



PUBLIC WORKS COMMITTEE

REPORT 17-009

9:30 a.m.

Thursday, July 13, 2017

Council Chambers

Hamilton City Hall

71 Main Street West

Present:	Councillor L. Ferguson (Vice Chair) Councillors S. Merulla, C. Collins, T. Jackson and D. Conley
Absent with Regrets:	Councillor A. VanderBeek (Chair) – Personal Councillor T. Whitehead - Personal Councillor R. Pasuta – Sick Leave
Also Present:	Mayor Eisenberger Councillors J. Farr and M. Pearson

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 17-009 AND RESPECTFULLY RECOMMENDS:

1. 2017 Special Events Requiring Temporary Road Closures (PW17054) (Ward 2) (Item 5.1)

That the following applications:

- (a) Che Bar for the temporary closure of Hess Street between Main Street and King Street from 10:00 a.m. to 7:00 p.m. on Saturday August 19, 2017 for a Motorcycle Show;
- (b) Hamilton and District Labour Council for the temporary closure of Stuart St to Bay St to Main St to James St to Strachan St to Bayfront Park on Monday September 4, 2017, from 9:30 a.m. to 12:00 noon for the annual Labour Day Parade and Picnic;

be approved, subject to the following conditions:

- (i) That the City may revoke the temporary road closure at any time to gain access for emergency services;

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- (ii) That no property owner or resident within the barricaded area be denied access to their property upon request;
- (iii) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the General Manager of Public Works or designate at the expense of the event organizer;
- (iv) That all barricading and traffic control be supplied by the applicant, and must conform to "Ministry of Transportation Book 7 - Temporary Conditions";
- (v) That all barricading and traffic control be subject to the direction and satisfaction of the General Manager of Public Works or designate with all costs the responsibility of the applicant;
- (vi) That all warning boards and detour signs manufactured and installed by the City of Hamilton in advance of the closure be at the expense of the applicant;
- (vii) That the applicant notify all property owners and tenants along the closed portion of the route of the event in writing a minimum of two weeks in advance of the closure. The notice must be completed prior to the event in a form acceptable to the General Manager of Public Works or designate, providing, but not limited to a 24-hour contact name and telephone number;
- (viii) That the applicant provide proof of \$2,000,000 public liability insurance naming the City of Hamilton as an added insured party with a provision for cross liability, and holding the City of Hamilton harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss;
- (ix) That the applicant pay the required full road closure fee of \$646.90 made payable to "The City of Hamilton" prior to road closure.

2. Waste Free Ontario Act, 2016, Discussion Paper: Addressing Food and Organic Waste in Ontario (PW17056) (City Wide) (Item 5.2)

That Report PW17056 respecting Waste Free Ontario Act, 2016, Discussion Paper: Addressing Food and Organic Waste in Ontario, be received.

3. Proposed Permanent Closure and Sale of a Portion of a Public Unassumed Alley Abutting 353 Strathearne Avenue, Hamilton (PW17055) (Ward 4) (Item 6.1)

- (a) That a portion of the north/south public unassumed alleyway abutting the rear of 353 Strathearne Avenue, Hamilton (the Subject Lands), attached as Appendix A to PW Report 17-009, be permanently closed and sold to the owner of 353 Strathearne Avenue, Hamilton, 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 353 Strathearne Avenue, Hamilton, 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 (Sale of Land Policy By-law);
- (vii) That the applicant enters into agreements with any Public Utility requiring easement protection.

4. 18 Sinclair Court (PW17006) (Ward 5) (Item 8.1)

- (a) That Report PW17006 respecting 18 Sinclair Court, be received;
- (b) That acquisition of the lands municipally known as 18 Sinclair Court be considered by the City of Hamilton;
- (c) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to explore the potential costs of acquiring 18 Sinclair Court and report its findings to GIC and receive further direction.

