



City of Hamilton
PUBLIC WORKS COMMITTEE
AGENDA

Meeting #: 24-007
Date: June 3, 2024
Time: 1:30 p.m.
Location: Council Chambers
Hamilton City Hall
71 Main Street West

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

	Pages
1. CEREMONIAL ACTIVITIES	
2. APPROVAL OF AGENDA	
(Added Items, if applicable, will be noted with *)	
3. DECLARATIONS OF INTEREST	
4. APPROVAL OF MINUTES OF PREVIOUS MEETING	
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5. COMMUNICATIONS	
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13.	NOTICES OF MOTION	
14.	GENERAL INFORMATION / OTHER BUSINESS	
14.1	Amendments to the Outstanding Business List	
	a. Items Considered Complete and Needing to be Removed:	
	a. Maintenance and Beautification of Birch Avenue Greenspace and Gardens (Ward 3)	
	Addressed as Item 11.1 on today's agenda - Report PW24031 (City Wide)	
	b. Items Requiring a New Due Date:	

- a. Municipal Class Environmental Assessment and Conceptual Design of Ancaster Elevated Water Reservoir (PW17022(b)) (Ward 12)

Current Due Date: Q1 2024
Proposed New Due Date: Q2 2025
- b. HSR / ATS / DARTS Passenger Policies for Persons with Disabilities

Current Due Date: November 28, 2022
Proposed New Due Date: October 15, 2024
- c. York Boulevard/Wilson Street and James Street North Safety Review and Signalized Intersection Safety Enhancements (Ward 2, City-Wide)

Current Due Date: Q1 2024

Proposed New Due Date: July 10, 2024
- d. That the Transportation Division report back to the Public Works Committee on the expanded use of no right turn on red restrictions and leading pedestrian and cycling intervals at signalized intersections city-wide in Q3 or earlier of 2024

Current Due Date: Q3 2024
Proposed New Due Date: October 15, 2024

15. PRIVATE AND CONFIDENTIAL

15.1 Stage 3 Phase 2 Glanbrook Landfill Construction (Confidential) (PW23079(a)/LS24015) (City Wide)

Pursuant to Section 9.3, Sub-section (e) and (f) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-section (e) and (f) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

16. ADJOURNMENT

4.1



**PUBLIC WORKS COMMITTEE
MINUTES 24-006**

1:30 p.m.

Monday, May 13, 2024

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors M. Spadafora (Chair), A. Wilson (Vice-Chair) J. Beattie, M. Francis, T. Jackson, C. Kroetsch, T. McMeekin, N. Nann, E. Pauls and M. Tadeson

Absent with

Regrets: Councillor Cassar – City Business
Councillor Danko – Personal

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Removal of Roadway Bollards on Fellowes Crescent (PW24026) (Ward 15) (Item 9.1)

(Pauls/McMeekin)

That Report PW24026, Removal of Roadway Bollards on Fellowes Crescent, be received.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Not Present – Ward 8 Councillor John Paul Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor Mark Tadeson
 Not Present – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora

Yes – Ward 15 Councillor Ted McMeekin

2. Annual Wastewater Treatment Bypass Report (PW24028) (City Wide) (Item 9.2)

(A. Wilson/Hwang)

That Report PW24028, Annual Wastewater Treatment Bypass Report, be received.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Not Present – Ward 8 Councillor John Paul Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor Mark Tadeson
 Not Present – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

3. Appropriation Transfer of Funds for Bridge 296 Governors Road Rehabilitation (PW24032) (Ward 13) (Item 11.1)

(A. Wilson/Pauls)

- (a) That the General Manager, Public Works be authorized and directed to award Contract C15-20-23 (BRHW) Bridge 296 Governors Road Rehabilitation in the amount of \$4,145,843.00 (not including contingency and Non-Refundable HST) and execute the contract and any ancillary documents required to give effect thereto with Decew Construction Inc., in a form satisfactory to the City Solicitor;
- (b) That a budget adjustment be approved to increase Capital Project ID 4031818296 (Bridge 296 Governors Road Rehabilitation) by \$425,000 from \$2,340,000 to \$2,765,000 and that this increase be funded by a transfer of previously approved funding of \$425,000 from Project ID 4031918126 (Bridge 126 – Regional Road 56,605m n/o Guyatt Road);
- (c) That a budget adjustment be approved to increase Capital Project ID 4032219196 (Governor's – Main to Ogilvie) by \$215,000 from \$1,476,000 to \$1,691,000 and that this increase be funded by a transfer of previously

approved funding of \$215,000 from Project ID 4031918126 (Bridge 126 – Regional Rd 56, 605m n/o Guyatt Road); and

- (d) That a budget adjustment be approved to increase Capital Project ID 5142271296 (Bridge 296 watermain replacement) by \$298,000 from \$485,000 to \$783,000 and that this increase be funded by a transfer of previously approved Rate revenues of \$298,000 from Project ID 5142360080 (Valve Replacement Program).

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Not Present – Ward 8 Councillor John Paul Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor Mark Tadeson
 Not Present – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

4. Installation of Speed Cushions as a Traffic Calming Measure on Fellowes Crescent (Ward 15) (Item 12.1)

(McMeekin/Hwang)

WHEREAS, the City of Hamilton has adopted a Vision Zero approach which considers human error as part of the roadway safety equation; and

WHEREAS, Ward 15 residents on Fellowes Crescent have advocated for traffic calming in their neighbourhood to address roadway safety concerns once bollards are removed with a potential for speeding and cut-through traffic.

THEREFORE, BE IT RESOLVED:

- (a) That the Transportation Division be authorized and directed to install 1 speed cushion as a traffic calming measure on Fellowes Crescent in the same location that temporary bollards were installed as part of the 2024 Traffic Calming program's spring application;
- (b) That all costs associated with the installation of traffic calming measures at be completed through the CP Minor Maintenance Ward 15 account 4031911615 at an upset limit, including contingency, not to exceed \$5,000;

- (c) That the Transportation Division examine the implementation of temporary dynamic speed signs, extension to “no stopping” and “no parking”, hatch mark pavement markings in the no stopping/no parking area, and additional signage per the Ontario Traffic Manual in the general proximity of where the temporary bollards were installed to further promote traffic calming; and
- (d) That the General Manager of Public Works 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.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Not Present – Ward 8 Councillor John Paul Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor Mark Tadeson
 Not Present – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

5. Improvements to Hampton Park, 28 Lupin Avenue, Hamilton (Ward 6) (Item 12.2)

(Jackson/Beattie)

WHEREAS, a new Hampton Park Citizens Committee has been established and is working with the Ward 6 Councillor’s office to support and inform improvements to Hampton Park, 28 Lupin Avenue, Hamilton;

WHEREAS, a previous motion was brought forward and approved by Council on January 16, 2023, to fund the playground replacement at Hampton Park, 28 Lupin Avenue, Hamilton, at a cost of \$250,000 including contingency, out of the Ward 6 Capital Re-Investment Reserve (#108056);

WHEREAS, following community engagement regarding the new playground design, the Hampton Park Citizens Committee has expressed desire for enhanced accessibility within the new playground, which currently includes the use of engineered wood fiber safety surfacing;

WHEREAS, engineered wood fiber safety surfacing meets Ontario accessibility standards; however, it may be a challenging surface for some residents to navigate depending on mobility devices and mobility levels;

WHEREAS, in order to provide enhanced accessibility within the new playground, a rubberized safety surface would increase mobility access;

WHEREAS, additional funding is required to support this safety surface enhancement; and

WHEREAS, this ongoing project is currently within the Parks & Cemeteries work plan, and this funding enhancement/change in scope will not result in any project delays or additional work for staff.

