



PUBLIC WORKS COMMITTEE

REPORT 17-008

9:30 a.m.

Monday, June 19, 2017

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Absent
with Regrets:** Councillor R. Pasuta – Sick Leave

Also Present: Councillors J. Farr, M. Pearson and B. Johnson

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 17-008 AND RESPECTFULLY RECOMMENDS:

1. Intersection Control List (PW17001(d)) (Wards 1,2,3,6,7,8,9) (Item 5.1)

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 “B” Dundas							
(a)	MacNab Street	Head Street	NC	EB/WB	A	Housekeeping – missing t-type stop sign	13
(b)	Head Street	Mill Street	WB	All	B	Converting to all-way stop – Cllr approved	13
Section “E” Hamilton							
(c)	Caroline Street	Robinson Street	EB	All	A	Converting to all-way stop, Councillor approved (note:	2

Council – June 28, 2017

Intersection			Stop Control Direction		Class	Comments / Petition	Ward
Street 1		Street 2	Existing	Requested			
						Robinson one-way EB, no stop controls required WB)	
(d)	Hughson Street	Robert Street	EB/WB/N B	All	A	Converting to all-way stop for two-way conversion	2
(e)	John Street	Wood Street	EB/WB/N B	All	A	Converting to all-way stop for two-way conversion	2
(f)	John Street	Picton Street	NB/WB	All	A	Converting to all-way stop for two-way conversion	2
(g)	John Street	Simcoe Street	EB/WB/N B	All	A	Converting to all-way stop for two-way conversion	2
(h)	Paisley Avenue	Haddon Avenue	EB/WB	All	A	Converting to all-way stop – Ctr approved	1
(i)	Emerald Street	Ferrie Street	EB	All	A	Converting to all-way stop – Ctr approved	3
(j)	Filer Court	King's Forest Drive	NC	EB	A	Housekeeping – missing t-type stop sign	6
(k)	Bobolink Road	Cardinal Drive	SB	All	A	Converting to All-way stop – Ctr approved	7
Section “F” Stoney Creek							
(l)	Tilden Avenue	Scarletwood Street	NB/SB (removal)	EB/WB	A	Reversing recent stop control for new subdivision (not yet installed) – road network change.	9

Legend

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

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

2. Truck Routes – Standardization of Truck Route Signage (PW17050) (City Wide) (Item 5.3)

That Report PW17050 respecting Truck Routes – Standardization of Truck Route Signage, be received.

3. Feasibility of determining Out of Town truck traffic using the RHVP and the LINC (PW16084(b)) (City Wide) (Item 5.4)

- (a) That Report PW17050 respecting the Feasibility of determining Out of Town truck traffic using the Red Hill Valley Parkway (RHVP) and the Lincoln M. Alexander Parkway (LINC), be received; and,

- (b) That staff be directed to conduct a traffic count study to determine the amount of out of town truck traffic using the RHVP and the LINC at the following four locations: Highway 403 at Sunnyridge Road, the QEW and Fifty Road, the RHVP at Barton Street and the LINC at Golf Links Road; and,
- (c) That the cost of the study, in the amount of \$16,000 (plus HST), be funded from either the Traffic Count Budget or the Red Light Camera Reserve Account (upon a determination by staff of which is the appropriate funding source).

4. Sewer Use By-law Program Annual Update (PW17049) (City Wide) (Item 5.5)

That Report PW17049 respecting the Sewer Use By-law Program Annual Update, be received.

5. Trespassing ATVs (Item 6.1)

- (a) That staff be directed to correspond with Hydro One and Alectra Utilities expressing the concerns of local residents about ATVs trespassing on private property, especially the effect it has on local farmers; and,
- (b) That in the correspondence with Hydro One and Alectra Utilities they be asked to consider taking the steps necessary to prevent ATVs from trespassing on hydro right-of-ways (including erecting barriers/fences) and that staff report back to the Public Works Committee with any response/results from those letters, and;
- (c) That the Mayor correspond with the Chief of the Hamilton Police Service (HPS) to express the concerns that local residents have about ATVs trespassing on private property, especially the effect it has on local farmers, and encouraging the HPS to continue monitoring this situation.

6. Proposed Permanent Closure of a Portion of Mountain Brow Road, Hamilton (PW17047/PED17109) (Ward 15) (Item 6.3)

That a portion of Mountain Brow Road, Hamilton, from approximately 400m east of Flanders Drive to 1120m east of Flanders Drive, as shown in Appendix A to PW Report 17-008, be permanently closed and retained, subject to the following conditions:

- (a) That the City Solicitor be authorized and directed to prepare a By-law to permanently close the highway;
- (b) That the appropriate By-law be introduced and enacted by Council;
- (c) That the City Solicitor be authorized and directed to register a certified copy of the By-law permanently closing the highway in the proper land registry office, upon confirmation from the Public Works Department that all applicable fees and costs associated with the application have been paid by the applicant;
- (d) That the By-law permanently closing the highway does not take effect until a certified copy of the By-law is registered in the proper land registry office;
- (e) That the Public Works Department publish a notice pursuant of the City's intention to pass the By-law pursuant to City of Hamilton By-law 04-299 being a By-law to Establish Procedures, including the Giving of Notice to the Public.

