the “Mohawk UCTP Agreement”) between the City and Mohawk College of Applied Arts and Technology, for the period May 1, 2020 to August 31, 2020 (2020 summer semester), with content acceptable to the General Manager, Public Works and in a form acceptable to the City Solicitor;
- (b) That Appendix “A” attached to Report PW20022 remain confidential, and

- (c) That the Mayor send written correspondence to the Provincial and Federal governments requesting that for the foreseeable future, notwithstanding the reduction in ridership levels and gas tax revenues, the level of funding provided through the gas tax programs to municipalities not be reduced from the amounts received for the 2019/2020 fiscal year.

EXECUTIVE SUMMARY

The City of Hamilton is party to University/College Transit Pass Agreements (“UCTP Agreements”) with McMaster University, Mohawk College, Redeemer University College and their respective Student Associations/Unions, which covers approximately 42,000 students (pre-covid19 estimate). The UCTP pass allows students unlimited access to the HSR. The UCTP Agreements require that all full-time students enrolled in each of the respective schools be charged the UCTP fee (with no opt-out provision). The fee is substantially discounted as all full-time students pay regardless if they use transit and has been developed to ensure that it appropriately covers their share of the system usage and generated \$8,691,702 in 2019 and accounts for approximately 23% of total ridership. As students live throughout the City, transit service levels have increased across the system to meet the ridership demand.

The UCTP fee is considered an ancillary fee under the university and college fee structures. In 2019 the Conservative government implemented the ‘Student Choice Initiative’ (the “SCI”) to make ancillary student fees charged to university and college students optional. The Transit Agencies and the respective universities/colleges lobbied the Ontario Government as to the importance of the UCTP program to Transit Agencies and students throughout Ontario. As a result, the Ontario Government agreed that if a program was already in place prior to January 1, 2019 it would remain mandatory for all students to participate. Should the current UCTP agreements be cancelled any future agreement would be subject to the SCI giving students the ability to opt in/out which would result in the UCTP program no longer being viable.

On March 17, 2020, the Province of Ontario declared a state of emergency pursuant to s. 7.0.1 of the *Emergency Management and Civil Protection Act* as a result of an outbreak of a communicable disease namely Coronavirus Disease 2019. University and college campuses throughout Ontario were ordered to close as a result.

With university and college campuses closed and the public told to remain at home, the programs normally offered through universities and colleges moved to an on-line format. This has led to a significant reduction of ridership levels generated from these institutions. Additionally, to enforce physical distancing, on March 19, 2020 HSR implemented a requirement that all customers board from the rear doors, thereby foregoing the customers requirement to pay a fare.

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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: Mohawk College University/College Transit Pass Agreement – Summer Semester (PW20022) (City Wide) - Page 3 of 5

On April 20, 2020, the Mohawk Students' Association formally requested that the City suspend the Mohawk UCTP Agreement for the 2020 summer semester due to (i) classes being moved to an on-line format (ii) HSR operating on a reduced schedule and (iii) waiver of HSR fees. This request was made at this time as Mohawk College charges students on a per semester basis.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Projected impact should the Mohawk UCTP Agreement be suspended due to impacts of Coronavirus Disease 2019: 2020 summer semester budget fare revenue from Mohawk College is \$280,000. At this time given the need for physical distancing; there is no mechanism to mitigate this revenue shortfall.

Due to Covid-19, there is a potential for further fare revenue losses for the fall semester as the post-secondary schools have moved to an on-line model and students are not to return to campus. Should this generate additional requests for suspension of agreements to be received and granted by Council, the budget revenue loss for September – December 2020 would be \$3,704,950.

The potential reduction in enrolment as a result of the loss of international students as well as maintaining an on-line delivery model will result in additional impacts in 2021. As Transit is an area rated service, if Council chose to suspend agreements into the January to April 2021 semester there would be varying property tax impacts across the City. The table below provides the possible impacts assuming a similar revenue budget of \$3.7M for the semester. These impacts would be in addition to any other revenue and expenditure pressures faced by Transit in 2021.