THEREFORE, BE IT RESOLVED:

- (a) That the supply and installation of rubberized safety surfacing within the playground at Hampton Park, 28 Lupin Avenue, Hamilton, be funded from the Ward 6 Capital Re-Investment Reserve (#108056), at an upset limit including contingency not to exceed \$250,000 be approved; and
- (b) That the General Manager of Public Works be authorized and directed to approve and execute any and all required agreements and ancillary documents, in a form satisfactory to the City Solicitor, related to the supply and installation of rubberized safety surfacing at Hampton Park, 28 Lupin Avenue, Hamilton.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
Yes – Ward 2 Councillor Cameron Kroetsch
Yes – Ward 3 Councillor Nrinder Nann
Yes – Ward 5 Councillor Matt Francis
Yes – Ward 4 Councillor Tammy Hwang
Yes – Ward 6 Councillor Tom Jackson
Yes – Ward 7 Councillor Esther Pauls
Not Present – Ward 8 Councillor John Paul Danko
Yes – Ward 10 Councillor Jeff Beattie
Yes – Ward 11 Councillor Mark Tadeson
Not Present – Ward 12 Councillor Craig Cassar
Yes – Ward 13 Councillor Alex Wilson
Yes – Ward 14 Councillor Mike Spadafora
Yes – Ward 15 Councillor Ted McMeekin

6. Corman Park Path Replacement, 23 Teak Street, Hamilton (Ward 10) (Item 12.3)

(Beattie/Spadafora)

WHEREAS, the existing park pathway, which does not meet current width standards and is end-of-life condition, poses a health and safety risk;

WHEREAS, there is no capital funding to support the full replacement of this park asset, and additional funding is needed to support the full replacement of the park pathway system;

WHEREAS, this work will be undertaken by the Parks Section capital team and because of the poor condition and risk for users, the work will be added to the existing work plan and ongoing projects; and

WHEREAS, resources are limited, and this work will be initiated in 2024, and may be prioritized above other works underway because of the risk component of the work. This schedule may vary due to unforeseen challenges such as procurement timing, supply chain issues, weather, etc.

THEREFORE, BE IT RESOLVED:

- (a) That the replacement of the pedestrian pathway at Corman Park, 23 Teak Street, Hamilton, be funded from the Ward 10 Minor Maintenance Account (4031911610) at an upset limit, including contingency, not to exceed \$80,000; and
- (b) That the General Manager of Public Works be authorized and directed to approve and execute any and all required agreements and ancillary documents, in a form satisfactory to the City Solicitor.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Not Present – Ward 8 Councillor John Paul Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor Mark Tadeson
 Not Present – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

7. Inch Park Accessible Portable Toilets, 400 Queensdale Avenue East, Hamilton (Ward 7) (Added Item 12.4)

(Pauls/Beattie)

WHEREAS, Inch Park, 400 Queensdale Avenue East, Hamilton, is home to Hamilton Challenger Baseball, an organization that provides sports for players with special needs;

WHEREAS, Hamilton Challenger Baseball consists of more than 190 players and 60 dedicated volunteers and offers the opportunity for those with developmental and physical disabilities to be empowered and assert their independence through sport;

WHEREAS, Challenger Baseball has funded improvements to Inch Park, 400 Queensdale Avenue East, Hamilton, over the years; and

WHEREAS, additional funding for the rental and cleaning of accessible portable toilet(s) for the 2024 season is required.

THEREFORE, BE IT RESOLVED:

- (a) That the provision of accessible portable toilet(s) to support Challenger Baseball 2024 season be funded from the Ward 7 Capital Discretionary Account (#3302109700), at an upset limit including contingency not to exceed \$1,250 be approved; and
- (b) That the General Manager of Public Works or designate and City Clerk be authorized and directed to approve and execute all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes– Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Not Present – Ward 8 Councillor John Paul Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor Mark Tadeson
 Not Present – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

FOR INFORMATION:**(a) APPROVAL OF AGENDA (Item 2)**

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

7. DELEGATIONS

7.1 Steven Oliver respecting the Bollards on Fellowes Crescent

a. Petition – REVISED

11. DISCUSSION ITEMS

11.1 Appropriation Transfer of Funds for Bridge 296 Governors Road Rehabilitation (PW24032) (Ward 13)

13. NOTICES OF MOTION

13.1 Inch Park Accessible Portable Toilets, 400 Queensdale Avenue East, Hamilton (Ward 7)

(Beattie/Hwang)

That the Agenda for the May 13, 2024, Public Works Committee meeting be approved, as amended.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Not Present – Ward 8 Councillor John Paul Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor Mark Tadeson
 Not Present – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

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

(i) April 29, 2024 (Item 4.1)

(Beattie/Pauls)

That the Minutes of the April 29, 2024, meeting of the Public Works Committee be approved, as presented.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Not Present – Ward 8 Councillor John Paul Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor Mark Tadeson
 Not Present – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

(d) DELEGATIONS (Item 7)

**(i) Steven Oliver respecting the Bollards on Fellowes Crescent
(Approved April 2, 2024) (Item 7.1)**

(1) (McMeekin/Jackson)

That Steven Oliver be granted an additional 2 minutes, beyond the 5-minute time limit, to complete their delegation respecting the Bollards on Fellowes Crescent.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson

Yes – Ward 7 Councillor Esther Pauls
 Not Present – Ward 8 Councillor John Paul Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor Mark Tadeson
 Not Present – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

Steven Oliver addressed the Committee respecting the Bollards on Fellowes Crescent, with the aid of a PowerPoint presentation.

(2) (Kroetsch/A. Wilson)

That the Delegation from Steven Oliver respecting the Bollards on Fellowes Crescent, be received and referred to the consideration of Item 9.1.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Not Present – Ward 8 Councillor John Paul Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor Mark Tadeson
 Not Present – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

(e) NOTICES OF MOTION (Item 13)

(i) Inch Park Accessible Portable Toilets, 400 Queensdale Avenue East, Hamilton (Ward 7) (Item 13.1)

(Pauls/Beattie)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Inch Park Accessible Portable Toilets, 400 Queensdale Avenue East, Hamilton (Ward 7).

Result: Motion CARRIED by a 2/3 majority vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Not Present – Ward 8 Councillor John Paul Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor Mark Tadeson
 Not Present – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

For disposition of this matter, refer to Item 7.

(ii) (Kroetsch/Spadafora)

(1) That the Rules of Order be waived to allow for the introduction of a Motion respecting Portable Temporary Washrooms in Parks.

Result: Motion CARRIED by a 2/3 majority vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Not Present – Ward 8 Councillor John Paul Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor Mark Tadeson
 Not Present – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

(Kroetsch/Spadafora)

(2) That Public Works staff be directed to work with the Ward 2 Councillor to identify locations and funding to support Portable Temporary Washrooms in Parks and report back to the Public Works Committee at a future meeting.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Yes – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Yes – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Not Present – Ward 8 Councillor John Paul Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor Mark Tadeson
 Not Present – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

(f) ADJOURNMENT (Item 16)

(Nann/Beattie)

That there being no further business, the Public Works Committee meeting be adjourned at 3:12 p.m.