7. Proposed Permanent Closure and Sale of a Public Unassumed Alley Between Sydenham Road, Cross Street, Alma Street and Victoria Street, Dundas (PW17048) (Ward 13) (Item 6.4)

- (a) That a portion of the north/south public unassumed alleyway between Sydenham Road, Cross Street, Alma Street and Victoria Street, Dundas, as shown in Appendix B to PW Report 17-008 (the Subject Lands), be permanently closed and sold to the owner of 63 Sydenham Road, Dundas subject to the following conditions:
 - (i) That the applicant makes an application to the Ontario Superior Court of Justice, under *Section 88 of the Registry Act, R.S.O. 1990*, for an order to permanently close the Subject Lands;
 - (ii) That the General Manager, Public Works or his designate sign the appropriate documentation to obtain the order;
 - (iii) That the documentation regarding the application to the Ontario Superior Court of Justice be prepared by the applicant, to the satisfaction of the City Solicitor;
 - (iv) That the applicant deposit a reference plan under the *Registry Act* and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and Corridor Management Section and that the applicant deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;

- (b) That provided the application to the Ontario Superior Court of Justice to permanently close the Subject Lands is approved:
- (i) That the City Solicitor be authorized and directed to prepare the by-law to permanently close the highway;
 - (ii) That the appropriate by-law be introduced and enacted by Council;
 - (iii) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to sell the closed highway to the owner of 63 Sydenham Road, Dundas, in accordance with By-Law 14-204, Sale of Land Policy By-Law, for a nominal fee;
 - (iv) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office, upon confirmation from the Public Works Department that all applicable fees and costs associated with the application have been paid by the applicant;
 - (v) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office;
 - (vi) That the Public Works Department publish a notice of the City's intention to pass the by-law pursuant to City of Hamilton By-law 14-204 being a By-law to Establish Procedures, including the Giving of Notice to the Public, Governing the Sale of Land Owned by the City of Hamilton;
 - (vii) That the applicant enter into agreements with any Public Utility requiring easement protection;
 - (viii) That the applicant enter into private agreements with those property owners abutting the Subject Lands, to allow those property owners unobstructed access to their properties over the Subject Lands;
 - (ix) That should the alley be closed and sold, the owner of 63 Sydenham Street be required to obtain retroactive approval of a Heritage Permit for the paving of the alleyway to the satisfaction of the Director of Planning and Chief Planner.

**8. Escarpment Rehabilitation and Strategy Plan (PW16048(a)) (City Wide)
(Item 7.1)**

That Report PW16048(a)) respecting the Escarpment Rehabilitation and Strategy Plan, be received, as amended.

**9. Sun Canadian Pipeline (SCPL) Easement Agreement (PW17052) (Ward 42)
(Item 8.1)**

- (a) That the extension of an existing easement agreement between the City of Hamilton and Sun Canadian Pipeline Limited ("SCPL") effective October 1, 2014 until and including September 30, 2056 (the "Easement Agreement") substantially on the terms and conditions outlined in Appendix C to PW Report 17-008 be approved, in a form satisfactory to the City Solicitor;
- (b) That the General Manager of Public Works be directed and authorized, on behalf of the City, to approve and execute as appropriate, any and all required consents, permissions and agreements, including the Easement Agreement, necessary to give effect to the Easement Agreement including the relocation of the pipeline as outlined in Appendix C to PW Report 17-008 .

10. Report of the Hamilton Cycling Committee – March 1, 2017 (Item 8.2)

That the attached letter show as Appendix D to PW Report 17-008 be forwarded to the Federal Ministry of Finance regarding the existing Duty on Imported Bicycles.

11. Report of the Hamilton Cycling Committee – April 5, 2017 (Item 8.3)

That the Mayor be requested to forward a letter to the Ontario Minister of the Environment and Climate Change in support of additional Provincial funding of cycling infrastructure in Ontario.

12. Traffic Island Beautification at Gloucester and Inglewood and Traffic Bump-out Beautification on Aberdeen Avenue (Ward 2) (Item 9.1)

WHEREAS, there is interest from Ward 2 citizens to beautify, with plant material, the intersection of Gloucester and Inglewood (conversion) in Ward 2, and 6 Traffic Bump-outs (perennials) on Aberdeen between Queen St S and Turner Ave and;

WHEREAS, that these locations were included in the Traffic Island Beautification Program Report (PW16094)(City Wide) Item 6.2(a) which was deferred to the 2018 Capital Budget process at the December 9, 2016 GIC and;

WHEREAS, the Ward 2 Councilor proposes to cover the capital expenses from the Ward 2 Area Rating Capital Reserve Account 108052.

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to convert the existing concrete median located at Gloucester and Inglewood to an annual floral traffic island;
- (b) That staff be directed to convert the six existing perennial planted traffic bump-outs at Aberdeen between Queen St. S and Turner Ave to annual floral traffic bump-outs;
- (c) That funds for the projects, not exceeding \$18,000, plus a \$5,000 contingency, come from the Ward 2 Area Rating reserve account 108052;
- (d) That annual operational costs of \$1,500 be added to Environmental Services, Horticulture base operating budget starting in 2018.

