



Public Works Committee

REPORT 11-005

9:30 a.m.

Monday, April 4, 2011

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors R. Powers (Chair), B. McHattie (Vice Chair), C. Collins, S. Duvall, L. Ferguson, S. Merulla, T. Jackson

Absent with Regrets: Councillor R. Pasuta – City Business
Councillor T. Whitehead – Illness

Also Present: G. Davis, General Manager, Public Works
B. Goodger, Senior Director, Operations & Waste Management
J. Mater, Senior Director, Transportation, Energy & Facilities
G. Rae, Senior Director, Environment & Sustainable Infrastructure
G. Lupton, Director, Energy, Fleet, Facilities & Traffic Management
D. Hull, Director, Transit
J. Stephen, Director, Rapid Transit
P. Parker, Director, Support Services
A. Kirkpatrick, Manager, Transportation Planning
P. Thompson, Manager, Accessible Transportation Services
P. Topalovic, Acting Project Manager, Transportation Demand Management
A. Grozelle, Legislative Assistant, City Clerk's Office

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 11-005 AND RESPECTFULLY RECOMMENDS:

1. Intersection Control List (PW11001(b)) (Wards 5,7,8,9,11,15) (Item 5.4)

That the appropriate By-law to provide traffic control as follows, be passed:

Intersection		Stop Direction		Class	Location / Comments / Petition	Ward	
Street 1	Street 2	Existing	Requested				
(a)	Blueberry Drive	Huckleberry Drive	NC	SB Stop	A	N. of Queenston, E. of Lake	5
(b)	Cranberry Court	Strawberry Drive	NC	EB Stop	A	N. of Queenston, E. of Lake	5

Intersection		Stop Direction		Class	Location / Comments / Petition	Ward	
Street 1	Street 2	Existing	Requested				
(c)	Pathfinder Court	Eaglewood Drive	NC	EB Stop	B	S. of Stone Church, E. of Up. Sherman	7
(d)	Eaglewood Drive	Eaglewood Drive	NC	WB Stop	B	S. of Stone Church, E. of Up. Sherman	7
(e)	Raphael Court	Eaglewood Way	NC	SB Stop	B	S. of Rymal, E. Up. Paradise	8
(f)	Giotto Lane	Eaglewood Way	NC	NB Stop	B	S. of Rymal, E. Up. Paradise	8
(g)	Giotti Lane	Michelangelo Lane	NC	SB Stop	B	S. of Rymal, E. Up. Paradise	8
(h)	Bellini Lane	Davinci Boulevard	NC	WB Stop	B	S. of Rymal, E. Up. Paradise	8
(i)	Medici Lane	Bellini Lane	NC	NB Stop	A	S. of Rymal, E. Up. Paradise	8
(j)	Paramount Drive	Marston Street	NB Stop	All-Way	B	S. of Mud, E. of Up. Mount Albion	9
(k)	Gretti Drive (W.Leg)	Twenty Rd.	NC	NB Stop	B	S. of Twenty Rd. E., E. of Up. James	11
(l)	Gretti Drive (E.Leg)	Twenty Rd.	NC	NB Stop	B	S. of Twenty Rd. E., E. of Up. James	11
(m)	Winners Way	Festival Way	NC	NB Stop	B	N. of Binbrook Rd., E. of Fletcher Rd.	11
(n)	Winners Way	Pumpkin Pass	NC	SB Stop	B	N. of Binbrook Rd., E. of Fletcher Rd.	11
(o)	Gowland Drive	Binhaven Boulevard	NC	WB Stop	B	S. of Binbrook Rd., W. of Hwy 56	11
(p)	Lynch Crescent (W. Leg)	Gowland Drive	NC	SB Stop	B	S. of Binbrook Rd., W. of Hwy 56	11
(q)	Lynch Crescent (E. Leg)	Gowland Drive	NC	SB Stop	B	S. of Binbrook Rd., W. of Hwy 56	11
(r)	Odonnell Drive	Gowland Drive	NC	NB Stop	B	S. of Binbrook Rd., W. of Hwy 56	11
(s)	Odonnell Drive	Whitwell Way	NC	SB Stop	B	S. of Binbrook Rd., W. of Hwy 56	11
(t)	Cook Street	Whitwell Way	NC	NB Stop	B	S. of Binbrook Rd., W. of Hwy 56	11
(u)	Cleghorn Drive	Whitwell Way	NC	NB Stop	B	S. of Binbrook Rd., W. of Hwy 56	11
(v)	Pinehill Drive	Trinity Church	NC	EB Stop	B	Trinity Church, S. of Rymal	11
(w)	Redcliff Court	Goldenvue Court	NC	EB Stop	B	S. of Dundas St. E., W. of Hamilton St.	15

2. Request from Emily Mantha of Katimavik respecting bus passes for volunteers (Item 4.3)

That staff be directed to provide 11 bus passes for the use of Katimavik volunteers for the 12-month period starting July 2011 and ending July 2012.

3. Request from Tom AI respecting the addition of Ronald McDonald House Charity posters to HSR buses (Item 4.5)

That staff be directed to accommodate the request for Ronald McDonald House Charity posters to be placed on HSR buses, pending space availability.

4. Rapid Transit Update - B-Line Planning, Design and Engineering, A-Line Feasibility and B-Line Nodes and Corridors Land Use Study (PW11020/PED11068) - (City Wide) (Item 5.2)

That Report PW11020/PED11068, respecting Rapid Transit Update - B-Line Planning, Design and Engineering, A-Line Feasibility and B-Line Nodes and Corridors Land Use Study, be received.

5. Citizen Appointments to the City of Hamilton Waste Reduction Task Force (PW11021) - (City Wide) (Item 5.3)

That the following citizens be appointed to the Waste Reduction Task Force for the noted term of office:

Name	Affiliation	Term
Deborah Wilson	Environment	Up to December 31, 2013
Jack Freiburger	Public – B1 Zone	Up to December 31, 2013
Elizabeth Wren	Environment	Up to December 31, 2013

6. Proposed Permanent Closure and Transfer of a Portion of Road Allowance Abutting 100 Legend Court, Ancaster (PW11023) - (Ward 12) (Item 6.1)

That the application of Costco Wholesale Canada Ltd. to permanently close and purchase a portion of the road allowance abutting the property at 100 Legend Court, Ancaster, be approved, subject to the following conditions:

- (a) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway;
- (b) That the appropriate by-law be introduced and passed by Council;

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- (c) That the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell this closed highway in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299;
- (d) 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;
- (e) 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;
- (f) That the Public Works Department publish a notice pursuant to Section 34 of the Municipal Act 2001, S.O. 2001, c. 25, as amended, of the City's intention to pass the by-law.

7. Employer Commuter Transit Pass Pilot Program (PW08133a) - (City Wide) (Item 8.1)

- (a) That the General Manager, Public Works, be authorized and directed to offer a one-year pilot Employer Commuter (EC) Transit Pass Program to three (3) employers within the City of Hamilton as outlined in Report PW08133a, funded on a one-time basis to an upset limit of \$40,000 from Ontario Provincial Gas Tax Reserve (112204), and report back on the results on a quarterly basis;
- (b) That the General Manager, Public Works, be authorized and directed to work with the Human Resources Department and the City Manager's office to update the City of Hamilton's internal EC Transit Pass Program, which has been in operation since 2007, in order to ensure that the program is available to all eligible employees and be expanded to employees that are using public transportation for commuting purposes and work-related trips.

8. Encroachments on City Property - Policy and Procedure (PW11024) - (City Wide) (Item 8.2)

- (a) That the Encroachment on City Property Policy, attached to Report 11-005 as Appendix "A", be approved;
- (b) That the Encroachment on City Property Procedure, attached to Report PW11024 as Appendix "B", be received and the General Manager of Public Works be authorized and directed to amend the procedure as required.

9. Bus Travel Training Pilot (PW11025) - (City Wide) (Item 8.3)

- (a) That the General Manager of Public Works be authorized and directed to enter into an Agreement, in a form satisfactory to the City Solicitor, with The Salvation Army Lawson Ministries Hamilton, as the lead agency for participating Developmental Services providers within Hamilton, to develop and conduct a two (2) year pilot project providing bus travel training for persons with developmental disabilities, with semi-annual reporting back to the Public Works Committee;
- (b) That the General Manager of Public Works be authorized to approve and provide funding under the Agreement to The Salvation Army Lawson Ministries Hamilton to an upset limit of the anticipated \$400,000 expenditure requirement of the pilot, subject to any reduction in requirement that may result from offsetting Provincial funding that The Salvation Army Lawson Ministries Hamilton may obtain under an application to the EnAbling Change Partnership Program, presently offered by the Ministry of Community and Social Services;
- (c) That such expenditure as may be approved by the General Manager of Public Works be funded from Transit Operating Account 53330-540005;
- (d) That the General Manager of Public Works be authorized to provide HSR bus passes to successful trainees under the pilot at no charge for a period of one (1) year after completion of their training.

10. City of Hamilton/Metrolinx Governance Agreement for the Joint Procurement of Conventional Transit (HSR) Buses (PW11026) - (City Wide) (itme 8.4)

- (a) That the Mayor and General Manager of Finance and Corporate Services (City Treasurer) be authorized and directed to enter into a Governance Agreement, attached as Appendix "A" to report PW11026, for the joint procurement of replacement Conventional Transit buses for 2011-2013 in accordance with the Transit ten year capital fleet replacement plan, with Metrolinx, with the understanding that staff is required to report back to Council for authority to enter into a purchase agreement;
- (b) That a certified copy of this Governance Agreement and accompanying By-law in a form satisfactory to Corporate Legal Services, Corporate Purchasing and Corporate Finance be forwarded to Metrolinx upon Council approval.

11. Installation of an all-way stop at the intersection of Bishopsgate Avenue and Ranchdale Drive (Item 9.1)

That an all-way stop be installed at the intersection of Bishopsgate Avenue and Ranchdale Drive and that the appropriate amending by-law be passed.

12. Interview Sub-Committee (Public Works) Report 11-001 (Item 12.1)

(a) Hamilton Cycling Committee (Item 4.2)

That the following applicants be appointed to the Hamilton Cycling Committee for the 2010-2014 term of Council or until such time as successors are appointed by Council:

- | | | |
|-------------------|-------------------------|----------------------|
| 1. Sharon Gibbons | 6. Brian Chewter | 11. Robert Brown |
| 2. Marc Risdale | 7. Christopher Hastings | 12. Andrea Kita |
| 3. Robert Corsini | 8. Roger Tupper | 13. Pauline McKinley |
| 4. Davey Hamada | 9. D. Bradley Jyleman | 14. Debbie Sanche |
| 5. Brad Stapleton | 10. Marisa Di Censo | 15. Walter Furlan |

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised that there were no changes to the agenda:

The April 4, 2011 Public Works Committee Agenda was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES (Item 3)

(i) March 7, 2011 (Item 3.1)

The Minutes of the March 7, 2011 Public Works Committee were approved, as presented.

(ii) March 7, 2011 Budget Meeting (Item 3.2)

The Minutes of the March 7, 2011 Public Works Committee Budget Meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Mark Cosens of the Preserve Ancaster Coalition respecting the Ancaster Transportation Master Plan (Item 4.1)

The delegation request, from Mark Cosens of the Preserve Ancaster Coalition respecting the Ancaster Transportation Master Plan, was approved.

(ii) Delegation Request from Les King of the Preserve Ancaster Coalition respecting the Ancaster Transportation Master Plan (Item 4.2)

The delegation request, from Les King of the Preserve Ancaster Coalition respecting the Ancaster Transportation Master Plan, was approved.

(iii) Delegation Request from Emily Mantha of Katimavik respecting a request for bus passes for volunteers (Item 4.3)

The delegation request from Emily Mantha of Katimavik was declined as Committee endorsed the content of the request.

For disposition of this Item refer to Item 2.

(iv) Delegation Request from Robert Wilkins respecting preferred solutions in the Ancaster Transportation Master Plan (Item 4.4)

The delegation request from Robert Wilkins respecting concerns around preferred solutions in the Ancaster Transportation Master Plan, was approved.

(v) Delegation Request from Tom AI respecting a request to add Ronald McDonald House Charity posters to HSR buses (Item 4.5)

The delegation request from Tom AI was declined as Committee endorsed the content of the request.

For disposition of this Item refer to Item 3.

(e) CONSENT ITEMS (Item 5)**(i) Minutes of Various Sub-Committees (Item 5.1)**

The following Sub-committee Minutes were received for information:

- (i) Solid Waste Management Master Plan Steering Committee – February 9, 2011
- (ii) Hamilton Cycling Committee
 - (a) October 6, 2010
 - (b) November 3, 2010
- (iii) Waste Reduction Task Force – January 19, 2011
- (iv) Hamilton Utilities Corporation Joint Advisory Committee Report 11-001 - February 23, 2011

(ii) Replacement of Green Bins that have not been Removed from the Hopper of the Waste Packing Trucks (referred by Audit, Finance and Administration Committee) (Item 5.5)

The matter respecting, Replacement of Green Bins that have not been Removed from the Hopper of the Waste Packing Trucks, and additional information submitted by Sergio De Feo, was received.

(f) PUBLIC HEARING/DELEGATIONS**(i) Proposed Permanent Closure and Transfer of a Portion of Road Allowance Abutting 100 Legend Court, Ancaster (PW11023) - (Ward 12) (Item 6.1)**

Chair Powers advised the Committee that the above-noted proposed permanent closure and sale was advertised on March 25, 2011 in the Hamilton Spectator. The Committee Clerk advised there had been no written submissions to appear. Chair Powers asked if there was any one present who wished to address the Committee on this issue. The Chair also indicated that a representative of the proponent was on hand if there were any questions from the Committee. No members of the public came forward to speak.

On a Motion the staff presentation was waived.

(g) Employer Commuter Transit Pass Pilot Program (PW08133a) - (City Wide) (Item 8.1)

On a Motion, sub-section (a) was amended by the deletion of “following the pilot program;” and replacement of “on a quarterly basis;”

The Main Motion, as Amended **CARRIED** on the following Recorded Vote:

Yeas:	McHattie, Powers, Ferguson, Collins, Merulla, Jackson,
Total Yeas:	6
Nays:	Duvall
Total Nays:	1
Absent:	Pasuta, Whitehead
Total Absent:	2

(h) Bus Travel Training Pilot (PW11025) - (City Wide) (Item 8.3)

On a Motion, sub-section (a) was amended by the addition of the following:

“with semi-annual reporting back to the Public Works Committee;”

Councillor Ferguson requested that it be noted that the Committee would like semi-annual reports to contain details around provincial funding or the potential of provincial funding for the program.

(i) MOTIONS (Item 9)

(i) Installation of an all-way stop at the intersection of Bishopsgate Avenue and Ranchdale Drive (Item 9.1)

For disposition of this Item refer to Item 11.

(ii) Car Share On-Street Location Pilot Program (Item 9.2)

On a Motion, staff were directed to meet with Car Share Hamilton to develop an on-street pilot car share project, including the location at 427 Aberdeen Avenue and report back to Committee with the results.

(j) NOTICES OF MOTION (Item 10)

Councillor B. McHattie introduced the following Notice of Motion:

(i) Request for installation of Left hand Prohibition sign Queen Street South and Stanley Avenue (10.1)

Whereas, there is a significant volume of traffic traveling north down the Queen Street Hill, bypassing the traffic light at Aberdeen Avenue and cutting through the Kirkendall neighbourhood using Stanley Avenue, causing neighbourhood safety issues, and;

Whereas the volume of traffic using Stanley Avenue to bypass the traffic light at Queen and Aberdeen in the morning peak is 316 vehicles of which 267 (85%) either crossed or turned at Locke Street, and;

Whereas the volume of traffic turning left from Queen Street onto Stanley Avenue during the afternoon peak is a total of 358 vehicles, of which 282 (79%) of these vehicles either crossed or turned at Locke Street, and;

Whereas, the cut through traffic volumes for both peak periods meet the minimum technical criteria requirements for additional Traffic Management as per the City of Hamilton's Traffic Calming / Traffic Management Policy, and;

Therefore:

- a) That a left hand turn prohibition from Queen Street South onto Stanley Avenue be implemented for both the morning and afternoon peak periods, and that prohibition be in place for an 18 month pilot project period, and;
- b) That staff develop and implement a neighbourhood-based transportation demand management (TDM) strategy, designed to affect travel patterns in the appropriate Ward 1, 2, and 8 neighbourhoods in consultation with those neighbourhoods and the affected Ward Councillors, and;
- c) That staff report back on the results of the pilot project, prior to the end of the 18 month trial period.

(k) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**(i) Items on Outstanding Business List (Item 11.1)****(a) Amendments to Due Dates**

On a Motion the following item on the Public Works Committee Outstanding Business List was amended to reflect the following revised due date:

- (i) Item D: High Efficiency Toilet Replacement Program
Due Date: April 4, 2011
Proposed New Due Date: April 18, 2011

(b) Solid Waste Management Master Plan Review

- Councillor Powers indicated that staff are working on setting a date for an upcoming Workshop on the Solid Waste Management Master Plan Review.
- To help prepare for this workshop the feedback of Councillors would be appreciated Councillor Powers
- Hard copies of forms were passed out to Councillors to facilitate this process

(l) PRIVATE AND CONFIDENTIAL (ITEM 12)**(i) Interview Sub-Committee (Public Works Committee) Report 11-001**

The Public Works Committee determined that no Closed Session discussion, respecting Report 11-001 - Interview Sub-committee (Public Works Committee) was required.

Chair Powers advised the Committee that upon the approval of Report 11-001 - Interview Sub-committee (Public Works Committee) that the Report would become a public document.

The Committee provided its recommendation in Open Session, as shown in Item 13.

(m) ADJOURNMENT

There being no further business, the Public Works Committee adjourned at 10:30 a.m.

Respectfully submitted,

Councillor R. Powers, Chair
Public Works Committee

Andy Grozelle
Legislative Assistant
April 4, 2011

CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
OPERATIONS & WASTE MANAGEMENT DIVISION
POLICY

POLICY NO:

SUBJECT: Encroachments on City Property Policy

ELIGIBILITY:

1. Introduction

The purpose of this policy is to establish a written process for the consideration of requests for encroachments in, on, above or under City Property and subsequent approval and management of encroachment agreements ("Encroachment Agreements") approved under the Policy.

2. Definitions

"Areaway" means an open subsurface space adjacent to a building used to admit light and air or as a means of access to underground storage space.

"City " means the City of Hamilton.

"City Authority" means the Public Works Department, Operations and Waste Management Division or such other City department, division, group, section, official or person(s) designated from time to time by Council to act on the City's behalf.

"City Property" means a road allowance, park, cemetery, open space or any property owned or managed by the City.

"Commenting Agency" means an agency (either internal and external) that is circulated for comments on Encroachment applications. This may include but is not limited to: Bell Canada, Building, Development Engineering, Downtown and Community Renewal, Horizon Utilities, Hydro One, Municipal Law Enforcement, Planning, Police Services, Risk Management, Roads Operations, Surveys and Technical Services Section, Traffic Engineering, Union Gas, and the Ward Councillor.

"Encroachment" means an improvement, such as a building, structure, planted area or outdoor boulevard café, made to City Property that is located entirely or partly in, on, under or above the City's Property authorized by an Encroachment Agreement.

"Fence" means:

- a) a railing, wall, line of posts, wire, gate, boards, pickets, latticework, or any combination thereof, or other similar erection for the purposes of enclosing or providing privacy; and,
- b) a hedge or grouping of shrubs used for the purposes listed in subsection (a).

"Landscaping" means a natural vegetation area, garden, constructed area such as a pathway, retaining wall, and decorative rock (save and except Fences and Trees).

"Owner" means the legal registered owner of property that abuts City Property.

“Refreshment Vehicle” means any vehicle from which refreshments are sold for consumption by the public and includes, without limiting the generality of the foregoing, carts, wagons, trailers, trucks, and bicycles, irrespective of the type of power employed to move the refreshment vehicle from point to point.

“Sign” means any surface, structure and other component parts, which are used or capable of being used as a visual medium or display to attract attention to a specific subject matter for identification, information or advertising purposes and includes an advertising device.

“Street Furniture” means elements and amenities installed in the public right of way for the use and convenience of the public. This may include but is not limited to a bench, waste/recycling bin, transit shelter, telephone booth, publication box, bike rack and cigarette receptacle.

“Temporary Encumbrance” means a moveable object located within the City’s road allowance. This may include but is not limited to, temporary signs, fruit and vegetable stands, planters, soft drink machines and ice machines.

3. Background

The City is authorized to enter into Encroachment Agreements pursuant to Sections 8, 9 and 10 of the Municipal Act, 2001 which further authorizes the City, amongst other things, to delegate its authority and to impose fees or charges on persons for services or activities provided or done by or on behalf of it.

Pursuant to Item 21 of the Committee of the Whole Report 01-029, approved by Council on September 18, 2001, as amended by Item 9 of the Corporate Administration Committee Report 05-011, adopted by Council on June 29, 2005, the City is authorized to enter into agreements with abutting owners to permit, among other things, Encroachments onto City Property. The authority to approve and to release or discharge such agreements is delegated to the department responsible for the subject City Property.

The Public Works Department is responsible for, amongst other things, administration and care of City Property. This policy establishes the terms and conditions upon which Public Works may enter into agreements to permit certain Encroachments in, on, under or above City Property. Terms and conditions of the encroachment will be set out in the Encroachment Agreement or, where temporary in nature, a permit allowing temporary access.

4. Policy

The City does not encourage Encroachments on City Property. Applicants must satisfy to the City that the need for an encroachment is reasonable/feasible as no other alternative exists, the health and safety of the public is not in jeopardy, it is in the public’s best interest and is minor in nature.

When satisfied, the City may, at its discretion, enter into agreements with abutting property owners for Encroachments, such as a building, structure, or outdoor boulevard café located partially or wholly on City Property, subject to the criteria set out within this policy and accompanying procedures.

4.1 Guidelines for Considering Encroachments

The following guidelines are used to facilitate requests for Encroachment Agreements for various situations.

1. Property owners may submit a request for an encroachment in, on, under or above City property, for consideration by the City. Requests must be made in writing and accompanied by the appropriate fee set out in the Encroachment Procedure, as amended from time to time.
2. The City may enter into an Encroachment Agreement where it has been determined that the health and safety of the public is not in jeopardy, where it is in the public's best interest and where it is minor in nature, including but not limited to such instances as:
 - i) awnings
 - ii) Landscaping
 - iii) outdoor boulevard café
 - iv) out swinging door
 - v) paving to replace Landscaping to minimize maintenance purposes only and where no vehicular movement is permitted
 - vi) porch or deck
 - vii) sign (where not otherwise prohibited)
 - viii) steps
 - ix) Street Furniture (where not otherwise authorized)
 - xi) wheelchair ramps and other accessibility features
3. The City generally will not enter into an Encroachment Agreement where it has been determined that the health and safety risk of the public is in jeopardy, where it is not in the public's best interest, where it is not minor in nature or other non-permitted instances including but not limited to such instances as:
 - i) Areaway
 - ii) Fences
 - iii) open spaces
 - iv) public unassumed alleys
 - v) Refreshment Vehicle
 - vi) Temporary Encumbrances
4. Applicants will be advised in writing of the City's decision. Requests for reconsideration of a decision may be submitted in writing to the General Manager of Public Works or his/her designate and must be received within 60 days of the original decision. Such requests shall include any additional information supporting the request for reconsideration.

Where concerns are identified by City staff or commenting agencies, those concerns may be presented to Public Works Committee for direction.

COUNCIL APPROVAL: _____

APPROVED DATE: _____

REVISED DATE: _____