Result: MOTION, CARRIED by a vote of 12 to 0, as follows:

Not Present – Ward 1 Councillor Maureen Wilson
 Yes – Ward 2 Councillor Cameron Kroetsch
 Yes – Ward 3 Councillor Nrinder Nann
 Yes – Ward 5 Councillor Matt Francis
 Not Present – Ward 4 Councillor Tammy Hwang
 Yes – Ward 6 Councillor Tom Jackson
 Yes – Ward 7 Councillor Esther Pauls
 Yes – Ward 8 Councillor John Paul Danko
 Yes – Ward 10 Councillor Jeff Beattie
 Yes – Ward 11 Councillor Mark Tadeson
 Yes – Ward 12 Councillor Craig Cassar
 Yes – Ward 13 Councillor Alex Wilson
 Yes – Ward 14 Councillor Mike Spadafora
 Yes – Ward 15 Councillor Ted McMeekin

Respectfully submitted,

Councillor M. Spadafora, Chair,
Public Works Committee

**Public Works Committee
Minutes 24-006**

**May 13, 2024
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Carrie McIntosh
Legislative Coordinator
Office of the City Clerk

Submitted on Wed, 05/29/2024 - 09:03

Submitted by: Anonymous

Submitted values are:

Committee Requested

Committee
Public Works Committee

Will you be delegating in-person or virtually?
Virtually

Will you be delegating via a pre-recorded video?
No

Requestor Information

Requestor Information
James Kemp
n/a



Preferred Pronoun
he/him


Reason(s) for delegation request
To highlight concerns regarding the HSR's front door entry policy for people with disabilities and lack of accessible fare payment options regarding Presto.

Will you be requesting funds from the City?
No

Will you be submitting a formal presentation?
No



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Waste Management Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	June 3, 2024
SUBJECT/REPORT NO:	Response to Motion for Servicing Condo Boards Previously Deemed Not Eligible for Municipal Waste Collection (PW24035) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Ryan Kent (905) 546-2424 Ext. 7686
SUBMITTED BY:	Angela Storey Director, Waste Management Public Works Department
SIGNATURE:	

RECOMMENDATION

That Council continue to support the current service level of only providing waste collection to properties that have been designed according to the policy “City of Hamilton Waste Requirements for Design of New Developments and Collection” which was approved by Council on November 10, 2021 through Report PW21061.

EXECUTIVE SUMMARY

At the meeting of City Council held on October 25, 2023, a Motion was put forward with direction “That staff report back to the Public Works Committee with preferred options to either have the City compensate such condo boards for the denied service through tax credits which GFL then provides privately or to permit the City’s contracted waste company, GFL, to reverse from cul-de-sacs with a safety person, but not limited to the above options”.

Since that time, staff have reviewed both options provided in the motion as well as a third option to determine if any are feasible solutions to assist developments in receiving waste collection services from the City. Following this review, it is the opinion of staff that all three options would be problematic from financial and/or operational perspectives and are therefore recommending not implementing any of the options.

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: Response to Motion for Servicing Condo Boards Previously Deemed Not Eligible for Municipal Waste Collection (PW24035) (City Wide)
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Report PW24035 provides information on the options provided in the Motion; a tax credit for those properties not receiving waste collection from the City, allowing waste collection vehicles to reverse in townhouse developments and “other”.

Option1: Tax Credit for properties deemed not eligible for municipal waste collection.

Staff from the Financial Planning Administration and Policy Division were consulted and provided information related to this option. Under the City of Hamilton’s methodology of collection of property tax, the cost of all municipal services are shared by all properties and property classes regardless of utilization of services. Property taxes distribute the cost of many municipal services including transit, emergency services, street lighting and waste collection to all properties and residents do not have the ability to opt out of paying property taxes for services they don’t utilize. Designing a tax credit that would compensate residents for services they do not use would be complicated and have the potential to significantly impact the operating budget.

This methodology is similar to how the school portion of property taxes are distributed. Whether you have a child that is school age or not, all properties pay the school portion of their taxes on their tax bill. If a tax credit for properties who are deemed not eligible for municipal waste collection was approved, the tax credit would need to be developed, a reconciliation of the number of affected properties would need to be completed and a budget would need to be prepared and approved to recover the funds of the tax credit from the remaining property tax customers. It is important to note that a tax credit would be provided to the property owner of each property deemed not eligible for municipal waste collection as opposed to condominium boards as indicated in the motion.

Option 2: Amend the current Waste Design Requirements to allow for reversing in townhouse developments.

Staff from Legal and Risk Management Services were consulted, and feedback was gathered through a municipal scan to review this option. This option would allow City and City-contracted collection vehicles to reverse from private roads on to public roads while also removing current restrictions on these waste collection vehicles reversing on private roads. If approved, the City would be agreeing to take on a significant amount of risk related to the reversals of large vehicles. Results from a municipal scan showed no other surveyed municipality allows for this due to this related risk and information from industry and safety organizations share the opinion that there are increased risks associated with waste collection vehicles reversing. In addition, to allow for reversing of waste collection vehicles, each waste collection vehicle would be required to add a person to provide “flagging” duties during the reversal. This would add to the staff complement resulting in a modest budget increase.

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Option 3: Other (to allow shared, or pile waste collection)

In considering the Motion, staff identified an “other” option related to shared, or pile waste collection, as there are grandfathered properties across the City who were approved to have this option prior to updating the Waste Design Requirements policy. This option would allow shared or pile waste collection at the entrances of private property developments that have been deemed not eligible for municipal waste collection under the Waste Design Requirements policy. If approved, the current Waste Design Requirements policy, which was developed to support safe and efficient waste collection and waste diversion, would need to be revised.

Shared waste piles are not only unsightly along the roadway, but also make it more difficult to manage bag limits, distinguish property owner diversion containers and tend to attract illegal dumping. This option could prove difficult for many developments that have been deemed not eligible for municipal waste collection as there likely is not sufficient space which is required to accommodate waste set out at the entrance to the property.

The purpose of this report is to provide information related to the options outlined in the Motion. After considering the options, staff recommends to continue to require townhouse developments to design new properties to align to the City’s Waste Design Requirements so that waste collection can be safe and efficient and accessible to all residents living in Hamilton.

Alternatives for Consideration – See Page 9

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The subject of private waste collection and identifying properties as not eligible for municipal waste collection, has come up numerous times over the years and below is a brief history of this subject. The reason why this issue has been brought to Council previously is that developers have, on occasion, opted to design developments with more units and therefore do not meet the City’s design requirements for municipal waste collection, resulting in developments receiving private waste collection. Once

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property owners take possession of these units, they sometimes object to having to pay for private waste collection through condominium fees in addition to property taxes that include this service as they see this as being charged double for the same service.

On April 10, 2012, Report FCS12020/PW12011 titled “Municipal Services and Property Taxation on Condominium Properties” was received for information. This report identified services such as garbage and recycling collection as typically provided on public property by the City and by the property owner on private property and that extending these services to one type of private property, i.e. residential, may result in having to provide these services to other types of private properties, i.e. commercial.

This report included that “Property taxes are not a fee-for-service, but instead a method of distributing the cost for public services and programs throughout the municipality. The Municipal Act further dictates that municipalities must collect property taxes from “all of the taxable assessment” base. The City of Hamilton sets its annual tax rates based on the approved annual budget. The annual budget accounts for municipal services/ programs and does not make any allowance for services/programs not being provided (i.e., specific services to private properties).”

On November 10, 2021, Council approved report PW21061 creating a revised policy related to design standards titled “City of Hamilton Waste Requirements for Design of New Developments and Collection”. This policy provides, among other things, direction to developers on how to design developments to permit municipal waste collection. There have been several versions of this document over the years, however, the 2021 version was significantly revised to include two important changes relevant to report PW24035. First, a limit was placed on the number of reversals within a development. This policy limits the number of reversals on private roads to one, and the one reversal is only permitted on small in-fill developments where it is not possible to enter and exit a site in a forward motion without reversing to turn around on site.

