



City of Hamilton
PUBLIC WORKS COMMITTEE
AGENDA

Meeting #: 21-018
Date: December 6, 2021
Time: 1:30 p.m.
Location: Due to the COVID-19 and the Closure of City Hall (CC)

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

Carrie McIntosh, Legislative Coordinator (905) 546-2424 ext. 2729

Pages

1. CEREMONIAL ACTIVITIES
2. APPOINTMENT OF COMMITTEE CHAIR AND VICE-CHAIR FOR 2022
3. APPROVAL OF AGENDA
(Added Items, if applicable, will be noted with *)
4. DECLARATIONS OF INTEREST
5. APPROVAL OF MINUTES OF PREVIOUS MEETING
 - 5.1. November 15, 2021
6. COMMUNICATIONS

4

6.1.	Correspondence from Michelle Blanchette respecting concern regarding the Truck Route Master Plan designating Grays Road, Frances Avenue and Drakes Drive as a truck route	16
	Recommendation: Be received and referred to the consideration of Item 11.2 Truck Route Sub-Committee Report 21-001	
6.2.	Correspondence from Hamilton Health Sciences regarding heavy truck traffic in the Hamilton General Hospital zone	18
	Recommendation: Be received and referred to the consideration of Item 11.2 Truck Route Sub-Committee Report 21-001	
7.	DELEGATION REQUESTS	
8.	CONSENT ITEMS	
8.1.	Trillium Open Space - Erosion Protection Plan and Disaster Mitigation and Adaptation Fund Project Update (PW21072) (City Wide) (Outstanding Business List Item)	20
8.2.	Intersection Control List (PW21001(e)) (Ward 5)	35
9.	STAFF PRESENTATIONS	
9.1.	Stormwater Gap Evaluation (PW21074) (City Wide) (Outstanding Business List Item)	39
10.	PUBLIC HEARINGS / DELEGATIONS	
11.	DISCUSSION ITEMS	
11.1.	Renewal of Enbridge Gas Inc. Franchise Agreement with the City of Hamilton (PW21070) (City Wide)	80
11.2.	Truck Route Sub-Committee Report 21-001, November 29, 2021	105
12.	MOTIONS	
12.1.	Playground Addition Armstrong Park Hamilton (Ward 7)	118
12.2.	Investment in Victoria Park (Ward 1)	119
12.3.	Commemorative Plaque and Tree at Woodlands Park in Honour of Holly Ellsworth-Clark (Ward 3)	120
13.	NOTICES OF MOTION	

14. GENERAL INFORMATION / OTHER BUSINESS

14.1. Amendments to the Outstanding Business List

14.1.a. Items Considered Complete and Needing to be Removed:

14.1.a.a. Trillium Open Space - Erosion Protection Plan and Disaster Mitigation and Adaptation Fund Project Update

Addressed as Item 8.1 on today's agenda - Report (PW21072) (City Wide)

Item on OBL: ABP

14.1.a.b. Stormwater Gap Evaluation

Addressed as Item 8.2 on today's agenda - Report (PW21074) (City Wide)

Item on OBL: ABM

14.1.b. Items Requiring a New Due Date:

15. PRIVATE AND CONFIDENTIAL

16. ADJOURNMENT



**PUBLIC WORKS COMMITTEE
MINUTES 21-017**

1:30 p.m.

Monday, November 15, 2021

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors A. VanderBeek (Chair), N. Nann (Vice-Chair),
J.P. Danko, J. Farr, L. Ferguson, T. Jackson, and M. Pearson

**Absent with
Regrets:** Councillor E. Pauls - Personal
Councillor S. Merulla - Personal
Councillor T. Whitehead - Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

**1. Ancaster Village Heritage Community Requesting Community Safety Zone
(PW21065) (Ward 12) (Item 7.1)**

(Ferguson/Pearson)

That the report respecting the Ancaster Village Heritage Community Requesting Community Safety Zone (PW21065) (Ward 12), be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 2 Councillor Jason Farr
YES - Vice Chair - Ward 3 Councillor Ninder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 10 Councillor Maria Pearson
YES - Ward 12 Councillor Lloyd Ferguson
YES - Chair - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 14 Councillor Terry Whitehead

2. HSR Ridership Recovery and Growth Strategy (PW21067) (City Wide) (Item 7.2)**(Farr/Nann)**

That the report respecting HSR Ridership Recovery and Growth Strategy (PW21067) (City Wide), be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 2 Councillor Jason Farr
 YES - Vice Chair - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Chair - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 14 Councillor Terry Whitehead

3. Citizen Committee Member Resignation - Sue Dunlop, Keep Hamilton Clean and Green Committee (Item 7.4)**(Ferguson/Pearson)**

That the resignation of Sue Dunlop from the Keep Hamilton Clean and Green Committee be received.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 2 Councillor Jason Farr
 YES - Vice Chair - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Chair - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 14 Councillor Terry Whitehead

4. Sidewalk Snow Clearing (PW19022(d)) (City Wide) (Item 10.1)**(Nann/Jackson)**

- (a) That sidewalk snow clearing, in compliance with the previously approved enhanced level of service defined as Scenario 2A in Report PW19022(c), be approved for implementation beginning in the 2022 winter season and that;

- (i) Forest Ridge Landscaping Inc. be selected as the successful proponent of Request for Tender Contract C11-53-21, Winter Sidewalk and Transit Stop Maintenance Operations;
- (ii) That sidewalk snow clearing be conducted using the planned routes, attached as Appendix "A" to Report PW10922(d) and that Transportation Operations & Maintenance report back to Public Works Committee on an annual basis prior to the commencement of winter operations with updates to the routes considering transit system revisions, growth and changes in property ownership inclusive of the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board properties;
- (iii) The General Manager of Public Works be authorized and directed to finalize the terms and conditions of the Contract with Forest Ridge Landscaping Inc., in accordance with the provisions of Request for Proposals Contract C11-53-21; and,
- (iv) That the Mayor and City Clerk be authorized and directed to execute the Contract with Forest Ridge Landscaping Inc. and any ancillary documents for Contract C11-53-21 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 6 to 1, as follows:

YES - Ward 2 Councillor Jason Farr
 YES - Vice Chair - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 10 Councillor Maria Pearson
 NO - Ward 12 Councillor Lloyd Ferguson
 YES - Chair - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 14 Councillor Terry Whitehead

5. Salt Management Plan Update (TOE02129(b)) (City Wide) (Item 10.2)

(Pearson/Farr)

- (a) That the single source procurement, pursuant to Procurement Policy #11 – Non-Competitive Procurements, for additional consultancy services including project management, contract administration during construction, site inspection and commissioning/warranty services for the Garner Road Pumping Station (HD018) upgrades, at the upset limit of \$750,000 be awarded to R.V. Anderson and Associates and funded from Project ID No. 5141667421; and,

- (b) That the General Manager of Public Works, or their designate, be authorized and directed to negotiate, enter into and execute a contract and any ancillary documents required to give effect thereto with R.V. Anderson and Associates in a form satisfactory to the City of Hamilton Solicitor.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 2 Councillor Jason Farr
 YES - Vice Chair - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Chair - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 14 Councillor Terry Whitehead

6. Environmentally Sustainable Solutions for Food Trucks at Bayfront (and other) Park(s) (Item 11.1)

(Farr/Jackson)

WHEREAS, the food trucks providing food to visitors at Bayfront and other Parks use gas generators to provide their electricity, consistently emitting CO2 and fine particulates into the surrounding neighbourhood;

THEREFORE, BE IT RESOLVED:

That the appropriate staff be requested to explore the feasibility of installing electrical outlets (or other measures) for the food trucks to utilize to eliminate or greatly reduce CO2 emissions and fine particulates into neighbouring areas and report back in Q1, 2022.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 2 Councillor Jason Farr
 YES - Vice Chair - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Chair - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 14 Councillor Terry Whitehead

7. Addressing Traffic Speed and Volume on Harbourfront Drive (Item 11.2)**(Farr/Jackson)**

WHEREAS, the enjoyment of Bayfront Park by residents across the City has noticeably increased during COVID which has resulted in an increased demand for parking despite Council's dedication to and implementation of dedicated cycling infrastructure and pedestrian trails to this destination; and,

WHEREAS, residents have expressed concerns that auto traffic on the winding Harbourfront Drive (descending into and out of the main park area) is increasing in both volume and speeds with the 20km limit increasingly not adhered to;

THEREFORE, BE IT RESOLVED:

- (a) That staff from Hamilton Street Railway be requested to explore expanding bus service into the lower park and report back to Public Works before the end of Q2, 2022; and,
- (b) That Transportation Operations be requested to explore options using a Vision Zero lens on Harbourfront Drive with the objective of further enabling appropriate vehicle speed limit compliance and enhancing the safety and comfort of vulnerable road users and report back in Q1, 2022.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 2 Councillor Jason Farr
 YES - Vice Chair - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Chair - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 14 Councillor Terry Whitehead

8. Road Safety Audit of the Intersection of Barton Street East and Wellington Street North (Item 11.3)**(Nann/Farr)**

WHEREAS, in 2019 Council approved the Strategic Road Safety Program and Vision Zero Action Plan aiming to create the conditions for zero fatalities and serious injuries due to collisions;

WHEREAS, the evaluation component of the Vision Zero Action Plan includes identifying the root causes behind traffic related injuries and fatalities;

WHEREAS, the roadways abutting the Hamilton General Hospital, inclusive of Barton Street East and Wellington Street North, are designated Community Safety Zones;

WHEREAS, enhancements were undertaken in 2020 including the installation of ladder crosswalk pavement markings, pedestrian count-down timers and bump-outs as approved as part of Report PW20079 – Hamilton General Hospital Safety Zone; and,

WHEREAS, on October 28, 2021, a resident on a mobility scooter was struck and killed in the intersection at Barton Street East and Wellington Street North;

THEREFORE, BE IT RESOLVED:

That Transportation Operations and Maintenance undertake a roadway safety audit, based on Vision Zero principals, of the intersection of Barton Street East and Wellington Street North to assess potential safety enhancements and report back to Public Works Committee by the end of Q2, 2022.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 2 Councillor Jason Farr
 YES - Vice Chair - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Chair - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 14 Councillor Terry Whitehead

9. Claremont Keddy Access Trail Street Art Project (Added Item 11.4)

(Danko/Farr)

WHEREAS, construction of the Claremont Keddy Access Trail (KAT) was completed in December 2020;

WHEREAS, since monitoring started in May 2021 over 60,000 people have travelled on the KAT with an average daily usage of 620 people;

WHEREAS, at the time of tender award the barrier coating component of the project was removed as a cost savings measure and deferred to a future implementation date;

WHEREAS, building on the experience of other projects and taking into account the now built infrastructure, staff have identified a total of ten locations that would be suitable for street art installations;

WHEREAS, the proposed street art installations are an opportunity to fulfill the original goal of incorporating a public art component to the Keddy Access Trail Project and would replace the function of a barrier coating;

WHEREAS, there is an opportunity to include functional amenities such as benches for pedestrians, bike racks and other end of trip facilities; and,
WHEREAS, the initiation of a street art project provides the opportunity to simultaneously coordinate a separate stand-alone tribute to Jay Keddy in whose honour the Keddy Trail is named;

THEREFORE, BE IT RESOLVED:

- (a) That the estimated cost of \$180,000 to implement the Keddy Access Trail Street Art, end of trip facilities and Memorial Project be funded from the following accounts: Ward 2 Capital Re-Investment Reserve #108052 (up to \$73,000) and the Ward 8 Capital Re-Investment Reserve #108058 Ward 8 Special Reserve Account (up to \$107,000).
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1 Sidewalk Snow Clearing (PW19022(d)) (City Wide) (Item 10.1) (For today's meeting)
 - 6.1.a. Karl Andrus, Hamilton Community Benefits Network - WITHDRAWN
 - 6.1.b. Laura Cattari, Hamilton Roundtable for Poverty Reduction
 - 6.1.c. Ian Borsuk, Environment Hamilton

7. CONSENT ITEMS

- 7.3 Various Advisory Committee Minutes
 - 7.3.c. Keep Hamilton Clean and Green Committee – No Quorum Notes – September 21, 2021

11. MOTIONS

11.4 Claremont Keddy Access Trail Street Art Project

(Pearson/Nann)

That the agenda for the November 15, 2021 Public Works Committee meeting be approved, as amended.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 2 Councillor Jason Farr
 YES - Vice Chair - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Chair - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 14 Councillor Terry Whitehead

(b) APPROVAL OF MINUTES OF THE PREVIOUS MEETING (Item 4)**(i) November 1, 2021 (Item 4.1)****(Ferguson/Pearson)**

That the Minutes of the November 1, 2021 meeting of the Public Works Committee be approved, as presented.

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 2 Councillor Jason Farr
 YES - Vice Chair - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Chair - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 14 Councillor Terry Whitehead

(c) DELEGATION REQUESTS (Item 6)**(Farr/Danko)**

- (a) That the following delegation requests, respecting Item 6.1 - Sidewalk Snow Clearing (PW19022(d)) (City Wide) (Item 10.1), be approved for today's meeting:

- (i) Laura Cattari, Hamilton Roundtable for Poverty Reduction (Added Item 6.1(b))
- (ii) Ian Borsuk, Environment Hamilton (Added Item 6.1(c))

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 2 Councillor Jason Farr
 YES - Vice Chair - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Chair - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 14 Councillor Terry Whitehead

(d) CONSENT ITEMS (Item 7)

(i) Various Advisory Committee Minutes (Item 7.3)

(Pearson/Jackson)

That the following Consent Items be received:

- (i) Keep Hamilton Clean and Green Committee Minutes - June 1, 2021 (Item 7.3(a))
- (ii) Hamilton Cycling Committee Minutes - October 6, 2021 (Item 7.3(b))
- (iii) Keep Hamilton Clean and Green Committee - No Quorum Notes - September 21, 2021 (Item 7.3(c))

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 2 Councillor Jason Farr
 YES - Vice Chair - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Chair - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 14 Councillor Terry Whitehead

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)**(i) Laura Cattari, Hamilton Roundtable for Poverty Reduction (Item 9.1)**

Laura Cattari, Hamilton Roundtable for Poverty Reduction addressed the Committee respecting Sidewalk Snow Clearing (PW19022(d)) (City Wide) (Item 10.1)

(ii) Ian Borsuk, Environment Hamilton (Item 9.2)

Ian Borsuk, Environment Hamilton addressed the Committee respecting Sidewalk Snow Clearing (PW19022(d)) (City Wide) (Item 10.1)

(Pearson/Danko)

That the following delegations be received and referred to the consideration of Sidewalk Snow Clearing (PW19022(d)) (City Wide) (Item 10.1)

(i) Laura Cattari, Hamilton Roundtable for Poverty Reduction (Item 9.1)

(ii) Ian Borsuk, Environment Hamilton (Item 9.2)

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 2 Councillor Jason Farr
 YES - Vice Chair - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 12 Councillor Lloyd Ferguson
 YES - Chair - Ward 13 Councillor Arlene VanderBeek
 NOT PRESENT - Ward 14 Councillor Terry Whitehead

For further disposition of this matter, refer to Item 4.

(f) GENERAL INFORMATION / OTHER BUSINESS (Item 13)**(i) Amendments to the Outstanding Business List (Item 13.1)****(Pearson/Jackson)**

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

- (a) Items Considered Complete and Needing to be Removed:
 - (i) Sidewalk Snow Clearing
Addressed as Item 10.1 on today's agenda - Report
PW19022(d)
Item on OBL: ABT
- (b) Items Requiring a New Due Date:
 - (i) Roadway Safety Measures on Aberdeen Avenue from
Queen Street to Longwood Road
Item on OBL: AZ
Current Due Date: November 15, 2021
Proposed New Due Date: February 14, 2022
 - (ii) Municipal Class Environmental Assessment and Conceptual
Design of Ancaster Elevated Water Reservoir
Item on OBL: AAP
Current Due Date: November 15, 2021
Proposed New Due Date: January 31, 2022
 - (iii) Stormwater Gap Evaluation
Item on OBL: ABM
Current Due Date: November 15, 2021
Proposed New Due Date: December 6, 2021
 - (iv) Correspondence from the Town of Fort Erie requesting
support for their resolution in support of the Township of The
Archipelago respecting Road Management Action on
Invasive Phragmites
Item on OBL: ABU
Current Due Date: November 15, 2021
Proposed New Due Date: Q2 2022

Result: Motion CARRIED by a vote of 7 to 0, as follows:

YES - Ward 2 Councillor Jason Farr
YES - Vice Chair - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 10 Councillor Maria Pearson
YES - Ward 12 Councillor Lloyd Ferguson
YES - Chair - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 14 Councillor Terry Whitehead

(g) ADJOURNMENT (Item 15)

(Pearson/Farr)

That there being no further business, the Public Works Committee be adjourned at 3:04 p.m.

Result: Motion CARRIED by a vote of 6 to 0, as follows:

YES - Ward 2 Councillor Jason Farr
YES - Vice Chair - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 10 Councillor Maria Pearson
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
YES - Chair - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 14 Councillor Terry Whitehead

Respectfully submitted,

Councillor A. VanderBeek Chair,
Public Works Committee

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk

From: Michelle Blanchette [REDACTED]
Sent: November 26, 2021 8:34 PM
To: DL - Council Only <dlcouncilonly@hamilton.ca>; Shams, Omar <Omar.Shams@hamilton.ca>
Subject: Truck Route Master Plan Changes: Grays/Frances/Drakes

We have lived on Drakes Drive in Stoney Creek for 14 years and, for as long as we can remember, there has been an increasing lack of public safety in our area's road designs. I don't know how many times my neighbours and I have to continue writing & phoning to draw your attention to this matter. Daytime truck traffic into our residential neighbourhood has been identified, by the majority of the residents in our community, as a major contributor to the local issues.

In June of 2020, the car/truck traffic was temporarily re-routed to the South Service Road due to the closure of the North Service Road for repaving from Drakes to Centennial. This closure presented an ideal opportunity for positive change and enhanced Public Safety, yet now there is a proposal to make the Grays/Frances/Drakes loop into a 24 hour truck route.

There is no sound logic to this when the detoured routing of truck traffic, should have been the permanent truck traffic route all these past years. Our area has no industry & the small commercial lands we did have, have been rezoned. We are a residential bedroom community. (from Grays all the way to Fruitland, north of the QEW). There is no reason to allow 18 wheelers from the industrial park south of the QEW into our local, sidewalk-less, neighbourhood roads north of the QEW.

As someone who commutes to work, I have seen congestion get increasingly worse with not only truck traffic but also the increase in personal vehicles due to so many new homes/condos in our area on the lake side of the highway. While installing a traffic light at Green Rd. North has helped drivers be able to get onto the North Service Rd from Green Rd, it does not help those of us on Drakes Dr. because we can't even get across Frances to get in the queue to get onto the North Service Rd. due to the steady flow of traffic in the mornings, especially the trucks driving over the Grays Rd overpass.

I have spent many mornings no matter when I leave (anywhere from 7:15 - 8:30) and it is always a challenge since there is no stoplight to help us get off our street or slow the traffic loop that is essentially a highway on-ramp. And we have no other way to get off our street. That is a key piece of information. We have no alternate route but the trucks do!

Please let common sense prevail. Make the South Service Rd that is in an industrial neighbourhood and not Drakes Dr be the truck route or at least do not make matters worse by changing this to a 24 hour route for trucks.

Those of us who actually live in this area and know the realities of this situation respectfully request once again, that the Truck Route (Grays, Frances, Drakes) be considered for permanent removal from our Truck Route Master Plan.

Michelle Blanchette
30 Drakes Dr.



November 29, 2021

To the City of Hamilton's Truck Route Sub-Committee,

On behalf of staff, physicians, patients, families, volunteers and vendors accessing Hamilton General Hospital (HGH), I am writing in support of Environment Hamilton's delegation pertaining to heavy truck traffic along the Victoria Ave and Wellington St corridor.

Our hospital, as part of Hamilton Health Sciences (HHS), appreciates the City of Hamilton's ongoing engagement regarding safety matters within the HGH hospital zone and all of our sites. Throughout this dialogue, our message has been clear and consistent: the safety of patients, families, staff, physicians and other visitors to HGH is our top priority. Equally important is unrestricted access to the site in emergency situations, particularly for EMS vehicles.

HGH is the regional trauma centre and the busiest emergency department serving our community. Patients very often present in critical condition and every minute counts when it comes to their health outcomes. Increasingly, heavy truck traffic along these routes is presenting challenges to patients and partners accessing the site. All vehicle traffic contributes to this situation, but the sheer size of trucks impede maneuverability and often result in vehicles being stuck in place for more than one traffic light change. This challenges patients, but also our staff who are en route to the hospital to relieve other frontline health-care workers at the end of their shifts. Traffic back-ups along Victoria also restrict staff, physicians, patients and visitors from exiting the Victoria garage, causing delays and frustration for vehicles trying to merge onto the street.

Heavy truck traffic also presents a pedestrian and cyclist safety concern. Many of our staff and physicians park in hospital and municipal lots around the hospital zone, requiring them to cross either Wellington or Victoria, and Barton St. Heavy trucks understandably take extended periods to stop and require wide turning circles. It's not uncommon for a cluster of people heading to or from the hospital to be standing at these intersections, presenting endless opportunity for vehicle-related injury. This also pertains to cyclists accessing the bike path along Victoria Ave. Additionally, across Wellington from HGH, is the Ron Joyce Children's Health Centre, which is home to pediatric developmental programs serving children with autism, mental health concerns and rehabilitation needs. Families are often accessing the facility with children utilizing various mobility assistance devices which can result in slower reaction times to situations. The risk to these young people's safety when simply crossing the street is an ongoing concern expressed by many families.

Finally, heavy truck traffic adds noticeable discomfort for patients recovering in the hospital. Many patient rooms overlook Wellington St. The noise disseminating from heavy trucks driving, stopping and releasing air brakes is disruptive to patients resting



following procedures or those receiving treatments. Patients and their family members have also submitted complaints of diesel exhaust fumes in this area of the hospital. Our goal is to provide the best environment for patient recovery as well as the highest level of patient and family experience while in our care. These factors, which are beyond our control, limit our ability to achieve these goals for our patients.

Once again, we appreciate your engagement in this discussion and understand the many competing concerns and considerations the City must weigh in making its decision for heavy truck traffic in the HGH hospital zone. As always, HHS is open to further discussion and working together with the City and other stakeholders to find the best, safest solution to this situation.


Sincerely,

A handwritten signature in cursive script that reads 'Deb Sedeni'.

Vice-President, Adult Regional Care
Hamilton Health Sciences



INFORMATION REPORT

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	December 6, 2021
SUBJECT/REPORT NO:	Trillium Open Space - Erosion Protection Plan and Disaster Mitigation and Adaptation Fund Project Update (PW21072) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Wes Kindree (905) 546-2424 Ext. 2347
SUBMITTED BY:	Cynthia Graham Acting Director, Environmental Services Public Works Department
SIGNATURE:	

COUNCIL DIRECTION

Public Works Committee at its meeting of February 1, 2021, approved the following:

That the delegation from Peter Nielsen, respecting the Trillium Open Space - Erosion Protection Plan, be received and referred to appropriate staff for review and a report back to the Public Works Committee.

Information Report PW21072 fulfils this obligation, as well as providing an overall update to committee on the Disaster Mitigation and Adaptation Fund (DMAF) project.