5. Installation of a 'HAMILTON' Sign in the Forecourt of City Hall (MAYOR17001) (City Wide) (Item 8.2)

- (a) That the Director, Energy, Fleet & Facilities be authorized to negotiate, and execute, on behalf of the City an agreement in a form satisfactory to the City Solicitor with Hamilton Scenic Specialty Incorporated for the manufacture and installation of a 'HAMILTON' sign on the forecourt of City Hall, totally funded from private donations to the City of Hamilton; and
- (b) That the installation of the sign on the forecourt of City Hall be subject to the successful submission of a Heritage Permit Application with the City of Hamilton's Heritage Permit Review Sub-Committee.

6. Commitment to the Great Canadian Shoreline Cleanup Initiative (City Wide) (Item 9.1)

WHEREAS, litter is a critical issue facing all of Canada's waterways in communities across the country, from lakes and rivers to every ocean coastline, with serious consequences for wildlife, water quality and the communities we hold dear; and,

WHEREAS, the role of the Keep Hamilton Clean and Green Committee (KHCG) is to encourage Hamilton residents, property owners and visitors to engage in neighbourhood/community initiatives that aim to beautify our community and prevent litter, illegal dumping and graffiti as well as promoting desired behaviours in the community that support the Clean and Green Hamilton goals; and,

WHEREAS, the KHCG's Team Up to Clean Up program supports tens of thousands of residents every year in their efforts to clean up litter throughout our community resulting in tens of thousands of bags of litter and recycling removed from our community annually; and,

WHEREAS, the City discourages cleanups around water because of the danger to volunteers; and,

WHEREAS, the Great Canadian Shoreline Cleanup (GCSC) is a national joint conservation initiative of the Vancouver Aquarium Marine Science Centre and WWF-Canada, who advocates for a nation-wide shoreline cleanups and solicits commitments from participating jurisdictions; and,

WHEREAS, since 1994, the GCSC has raised the national profile of shoreline cleanups and helped communicate 19,400 cleanups conducted by 700,000 volunteers that have collected more than 1.2 million kg of trash across Canada's shorelines; and,

WHEREAS, GCSC provides specialized safety information and risk management information for leaders of volunteer cleanup close to watercourses; and,

WHEREAS, partnering with GCSC provides additional opportunities for residents to participate in litter cleanups and increases the positive impacts and outcomes of the Team Up to Clean Up program,

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton register as a Clean Shoreline Community with the Great Canadian Shoreline Cleanup (GCSC);
- (b) That, on behalf of the City and the Keep Hamilton Clean & Green Advisory Committee, the General Manager of Public Works be authorized and directed to sign and execute the Great Canadian Shoreline Cleanup commitment form, and any related and ancillary agreements, which will involve the following commitments:

- Including the GCSC logo on a City of Hamilton website with a hyperlink to the GCSC website;
- Working directly with GCSC staff to provide local volunteer support and logistics, share easy to follow waste removal instructions and provide access to cleanup supplies, where possible;
- Leading an official community cleanup event involving members of the public as participants;
- Connecting GCSC staff to local school boards to identify and capitalize on additional education opportunities;
- Promoting the Great Canadian Shoreline Cleanup through social media and other online communication channels; and,
- Listing new potential shorelines within the Hamilton community in consultation with GCSC staff.

7. Funding for the Beasley Park Project (Ward 2) (Added Item 10.1)

WHEREAS, the Beasley Park project (4401356002) was approved as part of the 2015 Capital budget, and;

WHEREAS, confirmed through community consultation, the upgrades to the skating surface and lighting required to Beasley skateboard park exceeded the initial budgeted amount, and;

WHEREAS, the Beasley Park rehabilitation is identified as an important priority project in the Beasley Neighbourhood,

THEREFORE BE IT RESOLVED:

That staff be authorized and directed to transfer \$76,475 from the Ward 2 Cell Tower Reserve (3301609609); and \$15,000 from Outdoor Bake Oven project id 4241409204 (funded from Ward 2 Area Rating); and \$160,000 from 2017 Ward 2 Area Rating Reserve (108052) to the Beasley Park project id 4401356002.