The second important change required developers to provide rationale for not meeting the City’s design standards for municipal waste collection. In previous versions of this policy, developers could opt out of designing according to City standards so development projects could accommodate more units. In these cases, private waste collection was required. With this new policy, developers are not able to opt out of meeting these standards but must have staff accept their rationale for private waste collection as the only option for the site based on site restrictions such as size.

At its meeting on October 25, 2023, Council approved Motion 7.2 with direction “That staff report back to the Public Works Committee with preferred options to either have the City compensate such condominium boards for the denied service through tax credits which GFL then provides privately or to permit the City’s contracted waste

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company, GFL, to reverse from cul-de-sacs with a safety person, but not limited to the above options.”

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendation in Report PW24035 is consistent with both the “City of Hamilton Waste Requirements for Design of New Developments and Collection” and the City of Hamilton Solid Waste Management By-law 20-221.

RELEVANT CONSULTATION

Corporate Services, Legal and Risk Management Services
 Corporate Services, Financial Planning, Administration and Policy

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Report PW24035 is recommending that the City of Hamilton continue to only provide waste collection to developments that meet the standards outlined in the City’s Waste Requirements for Design of New Developments and Collection policy. Staff have analyzed both options included in the motion, as well as a third option of providing shared waste collection to private developments, and found that all three of these options are problematic. A detailed analysis of these three options is provided below.

Tax Credit or Refund

Staff conducted a municipal scan on how municipalities in Ontario tax for waste management services and if they offered a credit or a rebate to properties that are not eligible to receive the service provided by the municipality. Of the seven municipalities that responded, five (London, and the regions of Durham, Halton, Peel and Waterloo) do not provide a credit or a rebate on the basis that this is not a pay-per-use service, and two provide some relief (Toronto and the District of Muskoka). In Toronto’s case, waste collection services are not funded through property taxes but are charged as a utility based on the service level received. Toronto has a cart-based waste collection system and property owners pay a fee that corresponds to the size of the garbage cart they have at their property.

If there is no garbage cart assigned to the property, then no waste utility charges are billed to that property. In the District of Muskoka, property owners are not allowed to opt out of solid waste collection services. Properties that abut a designated collection route on a publicly owned road that is maintained all year round are not eligible for the credit. However, where curbside collection services are not available to a multi-residential building due to accessibility issues, the owner of the property may apply for a credit

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against solid waste special rating area levies payable with respect to the property in an amount not exceeding the amount of the levy. Neither of these approaches are applicable in the City of Hamilton. The District of Muskoka is clear in their policy that the credit applies only if the property does not abut a designated collection route on a publicly owned road that is maintained all year round, which is not the case in Hamilton. In the case of Toronto, the service is provided on pay-per-use basis, which is not the system used by Hamilton since the levy for waste management services is included as part of the general property tax levy.

The Region of Waterloo had a rebate program for multi-residential and condominium buildings not receiving municipal waste collection, but this was discontinued as of January 1, 2022 on the basis that “the Region was the only municipality still offering such a program, and that the municipal property tax model works on the principle that municipal services are “public goods” and all property owners share the cost of providing those services to the entire community, whether the individual receives/uses the services or not”.

The City does not keep data on the number of properties that have been deemed not eligible for municipal waste collection and must retain private services. However, staff did collect data for the period from 2019 to 2023. For this period, there were 4,163 new single-family residential properties constructed in the City of Hamilton. Of these, 781 (18.8%) were located on private roads, and of these, 90 (2.2%) were deemed not eligible for public service and require private waste collection services. In 2024, the portion of property taxes dedicated to waste collection for an average Hamilton home with an assessment value of \$385,900 was \$223.

Therefore, this is what has been estimated as the average annual tax credit that would need to be provided to property owners that have been deemed not eligible for municipal waste collection services. For the 90 properties from 2019 to 2023, this would total \$20,070 annually and would be adjusted on an annual basis based on the tax increase. However, this number only reflects the costs for these 90 units and does not account for the number of properties deemed not eligible for municipal waste collection prior to 2019, which could be considerably higher. In addition, any funds paid out as a tax credit or refund would have to be recovered from the tax base and therefore this would result in an increase in the tax rate to all other properties in the City.

Reversal of Waste Collection Vehicles

Municipalities that have consistent collection requirements to Hamilton in relation to waste collection vehicle reversals include: Guelph, Markham, Richmond Hill, Toronto, Vaughan and the Regions of Durham, Halton, Niagara, Peel and Waterloo. There are no municipalities in southern Ontario known to staff that permit the reversal of waste

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collection vehicles on to public roads from private roads. In addition, these municipalities limit the reversals on private roads to using a defined turnaround area. The reason why municipalities do not permit the reversing of collection vehicles onto public roads, and limit reversals on private roads, is due to the increased risk associated with this activity. Although there are ways to mitigate these risks, such as audio reversal signals (back-up beepers) and cameras, spotters/flag person, none are as effective as not carrying out the activity.

Industry and safety organizations share the opinion of municipalities that waste collection vehicles reversing unnecessarily increases risk and should be avoided. The Solid Waste Association of North America included on their website on April 14, 2024, a post titled “Safety First: Safe Backing Practices”¹. This included that “Backing manoeuvres are among the leading causes of accidents in various industries, including waste and resource management” and included a link to their Backing Best Management Practices document that includes “According to industry and OSHA data, backing represents approximately 25 percent of all injuries and accidents in the solid waste collection industry” and that workers should “Plan ahead and avoid backing whenever possible.”

This association is considered a leading authority in the waste industry on safety. The United Kingdom’s Waste Industry Safety and Health Forum published the document “Safe Operation of Waste and Recycling Collection Vehicles”² in September 2019 which includes “Reversing is a high-risk activity and should be eliminated wherever possible or otherwise minimised” and the document explains how to manage risks associated with vehicle operation “including reversing which has been the main cause of fatalities in the sector”.

A health and safety document titled “Waste and recycling vehicles in street collection”³ published by the United Kingdom’s BIP Solutions includes a section on reversing that states “Reversing causes a disproportionately large number of moving vehicle accidents in the waste/recycling industry. Injuries to collection workers or members of the public by moving collection vehicles are invariably severe or fatal.” The document goes on to say, “Unlike many other workplaces complete control often cannot be exercised over the environment during collection because of factors such as street geography; street furniture; other vehicles; pedestrians; and weather.” The United States’ Occupational

¹<https://swana.org/news/blog/swana-post/swana-blog/2024/04/14/safety-first-safe-backing-practices>

²<https://www.wishforum.org.uk/wp-content/uploads/2020/10/WASTE-04-Safe-operation-of-waste-and-recycling-collection-vehicles-September-2019.pdf>

³[Waste and recycling vehicles in street collection \(bipsolutions.com\)](https://www.bipsolutions.com/waste-and-recycling-vehicles-in-street-collection)

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Safety and Health Administration has reported that garbage trucks were fifth in the country between 2005-2010 in backover fatalities, behind only dump trucks, semi/tractor trailers, forklifts and other trucks⁴. All of these sources clearly indicate there is increased risk with waste collection vehicles reversing and that this activity should be avoided whenever possible.

