



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Economic Development Division**

<b>TO:</b>	Mayor and Members General Issues Committee
<b>COMMITTEE DATE:</b>	February 3, 2016
<b>SUBJECT/REPORT NO:</b>	Cell Tower License Agreement and Space at Tim Hortons Field, 75 Balsam Avenue North, Hamilton (PED16034) (Ward 3)
<b>WARD(S) AFFECTED:</b>	Ward 3
<b>PREPARED BY:</b>	John Hamilton (905) 546-2424 Ext. 7045
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

Discussion of this Confidential Report in closed session is subject to the following requirement(s) of the City of Hamilton's Procedural By-law and the *Ontario Municipal Act, 2001*:

- ◆ A proposed or pending acquisition or disposition of land for City purposes;

**RECOMMENDATIONS**

- (a) That a License Agreement with the City (the "Licensor") for space occupied by Bell Mobility Inc., ("Bell") at Tim Hortons Field, 75 Balsam Avenue North, Hamilton, as shown on Appendix "A" attached to Report PED16034, substantially based on the terms and conditions contained in Appendix "B" attached to Report PED16034, and such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development, be approved;
- (b) That the revenue related to the Licence be credited to Account No. 46110-792285 (Cell Tower Revenue) and that Real Estate and Legal Services fees of \$7,470 also be funded from Account No. 46110-792285 (Cell Tower Revenue) and credited to Account No. 45408-3560150200;
- (c) That the annual amount collected from Bell Mobility Inc. ("Bell") related to its hydro usage be credited to Account No. 56120 – 792284;
- (d) That the Mayor and City Clerk be authorized and directed to execute all necessary documents, relating to the License Agreement with the City (the "Licensor") for space to be occupied by Bell Mobility Inc. ("Bell"), being 75 Balsam Avenue North, in a form satisfactory to the City Solicitor;

- (e) That Appendix “B” attached to Report PED16034 remains confidential and not be released as a public document.

## **EXECUTIVE SUMMARY**

Bell Mobility Inc. (“Bell”) had a ground communications tower at Brian Timmis Stadium from 2005 until 2012. When the stadium was demolished, it established a temporary cell tower at Scott Park.

Bell and City staff have negotiated a new License Agreement for Tim Hortons Field beginning March 1, 2016, where Bell will install cell antennas over the light standards above the stands. Bell will also have use of two small areas below the stands for equipment monitoring rooms. Once the equipment is installed and calibrated, the existing tower at Scott Park will be removed (by the end of April 2016).

***Alternatives for Consideration – See Page 3***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The revenue related to the Licence will be credited to Account No. 46110-792285 (Cell Tower Revenue). The net revenue at the end of each year will be credited to the Ward 3 Capital Infrastructure Reserve No.108053. The Client Department will be charged a one-time fee of \$7,470, credited to Account No. 45408-3560150200 (Civic Property Purchases and Sales) for Real Estate and Legal Services fees.

Staffing: N/A

Legal: Legal Services Division is involved in the development of the License Renewal Agreement through to its completion.

## **HISTORICAL BACKGROUND**

In 2005, Bell established a cell tower on one of the light standards at Brian Timmis Stadium. Revenue earned was directed to a special account for use within Ward 3. In 2012, the stadium was demolished and Bell Mobility Inc. relocated to a temporary tower at Scott Park. The Lease at Scott Park is on overhold until April 30, 2016, when the installation will be removed. This new Licence will allow Bell to relocate to the Tim Hortons Field and carry on business without interrupting service.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Telecommunication and Communication Protocol regards the proposed Bell installation at Tim Hortons Field to be a rooftop antenna and not subject to public consultation.

License fees are deemed fair, reasonable and at market value by Real Estate, and in accordance with the Portfolio Management Strategy.

## **RELEVANT CONSULTATION**

- City Manager's Office, Legal Services Division;
- Public Works Department, Corporate Assets and Strategic Planning Division, Facilities Management and Capital Programs Section;
- Community and Emergency Services Department, Hamilton Fire Division, Trunked Radio Section; and,
- Ward Councillor.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

The five year License Agreement, plus three additional five year renewal options, provides the City with a long term income stream and will remove a cell tower at Scott Park from the urban landscape.

## **ALTERNATIVES FOR CONSIDERATION**

Should Council not approve the proposed Licence, the City would not receive the annual revenue. This would also compromise Bell's cellular network coverage as they would have to find an alternate location.

## **ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

### **Strategic Priority #2**

Valued & Sustainable Services

*WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.*

### **Strategic Objective**

- 2.1 Implement processes to improve services, leverage technology and validate cost effectiveness and efficiencies across the Corporation.
- 2.3 Enhance customer service satisfaction.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED16034 - Location Map

Appendix "B" to Report PED16034 - Terms and Conditions Summary

JH/sd