8. Change to the Sub-Division Plan for Vienna Orchard – Phase 2 (Ward 5) (Added Item 10.2)

WHEREAS, in 2005 the City of Hamilton modified the plan of subdivision for the Nash Orchard South – Phase 1 subdivision on Greenhill Avenue that included the removal of the boulevards in the approved plan (with the exception of Greenhill Avenue); and,

WHEREAS, the approved designs for Vienna Orchards subdivision – Phase 2 subdivision off of Greenhill Avenue now include boulevards as part of the plan of subdivision; and,

WHEREAS, the new residents of the Vienna Orchards subdivision have requested the same design standard as Phase 1 approved by City Council in 2005;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to amend the approved subdivision plan for Vienna Orchards by removing the requirement for boulevards in Phase 2 with the exception of Greenhill Avenue (as required by Engineering staff), and,
- (b) That the requested changes be conditional on support from the developer and unanimous support from the legal owners of the Vienna Orchards subdivision (consistent with Phase 1), and;
- (c) That the estimated cost of \$84,000 to modify the sidewalk construction, relocate the light standards, relocate any appurtenances relating to municipal infrastructure and revise the engineering drawings be paid for by the City of Hamilton utilizing the Ward 5 Area Rating Reserve as the source of funding; and,
- (d) That Planning staff be directed to report to the Planning Committee about the City's policies respecting Boulevard Standards and that the report outline the options/alternatives that are available for future designs.

9. Signage and Enforcement Concerns at Albion Falls (Added Item 11.2)

- (a) That, subsequent to new signage being installed at Albion Falls, staff be directed to proactively, and aggressively, enforce municipal by-laws currently in place, as per By-Law 01-219, to prevent trespassing at Albion Falls; and,
- (b) That the Hamilton Police Service be respectfully asked to consider increasing enforcement at Albion Falls to ensure compliance with the *Trespass to Property Act*; and,
- (c) That staff and the Hamilton Police Service report back to the Public Works Committee on how many charges resulted from the enforcement and what the results of enforcement were overall.

10. Full Equality of Transgender and Gender Non-Conformist People (CM17013) (City Wide) (Item 12.1)

- (a) That Report CM17013 respecting the Full Equality of Transgender and Gender Non-Conformist People, be received; and,
- (b) That Report CM17013 remain confidential.

FOR THE INFORMATION OF COUNCIL:

(a) APPROVAL OF THE AGENDA (Item 1)

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

1. ADDED NOTICES OF MOTION (Item 10)

10.1 Funding for the Beasley Park Project

2. GENERAL INFORMATION/OTHER BUSINESS (Item 11)

11.2 Signage and Enforcement Concerns at Albion Falls (no copy)

The Agenda for the July 13, 2017 meeting of the Public Works Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) June 19, 2017 (Item 3.1)

The Minutes of the June 19, 2017 Public Works Committee meeting were approved, as presented.

(d) PUBLIC HEARINGS / DELEGATIONS (Item 6)

- (i) **Proposed Permanent Closure and Sale of a Portion of a Public Unassumed Alley Abutting 353 Strathearne Avenue, Hamilton (PW17055) (Ward 4) (Item 6.1)**

Vice-Chair Ferguson informed Committee members that because Item 6.1 relates to a proposed permanent closure of a portion of an unassumed alley that a public meeting was required.

Vice-Chair Ferguson 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 no individuals had registered to speak to this issue.

Vice-Chair Ferguson 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 3.

(e) DISCUSSION ITEMS (Item 8)

(i) 18 Sinclair Court (PW17006) (Ward 5) (Item 8.1)

Report PW17006 respecting 18 Sinclair Court was LIFTED from the Table.

WHEREAS, Mr. and Mrs. Dobrosky own a 1,115 square foot bungalow, built in 1965, at 18 Sinclair Court; and,

WHEREAS, the subject property abuts City-owned lands along the Red Hill Valley ravine, where despite mitigation efforts by the owners to stabilize the slope with plantings, railway ties, cement blocks and fencing, bank slippage is occurring; and,

WHEREAS, the edge of slope has eroded to within 7 feet of the residence, which is showing cracks in the garage and the dining room walls; and,

WHEREAS this property is improved with a 1,115 square foot bungalow constructed in 1965, valued at about \$400,000; and,

WHEREAS, costs associated with soil stabilization using bio-engineering techniques or retaining wall construction would exceed the cost of purchasing this property; and,

WHEREAS, the owners are senior citizens and who have resided on the property for 45 years, and have appealed to the City of Hamilton for assistance;

THEREFORE BE IT RESOLVED:

- (a) That acquisition of the lands municipally known as 18 Sinclair Court be considered by the City of Hamilton;
- (b) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to explore the potential costs of acquiring 18 Sinclair Court and report its findings to GIC and receive further direction.