INFORMATION

At the February 1, 2021 Public Works Committee, Peter Nielsen, a representative of the property owners of 2 Campview Drive, brought forward a delegation regarding the shoreline erosion issues adjacent to City of Hamilton (City) owned lands at 1139,1137,1135 North Service Road (also referred to as the Trillium Open Space) as well as 1121 North Service Road. Mr. Nielsen's presentation is attached as Appendix

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

SUBJECT: Trillium Open Space – Erosion Protection Plan and Disaster Mitigation and Adaptation Fund Project (DMAF) Update (PW21072) (City Wide) - Page 2 of 5

“A” attached to Report PW21072. Mr. Nielsen expressed concerns over the damage that has and continues to occur along the shoreline of these properties. This damage is a result of recent high-water levels and the increasing frequency of significant weather events the City has experienced over the last 3 years.

The City owned property at 1121 North Service Road as identified in the delegation was purchased in 2019 after the City entered into the DMAF agreement with the Federal government, and as such it was not originally identified within the application for funding. As there is currently no dedicated funding for works associated with 1121 North Service Road, staff have been reviewing available resources to address the shoreline erosion at this property. Shoreline protective measures associated with the adjacent city owned lands of Lewis Road and watercourse no. 9 known as Trillium Open Space will be funded through the DMAF agreement.

These three assets can be generally characterized as a woodlot, road end and storm water outfall which all have a 6-meter-high continuous soil bluff shoreline. To date, staff have installed an 1800mm high chain link fence along the perimeter of the properties to protect the public and prevent access to lands where there is unstable ground above the 6m high bluff/cliff. Additionally, background studies including an Environmental Impact Statement (EIS) to identify the natural heritage characteristics within the properties and a Stage One Archaeological assessment have been initiated and will be followed by a Stage Two Archaeological Assessment, currently planned for Spring 2022. Finally, staff have engaged a coastal engineer to study the shoreline, potential climate impacts and develop shoreline protection solutions to protect the City properties from further damage. These studies will continue throughout 2022 due to the required timing windows of the monitoring and inventories required.

Staff attended the properties several times throughout 2021, as well as visited the homeowners of 2 Campview Drive on November 8, 2021 but have been unable to connect with the residents. Staff delivered a formal letter identifying the studies being undertaken on the adjacent lands, as well as providing contact information of staff if the home owners wished to discuss the planned works further. There will be ongoing efforts by staff to connect with the homeowners to provide them information on the city property, shoreline protection plans and timelines, and to gather input and address any concerns they may have.

Conceptual shoreline protection solutions will be developed in the winter of 2021/2022 with an expected completion of the concepts in the spring/summer of 2022. Upon review of those conceptual options, staff will refine the best approach in terms of shoreline protective measures through the detailed design process. During the detailed design phase, consultation with regulatory bodies will be required as these works will require permitting from the Hamilton Conservation Authority, Ministry of Natural

SUBJECT: Trillium Open Space – Erosion Protection Plan and Disaster Mitigation and Adaptation Fund Project (DMAF) Update (PW21072) (City Wide) - Page 3 of 5

Resources and Forestry and potentially Fisheries and Oceans Canada. It is anticipated that construction will begin in the fall/winter of 2023 pending the overall scope of work and approval timelines.

Disaster Mitigation and Adaptation Fund Shoreline Project general update

The shoreline properties at Lewis Rd., and Trillium Open Space (watercourse #9), excluding 1121 North Service Road, form part of the federal funding DMAF Shoreline Resiliency agreement that focuses on 31 shoreline properties and 4 storm water outfalls that are to receive new backflow devices. A complete list of these properties and outfalls are shown within Appendix “B” attached to Report PW21072

To date, 2 of the 31 shoreline properties have been completed, including:

- 33 Lakeview Ave (Watercourse No. 4) - Shoreline protective measures along with reinforcing of the existing watercourse no. 4 outfall channel; and
- Fifty Road Parkette - The redevelopment of Fifty Road Parkette within the north end of Fifty Road right-of-way. Works included the construction of new shoreline protective measures and the reinstatement of the parkette that was significantly damaged in 2017 as a result of high-water levels and extreme wave action.

In 2021, staff initiated the planning/design process of 5 additional properties as part of the DMAF program. Those properties are:

- Hamilton Harbour Waterfront Trail - Coastal Engineers SNC Lavalin have been engaged to develop detailed design documents for shoreline protection and trail re-development of the 2km stretch between the Desjardins Canal and Bayfront Park parking area. The next step in the design process is undertaking of physical modelling at the National Research Centre (NRC) in December 2021. A refined design will be prepared based on the results of the 2D modelling. It is anticipated that construction of the HHWT will take place in the winter of 2022/23 when timing windows for in-water works are open.
- Desjardins Canal Floating Bridge – Background studies and process planning required for and regulatory permitting has commenced and continues to be undertaken. This work is necessary to complete dredging of the silt build up beneath the structure which is currently preventing it from floating. The ability of the structure to freely float as part of its general emergency operations to deal with flash flooding and emergency events is critical. Works are to be coordinated with the Hamilton Harbour Waterfront Trail Shoreline Protection and Trail Redevelopment project in 2022 to minimize trail closure impacts. The funding for

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SUBJECT: Trillium Open Space – Erosion Protection Plan and Disaster Mitigation and Adaptation Fund Project (DMAF) Update (PW21072) (City Wide) - Page 4 of 5

the Desjardins Canal Floating Bridge structure work will be requested as part of a future capital budget, as the structure repairs are outside of the scope of the DMAF funding.

- Millen Road end - The design of shoreline protection is underway for the Lake Ontario shoreline at the north limits of Millen Road. Coastal Engineers Baird have been engaged to develop shoreline protective measures which will be constructed in the summer of 2022 if permitting allows or will otherwise be undertaken in the winter of 2022/2023 when in-water works are permitted.
- McNeilly Road end - This road end is currently being reviewed by Coastal Engineers Baird for the development of shoreline protection measures. This project site consists of a road end that has minimal existing shoreline protection in place and has been continuously impacted by recent high-water levels and associated climate impacts.
- Bayfront Park - Coastal Engineer Golder and Associates has been engaged to assess the protective measures in place at Bayfront Park. The lands on the northeast side are exposed to problematic easterly and northerly waves that have caused extensive damage to easterly exposed shoreline. This section of shoreline within the park is the focus of the shoreline improvements at Bayfront Park and southern limits of Macassa Bay.

Projects that are anticipated to start in 2022 will be based on a review of the remaining 24 properties and prioritization of those assets being based on current conditions. Water levels and weather events taking place during the winter and spring of 2022 will have potential impacts on that prioritization.

It should also be noted that a Stage 1 Archaeological Study has been completed for the 31 shoreline properties and 4 stormwater outfalls that are to receive backflow devices as part of the DMAF agreement. Consultation with the First Nations communities is ongoing in conjunction with the Stage 1 study, and staff will continue to consult during any Stage 2, 3 and 4 works within the DMAF project.

To date the city has claimed \$2,428,768.76 of the \$31,715,000.00 DMAF project value through year 2 of 8 (2028) with Infrastructure Canada (INFC) reimbursing 40% (\$971,507.41) of those claims to date per the agreement.

Staff continue to work with INFC by providing biannual progress reports along with project update meetings through the project Oversight Committee.

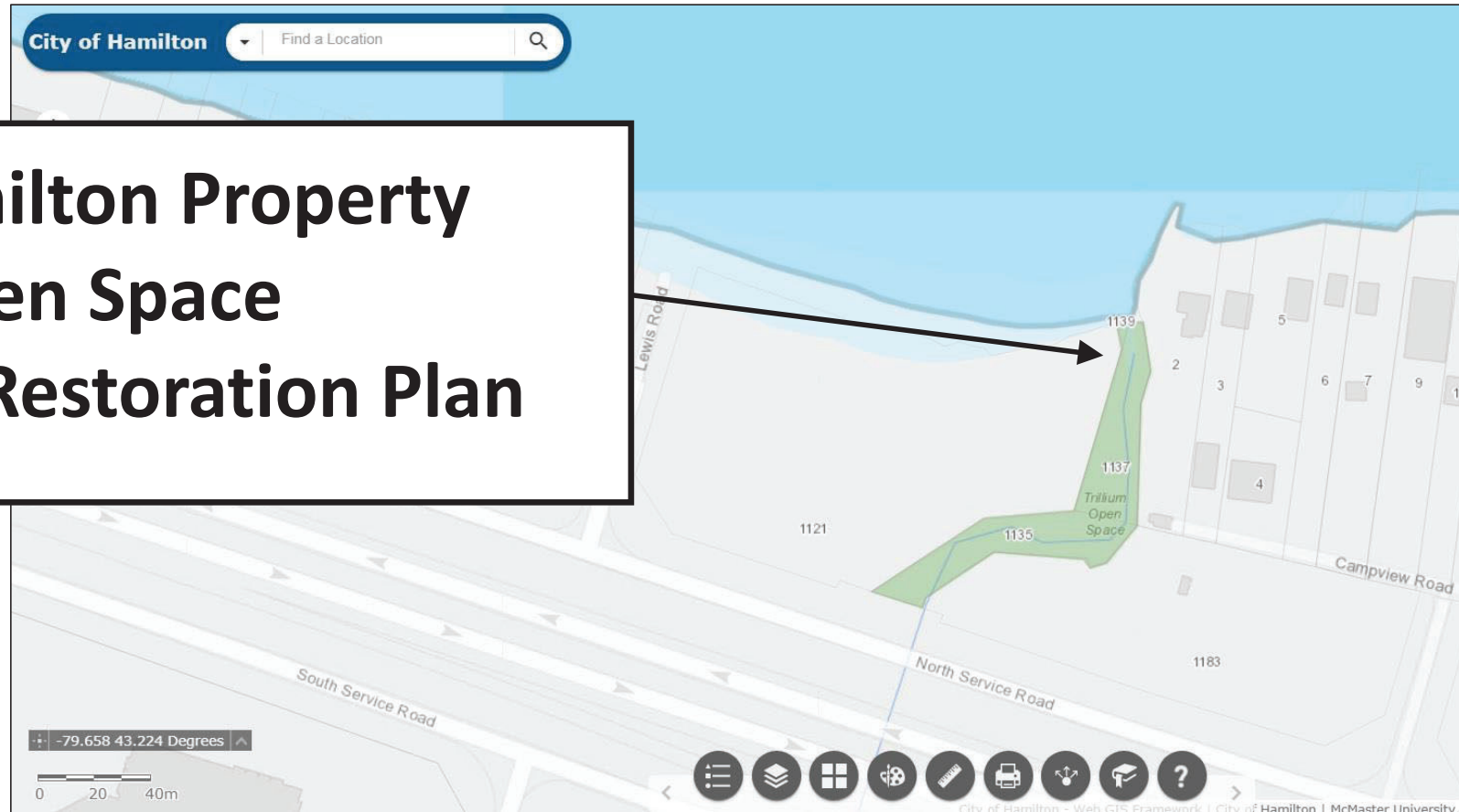
SUBJECT: Trillium Open Space – Erosion Protection Plan and Disaster Mitigation and Adaptation Fund Project (DMAF) Update (PW21072) (City Wide) - Page 5 of 5

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW21072 - Delegation from Peter Nielsen, respecting the Trillium Open Space - Erosion Protection Plan.

Appendix “B: to Report PW21072 - Disaster Mitigation Adaptation Fund - Shoreline Protection Resilience Project. 31 Shoreline and 4 Wastewater Infrastructure sites.

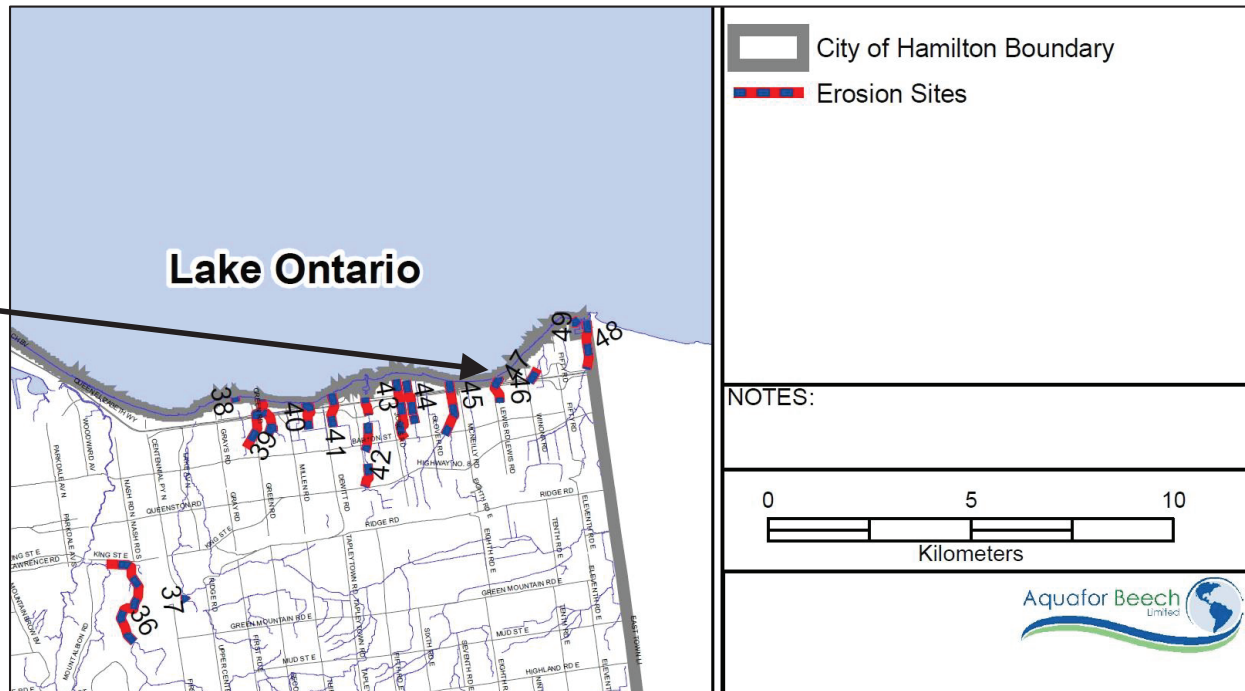
City of Hamilton Property Trillium Open Space - Erosion Restoration Plan



**Presentation to Public Works Committee
February 1, 2021**

**Excerpt - City of Hamilton
Stormwater Master Plan
Class Environmental Assessment Report
May 2007
- Chapter 8, Figure 8.17**

**Trillium Open Space
identified as
Erosion Site No. 47**



Excerpt - City of Hamilton Stormwater Master Plan Class Environmental Assessment Report May 2007

- Chapter 10, page 143

Trillium Open Space Erosion Site No. 47

- Rated No. 2 for restoration
- Relative Priority
- Cost \$117,000

May 2007

City of Hamilton
Stormwater Master Plan – Class Environmental Assessment Report (City-Wide)

Table 10.5: Stream Restoration Costs

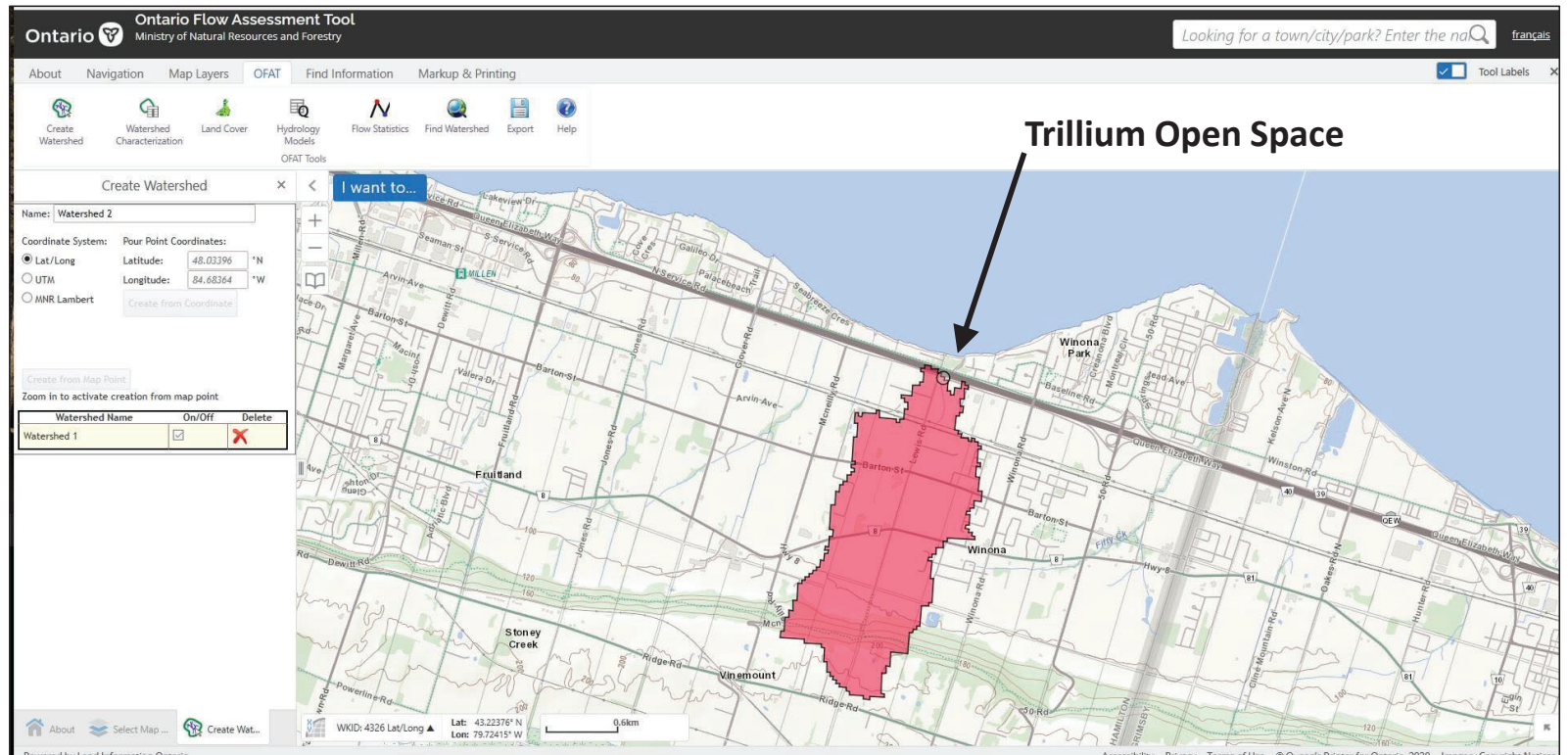
Site Number	Local Municipality	Watershed	Relative Priority	Capital Cost	Class EA Schedule
1	Flamborough	Grindstone	4	\$141,000	B
2	Flamborough	Grindstone	4	\$430,000	B
3	Flamborough	Grindstone	4	\$312,000	B
4	Flamborough	Grindstone	4	\$613,000	B
5	Flamborough	Grindstone	4	\$281,000	B
6	Flamborough	Borer's Creek	3	\$1,092,000	B
7	Ancaster	Sulphur Creek	3	\$212,000	B
8	Ancaster	Sulphur Creek	2	\$952,000	B
9	Ancaster	Sulphur Creek	3	\$624,000	B
10	Glanbrook	Twenty Mile Creek	2	\$100,000	B
11	Glanbrook	Twenty Mile Creek	2	\$100,000	B
12	Glanbrook	Twenty Mile Creek	3	\$100,000	B
13	Glanbrook	Twenty Mile Creek	2	\$100,000	B
14	Glanbrook	Twenty Mile Creek	2	\$352,000	B
15	Glanbrook	Twenty Mile Creek	1	\$899,000	B
16	Glanbrook	Twenty Mile Creek	2	\$301,000	B
17	Glanbrook	Twenty Mile Creek	3	\$260,000	B
18	Glanbrook	Twenty Mile Creek	3	\$236,000	B
19	Glanbrook	Twenty Mile Creek	1	\$429,000	B
20	Glanbrook	Welland River	2	\$335,000	B
21	Glanbrook	Welland River	2	\$245,000	B
22	Glanbrook	Welland River	1	\$386,000	B
23	Stoney Creek	Red Hill Creek	1	\$767,000	B
24	Glanbrook	Twenty Mile Creek	2	\$100,000	B
25	Glanbrook	Twenty Mile Creek	3	\$335,000	B
26	Glanbrook	Twenty Mile Creek	2	\$229,000	B
27	Stoney Creek	Red Hill Creek	2	\$309,000	B
28	Stoney Creek	Red Hill Creek	3	\$183,000	B
29	Glanbrook	Twenty Mile Creek	2	\$451,000	B
30	Glanbrook	Twenty Mile Creek	2	\$255,000	B
31	Glanbrook	Welland River	1	\$784,000	B
32	Glanbrook	Welland River	2	\$383,000	B
33	Glanbrook	Welland River	2	\$527,000	B
34	Glanbrook	Welland River	3	\$166,000	B
35	Glanbrook	Welland River	3	\$122,000	B
36	Stoney Creek	Red Hill Creek	3	\$887,000	B
37	Stoney Creek	Community of Stoney Creek Watercourses	4	\$100,000	B
38	Stoney Creek	Community of Stoney Creek Watercourses	4	\$100,000	B
39	Stoney Creek	Community of Stoney Creek Watercourses	2	\$685,000	B
40	Stoney Creek	Community of Stoney Creek Watercourses	3	\$240,000	B
41	Stoney Creek	Community of Stoney Creek Watercourses	3	\$262,000	B
42	Stoney Creek	Community of Stoney Creek Watercourses	2	\$540,000	B
43	Stoney Creek	Community of Stoney Creek Watercourses	1	\$488,000	B
44	Stoney Creek	Community of Stoney Creek Watercourses	2	\$338,000	B
45	Stoney Creek	Community of Stoney Creek Watercourses	1	\$423,000	B
46	Stoney Creek	Community of Stoney Creek Watercourses	4	\$215,000	B
47	Stoney Creek	Community of Stoney Creek Watercourses	2	\$117,000	B
48	Stoney Creek	Community of Stoney Creek Watercourses	3	\$100,000	B
49	Stoney Creek	Community of Stoney Creek Watercourses	2	\$370,000	B
50	Ancaster	Big Creek	2	\$1,301,000	B
51	Ancaster	Big Creek	3	\$450,000	B
52	Ancaster	Big Creek	2	\$1,433,000	B
53	Glanbrook	Twenty Mile Creek	1	\$397,000	B
				Total Cost	\$21,557,000

Note:
4 = Highest Priority, 1 = Lowest Priority

Aquafor Beach Limited
Reference: 64392

Trillium Open Space

- Major stormwater outlet
- >250 Ha contributing drainage basin
- Industrial parks/ Barton St./ Hwy 8



**Excerpt - City of Hamilton Report
 Assessment of City Owned Assets
 SNC-Lavalin - June 2019
 - Appendix C, Page 14**

**Site 7, 1137/35
 (Trillium Open Space)**

- **Dangerous**
- **Stability issue**
- **No protection**
- **Replacement**



**Site 7 1137 / 35 North Services Rd Trillium + Site 8 Lewis
 Road – Assessed Condition: Poor**

Site 7 and 8 cover 180 m of unprotected shoreline. This area shows ongoing erosion along the bluffs that characterize this site. These sections may be **dangerous for the un-informed general public**. It is recommended to put up a fence and signs warning pedestrians.

The elevation of the bluff toe varies from 76 to 77 m. The wave effects are likely undercutting and eroding the bluffs, currently approximately 3 to 4 m high. There is also a geotechnical **stability issue** considering the angle and material of the bluff. Run-off will also contribute for the upper land erosion, since **no drainage or protection is present**.