Analysis of Revenue Reduction in Transit

	2020 Allocation	\$3.7M Revenue Decrease	Difference in Levy	Difference in Tax Impact \$	Difference in Tax Impact %
Stoney Creek	3,846,513	4,085,842	239,330	7	0.2%
Glanbrook	1,279,303	1,358,901	79,598	10	0.2%
Ancaster	2,770,252	2,942,616	172,365	10	0.2%
Hamilton	48,991,393	52,039,630	3,048,238	20	0.5%
Dundas	1,216,420	1,292,105	75,685	8	0.2%
Flamborough	1,362,660	1,447,445	84,785	9	0.2%
TOTAL	59,466,540	63,166,540	3,700,000		

In addition to impacting fare revenues; with the schools closed ridership is down. The schools represented 23% of ridership in 2019. The reduction in ridership will have an impact on our Provincial Gas Tax allocation in future years and will be compounded by the reduction in gasoline consumption which effectively reduces the amount of gas tax revenue available for

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distribution to the municipalities. Per the guidelines in the Provincial Gas Tax funding agreement (FSC20037):

“As of 2013 and pursuant to the Dedicated Funding for Public Transportation Act, 2013, S.O. 2013, c. 2, Sched. 3 (“DFPTA”), a portion, (2 cents per litre), of the provincial gasoline tax revenue is dedicated to the provision of grants to municipalities for public transportation, including those pursuant to the Program. The portion of the gas tax that is dedicated in each fiscal year in an amount determined using a formula set out in the DFPTA. Under the Dedicated Gas Tax Funds for the Public Transportation Program, the funding allocated is based on 70% transit ridership and 30% municipal population.” Hamilton is eligible for an estimated \$11,428,352 in provincial funding relating to 2019-2020 as part of the 2019-2020 Dedicated Gas Tax Funding program.

Staffing: N/A

Legal: Legal Services will be engaged to advise on and codify the suspension of the Mohawk UCTP Agreement.

HISTORICAL BACKGROUND

Agreements for the University/College Transit Pass have been in place with McMaster University (2000), Redeemer University College (2001) and Mohawk College (2010). McMaster University and Redeemer University College both charge the full UCTP fee in September, while Mohawk College charges the UCTP fee on a per semester basis.

The program is designed to provide all full-time students unlimited access to transit while attending one of the institutions. There is no opt-out capability. This allows the students to pay a significantly reduced rate for transit as the entire student population contributes to cover the cost for those that do use it. Total revenue received in 2019 amounted to \$8,691,702 for the program of which \$2,751,700 represents Mohawk College. The program is also designed to cover the cost of the service provided during the school season. The agreements are renewed every three years with authority from Council (PW07101b). The next renewal begins September 1, 2020.

The UCTP is considered an ancillary fee under the university and college fee structures. In 2019 the Conservative government implemented the SCI to make ancillary student fees charged to university and college students optional. The Transit Agencies and the respective universities/colleges lobbied the Ontario Government as to the importance of the UCTP program to Transit Agencies and students throughout Ontario. As a result, the Ontario Government agreed that if a program was already in place prior to January 1, 2019 it would remain mandatory for all students to participate. The City's UCTP Agreements were therefore able to continue unaffected by the SCI.

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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Legal Services has been consulted and agree with the recommendations.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The UCTP Agreements provide stable revenue for the City on an annual basis, \$8,691,702 in 2019 based on actual enrolment numbers of which \$2,751,700 represents Mohawk College. The agreements for 2019 accounted for 23% of total ridership; 8% of that ridership being generated by Mohawk College students.

Should the current UCTP Agreement be cancelled any future agreement would be subject to the SCI giving students the ability to opt in/out which would result in the UCTP program no longer being viable.

Allowing staff to negotiate suspension of the Mohawk UCTP Agreement will ensure the agreement remains in force.

ALTERNATIVES FOR CONSIDERATION

N/A

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.

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” to Report PW20022 – Confidential Legal Advice

CITY OF HAMILTON

MOTION

Council: June 3, 2020

MOVED BY COUNCILLOR S. MERULLA.....