For disposition of this matter, refer to Item 4.

(ii) Installation of a 'HAMILTON' Sign in the Forecourt of City Hall (MAYOR17001) (City Wide) (Item 8.2)

Mr. P.J. Mercanti was permitted to address the Committee respecting Report MAYOR17001 – the Installation of a 'HAMILTON' Sign in the Forecourt of City Hall.

Mr. Mercanti expressed his support for the Report and stated that he is looking forward to the project going forward. Mr. Mercanti answered questions about the project from the Committee.

Staff was directed to report back to the Public Works Committee with a policy to govern the process for the installation of signage, art, statues and other such public projects that are donated to the City of Hamilton by the private sector.

For disposition of this matter, refer to Item 5.

(f) NOTICES OF MOTION (Item 10)

(i) Funding for the Beasley Park Project (Ward 2) (Added Item 10.1)

Councillor Collins introduced a Notice of Motion respecting Funding for the Beasley Park Project.

The Rules of Order were waived to allow for the introduction of a motion respecting Funding for the Beasley Park Project.

For disposition of this matter, refer to Item 7.

(ii) Change to the Sub-Division Plan for Vienna Orchard – Phase 2 (Ward 5) (Added Item 10.2)

Councillor Collins introduced a Notice of Motion respecting a Change to the Sub-Division Plan for Vienna Orchard – Phase 2.

The Rules of Order were waived to allow for the introduction of a motion respecting a Change to the Sub-Division Plan for Vienna Orchard – Phase 2.

For disposition of this matter, refer to Item 8.

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

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

The following changes to the Outstanding Business List were approved:

(a) Items considered complete and to be removed:

- (i) 18 Sinclair Court (PW17006) (Ward 5) (Item 8.1 of today's agenda)
- (ii) Full Equality of Transgender and Gender Non-Conformist People (Item 12.1 of today's agenda)

(b) Items requiring a revised due date:

- (i) Dundas Wastewater treatment Plant and Cootes Paradise
Current Date: July 13, 2017
Revised Date: August 17, 2017

(c) Request to combine various related report requests into one report with the following due dates:

- (i) Traffic Incidents on the LINC and RHVP and
Status Report about Issues Relating to the LINC and RHVP
September 18th, 2017
- (ii) Comprehensive Plan to Improve Road Safety and Strategic
Road Safety Program Update
Two-way Cycling and Multi-Use Trail Facility on the
Claremont Access
December 4, 2017

(ii) Signage and Enforcement Concerns at Albion Falls (Added Item 11.2)

Councillor Jackson raised the issue of Signage and Enforcement Concerns at Albion Falls and expressed concern about recent incidents of trespassing at the location.

Ms. Kara Bunn, Manager, Parks and Cemeteries, answered questions from the Committee about safety concerns at Albion Falls.

Ms. Bunn distributed a handout showing a map, photos as well as existing and proposed new signage at Albion Falls.

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

For disposition of this matter, refer to Item 9.

(h) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Full Equality of Transgender and Gender Non-Conformist People (CM17013) (City Wide) (Item 12.1)

Committee determined that no discussion on Report CM17013 respecting the Full Equality of Transgender and Gender Non-Conformist People was required so the Report was dealt with in open session.

For disposition of this matter, refer to Item 10.

