



**PUBLIC WORKS COMMITTEE
REPORT 23-002**

2:00 p.m.

Monday, February 13, 2023

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors J. Beattie, C. Cassar, J. P. Danko, M. Francis, T. Jackson, C. Kroetsch, T. McMeekin, N. Nann, E. Pauls, A. Wilson

Absent Councillor M. Spadafora – personal
with Regrets: Councillor M. Wilson – personal

**THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 23-002 AND
RESPECTFULLY RECOMMENDS:**

1. **Burlington Street Sewage Spill Update (PW22088(a)) (City Wide) (Item 8.1)**
 - (a) That the General Manager, Public Works be directed to notify the Mayor and City Council members via e-mailed Communication Update with the submission of all responses to the Provincial Officer's Order Number 1-142403769 (the Order) issued by the Ministry of the Environment, Conservation and Parks (MECP), at the same time that the responses to the Order are submitted to the MECP;
 - (b) That the General Manager, Public Works be directed to publish all responses to the Provincial Officer's Order Number 1-142403769 (the Order) issued by the Ministry of the Environment, Conservation and Parks to the City of Hamilton website for public availability;
 - (c) That the General Manager, Public Works be directed to prepare a report to the Public Works Committee, following the submission of all responses to the Provincial Officer's Order Number 1-142403769 (the Order) issued by the Ministry of the Environment, Conservation and Parks, that identifies all program changes resulting from the Order including financial and staffing requirements;

- (d) That Appendix "A" attached to Public Works Committee Report 23-002 respecting Hamilton Water Sewage Spills Communications Guideline be approved for implementation; and
- (e) That the General Manager, Public Works be directed to provide an annual update report to the Public Works Committee regarding sewage spills from City of Hamilton sewer infrastructure.

2. 2023 Lymantria dispar dispar (LDD)Moth Treatment Plan (PW21069(b)) (City Wide) (Outstanding Business List Item) (Item 9.1)

That Report PW21069(b), respecting 2023 Lymantria dispar dispar (LDD)Moth Treatment Plan, be received.

3. Scenic Reservoir – Planned Maintenance Non-Event (PW23012) (Wards 1, 2, 13 and 15) (Item 9.2)

That Report PW23012, respecting Scenic Reservoir – Planned Maintenance Non-Event, be received.

4. White Brick Church Cemetery (PW22050(a)) (Ward12) (Item 11.1)

- (a) That the City of Hamilton voluntarily accept the administration and operation of White Brick Church Cemetery, located at 99 Garner Road East, Ancaster, ON L9G 3K9, by a transfer of the operation through the Bereavement Authority of Ontario from the White Brick Church Cemetery c/o Donna Smith to the City of Hamilton;
- (b) That the General Manager of Corporate Services be authorized and directed to acquire the lands located at 99 Garner Road East, Ancaster, ON L9G 3K9, as shown in Appendix "B" attached to Public Works Committee Report 23-002, subject to the condition described in Recommendation (c) of Report PW22050(a), on an as-is, where-is basis, and assume the operation of the White Brick Church Cemetery located on the Lands, for nominal consideration and on such additional terms and conditions deemed appropriate by the General Manager of Public Works, or their delegate;
- (c) That the General Manager of Public Works be directed to determine whether, in fulfilling the direction to acquire the White Brick Church Cemetery, a smaller portion of the Lands excluding the building may be acquired by the City in conformity with the applicable Official Plan and Zoning By-law and any other applicable City policies and By-laws, and in the event that the determination is that a smaller portion may be acquired, that the lands to be acquired in accordance with Recommendation (b) of Report