13. Speed Limit Reduction – Queen Street (Amelia to King) (Wards 1 and 2) (Added Item 10.1)

WHEREAS, off peak speeds on Queen Street, at the base of Beckett Hill in Wards 1 and 2, have been recorded at a maximum of speed of 96 km/h; and,

WHEREAS, the bus shelter at the corner of Aberdeen Avenue and Queen Street has been completely obliterated due to high speed traffic collisions two times in the last four years; and,

WHEREAS, similar to the bottom of the Kenilworth Access, there are residential homes all along the east and west sides of Queen Street; and,

WHEREAS, Kenilworth Avenue South has a maximum speed limit of 40km/h from the base of the access north to Main Street; and,

WHEREAS, Traffic Engineering staff do not support the speed limit reduction on Queen Street South (at the base of the Beckett Hill) to 40 km/h and are requesting direction from Council to institute this change;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to take the required steps to reduce the speed limit to 40 km/hour on Queen Street from Amelia Street to King Street; and,
- (b) That funding for signage for the speed limit reduction, as outlined above, be taken from the Red Light Camera Fund at an upwards cost of \$5,000; and,
- (c) That the by-law required to enact the speed limit reduction on Queen Street (between Amelia and King), be prepared.

FOR THE INFORMATION OF COUNCIL:

(a) APPROVAL OF THE AGENDA (Item 1)

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

1. DELEGATION REQUESTS (Item 4)

- 4.1 Kate Fraser and Karen MacDonald, Hamilton East Mountain Community Group, respecting the Preservation and Sustainability of the Escarpment in the Kenilworth and Sherman area (Item 7.1 of today's agenda)

2. PUBLIC HEARINGS/DELEGATIONS (Item 6)

- 6.3 Proposed Permanent Closure of a Portion of Mountain Brow Road, Hamilton (PW17047/PED17109) (Ward 15)

- (i) Registered Speakers

- (a) Herman Turkstra, Turkstra Mazza Associates, on behalf of Waterdown Bay Ltd.
 - (b) Michael Connell, Associate, WeirFoulds LLP, on behalf of Emshih Development Inc.

- (ii) Correspondence

- (a) Michael Connell, Associate, WeirFoulds LLP, on behalf of Emshih Development Inc.

- 6.4 Proposed Permanent Closure and Sale of a Public Unassumed Alley Between Sydenham Road, Cross Street, Alma Street and Victoria Street, Dundas (PW17048) (Ward 13)

(i) Registered Speakers

- (a) Robert James
- (b) Michelle Chin representing Margaret Darlene James
- (c) Pamela Iredale
- (d) Jordan Hill
- (e) Meg Young
- (f) Ramsay MacNay
- (g) Fred Vermeulen
- (h) Chris French
- (i) Craig Burley
- (j) Susanne Harrison
- (k) Cheri Weaver
- (l) Bill Kehoe
- (m) Maureen Ash
- (n) Harry Shannon
- (o) David Jones
- (p) Eileen T. Shannon
- (q) Marvin Ross
- (r) Tom Bontje
- (s) Chantal Mancini
- (t) Tanya Jenkins
- (u) Brenda Duke and Alain Bureau representing the Beautiful Alleys group
- (v) Paul Fralick
- (w) Andrew Coburn
- (x) Sandy Boyle
- (y) Roy Pedersen
- (z) Peter Davison
- (aa) Bruna Bruce
- (bb) Barbara Patterson
- (cc) Peter and Mary Shambrook
- (dd) Sheila Ashcroft-Shupe on behalf of Lesley Ashcroft-Hall
- (ee) Joe Hollick
- (ff) Kenneth MacDonald
- (gg) Len and Heather Medeiros
- (hh) Gail Ker

(ii) Correspondence

- (a) Rosemary Horsewood
- (b) Lesley Ashcroft-Hall
- (c) David Jones, submitting 209 Letters in Opposition to the Proposed Alleyway Closure abutting 65 Sydenham Street, Dundas

- (d) Jane Richardson respecting Keeping Hamilton Laneways Public
- (e) Margaret Bertram Trebilcock and Richard Trebilcock respecting Public Laneway Observations
- (f) David Jones submitting a list of 650+ individuals expressing opposition to the Alleyway Closure
- (g) David Jones submitting maps showing the approximate location of Dundas residents who are opposed to the Alleyway Closure and Sale

3. NOTICES OF MOTION (Item 10)

10.1 Speed Limit Reduction – Queen Street (Amelia to King) (Wards 1 and 2)

4. DISCUSSION ITEMS (Item 8)

Rather than being listed as Minutes these should instead be listed as Reports.

8.2 Report of the Hamilton Cycling committee – March 1, 2017

8.3 Report of the Hamilton Cycling committee – April 5, 2017

5. GENERAL INFORMATION/OTHER BUSINESS (Item 11)

11.2 Verbal Update from Forestry and Horticulture respecting Gypsy Moths

The Agenda for the June 19, 2017 meeting of the Public Works Committee was approved, as amended.

(c) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) June 5, 2017 (Item 3.1)

The Minutes of the June 5, 2017 Public Works Committee meeting were approved, as presented.