SECONDED BY COUNCILLOR

Future of LaSalle Park

WHEREAS, LaSalle Park, comprising approximately 51.5 acres of open space (35 ac.) and park/table land (16.5 ac.), was acquired by the City of Hamilton between 1912-1916;

WHEREAS, in 1958, Aldershot was annexed to the City of Burlington, yet the City of Hamilton continued ownership of LaSalle Park and the park was managed by the Hamilton Parks Board;

WHEREAS, between 1975 and 1983, the City of Burlington managed LaSalle Park under a joint management agreement;

WHEREAS, in 1983, the City of Burlington leased the Park from the City of Hamilton under the following terms:

- Term: forty (40) years, commencing Jan.1, 1983 and expiring Dec.31, 2022
- Annual Rent: \$1.00 (payable Aug.1 each year)
- Use: Exclusive right to maintain, operate, programme and manage LaSalle Park for the sole purpose of a public park and related parks uses - outdoor recreational activities and open to the public at all reasonable times at no charge to the public (with exception of Sailing Club)
- Improvements: Improvements or alterations to existing improvements require prior written consent of Hamilton, in its sole discretion
- Obligation: Burlington to maintain, operate, programme and manage LaSalle Park as its sole cost and expense
- Name: must continue as LaSalle Park
- Renewal: The Lease may be renewed for twenty-five (25) years and only by mutual agreement. There is no notice or exercise period;

and between 1993 and 1997, several amendments/consent agreements were entered into to address the rebuilding and restoration of the historic pavilion;

WHEREAS, the City of Burlington has from time to time expressed a desire to acquire LaSalle Park (barring that to renew the lease), but not at a price acceptable to the City of Hamilton; and,

WHEREAS, the current lease will expire on December 31, 2022 and the current event space operator of the pavilion within the park is seeking to book events beyond the expiry date of the lease;

THEREFORE BE IT RESOLVED:

That the Corporate Real Estate Office, in collaboration with other relevant divisions, be directed to undertake a review of the value and implications of alternative disposition (sell, lease, develop, operate) options for LaSalle Park, and report back to General Issues Committee.

CITY OF HAMILTON MOTION

Council: June 3, 2020

MOVED BY COUNCILLOR C. COLLINS.....

SECONDED BY COUNCILLOR

Financial Impact of Declining Transit Revenues

WHEREAS it is estimated that transit ridership is currently down 70%, and

WHEREAS transit ridership fell 4% after the 2008 recession and 2019 ridership is relatively unchanged from 2008 ridership numbers, and

WHEREAS it is anticipated that recovery and post recovery transit ridership will be well below average annual pre-COVID levels for the foreseeable future, and

WHEREAS the decline in ridership will result in a significant loss in farebox and transit ridership revenue in 2020 and 2021, and

WHEREAS the Municipal Act requires municipalities to pass balanced budgets, thereby offsetting lost transit ridership revenues through the potential of an increase in tax levy, and

WHEREAS the City’s Transit Area Rating formula is largely weighted to the former City of Hamilton, and

WHEREAS it is anticipated that the cost of declining transit revenues will be shifted primarily to the former City of Hamilton,

THEREFORE BE IT RESOLVED:

That staff be directed to provide a report to the General Issues Committee that summarizes the financial impact of declining transit revenues, and a list of options available to Council to temporarily offset the loss in 2021.

Authority: Item 9, Public Works Committee
Report 07-016 (PW07153)
CM: December 12, 2007
Ward: 3, 7, 12, 13, 15
Bill No. 113

**CITY OF HAMILTON
BY-LAW NO. 20-**

**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 2 (Speed Limits) of By-law No. 01-215, as amended, is hereby further amended by removing Section "A" (Ancaster) thereof the following items, namely:

Wilson Street	1000 ft NE of Montgomery Drive	500 ft SW of Lion's Club Road	70
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And by adding to Section "A" (Ancaster) thereof the following items, namely;

Wilson Street East	135 m north of Hendry Lane	Filman Road	60
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2. Schedule 3 (Flashing School Zones – Reduced Speed Limit) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" (Hamilton) thereof the following items, namely:

Main Street East	West Avenue to 46 m east of Emerald Street North	40	8:15 a.m. to 9:00 a.m. 10:15 a.m. to 11:20 a.m. 12:35 p.m. to 1:40 p.m. 2:50 p.m. to 3:35 p.m.
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Mohawk Road East	56 m east of Upper Wentworth Street to East 27 th Street	40	8:15 a.m. to 9:00 a.m. 11:15 a.m. to 12:10 p.m. 2:50 p.m. to 3:20 p.m.
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3. Schedule 9 (No Right Turn on Red) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "B" (Dundas) thereof the following item, namely:

King Street East	Westbound	Cross Street	Anytime
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4. Schedule 10 (No Left Turns) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "C" (Flamborough) thereof the following items, namely:

Mill Street	Northbound	Union Street	Anytime
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Union Street	Eastbound	Mill Street	Anytime
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5. Schedule 13 (Designated Traffic Lanes) of By-law No. 01-215, as amended, is hereby further amended by removing from Section "E" (Hamilton) thereof the following item, namely:

Victoria	100 ft. south of Main and Main	2 nd lane from east curb	Anytime	Northerly and Northerly to Easterly
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6. 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.

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

PASSED this 3rd day of June, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 3, Public Works Committee
Report 19-006 (PW19033)
CM: May 8, 2019
Ward: 2

Bill No. 114

CITY OF HAMILTON

BY-LAW NO. 20-

Being a By-law to Permanently Close and Sell a Portion of a Public Unassumed Alley abutting 255-261 Wellington Street North, Hamilton, Ontario, being Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street, established by Registered Plan 287, City of Hamilton, designated as Part 1 on Reference Plan 62R-21203, being part of PIN 17163-0097 (LT); City of Hamilton

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

WHEREAS highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

AND WHEREAS the Council of the City of Hamilton on May 8, 2019, in adopting Item 3 of Public Works Committee Report 19-006, authorized the City to permanently close and sell an unassumed portion of the alleyway abutting 255-261 Wellington Street North, Hamilton, being Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street, established by Registered Plan 287, City of Hamilton, designated as Part 1 on Reference Plan 62R-21203, being part of PIN 17163-0097 (LT); City of Hamilton;

AND WHEREAS a Judge's Order was issued and registered on title on May 28, 2020, as Instrument No. WE1433033 to close portions of the unassumed alleyway abutting 255-261 Wellington Street North, Hamilton, being Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street, established by Registered Plan 287, City of Hamilton, designated as Part 1 on Reference Plan 62R-21203, being part of PIN 17163-0097 (LT); City of Hamilton;

AND WHEREAS the road is a highway under the jurisdiction of the City of Hamilton;

Being a By-law to Permanently Close and Sell a Portion of a Public Unassumed Alley abutting 255-261 Wellington Street North, Hamilton, Ontario, being Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street, established by Registered Plan 287, City of Hamilton, designated as Part 1 on Reference Plan 62R-21203, being part of PIN 17163-0097 (LT); City of Hamilton

Page 2 of 2

AND WHEREAS notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.

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

1. That the portion of the public unassumed alleyway, set out as:

Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street on Registered Plan 287 in the City of Hamilton, designated as Part 1 on Reference Plan 62R-21203; City of Hamilton

is hereby permanently closed.

2. That the soil and freehold of Part 1 on Reference Plan 62R-21203, hereby permanently closed, be sold to 467052 Ontario Limited for the sum of Two Hundred and Fifteen Thousand Dollars (\$215,000.00), said amount includes additional portion of alley described as Part 1 on Reference Plan 62R-21081, also to be sold to 467052 Ontario Limited.
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

PASSED this 3rd day of June, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 6, Public Works
Committee Report 17-001
(PW16053)
CM: January 25, 2017
Ward: 2

Bill No. 115

CITY OF HAMILTON

BY-LAW NO. 20-

Being a By-law to Permanently Close and Sell Portions of Public Unassumed Alleys abutting 222 Barton Street East, 263 and 265 Wellington Street North, Hamilton, Ontario, being Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street, established by Registered Plan 287, City of Hamilton, designated as Part 1 on Reference Plan 62R-21081, being part of PIN 17163-0097 (LT); City of Hamilton

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 34(1) of the *Municipal Act, 2001* provides that a by-law permanently closing a highway does not take effect until a certified copy of the by-law is registered in the proper land registry office; and