- PW22050(a) be reduced accordingly and staff be directed to obtain a reference plan describing the portion of the Lands to be acquired, in a form satisfactory to the City Solicitor or their delegate;
- (d) That Real Estate and Legal fees estimated at \$2,500 be funded from existing budget under Cemeteries Dept. ID 492001, and be transferred to Dept. ID 812036 (Real Estate – Admin Recovery), Account 59806 in the Planning & Economic Development Department;
 - (e) That the General Manager of Public Works be authorized and directed to execute all documentation necessary to transfer ownership and operations of the White Brick Church Cemetery to the City of Hamilton, including all assets and receipt of a contribution of \$8,000.00 from the current operators into the City of Hamilton’s Care and Maintenance Trust Fund (Dept ID #120015) upon transfer of cemetery operation to the City of Hamilton; together with any ancillary documentation required to give effect to the Recommendations in (a) and (b), in a form satisfactory to the City Solicitor or their delegate;
 - (f) That the City Solicitor or their delegate be authorized and directed to take all necessary steps, and execute all necessary documents to complete the transaction, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms deemed reasonable;
 - (g) That By-law 12-151 being a By-law respecting the City of Hamilton’s Cemeteries, as amended, be further amended after the transfer of operation to include the White Brick Church Cemetery in Part 2 – List of Cemeteries Owned and Operated by Hamilton Municipal Cemeteries;
 - (h) That the Director of Environmental Services or their delegate be authorized to enter into a volunteer agreement with Donna and Lyle Smith for the maintenance and upkeep of the Cemetery, with such terms and conditions in a form satisfactory to the City Solicitor;
 - (i) That the General Manager of Public Works be authorized and directed to approve and execute all required agreements and ancillary documents, save and except for the volunteer agreement, with such terms and conditions in a form satisfactory to the City Solicitor; and
 - (j) That the Mayor and City Clerk be authorized and directed to approve and execute all required agreements and ancillary documents, save and except for the volunteer agreement, with such terms and conditions in a form satisfactory to the City Solicitor or their delegate.

5. Accessible Transportation Services and the Disabled and Aged Regional Transportation Service Policy (PW23009) (City Wide) (Outstanding Business List Item) (Item 11.2)

That Report PW23009, respecting Accessible Transportation Services and the Disabled and Aged Regional Transportation Service Policy, be received.

6. Appropriation Transfer of Funds for Kenilworth Transmission Watermain Renewal (PW23010) (Ward 4 and Ward 6) (Item 11.3)

(a) That Council approve the award of Request for Proposals Contractor Required for the Rehabilitation of the Kenilworth Trunk Watermain, pursuant to Procurement Policy #5.4 Request for Proposals, to Clearway Construction Inc. in the amount of \$5,090,699.89 (not including Contingency and Non-Refundable HST), and that the General Manager, Public Works Department be authorized to negotiate, enter into and execute any required Contract and any ancillary documents required to give effect thereto with Clearway Construction Inc., in a form satisfactory to the City Solicitor; and

(b) That the budget and financing plan for the Kenilworth Transmission Watermain Renewal (Project ID 5141760754), totalling \$3,500,000, be amended and approved, by an increase of \$2,484,000, to be funded by a transfer from Waterworks Capital Reserve (#108015).

7. Investment in Trieste Bocce Club, 60 DiCenzo Drive, Hamilton (Ward 8) (Item 12.2)

WHEREAS, the majority of City of Hamilton owned facilities and park assets (buildings) in Ward 8 are maintained by the City's Facilities Operations & Maintenance Section of the Energy, Fleet & Facilities Management Division, Public Works Department;

WHEREAS, the members of the Trieste Bocce Club, located at 60 DiCenzo Drive, Hamilton, are requesting rolling door options to provide a more sheltered environment against the cold and rain and to extend the bocce playing season; and

WHEREAS, potential issues identified including structural concerns with the building due to increased dead and live loads from rolling door such as Fire and Life Safety, ingress and egress of the property, *Accessibility for Ontarians with*

Disabilities Act (AODA) requirements, air flow and Heating, Ventilation and Air conditioning (HVAC) requirements.

THEREFORE, BE IT RESOLVED:

- (a) That staff be authorized and directed to retain professional services to determine the feasibility of enclosing the Trieste Bocce Club, located at 60 DiCenzo Drive, Hamilton, with rolling doors, to be funded from the Ward 8 Area Rating Reserve Account (108058) to an upset limit of \$2,500;
- (b) That the Ward 8 Area Rating Reserve Account (108058) be used as required, to an upset limit of \$25,000, to fund the investigation of options to determine next steps (design options, entrance & exits, overhead lighting, HVAC systems, construction cost estimation etc.) for the Trieste Bocce Club, located at 60 DiCenzo Drive, Hamilton; and
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents to retain professional services to investigate options and next steps respecting the Trieste Bocce Club, located at 60 DiCenzo Drive, Hamilton, with such terms and conditions in a form satisfactory to the City Solicitor.