(e) DELEGATION REQUESTS (Item 4)

- (i) Kate Fraser and Karen MacDonald, Hamilton East Mountain Community Group, respecting the Preservation and Sustainability of the Escarpment in the Kenilworth and Sherman area (Item 7.1 of today's meeting) (Added Item 4.1)**

The Delegation Request from Kate Fraser and Karen MacDonald, Hamilton East Mountain Community Group, respecting the Preservation and Sustainability of the Escarpment in the Kenilworth and Sherman area, was approved for today's meeting.

(f) CONSENT ITEMS (Item 5)

- (i) Minutes of the Waste Management Advisory Committee – March 29, 2017 (Item 5.2)**

The Minutes of the Waste Management Advisory Committee dated March 29, 2017, were received.

(g) DELEGATIONS (Item 6)

- (i) Cody Shaw respecting Trespassing ATVs (approved at the June 5th, 2017 meeting) (Item 6.1)**

Mr. Cody Shaw was unable to attend the meeting due to personal commitments. The Committee Clerk will reschedule his delegation to a future meeting.

Ward Councillor B. Johnson requested Sergeant Lisa Chambers, Crime Manager, Hamilton Police Service, to come to the podium to answer questions about the issue of ATVs trespassing on private property.

The presentation from Sergeant Lisa Chambers, Crime Manager, Hamilton Police Service, was received.

For disposition of this matter, refer to Item 5.

- (i) Stan Johnson respecting Road Safety in Waterdown (approved at the June 5th, 2017 meeting) (Item 6.2)**

Mr. Stan Johnson addressed the Committee on the topic of Road Safety in Waterdown with the aid of speaking notes.

The delegation from Stan Johnson respecting Road Safety in Waterdown, was received.

A copy of the speaking notes are available through the office of the City Clerk as well as on the City's website at www.hamilton.ca.

The notes from Stan Johnson's delegation, including the list of his concerns about Road Safety in Waterdown, were forwarded to staff, with a copy provided to the Ward Councillor, for the review and action of staff as they deem appropriate.

(ii) Proposed Permanent Closure of a Portion of Mountain Brow Road, Hamilton (PW17047/PED17109) (Ward 15) (Item 6.3)

Chair VanderBeek informed Committee members that because Item 6.3 relates to a proposed permanent closure of a portion of road that a public meeting was required.

Chair VanderBeek indicated that a notice about the public meeting was placed in local newspapers and posted on the City's website advising that anyone whose lands are prejudicially affected may appear before the Committee.

The Committee Clerk advised that two individuals had registered to speak to this issue. The Chair called on the speakers to come forward.

(i) Registered Speakers

(a) Herman Turkstra, Turkstra Mazza Associates, on behalf of Waterdown Bay Ltd. (Item 6.4)

Mr. Herman Turkstra, Turkstra Mazza Associates, addressed the Committee on behalf of Waterdown Bay Ltd. to express his client's opposition to the application.

Mr. Turkstra submitted documents to the Clerk which were distributed to the Committee. The documents are available through the office of the City Clerk or on the City's website at www.hamilton.ca

The documents submitted by Mr. Herman Turkstra, were received.

Herman Turkstra was permitted to address the Committee upon the completion of the second speaker's comments so that he could address the concerns that were raised.

(b) Michael Connell, Associate, WeirFoulds LLP, on behalf of Emshih Development Inc. (Item 6.4)

Mr. Michael Connell, Associate, WeirFoulds LLP, addressed the Committee on behalf of Emshih Development Inc. to express his client's support for the application.

Mr. Herman Turkstra then addressed the Committee to respond to Mr. Connell's comments.

The delegation from Michael Connell respecting Proposed Permanent Closure of a Portion of Mountain Brow Road, Hamilton, was received.

The delegation from Herman Turkstra respecting Proposed Permanent Closure of a Portion of Mountain Brow Road, Hamilton, was received.

(ii) Correspondence

(a) Correspondence from Michael Connell, Associate, WeirFoulds LLP, on behalf of Emshih Development Inc.

The correspondence from Michael Connell, Associate, WeirFoulds LLP, on behalf of Emshih Development Inc. respecting Proposed Permanent Closure of a Portion of Mountain Brow Road, Hamilton, was received.

Chair VanderBeek asked if there were any members of the public who wished to come forward to speak to this matter. No members of the public came forward.

For disposition of this matter, refer to Item 6.

(iii) Proposed Permanent Closure and Sale of a Portion of a Public Unassumed Alley Between Sydenham Road, Cross Street, Alma Street and Victoria Street, Dundas (PW17048) (Ward 13) (Item 6.4)

Chair VanderBeek informed Committee members that because Item 6.4 relates to a proposed permanent closure of portions of an unassumed alley that a public meeting was required.

Chair VanderBeek indicated that a notice about the public meeting was placed in local newspapers and posted on the City's website advising that anyone whose lands are prejudicially affected may appear before the Committee.

The Committee Clerk advised that the thirty-four individuals had registered to speak to this issue. Three of the registered speakers were not in attendance at the meeting so the list below has been re-lettered accordingly.