Shared/Pile Curbside Collection

There have been cases in the past where developments didn't meet the City's reversal and turnaround requirements and developers have proposed to use shared collection, otherwise known as pile collection. This is where residents place all waste in one location at the entrance to the private development for waste collection. Although implementing a shared collection system for the developments in question would provide service to them while avoiding the risk of waste collection vehicle reversals and increased tax burden, there are impacts that need to be understood. In situations where residents share a waste collection area, these areas have historically attracted illegal dumping especially when bulk/furniture waste is set out for collection and contribute to litter. This can be unsightly for residents and has an operational impact to City staff as these locations can require more time for collection and require By-law Officers to investigate. Additionally, shared collection sites do not support waste diversion as set out limits do not need to be followed, allowing residents to set out additional garbage without having to use tags or utilize waste diversion programs. This is because City staff have no way to identify the waste set out from each property.

Waste Design Requirements

The most common reason for developments being deemed not eligible for municipal waste collection is that from time to time, developers have opted to allow for more units to be built and therefore requiring the reversal of waste collection vehicles within the property. However, staff have seen a decrease in this approach over the last couple of years. This is because on November 10, 2021, Council approved a new version of the "City of Hamilton Waste Requirements for Design of New Developments and Collection". This policy is guided by the principle of providing safe and efficient waste collection and provides direction to developers on how to design developments to permit municipal waste collection.

There have been several versions of this document over the years, however, the 2021 version was significantly revised from the previous one. An important change was that it

⁴[Preventing Backovers - Additional Resources | Occupational Safety and Health Administration \(osha.gov\)](https://www.osha.gov)

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required developers to provide rationale for not meeting the City's design standards for municipal waste collection. Previously, a developer could decide they didn't want to design for municipal waste collection without providing any reasoning. Staff believe that this change in policy has, for the most part, solved this issue and resulted in developments being designed to allow for municipal waste collection. In both the current version of this policy and the previous version, shared waste collection is not supported as this often results in lower waste diversion and increased illegal dumping and litter. In addition, both the current and previous versions of this policy require developers to notify property owners if their property has been deemed not eligible for municipal waste collection in sales agreements prior to the properties being purchased.

ALTERNATIVES FOR CONSIDERATION

Alternative 1 – Implement a tax credit or refund for properties that have been deemed not eligible for municipal waste collection services

Council could approve a process to provide a tax credit to property owners that were deemed not eligible for municipal waste collection. This alternative would require staff to determine all properties in the City that currently do not receive municipal waste collection.

Financial: Any amount of funds provided to property owners through a tax credit would need to be recovered by the tax base. For properties constructed between 2019 and 2023, this annual cost is approximately \$20,070 according to the average property taxes for 2024. However, as the total number of single-family properties city wide that do not receive municipal waste collection is unknown, so is the total financial impact. As these costs only reflect the number of properties over the last five years that have been deemed not eligible to receive service, staff believe a conservative estimate of the total number of single-family properties not receiving municipal waste collection to be twice this number which would be an annual cost of \$40,140.

It should also be noted, that although the recommendation does not include multi-residential or condominium buildings, there are numerous multi-residential and condominium buildings in the City that do not receive municipal waste collection and providing a tax credit to single-family properties could result in these buildings also requesting a tax credit or refund. The financial implication of this would be significantly higher than for single-family properties alone.

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Additionally, if Council were to approve a tax credit to properties not receiving waste services, this may put the City in a position to have to provide a tax credit or refund to property owners that don't receive other services. In addition to the direct cost of the tax credit, there are costs associated with the staffing implications related to this alternative which are estimated to be \$50,000 annually. Therefore, the total estimated annual cost for this alternative is \$90,140.

Staffing: Depending on the number of applications and the complexity of the tax credit or refund program, additional staff of 0.5 FTE may be required.

Legal: A new policy and a new by-law would need to be developed to approve properties for a tax credit, provide the initial tax credit, and continue to provide the tax credit on an annual basis. If approved, this policy would be included in the Tax Policy Report for 2025.

Alternative 2 – Allow both City collection vehicles and City-contracted collection vehicles to increase reversals

Council could direct staff to allow waste collection vehicles to reverse on to public roads from private roads and increase the number of reversals on private roads with the aid of a flag person. This alternative would require policies such as the “City of Hamilton Waste Requirements for Design of New Developments and Collection” to be revised and approved by Council before taking effect as this direction is inconsistent with the current policies and results in a higher level of risk to be assumed by the City to carry out waste collection.

Financial: The minimum annual financial impact of Alternative 2 is \$45,321 based on the need for an additional 0.5 FTE.

Staffing: Although most contracted and City waste collection vehicles currently have two staff, a minimum of 0.5 FTE's would be required to serve as flag people for the developments constructed between 2019 and 2023, however this alternative may require more FTE's once a full list of developments is created.

Legal: Current policies including the City of Hamilton Waste Requirements for Design of New Developments and Collection and the Solid Waste By-law would need to be revised.

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Alternative 3 – Permit shared / pile waste collection for properties that have been deemed not eligible for municipal waste collection.

Council could direct staff to allow developments that have been deemed not eligible for municipal waste collection to be serviced through shared waste collection at the entrances of the development. As this service is not currently permitted, this alternative would require policies such as the “City of Hamilton Waste Requirements for Design of New Developments and Collection” to be revised and approved by Council before taking effect as this direction is inconsistent with the current policies. Additionally, in the few developments where this service is provided this alternative approach has resulted in increased illegal dumping, increased litter and decreased waste diversion as this alternative does not allow staff to enforce policies such as waste set out limits. It is also possible that this alternative is not suitable for all developments as a certain amount of space is required for waste set out based on the number of units in the development and therefore this alternative may only be a solution for some developments.

Financial: N/A

Staffing: N/A



Legal: Current policies including the City of Hamilton Waste Requirements for Design of New Developments and Collection and the Solid Waste By-law would need to be revised.

APPENDICES AND SCHEDULES ATTACHED

N/A



INFORMATION REPORT

TO:	Mayor and Members Public Works Committee
COMMITTEE DATE:	June 3, 2024
SUBJECT/REPORT NO:	Woodlands Park Washroom Rehabilitation (PW24033)
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Anne McArthur (905) 546-2424 Ext. 1223 Robyn Ellis (905) 546-2424 Ext. 2616
SUBMITTED BY:	Indra Maharjan Director of Corporate Facilities & Energy Management Public Works
SIGNATURE:	
SUBMITTED BY:	Cynthia Graham Director of Environmental Services Public Works
SIGNATURE:	

COUNCIL DIRECTION

N/A

INFORMATION

Historical Background:

A fire damaged the washroom structure at Woodlands Park, 501 Barton Street East, Ward 3, on January 2, 2024. The fire was extinguished, and security was provided to prevent public access to the facility. An associated order to comply was issued by the City of Hamilton's Building Division on the same day for a structural assessment to be completed and either a demolition or building permit to be issued to repair the building and make it safe for use.

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SUBJECT: Woodlands Park Washroom Rehabilitation (PW24033) (Ward 3)
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The washroom building at Woodlands Park is approximately 50 years old and a one-storey building structure without a basement. Before the fire event, the building superstructure consisted of roof wood sheathing on pre-engineered roof wood trusses and joists supported by steel beams, columns, and concrete block masonry walls.

Other existing park amenities include pathways, soccer field, multi-use court and playground. In 2024 the site will have a new spray pad amenity constructed northwest of the washroom facility. The construction of the spray pad will continue as scheduled through the summer of 2024.

