

Pilon, Janet

Subject: Urgent Request to City Manager to Stop City Staff from the Removal of the Bollards at 229 Fellowes that were approved March 18, 2014 Planning Committee Minutes Motion # 10 page 12 attached.

From: Steven Oliver

Sent: Friday, October 20, 2023 4:20 PM

To: rosanna.melatti@hamilton.ca; jason.thorne@hamilton.ca; citymanager@hamilton.ca; janet.pilon@hamilton.ca

Subject: Urgent Request to City Manager to Stop City Staff from the Removal of the Bollards at 229 Fellowes that were approved March 18, 2014 Planning Committee Minutes Motion # 10 page 12 attached.

Dear Rosanna, Jason, and Janet.

Thank you, Rosanna, for returning my urgent call today. To save you time, I will try to paraphrase what we discussed that is in my voicemail. I have moved ahead to copy Jason and Janet due to this urgency before City Staff removes the bollards, possibly as early as Monday but before Nov 1 as indicated in the Removal Notice attached.

Also included here are photos of the bollards facing old Fellowes Cres and new Fellowes Cres. It exists at 229 Fellowes where [REDACTED] live and who vehemently oppose the bollard removal as they have a special needs child with a flight risk and the bollards have been additional level of safety for them. They witnessed the excessive traffic and speed from the new homes because bollards were not installed until after the houses were fully occupied.

See bollards facing Old Fellowes Cres (west) at 229 and next, Bollards facing New Fellowes at 229 Fellowes.





Please forward my voicemail to Janet Pilon and Jason Thorne where I describe the seeming misrepresentation of the facts of the original purpose of the bollards which are stated by letter(attached) that we received on October 5, 2023.

This Notice of Removal decision is rushing the removal of the bollards on the street before Nov 1 and the rationale **does not meet the criteria of Motion #10, of March 18, 2014.** The Notice of Removal describes the bollards as 'Temporary' and were to be 'Removed' yet no such words exist in the Motion of March 18, 2014. The Motion says 3 criteria that lead to Monitoring the bollards. Monitoring is not Removal. One criterion includes Parkside Drive Construction Improvements which is behind our houses and the construction has not begun yet and is being held up for 2 other reasons. Monitoring can mean lots of things which I will not go into here. We have communicated this several times in the past week and I have not had a response to either of 2 emails, one dated Sunday and the second dated on Wednesday that I have forwarded to you below. We are running out of time as they are committed to remove the bollards by Nov 1, that's 7 business days from now.

Please stop the removal of the bollards as this is a serious breach of the democratically developed Motion of March 18, 2014.

I presented to Council on Feb 18, 2014, to Council describing the future traffic impacts and I still have my presentation. If you need to see it, please let me know. Councillor Partridge was committed to the ongoing bollards to prevent cross traffic. A child on Evans Road, which is just 2 km away, was killed due to cross traffic after 2014. In exchange for the bollards, the City moved forward to increasing Zoning from less than 35 houses to 71. We accepted the zoning change in exchange for the bollards. The houses are still there, but traffic and population has grown in Waterdown, so the risks are now greater.

For your information, travelling through the old Fellowes Cres to Boulding Avenue is how we get to shopping in Waterdown, and to sports parks and most schools. Although it might be more inconvenient for the new young parents on new Fellowes Cres and Lupo Drive extension, they received, in return, a closed circle for 71 homes and a safer neighbourhood for their children.

At Council it was discussed that the bollards were also needed to prevent other shorting cutting that would occur during rush hours, and situations such as when the train stops Parkside Drive at rush hour (daily), and when future widening of Parkside Drive begins. Parkside Drive is only 150 feet away and parallel to Fellowes Cres. Fellowes is the obvious alternative to a congested Parkside Drive as a short cut into town along Laurendale Ave. Since 2014, we have all become aware that the Dundas St bridge needs to be replaced soon. That too will put extraordinary pressure on Parkside Drive and then again onto Fellowes Cres.

As you can see in the photo of the bollards, they are attractively placed, and I am not aware of any accidents or injuries whatsoever with the use of them. They have been here since approximately 2016/2017 and the neighbourhood has become very accustomed to them on both sides. The new subdivision has some 80-100 children who will soon be reaching the ages of 8 and up and they will soon begin bicycling, skateboarding and roller blading on the Lupo Drive or new Fellowes Cres extension. If the bollards are removed, the children will be at a much higher risk to injury from a cross cutting vehicles. We realize this is inconvenient for snow removal and garbage pick-up, but the City has adjusted their tactics over the past 7 years, and it has found its new truck mini plows (2022) are incapable of moving snow up to the bollards and need to bring in a front end loader. If they could bring back a wider front end plow, they will solve their problem with snow at the bollards in most situations.

As I mentioned, if Motions can be ignored by City Staff to serve what they think is better, we have the 'Wild West' at City Hall, and I know the City Manager and his staff are committed to ensure that integrity and compliance come first and foremost in the implementations of Motions. The benefit is a greater trust between the City and the Public.

Therefore, we need your help to stop the removal of the bollards before it happens in the next 7 days. Superintendent Moore indicates they will be removed before Nov 1, 2023.

I would be willing to speak and even present this information to James Thorne and Janet Pilon, your City Clerk, on the facts of the 2014 Motion. In the meantime, I will leave you a few days to absorb this sudden situation which is a crisis to us. We were given very little time to absorb this and figure out why the original Motion has been suddenly, with short notice, ignored.

Regards,

Steve Oliver



From: Steven Oliver

Sent: Wednesday, October 18, 2023 12:02 PM

To: James Moore (James.moore@hamilton.ca) <James.moore@hamilton.ca>; Ted McMeekin (ted.mcmeekin@hamilton.ca) <ted.mcmeekin@hamilton.ca>; roadswest@hamilton.ca

Cc: peter.sniuolis@hamilton.ca; mike.field@hamilton.ca; Maureen Scally (maureen.scally@hamilton.ca) <maureen.scally@hamilton.ca>

Subject: Follow up on my letter of Sunday Oct 15th requesting response

Dear James and Ted,

Thank you for our recent conversations. As you know, Superintendent James Moore called me about 10 days ago, but I had not had a chance to review the Motion of March 18, 2014 when we spoke. I was just gathering perspective from him and to provide him the history of my involvement, when I presented to City Council on Feb 18, 2014 about concerns about future traffic if the 71 new houses have open access to our portion of Fellowes Cres, and then to let him know I attended a meeting with the neighbours and Councillor Partridge on March 3, 2014. These two steps were recorded in the Planning Committee Minutes.

We were very satisfied with the eventual Motion of March 18, 2014 that approved the bollards and set out criteria to 'monitor' them after Parkside Drive Improvements were completed.

In my email to you of Sunday October 15th, 2023, I asked you to consider the missing elements from the Motion in your Notice to Remove The Bollards and I have not received a response to you.

Given the urgency of his matter, I am going to reach out to your City Manager and Compliance officers about the following.

- Can the criteria of a motion be ignored or changed without due process such as the development of a new motion?
- Why is it that Superintendent James Moore has written to a few of us in his Notice that the bollards were 'temporary' and were to be 'removed. when the subdivision was completed, when no such plan or words can be found in the Motion of March 18, 2014? His remarks are technically incorrect and have confused and misled, in my opinion, several neighbours.
 - Does Superintendent James Moore and Councillor Ted McMeekin have legal discretion to circumvent the Motion of March 18, 2014?
- On page 12 of the Planning Committee Meeting minutes it states:
 - 10. 'Whereas the proposed extension of Fellowes Crescent to connect with the new Mattamy development will result in increased traffic from 71 new units having access to the older neighbourhood; Therefore be it resolved: That the interface between existing Fellowes Crescent and the proposed extension to Fellowes to the new development to the East remain closed to vehicle access.
- What is temporary about 71 permanent homes and the vehicle traffic that the Motion was developed to stop? How does 'remain closed' become 'temporary' according to Superintendent James Moore?
- Why is it that, although the 3 requirements to 'Monitor' the bollards, as stated in the March 18, 2014 Motion have not been met yet, specifically the completion of Parkside Drive Improvements, does Superintendent James Moore state in the Notice that there was only one requirement and that the requirement discussed leads to 'removal' of the bollards when the word 'removal' does not exist in the Motion whatsoever?

Where do you find the word 'temporary' in this Motion below? What about the requirement to fulfill Parkside Drive Improvements that is highlighted in yellow before monitoring? Where is the word removal?

Whereas the proposed extension of Fellowes Crescent to connect with the new Mattamy development will result in increased traffic from 71 new units having access into the older neighbourhood;

Therefore be it resolved:

- (a) That the interface between the existing Fellowes Crescent and the proposed extension of Fellowes to the new development to the East remain closed to vehicle access and allow only pedestrian access, to be monitored once:
 - (i) The residential construction and abutting land use is completed;
 - (ii) The proposed supporting transportation infrastructure ie Parkside Drive improvements; Bypass corridor between Dundas St. and Parkside Drive are completed and functional.
- (b) Pedestrian access on the existing Fellowes Crescent through the extension will be constructed to include bullard barricades and maintained by the developer satisfactory to the city growth management staff.

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I am sure you all agree that we live in a democratic society and that the City of Hamilton creates processes to develop Motions and that no Councillor or Senior Staff member can just ignore the Motion, whether popular or demanded by some constituents and other City department stakeholders?

In this case, It seems the actual criteria is being ignored or not understood by the Superintendent and Councillor at this time. For this reason, and given your urgency to remove the bollards by Nov 1, you leave some of us with no alternative but to seek understanding if this is ethical and legal to change the criteria as you have, with very little notice, and no process to appeal, and proceed directly to removal of the bollards rather than to monitor the bollards after Parkside Drive Improvements have been completed as you were specifically instructed in the Motion of March 18, 2014. It is my belief that the bollards are necessary and that nothing has changed from a traffic burden perspective other than that traffic may be worse now since Waterdown has grown dramatically since 2014.

I realize I had a conversation with Superintendent James Moore that was reported to Ted McMeekin to be 90 minutes. At that time, I was dumbfounded and gathering information and trying to point out the safety concerns. Since 2014, McMonies Drive subdivision that links directly across from Lupo Drive has been built with 80 houses in a circle but with only one way in and out, directly opposite Lupo Drive. I am going to suggest that many vehicles from there will see a new short cut to avoid Parkside Drive as well. By removing the bollards, prematurely, without the Monitoring plan to evaluate their function, without waiting for Parkside Drive Improvements to be completed, and also the rebuilding of the bridge across Dundas St at the core that will begin within the next few years, Fellowes Cres will be overwhelmed with traffic and bypass traffic.

So before I contact the Compliance Staff of your employer, I want you to realize that this is not personal or being vindictive. I am concerned about the just and fair application of the Motion 10 of March 18, 2014, that seems to be ignored or not understood by Superintendent James Moore and Councillor Ted McMeekin.

How would any of you feel, if you developed a Motion, that the next team or councillor simply choose to change the interpretation to serve some other agenda. I am sure you would be offended.

We are offended and we feel betrayed. This is no way to operate as a City and treating us. We put a lot of effort into this, it was well thought out and supported by Council and our Councillor. We trusted them and we trust you to honour the work that was done.

May I suggest you apply a stop, or 'temporary' stoppage on the removal of the bollards until we resolve this with help from the City Manager, the mayor and other staff who would find this quite interesting that a Motion is no longer deemed a Motion anymore.

Regards, Steve Oliver