Due to the bluffs height, overtopping volumes are low, but the storm wave energy, which must be dissipated along the bluff height during high water levels is significant, and will likely continue eroding / undermining the crest.

Currently, there is no active land use on the property. It is a potential site for a green pilot project, either by cutting down the slope (which will require geotechnical input) or by encroachment on the lake shoreline at the base of the eroding cliffs. The site has potential to be designed as a beach environment, below the cliffs, for the public and a pilot of a green shoreline protection, including creation of fish and bird habitat.

Alternatively, the armouring of the bluff toe and a slight cut back on the slope could reduce erosion rates in the short term.

Site 7 1137 / 35 North Services Rd Trillium	
Conditions	Poor
Crest Elevation	81.1/ 75.9 (toe) m IGLD
Solution	Replacement
Options	D

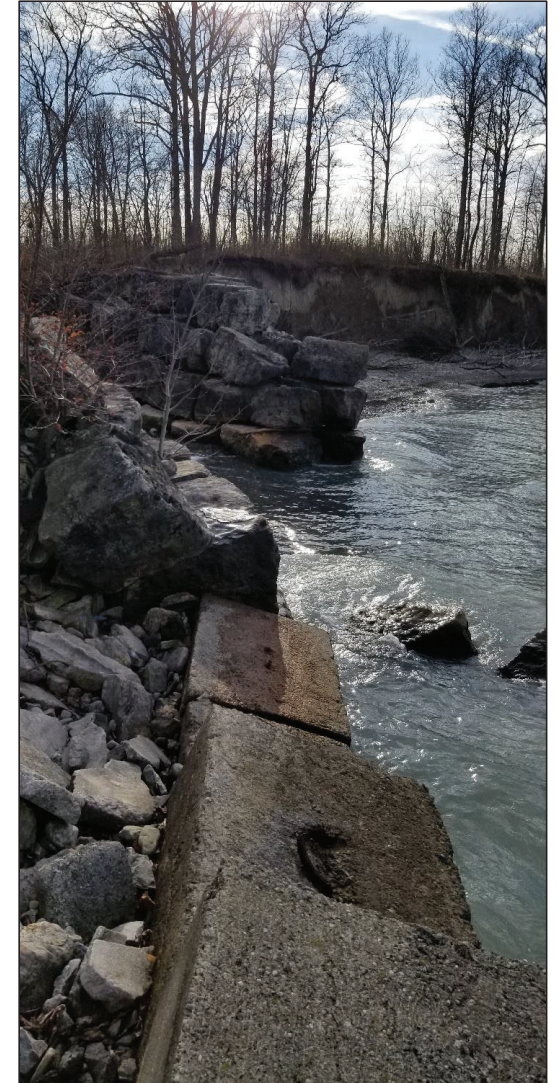
**Excerpt - City of Hamilton Report
SNC-Lavalin – June 2019
Site 7, 1137/35**



Figure 7-4 Site 7 North Services Rd. and ~~Lewis Rd.~~ Campview

Trillium Open Space - current condition

- Property damage
- Collapsed armour stones
- Erosion and undercutting





Request of the Public Works Committee

- 1. That the City prepare and implement an EA and detailed design of an Erosion Restoration Plan for the Trillium Open Space in accordance with the 2007 Stormwater Master Plan, as soon as possible;**
- 2. That the City allow Robert & Valerie Nielsen to participate in the preparation and implementation of an integral Erosion Restoration Plan;**
- 3. That the City engage with the owner of No. 1121 North Service Road to enforce the installation of an Erosion Protection Plan required to prevent further catastrophic property damage.**

- End of presentation -

Disaster Mitigation Adaptation Fund - Shoreline Protection Resilience Project.
31 Shoreline and 4 Wastewater Infrastructure sites.

Part A: Shoreline Protection Properties
Windermere Rd
Fifty Rd Parkette (completed 2020)
Lake Vista Park
Wendakree Dr
Winona Rd
1137/35 North Services Rd Trillium
Lewis Rd
McNelly Road
52 Seabreeze Cr
Seabreeze Cr (Easement)
Glover Rd
Aquamarine Dr/Watershore Dr
Jones Rd
Fruitland Rd
2 Frederick Ave, Frederick Parkette
33 Lakeview Drive (SWM) (completed 2020)
497 & 503 Dewitt Rd
Cherry Beach
Millen Rd Parkette and Trail
Frances Ave
Green Rd
Lawrence P Sayers Park (39 Lakegate Dr)
655 Grays Rd
Confederation Beach Park
Hamilton Beach
Hamilton Harbour Waterfront Trail
Bayfront Park
Macassa Bay Marina
Pier 4 Park
Desjardins Canal
Woodland Cemetery
Part B: Wastewater Infrastructure (Backflow Devices)
Bayfront Combined Sewer
Ferguson Ave. N. Sewer
Strathearne Ave. N. Sewer
Catherine Sewer Outfall.

INTERSECTION CONTROL LIST
Public Works Committee – December 6, 2021
PUBLIC WORKS DEPARTMENT
Transportation Operations & Maintenance Division
Traffic Operations Section

RECOMMENDATION

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

Intersection		Stop Control Direction		Class	Comments / Petition	Ward
Street 1	Street 2	Existing	Requested			
Section "E" Hamilton						
(a)	Riverbank Court	Berkindale Drive	NC	NB	A	Missing stop control

Legend

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

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

Authority: Item 9, Public Works Committee
Report 07-016 (PW07153)
Date: December 6, 2021
Wards: 5

Bill No.

CITY OF HAMILTON

BY-LAW NO. 21-

**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;

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

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

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

1. Schedule 5 (Stop Control) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" (Hamilton) thereof the following item, namely;

Riverbank Court

Northbound

Berkindale Drive

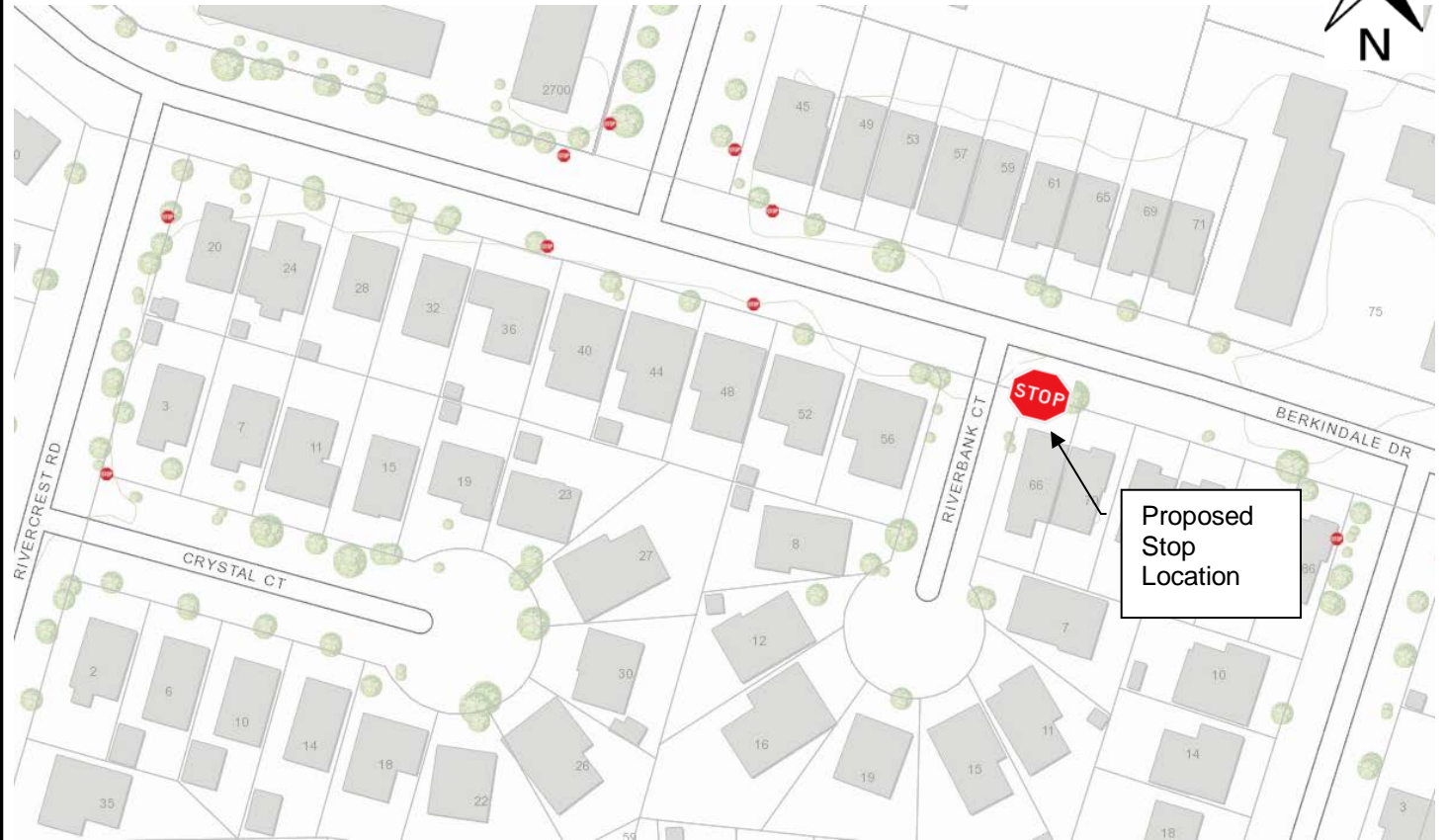
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 15th day of December, 2021.

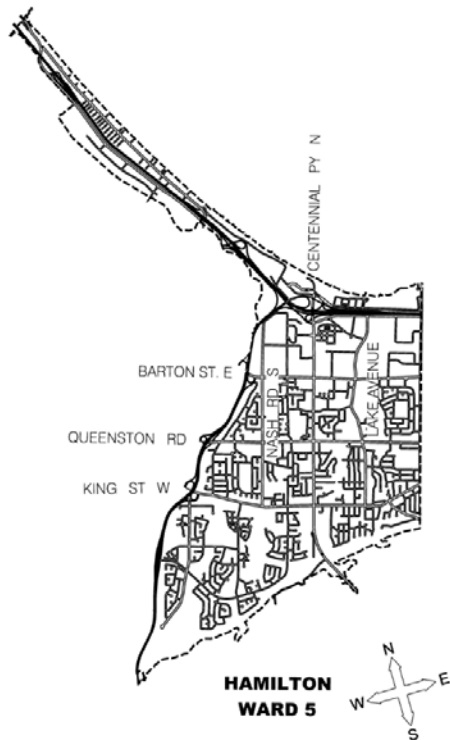
To Amend By-law No. 01-215
Being a By-law to Regulate Traffic

F. Eisenberger
Mayor

A. Holland
City Clerk



KEY MAP



LOCATION PLAN

PROPOSED STOP CONTROL:

Riverbank Court at Berkindale Drive

Transportation Operations & Maintenance
PUBLIC WORKS DEPARTMENT

LEGEND

- EXISTING STOP
- PROPOSED STOP

SCALE
NOT TO SCALE

DATE
December 6, 2021



Hamilton

STORMWATER GAP EVALUATION

**PUBLIC WORKS COMMITTEE
DECEMBER 6, 2021**

COUNCIL DIRECTION

- Stormwater Rate Program (PW19109) was provided to the General Issues Committee in follow up to previous discussions on the sustainability of the Stormwater Management Program (Dec 4/19)
- General Issues Committee Motion (Nov 23/20): That Hamilton Water staff complete evaluation of all City stormwater programs to:
 - Identify existing gaps
 - Immediate needs
 - Risks to the City (including risks from climate change)
 - Outline levels of service to achieve
 - Quantify funding requirements
 - Identify financing alternatives



GENERAL ISSUES COMMITTEE (RATE BUDGET) REPORT 20-020

INFORMATION

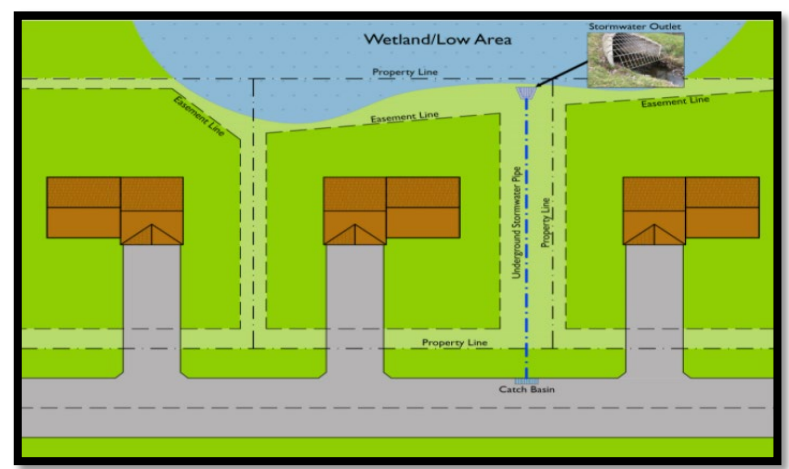
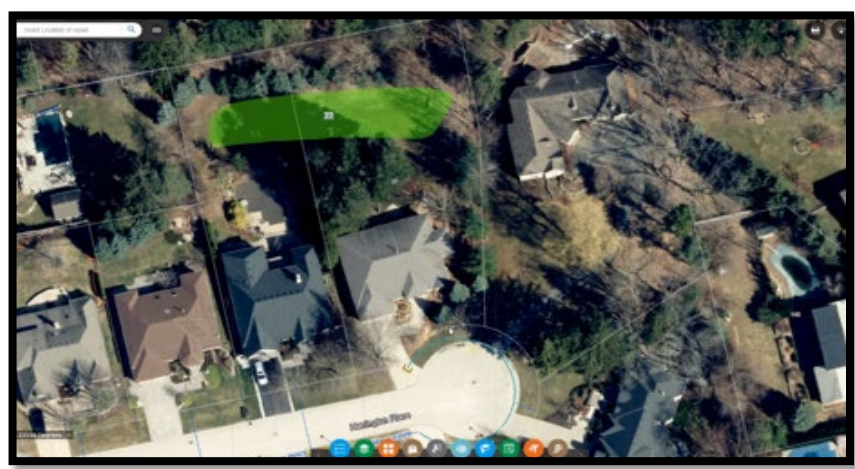


- 16 gaps identified in consultation with Planning Economic and Development (PED) and Public Works (PW)
- 2016 - SUBSTANTIAL REPLACEMENT VALUE (\$1.56B)
- 2020-year end quantities (referenced in Report PW21074 to provide more current insight into the gaps)
- 2019 restructuring of Stormwater Program – Transfer of Stormwater Program and Projects to Hamilton Water (HW)
- System pressures include growth and climate change impacts

EXISTING STORMWATER PROGRAM GAPS

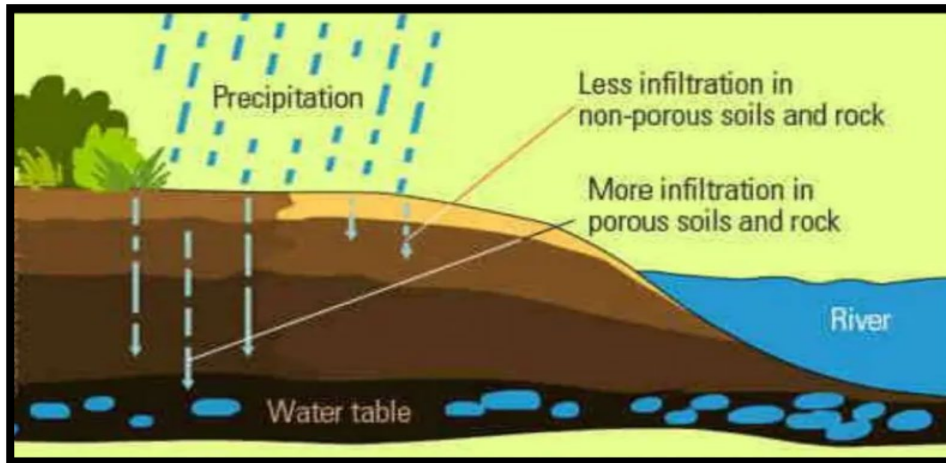
INCOMPLETE PROCESSES / LACK OF STANDARDS / GOVERNANCE

- Low Impact Development (LID) – Lack of standards results in varying degrees of functionality
- Private SW Infrastructure – No authority to inspect and enforce private stormwater assets
- Easements – No formal inspection or maintenance program



URBANIZATION AND GROWTH IMPACTS

- Community pressures to urbanize rural and industrial road cross sections
- Benefits of culverts and ditches inconsistently evaluated during redevelopment projects
- No holistic tracking system for downstream Storm Water facilities under growth conditions
- Insufficient level of infiltration in parkland



LACK OF FUNDING AND RESOURCES

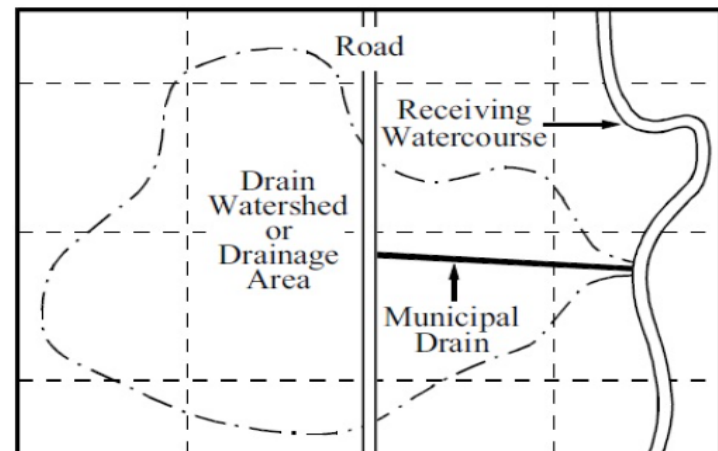
- Lack of resources and governance for management of lot level controls – Green roofs, on site storage and low impact developments (LIDs) are required to support intensification but inspection, maintenance and enforcement of these controls is not established or resourced
- Historically, insufficient capital budget to support maintenance of SW ponds – More ponds are being assumed by the City, existing pond clean out program has been accelerated, phragmites and invasive species control is putting pressure on budgets

**Hamilton City Hall
Green Roof Lot Level Control**

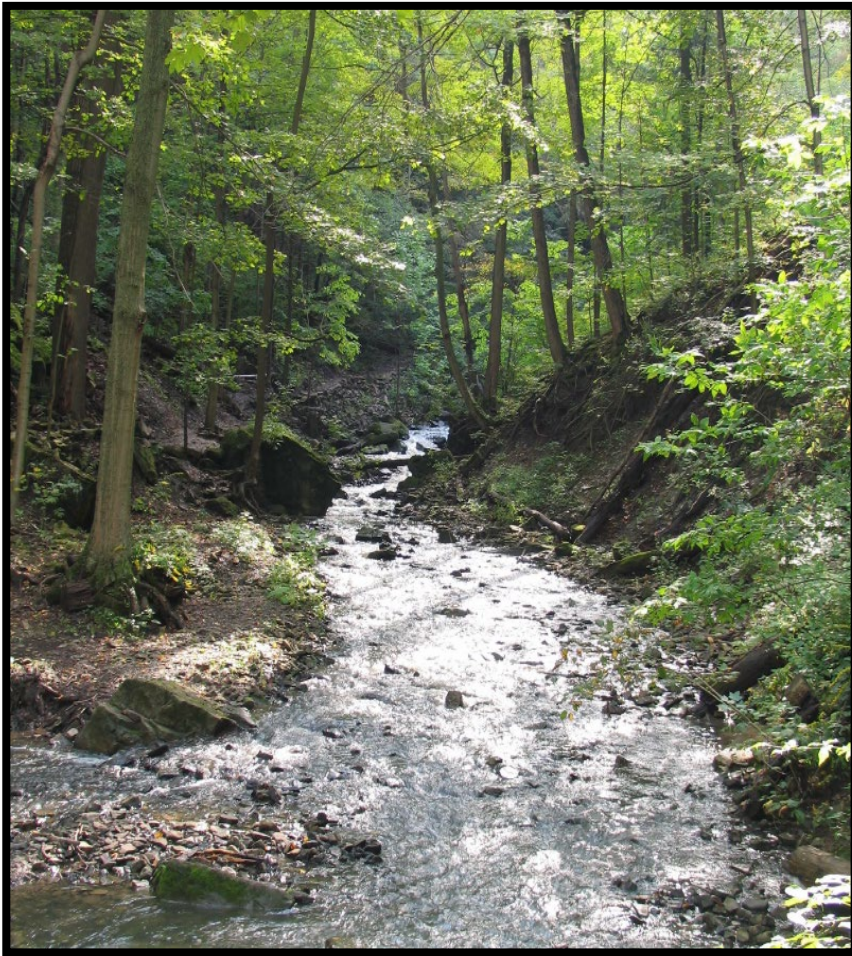


LACK OF FUNDING AND RESOURCES

- Limited resources in HW that oversee the Operations and Maintenance of SW assets and other drainage related infrastructure.
- Monitoring and management of quality of stormwater or natural watercourses has not been clearly established due to lack of resources
- Lack of resources to complete preventative maintenance on municipal drains



LACK OF MODELING OF MINOR/MAJOR SYSTEMS



- Lack of modeling analysis for the major SW system - The City is lacking a comprehensive model that accurately captures both minor and major systems
- As a result, the City is limited in its ability to rapidly conduct post flooding studies to identify and address any contributing factors to the flooding event
- The City has insufficient visibility on where these systems are undersized or where flooding risks may exist

ASSET MANAGEMENT

- Absence of a holistic asset management program for stormwater management facilities, such as watercourses, municipal drains or shorelines
- SW Asset Management Plan – Missing critical information such as asset ownership/location and condition

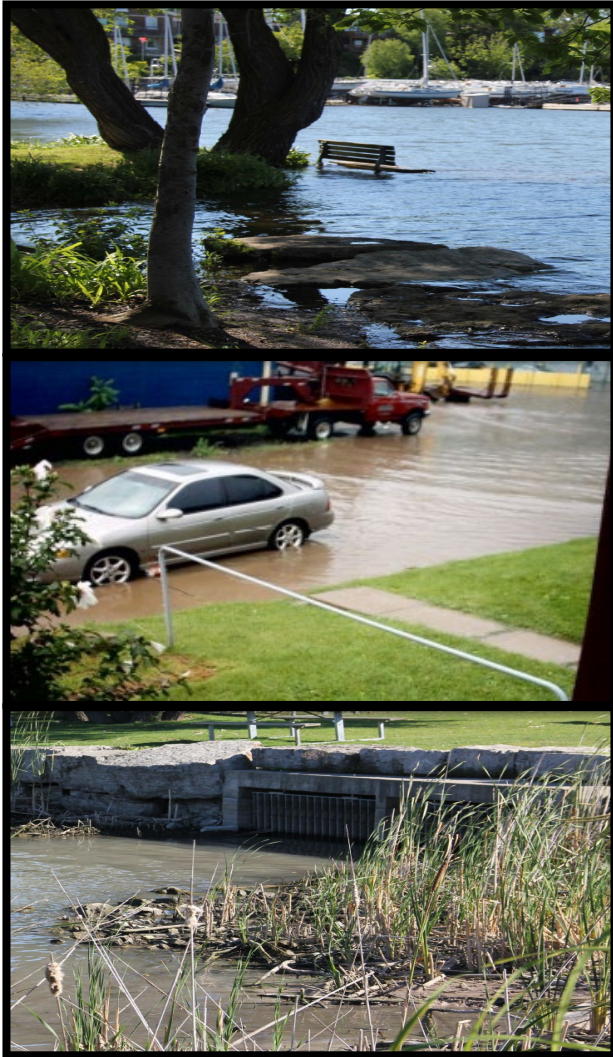


REGULATORY COMPLIANCE

- Incomplete inventory of Environmental Compliance Approvals for SW facilities
- Lacking emergency works agreements with two Conservation Authorities - Grand River Conservation Authority and Niagara Peninsula Conservation Authority