The following individuals expressed their views on Report PW17048 respecting the Proposed Permanent Closure and Sale of a Portion of a Public Unassumed Alley Between Sydenham Road, Cross Street, Alma Street and Victoria Street, Dundas:

(i) Registered Speakers

- (a) Robert James
- (b) Michelle Chin representing Margaret Darlene James
- (c) Pamela Iredale
- (d) Jordan Hill
- (e) Meg Young
- (f) Ramsay MacNay
- (g) Fred Vermeulen
- (h) Chris French
- (i) Craig Burley
- (j) Susanne Harrison
- (k) Cheri Weaver
- (l) Bill Kehoe
- (m) Harry Shannon
- (n) David Jones
- (o) Eileen T. Shannon
- (p) Marvin Ross
- (q) Tom Bontje
- (r) Chantal Mancini
- (s) Tanya Jenkins
- (t) Brenda Duke and Alain Bureau representing the Beautiful Alleys group
- (u) Paul Fralick
- (v) Sandy Boyle
- (w) Roy Pedersen
- (x) Peter Davison
- (y) Bruna Bruce
- (z) Barbara Patterson
- (aa) Peter and Mary Shambrook

- (bb) Sheila Ashcroft-Shupe on behalf of Lesley Ashcroft-Hall
- (cc) Kenneth MacDonald
- (dd) Len and Heather Medeiros
- (ee) Gail Ker

The delegations listed above as Item 6.4(i)(a) through (ee) respecting the Proposed Permanent Closure and Sale of a Portion of a Public Unassumed Alley Between Sydenham Road, Cross Street, Alma Street and Victoria Street, Dundas, were received.

(ii) Correspondence

- (a) Rosemary Horsewood
- (b) Lesley Ashcroft-Hall
- (c) David Jones, submitting 209 Letters in Opposition to the Proposed Alleyway Closure abutting 65 Sydenham Street, Dundas
- (d) Jane Richardson respecting Keeping Hamilton Laneways Public
- (e) Margaret Bertram Trebilcock and Richard Trebilcock respecting Public Laneway Observations
- (f) David Jones submitting a list of 650+ individuals expressing opposition to the Alleyway Closure
- (g) David Jones submitting maps showing the approximate location of Dundas residents who are opposed to the Alleyway Closure and Sale

The correspondence listed above as Item 6.4(ii) (a) through (g), was received.

Chair VanderBeek asked if there were any other members of the public who wished to come forward to speak to this matter. Two members of the public came forward.

Mr. Jeff Gowland addressed the Committee and expressed his support for the application. Ms. Penny Lynn Scoley addressed the Committee and expressed her opposition to the application.

The delegations from Jeff Gowland and Penny Lynn Scoley, were received.

For disposition of this matter, refer to Item 7.

(iii) Kate Fraser and Karen MacDonald, Hamilton East Mountain Community Group, respecting the Preservation and Sustainability of the Escarpment in the Kenilworth and Sherman area (Added Item 6.5)

Ms. Kate Fraser and Karen MacDonald, Hamilton East Mountain Community Group, addressed the Committee respecting the Preservation and Sustainability of the Escarpment in the Kenilworth and Sherman area with the aid of PowerPoint presentation. A copy of the presentation is available through the office of the City Clerk or on the City's website at www.hamilton.ca.

The five minute time limit for the delegation from Kate Fraser and Karen MacDonald, Hamilton East Mountain Community Group, respecting the Preservation and Sustainability of the Escarpment in the Kenilworth and Sherman area, was extended.

The delegation from Kate Fraser and Karen MacDonald, Hamilton East Mountain Community Group, respecting the Preservation and Sustainability of the Escarpment in the Kenilworth and Sherman area, was received.

The presentation made by Kate Fraser and Karen MacDonald, Hamilton East Mountain Community Group, respecting the Preservation and Sustainability of the Escarpment in the Kenilworth and Sherman area, was referred to staff for their review and action, as they deem appropriate.

Staff were directed to report to Kate Fraser and Karen MacDonald of the Hamilton East Mountain Community Group, as well as the Ward Councillor, on the next steps to be taken for addressing the Preservation and Sustainability of the Escarpment in the Kenilworth and Sherman area.

The Public Works Committee meeting recessed at 1:53 p.m. and reconvened at 3:06 p.m. following the conclusion of the Board of Health meeting.

(h) PRESENTATIONS (Item 7)

(i) Escarpment Rehabilitation and Strategy Plan (PW16048(a)) (City Wide) (PW16048(a))(City Wide) (Item 7.1)

Mr. Sam Sidawi, Manager, Asset Management, provided the Committee with an overview of Report PW16048 respecting the Escarpment Rehabilitation and Strategy Plan with the aid of a PowerPoint presentation.

A copy of the presentation is available through the office of the City Clerk or on the City's website at www.hamilton.ca.

The Presentation respecting the Escarpment Rehabilitation and Strategy Plan, was received.

Staff were directed to amend Appendix A to PW Report 16048(a) respecting the Escarpment Rehabilitation and Strategy Plan to include a separate, identifiable row identifying the Kenilworth Access and recommendations on improvements that are required.