WHEREAS highways to be closed by by-law are declared to be surplus to the needs of the City of Hamilton under the Sale of Land Policy By-law;

AND WHEREAS the Council of the City of Hamilton on January 25, 2017, in adopting Item 6 of Public Works Committee Report 17-001, authorized the City to permanently close and sell unassumed portions of the alleyway abutting 222 Barton Street East, 263 and 265 Wellington Street North, Hamilton, being Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street, established by Registered Plan 287, City of Hamilton, designated as Part 1 on Reference Plan 62R-21081, being part of PIN 17163-0097 (LT); City of Hamilton;

AND WHEREAS a Judge's Order was issued and registered on title on May 28, 2020, as Instrument No. WE1433033 to close portions of the unassumed alleyway abutting 222 Barton Street East, 263 and 265 Wellington Street North, Hamilton, being Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street, established by Registered Plan 287, City of Hamilton, designated as Part 1 on Reference Plan 62R-21081, being part of PIN 17163-0097 (LT); City of Hamilton;

AND WHEREAS the road is a highway under the jurisdiction of the City of Hamilton;

Being a By-law to Permanently Close and Sell Portions of Public Unassumed Alleys abutting 222 Barton Street East, 263 and 265 Wellington Street North, Hamilton, Ontario, being Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street, established by Registered Plan 287, City of Hamilton, designated as Part 1 on Reference Plan 62R-21081, being part of PIN 17163-0097 (LT); City of Hamilton

Page 2 of 2

AND WHEREAS notice of the City's intention to pass this By-law has been published pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25 as amended.

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

1. That the portion of the public unassumed alleyway, set out as:

Part of the Alley between Barton Street, Cathcart Street, Robert Street and Wellington Street on Registered Plan 287 in the City of Hamilton, designated as Part 1 on Reference Plan 62R-21081; City of Hamilton

is hereby permanently closed.

2. That the soil and freehold of Part 1 on Reference Plan 62R-21081, hereby permanently closed, be sold to 467052 Ontario Limited for the sum of Two Hundred and Fifteen Thousand Dollars (\$215,000.00), said amount includes additional portion of alley described as Part 1 on Reference Plan 62R-21203, also to be sold to 467052 Ontario Limited.
3. That this by-law shall come into force and effect on the date of its registration in the Land Registry Office for the Land Titles Division of Wentworth (No. 62).

PASSED this 3rd day of June, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

CITY OF HAMILTON

BY-LAW NO. 20-

To Repeal and Replace By-law No. 19-220, Respecting Removal of Part Lot Control, Lots 221, 222, and 234 on Registered Plan No. 865 “North Airfield Park” municipally known as 30 and 34 Sumach Street, and 29 and 31 Eastwood Street

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

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

Sub-section 5 of Section 50 of the *Planning Act*, for the purposes of creating two lots for semi-detached dwellings being Part 1 of Lot 221 and Part 2 of Lot 222, and creating two lots for a semi-detached dwelling being Part 4 and Part 5 of Lot 234 shown on deposited Reference Plan 62R-21255, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Part of Lot 221, Part of Lot 222, and Lot 234, Registered Plan No. 865, in the City of Hamilton.

1. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
2. This by-law shall expire and cease to be of any force or effect on the 3rd day of June, 2022.

PASSED this 3rd day of June 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

CITY OF HAMILTON

BY-LAW NO. 20-

To Repeal and Replace By-law No. 19-244, Respecting Removal of Part Lot Control from Lot 172 of Registered Plan 865 “North Airfield Park” known as 89 Martha Street and 3 Oriole Crescent, Hamilton

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

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

Sub-section 5 of Section 50 of the *Planning Act*, for the purposes of creating two lots for a semi-detached dwelling being Part 2, Part 3 and Part 4, and Part 5 of Lot 172, and for the purposes of creating a servicing easement for the benefit of Part 5 being Part 3 of Lot 172, shown on deposited Reference Plan 62R-21254, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Lot 172, Registered Plan No. 865, in the City of Hamilton.

1. This By-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
2. This By-law shall expire and cease to be of any force or effect on the 3rd day of June, 2022.

