



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division
and
Licensing and By-law Services Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 7, 2023
SUBJECT/REPORT NO:	2022 Council Referred Business Case – Waterfalls and Special Areas Enforcement (PED18011(d)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	James Buffett (905) 546-2424 Ext. 3177 Ben Spsychaj (905) 546-2424 Ext. 7706
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	
SUBMITTED BY:	Monica Ciriello Director, Licensing and Bylaw Services Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That five Permanent Parking Control Officer Full-time Employees (FTEs) (with all associated costs) be referred to the 2023 Budget process to continue to support Waterfall and Special Enforcement Sites while enhancing overall service delivery to the entire City of Hamilton with a net cost of \$0;
- (b) That staff investigate, in collaboration with Human Resources, the enhancement of Parking Enforcement Services to a full seven-day service week;

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.

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- (c) That Municipal Law Enforcement staff be directed to discontinue operations for Hamilton Conservation Authority owned Waterfall site but continue routine assessment and program delivery to City-owned Waterfall sites;
- (d) That the dedicated Municipal Law and Parking Enforcement in Waterfall areas pilot program be discontinued and carried out on an as needed basis;
- (e) That the Waterfall multi-disciplinary working group move forward with collaboration on an as needed operational basis;
- (f) That the matter respecting Item 20-B, Increased Visitors to Waterfalls and the completion of a comprehensive traffic management plan for this area be identified as complete and removed from the Planning Committee Outstanding Business List.

EXECUTIVE SUMMARY

In 2020/2021, staff provided increased Municipal Law Enforcement (MLE) and Parking Enforcement in Waterfall areas as a pilot program approved by City Council, which was to be considered as part of the 2022 Budget process to be made permanent.

In February 2022, staff felt it prudent to defer the Business Case to the 2023 Budget, in order to be able to better assess the financial viability and overall effectiveness of increased enforcement in Waterfall areas under normal conditions (i.e. a 'non-pandemic').

With the enhancement of additional MLE, part-time Parking Control Officers (PCO) and the use of overtime allocation, staff were able to maintain a presence in the Waterfall Special Enforcement Areas (SEA) to continue increased by-law compliance. 2022 saw a decrease in issued MLE related charges as well as a plateauing of parking penalties which is indicative of an enforcement threshold being met.

With the increased compliance from the public at Hamilton Conservation Authority (HCA) waterfall sites for MLE matters, MLE will continue to provide service as needed to City-owned basis within current staffing resources. An enhancement of five permanent PCOs will not only allow for ongoing attention to these SEAs but will be able to assist with enhanced service delivery throughout the rest of the City of Hamilton on a day-to-day basis.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: \$490,000 gross cost to Transportation Planning and Parking (All-in-cost for five FTE and two vehicles); with a net cost of \$0.

Staffing: Five permanent FTE (Parking Control Officer).

Legal: N/A

HISTORICAL BACKGROUND

At the January 28, 2021 General Issues Committee (Budget) meeting, the following Motion was approved:

WHEREAS, City Council, at its March 27, 2019 meeting, approved the creation of a multi-disciplinary working group to conduct a comprehensive, multi-faceted investigation of public safety and the negative impacts to the Greensville and Dundas neighbourhoods associated with the increase in visitors to Webster and Tews Falls and the Dundas Peak;

WHEREAS, this multi-disciplinary working group continues to meet regularly and in consultation with the Ward 13 Councillor, to troubleshoot the continuing problems in residential areas in the vicinities of Webster and Tews Falls and the Dundas Peak;

WHEREAS, the Hamilton Conservation Authority’s shuttle-bus operation was suspended during 2020, due to the COVID-19 pandemic;

WHEREAS, despite many City Council approved regulations and increased fines, regular enforcement, and other improvement measures being enacted/conducted, as well as a reservation system being tested by the Hamilton Conservation Authority, increased visitors to Webster and Tews Falls and the Dundas Peak continue to have negative impacts on area residents;

In dealing with Report PED18011(b) (Increased Municipal Law and Parking Enforcement in Waterfall areas Across the City - Pilot Program) the General Issues Committee, on February 11, 2021, approved the following:

- (a) That, subject to approval of the funding source in recommendation (b), staff be directed to assign additional Municipal Law Enforcement (MLE) and Parking Enforcement staff to Waterfall areas where challenges have been identified including, but not limited to, weekends from March 15, 2021 through to November 15, 2021, by approving additional temporary FTEs as follows:

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- (i) by adding 2 Temporary FT Municipal Law Enforcement Officers; and,
 - (ii) by adding 5 Temporary PT Parking Enforcement Officers;
- (b) That funding for the enhanced Municipal Law and Parking enforcement in Waterfall areas, including staffing and vehicle costs, estimated at a total incremental net cost of up to \$354,000 be funded from the City's Tax Stabilization Reserve 110046; be approved; and,
- (c) That staff be directed to report back in January 2022 after the conclusion of the recommended pilot with an overall evaluation, including measurable results such as fines issued for various offences, revenues generated, etc., with recommendations as to whether the enhanced enforcement should be continued in 2022.

The above Recommendations were approved by City Council on March 31, 2021.