FOR INFORMATION:

The Public Works Committee meeting recessed until after the conclusion of the Board of Health Meeting.

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.4 Mymoon Bhuiyan, McMaster EcoCAR, respecting EV in Hamilton (for a future meeting)

13. NOTICES OF MOTION

- 13.1 Crime Prevention Through Environmental Design Review of the City-owned Escarpment Staircases

14. GENERAL INFORMATION/OTHER BUSINESS

14.1 Amendments to the Outstanding Business List

b. Items Requiring a New Due Date:

- a. Improving Truck Route Detouring During Construction Closures
Item on OBL: ABY
Current Due Date: March 20, 2023
Proposed New Due Date: May 15, 2023
- b. Protected Bike Lane Curbs (Hamilton Cycling Committee - Citizen Committee Report)
Item on OBL: ACA
Current Due Date: January 16, 2023
Proposed New Due Date: March 20, 2023
- c. Antonio Gallo, Gallo Ice Cream Retail, respecting Ice Cream Vendor Operation at Confederation Park
Item on OBL: ACN
Current Due Date: Q1 2023
Proposed New Due Date: March 20, 2023
- d. Roadway Safety Measures on Aberdeen Avenue from Queen Street to Longwood Road
Item on OBL: AZ
Current Due Date: Q2 2023
Proposed New Due Date: July 5, 2023

The Agenda for the February 13, 2023 Public Works Committee meeting be approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) January 16, 2023 (Item 4.1)

The Minutes of the January 16, 2023 meeting of the Public Works Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

The following Delegation Requests were approved for a future meeting:

- (i) Angela Zheng, respecting Funding for a Staircase to Facilitate Access to a Commuter Trail Connecting University Gardens and Westdale (Item 6.1)
- (ii) Brenda Duke, GALA Community Planning Team, respecting Support for Maintenance of Gardens within the Public parks (Item 6.2)
- (iii) Brenda Duke, GALA Community Planning Team, respecting Waste Pickup Procedures and Support for Community Cleanups (Item 6.3)
- (iv) Mymoon Bhuiyan, McMaster EcoCAR, respecting EV in Hamilton (Item 6.4)

(e) STAFF PRESENTATIONS (Item 8)

- (i) **Burlington Street Sewage Spill Update (PW22088(a)) (City Wide) (Item 8.1)**

Nick Winters, Director, Hamilton Water, provided the Committee with an overview of Report PW22088(a) respecting Burlington Street Sewage Spill Update, with the aid of a PowerPoint presentation.

The presentation from Nick Winters, Director, Hamilton Water, respecting Hamilton Burlington Street Sewage Spill Update, was received.

For further disposition of this matter, refer to Item 1.

(f) MOTIONS (Item 12)

- (i) **Removal of the City-Owned Tree Located at 1415 Trinity Church Road, Hamilton (Ward 11) (Item 12.1)**

WHEREAS, the owner of 1415 Trinity Church Road, Hamilton, indicates they experience sightline concerns and impediments to deliveries safely entering and exiting their property from the large City-owned tree located at their property;

WHEREAS, the owner of 1415 Trinity Church Road has expressed their desire to the Ward Councillor and has previously appealed to Forestry staff to have the City-owned tree removed.

THEREFORE, BE IT RESOLVED:

- (a) That Forestry staff be directed to remove the City-owned tree located at 1415 Trinity Church Road, Hamilton; and
- (b) That Forestry staff be directed to waive all tree removal permit and loss of canopy fees for the removal of the City-owned tree located at 1415 Trinity Church Road, Hamilton, and to fund the tree removal costs through the Forestry section operating budget.

The above motion was DEFEATED.

(g) NOTICES OF MOTION (Item 13)

Councillor Nann relinquished the Chair to Councillor Pauls in order to introduce the following Notice of Motion.