Staff were directed to investigate if any potential financial assistance is available from the Provincial and Federal governments to assist in implementing a Niagara Escarpment Rehabilitation Strategy for the City of Hamilton report the findings to the Public Works Committee.

For disposition of this matter, refer to Item 8.

(i) MOTIONS (Item 9)

(i) Traffic Island Beautification at Gloucester and Inglewood and Traffic Bump-out Beautification on Aberdeen Avenue (Ward 2) (Item 9.1)

Section (c) of the motion respecting Traffic Island Beautification at Gloucester and Inglewood and Traffic Bump-out Beautification on Aberdeen Avenue (Ward 2) was amended as follows:

- (d) That funds for the projects, not exceeding \$18,000, plus a ~~\$1,800~~ **\$5,000** contingency, come from the Ward 2 Area Rating reserve account 108052;

For disposition of this matter, refer to Item 12.

(j) NOTICES OF MOTION (Item 10)

(i) Speed Limit Reduction – Queen Street (Amelia to King) (Wards 1 and 2) (Added Item 10.1)

Councillor Whitehead introduced a Notice of Motion respecting a Speed Limit Reduction on Queen Street (Amelia to King).

The Rules of Order were waived to allow for the introduction of a motion respecting a Speed Limit Reduction on Queen Street (Amelia to King).

For disposition of this matter, refer to Item 13.

(k) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Changes to the Outstanding Business List (Item 11.1)

(a) Items considered complete and to be removed:

The following items were considered complete and removed from the Outstanding Business List:

- (a) Truck Routes - Standardization of Truck Route Signage (Item 5.3 of today's agenda)
- (b) Feasibility of determining Out of Town truck traffic using the RHVP and the LINC (Item 5.4 of today's agenda)

(ii) Verbal Update from Forestry and Horticulture respecting Gypsy Moths (Added Item 11.2)

Mr. Steve Robinson, Manager of Forest Health, provided the Committee with an update about Gypsy Moths. Mr. Robinson also discussed the issue of canker worms and what impact they are having on trees in the City. He then answered questions from the Committee.

The update respecting the Gypsy Moths, was received.

(l) ADJOURNMENT (Item 13)

There being no further business, the Public Works Committee adjourned at 4:09 p.m.

Respectfully submitted,

Councillor A. VanderBeek
Chair, Public Works Committee

Lauri Leduc
Legislative Coordinator
Office of the City Clerk



Hamilton

PROPOSED CLOSURE OF A PORTION OF ROAD ALLOWANCE
AT MOUNTAIN BROW ROAD

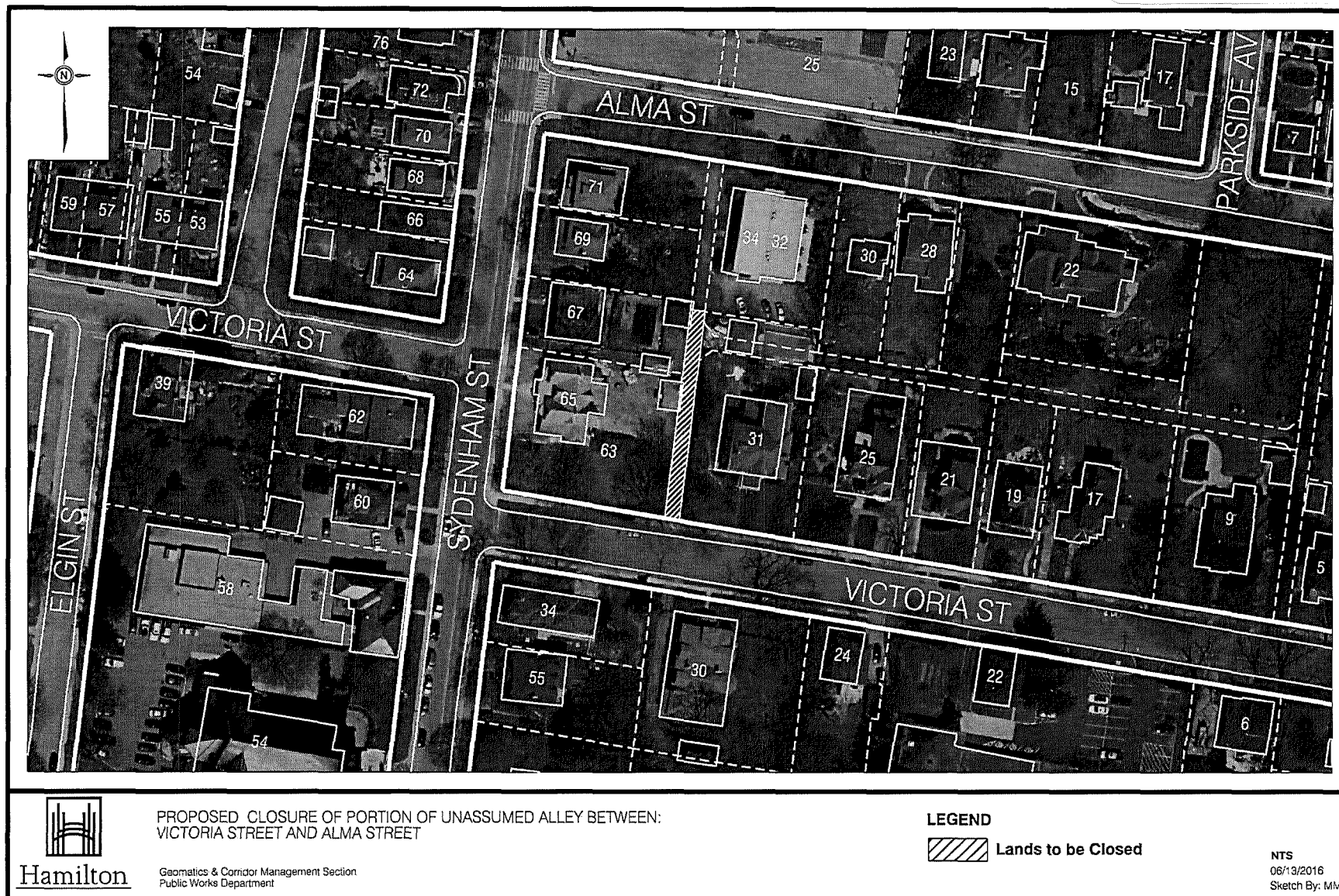
Geomatics & Corridor Management Section
Public Works Department

