



## **PUBLIC WORKS COMMITTEE**

### **MINUTES 13-008**

**9:30 a.m.**

**Monday June 17, 2013**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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

**Absent with  
Regrets:** Councillors T. Whitehead (Vice Chair) – Personal

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### **THE PUBLIC WORKS COMMITTEE PRESENTED THE FOLLOWING ITEMS TO COUNCIL FOR CONSIDERATION:**

**1. Review of Suggested Improvements and Changes to the City of Hamilton (City  
Wide)(PW13046) (Item 5.2)**

**(Powers/Pasuta)**

That Report PW13046 respecting Review of Suggested Improvements and Changes to the City of Hamilton, be received.

**CARRIED**

**2. Proposed Permanent Closure and Sale of the Road Allowance of Hazelwood  
Avenue, Ancaster (PW13045) (Ward 12)**

**(McHattie/Powers)**

(a) That the application to permanently close and purchase the unopened road allowance known Hazelwood Avenue, Ancaster, as shown on Appendix A, attached to Report PW13045 (the "Subject Lands"), be approved, subject to the following conditions:

- (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close and purchase the Subject Lands;

- (ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the Subject Lands to be permanently closed;
  - (iii) That the documentation regarding the application to the Ontario Superior Court of Justice be prepared by the applicant, to the satisfaction of the City Solicitor;
  - (iv) That the applicant register a reference plan under the Registry Act showing the required portions of the Subject Lands to be transferred and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and Corridor Management Section and that the applicant deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
- (b) That provided the application to the Ontario Superior Court of Justice to permanently close the Subject Lands is approved:
- (i) That the City Solicitor be authorized and directed to prepare the by-law to permanently close the Subject Lands;
  - (ii) That the appropriate by-law be introduced and enacted by Council;
  - (iii) That the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell a portion of the Subject Lands to the applicant and a portion of the Subject Lands to the owner of 1269 Mohawk Road West in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299 at fair market value;
  - (iv) That the appropriate right-of-way agreement over the Subject Lands be given in perpetuity to the owner of 1263 Mohawk Road West for the purposes of vehicular access to Mohawk Road West prior to the transfer of the Subject Lands to the applicant, with all associated costs to be paid by the applicant;
  - (v) That a sufficient portion of the Subject Lands be transferred to the owner of 1269 Mohawk Road West, to eliminate the encroachment and satisfy the side-yard setback requirements for the appropriate zoning designation, with all associated costs to be paid by the applicant;
  - (vi) 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;
  - (vii) That the by-law permanently closing the Subject Lands does not take effect until a certified copy of the by-law is registered in the proper land registry office;

- (viii) That the Public Works Department publish a notice pursuant of the City's intention to pass the by-law pursuant to City of Hamilton By-law 04-299 being a By-law to Establish Procedures, including the Giving of Notice to the Public, Governing the Sale of Land Owned by the City of Hamilton.

**CARRIED**

**2. Appointment of Risk Management Official and Inspectors under Part IV of the Clean Water Act, 2006 (PW13044)(City Wide) (Item 8.1)**

**(Merulla/McHattie)**

- (a) That the General Manager of Public Works be delegated the power to appoint Risk Management Officials and Risk Management Inspectors under subsection 47(6) of the Clean Water Act, 2006;
- (b) That the City Clerk be directed to issue Certificates of Appointment to Risk Management Officials and Risk Management Inspectors under subsection 47(7) of the Clean Water Act, 200
- (c) That the delegation -by-law attached as Appendix A to Report PW13044 be passed;
- (d) That the City Clerk be directed to circulate; as they are completed, this report, the Certificates of Appointment, and the by-law once passed to the Chairs of the local Source Protection Committees, Source Protection Authorities, and the Director of Source Protection Programs Branch, Ontario Ministry of the Environment.

**CARRIED**

**4. Truck Route Designation Deletions - Kenilworth Access, Dundurn Street North (PW13049)(City Wide)(Item 8.2)**

**(Jackson/McHattie)**

- (a) That the Kenilworth Access, including the following sections of arterial roads leading to the Kenilworth Access, remain permanently deleted from the posted truck route network in the City of Hamilton:
  - (i) Upper Ottawa Street, between Fennell Avenue West and Mountain Brow Boulevard.
  - (ii) Concession Street / Mountain Brow Boulevard, between Upper Gage Avenue and the Kenilworth Access.
  - (iii) Kenilworth Avenue South, between Main Street East and the Kenilworth Access.

- (b) That Dundurn Street North, between York Boulevard and King Street West, remains permanently deleted from the posted truck route network in the City of Hamilton.

**CARRIED**

**5. Interview Sub-committee (to the Public Works Committee) Report 13-001 (Item 12.1) - Waste Management Advisory Committee Appointments**

**(McHattie/Jackson)**

- (a) That the following applicants be appointed to the Waste Management Advisory Committee for the balance of the 2010-2014 term of Council or until such time as successors are appointed by Council:
  - (i) Peter Hargreave
  - (ii) Kevin Hunt
- (b) That the following Councillors, who were previously appointed to the Solid Waste Management Master Plan Steering Committee, be approved to continue with the Waste Management Advisory Committee for the balance of the 2010-2014 term of Council:
  - (i) Councillor M. Pearson;
  - (ii) Councillor J. Partridge; and,
  - (iii) Councillor R. Powers.
- (c) That the Interview Sub-committee (to the Public Works Committee) Report 13-001 be released as a public document upon approval by Council.

**CARRIED**

**6. Appeal of Technical Standards and Safety Act Inspector Order (Ward 11) (LS13023/PW13050) (Item 12.2)**

**(Jackson/Powers)**

- (a) That the City Solicitor be authorized and directed to continue the appeal of the Inspector's Order and take all necessary steps to appeal any fees invoices issued against the City of Hamilton under the *Technical Standards and Safety Act, 2000* as described in Report LS13023/PW13050;
- (b) That the City Solicitor and General Manager of Public Works be authorized, if and when they deem appropriate, to enter into discussions with the Technical Standards and Safety Authority and with any other relevant persons to attempt to resolve the issues related to the Inspector's Order as described in Report LS13023/PW13050, and any fees invoice issued.

**CARRIED**

**FOR THE INFORMATION OF COMMITTEE:**

**(a) CHANGES TO THE AGENDA (Item 1)**

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

**DELEGATION REQUESTS**

- 4.2 Delegation Request from James Burnett to provide information the benefits of garbage and waste incineration (Referred from General Issues Committee – June 5, 2013)

**PRESENTATIONS**

- 7.1 Asset Management (No Copy) – WITHDRAWN

**ADDED ITEMS OF CORRESPONDENCE RELATED TO ITEM 8.2**

- 8.2 (i) Letter of support for a permanent Truck Use Ban on the Kenilworth Access. (Referred by Council – June 12, 2013)
- (ii) Correspondence from the East Hamilton Mountain Community group in support of a permanent Truck Use Ban on the Kenilworth Access.
- (iii) Letter from Sherry Revesz, Chair of Environment Hamilton in support of a permanent Truck Use Ban on Dundurn Street and the Kenilworth Access.

**(Collins/McHattie)**

That the June 17, 2013 Public Works Committee Agenda was approved, as presented.

**CARRIED**

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) MINUTES (Item 3)**

**(i) June 3, 2013 (Item 3.1)**

**(Jackson/Merulla)**

That the Minutes of the May 16, 2013 Public Works Committee meeting be approved as presented.

**CARRIED**

**(d) DELEGATION REQUESTS (ITEM 4)**

- (i) Delegation Request from Jonathan Valencia, Ontario Public Interest Research Group at McMaster (OPIRG) respecting enhancements to the Hamilton Street Tree Program (Item 4.1)**

**(Collins/Merulla)**

That the Delegation Request from Jonathan Valencia, Ontario Public Interest Research Group at McMaster (OPIRG), respecting enhancements to the Hamilton Street Tree Program, be approved.

**CARRIED**

- (ii) Delegation Request from James Burnett to provide information the benefits of garbage and waste incineration (Referred from General Issues Committee – June 5, 2013) (Added Item 4.2)**

**(Collins/Merulla)**

That the Delegation Request from James Burnett to provide information the benefits of garbage and waste incineration, be approved.

**CARRIED**

**(e) CONSENT ITEMS (Item 5)**

- (i) Minutes of Various Sub-Committee (FOR INFORMATION PURPOSES ONLY) (Item 5.1)**

**(Powers/Pasuta)**

That the following Advisory and Sub-committee Minutes be received for information:

- (a) Clean City Liaison Committee – May 21, 2013 (Item 5.1.1)**

**CARRIED**

**(f) PUBLIC HEARINGS/DELEGATIONS (Item 6)**

- (i) Proposed Permanent Closure and Sale of the Road Allowance of Hazelwood Avenue, Ancaster (PW13045) (Ward 12 (Item 6.1)**

Chair Ferguson indicated that the proposed closure and sale of the road allowance was being conducted as a Public Hearing. He announced that notice of the meeting was advertised in the Hamilton Spectator on June 7, 2013 and that the Committee Clerk had indicated that no one had registered to speak. Chair Ferguson asked if there were any members of the public who wished to speak to this issue. No one came forward.

**(Jackson/Merulla)**

That the staff presentation respecting Proposed Permanent Closure and Sale of the Road Allowance of Hazelwood Avenue, Ancaster, be waived.

**CARRIED**

**(g) PRESENTATIONS (Item 7)**

**(i) Asset Management (No Copy) (Item 7.1)**

Withdrawn under changes to the agenda.

**(h) DISCUSSION ITEMS (Item 8)**

**(i) Truck Route Designation Deletions - Kenilworth Access, Dundurn Street North (PW13049)(City Wide)(Item 8.2)**

**(Jackson/Merulla)**

That the following items of correspondence respecting Report PW13049, be received:

- (i) Letter of support for a permanent Truck Use Ban on the Kenilworth Access. (Referred by Council – June 12, 2013)
- (ii) Correspondence from the East Hamilton Mountain Community group in support of a permanent Truck Use Ban on the Kenilworth Access.
- (iii) Letter from Sherry Revesz, Chair of Environment Hamilton in support of a permanent Truck Use Ban on Dundurn Street and the Kenilworth Access.

**CARRIED**

**(ii) Queen Street South at Stanley Avenue - Part-time Left Turn Restriction (PW13036) (Ward 1) (Item 8.3)**

**(McHattie/Merulla)**

That Report PW13036 respecting, Queen Street South at Stanley Avenue - Part-time Left Turn Restriction, be tabled pending discussions between the Ward 1 and Ward 8 Councillors.

**CARRIED**

**(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)**

**(i) Outstanding Business List (Item 11.1)**

1. Item Requiring Approval for Removal

**(Powers/McHattie)**

That the following item be approved for removal from the Outstanding Business List:

Item G - Delegation by Alex Sears respecting improvements and changes

**CARRIED**

2. Item Requiring Revised Due Date

**(McHattie/Duvall)**

That the following revised due date be approved.

**CARRIED**

The following items were approved for removal from the Outstanding Business List:

Item N - Increased Street sweeping in industrial and surrounding residential areas

Current Date – June 17, 2013

Revised Date – August 15, 2013

**(j) PRIVATE & CONFIDENTIAL (Item 12)**

**(i) Interview Sub-committee (to the Public Works Committee) Report 13-001 (Item 12.1)**

For disposition on this matter refer to Item 5.

**(ii) Appeal of Technical Standards and Safety Act Inspector Order (Ward 11) (LS13023/PW13050) (Item 12.2)**

**(Jackson/Powers)**

That Committee move into Closed Session at 9:54 a.m. to consider a matter regarding the Appeal of Technical Standards and Safety Act Inspector Order pursuant to Sub-Section 8.1 (e) and (f) of the City's Procedural By-law and Sub-Section 239 (e) and (f) of the Municipal Act 2001, as the subject matter pertains Litigation or potential litigation including matters before an administrative tribunals, affecting the City and advice that is subject to solicitor-client privilege including communications necessary for that purpose.

**CARRIED**

The Committee reconvened in Open Session and delivered their recommendations as shown in Item 6.



**(k) ADJOURNMENT (Item 13)**

There being no further business, the Public Works Committee adjourned at 10:09 a.m.

Respectfully submitted,

Councillor L. Ferguson Chair  
Public Works Committee

Andy Grozelle  
Legislative Coordinator  
Office of the City Clerk