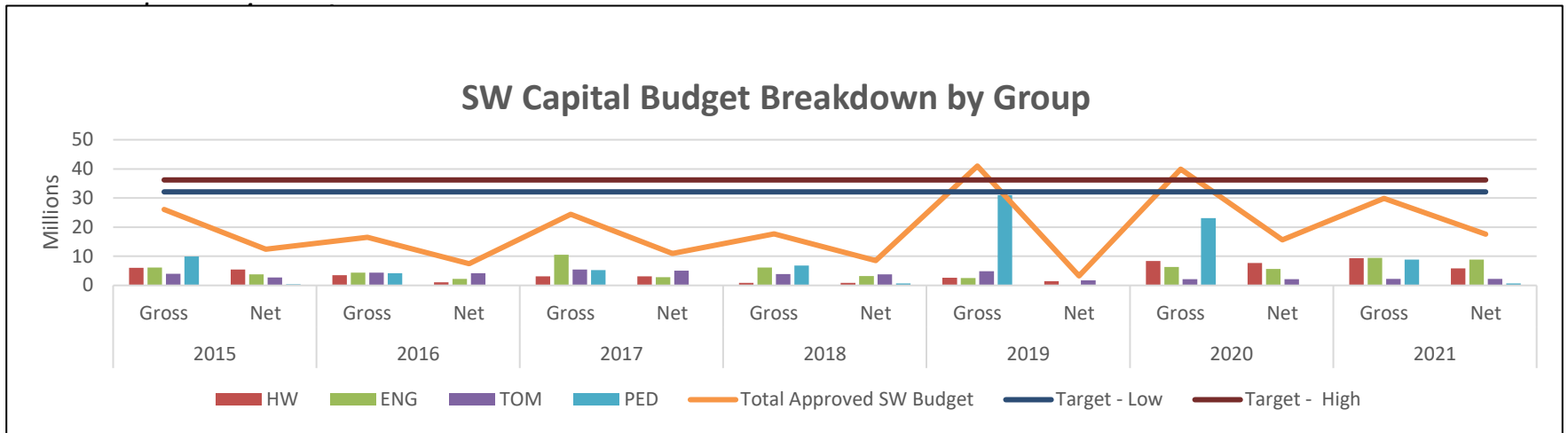
CLIMATE CHANGE AND EXTREME WEATHER



- Canada has experienced a 13% increase in average precipitation over the past half century
- Risk of damage from flooding and/or washout of private and public infrastructure
- Fluctuating lake levels – Impacting the SW infrastructure
- No universal predictive models, comprehensive guidelines or policies for managing climate change that are accepted across the board

LOS AND FUNDING REQUIREMENTS

- Minimum Level of Service not established for elements of the Stormwater Management Program.
- Hamilton Stormwater Management Program – Replacement value \$1.56B
 - Calculated annual re-investment need - \$32M/yr to \$36M/yr
 - City annual investment – Approx. \$22M/yr (Underfunded \$10M/year -



FINANCING ALTERNATIVES

- Water, Wastewater and Storm Rate Budget
- Tax Support Budget
- Dedicated SW Rate Program:
 - Based on run-off vs impervious surface (equitable program)
 - Several fee structures available
 - Significant impact to ICI sector (malls, power centres, etc)
 - Resource needs are unclear
- Incentive Programs – Lot level offsetting through LIDs & storage
 - Residential opportunity - small
 - ICI opportunity - large






QUESTIONS?



INFORMATION REPORT

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	December 6, 2021
SUBJECT/REPORT NO:	Stormwater Gap Evaluation (PW21074) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Cassandra Kristalyn (905) 546-2424 Ext. 3791
SUBMITTED BY:	Nick Winters Director, Water and Wastewater Operations Public Works Department
SIGNATURE:	

COUNCIL DIRECTION

On November 23, 2020, the General Issues Committee approved the following motion:

“That Hamilton Water staff be directed to perform a comprehensive evaluation of all City of Hamilton (City) stormwater programs to identify existing gaps, immediate needs, risks to the City including risks from climate change and extreme weather, outline the levels of service that the City should strive to achieve, quantify funding requirements along with options for long term maintenance, second cycle replacements and financing alternatives and report back to Public Works Committee in the first quarter of 2021 with an information report.”

INFORMATION

The purpose of this gap evaluation is to identify and analyze gaps in the City of Hamilton’s (City) Stormwater Management Program (SWMP). The gap evaluation is a tool for the overall SWMP that will help to organize the City’s current systems, processes, procedures, etc. so that the City is able to prioritize steps to close the identified gaps and outline a plan to move the SWMP forward.

The City provides stormwater management (SWM) services that protect property, livelihood, health and safety of residents, businesses and natural waterways, and plays

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SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 2 of 20

a significant role in the City's efforts to manage and adapt to the effects of climate change.

In the 2016 the City's stormwater asset inventory was valued at approximately \$1.56B. This value corresponds to the City's 2016 stormwater asset inventory identified in Table 1 below. Updated asset inventories are being compiled as part of the City's Asset Management (AM) Plan initiative with the intent of compliance with AM Planning for Municipal Infrastructure, O. Reg 588/17. As a result of growth to the system and continued efforts to improve the inventory, it is expected that the updated inventory will reflect increases in the quantities of stormwater assets and overall value. To provide greater insight to the current state of the gaps, references have been made to the 2020-year end quantities for a portion of the existing gaps in this report.

Table 1 – 2016 City of Hamilton Stormwater Inventory

Asset Type	Asset (2016)	Quantity (2016)
Linear Stormwater Assets	Storm Sewers	1,149,441m
	Manholes	19,551 units
	Stormceptors (Oil and Grit Separators)	45 units
	Small Culverts	Inventory being developed
	Major Swales	190,000m
	Ditches	2,164,000m
	Major Culverts (3.0m diameter and larger)	191 units
Non-Linear Stormwater Assets	Storm Ponds	155 units
	Inlet/Outfall Structures	977 units

Notes to table above from 2016:

1. There is currently no inventory data available for small culverts.
2. Inventory for ditches estimate based on rural road lengths.
3. Storm ponds include 119 assumed and 36 unassumed (some of which have since been assumed).

For the purposes of this gap evaluation, gaps were identified through a process of reviewing existing documents, analyzing previous studies, and meeting and conferring with various stakeholders. HW, with the support of Planning Economic and Development (PED) and Public Works, have undertaken a comprehensive evaluation of all City SWMPs that fall within their respective portfolios. This report outlines the findings of the City-wide comprehensive review according to the following elements of the motion:

1. Existing gaps
2. Immediate needs and risks to the City
3. Risks from climate change and extreme weather
4. Levels of service that the City should strive to achieve and funding requirements

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SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 3 of 20

5. Financing alternatives

Appendix “A” to report PW21074 provides a tabulated summary of the findings and gaps that are explained in detail throughout the course of this report. Gaps include elements such as: incomplete processes, lack of modeling analysis, lack of standards or governance, urbanization and growth impacts, missing tools or documentation, overlapping processes, regulatory pressures, lack of staff resources, lack of funding, etc.

1. Existing Gaps

a) Low Impact Development (LID) Standards:

Low Impact Development (LID) is a planning and engineering design approach to managing stormwater runoff through on-site natural features.

The City currently retains a number of LIDs as part of its stormwater infrastructure and examples include, but are not limited to:

- Permeable pavements;
- Perforated pipe drainage channels;
- Rainwater harvesting gardens;
- Green roofs which utilize vegetation on roof tops to capture rainwater; and,
- Enhanced grass swales that convey, treat and attenuate stormwater.

A cross-divisional team within Public Works is currently reviewing asset ownership and responsibility for publicly owned LIDs. Issues related to complexity for each type of LID and required areas of expertise to effectively manage these assets through their lifecycle will be taken into consideration.

Currently, there is a lack of standards related to the implementation of LIDs which can result in varying degrees of functionality. The Ministry of the Environment, Conservation and Parks (MECP) is in the process of updating the development of a Low Impact Development Guidance Manual. The new manual will help to provide transparency and consistency for the MECP’s expectations for LID standards.

b) Official Plan and Stormwater Management Features Adjacent to Parkland and Urbanization Impacts:

Stormwater features, such as SWM ponds, are generally compatible adjacent to parkland; however, the stormwater features should not impact the function of providing open space for use by residents which is a challenge in constrained areas of parkland. Parkland dedication requirements are based on the amount of programable parkland space required to serve the need of the surrounding community and cannot be used for

SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 4 of 20

the acquisition of land for SWM purposes. If a SWM facility was constructed on a piece of land contiguous with parkland, the portion of land on which the SWM facility resides would need to be planned for and zoned appropriately. Consideration may be needed at a planning level to amend the Official Plan for larger parkland standards or identifying utility lands adjacent to parkland so that they can be integrated.

Regarding urbanization impacts, there are community pressures to urbanize rural and industrial road cross sections without sidewalks or ditches. Without enhanced infiltration of surface water that can be provided by ditches, additional run-off is added into the storm sewer or combined sewer systems. Additional capacity forced into a combined sewer can increase the volume of overflow from combined sewer overflow tanks during wet weather events.

c) Maintenance, Enforcement, Tracking and Awareness of Private Stormwater Infrastructure:

Private stormwater infrastructure, such as SWM ponds, mechanical quality control devices, and roof top storage have contributions to the City's stormwater system. Private stormwater infrastructure in post development conditions are typically not subject to a Site Plan Agreement that clearly outlines obligations and expectations of performance and maintenance. It should be noted that private SWM infrastructure on industrial, commercial and institutional lands require an Environmental Compliance Approval (ECA) from the MECP to which the property owner is obligated to operate and maintain their system per the ECA conditions. However, there is no assurance that the private infrastructure is performing as designed, or that infrastructure has not been altered or removed. Proper education regarding the importance of ensuring private SWM infrastructure functions as intended and the responsibility of property owners to maintain their private SWM would assist in ensuring that these systems continue to operate effectively.

The City has limited ability to track all privately-owned SWM infrastructure and the impacts these facilities have on the overall SWM system. AMANDA, an archiving software, is set up to track private SWM infrastructure; however, the information in this database is not available to all City departments. Furthermore, the City has no authority to inspect private SWM infrastructure other than as part of the site plan inspection process. To perform inspections of private facilities post-development poses a significant resourcing issue and would require authority in some form to access property to inspect, such as via easement or by-law. Other jurisdictions have implemented inspection programs for this type of infrastructure, and this would be a useful mechanism for the City to ensure that property owners are compliant with their obligations to maintain their private SWM infrastructure and to mitigate circumstances where private SWM infrastructure is negatively impacting public SWM infrastructure.

d) Lack of Resources and Governance for Management of Lot Level Controls:

SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 5 of 20

Lot level controls, such as green roofs, on site storage and LIDs provide localized stormwater control for a particular property and are required to support intensification. However, inspection, maintenance and enforcement of the lot level controls is not established or resourced. The responsibility to manage City-owned lot level controls exists throughout various Divisions of Public Works, including Energy, Fleet, and Facilities Management (EFFM) and Environmental Services (ES) who maintain lot level controls for specific properties, such as building facilities, parkland, etc. The management of lot level controls are not part of the core responsibilities of EFFM and ES and takes resources away from their core programs.

e) Planning of Stormwater Mitigation in Parkland Assets:

Parkland is required to be well drained in order to facilitate recreation and manage the operations of the park. The watershed calculations within parkland assume a level of infiltration. If this level is not achieved, more pressure is put on the SWM infrastructure which was sized based on the assumed level of infiltration. New parks are not always draining sufficiently or comprised of good quality fill materials that allows for natural infiltration processes.

During development, parkland can become impacted as a result of staging or stockpiling which can lead to compacted soils and compromised infiltration. Areas of parkland with impacted infiltration from over-compaction of soils or substandard fill materials are challenged by changing weather patterns since increases in precipitation result in additional runoff. Under the City's Standard Form Subdivision Agreement (SFSA), parkland requirements and conditions, such as soil and drainage, are identified. The SFSA is currently under review and the anticipated updated version is intended to help mitigate such use of parkland during the development stage. For instance, if the updated SFSA insists on parks being in the first phase of development, this could cut down on this practice significantly.

Unless accounted for during design of developments, proper capital and operating budgets, and staffing resource levels cannot be established which impacts the level of service provided. Challenges to deliver the desired level of service are further compounded if as-built assets differ in performance from what was originally identified.

f) Developing Experience and Increasing Workloads in Unexpected Areas:

There are limited operational resources in HW that oversee the operation and maintenance (O&M) of SWM assets and other drainage related infrastructure:

- **Project Manager/Drainage Superintendent:** This position is challenged to balance many core duties and responsibilities:

SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 6 of 20

- Accountability for the O&M of \$336M of assets which is a portion of the stormwater assets HW is responsible for.
- Responsible for the O&M of 57km of municipal drains.
- Relied upon heavily for the development and delivery of appropriate inspection, maintenance and rehabilitation programs, including training field staff.
- Responsible to supervise and train three (3) Stormwater Technologists.
- Oversees consultants that are actively running projects for HW in lieu of staff available to run the projects.
- Relied upon as a resource by multiple City departments to review drainage issues brought forward by Council, members of the public and City staff.
- Three (3) Stormwater Technologists
- Wastewater and Stormwater Collection Operators
- Community Outreach Educator:
 - Liaison for all water, wastewater and SWM program inquiries from Council.
 - Since 2019, an increase of 15-20% in total inquiries received directly related to the SWMP. The increase in inquiry volumes related to the SWMP have delayed response times for other types of requests and impacted other core responsibilities.
- Water Information Systems (WIS) Business Unit:
 - Tasked with integrating, updating and maintaining SWM data and asset inventory database into HW's Geographic Information System (GIS) and computerized maintenance management system.

g) Major/Minor Stormwater Systems:

Major and minor storm drainage systems as defined in the City's Storm Drainage Policy:

- Minor Drainage System - Conveys urban drainage from relatively "minor" storms, typically having a frequency (return period) of between two (2) and ten (10) years in most southern Ontario municipalities. These works typically consist of storm sewers, inlet systems, catch basins, roadway gutters and swales, foundation drains and roof leaders. Their purpose is to prevent frequent flooding which may inconvenience motorists, home and business owners, and pedestrians.
- Major Drainage System - Inherently comprises the minor system, as well as the overland route followed by runoff not captured by the minor system either due to excessive flow or operational failures. Common elements of the major system include natural streams, valleys, swales, ponds, roadways, drainage channels, walkways and easements. The design storm usually applied to major system components ranges from a return period of 25 to 100 years, up to the Hurricane Hazel Regional Storm event.

Hydraulic modelling analysis is an essential process that provides valuable information that is required to ensure new or retrofitted assets are designed and constructed to the

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SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 7 of 20

most relevant conditions that could impact an asset. Until recently, HW has focused its hydraulic modelling and analysis efforts on the minor storm sewer system. Apart from SWM system design and hydraulic analysis that occurs during greenfield development, hydraulic analysis of the historical systems to bring them to current design standards is not completed on a City-wide scale, but rather completed in smaller areas of focus. It should be noted that with the implementation of the City's Stormwater Management Master Plan in 2006, all new greenfield development has been required to adhere to the standards laid out in the plan. However, for historical systems, the City is lacking hydraulic modelling analysis of major system drainage elements, such as stormwater management facilities, natural watercourses, open channel drains, overland flow channels, or major system drainage pipes. It is these major stormwater system elements that are relied on to transport surface water away from streets and neighbourhoods and towards local receiving waters during large precipitation events.

There are Divisions within PED and Public Works that are responsible for designing on-road flow management, culverts, and bridges associated with specific projects or specific development applications; however, there is no single entity that is actively assessing, modelling or planning overall stormwater flows intended to be conveyed by major systems. Public Works is not actively assessing major or minor stormwater system performance during extreme events and there is no Division currently responsible for establishing levels of service standards and strategic planning to mitigate major system flooding.

The City's Storm Drainage Policy and Development Engineering Guidelines outline impact assessment requirements under growth conditions, such as intensification. However, no single Division is delineated responsibility for studying or developing broad, neighbourhood-scale stormwater strategies. Implemented through, or as a result of, development applications, several area specific drainage studies have been completed, such as Ancaster Intensification Pilot Study and Leckie Neighbourhood Drainage Assessment. However, it is important to note that the City is generally not proactive in undertaking drainage studies outside of the development approvals process or in areas not experiencing significant development pressure. Additionally, when new development in existing neighbourhoods is proposed, while site-level stormwater impacts are assessed, broader studies to determine the benefits and performance of existing culverts and ditches in controlling stormwater in the broader area is generally out of scope for the development approval.

The City has a Storm Drain Policy, Grading Policy and best practices that are applied to individual development projects which lay out the requirements and dictate that a suitable outlet and grading must be established prior to approval. However, outside of the initial development approval, there is lack of control over future changes to private drainage systems in either recently developed or existing properties and private drainage issues are not analyzed when drainage studies are completed. Property

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SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 8 of 20

owners adjusting their property grades, filling in swales and paving backyards are a few examples that can result in localized flooding.

h) Asset Management (AM):

HW manages the condition assessment and capital replacement functions of an asset management (AM) program for vertical stormwater infrastructure facilities, such as pump stations. Engineering Services (ES) manages the same functions for linear stormwater assets, such as storm sewers, major culverts, bridges and outfalls/outlets. Outside of the previously noted Divisional responsibilities, there is no existing equivalent program for SWM facilities, watercourses, municipal drains or outfalls/shorelines. While general O&M, typically on a reactive basis, is performed on these assets, there is no proper AM program that identifies a capital inspection schedule, responsibility for the capital inspections or responsibility for the management of a repair that requires engineering design and construction. This is of particular concern for assets that need immediate work and don't align with the typical capital planning process of three (3) to five (5) years and as a result, infrastructure failures occur.

There are many unknowns about the SWM assets managed throughout the AM programs in ES and HW. To manage the SWMP portfolio in a sustainable manner, there is a significant amount of information that needs to be collected before gaps in the program can be analyzed including:

- Asset Ownership and/or Location – Many assets such as stormwater outfalls, easements, rear-yard catch basins and watercourse features are not currently catalogued or mapped.
- Asset Inventory Database - The asset inventory database is incomplete where components within SWM facilities are not captured, such as specific drains, outlet structures or number of bays. This challenges staff's ability to create an efficient and effective work order history that can support planning for future program needs.
- Asset Condition – Excluding storm sewers, as there is a good understanding of the condition of that SWM asset type, the current structural and operational condition of most of the SWM assets are either unknown or not documented. It has been noted that there are SWM assets currently existing in a poor state of repair.
- Potential Reclassification of Assets to HW – Culverts less than 3m in span are considered an element of road structures or bridges which are currently managed by Transportation Operations and Maintenance (TOM). This classification has been questioned as serving more a of SWM function given the assets purpose which is to mitigate stormwater impacts to road structures or bridges.

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SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 9 of 20

HW has responsibility for inventory, records and GIS management of minor system storm sewers and has well-developed systems in place for these assets. However, much of the major system drainage infrastructure network has not been incorporated into the City's information management systems. Inventory control for assets such as overland flow routes outside of the right of way, drainage channels and watercourses are the responsibility of HW, but existing resource levels are not adequate to complete this work.

HW operates and maintains a number of vertical SWM assets that are not captured under a formal AM process. As a result, these assets are not being assessed for condition, risk of failure, nor are they on an asset renewal schedule. The sub-components within vertical assets such as a stormwater pumping stations, or shoreline outlet structures are captured in varying degrees of completion throughout the City's AM software. This challenge is also experienced with the linear SWM assets maintained by ES linear stormwater AM plan. Under the current state, vertical and horizontal stormwater assets with a defined ownership within the City receive maintenance and repair according to the resources available, but their condition is gradually degrading without active oversight.

i) Regulatory Compliance:

SWM facilities are designed, built, and required to be maintained according to each facility's ECA. These compliance requirements typically dictate the maintenance schedule for each SWM facility and some LID features as they are the main driver behind activities, such as pond cleanouts. Based on a recent review of SWM facility documentation, the City has an incomplete inventory of SWM facility ECAs. For 34% of SWM facilities (2020 SWM facility inventory), as well as some LIDs, the City cannot locate an ECA. This is due to several factors, such as lost or missing documents from pre-amalgamation and no formal transfer processes set up at the time of amalgamation. HW is in the process of consolidating all stormwater approvals into one Consolidated Linear Infrastructure Environmental Compliance Approval (CLI-ECA) in which all historical ECAs and missing approvals will be combined into one approval with consistent conditions. SWMP staff will need to work through this information gap to ensure that the SWM facilities are monitored and operated within regulatory requirements.

SWM facilities located within regulated lands require permit applications for rehabilitation and maintenance work to be approved by regulatory bodies, such as conservation authorities (CAs) and the Department of Fisheries and Oceans. For capital works and planned maintenance this does not present an issue; however, for emergency works, no formal emergency works agreement exists with two (2) of the four (4) CAs, the Grand River Conservation Authority and Niagara Peninsula Conservation Authority. Emergency works agreements would mitigate the lengthy permitting process and allow the City to quickly attend to emergencies. While these agreements are

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SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 10 of 20

attainable, HW currently does not have the staffing resources to help initiate and implement these agreements.

j) Stormwater Management Facilities:

There has been a lack of proactive maintenance on the SWM ponds partially due to missing information, such as ECAs as mentioned in section i) Regulatory Compliance. Additionally, staffing and financial resources have not been sufficient to keep in compliance with the existing ECAs and complete preventative maintenance. Currently, major maintenance of SWM ponds, such as pond dredging, and disposal of accumulated sediments is undertaken based on priorities derived from monitoring of sediment accumulation and associated decrease in SWM facility performance rather than on a preventative or proactive approach.

Historically, the capital budget has been insufficient to support the maintenance of SWM ponds. As of the end of 2020, there were 143 assumed SWM facilities, with the projection that an additional 100 SWP facilities will come on-line over the next 20 years as a result of growth. Growth Management has forecasted 20 additional facilities will be assumed by the City by 2022 alone. An increase in the baseline level of service to establish a pond monitoring and inspection program and address repairs is required to keep up with growth. Additionally, the SWM facility capital budget and staffing resources to manage the maintenance and inspection programs will need to be increased to keep up with the growth of the system.

k) Watercourse Assessment, Natural Heritage System Enhancements, Erosion Risk Mitigation, Inspection, Maintenance and Inlet/Outlet Monitoring:

- i) Erosion: The effects of natural erosion can impact the quality and resilience of the natural heritage system which is comprised of different natural areas that add to Hamilton's character and quality of life by providing biodiversity, long-term health and movement of wildlife and plants between habitats, such as healthy streams and wetland features. These natural assets are important buffers as they slow runoff, filter pollution and prevent soil erosion.

Responsibility for monitoring and managing erosion risk to City assets, public and private properties is shared with local CAs. The City is responsible to monitor the system wide performances and the CAs are responsible to monitor the cumulative impacts from the watershed perspective.

The City's efforts to conduct physical inspections of watercourses for erosion or inspection of assets located along watercourses is irregular and not undertaken as part of a formal program. Currently, ES has the technology to perform inspection and measurement of erosion to assist in mitigation and overall management, but limitations with data storage and management

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SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 11 of 20

capabilities, current staffing levels, and funding do not permit internal efforts to capture erosion patterns.