A security team was on site 24/7 to maintain the safety, security and integrity of the facility while the roof was demolished, and the site was assessed. Current security measures include a mobile security team conducting 2 inspections of the property every 24 hours to ensure that the fencing remains intact and that access to the building remains secure. Signage has been applied to the existing fencing providing the 24-hour security dispatch number should any resident wish to report suspicious activity related to the property.

A portable toilet has been installed on site. These temporary washroom facilities are open approximately from 6 a.m. to 6 p.m. Times may vary based on staff availability to arrive on site.

A community placemaking project had installed artwork called, “Woodlands Park: Ghost Landscape”, at two locations of Woodlands Park, one of which was affixed to the side of the washroom facility. In order to avoid damage to the artwork, it has been removed from the washroom facility and is being stored at a City site while the washroom is being worked on. Coordination with the artist is underway.

Completed Milestones:

A structural engineer was hired and completed a preliminary assessment of the washroom facility on January 23, 2024. However, at that time the engineer was unable to enter the facility as the debris from the fire and partially collapsed roof did not allow for safe entry. A full proposal for structural engineering services was received and a purchase order was issued February 12, 2024 to coordinate the next steps to make the site safe for entry to complete the full structural assessment and determine what parts of the building might be salvageable. On March 14, 2024, a contractor was hired and secured a partial demolition permit to demolish the remaining roof structure of the Woodlands Park washroom facility. As part of this work the fencing perimeter was increased, protecting the public from any debris that may fall during the partial demolition. The contractor mobilized on site for the demolition and removal of debris which was ultimately completed on April 2, 2024.

SUBJECT: Woodlands Park Washroom Rehabilitation (PW24033) (Ward 3)
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With the site now safe for entry by qualified workers, the fulsome structural assessment was completed on April 5 and the final engineering report was received on April 17, 2024. The structural assessment included a review of the interior spaces of the building and walking the exterior perimeter to visually review and randomly hammer tap the remnant structural framing, concrete block walls and steel beams. The engineer identified that the structural integrity of the remnant structural framing of the washroom building at Woodlands Park had not been compromised by the fire and can be salvaged to support a new roof structure. This means that the building does not need to be demolished but can be restored to be a functional park washroom again.

Facilities and Environmental Services staff attended a Ward 3 public consultation meeting on April 30, 2024 and provided a presentation update on the facility and listened to the discussions from attendees. The community was supportive of continued access to washrooms at this park, and articulated desire for keeping safety, accessibility, inclusivity, and future improvements (such as potential for future community space and parking) top of mind. Facilities and Environmental Services staff have committed to working with the Ward 3 Councillor to continue community conversations about park design overall including possible phase 2 improvements at the washroom facility, pending future capital budget request approvals.

The City has this facility on its insurance policy, which carries a deductible of \$500,000. An insurance adjuster has been involved since the fire occurred. An estimate of \$800,000 to \$950,000 has been provided associated with the construction costs for the rehabilitation of the facility. After soft costs and operational costs, including the structural assessment, security and portable washrooms, are taken into consideration, it is estimated that the total project cost will be \$1.1 to \$1.3 million dollars.

Future Milestones:

Staff will continue to engage with the City's insurer to ensure a qualified contractor is retained to complete the work. This is in compliance with the City of Hamilton's *Procurement By-Law 22-255*, Schedule B Exemptions. Facility staff will oversee and approve the design and construction to ensure the rehabilitation of the facility is in line with City standards and policies, and consideration of community use and needs. The estimated costs to restore the Woodlands Park washroom exceeds the City's insurance policy deductible of \$500,000. All costs will be incurred under the open claim with Risk Management Services. Any amounts not recoverable (i.e. Deductible) from the City's insurer, will be charged back to the City's Woodland's Park Project ID 3542441105. The following includes the costs to be submitted to the insurer for reimbursement over and above the deductible, in order to rehabilitate the facility:

- Site Safety, including security patrol;
- Temporary Portable Washroom, currently portable toilets;

SUBJECT: Woodlands Park Washroom Rehabilitation (PW24033) (Ward 3)
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- Site inspections, by the structural engineer and insurance cost consultant;
- Site rehabilitation to meet the current Ontario Building Code.

By utilizing a general contractor and third-party cost consultant, the City can ensure quality work on an expedited timeline, with anticipated completion of approximately 12 months. The construction timeline may be impacted on factors such as weather and lead times. The work will supply a public washroom facility that is in line with the amenities available before the fire with upgrades as required to meet the current Ontario Building Code.

Woodlands Park has had a washroom facility for the past 50 years and the community has grown to rely on this service for visitors to the park or community members when they are out and about. Decisions about improvements to the park, such as the construction of the spray pad to be completed in 2024, have been based on the fact that there is a washroom at the park. Because washroom access is a historic service at the park, and to support the amenities at this park, the reconstruction of the washroom building to restore washroom access is consistent with City standards, and aligns with City Council priorities, specifically Priority 2, Safe and Thriving Neighbourhoods, Outcome 3, provide vibrant parks, recreation, and public spaces.


The restoration of the washroom facility does not preclude additional consultation and future improvements at Woodlands Park. Future improvements to the Woodlands Park, including upgrades to the washroom facility, will be managed by a Parks Master Plan which considers public and stakeholder input, demographic data and growth forecasts, park usage levels, parkland trends and best practices, ongoing planning initiatives, and more. In this way, the priorities and recommendations advanced in the Plan are evidenced-based and respond to dynamic needs across the entire city.

APPENDICES AND SCHEDULES ATTACHED

N/A



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Environmental Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	June 3, 2024
SUBJECT/REPORT NO:	Maintenance and Beautification of Birch Avenue Green Space and Gardens (PW24031) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Kara Bunn (905) 546-2424 Ext. 4334 Robyn Pollard (905) 546-2424 Ext. 3919
SUBMITTED BY:	Cynthia Graham Director, Environmental Services Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be directed to enter into an updated lease agreement with Hydro One to allow for pollinator gardens at Birch Avenue Green Space, 171 Birch Avenue;
- (b) That required resources, anticipated to be \$2,500 annually, to support the Birch Avenue Green Space and Pipeline Trail pollinator gardens going forward into future years, be referred to the 2025 operating budget process; and
- (c) That staff be directed to report to Public Works Committee outlining an enhanced community gardens program, to support new and existing community-led efforts for native pollinator gardens which contribute to the key priorities of the Biodiversity Action Plan (BAP) and Climate Action Strategy, identifying any additional resources required to oversee the new enhancements.

EXECUTIVE SUMMARY

Delegates attended Public Works Committee on March 20, 2023, to make a request of

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SUBJECT: Maintenance and Beautification of Birch Avenue Green Space (PW24031) (City Wide) – Page 2 of 6

staff to supply water and support services for volunteer gardens in Wards 3 and 4. Specifically, support was requested for the Birch Avenue Green Space (which is owned by Hydro One) and the Crown Point Gardens along the Pipeline Trail. Staff were directed through a motion at the April 3, 2023, Public Works Committee to:

- (b) That staff be directed to review the delegation requests from the Public Works Committee on March 20, 2023, regarding support for water access to help maintain the Birch Avenue Green Space and report back with possible recommendations that could also be applied city wide where applicable; 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.

Report PW24031 is the summary of the investigation that staff conducted to determine the legal requirements, labour, cost, and coordination implications of formalizing an agreement with Hydro One for the gardens at the Birch Avenue Green Space and supports the investigation of increased support for volunteer pollinator patches and gardens throughout City of Hamilton parks.