PASSED this 3rd day of June, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

CITY OF HAMILTON

BY-LAW NO. 20-

**Respecting Removal of Part Lot Control
Part of Lots 1, 2, 8, 17, 18, 19, 29, 33, 62, 106, 107, 108 and 109, Registered Plan of
Subdivision No. 62M-1251, "Summit Park – Phase 10" municipally known as, 432,
456 and 460 Dalglish Trail; 4, 8, 12, 45, 52 and 68 Dolomiti Court; and 26, 28, 32 and
36 Bethune Avenue (Glanbrook)**

WHEREAS the sub-section 50(5) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

"Designation of lands not subject to part lot control. -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law."

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

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

1. Subsection 5 of Section 50 of the *Planning Act*, for the purpose of creating thirteen (13) access and maintenance easements (Parts 1, 2, 8, 16, 17, 18, 28, 32, 37 and 49 to 52 inclusive), as shown on Deposited Reference Plan 62R-20900, shall not apply to the portion of the Registered Plan of Subdivision that is designated as follows, namely:

Part of Lots 1, 2, 8, 17, 18, 19, 29, 33, 62, 106, 107, 108 and 109, Registered Plan of Subdivision 62M-1251, in the City of Hamilton.

2. This By-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This By-law shall expire and cease to be of any force or effect on the 3rd day of June 2022.

PASSED this 3rd day of June, 2020.

F. Eisenberger
Mayor

A. Holland
Acting City Clerk

CITY OF HAMILTON

BY-LAW NO. 20-

Respecting Removal of Part Lot Control

Part of Lots 36, 39, 42, 43, 47 to 49, 53 to 55, 87, 90, 92 to 96, 137, 141 to 145, 148 to 150, Registered Plan of Subdivision No. 62M-1251, "Summit Park – Phase 10" municipally known as, 79, 80, 83, 87, 92, 103, 104, 107, 108 and 111 Dolomiti Court; 56, 60, 64, 66, 70, 84 and 88, Rockledge Drive; 68, 70, 74, 78, 80, 86 and 96 Bethune Avenue; 120 Cittadella Boulevard; and 234 Dalgleish Trail (Glanbrook)

WHEREAS the sub-section 50(5) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

"Designation of lands not subject to part lot control. -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law."

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

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

1. Subsection 5 of Section 50 of the *Planning Act*, for the purpose of creating twenty-six (26) access and maintenance easements (Parts 3, 6, 9, 10, 12 to 14, 18, 19, 20, 36, 39, 41 to 45, and 49 to 57 inclusive), as shown on Deposited Reference Plan 62R-20902, shall not apply to the portion of the Registered Plan of Subdivision that is designated as follows, namely:

Part of Lots 36, 39, 42, 43, 47 to 49, 53 to 55, 87, 90, 92 to 96, 137, 141 to 145, 148 to 150, Registered Plan of Subdivision 62M-1251, in the City of Hamilton.

2. This By-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This By-law shall expire and cease to be of any force or effect on the 3rd day of June 2022.

PASSED this 3rd day of June 2020.

F. Eisenberger
Mayor

A. Holland
Acting City Clerk

CITY OF HAMILTON

BY-LAW NO. 20-

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 392, 488 and 530 Dundas Street East (Flamborough)

WHEREAS the *City of Hamilton Act, 1999* Statutes of Ontario 1999 Chap. 14, Schedule C did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the Town of Flamborough”, and is the successor of the former Regional Municipality, namely, “the Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the *City of Hamilton Act, 1999*, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th of November 1990 and approved by the Ontario Municipal Board on the 21st of December, 1991;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, approved March 7, 2012.

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

1. That Schedule “A-31” of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended:
 - (a) to rezone from the Urban Residential (Single Detached) “R1-63(H)” Zone, Holding to the Urban Residential (Single Detached) “R1-63” Zone, for lands comprised in block 19; and,
 - (b) to rezone from the Urban Residential (Single Detached) “R1-64(H)” Zone, Holding to the Urban Residential (Single Detached) “R1-64” Zone, for lands comprised in block 22.

on the lands the extent and boundaries of which are shown on Schedule “A”, annexed hereto and forming part of this By-law.