- ii) **Forecasting System Risk:** Hydraulic modelling allows for predictive forecasting capability and the ability to run scenarios through the model in order to better understand potential outcomes. Under the Conservation Authority Act, CAs complete flood forecasting and issue warnings that help prepare local authorities in the event of a flood. However, as described in g) Major/Minor Stormwater Systems, major system hydraulic modelling of watercourse performance during wet weather events is not completed by the City on a consistent basis. As a result, the City is limited in its ability to rapidly conduct post flooding studies to identify and address any contributing factors to the flooding event. If completed consistently, this modelling would highlight potential hazards to infrastructure, including damage to stormwater outfall structures, damage to bridge structure elements and erosion along these watercourses.
- iii) **Inspections:** There are irregular inspections and no proactive maintenance of the 191km of City-owned watercourse. Furthermore, inlets, outlets, culverts and headwalls along watercourses have historically only been inspected to ensure they are flowing and are not regularly inspected from a structural/condition perspective. A comprehensive inspection and maintenance program may have mitigated several 2019 and 2020 inlet/outlet failures in challenging locations to perform repairs. A regular inspection and maintenance program with associated capital funds for repairs can decrease the risk of costly failures.

l) **Easements:**

In 2019, the stewardship of the corporate easement GIS layer was transferred to HW. The easement layer does not contain up-to-date or complete information. Often, inquiries cannot be answered in a timely manner because historical records need to be pulled each time to verify GIS accuracy. A multi-phase project has commenced via consultant to retrieve easement documents from the Land Registry Office, add them to our asset management database, validate that all easements are captured and that they are illustrated correctly and are up to date, including all encroachments and the risks they pose.

The City lacks a holistic program that outlines a consistent inspection or maintenance schedule for drainage easements. As a result, inspection and maintenance of drainage easements are typically completed on a reactive basis. In some cases, drainage easements are obstructed by encroachments and cannot be accessed for works. For the time being, negotiating a resolution for easement encroachments falls on HW staff which diverts a great deal of staff resources and time.

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SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 12 of 20

m) Municipal Drains:

Under respective Drain Agreements established under the Drainage Act, the City is responsible for the maintenance of approximately 57 square kilometres of municipal drains which are located on private property and provide a drainage benefit to approximately 1,500 property owners. Municipal drains exist as a result of property owners petitioning their local municipality for a municipal drain project as a solution to their drainage issues. Most municipal drains are either ditches or closed systems, such as pipes or tiles buried in the ground. What makes municipal drains different from other forms of drainage systems is that they are municipal infrastructure on private property and the municipality is responsible for their construction, repair and management. Costs associated with the municipal drains are recovered through cost sharing from the benefitting property owners in accordance with the by-law.

Historically, the municipal drain program has been reactive with no preventative maintenance activities. The municipal drains need consistent inspections and maintenance to maintain the conveyance capacity. In failing to invest in the on-going need for erosion protection and restoration, bank failures could impact stormwater quality, channel capacity and private property, resulting in costly investments to deal with emergency repairs. Ultimately, the cost of future projects will be more expensive, with serviced property owners carrying the financial burden. Additionally, there is no formal process for chargebacks, which is a time-consuming and complex task by which Council must endorse each time.

n) Stormwater Water Quality Policy Development, Monitoring and Management:

Prior to amalgamation in 2001, the implementation of stormwater quality management strategies to protect the natural environment from stormwater contaminants was based on provincial guidance and standards. Each former municipality managed its own SWM drainage system generally in the same way, with differences related to physical setting and/or past development.

Responsibility within the City for policy development, monitoring and management of quality of stormwater, natural watercourses or the natural heritage system has not been clearly established. Acquired as part of the 2021 Rate Budget process, two (2) Stormwater Technologists will begin actively monitoring the effectiveness of the SWM facilities in attaining water quality objectives. Given that this program is in its infancy, the level of staffing requirements to monitor and manage the many different asset types across the City is unknown.

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SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 13 of 20

- o) Stormwater Management Facility Capacity Tracking and Allocation for New Growth:

The City's ongoing Stormwater Master Plan update is focused on growth needs; it does not include performance review and planning for existing developed areas and existing SWM facilities unless the existing facility is being impacted by growth. Often, SWM facilities, such as SWM ponds, are constructed to control stormwater runoff from planned growth areas that are not fully developed until years or decades later. The actual form of development and runoff quantity can change significantly from design to when the growth areas are finally built out. Growth Management requires additional onsite SWM control if a proposed development exceeds the design assumption considered in the original design of the SWM system. All SWM pond rating curves proposed in greenfield development are generally verified by the sub-watershed or Master Drainage Plan model to confirm overall performance. However, there is no comprehensive tracking program that monitors the impacts on the existing downstream SWM facilities to ensure they are functioning as originally intended.

- p) Administration:

There are several administrative activities in support of a progressive SWMP that are not being performed or being performed sporadically amongst various departments in the City. These activities include creation of consolidated stormwater standards, creation and operation of an environmental monitoring network, expansion and maintenance of a consolidated stormwater asset inventory, review of designs for LID features that are required for compliance with ECAs, and the establishment of internal and external stormwater committees. The City could benefit from a harmonized approach that clearly outlines the roles and responsibilities of each group to ensure that a holistic and consistent coordination of administrative activities is achieved.

2. Immediate Needs and Risks to the City

The following is a list of immediate needs and risks to the City from a review of the known gaps within the SWMP:

- a) As of 2020-year end, the majority of the SWM ponds are regulated and have prescribed discharge water quality standards through ECAs. However, there are a number of ponds that have not been assessed for water quality performance since they were built and may not be performing as intended. There are several pre-amalgamation ponds that are difficult to access and maintain, which need capital upgrades to facilitate effective O&M to ensure compliance. The CLI-ECA will provide consistent conditions for the SWM ponds that are currently lacking ECAs but will also come with increased monitoring and reporting requirements that will have to be resourced.

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SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 14 of 20

- b) As described in 1. g) Major/Minor Stormwater Systems, the City does not have all the hydraulic models necessary for predicting how the minor and major SWM systems function during extreme weather events. At the present time, there is no City-wide model that is fully connected between the minor and major systems. Without a comprehensive model that accurately captures both systems, the City cannot accurately predict overland flow and pipe flow during extreme storms. As a result, the City has insufficient visibility on where these systems are undersized and further, which streets or neighbourhoods are susceptible to flooding. In the absence of this information, the City cannot proactively implement operational changes to reduce the likelihood of flooding in these areas, nor can it plan for capital improvements to stormwater infrastructure (i.e. pumping stations, pipes, and stormwater ponds).

The City maintains several stormwater models including:

- Six (6) cities Stormwater model: Uncalibrated and only represents the trunk sewers (>525 mm).
- Dundas Stormwater model: Calibrated and represent all pipes within the respective drainage area.
- Stoney Creek Stormwater model: Calibrated and represent all pipes within the respective drainage area.
- Ancaster Dual Drainage model: All-pipes dual drainage representation of the Ancaster drainage area which has been calibrated and validated using 2018 flow monitoring data. The Ancaster model supports the identification of potential drainage and flooding issues, and the model can be used to address climate change and future development issues.

A wastewater flow monitoring study is underway to create a comprehensive program strategy for sanitary system flow monitoring to obtain data for detailed model calibration and a pilot project to determine if the City will continue with the current wastewater modelling software (Mike Urban) or move to a new software (Infoworks). Following this study, additional flow monitoring studies will be required to improve all SWM models to a level consistent with the Ancaster Dual Drainage model. There is a tentative plan to create a calibrated all-pipes dual drainage model for the Waterdown drainage area in parallel with further calibration of existing models.

- c) As described in 1. h) Asset Management (AM), gaps in the SWMP cannot fully be analyzed and implemented into an AM plan because of missing information. For example, HW does not have complete information or assessments completed for two (2) stormwater pump stations acquired in 2019. These stations are operated by HW who perform preventative maintenance and repairs, but these assets are not captured under a formal AM program. As a result, the condition of these stations is not being recorded and tracked, leaving them susceptible to failure over time. These stormwater pump stations serve specific

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SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 15 of 20

purposes, such as flooding mitigation for bridge underpasses or specific areas, and failure of these assets could have immediate consequences.

- d) There is an immediate need to define ownership and/or resources required for capital inspection programs to ensure that SWM assets are functioning as per original design. This is an important step that would support engineering and capital repair programs for stormwater/drainage assets such as watercourses, shoreline and outfalls.
- e) Managing culverts less than 3.0m in diameter is a gap with unknown needs, which carries its own risk. Traditional like-for-like replacements is common practice completed through the TOM Division. This poses the challenge that improvements outlined in current design standards and needs identified by local stakeholders, such as CAs, are not captured. The consequence and cost of failure of these assets is related to the size and location of culverts. For example, small culverts that do not cross a roadway, have a smaller consequence of failure than larger culverts that are under or within a road structure.

3. Risks from Climate Change and Extreme Weather

Climate change is altering the intensity, overall duration, and frequency of climatic events and causing increases in precipitation volumes and patterns. Impacts of climate change and extreme weather patterns represent a critical challenge for City infrastructure. Whether analysed from a local, regional, national, or international perspective, the increasing vulnerability of climate systems has highlighted the urgent need to plan and prepare for the possible impacts. Addressing climate related threats requires targeted action, grounded in science, and focused on building resilient strategies capable of managing a future that is both unpredictable and unprecedented.

The potential changes in annual precipitation volumes and rates is a significant threat to urban areas. According to a 2014 Federal Government report titled “Canada in a Changing Climate: Sector Perspectives on Impacts and Adaptation” and outlined in the 2016 Local Governments for Sustainability report for climate changes in Hamilton, Canada has experienced a 13% increase in average precipitation over the past half century. This change, and the associated conditions in urban areas, has led to increased pressures on SWM infrastructure and has forced municipalities to adjust approaches to SWM.

In 2020, as part of a broader Climate Change Adaptation and Asset Management Pilot Project, Public Works completed a climate change event probability analysis to document potential climate events and thresholds in Hamilton:

- This analysis combined the results of 16 climate models to determine potential climate futures associated with storm events and high lake water

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SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 16 of 20

levels for Hamilton for the short term (2030s), mid-century (2050s), and long term (2080s). It should be noted that the uncertainty in climate change forecasts increases the further out into the future, with results forecasted in the 2080s being subject to the most uncertainty.

- Overall, the results of this ongoing assignment illustrate significant expected increases in extreme precipitation events, multi-day extreme precipitation events, multi-day dry conditions, and saturated ground conditions prior to extreme rainfall events in Hamilton.
- The results indicated that total days where precipitation exceeded 50mm of rainfall would rise from 0.2 events per year between 1981 and 2010 to over 0.44 events per year by the 2080s, doubling the frequency of this extreme weather event in Hamilton.
- Extreme rainfall events that produce over 150mm of rain over a two (2) day period could increase from a one (1) in 200-year frequency between 1981 and 2010 to a frequency of one (1) in a 67-year event by the 2080s.
- The percentage yearly chance of lake water levels exceeding the height of Hamilton's lowest outfall (not currently submerged) at 75.5m above sea level could rise from 18% in the 2030s to 100% by the 2050s. The forecast of this study projects that Hamilton could see the event per year occurrence rise from 0.3 events per year in the 2030s to 3.7 events per year in the 2080s.

Information gathered from the Climate Change Adaptation and Asset Management Pilot Project indicates that increased forecasts to changes in rainfall intensity, drought conditions, and extreme precipitation events as outlined above can lead to damage from flooding and/or washout of private and public infrastructure, such as stormwater pumping stations, basements, facilities, parkland, roads, culverts, catch basins, bridges, and lead to wastewater bypass events in the combined sewage system. Increased occurrences and size of storms are risks to existing assets that may be undersized, therefore leading to public and private infrastructure flooding. There is also a risk that major stormwater paths or systems do not exist in some parts of the City leaving streets and neighbourhoods vulnerable to flooding.

The forecasted changes in lake levels identified above will impact shoreline protection assets and the functionality of combined sewage outfalls potentially creating inflow of lake water into the combined sewer system which leads to capacity issues and impacts to the functionality of combined sewer overflow tanks. For instance, as a result of the record high lake levels in 2017 and 2019, many City shoreline assets were damaged, and outfalls became inoperable due to being submerged under water. Temporary control structures were placed in strategic locations to minimize water from entering the combined sewer system through outfalls. It is worth noting that most stormwater outlets located along watercourses have been designed to function during pre-defined storm events, such as 100-year storm or regional storms events. Should extreme weather events exceed these pre-defined events, a risk exists that watercourse banks and/or stormwater outlets could become unstable and washout.

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SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 17 of 20

Municipalities typically rely on Provincial or Federal governments to develop infrastructure design standards, but currently there are no universal predictive models, comprehensive guidelines or policies for managing climate change that are accepted across the board. In the absence of having reliable climate change forecasts, there is no decisive criteria to apply to infrastructure design. Without suitable design criteria reflecting climate change forecasts and the infrastructure to support climate change weather patterns, the risks to public and private infrastructure increases.

Currently, the MECP is working on a stormwater design guideline which may provide further guidance regarding climate change. At present, the City's current design standards follow a conservative approach with the intent that infrastructure is built with some capacity reserve. These reserves are intended to address changes that may occur between the time the assets are designed to when the service area is fully built out. These reserves were never intended to address the significant capacity increases that will be required to address extreme weather events resulting from climate change.

Under the Climate Change Adaptation and Asset Management Pilot project, the City has partnered with other municipalities to determine climate change event probability and analysis, risk assessment and adaptation strategies. The objective is to apply a climate change lens on the current AM strategies in place, then develop climate change adaptation strategies for two asset classes, wastewater sewers and pumping stations. The data will be input into an AM Decision Support System to determine the financial impact of climate change adaptation and impacts to customers.

4) Levels of Service that the City Should Strive to Achieve and Funding Requirements

The City's SWMP must strive to achieve the necessary quality and quantity controls for stormwater that protect private and public infrastructure, the natural environment, and maintain compliance with legislation. As SWMPs are not regulated by the provincial government to the same degree as drinking water systems, there is no current legislated minimum level of service for certain elements of a SWMP, such as proactive maintenance for shoreline assets and drainage easements. It should be noted that the phasing in of legislation, such as O. Reg. 588/17 Asset Management Planning for Municipal Infrastructure, will define a minimum threshold for the level of service to be provided for certain assets.

Funding requirements for the City's current SWMP requires consideration of capital reinvestment and O&M reinvestment. Capital reinvestment refers to the funding requirements required for capital rehabilitation or replacement projects aimed at maintaining existing infrastructure in a state of good repair. O&M reinvestment refers to the funding requirements to keep infrastructure functional during the operations phase of the asset life cycle. Both capital and O&M reinvestment have industry established targets that, if applied, will ensure the SWMP has sufficient financial resources to function as intended.

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SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 18 of 20

As per the latest assessment completed in 2016, the total SWM asset replacement value at that time was approximately \$1.46B, which is composed of \$1.35B for linear SWM infrastructure, and \$106M for non-linear SWM infrastructure. As identified in **Error! Reference source not found.** below, the City should allocate between \$16.6M/year to \$20.7M/year toward capital reinvestment to maintain assets in a state of good repair. The capital reinvestment rates are 1-3% and vary for different asset types and are in accordance with:

- Lower and upper limits of the Canadian Infrastructure Reinvestment Rates outlined in the City of Hamilton's 2016 assessment, as well as,
- Capital reinvestment rates identified by an engineering consultant's review of the \$336M of stormwater assets managed by HW.

Information regarding annual O&M reinvestment rates from HW's assignment was applied to the asset inventory valuation outlined in the 2016 assessment. These O&M annual reinvestment rates range from 1-3%. Once a level of service across all stormwater assets is defined, capital and O&M reinvestment rates will have to be revisited in accordance with the most current industry targets. As identified in Table 2, the industry standard for O&M reinvestment rates would require \$15.5M/year applied to all stormwater assets across the City in 2016.

Table 2 - Annual Capital and O&M Reinvestment Rates Based on 2016 Assessment

City of Hamilton Annual Capital Reinvestment Rates	Linear Stormwater Infrastructure	Non-Linear Stormwater Infrastructure	Annual Capital Reinvestment Rates
Lower Capital Reinvestment Limit	\$13.5M/year	\$3.1M/year	\$16.6M/year
Upper Capital Reinvestment Limit	\$17.6M/year	\$3.1M/year	\$20.7M/year
City of Hamilton Annual Level of Service O&M Reinvestment Rates		Annual O&M Reinvestment Rates	
Industry Minimum Level of Service		\$15.5M/year	

Notes to table above:

1. Does not account for inflation.

The combined total for capital and O&M funding to support industry standard reinvestment rates from the 2016 assessment totals \$32.1M/year - \$36.2M/year. From an analysis of the five (5) year average, from 2016 – 2020, for actual capital and O&M investments, the SWMP has been underfunded by at least \$10M/year - \$14M/year over that time period.

SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 19 of 20

Considering the growth of the system alone since the 2016 assessment was completed the funding requirements are anticipated to be significantly higher in 2021. These values will continue to change annually based on growth of the system. Other factors that are not included in the funding requirements are:

- Inclusion of unknown assets into the City's AM plan as they are discovered.
- SWM assets not captured as part of the 2016 assessment (i.e. watercourses).
- Closure of known gaps.
- Implementing climate change mitigation and resiliency measures.
- Discovery and closure of new gaps currently not known.
- New stormwater capital construction to address problem areas with insufficient measures currently in place, or to meet a desired level of service

5) Financing Alternatives

Hamilton's stormwater program is currently funded through the Wastewater rates and to a much lesser extent by property taxes. However, there are three (3) viable alternatives for financing the SWMP, each of which is described below.

- a) Currently, the City's SWMP is principally funded through the combined Water, Wastewater and Stormwater Rate Budget (Rate Budget). However, the Rate Budget practices have not historically collected enough revenue to fund all of the annual needs across the water, wastewater and stormwater programs. As a result, on an annual basis some stormwater needs have been deferred, and some water and wastewater capital needs have also been deferred in order to provide funding for the stormwater programs.

In order to adequately fund the needs across all programs, water and wastewater rates could be increased more steeply than historically forecasted and additional debt could be issued to support the capital program. General Issues Committee Report FCS21088 (2022 Recommended Water, Wastewater and Stormwater Budget), was submitted based on this premise and the recommended debt financing plan and increases in water and wastewater rates contemplated fully funding the stormwater program based on existing levels of service. This will resolve the annual underfunding of the SWMP and the deferral of capital needs, but there will be a backlog of capital projects that remain to be addressed over time.

- b) A dedicated stormwater rate would alleviate the challenge of funding the stormwater program from rates collected to support the water and wastewater programs. In addition, implementing a dedicated stormwater rate would introduce an element of equitability in how the City financially supports the stormwater infrastructure and related programs.

SUBJECT: Stormwater Gap Evaluation (PW21074) (City Wide) - Page 20 of 20

Report PW19109 (Stormwater Rate Program) was provided to the General Issues Committee in December 2019 to follow up on previous discussions on the sustainability of the SWMP. The Report identified that:

“The City’s current stormwater funding structure is a combination of Wastewater rates, development charges, direct developer contributions and property taxes. Most of the funding comes from the rate revenues which are based on the metered drinking water consumption of those connected users. Approximately 3,300 accounts within the City, such as parking lots, do not have a wastewater connection and therefore do not contribute to the stormwater program through their rates. Furthermore, there are properties such as large commercial plazas where the volume of water consumption is not proportional to the stormwater services they receive.”

The Report also outlined the results of a municipal scan which showed that other Ontario municipalities, such as City of Ottawa, City of Mississauga, City of Guelph, City of London and Town of Newmarket, have shifted to a more equitable and robust stormwater structure by implementing a stormwater rate program. There is no single funding mechanism that is a “best-fit” for every jurisdiction but implementing the dedicated stormwater rate-based financial strategy has allowed for better management of funding associated with stormwater maintenance and system enhancement.

- c) A third alternative that is employed by some municipalities would be to transfer more of the costs associated with the City’s stormwater program to the Tax Supported Budget, or to fund the SWMP entirely from the Tax Support Budget. This would alleviate the stormwater pressure on the Water, Wastewater and Stormwater Rate Budget, and may resolve the concerns about the equitability of collecting revenue to support the stormwater program based on the volume of potable drinking water used at a specific property.

Municipalities that finance their stormwater programs entirely from the Tax Supported Budget include Halton Region, Durham Region, the City of Brantford, City of Cambridge and City of St. Catharines.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to report PW21074 – Findings Summary: Review of Stormwater Evaluation Report

Findings Summary: Review of Stormwater Evaluation Report

1.	Existing Gaps	Description
a)	Low Impact Development (LID) Standards and Governance Structure	Lack of standards related to the implementation of LIDs which can result in varying degrees of functionality.
b)	Official Plan and Stormwater Management Practices in Parkland and Urbanization Impacts	Stormwater features are generally compatible adjacent to parkland but must not remove the function of providing open space for use by residents. Community pressures to urbanize rural and industrial road cross sections without sidewalks or ditches, which can force additional capacity into the storm sewer or combined sewer systems.
c)	Maintenance, Enforcement, Tracking and Awareness of Private Stormwater Infrastructure	The City has no authority to inspect private stormwater infrastructure approved as part of the site plan process other than as part of the site plan inspection process. There is no assurance that the private infrastructure is performing as designed, or that infrastructure hasn't been altered or removed.
d)	Resources to Manage Stormwater Lot Level Controls on Public Infrastructure	The management of lot level controls are not part of the core responsibilities of the Energy, Fleet & Facilities Management and Engineering Services Divisions and takes resources away from their core programs.
e)	Planning of Stormwater Mitigation in Parkland Assets	New parks are not always draining sufficiently or comprised of good quality fill materials that would allow for natural infiltration processes. During development, parkland is often used for staging or stockpiling, leading to compacted soils and compromised infiltration.
f)	Developing Experience and Increasing Workloads in Unexpected Areas	Limited operational resources in HW that oversee the operation and maintenance of stormwater assets and other drainage related infrastructure. The Project Manager that is the City's Drainage Superintendent appointed by Council has accountability for the operations and maintenance of \$336M of assets which is a portion of the stormwater assets HW is responsible for.

g)	Major/Minor Stormwater Systems	For historical systems, the City is lacking hydraulic modelling analysis of major system drainage elements, such as stormwater management facilities, natural watercourses, open channel drains, overland flow channels, or major system drainage pipes. Public Works is not actively assessing major or minor stormwater system performance during extreme events and there is no Division currently responsible for establishing levels of service standards and strategic planning to mitigate major system flooding.
h)	Asset Management	General operation and maintenance, typically on a reactive basis, is performed on stormwater management facilities, watercourses, municipal drains and outfalls/shorelines, there is no proper asset management program that identifies a capital inspection schedule, responsibility for the capital inspections or responsibility for the management of a repair that requires engineering design and construction. There are many unknowns about the stormwater assets and there is a significant amount of information that needs to be collected before gaps in the program can be analysed.
i)	Regulatory Compliance	The City cannot locate an ECA for 34% or 49 of 143 stormwater management facilities (2020 stormwater management facility inventory), as well as some ECAs for LID features. Stormwater staff will need to work through this information gap to ensure that the stormwater management facilities are monitored and operated within regulatory requirements. Compliance requirements typically dictate the maintenance schedule for each stormwater management facility and some LID features as they are the main driver behind activities, such as pond cleanouts.

j)	Stormwater Management Facilities	Major maintenance of stormwater ponds, such as dredging, and disposal of accumulated sediments is undertaken based on priorities derived from monitoring of sediment accumulation and associated decrease in facility performance rather than on a preventative/proactive approach. Projection that an additional 100 stormwater management facilities will come on-line over the next 20 years as a result of growth. Growth Management has forecasted 20 additional facilities will be assumed by the City by 2022 alone. An increase in the baseline level of service to establish a pond monitoring and inspection program and address repairs is required to keep up with growth.
k)	Watercourse Assessment, Natural Heritage System Enhancements, Erosion Risk Mitigation, Inspection, Maintenance and Inlet/Outlet Monitoring	Physical inspections of watercourses for erosion or inspection of assets located along watercourses is irregular and not undertaken as part of a formal program. There are irregular inspections and no proactive maintenance of the 145km of City-owned watercourse. Hydraulic modelling of the major system and predictive modelling of watercourse performance during wet weather events is not completed by the City on a consistent basis. As a result, the City is limited in its ability to rapidly conduct post flooding studies to identify and address any contributing factors to the flooding event and highlight potential hazards to shoreline assets.
l)	Easements	The City lacks a program for inspection or maintenance of drainage easements. Currently, inspection and maintenance of drainage easements are not completed on a consistent schedule and, typically, only on a reactive basis. Additionally, negotiating a resolution for easement encroachments falls on HW staff which diverts a great deal of staff resources and time.
m)	Municipal Drains	This program has been reactive with no preventative maintenance activities. In failing to invest in the on-going need for erosion protection and restoration, bank failures will impact stormwater quality, channel capacity and private property, resulting in costly investments to deal with emergency repairs.
n)	Stormwater Water Quality Policy Development,	Responsibility within the City for policy development, monitoring and management of

	Monitoring and Management	quality of stormwater or natural watercourses has not been clearly established.
o)	Stormwater Management Facility Capacity Tracking and Allocation for New Growth	There is no comprehensive tracking program that monitors the impacts on the existing downstream stormwater management facilities to ensure they are functioning as originally intended.
p)	Administration	The City lacks a harmonized approach that clearly outlines the roles and responsibilities of each group to ensure that a holistic and consistent coordination of administrative activities is achieved.