LEGEND



Lands to be Closed

NTS
10-26-2016
Sketch By: AT





CITY OF HAMILTON
PUBLIC WORKS COMMITTEE
General Manager's Office

Appendix C to Item 9
PW Report 17-008

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	June 19, 2017
SUBJECT/REPORT NO:	Sun Canadian Pipeline (SCPL) Easement Agreement (PW17052) (Ward 2)
WARD(S) AFFECTED:	Ward 2
PREPARED BY:	Al Dore 905-546-2424, Extension 2617
SUBMITTED BY:	Rom D'Angelo, C.E.T.; CFM Acting General Manager Public Works Department
SIGNATURE:	

RECOMMENDATIONS:

- (a) That the extension of an existing easement agreement between the City of Hamilton and Sun Canadian Pipeline Limited ("SCPL") effective October 1, 2014 until and including September 30, 2056 (the "Easement Agreement") substantially on the terms and conditions outlined in this report be approved, in a form satisfactory to the City Solicitor;
- (b) That the General Manager of Public Works be directed and authorized, on behalf of the City, to approve and execute as appropriate, any and all required consents, permissions and agreements, including the Easement Agreement, necessary to give effect to the Easement Agreement including the relocation of the pipeline as outlined in this report.

EXECUTIVE SUMMARY

In 2000, the City of Hamilton and the Hamilton Port Authority (the "HPA") entered into a settlement agreement involving the lands known as Piers 6,7 and 8 which included the City's assumption of an existing easement agreement between the SCPL and the HPA that expired on September 30, 2014 and which permitted the SCPL to locate and operate a pipeline transporting liquid hydrocarbons and related products over lands now owned by the City (as indicated in the annotated aerial photograph attached as Appendix A).

Approval of the Easement Agreement will:

- a. provide the SCPL with the certainty of a legally binding easement and license to continue the transportation of hydrocarbons and related products over City

**SUBJECT: Sun Canadian Pipeline (SCPL) Easement Agreement (PW17052) (Ward
2) - Page 2 of 4**

- lands to facilitate the delivery of these products to SCPL destinations throughout Southern Ontario;
- b. permit the City to generate revenues in the approximate amount of \$1.15M over the course of the Easement Agreement; and
 - c. permit the SCPL to comply with the City's request to relocate a portion of its pipeline at SCPL's cost along and over Discovery Drive and along Guise Street (as outlined in the annotated aerial photograph attached as Appendix B) to facilitate the development of the Pier 8 lands.

Alternatives for Consideration –Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The City of Hamilton will receive approximately \$1,144,709.40 revenues over the life of the Easement Agreement (42 years – October 1, 2014 to September 30, 2056). First year revenues of \$21,176, Year 42 revenues equal \$41,240). Revenues will be used for park maintenance associated with the West Harbour and will be deposited to account number 46110-444055. Prior to October 1, 2014, revenues associated with the pipeline easement were received by the Port Authority. The Finance Division has reviewed the fees to be paid by the SCPL and is comfortable with the Easement Agreement.

Staffing: There are no staffing implications associated with this Easement Agreement.

Legal: The City's Legal department has been actively involved in negotiating the Easement Agreement.

HISTORICAL BACKGROUND

In 2014, the City and the HPA entered into an agreement for the early termination of the 25 year agreement that provided for advancement of the Pier 8 City of Hamilton development plans.

The SCPL pipeline was located within the Pier 8 lands and the pipeline is required to be relocated to allow for the development of the Pier 8 lands. The costs of the relocation of the pipeline are 100% the responsibility of SCPL.

Since the SCPL original easement agreement to relocate the pipeline to facilitate the Pier 8 development plans was at the end of its original term in 2014 a new Easement Agreement is required.