Further, Report PW24031 seeks to expand the existing agreement with Hydro One to allow the volunteer gardens to continue to be located on the property but managed by the City of Hamilton, and to report back with enhancements to support the community gardens that would oversee and support community-led garden spaces across the City.

In 2024, support will be given to both the Birch Avenue Green Space gardens and the Pipeline Trail gardens, and the costs will be allocated to 446020 – General Horticultural Maintenance. Staff are directed in Recommendation (b) of Report PW24031 to submit a budget request for consideration as part of the 2025 budget process to continue to support these locations for future years. Staff are directed in Recommendation (c) of Report PW24031 to report back on costs and resources to expand the community gardens program. An understanding of the actual costs of support for the two garden locations is anticipated to be understood once the cost of this work is determined at the end of the 2024 growing season.

Alternatives for Consideration – see page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: It is anticipated that the costs to support the two garden locations in 2024 are able to be accommodated in the existing 446020 – General Horticultural Maintenance Department ID in order to keep the gardens in good condition until a more permanent program can be established. The costs for 2024 are

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anticipated to be \$2,000. Future resources required to continue this support will be identified as a 2025 budget consideration.

Staffing: It is anticipated that in 2024, the existing complement of staff will support these two locations as part of their horticultural duties.

Legal: Corporate Real Estate staff and Legal and Risk Management Services staff will work with Environmental Services staff to ensure that the existing agreement with Hydro One is modified to allow City oversight over pollinator beds pending approval on design and location by Hydro One as per their requirements.

HISTORICAL BACKGROUND

The City of Hamilton has made a pledge to be a Bee City in support of pollinator projects and efforts have sought to expand habitats and empower citizens to take action and support pollinators and biodiversity within Hamilton. Healthy natural ecosystems and the creation of corridors through natural spaces and pocket planting is also supported by the City of Hamilton Biodiversity Action Plan, which focuses on a holistic approach to making Hamilton more liveable for all by working together and supporting community engagement through neighbourhood placemaking and beautification.

Hamilton's Climate Action Strategy, action 8.1 in the Climate Change Impact Adaptation Plan, supports working with local partners to continue tree planting and preservation, and exploring community partnerships and naturalization programs to reduce urban heat island and enhance ecosystem function.

Pollinator gardens have been approved through requests made to the Parks section in the past and the installation, maintenance, and watering of the garden beds became the responsibility of the volunteers. Staff have not been resourced or funded to support these gardens in the past. Volunteers have noted that as their membership ages or moves away that they would benefit from some support from the City with the provision of water or some weeding of beds, to keep their gardens in place and this was highlighted in the delegation from March 2023. Without staff resources or supports, the alternative is that gardens may need to be removed if there is no one actively maintaining them.

The City of Hamilton's license agreement with His Majesty the King in Right of Ontario as represented by the Minister of Infrastructure, as represented by Ontario Infrastructure and Lands Corporation (OILC), has allowed staff to add recreational uses to hydro corridors throughout the City. The master agreement was signed August 2018 and was due for renewal on December 31, 2023; the Birch Avenue Green Space is one of the properties included in this agreement. Hydro One Networks Inc. (HONI) is

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responsible for the day-to-day management of activities associated with the licensed lands on behalf of Ontario Infrastructure and Lands Corporation (OILC), and are offering a license agreement for a five-year term, effective January 1, 2024, with the understanding that the City will continue to use the licensed lands for the purpose of public recreational purposes only. Staff have delayed the agreement renewal in light of the requirement and desire to add additional properties into the agreement. The pending renewal of the agreement gives the City an opportunity to add in the language to allow pollinator gardens on these properties.

In addition to adding gardens as an approved use on the leased lands, the City will still be required to follow the guidelines set out by Hydro One for where gardens can be located in relation to their infrastructure and gain approval for the species planted in the gardens. Currently, the existing gardens in the Birch Avenue Green Space do not meet the requirements of Hydro One; and if the recommendations of Report PW24031 are approved, staff will work with the volunteers to bring them into compliance once the plans are approved by Hydro One.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Overview of Requirements for Land Use Proposals from Hydro One strives to work with proponents to review secondary land use proposals on the right-of-ways to ensure they are compatible with the safety and maintenance requirements of its high-voltage equipment. Technical reviews for each proposal must be completed by Hydro One. These reviews may require several weeks or months to complete depending on the complexity of the proposal. Currently, the turnaround time is about 12 to 16 weeks. Resubmissions may require the same timelines.

Hydro One technical reviews must be approved, and occupation agreements in place, prior to any construction work. Detailed drawings that need to be created by staff and submitted include: site plan, grading, drainage, lighting, landscaping, signage (including any other above-grade structures), and profiles for underground works. Plantings which grow to a maturity height over 3 metres are not permitted on the right-of-ways. Hydro One has a Compatible Species List which must be utilized. Garden beds must respect offset zones to provide for a 6 metres access route through the corridor, 15 metres maintenance exclusion zones around each affected tower, and 10 metres construction exclusion zones around each affected tower.

The existing license agreement with His Majesty the King in Right of Ontario as represented by the Minister of Infrastructure, as represented by Ontario Infrastructure and Lands Corporation (OILC) and the City of Hamilton, Master Licence Renewal Agreement – (Recreational) August 2018, will require updating and renewal based on the recommendations within Report PW24031.

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RELEVANT CONSULTATION

The following internal City groups were consulted and are supportive of the recommendations of Report PW24031:

Corporate Real Estate - has been working with Parks staff to update and negotiate the renewal of the Hydro One Networks Inc. agreement.

Office of Climate Change Initiatives – the community garden program currently lies within this office and will work with Environmental Services staff to determine how pollinator gardens can be brought into the existing program.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Office of Climate Change Initiatives has an existing community gardens program that oversees food-producing community run gardens located on City owned or leased parkland. This program provides support to these gardens including the delivery of compost, woodchip mulch, and in some circumstances irrigation systems. The program is well received within the City of Hamilton and has delivered this beneficial service to participants who may not be able to produce food otherwise or enjoy gardening and community stewardship. Within the program, the Forestry and Horticulture section assists by supplying the woodchip mulch and rototilling plots when assistance is needed to add new plots. These expenses are allocated to 446020 – General Horticultural Maintenance and 445021 - Tree Maintenance.

The Biodiversity Action Plan (BAP) is a coordinated effort to protect, restore, enhance, and explore biodiversity in Hamilton. Key priorities include enhancement of public stewardship opportunities and consideration of biodiversity in all municipal decision making. Expansion of the existing food-producing community gardens program to include support for native pollinator gardens is in alignment with these priorities.

The Parks section has worked over the years to accommodate requests received by the community to utilize parkland for non-food producing community gardens, some of which are beneficial pollinator gardens. This accommodation is to meet the needs of the community but is not funded or formalized through agreements. The lack of a formal process has led to some gardens being neglected and then removed due to the lack of funding to continue maintenance if volunteers are no longer available to maintain them.

Report PW24031 provides recommendations to review and report back to Committee on how more gardens might be supported by the city in the future as requests come forward. To ensure the impact on the existing gardens is mitigated, Horticulture will provide supplemental supports for the 2024 growing season, including watering at the

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existing gardens in the Birch Avenue Green Space and periodic maintenance in collaboration with the volunteers at the Pipeline Trail gardens.