2.	Immediate Risks and Needs to the City	Description
a)	SWM Ponds Lacking Assessment	There are a number of SWM ponds that have not been assessed for water quality performance since they were built and may not be performing as intended.
b)	No City-wide Hydraulic Model that is Fully Connected Between the Minor and Major Systems	The City cannot accurately predict overland flow and pipe flow during extreme storms. As a result, the City has insufficient visibility on where these systems are undersized and further, which streets or neighbourhoods are susceptible to flooding.
c)	Missing Asset Information	HW does not have complete information or assessments completed for two (2) stormwater pump stations acquired in 2019. These assets are not captured under a formal AM program. As a result, the condition of these stations is not being recorded and tracked, leaving them susceptible to failure over time.
d)	Ownership and Resources for Capital Inspections	There is a need to define ownership and resources required for capital inspection programs to ensure that stormwater assets are functioning as per original design.
e)	Culverts Less than 3.0m in Diameter	Traditional like-for-like replacements is common practice which poses the challenge that improvements outlined in current design standards and needs identified by local stakeholders are not captured.
3.	Risks from Climate Change and Extreme Weather	Increased forecasts to changes in rainfall intensity, drought conditions, and extreme precipitation can lead to damage from flooding and/or washout of

		private and public infrastructure, and lead to wastewater bypass events in the combined sewage system. Increased occurrences and size of storms are risks to existing assets that may be undersized, therefore leading to public and private infrastructure flooding. There is also a risk that major stormwater paths or systems do not exist in some parts of the City leaving streets and neighbourhoods vulnerable to flooding. The forecasted changes in lake levels identified above will impact shoreline protection assets and the functionality of combined sewage outfalls potentially creating inflow of lake water into the combined sewer system which leads to capacity issues and impacts to the functionality of combined sewer overflow tanks
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4.	Levels of Service that the City Should Strive to Achieve and Funding Requirements	Description
	Levels of Service	The SWMP must strive to achieve the necessary quality and quantity controls for stormwater that protect private and public infrastructure, the natural environment, and maintain compliance with legislation.
	Funding Requirements	The City should allocate between \$16.6M/year to \$20.7M/year toward capital reinvestment to maintain SWM assets in a state of good repair. The capital reinvestment rates are 1-3%. The City should allocate \$15.5M/year toward O&M reinvestment rates. These O&M annual reinvestment rates range from 1-3%. The SWMP has been underfunded by approximately \$10M/year - \$14M/year.

5.	Financing Alternatives	Description
a)	Water, Wastewater and Storm Rate Budget	Currently, the SWMP is principally funded through the combined Water, Wastewater and Storm Rate Budget. This practice could continue, but in order to adequately fund the needs across all programs, water and wastewater rates would need to increase more steeply than current forecasts and additional

		debt financing would likely be required for the capital program.
b)	Stormwater Rate Program	A dedicated stormwater rate would alleviate the challenge of funding the stormwater program from rates collected to support the water and wastewater programs. In addition, implementing a dedicated stormwater rate would introduce an element of fairness in how the City financially supports infrastructure and related programs.
c)	Tax Support Budget	Option to transfer more or all of the costs associated with the City's SWMP to the Tax Support Budget. This would alleviate the stormwater pressure on the Water, Wastewater and Stormwater Rate Budget, and may resolve the concerns about the equitability of collecting revenue to support the SWMP based on the volume of potable drinking water used at a specific property.



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	December 6, 2021
SUBJECT/REPORT NO:	Renewal of Enbridge Gas Inc. Franchise Agreement with the City of Hamilton (PW21070) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	David Lamont (905) 546-2424 Ext. 4413
SUBMITTED BY:	Edward Soldo, Chief Road Official Public Works Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That Council approve the 2000 Model Franchise Agreement (MFA), attached to Report PW21070 as Appendix "A" and the Letter of Understanding (LOU) attached to Report PW21070 as Appendix "B", dated August 25, 2021 with Enbridge Gas Inc. (Formerly Union Gas);
- (b) That Council authorizes the submission of these to the Ontario Energy Board (OEB) for approval pursuant to the provisions of Section 9 of The Municipal Franchises Act;
- (c) That Council pass and enact the attached by-law upon receipt of an Order from the Ontario Energy Board;
- (d) That the General Manager of Public Works be authorized and directed to request the Ontario Energy Board to make an Order declaring and directing that the assent of the municipal electors to the By-law attached to Report PW21070 as Appendix "C" and franchise agreement pertaining to the City of Hamilton is not necessary pursuant to the provisions of Section 9(4) of the Municipal Franchises Act;

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SUBJECT: Renewal of Enbridge Gas Inc. Franchise Agreement with the City of Hamilton (PW21070) (City Wide) - Page 2 of 8

- (e) That the Mayor and City Clerk be authorized and directed to execute the necessary documents, all documents being in a form satisfactory to the City Solicitor.

EXECUTIVE SUMMARY

This agreement is to address the use of the City of Hamilton's (City) highways by Enbridge Gas Inc. It is part of an ongoing process to renew Municipal Access Agreements (MAA) as the current MAA ended March 28th, 2021. The proposed Municipal Franchise Agreement with Enbridge is a form of MAA that is unique to natural gas utilities in Ontario, and is subject to unique natural gas legislation, namely the Municipal Franchises Act, R.S.O. 1990, CHAPTER M.55

Enbridge Gas Inc. and its predecessor companies have been supplying natural gas to the City and for parts of the municipality in excess of 100 years. In 2006, the City harmonized all the various agreements into one franchise agreement with Union Gas (now Enbridge Gas Inc.) with a report to the Committee of the Whole Report 06-018, dated August 9th, 2006 and authorized by By-Law 07-090, dated March 28th, 2007.

Staff has negotiated an agreement that meets the City of Hamilton's needs and provides mechanisms to address future enhancements. Staff recommend that Council approve that the City enter into the 2000 Model Franchise Agreement (MFA), attached as Appendix "A" to Report PW21070, with the accompanying Letter of Understanding (dated August 25th, 2021) attached to Report PW21070 as Appendix "B" expanding on terms found in the 2000 Model Franchise Agreement.

It is the purpose of this report to seek Council approval to render null and void all agreements between Enbridge Gas Inc. and the City and to authorize the City to enter into the 2000 Model Franchise Agreement along with the supplementary Letter of Understanding.

Under the Assessment Act, in 2020, the City received more than \$4.6 M in annual property taxes from Enbridge Gas Inc. for their gas pipelines with the City.

Alternatives for Consideration – Not applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: If adopted the City will continue to take on additional costs of an average estimated \$125,000 annually on capital projects in the future as outlined in the analysis section. These costs will be offset by the benefits of a consistent construction locate time line, and through reduced staff time in interpretation and coordination of levels of service across the entire City.

SUBJECT: Renewal of Enbridge Gas Inc. Franchise Agreement with the City of Hamilton (PW21070) (City Wide) - Page 3 of 8

Having a single favourably negotiated agreement with a Letter of Understanding will provide a stable base to the City moving forward.

Under the Assessment Act, gas companies' pipes are assessed annually, and the below table is a summary of the pipeline taxes paid by Enbridge Gas Inc. to the City over the past 6 years.

Property Taxes Paid to the City of Hamilton by Enbridge Gas Inc.

	Municipal Taxes	Education Taxes	Total Taxes
2015	\$ 3,788,003	\$ 2,468,854	\$ 6,256,856
2016	\$ 4,113,662	\$ 2,692,038	\$ 6,805,700
2017	\$ 4,360,675	\$ 2,804,435	\$ 7,165,110
2018	\$ 4,409,804	\$ 2,841,582	\$ 7,251,386
2019	\$ 4,582,200	\$ 2,900,111	\$ 7,482,311
2020	\$ 4,642,243	\$ 2,847,625	\$ 7,489,868

Data provided by Corporate Services, Taxation Department

Staffing: N/A

Legal: The various outstanding and ongoing franchise agreements will be rendered null and void by any repealing by-law and replacing it with the proposed agreement, and by-law. Notably, if Council does not assent to a new Model Franchise Agreement and the accompanying by-law, the Ontario Energy Board, under the powers conferred to it under the Municipal Franchises Act, may renew or extend the existing Model Franchise Agreement.

Legal Services has been engaged in negotiating and drafting all by-laws, agreements and other documents.

HISTORICAL BACKGROUND

The supply and distribution of natural gas in Ontario is highly regulated by the Ontario Energy Board (OEB). Agreements between municipalities and natural gas suppliers are further controlled by the the Municipal Franchises Act, R.S.O. 1990, CHAPTER M.55 which requires agreements for the supply of natural gas to be approved by the municipality and to be approved by the OEB. Over the years, the form of agreement that is used between municipalities and natural gas suppliers has been standardized to the point that the OEB endorses a specific form of agreement called the "2000 Model Franchise Agreement" (MFA). While the Agreement does not have regulatory status, the MFA is broadly used and is very familiar to the OEB. The Association of Municipalities of Ontario negotiated the MFA on behalf of Ontario municipalities.

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SUBJECT: Renewal of Enbridge Gas Inc. Franchise Agreement with the City of Hamilton (PW21070) (City Wide) - Page 4 of 8

Enbridge Gas Inc. and its predecessor companies have been supplying natural gas to the City and for parts of the municipality in excess of 100 years. In 2006, the City harmonized all the various agreements into one franchise agreement with a report to the Committee of the Whole Report 06-018, dated August 9th, 2006 and authorized by By-Law 07-090, dated March 28th, 2007. At the time, the City recognized that the MFA did not meet the needs nor complement policies that the City had in place with other Municipal Access Agreements. In order to align the MFA that was being proposed, the City and Union Gas negotiated a supplementary Letter of Understanding dated April 7th, 2005 to be included with the MFA to confirm the interpretation of certain provisions within the proposed MFA.

During the renegotiations of the 2000 Model Franchise Agreement City staff still found that the standard MFA template, similar to the 2006 negotiations, did not meet current City policies. Under the MFA template there is no ability to allow the municipality to change the template without applying to the OEB for approval. This is a lengthy and costly process which may not lead to a favourable outcome for the City. The preferred option was to negotiate a Letter of Understanding to address the City's issues with respect to the Model Franchise Agreement. Notably, the Letter of Understanding does not amend the Model Franchise Agreement, but it refines some of the terms contained therein. Staff is recommending, and Enbridge has agreed, that it be filed with the Ontario Energy Board in connection with the MFA.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Consultation with the Managers of Construction and Design sections within Engineering Services Division of Public works has led to their agreement of this arrangement.

Consultation with Legal Services and Risk Management has led to the proposed renewal of the MFA and to the addition of the supplementary Letter of Understanding that addresses and clarifies additional concerns raised by Risk Management.

Consultation with Corporate Services, Taxation, Manager of Tax Accounting resulted in the Tax data provided in this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

This Model Franchise Agreement (MFA) is the continuation of the previous agreement that the City made in 2007 with a few changes through the LOU that has better defined the City's needs as it related to corporate policies.

SUBJECT: Renewal of Enbridge Gas Inc. Franchise Agreement with the City of Hamilton (PW21070) (City Wide) - Page 5 of 8

In absence of any agreement between Utilities (operating corporation) and Municipalities (road authority), Provincial legislation, namely the Public Service Works on Highways Act, R.S.O. 1990, CHAPTER P.49, dictates that the costs of labour shall be borne equally between the road authority and the operating corporation. The MFA as laid out by the Ontario Energy Board (OEB) has more favourable conditions for the City regarding relocation costs. This reduces the City's exposure significantly in relocating existing gas pipes for capital City projects. The City for the last 7 years has assumed costs of approximately \$125,000 per year in connection with the City's requests that Enbridge's gas pipes be moved to accommodate the City's construction projects or other City initiatives. These costs are charged directly to the affected specific capital project.

The OEB dictates service areas to service providers through Certificates of Public Convenience. The Certificates are only issued to one provider and in the City of Hamilton there is only one gas supplier, Enbridge Gas Inc. The City has no ability to tender or alternatively quote for this service on an open market

Under the Municipal Franchise Act, R.S.O. 1990, c. M.55, the OEB may renew or extend an existing Municipal Franchise Agreement and the accompanying by-law, if a municipality refuses to enter into a new MFA.

- Proposed Renewal Franchise Agreement

Staff has negotiated a renewal Franchise Agreement with Enbridge Gas Inc. that it is recommending to Council for its consideration and approval. The renewal agreement follows the "2000 Model Franchise Agreement" that is endorsed by the OEB. The Association of Municipalities of Ontario generally represented municipal interests when negotiating the 2000 Model Franchise Agreement with consortium of energy companies.

Staff negotiated a further Letter of Understanding (LOU) between the City and Enbridge Gas Inc. for matters that either are not covered in the 2000 Model Franchise Agreement (MFA) or where further details would be beneficial. The proposed MFA with Enbridge Gas Inc. is attached to this report as Appendix "A" to Report PW21070. The proposed Letter of Understanding with Enbridge Gas Inc. is attached as Appendix "B" to Report PW21070 and the 2005 Letter of Understanding is attached as Appendix "D" to Report PW21070 for reference.

SUBJECT: Renewal of Enbridge Gas Inc. Franchise Agreement with the City of Hamilton (PW21070) (City Wide) - Page 6 of 8

The current proposed Letter of Understanding differs from the prior Letter of Understanding in the following respects:

Previous Letter of Understanding dated April 7 th 2005	Letter of Understanding dated August 25th, 2021
Pipeline Relocation: Section 12 of the MFA Union gas confirms that the cost and obligations of each party pursuant to this section is only applicable to the gas system located within the highway as defined by the agreement.	Pipeline Relocation (Section 12): Enbridge Gas confirms that the cost and obligations of each party pursuant to this section is only applicable to the gas system located within the highway as defined by the agreement.
Pipeline Relocation: Union gas confirm that in the event the city acquires additional lands and incorporate those lands into a new highway that union gas will surrender any rights which it holds within the new expanded highway.	Pipeline Relocation (Section 12): Enbridge Gas confirm that in the event the city acquires additional lands and incorporate those lands into a new highway that union gas will surrender any rights which it holds within the new expanded highway.
Cost of relocation: Union gas confirms that prior to commencing the undertaking of relocating any gas line under the Franchise Agreement that they would provide a cost estimate to the city.	Cost of relocation (Section12): Enbridge Gas confirms that prior to commencing the undertaking of relocating any gas line under the Franchise Agreement that they would provide a cost estimate to the city.
Dispute Resolution: Union Gas has a long and respected practice of working with municipalities in the event of issues arising with respects to the application terms of the franchise agreement however they are committed to utilizing an alternative dispute resolution mechanism if required.	Dispute Resolution: Enbridge Gas has a long and respected practice of working with municipalities in the event of issues arising with respects to the application terms of the franchise agreement however they are committed to utilizing an alternative dispute resolution mechanism if required.
Locate Information: Union Gas confirmed that they are committed to a two hour turn around in the event of emergency another locates within four days.	Locate Information: Enbridge Gas will follow the Ontario underground Infrastructure Notification Systems Act 2012 and other applicable laws.

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: Renewal of Enbridge Gas Inc. Franchise Agreement with the City of Hamilton (PW21070) (City Wide) - Page 7 of 8

Previous Letter of Understanding dated April 7 th 2005	Letter of Understanding dated August 25 th , 2021
Insurance: pursuant to section 10 of the franchise agreement union gas shall provide the city with a certificate of insurance in the amount of \$50 million.	Insurance (Section 10): Enbridge Gas has a general obligation to maintain insurance as set out in section 10 of the MFA which outlines: “shall maintain Comprehensive General Liability Insurance in sufficient amount” and include the City as an additional insured. Risk Management has reviewed the insurance certificate and is generally satisfied with it.
Not Included	Bridge or Viaduct (Section 5f): Confirming that Enbridge Gas will not install on city bridge or viaduct without prior written permission
Not Included	As Built Drawing (Section 6): Enbridge gas confirms the electronic format of the drawings provided to the city will be to City’s format Standards.
Not Included	Restoration (Section 8): Enbridge Gas confirms that they will follow all the city requirements as outlined in bylaw 15-091 Right-of-Way Utility Installation and Permit Manual.

If the proposed 2000 Model Franchise Agreement with Enbridge Gas Inc. is approved by Council, Council will be asked to pass a by-law similar in content and in form as the draft by-law set out in Appendix “C” to Report PW21070. The procedure then requires Enbridge Gas Inc. to make application to the OEB to approve the Franchise Agreement and upon obtaining an order from the OEB approving the Franchise Agreement; Council would then pass and adopt the by-law. A separate by-law is required by the Municipal Franchise Act. R.S.O. 1990, c. M.55. It is anticipated that the proposed 2000 Model Franchise Agreement will be approved by the OEB.

ALTERNATIVES FOR CONSIDERATION – Not applicable

SUBJECT: Renewal of Enbridge Gas Inc. Franchise Agreement with the City of Hamilton (PW21070) (City Wide) - Page 8 of 8

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PW21070: Proposed 2000 Model Franchise Agreement between City of Hamilton and Enbridge Gas Inc.

Appendix “B” to Report PW21070: Supplementary Letter of Understanding dated August 25, 2021

Appendix “C” to Report PW21070: By-law to Authorize a Franchise Agreement between City of Hamilton and Enbridge Gas Inc.

Appendix “D” to Report PW21070: Previous Supplementary Letter of Understanding dated April 7th, 2005

2000 Model Franchise Agreement

THIS AGREEMENT effective this day of , 2021

BETWEEN:

THE CITY OF HAMILTON

hereinafter called the "Corporation"

- and -

ENBRIDGE GAS INC.

hereinafter called the "Gas Company"

WHEREAS the Gas Company desires to distribute, store and transmit gas in the Municipality upon the terms and conditions of this Agreement;

AND WHEREAS by by-law passed by the Council of the Corporation (the "By-law"), the duly authorized officers have been authorized and directed to execute this Agreement on behalf of the Corporation;

THEREFORE the Corporation and the Gas Company agree as follows:

Part I - Definitions

1. In this Agreement

- (a) "decommissioned" and "decommissions" when used in connection with parts of the gas system, mean any parts of the gas system taken out of active use and purged in accordance with the applicable CSA standards and in no way affects the use of the term 'abandoned' pipeline for the purposes of the *Assessment Act*;
- (b) "Engineer/Road Superintendent" means the most senior individual employed by the Corporation with responsibilities for highways within the Municipality or the person designated by such senior employee or such other person as may from time to time be designated by the Council of the Corporation;

- (c) "gas" means natural gas, manufactured gas, synthetic natural gas, liquefied petroleum gas or propane-air gas, or a mixture of any of them, but does not include a liquefied petroleum gas that is distributed by means other than a pipeline;
- (d) "gas system" means such mains, plants, pipes, conduits, services, valves, regulators, curb boxes, stations, drips or such other equipment as the Gas Company may require or deem desirable for the distribution, storage and transmission of gas in or through the Municipality;
- (e) "highway" means all common and public highways and shall include any bridge, viaduct or structure forming part of a highway, and any public square, road allowance or walkway and shall include not only the travelled portion of such highway, but also ditches, driveways, sidewalks, and sodded areas forming part of the road allowance now or at any time during the term hereof under the jurisdiction of the Corporation;
- (f) "Model Franchise Agreement" means the form of agreement which the Ontario Energy Board uses as a standard when considering applications under the *Municipal Franchises Act*. The Model Franchise Agreement may be changed from time to time by the Ontario Energy Board;
- (g) "Municipality" means the territorial limits of the Corporation on the date when this Agreement takes effect, and any territory which may thereafter be brought within the jurisdiction of the Corporation;
- (h) "Plan" means the plan described in Paragraph 5 of this Agreement required to be filed by the Gas Company with the Engineer/Road Superintendent prior to commencement of work on the gas system; and
- (i) whenever the singular, masculine or feminine is used in this Agreement, it shall be considered as if the plural, feminine or masculine has been used where the context of the Agreement so requires.

Part II - Rights Granted

2. To provide gas service

The consent of the Corporation is hereby given and granted to the Gas Company to distribute, store and transmit gas in and through the Municipality to the Corporation and to the inhabitants of the Municipality.

3. To Use Highways

Subject to the terms and conditions of this Agreement the consent of the Corporation is hereby given and granted to the Gas Company to enter upon all highways now or at any time hereafter under the jurisdiction of the Corporation and to lay, construct, maintain, replace, remove, operate and repair a gas system for the distribution, storage and transmission of gas in and through the Municipality.

4. Duration of Agreement and Renewal Procedures

(a) If the Corporation has not previously received gas distribution services, the rights hereby given and granted shall be for a term of 20 years from the date of final passing of the By-law.

or

(b) If the Corporation has previously received gas distribution services, the rights hereby given and granted shall be for a term of 20 years from the date of final passing of the By-law provided that, if during the 20 year term of this Agreement, the Model Franchise Agreement is changed, then on the 7th anniversary and on the 14th anniversary of the date of the passing of the By-law, this Agreement shall be deemed to be amended to incorporate any changes in the Model Franchise Agreement in effect on such anniversary dates. Such deemed amendments shall not apply to alter the 20 year term.

(c) At any time within two years prior to the expiration of this Agreement, either party may give notice to the other that it desires to enter into negotiations for a renewed franchise upon such terms and conditions as may be agreed upon. Until such renewal has been settled, the terms and conditions of this Agreement shall continue, notwithstanding the expiration of this Agreement. This shall not preclude either party from applying to the Ontario Energy Board for a renewal of the Agreement pursuant to section 10 of the *Municipal Franchises Act*.