(i) Crime Prevention Through Environmental Design Review of the City-owned Escarpment Staircases (Item 13.1)

WHEREAS, in the United Nations report Cities Alive: Designing Cities That Work For Women published in October 2022, it is stated that “without a gender-responsive approach to urban planning, cities often compound gender inequalities that restrict women’s social and economic opportunities, health and wellbeing, sense of safety and security, and access to justice and equity”;

WHEREAS, the rate of police-reported sexual assaults in Canada has reached its highest levels since 1996;

WHEREAS, Hamilton’s sexual assault centre has seen a ‘dramatic increase’ in calls to their 24-hour support line over the past three years;

WHEREAS, the City of Hamilton is responsible for five escarpment staircases to provide recreational facility and active transportation links between the mountain and lower city;

WHEREAS, in December 2021, an unknown man approached a resident, Tara McFadyen, and attempted to sexually assault her during her morning daylight workout on the escarpment stairs; and

WHEREAS, other residents who have survived sexual violence that has occurred on the escarpment stairs have raised the alarm bell on the need for the City of Hamilton to do better and be responsive;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to conduct a Crime Prevention Through Environmental Design (CPTED) review of the five City-owned escarpment staircases and report back on recommendations to improve the safety of escarpment staircase use specifically to prevent sexual violence, including any considerations to be referred to the 2024 budget process for consideration.

Councillor Nann assumed the Chair

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 14)

(i) Amendments to the Outstanding Business List (Item 14.1)

The following amendments to the Public Works Committee's Outstanding Business List, were approved.

- (1) Items Considered Complete and Needing to be Removed (Item 14.1(a))
 - (i) 2023 Lymantria dispar dispar (LDD) Moth Treatment Plan Addressed as Item 9.1 on today's Agenda - Report PW21069(b) (Item 14.1(a)(a))
Item on OBL: ACO
 - (ii) Accessible Transportation Services and the Disabled and Aged Regional Transportation Service Addressed as Item 11.2 on today's Agenda - Report PW23009 (Item 14.1(a)(b))
Item on OBL: ACT
- (2) Items Requiring a New Due Date (Item 14.1(b))
 - (i) Improving Truck Route Detouring During Construction Closures (Item 14.1(b)(a))
Item on OBL: ABY
Current Due Date: March 20, 2023
Proposed New Due Date: May 15, 2023
 - (ii) Protected Bike Lane Curbs (Hamilton Cycling Committee - Citizen Committee Report) (Item 14.1(b)(b))
Item on OBL: ACA
Current Due Date: January 16, 2023

Proposed New Due Date: March 20, 2023

- (iii) Antonio Gallo, Gallo Ice Cream Retail, respecting Ice Cream Vendor Operation at Confederation Park (Item 14.1(b)(c))
Item on OBL: ACN
Current Due Date: Q1 2023
Proposed New Due Date: March 20, 2023
- (iv) Roadway Safety Measures on Aberdeen Avenue from Queen Street to Longwood Road (Item 14.1(b)(d))
Item on OBL: AZ
Current Due Date: Q2 2023
Proposed New Due Date: July 5, 2023

(i) ADJOURNMENT (Item 16)

There being no further business, the meeting adjourned at 4:35 p.m.

Respectfully submitted,

Councillor Nann, Chair,
Public Works Committee

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk

Hamilton Water Sewage Spills Communications Guideline

Introduction

This Communications Guideline is being prepared in response to recent events where sewage spills from City of Hamilton sewer infrastructure were discharging to the natural environment and identifies communications processes under three different scenarios.

The Communications Guideline is a tool to assist in keeping Council, Senior Leadership, the community, media and other stakeholders informed in an open, transparent and consistent manner. It is important to note this is a working document to help guide staff in this process and to provide community and council with an expectation of what will happen during an event. This guideline focuses on sewage spills from City infrastructure that can potentially impact the natural environment.

Sewage Spills from Hamilton Water Infrastructure Webpage

Staff will create a map-based webpage where information about sewage spills originating from Hamilton Water infrastructure will be recorded and available as public information. This webpage will provide background information on Hamilton Water’s sewer inspection programs, include a registry of all sewage spills originating from Hamilton Water infrastructure and will show the location of each spill on an interactive map. Figure 1 below outlines the information that will be included in the registry:

Figure 1

Date of Discovery	Location	Background / Cause	Corrective Actions	Date Remediation Complete	Estimated Spill Volume	Estimated Duration of Spill	Cost of Repair

Communications Process

If a potential sewage spill from Hamilton Water infrastructure is identified, staff will notify the Ministry of Environment Conservation and Parks of the potential spill through the Spills Action Centre. Staff will then investigate the situation further to confirm if there is a spill occurring from Hamilton Water infrastructure or from a private cross-connection.