At the February 10, 2022 General Issue Committee (Budget) meeting, the following was approved:

That the 2022 Council referred Business Case involving increased Municipal Law and Parking Enforcement in Waterfall areas, be referred to the 2023 Budget process for consideration; and,

That the increased Municipal Law and Parking Enforcement in Waterfall areas pilot program be extended for one year to end on April 1, 2023, with operations ending November 15, 2022, at an estimated \$361,190, to be funded from the Tax Stabilization Reserve (Account # 110046).

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Finance staff were consulted in the development of the Recommendations in this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

To date, enforcement has been successful based on public and Councillor office feedback and has resulted in an observed increase in compliance with by-law regulations; has contributed to improved public safety; and, has reduced the number of complaints regarding unsafe parking and other bylaw related offences.

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A historical summary of the financial impacts of increased Waterfalls SEA efforts is summarized in Exhibit 1 below. Over the course of 2021 and 2022, an average of \$395,872 in parking penalties were issued and an average of \$1,300 in MLE related penalties were issued. It is noted that, in many cases, MLE matters were resolved through on-site education and thus did not result in an issuance of penalties.

In 2021 and 2022, the “extra” revenues collected through these penalties continued to help offset significant impacts of COVID-19. Overall, Hamilton Municipal Parking System (HMPS) revenue from parking penalties was still low from pre-pandemic comparison. Therefore, while the Waterfalls enforcement resulted in “extra” revenues in 2021/2022, they did not translate into an operating surplus for HMPS and Licensing and By-law Services (LBS) that could be used to continue the funding of enhanced Waterfall SEA efforts. Moreover, due to the legislative amendments related to Plate Denial and Provincial License Plate Program, the amount of outstanding revenues has further impacted the operating budget utilized for enhanced Waterfalls enforcement.

In addition, the HCA has aided enforcement efforts through a reservation system, barrier enhancements to sites, parking capital project improvements, hiring a Special Constable, and public communications which have all lead to a measurable increase in compliance.

Exhibit 1: 2021/2022 Waterfalls Special Enforcement Area Enhanced Enforcement

Revenue/Expenditure	2021	2022	2021-2022 Total	Annual (2 Year) Average
Issued Parking Penalties*	\$502,105	\$289,640	\$791,745	\$395,872.50
Parking Overtime (OT)	\$161,946	\$95,529	\$257,475	\$128,737.50
Parking PT Staffing Cost (Actual)	\$105,164.46	\$49,933.91	\$155,098.37	\$77,549.19
Issued MLE Penalties (\$)	\$1,575	\$1,025	\$2,600	\$1,300
MLE Staffing (Actual)	\$140,935.09	\$113,254.67	\$254,189.76	\$127,094.88
Net**	+\$95,634.45	+\$31,947.42	+\$127,581.87	+\$63,790.94

*Issued Parking Penalties is issued value not collected revenue as collection of monies owed can be delayed.

** This figure is representative of the Pilot Project itself and not overall Departmental Budget

Analysis of the past two years in comparison to the previous years linked to program and service enhancements through the collaboration of the Waterfall Multi-disciplinary Working Group indicates a threshold has been met for enforcement efforts. Ongoing mitigation through the recommended enhancement of Parking Enforcement FTEs and existing LBS operational capacity can react and address present Waterfall SEA

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concerns. A four-year summary utilizing parking penalties issued within increase penalty amount areas (SEAs) is below in Exhibit 2. Despite having four active areas with increased parking penalty amounts in 2022 compared to one in 2019, the issuance rate has dropped below that of 2019.

Exhibit 2: 2019-2022 Waterfall Special Enforcement Area Penalty Issuance

Penalty	2019	2020	2021	2022
Parking (SEA)	976	1,579	1,587	781

As an added benefit, if the above enhancement recommendations are approved, these five PCO FTEs can assist with addressing year over year calls for service increases. 2015-2019 saw a 57% increase in parking enforcement calls for service. There was a decrease in calls for service during the COVID-19 pandemic due to relaxed enforcement strategies; however, 2022 saw a return to pre-pandemic levels. Additional Parking staff would directly correlate to a reduction in response time for all calls for service and increases in proactive patrol.

Over and above the ability to enhance services provided to residents, staff recommend investigating with Human Resources possible staffing schedule variations to provide routine parking enforcement services seven days a week. Currently Sundays from 5:45 a.m. to 10:00 p.m. is without regular parking enforcement services and qualitative observations infer that this is an opportunity for improvement. Not to mention the prospect for developments to revenue generation in paid parking operations.

With the increased service, as outlined above, the financial impact is optimistic with an estimated annual net positive revenue impact from each FTE of \$75,000 (All-in FTE Cost in comparison to issued penalty revenue). This is a conservative analysis utilizing 25th percentile from actual issued revenue data from all PCOs.

ALTERNATIVES FOR CONSIDERATION

Council could return to historical service provision for the Waterfall SEAs without any enhanced enforcement by way of existing staff additional shift overtime allocation or additional FTEs.

Council could direct staff to maintain seasonal part-time FTEs to address parking concerns around Waterfall SEAs without the added benefits of service enhancements for the rest of the City of Hamilton.

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.

APPENDICES AND SCHEDULES ATTACHED

N/A