Part III – Conditions

5. Approval of Construction

- (a) The Gas Company shall not undertake any excavation, opening or work which will disturb or interfere with the surface of the travelled portion of any highway unless a permit therefor has first been obtained from the Engineer/Road Superintendent and all work done by the Gas Company shall be to his satisfaction.
- (b) Prior to the commencement of work on the gas system, or any extensions or changes to it (except service laterals which do not interfere with municipal works in the highway), the Gas Company shall file with the Engineer/Road Superintendent a Plan, satisfactory to the Engineer/Road Superintendent, drawn to scale and of sufficient detail considering the complexity of the specific locations involved, showing the highways in which it proposes to lay its gas system and the particular parts thereof it proposes to occupy.
- (c) The Plan filed by the Gas Company shall include geodetic information for a particular location:
 - (i) where circumstances are complex, in order to facilitate known projects, including projects which are reasonably anticipated by the Engineer/Road Superintendent, or
 - (ii) when requested, where the Corporation has geodetic information for its own services and all others at the same location.
- (d) The Engineer/Road Superintendent may require sections of the gas system to be laid at greater depth than required by the latest CSA standard for gas pipeline systems to facilitate known projects or to correct known highway deficiencies.
- (e) Prior to the commencement of work on the gas system, the Engineer/Road Superintendent must approve the location of the work as shown on the Plan filed by the Gas Company, the timing of the work and any terms and conditions relating to the installation of the work.
- (f) In addition to the requirements of this Agreement, if the Gas Company proposes to affix any part of the gas system to a bridge, viaduct or other structure, if the Engineer/Road Superintendent approves this proposal, he may require the Gas Company to comply with special conditions or to enter into a separate agreement as a condition of the approval of this part of the construction of the gas system.

- (g) Where the gas system may affect a municipal drain, the Gas Company shall also file a copy of the Plan with the Corporation's Drainage Superintendent for purposes of the *Drainage Act*, or such other person designated by the Corporation as responsible for the drain.
- (h) The Gas Company shall not deviate from the approved location for any part of the gas system unless the prior approval of the Engineer/Road Superintendent to do so is received.
- (i) The Engineer/Road Superintendent's approval, where required throughout this Paragraph, shall not be unreasonably withheld.
- (j) The approval of the Engineer/Road Superintendent is not a representation or warranty as to the state of repair of the highway or the suitability of the highway for the gas system.

6. **As Built Drawings**

The Gas Company shall, within six months of completing the installation of any part of the gas system, provide two copies of "as built" drawings to the Engineer/Road Superintendent. These drawings must be sufficient to accurately establish the location, depth (measurement between the top of the gas system and the ground surface at the time of installation) and distance of the gas system. The "as built" drawings shall be of the same quality as the Plan and, if the approved pre-construction plan included elevations that were geodetically referenced, the "as built" drawings shall similarly include elevations that are geodetically referenced. Upon the request of the Engineer/Road Superintendent, the Gas Company shall provide one copy of the drawings in an electronic format and one copy as a hard copy drawing.

7. **Emergencies**

In the event of an emergency involving the gas system, the Gas Company shall proceed with the work required to deal with the emergency, and in any instance where prior approval of the Engineer/Road Superintendent is normally required for the work, the Gas Company shall use its best efforts to immediately notify the Engineer/Road Superintendent of the location and nature of the emergency and the work being done and, if it deems appropriate, notify the police force, fire or other emergency services having jurisdiction. The Gas Company shall provide the Engineer/Road Superintendent with at least one 24 hour emergency contact for the Gas Company and shall ensure the contacts are current.

8. Restoration

The Gas Company shall well and sufficiently restore, to the reasonable satisfaction of the Engineer/Road Superintendent, all highways, municipal works or improvements which it may excavate or interfere with in the course of laying, constructing, repairing or removing its gas system, and shall make good any settling or subsidence thereafter caused by such excavation or interference. If the Gas Company fails at any time to do any work required by this Paragraph within a reasonable period of time, the Corporation may do or cause such work to be done and the Gas Company shall, on demand, pay the Corporation's reasonably incurred costs, as certified by the Engineer/Road Superintendent.

9. Indemnification

The Gas Company shall, at all times, indemnify and save harmless the Corporation from and against all claims, including costs related thereto, for all damages or injuries including death to any person or persons and for damage to any property, arising out of the Gas Company operating, constructing, and maintaining its gas system in the Municipality, or utilizing its gas system for the carriage of gas owned by others. Provided that the Gas Company shall not be required to indemnify or save harmless the Corporation from and against claims, including costs related thereto, which it may incur by reason of damages or injuries including death to any person or persons and for damage to any property, resulting from the negligence or wrongful act of the Corporation, its servants, agents or employees.

10. Insurance

- (a) The Gas Company shall maintain Comprehensive General Liability Insurance in sufficient amount and description as shall protect the Gas Company and the Corporation from claims for which the Gas Company is obliged to indemnify the Corporation under Paragraph 9. The insurance policy shall identify the Corporation as an additional named insured, but only with respect to the operation of the named insured (the Gas Company). The insurance policy shall not lapse or be cancelled without sixty (60) days' prior written notice to the Corporation by the Gas Company.
- (b) The issuance of an insurance policy as provided in this Paragraph shall not be construed as relieving the Gas Company of liability not covered by such insurance or in excess of the policy limits of such insurance.
- (c) Upon request by the Corporation, the Gas Company shall confirm that premiums for such insurance have been paid and that such insurance is in full force and effect.

11. Alternative Easement

The Corporation agrees, in the event of the proposed sale or closing of any highway or any part of a highway where there is a gas line in existence, to give the Gas Company reasonable notice of such proposed sale or closing and, if it is feasible, to provide the Gas Company with easements over that part of the highway proposed to be sold or closed sufficient to allow the Gas Company to preserve any part of the gas system in its then existing location. In the event that such easements cannot be provided, the Corporation and the Gas Company shall share the cost of relocating or altering the gas system to facilitate continuity of gas service, as provided for in Paragraph 12 of this Agreement.

12. Pipeline Relocation

- (a) If in the course of constructing, reconstructing, changing, altering or improving any highway or any municipal works, the Corporation deems that it is necessary to take up, remove or change the location of any part of the gas system, the Gas Company shall, upon notice to do so, remove and/or relocate within a reasonable period of time such part of the gas system to a location approved by the Engineer/Road Superintendent.
- (b) Where any part of the gas system relocated in accordance with this Paragraph is located on a bridge, viaduct or structure, the Gas Company shall alter or relocate that part of the gas system at its sole expense.
- (c) Where any part of the gas system relocated in accordance with this Paragraph is located other than on a bridge, viaduct or structure, the costs of relocation shall be shared between the Corporation and the Gas Company on the basis of the total relocation costs, excluding the value of any upgrading of the gas system, and deducting any contribution paid to the Gas Company by others in respect to such relocation; and for these purposes, the total relocation costs shall be the aggregate of the following:
 - (i) the amount paid to Gas Company employees up to and including field supervisors for the hours worked on the project plus the current cost of fringe benefits for these employees,
 - (ii) the amount paid for rental equipment while in use on the project and an amount, charged at the unit rate, for Gas Company equipment while in use on the project,
 - (iii) the amount paid by the Gas Company to contractors for work related to the project,

- (iv) the cost to the Gas Company for materials used in connection with the project, and
 - (v) a reasonable amount for project engineering and project administrative costs which shall be 22.5% of the aggregate of the amounts determined in items (i), (ii), (iii) and (iv) above.
- (d) The total relocation costs as calculated above shall be paid 35% by the Corporation and 65% by the Gas Company, except where the part of the gas system required to be moved is located in an unassumed road or in an unopened road allowance and the Corporation has not approved its location, in which case the Gas Company shall pay 100% of the relocation costs.

Part IV - Procedural And Other Matters

13. Municipal By-laws of General Application

The Agreement is subject to the provisions of all regulating statutes and all municipal by-laws of general application, except by-laws which have the effect of amending this Agreement.

14. Giving Notice

Notices may be delivered to, sent by facsimile or mailed by prepaid registered post to the Gas Company at its head office or to the authorized officers of the Corporation at its municipal offices, as the case may be.

15. Disposition of Gas System

- (a) If the Gas Company decommissions part of its gas system affixed to a bridge, viaduct or structure, the Gas Company shall, at its sole expense, remove the part of its gas system affixed to the bridge, viaduct or structure.
- (b) If the Gas Company decommissions any other part of its gas system, it shall have the right, but is not required, to remove that part of its gas system. It may exercise its right to remove the decommissioned parts of its gas system by giving notice of its intention to do so by filing a Plan as required by Paragraph 5 of this Agreement for approval by the Engineer/Road Superintendent. If the Gas Company does not remove the part of the gas system it has decommissioned and the Corporation requires the removal of all or any part of the decommissioned gas system for the purpose of altering or improving a highway or in order to facilitate the construction of utility or other works in any highway, the Corporation

may remove and dispose of so much of the decommissioned gas system as the Corporation may require for such purposes and neither party shall have recourse against the other for any loss, cost, expense or damage occasioned thereby. If the Gas Company has not removed the part of the gas system it has decommissioned and the Corporation requires the removal of all or any part of the decommissioned gas system for the purpose of altering or improving a highway or in order to facilitate the construction of utility or other works in a highway, the Gas Company may elect to relocate the decommissioned gas system and in that event Paragraph 12 applies to the cost of relocation.

16. **Use of Decommissioned Gas System**

- (a) The Gas Company shall provide promptly to the Corporation, to the extent such information is known:
 - (i) the names and addresses of all third parties who use decommissioned parts of the gas system for purposes other than the transmission or distribution of gas; and
 - (ii) the location of all proposed and existing decommissioned parts of the gas system used for purposes other than the transmission or distribution of gas.
- (b) The Gas Company may allow a third party to use a decommissioned part of the gas system for purposes other than the transmission or distribution of gas and may charge a fee for that third party use, provided
 - (i) the third party has entered into a municipal access agreement with the Corporation; and
 - (ii) the Gas Company does not charge a fee for the third party's right of access to the highways.
- (c) Decommissioned parts of the gas system used for purposes other than the transmission or distribution of gas are not subject to the provisions of this Agreement. For decommissioned parts of the gas system used for purposes other than the transmission and distribution of gas, issues such as relocation costs will be governed by the relevant municipal access agreement.

17. **Franchise Handbook**

The Parties acknowledge that operating decisions sometimes require a greater level of detail than that which is appropriately included in this Agreement. The Parties agree to look for guidance on such matters to the Franchise Handbook prepared by the Association of Municipalities of Ontario and the gas utility companies, as may be amended from time to time.

18. Other Conditions

Notwithstanding the cost sharing arrangements described in Paragraph 12, if any part of the gas system altered or relocated in accordance with Paragraph 12 was constructed or installed prior to January 1, 1981, the Gas Company shall alter or relocate, at its sole expense, such part of the gas system at the point specified, to a location satisfactory to the Engineer/Road Superintendent.

19. Agreement Binding Parties

This Agreement shall extend to, benefit and bind the parties thereto, their successors and assigns, respectively.

IN WITNESS WHEREOF the parties have executed this Agreement effective from the date written above.

CITY OF HAMILTON

Per:

Fred Eisenberger, Mayor

Per:

Andrea Holland, City Clerk

ENBRIDGE GAS INC.

Per:

Mark Kitchen, Director
Regulatory Affairs

Per:

Murray Costello, Director,
Southeast Region Operations

Appendix "B" to Report PW21070
Page 1 of 2

Enbridge Gas Inc.
603 Kumpf Drive
Waterloo, Ontario
N2J 4A4

August 25, 2021

City of Hamilton
Gord McGuire
Director of Engineering
City Hall, 71 Main Street West
Hamilton, ON L8P 4Y5

Dear Gord:

**Re: Enbridge Gas Inc. ("Enbridge Gas")
Franchise Agreement with City of Hamilton (the "City")**

This is further to recent discussions between Enbridge Gas and the City related to renewal of the Franchise Agreement between Enbridge Gas and the City ("FA").

This letter serves to clarify certain matters related to Enbridge Gas' operations within the City pursuant to the FA.

Enbridge Gas does not intend for the information provided in this letter to amend or modify the terms of the FA in any way.

In this regard, Enbridge Gas confirms as follows (references are to sections of the FA, if related):


- 1) **Bridge or viaduct (section 5f.):** Enbridge Gas confirms it will not use any bridge or viaduct without the prior, written permission of the City Engineer/Road Superintendent for installation of new or relocated pipeline. In those cases where Enbridge Gas currently uses a bridge or viaduct in the City, this use will continue.
- 2) **As Built Drawings (section 6):** Enbridge Gas confirms the electronic format of the drawings provided to the City will be the type of electronic format the City Engineer/Road Superintendent requires. Note that Enbridge Gas currently has a master data sharing agreement with the City; The License Agreement between Enbridge Gas and the City is dated 2001.
- 3) **Restoration (section 8):** Enbridge Gas confirms it will continue to follow the restoration requirements of the City of Hamilton By-law 15-091 ("By-law"), (Roads – Equipment Installation By-law) and the Roads – Equipment Installation Manual, as referenced in the By-law 15-091 (currently known as the Right of Way Utility Installation and Permit Manual). Further, if Enbridge Gas is unable to repair or restore the surface of the highway to substantially the same condition it was in before the work was undertaken per the terms of the By-law in a timely manner, Enbridge Gas may, with the written permission of City and within twenty-four (24) hours of the completion of all applicable work, temporarily repair the surface of the highway to a working condition and perform permanent repairs or restoration to the surface of the highway to substantially the same

Appendix "B" to Report PW21070
Page 2 of 2

- condition it was in before the work, by a date set by the City Engineer/Road Superintendent, which shall not be any later than two (2) years after the date Enbridge Gas broke the paved surface of the highway. In all instances, Enbridge Gas confirms it will use a contractor approved by the City Engineer/Road Superintendent, acting reasonably, for any repair or restoration to the highway under the FA.
- 4) **Locate information:** Enbridge Gas will continue to follow *Ontario Underground Infrastructure Notification System Act, 2012* and other applicable laws.
 - 5) **Pipeline Relocation (section 12):** Enbridge Gas confirms that the costs and obligations of each party pursuant to this section of the FA are only applicable to the gas system, as defined in the FA located within a Highway as defined in the FA. Enbridge Gas agrees that in the event the City acquires additional lands and incorporates those lands into a new Highway, that Enbridge Gas will surrender any easement rights which it holds within the new expanded Highway. Notwithstanding the surrender by Enbridge Gas of any rights as aforementioned the parties agree that the City shall be solely responsible for all costs relating to the relocation of the gas system, in the first instance, and any subsequent relocation of the gas systems within the Highway will be governed by the terms and conditions of the FA.
 - 6) **Cost of relocations (section 12):** Enbridge Gas confirms that prior to commencing or undertaking any relocation of its gas system in accordance with the requirements of the FA, Enbridge Gas will provide the City with an estimate of the costs for its information only. Enbridge Gas will be pleased to provide information to the City to demonstrate to the City that costs are reasonably and diligently constructed.
 - 7) **Dispute resolution:** Enbridge Gas has a long and respected practice of working with municipalities in the event of issues arising with respect to the application of the terms of the franchise agreement and other operational matters. It is Enbridge Gas' intent to continue to maintain this commitment through dialogue and consultation with the City in order to resolve any issues related to the FA. In the event the City and Enbridge Gas cannot come to a mutually agreeable solution, Enbridge Gas or the City may raise any concerns related to the FA with the Ontario Energy Board.
 - 8) **Insurance (section 10):** Enbridge Gas has a general obligation to maintain insurance as set out in section 10 of the FA and for all municipalities with which Enbridge Gas also has a model franchise agreement in place. If requested from time to time for a specific purpose, Enbridge Gas can provide a certificate of insurance to the City as evidence that insurance required pursuant to section 10c. of the FA is in place. Enbridge Gas notes that, as set out in section 10b. of the FA, the required insurance policy does not relieve the Gas Company of liability not covered by such insurance or in excess of the policy limits of such insurance.

We look forward to continuing Enbridge Gas' strong relationships with the City in relation to providing gas service to Hamilton residents.

Sincerely,



Murray Costello, P.Eng.
Director, Southeast Operations, Enbridge Gas Inc.
Murray.Costello@enbridge.com

Authority: Item , Committee Report 21-
(Staff report number)
CM: Council meeting date
approving above item
Ward:

Bill No.

**CITY OF HAMILTON
BY-LAW NO. 21-**

A BY-LAW TO AUTHORIZE A FRANCHISE AGREEMENT BETWEEN

**CITY OF HAMILTON
and
ENBRIDGE GAS INC.**

To Repeal, Amend, Adopt, Regulate Etc.

WHEREAS the Council of the City of Hamilton deems it expedient to enter into the attached franchise agreement (the "Franchise Agreement") with Enbridge Gas Inc.;

AND WHEREAS the Ontario Energy Board by its Order issued pursuant to the *Municipal Franchises Act* on the day of , 20 has approved the terms and conditions upon which and the period for which the franchise provided in the Franchise Agreement is proposed to be granted, and has declared and directed that the assent of the municipal electors in respect of this By-Law is not necessary:

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

1. **THAT** the Franchise Agreement between the City of Hamilton and Enbridge Gas Inc. attached hereto and forming part of this by-law, is hereby authorized and the franchise provided for therein is hereby granted.
2. **THAT** the Mayor and City Clerk be and they are hereby authorized and instructed on behalf of the City of Hamilton to enter into and execute under its corporate seal and deliver the Franchise Agreement, which is hereby incorporated into and forming part of this By-Law.
3. **THAT** the following by-law be hereby repealed:
 - By-law #07-090 for the City of Hamilton, passed in Council on March 28, 2007.

4. **THAT** this by-law is subject to, and shall come into force and take effect as of the later of: final passing thereof; and the approval of the Franchise Agreement by Ontario Energy Board.

PASSED this day of , 2021.

F. Eisenberger
Mayor

A. Holland
City Clerk



April 7, 2005

Mr. Scott Stewart, C.E.T.
General Manager, Public Works Department
City of Hamilton
320 – 77 James Street North
Hamilton, ON
L8R 2K3

Dear Mr. Stewart:

Re: City of Hamilton Franchise Agreement

We refer to our ongoing discussions and correspondence with regard to the execution of a new Model Franchise Agreement between Union Gas and the City of Hamilton ("the City"). We confirm that the parties have agreed to the interpretation of certain provisions of the Franchise Agreement and the City has asked Union Gas to confirm the interpretation in writing.

Pipeline Relocation

Section 12 of the Franchise Agreement deals with pipeline relocation and the costs and obligations of each party regarding pipeline relocation. Union Gas confirms that the costs and obligations of each party pursuant to this section is only applicable to the gas system, as defined in the Model Franchise Agreement located within a Highway as defined in the Agreement. All costs and other expenses relating to the relocation of the gas system outside of the Highway are governed either by the Easement held by Union Gas or similar documentation ("Rights") which provides Union Gas with the right to install and maintain its gas system.

Union Gas agrees that in the event the City acquires additional lands and incorporates those lands into a new Highway, that Union Gas will surrender any Rights which it holds within the new expanded Highway. Notwithstanding the surrender by Union of any Rights as aforementioned the parties agree that the City shall be solely responsible for all costs relating to the relocation of the gas system, in the first instance, and any subsequent relocation of the gas systems within the Highway will be governed by the terms and conditions of the Franchise Agreement.



Costs of Relocations

Union Gas confirms that prior to commencing or undertaking any relocation of its gas systems in accordance with the requirements of the Franchise Agreement, Union Gas shall provide the City with an estimate of the costs for its information only. Union will be pleased to provide information to the City to satisfy the municipality that costs are reasonably and diligently constructed.

Dispute Resolution

Union Gas has a long and respected practice of working with municipalities in the event of issues arising with respect to the application of the terms of the franchise agreement and other operational matters. It is Union's intent to continue to maintain this commitment through dialogue and consultation in order to resolve issues without recourse to other means. However, Union is willing to commit to utilizing an alternative dispute resolution mechanism in the event the parties cannot come to a mutually agreed upon solution. This could include mediation or other means as agreed to by the parties in advance of proceeding to an alternative mechanism to resolve a dispute.

Locate information

Union Gas shall continue to meet all its statutory and regulatory obligations for line locates including the requirements of the Technical Standards Safety Authority pursuant to Section 9(2) of Ontario Regulation 210/01 under the Technical Standards and Safety Act, 2000 S.O. 2000, c.16.

In the current circumstance, upon receiving a locate request through Ontario One Call from the City, or the City's authorized agent, Union Gas shall, at no cost to the City, make best efforts to provide locations of its gas system as follows:

1. Within two hours in the event of an emergency;
2. Within four days, 90 percent of the time, in all other cases.

The City and Union Gas acknowledge that these locational time lines may be varied from time to time.

The locations provided by Union Gas to the City shall contain sufficient information, consistent with industry practises. These practises may be varied from time to time.

Union Gas shall provide and identify to the City's engineer an individual who shall be Union Gas' contact person for the purpose of the requirements for locate process information. Each Party shall also provide to the other Party an emergency contact number at which personnel shall be available at all times and shall ensure that the aforementioned number is current.



Insurance

Pursuant Section 10 of the Franchise Agreement, Union Gas shall provide the City with a Certificate of Insurance with comprehensive and general liability insurance in the amount of Fifty Million Dollars (\$50,000,000.00), or such other amounts as Union Gas is obligated to indemnify the City pursuant to Section 9 of the Franchise Agreement.

Union Gas has a long and positive relationship with the City of Hamilton, from both an operational and community perspective. We are committed to working closely with municipal staff to our mutual benefit in meeting the needs of your citizens and our customers.

In closing, as previously high lighted the 2000 Model Franchise Agreement has been approved by the AMO and the OEB. Currently, approximately one hundred other municipalities are operating under this revised model and as renewals occur with other municipalities this model will be the standard for the province.

Should you have any questions or if we can assist further in this process please call.

Yours very truly,

Frank Scremin, P. Eng.
Manager of Operations, Hamilton
UNION GAS LIMITED

:/bk

cc: Paul Rietdyk
Frank Varga
Max Hagerman
Mark Murray
Lynn Marentette



TRUCK ROUTE SUB-COMMITTEE REPORT 21-001

9:30 a.m.