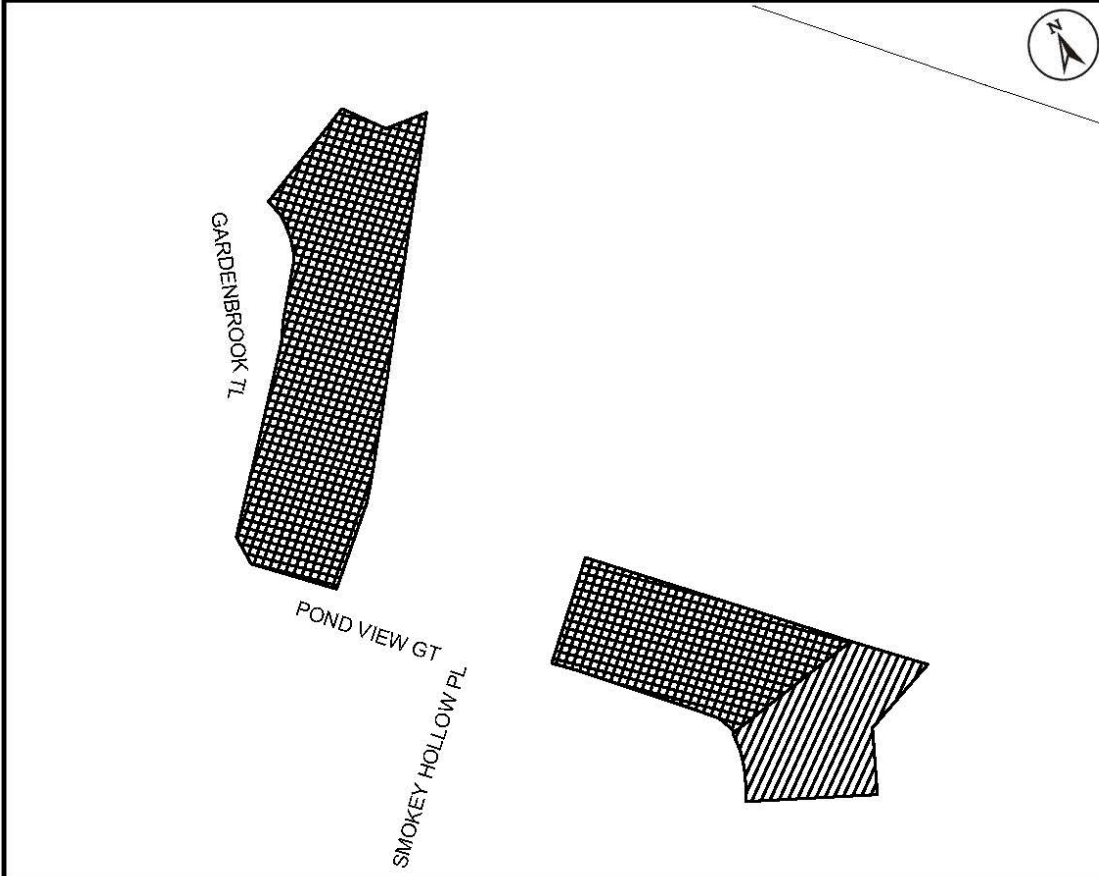



2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.

PASSED this 3rd day of June, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAH-19-027

		
<p>This is Schedule "A" to By-law No. 20-</p> <p>Passed the day of, 2020</p>	<p>----- Mayor</p> <p>----- Clerk</p>	
<h2>Schedule "A"</h2> <p>Map forming Part of By-law No. 20- _____</p> <p>to Amend By-law No. 90-145-Z</p>		
<p>Scale: N.T.S</p>	<p>File Name/Number: ZAH-19-027</p>	 Hamilton
<p>Date: May 1, 2020</p>	<p>Planner/Technician: VLJAL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		
		<p>Subject Property 398, 488 & 530 Dundas Street East</p> <p> Block 1 - Rezone from the Urban Residential (Single Detached) "R1-63(H)" Zone, Holding to the Urban Residential (Single Detached) "R1-63" Zone, for lands comprised in block 19</p> <p> Block 2 - Rezone from the Urban Residential (Single Detached) "R1-64(H)" Zone, Holding to the Urban Residential (Single Detached) "R1-64" Zone, for lands comprised in block 22</p>