The significant terms and conditions of the new Easement Agreement include:

1. Term (approximately 42 years)—from October 1, 2014 to September 30, 2056;
2. Fees Payable By SCPL (per linear foot per annum):

**SUBJECT: Sun Canadian Pipeline (SCPL) Easement Agreement (PW17052) (Ward
2) - Page 3 of 4**

- (a) October 1, 2014 until September 30, 2021--Four Dollars (\$4.00);
 - (b) October 1, 2021 until September 30, 2026--Four Dollars and Forty Cents (\$4.40);
 - (c) October 1, 2026 until September 30, 2031--Four Dollars and Eighty-Four Cents (\$4.84);
 - (d) October 1, 2031 until September 30, 2036--Five Dollars and Thirty-Two Cents (\$5.32);
 - (e) October 1, 2036 until September 30, 2041--Five Dollars and Eighty-Six Cents (\$5.86);
 - (f) October 1, 2041 until September 30, 2046--Six Dollars and Forty-Four Cents (\$6.44);
 - (g) October 1, 2046 until September 30, 2051--Seven Dollars and Nine Cents (\$7.09); and
 - (h) October 1, 2051 until September 30, 2056--Seven Dollars and Seventy-Nine Cents (\$7.79) per linear foot; and
3. Length of Pipeline on City Property - currently approximately 5,004 linear feet and increasing to approximately 5,325 linear feet on completion of the pipeline relocation outlined in Appendix B.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Staff from the following departments/divisions were consulted in preparation of this report:

Legal Services, Public Works Department, Planning & Economic Development, Corporate Finance.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The City of Hamilton will generate significant revenues over the term of this easement agreement and the SCPL pipeline services most of Southern Ontario so it would not be practical or beneficial to not support the recommendations.

ALTERNATIVES FOR CONSIDERATION

There are no alternative options.

**SUBJECT: Sun Canadian Pipeline (SCPL) Easement Agreement (PW17052) (Ward
2) - Page 4 of 4**

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

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

Culture and Diversity

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix A –Aerial outlining all servicing

Appendix B - Aerial outlining the proposed relocation

Ministry of Finance,
Government of Canada

The City of Hamilton Cycling Advisory Committee requests that the 13% tariff that is currently imposed on almost all imported bicycles be eliminated.

We understand that originally this duty was imposed to protect our Canadian bicycle manufacturing sector. However, with the exception of niche hand-built bicycles, Canada no longer manufactures bicycles, so the duty benefits no one.

Thus the tariff now only inflates the cost of bicycles; yet cycling is a great component of city mobility and an inexpensive means to improve personal health and our environment, and to reduce pollution and the strain on infrastructure.

We also want to take this opportunity to state the merits of bicycles over electric vehicles (EVs).

The carbon footprint to produce a bicycle (about 240 kg / 530 pounds) is significantly smaller than that to produce an electric vehicle (about 16 times as much).¹ Meanwhile, EVs are significantly tax incentivized (i.e. in Ontario \$6,000 - \$10,000, plus other incentives that can add another \$3000- \$5,000) while bikes (or E-bikes) receive no such benefit.²

Affordability is a second merit. EVs are only affordable to the middle and upper classes of society, while bicycles are more affordable to all of society. What a boon a bicycle can be to students, the working poor, and those unable to attain a driver's license (a myriad of health reasons can be mentioned); especially with a motor vehicle's maintenance and insurance requirements.

Third, bicycles require significantly less expensive infrastructure and cause virtually no wear and tear on this transportation infrastructure.

There are many benefits in encouraging active transportation. Improved air quality, improved health for all citizens, improved learning habits for children, and less congestion on streets are good reasons for cities and the Canadian government to encourage citizens to use Active Transportation. For every one less auto on the road, there is a net gain for all society.

Let's help the vulnerable and poor to have that alternative available by making bicycles more affordable; instead of adding financial penalties to bike ownership by imposing a 13% duty.^{3 & 4}

With demonstrated Federal action on Climate Change, we feel strongly that now is the time for this duty to be eliminated. It is a simple action that could be part of the Climate Change Plan.

In conclusion we strongly believe that the duty should be eliminated for these reasons:

1. Bicycles benefit our environment by reducing emissions and thereby improving air quality for all Canadians.
2. Active Transportation is a physical and mental health benefit to those who use it.
3. More generous financial incentives already exist for electric vehicles (EVs).
4. Cycling could be a more affordable mode of transport for many.

Please explain why this duty/tariff is still in effect and when we can expect to see it eliminated.

Thank you,
Sharon Gibbons
Chair, Hamilton Cycling Committee

cc:
Prime Minister's Office
Minister of Finance
Minister of Health
MPs representing Hamilton
Ontario Minister of Tourism, Culture and Sport
Ontario Minister of Health and Long-Term Care
MPPs representing Hamilton

Endnotes

1. (http://www.slate.com/articles/health_and_science/the_green_lantern/2011/08/two_wheels_vs_four.html)

2. (https://news.ontario.ca/opo/en/2016/02/ontario-making-electric-vehicles-more-affordable.html?_ga=1.140203706.827375778.1474810651)

3. (<http://www.foxnews.com/health/2016/01/04/how-exercise-can-enhance-memory-and-learning.html>)

4. (http://thirdwavecycling.com/pdfs/at_business_case.pdf)