- If a spill is confirmed staff will follow up with the Spills Action Centre with the appropriate information.
- If the investigation determines that there is a private sewer lateral cross-connection staff will follow the processes that have been created under the sewer lateral cross-connection program.
- If the investigation confirms a sewage spill originating from Hamilton Water infrastructure the communication protocols will be based on the relative magnitude of the spill.

Figure 2 outlines the various communication channels that would be used in each scenario. Figure 3 outlines 3 different scenarios that would be used as a general guide to trigger a specific response protocol. The guidelines below are meant to be minimum

levels of communication. It is recognized that each situation may have unique factors that may require increased levels of communication.

Figure 2

Communication Channel	Response Scenario A	Response Scenario B	Response Scenario C
Public Health Services Notification via E-Mail	x	x	x
Resident Notification - Immediately Impacted Residents and Ward Councillor - if traffic or service disruption occurs	x	x	x
Post on City Website (dedicated webpage)	x	x	x
Notify General Manager via e-mail	x	x	x
Notify Senior Leadership Team/Council via E-Mail		x	x
Media Note (e-mail from Comms to local media)		x	x
Media Release			x
Press Conference			x
City of Hamilton Social Media		x	x
City of Hamilton E- Newsletter (for subscribers)	x	x	x
Notify Stakeholders (see below for list)			x

FIGURE 3

Scenario Matrix	Scenario A	Scenario B	Scenario C
# of Properties Connected	Up to 10 properties	11-49 properties	50 + properties
Volume of Spill	Up to 100 million litres	101 million litres to 500 million	Over 500 million litres

The scenario response will be based on the highest factor in Figure 3. For example, a cross-connection with 5 houses with an estimated spill volume of 150 million litres would trigger Response Scenario B in Figure 2; or, if there were a cross-connection with 15 houses and an estimated spill volume of 50 million litres this would also trigger Response Scenario B in Figure 2.

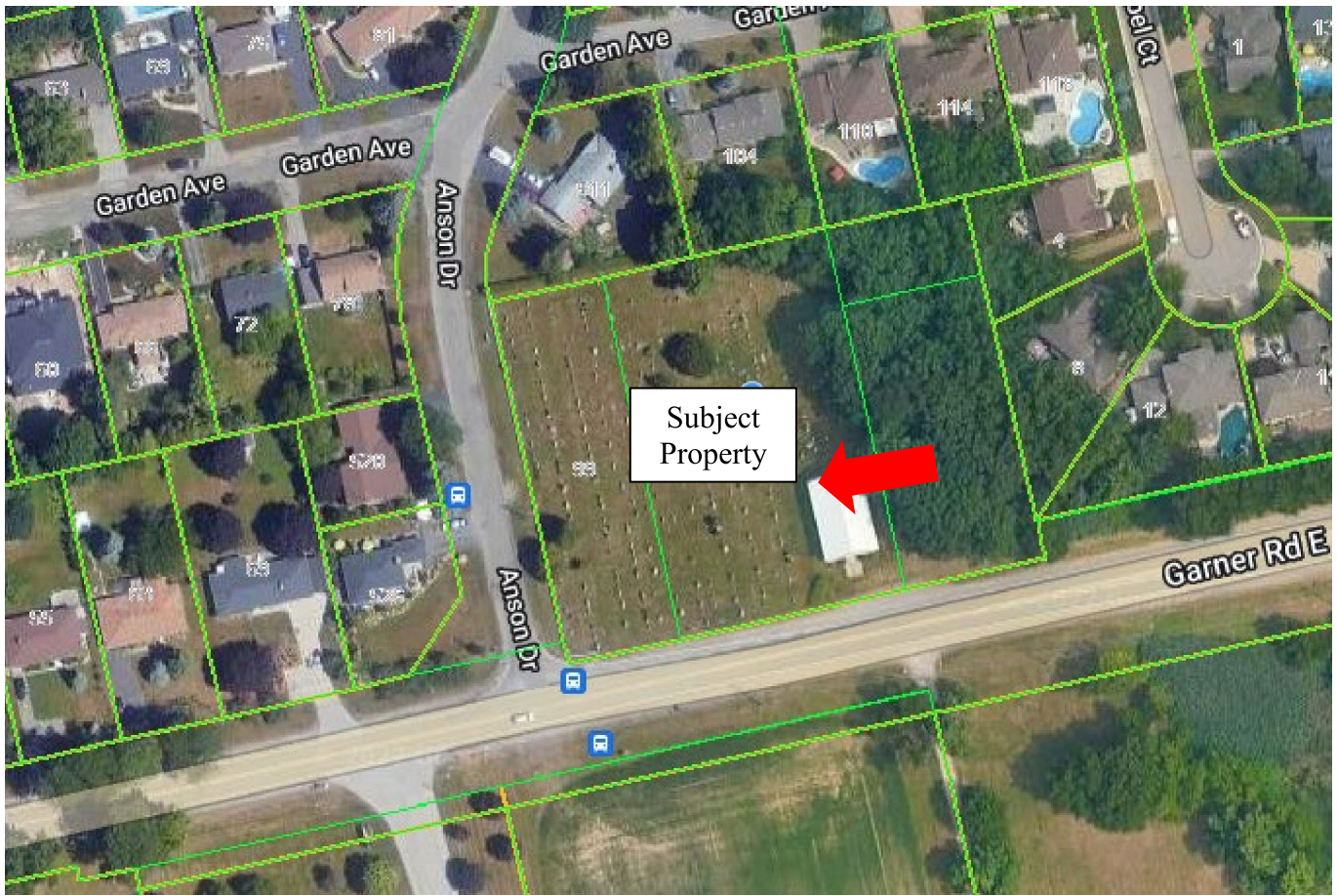
The following additional stakeholders will be directly notified in Response Scenario C in Figure 2:

Internal City Stakeholders

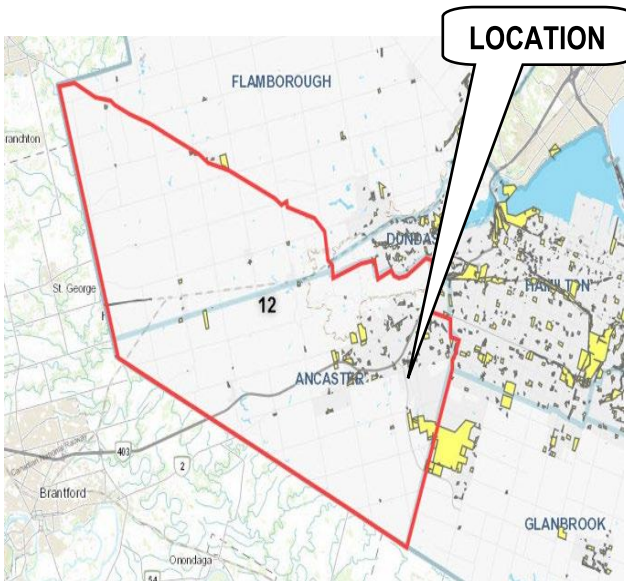
- General Manager, Public Works
- City Manager
- Office of the Mayor
- Ward Councillor
- Public Works Committee Chair

External Stakeholders

- Hamilton Harbour Remedial Action Plan partners
- Haudenosaunee Confederacy Chiefs Council
- Huron-Wendat Nation
- Mississauga's of the Credit First Nation
- Six Nations of the Grand River
- Joint Stewardship Board in the event of a discharge to Red Hill Creek
- The following Agencies in the event of a discharge to lands or waters under their jurisdiction:
 - Hamilton-Oshawa Port Authority
 - Royal Botanical Gardens
 - Hamilton Conservation Authority
 - Halton Regional Conservation Authority
 - Niagara Regional Conservation Authority
- Local Industry or impacted landowners in the area of outfalls to the environment



KEY MAP



LOCATION PLAN

99 Garner Road East
White Brick Church Cemetery
CITY OF HAMILTON
Real Estate, Planning and Development

LEGEND



SUBJECT LAND

SCALE
NOT TO SCALE

DATE
2022-05-24