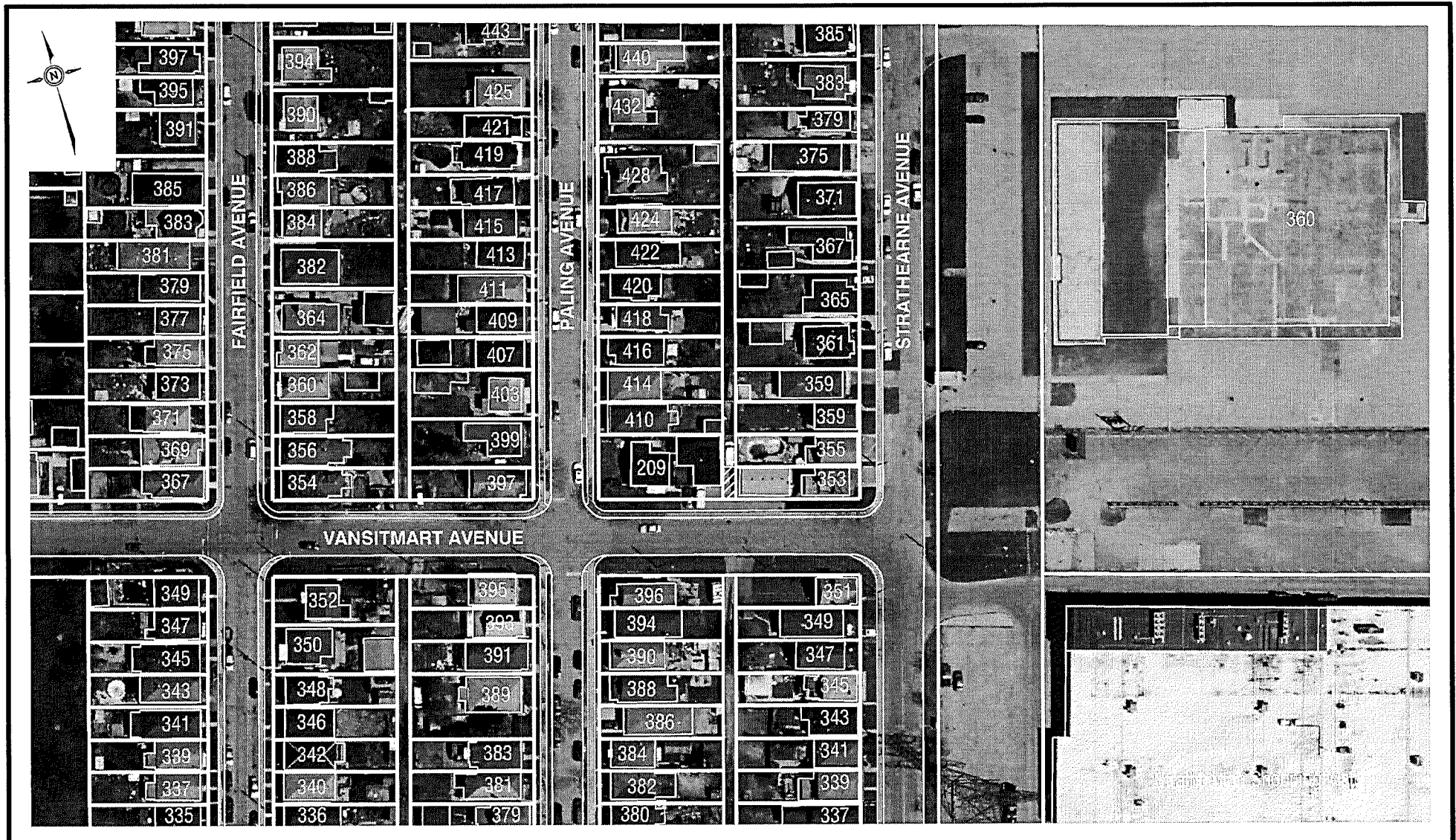
(i) ADJOURNMENT (Item 13)

There being no further business, the Public Works Committee adjourned at 10:49 a.m.

Respectfully submitted,

Councillor L. Ferguson, Vice-Chair
Public Works Committee

Lauri Leduc
Legislative Coordinator
Office of the City Clerk



Hamilton

PROPOSED CLOSURE OF PORTION OF UNASSUMED ALLEY
AT 353 STRATHEARNE AVENUE

Geomatics & Corridor Management Section
Public Works Department

LEGEND



Lands to be Closed

NTS
07/22/2016
Sketch By: LB