November 29, 2021

Council Chambers

Hamilton City Hall

Present: Councillors J. Farr (Chair), N. Nann (Vice-Chair), T. Jackson, B. Johnson, S. Merulla, M. Pearson, and M. Wilson

Also Present: Councillor J. Partridge

THE TRUCK ROUTE SUB-COMMITTEE PRESENTS REPORT 21-001 AND RESPECTFULLY RECOMMENDS:

1. Truck Route Master Plan Update (PED19073(b)) (City Wide) (Item 8.1)

- (a) That the Truck Route Master Plan Update (PED19073(b)) (City Wide), be received, and;
- (b) That staff be directed to review the recommendations in Report PED19073(b) Truck Route Master Plan Update with prioritization given to the Terms of Reference ratified by Council, including an analysis that would permit a ring road approach for the Truck Route Master Plan Update and report back to the Truck Route Sub-Committee by March 31, 2022.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

5. COMMUNICATIONS (Item 5)

The following added Communications Items are to be received and referred to the consideration of Item 8.1 - Truck Route Master Plan Update (PED19073(b)) (City Wide):

- 5.1 Correspondence from Jo-Anne and Erwin Mataitis, respecting concern regarding designating Nebo Rd as a truck route south of Dickenson Rd

- 5.2 Correspondence from Tina and Duro Brajic, respecting concern regarding designating Nebo Rd as a truck route south of Dickenson Rd
- 5.3 Correspondence from Bob Berberick, respecting comments regarding the TRMP are made from the lens of a Ward 3 resident
- 5.4 Correspondence from Tanya DeJager, respecting the Truck Route Master Plan Update and the Resident of Nebo Road
- 5.5 Correspondence from Greg Ryan, respecting the Truck Route Master Plan
- 5.6 Correspondence from the Lakewood Beach Community Council, respecting Truck Route Master Plan Changes
- 5.7 Correspondence from Sylvia Brellisford, respecting the Truck Route Master Plan Changes
- 5.8 Correspondence from David Colacci, respecting the Truck Route Master Plan Update
- 5.9 Correspondence from Mark Anderson, Cycle Hamilton, respecting the Hamilton Truck Route Master Plan
- 5.10 Correspondence from Frances Murray, respecting the Truck Route Master Plan
- 5.11. Correspondence from Mark Herbert, P&H Milling Group, respecting the Hamilton Truck Route Master Plan Update (PED19073(b))
- 5.12 Correspondence from Sherry Hayes and Dennis Facia, respecting the Truck Route Master Plan Changes
- 5.13 Correspondence from Steve Foxcroft, Fluke Transport Limited, respecting Requesting Consideration - Addendum to the Truck Route Master Plan
- 5.14 Correspondence from Ross and Pat Davidson, respecting removal of trucks from Nebo Rd
- 5.15 Correspondence from Deborah Martin, respecting the Truck Route Master Plan

6. DELEGATION REQUESTS (Item 6)

- 6.10 Greg Ryan, Respect Our Rural Roads, respecting the Truck Route Mater Plan (For today's meeting) - This request has been WITHDRAWN

- 6.14 Robert Magro, respecting opposed to truck route along Carlisle Rd for safety of pedestrians, bicyclists and reduce noise pollution to the area (For today's meeting)
- 6.15 Cameron Kroetsch, respecting Item 8.1 Truck Route Master Plan Update (PED19073(b)) (City Wide) (For today's meeting)
- 6.16 Stephen Laskowski, Ontario Trucking Association, respecting OTA Member Feedback on Truck Route Master Plan Update (For today's meeting)
- 6.17 Sean J. Hurley, respecting the final draft report of the truck route master plan (For today's meeting)
- 6.18 Beatrice Ekoko, respecting the Truck Route Master Plan Proposal (For today's meeting) - Video Submission
- 6.19 Robert Iszkula, Truck Route Reboot, respecting comments on the truck route review process (For today's meeting)
- 6.20 Tanya Ritchie, respecting the Truck Route Master Plan and the existing ring road (For today's meeting) - Video Submission
- 6.21 Sean Burak, respecting the updated Truck Route Master Plan staff report (For today's meeting)
- 6.22 John Neary, respecting resident comments on process and outcome of the Truck Route Master Plan (For today's meeting)
- 6.23 Norman Robinson, respecting the removal of the restriction for truck travel between the hours of 7:00 pm to 7:00 am (For today's meeting)
- 6.24 Lucas Greig, respecting the Truck Route Master Plan and disappointment with the suggestion to have Wellington Ave and Victoria Ave continue as full time truck routes (For today's meeting)
- 6.25 John Laudonio, respecting the current proposed truck route and future changes (For today's meeting)
- 6.26 Robert Branch, respecting non-compliance enforcement, mitigation necessities and enforcement in rural areas (For today's meeting)
- 6.27 Leah Avery, respecting concern with the environmental and economic impact of shortcutting trucks in the urban core (For today's meeting)

- 6.28 Hugh Loomans, Sylvite, respecting changes to the truck routing will have a major impact on our business and add significant costs to the farm community to the west of Hamilton (For today's meeting)
- 6.29 Randy Kay, respecting comments on the truck route study and suggest it needs more work before it can be approved (For today's meeting) – Video Submission
- 6.30 Russel Hurst, Ontario Agri Business Association, respecting the Hamilton Truck Route Master Plan (For today's meeting)
- 6.31. Cal and Teresa DiFalco, The Fruitland, Winona, Stoney Creek Community Association for Safe and Healthy Neighborhoods Inc., respecting the Truck Route Master Plan (For today's meeting)
- 6.32 Rene Lemay, Bunge, respecting Truck Route Master Plan (For today's meeting)
- 6.33 Victor Mejia, respecting the Truck Route Master Plan (For today's meeting)

12. NOTICES OF MOTION (Item 12)

- 12.1 Initiation of Municipal Class Environmental Assessment for a new arterial roadway in Glanbrook connecting the Airport Employment Growth District to the Red Hill Business Park

The agenda for the November 29, 2021 Truck Route Sub-Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) November 1, 2019 (Item 4.1)

The Minutes of the November 1, 2019 meeting of the Truck Route Sub-Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

- (i) The following Communications Items were received and referred to consideration of Item 8.1 - Truck Route Master Plan Update (PED19073(b)) (City Wide):

- (1) Correspondence from Jo-Anne and Erwin Mataitis, respecting concern regarding designating Nebo Rd as a truck route south of Dickenson Rd (Added Item 5.1)

- (2) Correspondence from Tina and Duro Brajic, respecting concern regarding designating Nebo Rd as a truck route south of Dickenson Rd (Added Item 5.2)
- (3) Correspondence from Bob Berberick, respecting comments regarding the TRMP are made from the lens of a Ward 3 resident (Added Item 5.3)
- (4) Correspondence from Tanya DeJager, respecting the Truck Route Master Plan Update and the Resident of Nebo Road (Added Item 5.4)
- (5) Correspondence from Greg Ryan, respecting the Truck Route Master Plan (Added Item 5.5)
- (6) Correspondence from the Lakewood Beach Community Council, respecting Truck Route Master Plan Changes (Added Item 5.6)
- (7) Correspondence from Sylvia Brellisford, respecting the Truck Route Master Plan Changes (Added Item 5.7)
- (8) Correspondence from David Colacci, respecting the Truck Route Master Plan Update (Added Item 5.8)
- (9) Correspondence from Mark Anderson, Cycle Hamilton, respecting the Hamilton Truck Route Master Plan (Added Item 5.9)
- (10) Correspondence from Frances Murray, respecting the Truck Route Master Plan (Added Item 5.10)
- (11) Correspondence from Mark Herbert, P&H Milling Group, respecting the Hamilton Truck Route Master Plan Update (PED19073(b)) (Added Item 5.11)
- (12) Correspondence from Sherry Hayes and Dennis Facia, respecting the Truck Route Master Plan Changes (Added Item 5.12)
- (13) Correspondence from Steve Foxcroft, Fluke Transport Limited, respecting Requesting Consideration - Addendum to the Truck Route Master Plan (Added Item 5.13)
- (14) Correspondence from Ross and Pat Davidson, respecting removal of trucks from Nebo Rd (Added Item 5.14)
- (15) Correspondence from Deborah Martin, respecting the Truck Route Master Plan (Added Item 5.15)

(e) DELEGATION REQUESTS (Item 6)

- (i) The following delegation requests, were approved for today's meeting:
- (1) Terry Fair, respecting the proposed truck route along Dickenson Road East in Mount Hope (Item 6.1)
 - (2) Julia Smerilli, respecting opposition to the truck route being on a Dickenson Road East (Item 6.2)
 - (3) Karen Prince, respecting reasons why I oppose Dickenson Road being added to the truck route plan (Item 6.3)
 - (4) Alex Matheson, respecting opposition to Dickenson Rd from Upper James St to Nebo Rd becoming a Truck Route (Item 6.4)
 - (5) Ted Pitura, respecting opposition of making Dickenson Rd. E., a truck route on the proposed revised Master Truck Route Plan (Item 6.5)
 - (6) Wayne Fair, respecting the Truck Route Sub-Committee about the proposed truck route on Dickenson Road East, Mount Hope (Item 6.6)
 - (7) Gabe Pitura, respecting information on the opposition of making Dickenson Road East a Truck route (Item 6.7)
 - (8) James Pearce, respecting Pedestrian safety on Proposed Truck Route, Dickenson Road (Item 6.8)
 - (9) Mohammed Abu Isheh, respecting the proposed Truck Route (Item 6.9)
 - (10) Brian Kellington, Laidlaw Carriers Bulk GP Inc, respecting City of Hamilton's Truck Route Review to represent Laidlaw bulk carriers and also provide suggestions and reviews on this matter (Item 6.11)
 - (11) Larissa Fenn, Hamilton-Oshawa Port Authority (HOPA) Ports, respecting the Truck Route Review (Item 6.12)
 - (12) Lynda Lukasik, Environment Hamilton, respecting the proposed Truck Route revisions coming out of the Truck Route Study Review (Item 6.13)
 - (13) Robert Magro, respecting opposed to truck route along Carlisle Rd for safety of pedestrians, bicyclists and reduce noise pollution to the area (Added Item 6.14)

- (14) Cameron Kroetsch, respecting Item 8.1 Truck Route Master Plan Update (PED19073(b)) (City Wide) (Added Item 6.15)
- (15) Stephen Laskowski, Ontario Trucking Association, respecting OTA Member Feedback on Truck Route Master Plan Update (Added Item 6.16)
- (16) Sean J. Hurley, respecting the final draft report of the truck route master plan (Added Item 6.17)
- (17) Beatrice Ekoko, respecting the Truck Route Master Plan Proposal - Video Submission (Added Item 6.18)
- (18) Robert Iszkula, Truck Route Reboot, respecting comments on the truck route review process (Added Item 6.19)
- (19) Tanya Ritchie, respecting the Truck Route Master Plan and the existing ring road - Video Submission (Added Item 6.20)
- (20) Sean Burak, respecting the updated Truck Route Master Plan staff report (Added Item 6.21)
- (21) John Neary, respecting resident comments on process and outcome of the Truck Route Master Plan (Added Item 6.22)
- (22) Norman Robinson, respecting the removal of the restriction for truck travel between the hours of 7:00 pm to 7:00 am (Added Item 6.23)
- (23) Lucas Greig, respecting the Truck Route Master Plan and disappointment with the suggestion to have Wellington Ave and Victoria Ave continue as full time truck routes (Added Item 6.24)
- (24) John Laudonio, respecting the current proposed truck route and future changes (Added Item 6.25)
- (25) Robert Branch, respecting non-compliance enforcement, mitigation necessities and enforcement in rural areas (Added Item 6.26)
- (26) Leah Avery, respecting concern with the environmental and economic impact of shortcutting trucks in the urban core (Added Item 6.27)
- (27) Hugh Loomans, Sylvite, respecting changes to the truck routing will have a major impact on our business and add significant costs to the farm community to the west of Hamilton (Added Item 6.28)

- (28) Randy Kay, respecting comments on the truck route study and suggest it needs more work before it can be approved – Video Submission (Added Item 6.29)
- (29) Russel Hurst, Ontario Agri Business Association, respecting the Hamilton Truck Route Master Plan (Added Item 6.30)
- (30) Cal and Teresa DiFalco, The Fruitland, Winona, Stoney Creek Community Association for Safe and Healthy Neighborhoods Inc., respecting the Truck Route Master Plan (Added Item 6.31)
- (31) Rene Lemay, Bunge, respecting Truck Route Master Plan (Added Item 6.32)
- (32) Victor Mejia, respecting the Truck Route Master Plan (Added Item 6.33)

(f) STAFF PRESENTATIONS (Item 8)

(i) Truck Route Master Plan Update (PED19073(b)) (City Wide) (Item 8.1)

Steve Molloy, Manager of Transportation Planning, introduced Ron Stewart, Project Director from IBI Group who addressed the Committee with a presentation respecting Report PED19073(b), Truck Route Master Plan Update.

The presentation respecting Report PED19073(b), Truck Route Master Plan Update, was received.

Consideration of PED19073(b), Truck Route Master Plan Update, was DEFERRED until after the delegates for this matter have been heard.

For further disposition of this matter, refer to Items 1.

(g) PUBLIC HEARINGS / DELEGATIONS (Item 9)

The following Virtual Delegations addressed Committee with respect to Item 8.1 - Truck Route Master Plan Update (PED19073(b)) (City Wide):

- 9.1 Terry Fair
- 9.2 Julia Smerilli
- 9.3 Karen Prince
- 9.4 Alex Matheson
- 9.5 Ted Pitura
- 9.6 Wayne Fair
- 9.7 Gabe Pitura

- 9.8 James Pearce
- 9.11 Larissa Fenn, Hamilton-Oshawa Port Authority (HOPA) Ports
- 9.12 Lynda Lukasik, Environment Hamilton
- 9.13 Robert Magro
- 9.14 Cameron Kroetsch
- 9.15 Stephen Laskowski
- 9.16 Sean J. Hurley
- 9.17 Robert Iszkula, Truck Route Reboot
- 9.18 Sean Burak

The Truck Route Sub-Committee recessed for 30 minutes until 1:20 pm.

The Truck Route Sub-Committee heard the following Virtual Delegations upon reconvening at 1:20 pm:

- 9.19 John Neary
- 9.22 John Laudonio
- 9.23 Robert Branch
- 9.24 Leah Avery
- 9.25 Hugh Loomans, Sylvite
- 9.26 Russel Hurst
- 9.27 Cal and Teresa DiFalco, The Fruitland, Winona, Stoney Creek Community Association for Safe and Healthy Neighborhoods Inc.
- 9.28 Rene Lemay, Bunge
- 9.29 Victor Mejia

Teresa DiFalco (Item 9.30) was granted 5 minutes in order to Delegate to the Committee respecting Item 8.1 - Truck Route Master Plan Update (PED19073(b)) (City Wide).

The following delegates were not present when called upon:

- 9.9 Mohammed Abu Isheh
- 9.10 Brian Kellington, Laidlaw Carriers Bulk GP Inc
- 9.20 Norman Robinson
- 9.21 Lucas Greig
- 9.30 Teresa DiFalco

The following Video Submissions were viewed by the Committee with respect to Item 8.1 - Truck Route Master Plan Update (PED19073(b)) (City Wide):

- 9.31 Beatrice Ekoko
- 9.32 Tanya Ritchie
- 9.33 Randy Kay

The following Virtual Delegations and Video Submissions respecting the Truck Route Master Plan, were received:

(i) Virtual Delegations:

- (1) Terry Fair (Added Item 9.1)
- (2) Julia Smerilli (Added Item 9.2)
- (3) Karen Prince (Added Item 9.3)
- (4) Alex Matheson (Added Item 9.4)
- (5) Ted Pitura (Added Item 9.5)
- (6) Wayne Fair (Added Item 9.6)
- (7) Gabe Pitura (Added Item 9.7)
- (8) James Pearce (Added Item 9.8)
- (9) Larissa Fenn, Hamilton-Oshawa Port Authority (HOPA) Ports (Added Item 9.11)
- (10) Lynda Lukasik, Environment Hamilton (Added Item 9.12)
- (11) Robert Magro (Added Item 9.13)
- (12) Cameron Kroetsch (Added Item 9.14)
- (13) Stephen Laskowski, Ontario Trucking Association (Added Item 9.15)
- (14) Sean J. Hurley (Added Item 9.16)
- (15) Robert Iszkula, Truck Route Reboot (Added Item 9.17)
- (16) Sean Burak (Added Item 9.18)
- (17) John Neary (Added Item 9.19)

- (18) John Laudonio (Added Item 9.22)
- (19) Robert Branch (Added Item 9.23)
- (20) Leah Avery (Added Item 9.24)
- (21) Hugh Loomans, Sylvite (Added Item 9.25)
- (22) Russel Hurst (Added Item 9.26)
- (23) Cal and Teresa DiFalco, The Fruitland, Winona, Stoney Creek Community Association for Safe and Healthy Neighborhoods Inc. (Added Item 9.27)
- (24) Rene Lemay, Bunge (Added Item 9.28)
- (25) Victor Mejia (Added Item 9.29)

(ii) Video Submissions:

- (1) Beatrice Ekoko (Added Item 9.31)
- (2) Tanya Ritchie (Added Item 9.32)
- (3) Randy Kay (Added Item 9.33)

(h) STAFF PRESENTATIONS (Item 8) (Continued)

(i) Truck Route Master Plan Update (PED19073(b)) (City Wide) (Item 8.1)

- (a) That the City of Hamilton Truck Route Master Plan (TRMP) Update, attached as Appendix "A" to Report PED19073(b), be approved;
- (b) That the General Manager of the Planning and Economic Development Department be authorized to file the City of Hamilton Truck Route Master Plan (TRMP) Update with the Municipal Clerk for a minimum thirty-day public review period to formally complete the Class Environmental Assessment (EA) process;
- (c) That the Transportation Operations and Maintenance (TOM) Division develop a truck route signing implementation strategy and that the estimated cost of \$300 K for signage modifications and installations be funded from the Unallocated Capital Levy Reserve Account #108020;
- (d) That the Transportation Operations and Maintenance (TOM) Division prepare an amendment to the City of Hamilton Traffic By-law 01-215 for consideration by Council to incorporate the Recommendations within the Truck Route Master Plan (TRMP) Update;

- (e) That, where truck routes have been identified along various roads within the Recommended Truck Route Network (TRN) - Future Conditions, as presented in Exhibit 4.13 of Appendix "A" attached to Report PED19073(b), that these roadways are planned and designed with the appropriate roadway and pavement structure to support truck movement and reflect a Complete-Livable-Better Streets and Vision Zero approach;
- (f) That Hamilton Police Services (HPS) be requested to review and develop an enhanced commercial vehicle enforcement strategy in collaboration with Transportation Planning (TP) and Transportation Operation and Maintenance (TOM).

Report PED19073(b), respecting the Truck Route Master Plan Update was **amended** by deleting recommendations (a) to (f), in their entirety and replacing them, as follows:

- (a) That the Truck Route Master Plan Update (PED19073(b)) (City Wide), be received, and;**
- (b) That staff be directed to review the recommendations in Report PED19073(b) Truck Route Master Plan Update with prioritization given to the Terms of Reference ratified by Council, including an analysis that would permit a ring road approach for the Truck Route Master Plan Update and report back to the Truck Route Sub-Committee by March 31, 2022.**

For disposition of this matter, refer to Item 1.

(i) NOTICES OF MOTION (Item 12.1)

- (i) Initiation of Municipal Class Environmental Assessment for a new arterial roadway in Glanbrook connecting the Airport Employment Growth District to the Red Hill Business Park (Added Item 12.1)**

Councillor Johnson introduced the following Notice of Motion:

WHEREAS, effective goods movement supports local, regional and international markets and contributes to Hamilton's economic prosperity and growth;

WHEREAS, a new arterial roadway connecting Highway 6 South between the Airport Employment Growth District (AEGD) and the Red Hill Business Park and the broader Provincial highway system, which would improve the efficiency of moving goods while mitigating impacts of truck traffic on existing rural roadways in Glanbrook;

WHEREAS, the 2018 City-wide Transportation Master Plan identifies a conceptual link within the strategic road network map to connect the

Hamilton International Airport and employment growth district to the Provincial Highway Network;

WHEREAS, a new arterial roadway would provide efficient connectivity between employment lands, intermodal hubs and the highway system and fills a gap in the goods movement network in the Glanbrook area;

WHEREAS, a new arterial roadway would assist in minimizing the impact of heavy-freight vehicles on the quality of life of residents within rural communities;

WHEREAS, growth in employment lands could be supported by improved inter-connectivity through a combination of new transportation corridors, road capacity enhancements and/or urbanization of rural cross-sections;

THEREFORE, BE IT RESOLVED:

That staff be directed to develop a Terms of Reference for a Municipal Class Environmental Assessment for an arterial roadway link between the AEGD and the Red Hill Business Park and that funding to complete the study be considered as part of the 2023 Capital Budget.

(j) ADJOURNMENT (Item 15)

There being no further business, the Truck Route Sub-Committee, adjourned at 4:24 p.m.

Respectfully submitted,

Councillor Farr, Chair
Truck Route Sub-Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

CITY OF HAMILTON MOTION

Public Works Committee: December 6, 2021

MOVED BY COUNCILLOR E. PAULS.....

SECONDED BY COUNCILLOR

Playground Addition: Armstrong Park, 460 Concession Street, Hamilton (Ward 7)

WHEREAS, the Hamilton Wentworth District School Board has provided space on their property at 460 Concession Street, Hamilton, for an existing play structure that is available for public use;

WHEREAS, the existing structure has reached its end of life and requires removal or replacement; and

WHEREAS, these community amenities are valuable recreation opportunities for children, youth and families within the Burkholme neighbourhood.

THEREFORE BE IT RESOLVED:

- (a) That the design and installation of a new play structure at 460 Concession Street, Hamilton (G.L. Armstrong School), at an upset limit of \$125,000, allocated from Ward 7 Special Capital Re-Investment Reserve Fund (#108057), be approved; and
- (b) That a formal agreement for the operation and maintenance of the proposed structure as a public amenity on non-City owned lands be executed between the City and the Hamilton Wentworth District School Board; and
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents for the installation and ongoing maintenance of the play structure located at 460 Concession Street, Hamilton, with such terms and conditions in a form satisfactory to the City Solicitor.

CITY OF HAMILTON

MOTION

Public Works Committee: December 6, 2021

MOVED BY COUNCILLOR J.P. DANKO.....

SECONDED BY COUNCILLOR

Investment in Victoria Park (Ward 1)

WHEREAS, the City of Hamilton owned fieldhouse facilities in Ward 1 are maintained by the City of Hamilton’s Facilities Operations & Maintenance Section of the Energy, Fleet & Facilities Management Division, Public Works;

WHEREAS, many of the current fieldhouses in Ward 1 need lifecycle repair and accessibility upgrades;

WHEREAS, flexible community space will enhance all season programming at Victoria Park, and will draw more users to the Park; and,

WHEREAS, the Victoria Park Field House has been identified by the community as a priority facility in need of improved accessibility, including accessible washrooms to support the field house users;

THEREFORE, BE IT RESOLVED:

- (a) That Public Works Facilities staff be authorized and directed to retain a Prime Design Consultant to undertake both a feasibility study of accessibility improvements, as well as a Cultural Heritage Study, of Victoria Park Field House to determine recommendations for upgrades to support the community and programming uses;
- (b) That the funding for the feasibility study of accessibility improvements, as well as a Cultural Heritage Study, of the Victoria Park Field House, at a cost of \$150,000, to be funded from the Ward 1 Area Rating Reserve Account (108051) be approved; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

CITY OF HAMILTON

MOTION

Public Works Committee: December 6, 2021

MOVED BY COUNCILLOR N. NANN.....

SECONDED BY COUNCILLOR

Commemorative Plaque and Tree at Woodlands Park in Honour of Holly Ellsworth-Clark (Ward 3)

WHEREAS, the tragic disappearance of Holly Ellsworth-Clark in January 2020 was of deep community concern, responded to with compassion and care by hundreds of Hamiltonians engaging in the search efforts; and,

WHEREAS, to support community healing and provide an accessible location for ongoing reflection for the Ellsworth-Clark family and community members, a commemorative tree and plaque was requested for installation in Woodlands Park;

THEREFORE, BE IT RESOLVED:

- (a) That a commemorative plaque and tree in honour of Holly Ellsworth-Clark be installed in Woodlands Park; and
- (b) That the installation costs of the commemorative plaque and tree in the honour of Holly Ellsworth-Clark in Woodlands Park, be funded from the Ward 3 Capital Discretionary Account 3301909300 at an upset limit, including contingency, not to exceed \$1,000.