ALTERNATIVES FOR CONSIDERATION

An alternative to the Recommendations (a), (b), and (c) of Report PW24031, would be to continue status quo in relation to the Pipeline Trail gardens, which means the volunteer group would continue without any assistance from the City. For Birch Avenue Green Space gardens, due to the requirements of Hydro One to have native plantings which are maintained by the parties listed in the agreement, the gardens would be removed to reduce the costs associated with re-designing the gardens to ensure compliance with Hydro One's acceptable plant list and the ongoing operating costs to maintain them through the Horticulture section.

With this alternative, staff would attempt to salvage valued plants to replant in existing beds. In addition, there would be no action to investigate expansion of the existing community gardens program administered through the Office of Climate Change Initiatives. Because this alternative does not meet the needs identified by the delegates, does not help meet Bee City goals, Climate Action Strategy goals or Biodiversity Action Plan goals, staff do not recommend this alternative.

Financial: This alternative includes the operating cost to remove the existing garden and establish low maintenance grass seed within the existing garden locations. The costs to do this are not known, but could be absorbed into the existing operating budget 446020 – General Horticultural Maintenance Dept ID.

Staffing: N/A

Legal: N/A

APPENDICES AND SCHEDULES ATTACHED

N/A

12.1

CITY OF HAMILTON

MOTION

Public Works Committee: June 3, 2024

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

SECONDED BY COUNCILLOR

Funding for Tree Planting on Mohawk College Fennell Campus, 135 Fennell Avenue West, Hamilton (Ward 8)

WHEREAS, the City of Hamilton has declared a climate emergency;

WHEREAS, the Opportunities to Partner with Educational Institutions to Plant Trees (PW23066) (City Wide) Report directs staff to pursue and present opportunities to Ward Councillors with representatives from Conservation Authorities and educational institutions in the City of Hamilton to plan tree planting projects on lands which are readily accessed by the public and owned by these Organizations;

WHEREAS, through increased tree planting initiatives on public property, the City continues to work towards meeting targets for the 40% urban tree canopy coverage, as set in the Council approved Urban Forestry Strategy;

WHEREAS, increasing the urban tree canopy by planting trees on private property has many environmental benefits to the residents of Ward 8 and the wider City;

WHEREAS, tree planting on Mohawk College properties is not currently funded under existing City funded tree planting programs; and

WHEREAS, Mohawk College has shown interest in having trees planted on their Fennell Campus property.

THEREFORE, BE IT RESOLVED:

- (a) That the supply and installation, of 18 large caliper (50mm to 70mm) trees be planted on Mohawk College Fennell Campus property at 135 Fennell Avenue West, Hamilton, in coordination with Mohawk College funded from the Ward 8 Capital Discretionary Account (#3302309800) at an upset limit, including

contingency not to exceed \$9,000; and

- (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.

CITY OF HAMILTON

MOTION

Public Works Committee: June 3, 2024

MOVED BY COUNCILLOR M. WILSON.....

SECONDED BY COUNCILLOR

Victoria Park Combination Drinking Fountain / Water Bottle Fill Station (Ward 1)

WHEREAS, the City has both water bottle filling stations and drinking fountains throughout Hamilton, with outdoor units mapped on the City’s website;

WHEREAS, in accordance with Report PW21006 entitled Moving Hamilton Towards a Zero Plastic Waste Plan, water bottle fill stations and drinking fountains can help in reducing the use of single-use plastics;

WHEREAS, Victoria Park Outdoor Pool Building at 100 Strathcona Avenue North, Hamilton, located in Victoria Park, can be enhanced with a combination drinking fountain/ water bottle fill station to support residents and visitors to stay hydrated at the park;

WHEREAS, adding a drinking fountain /water bottle fill station on the East side of the building (further North) will address resident concern of parents losing sight of multiple children (visibility blocked by the building), while at the playground;

WHEREAS, an existing drinking fountain on the Southwest side of the building allows access to water particularly for transit users and bus drivers, the addition of a combination drinking fountain/ water bottle fill station will benefit a variety of other public park visitors within the Strathcona neighborhood, including patrons of the outdoor pool, playground, spray pad, community garden, pollinator paradise, outdoor fitness equipment, washroom, and other amenities throughout the park;

WHEREAS, staff have looked into all that would be required to install the combination drinking fountain/ water bottle fill station at a cost of \$23,500 for the following infrastructure work:

- Plumbing
- Electrical
- Concrete work
- Drinking water/ bottle fill station itself; and

WHEREAS, Hamilton Water has a relevant capital program to assist in funding the project, based on Hamilton Water Efficiency, Outreach and Education.

THEREFORE, BE IT RESOLVED:

- (a) That a combination drinking fountain / water bottle fill station at Victoria Park Fieldhouse, 100 Strathcona Avenue North, Hamilton, be funded from the Ward 1 Capital Discretionary Account #3302309100 at an upset limit, including contingency, not to exceed \$3,500 and Hamilton Water Efficiency Capital Project #5142355851 at an upset limit, including contingency, not to exceed \$20,000; and
- (b) That the General Manager of Public Works, or their designate, 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.

12.3

CITY OF HAMILTON

MOTION

Public Works Committee: June 3, 2024

MOVED BY COUNCILLOR T. JACKSON.....

SECONDED BY COUNCILLOR.....

Improvements to Eleanor Park, 80 Presidio Drive, Hamilton (Ward 6)

WHEREAS, Eleanor Park, 80 Presidio Drive, Hamilton, experiences drainage issues due to existing conditions/historical design solutions that have been exacerbated by changing weather patterns;

WHEREAS, a stormwater review and design solution by a qualified professional are needed to address the issues of moving stormwater through/from the park to ensure appropriate drainage of park assets;

WHEREAS, additional funding is required to support this engineered design solution; and

WHEREAS, any unallocated funding from this motion may be used towards the implementation of the drainage improvements.

THEREFORE, BE IT RESOLVED:

- (a) That the funding be provided to support the engagement of a consultant to review the existing drainage of the parkland and provide a designed solution to address parkland stormwater for Eleanor Park, 80 Presidio Drive, Hamilton, to be funded from the Ward 6 Capital Re-Investment Reserve (#108056), at an upset limit including contingency not to exceed \$125,000; and
- (b) That the General Manager of Public Works or designate be authorized and directed to approve and execute any and all required agreements and ancillary documents, in a form satisfactory to the City Solicitor, related to the stormwater review and design at Eleanor Park, 80 Presidio Drive, Hamilton.

12.4

CITY OF HAMILTON

MOTION

Public Works Committee: June 3, 2024

MOVED BY COUNCILLOR C. KROETSCH.....

SECONDED BY COUNCILLOR.....

Parks Accessible Portable Toilets (Ward 2)

WHEREAS, the availability of public washrooms had become a concern highlighted by the COVID-19 Pandemic when few public washrooms were available;

WHEREAS, a community survey conducted in 2022 and 2023 reinforced the desire of parks users to have access to washroom facilities;

WHEREAS, public washrooms in parks provide a much-needed amenity, especially for those who wish to extend their stay in the park;

WHEREAS, the parks in Ward 2 are heavily used, and existing washroom facilities do not provide enough capacity or are missing from some park spaces that would benefit from a facility; and

WHEREAS, the Parks section does not have a budgeted program for portable toilets and additional funding for the rental and cleaning of these facilities for the 2024 season is required.

THEREFORE, BE IT RESOLVED:

- (a) That the provision of accessible portable toilet(s) to support Ward 2 parks in need of washroom facilities for 2024 be funded from the Ward 2 Special Capital Reinvestment Reserve (#108052) at an upset limit, including contingency, not to exceed \$25,000; and
- (b) That the General Manager of Public Works or designate be authorized and directed to approve and execute all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.