



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Environmental Services Division

TO:	Chair and Members Public Works Committee
COMMITTEE DATE:	December 2, 2019
SUBJECT/REPORT NO:	City of Hamilton Aviary Donation Consideration (PW19108) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Sam Scarlett (905) 546-2424 Extension 3919
SUBMITTED BY:	Craig Murdoch, B.Sc. Director, Environmental Services Division Public Works Department
SIGNATURE:	

RECOMMENDATION

- (a) That the General Manager of Public Works, or their designate, be authorized and directed to request that the anonymous Donor provide a 12 month extension from the date of Council ratification in order for staff to complete a feasibility study, cost estimate and operational business plan prior to the potential acceptance of the \$1,000,000 donation to support the construction of a new City of Hamilton Aviary at Gage Park;
- (b) That the General Manager of Public Works, or their designate, be authorized and directed to request that the anonymous Donor provide a 36 month extension from the date of Council ratification to allow for the potential start of construction of a new City of Hamilton Aviary at Gage Park;
- (c) That \$110,000 be approved from Unallocated Capital Reserve Account #10802 for the completion of a feasibility study, cost estimate and operational business plan for a new City of Hamilton Aviary at Gage Park conditional upon the agreement of the anonymous Donor to both timeframe extensions; and,
- (d) That staff report back to the Public Works Committee with the results of the discussions with the Donor's representative.

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.

EXECUTIVE SUMMARY

On September 16, 2019, the City of Hamilton (City) received a written offer to donate \$1,000,000 to support the construction of a new City of Hamilton Aviary. Among the stipulations in the offer, attached as Appendix "A" to Report PW19108, was the requirement that the Donor remain anonymous. Since receipt of this offer, staff worked with the representative of the Donor to understand the details and any conditions associated with the offer. This process revealed that the following conditions accompany the offer:

- That the donation must go towards increasing flight area and thereby improving the quality of life of the birds;
- That the Donor would like to see the building of a new structure at Gage Park;
- That no part of the donation is to be used for human habitable area or for studies or engineering; and,

That a firm time line for the acceptance of this offer and start of construction of a new aviary must be provided to the Donor within 9 months (June 16, 2020).

An extension of time is required to complete a feasibility study, cost estimate and operational business plan for the construction and ongoing operations of the aviary. This will allow for the feasibility study to determine what additional funding, both capital and ongoing operating expenses, the City will have to commit for the project, over and above the proposed donation of \$1,000,000. Additionally, if Council were to approve the construction of a new aviary, it could take up to two years to receive all engineered drawings, site plan and construction approvals upon acceptance of the donation.

Alternatives for Consideration – Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: If Recommendation (c) of Report PW19108 is approved, \$110,000 for a feasibility study will be funded through the Unallocated Capital Reserve Account #108020.

Staffing: Not Applicable.

Legal: Not Applicable.

HISTORICAL BACKGROUND

The City currently owns and oversees the care of 41 birds at an Aviary located at 85 Oak Knoll Drive in Churchill Park. The space used is a repurposed house owned by the

**SUBJECT: City of Hamilton Aviary Donation Consideration
(PW19108) (City Wide) - Page 3 of 5**

Royal Botanical Gardens (RBG) and leased to the City. The Aviary was moved to the converted house as a temporary location, when its first temporary location, an unused Fire Hall, was sold in 1996. Prior to being in the Fire Hall, the Aviary had operated out of Dundurn Castle. In 1995, when Dundurn Castle was being extensively renovated, the Aviary was moved.

In 1992, the City entered into an agreement with the Friends of the Aviary (FOA) volunteer group to establish that the FOA would be responsible for the care of the birds, with the City providing the funding for food, veterinary services, and building/ground maintenance.

The Aviary has operated as a closed Aviary for several years, meaning no new birds are accepted and no birds are bred as part of their program, essentially the Aviary is on a path to eventual decommissioning. The number of birds cared for by the FOA has declined in recent years, from 65 birds in 2010 to the current number of 41. The decline in population is mostly due to old age.

On June 6th, 2019, a meeting was requested by a resident of the City and their representative to discuss a potential monetary donation related to the Aviary. At this meeting the Donor discussed their desire to donate \$1,000,000.

In September 2019, the Donor provided a written proposal of their offer to donate \$1,000,000 (attached as Appendix "A" to Report PW19108), to increase the flight area and improve the quality of life of the birds by building a new Aviary at Gage Park. In order to understand the full cost of a new aviary, staff will require sufficient time to allow for a feasibility study, cost estimate and operational business plan and report back to Council. The timelines contained within the offer are not sufficient to undertake these studies and report back to council; therefore, staff request the authority to seek an extension from the Donor to allow the necessary studies to be completed and to ensure that the time required to begin construction meets the wishes of the Donor.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

No policy implications or legislated requirements.

RELEVANT CONSULTATION

Public Works Department's Energy, Fleet & Facilities Management Division was consulted in the preparation of this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

A stipulation made by the Donor, related to the \$1,000,000 donation, is that the City must adhere to a firm timeline for acceptance of this donation. Staff sought clarification on what the Donor's intent is relating to a firm timeline. Through correspondence on October 18th, 2019 with the Donor's representative, it was confirmed that 9 months is the desired timeline for acceptance of the donation and to initiate the project (shovels in ground) by the date June 16, 2020.

Staff recommend that a feasibility study and cost estimate be completed as well as a business plan for the ongoing operations and maintenance of the aviary to ensure that council is fully informed of the costs associated with this endeavour. The deadline stipulated in the offer to begin construction is not sufficient to undertake the necessary work. Approximately 12 months will be required to complete an appropriate feasibility study at an estimated cost of \$110,000. The detailed design and tendering of the project including securing of all relevant approvals is likely to take a further 24 months meaning the current timeline to begin construction is unachievable. This estimated timing is based on recent projects completed by the City.

The Gage Park Master Plan, completed in 2010, contained within it a proposal for a new Aviary which at the time was estimated to cost \$3.5 Million. It is reasonable to expect the budget for the facility will have escalated to approximately \$4.5 Million as a result of inflation. A feasibility study and Class D cost estimates would further inform a potential construction cost. There is currently no direction to initiate an Aviary within approved work plans or budgets.

ALTERNATIVES FOR CONSIDERATION

That staff be directed to decline the \$1,000,000 donation offered by the anonymous Donor for the construction of a new City of Hamilton Aviary structure at Gage Park.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Built Environment and Infrastructure

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

**SUBJECT: City of Hamilton Aviary Donation Consideration
(PW19108) (City Wide) - Page 5 of 5**

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report (PW19108) - Donor Letter