Authority: Item 31, Planning & Economic
Development Committee Report
06-005
CM: April 12, 2006
Ward: 11

Bill No. 121

CITY OF HAMILTON

BY-LAW NO. 20-

To Amend Zoning By-law No. 464, as amended by By-law No. 19-111, respecting lands described as Block 131, Registered Plan No. 62M-1062, in the Former Township of Glanbrook, now in the City of Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as the "The Corporation of the Township of Glanbrook" and is the successor to the former Regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Section 31 of Report 06-005 of the Planning and Economic Development Committee at its meeting held on the 12th day of April 2006, recommended that the Director of Development and Real Estate be authorized to give notice and prepare by-laws for presentation to Council, to remove the "H" Holding Provision from By-laws where the conditions have been met;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan; and,

AND WHEREAS the Holding Provisions are still applicable to the subject lands, described as Block 131, Registered Plan No. 62M-1062 on Schedule "H" to this By-law and will require the removal of Holding Provisions prior to development occurring.

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

1. That Schedule "H" appending to and forming part of By-law No. 464 (Glanbrook), as amended by By-law No. 19-111, is hereby further amended by changing the zoning from the Site Specific Holding General Commercial "H-C3-304" Zone to the Site Specific General Commercial "C3-304" Zone, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.

PASSED this 3rd day of June, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAH-19-052




This is Schedule "A" to By-law No. 20-
 Passed the day of, 2020

 Mayor

 Clerk

Schedule "A"
Map forming Part of
By-law No. 20-_____
to Amend By-law No. 464

Subject Property
 Plan 62M1062, Block 131, Glanbrook
 Change in Zoning from Site Specific Holding
 General Commercial "H-C3-304" Zone to the
 Site Specific General Commercial "C3-304" Zone

Scale: N.T.S	File Name/Number: ZAH-19-052
Date: May 26, 2020	Planner/Technician: KJ/NB



CITY OF HAMILTON

BY-LAW NO. 20-

Respecting Removal of Part Lot Control, Part of Block 4, Registered Plan No. 62M-1268, "Myst", municipally known as 590 North Service Road, Units 43-102, Stoney Creek

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

"Designation of lands not subject to part lot control. -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law."

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

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

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating sixty (60) lots for maisonette dwellings, shown as Parts 1 to 68, inclusive, and eight (8) access and maintenance easements (Parts 2, 8, 21, 33, 36, 48, 61 and 67 inclusive) and including lands comprised of a private road, visitor parking, sidewalks and landscaped open space for a Common Element Condominium, shown as Parts 105 and 106, inclusive, on deposited Reference Plan 62R-21462, shall not apply to the portion of the Registered Plan of Subdivision that is designated as follows, namely:

Part of Block 4, Registered Plan No. 62M-1268, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 3rd day of June, 2022.

PASSED this 3rd day of June, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

CITY OF HAMILTON

BY-LAW NO. 20-

Respecting Removal of Part Lot Control, Part of Block 4, Registered Plan No. 62M-1268, "Myst", municipally known as 590 North Service Road, Units 103-136, Stoney Creek

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

"Designation of lands not subject to part lot control. -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law."

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

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

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating thirty-four (34) lots for maisonette dwellings, shown as Parts 69-104, inclusive, and two (2) access and maintenance easements (Parts 73 and 76 inclusive) and including lands comprised of a private road, visitor parking, sidewalks and landscaped open space for a Common Element Condominium, shown as Parts 105 and 106, inclusive, on deposited Reference Plan 62R-21462, shall not apply to the portion of the Registered Plan of Subdivision that is designated as follows, namely:

Part of Block 4, Registered Plan No. 62M-1268, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 3rd day of June, 2022.

PASSED this 3rd day of June, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 20-

To Confirm the Proceedings of City Council at its meeting held on June 3, 2020

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 3rd of June, 2020 in respect of each recommendation contained in,

Committee of the Whole Report 20-008, June 3rd, 2020

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED this 3rd day of June, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk