SUBJECT: Maintenance of Public Alleyways (PW07033) - (City Wide)

Public Works Committee Outstanding Business List

RECOMMENDATION:

(a) That the request of the Ottawa Street B.I.A. to enter into an agreement with the City for maintenance of the City’s alleys within the B.I.A. be denied at this time;

(b) That the Public Works Department lead an internal team to develop a comprehensive Alleyway Management Policy with the Ottawa Street BIA and potential membership being open to all HABIA members;

(c) That the item relating to the Ottawa Street BIA correspondence be removed from the Public Works Committee Outstanding Business list.

EXECUTIVE SUMMARY:

City Council, at it’s meeting of May 10, 2006, received correspondence from the Ottawa Street B.I.A. regarding maintenance of City alleys. The item was referred to the General Manager of Public Works with direction to present a report to the Public Works, Infrastructure and Environment Committee with responses to various questions regarding alley maintenance. Staff have assessed the matter and have commenced a complete review of the City’s alleyway inventory and will establish a comprehensive policy and procedures manual addressing the management of all alleys city wide. The
Public Works Department suggests continuing with current City policy regarding alley maintenance, until such time as the new policy can be presented to Council for approval.

**BACKGROUND:**

The information/recommendations within this report have City wide implications. The current policy regarding alleyway maintenance in the City of Hamilton is as follows; Surface and Drainage maintenance is provided on assumed alleyways only. On un-assumed alleyways only very limited maintenance is provided, i.e., filling in a severe potholes with stone, spot grading of holes, cutting weeds etc upon complaint. The issues surrounding un-assumed alleyways are very complex and in many cases involve building encroachments, negative drainage and reverse grade alignment in many if not all of the un-assumed alleyways. Clarifying and correcting just these kind of physical issues would involve a huge commitment of resources if the city was to assume all alleyways in question. There are many issues that need to be investigated and researched in an attempt to clarify alleyway ownership and land maintenance responsibilities. Some of the problems are associated with buildings, fencing, garages etc., that in many cases restrict open access that impede anyone from performing even minimum maintenance. All of these issues and more will have to be reviewed and quantified in terms of the costs associated with assuming the un-assumed alleyways before any decisions are considered regarding ownership. Alleyway service levels and maintenance standards are the last and perhaps the simplest steps in the process of assuming the un-assumed alleyways. The outstanding issues will need to be researched in depth to clarify the current status of all of the un-assumed alleyways. The associated history of each and all alleyways will take a significant amount of time and effort to quantify the many issues involving the possible conversion of ownership and responsibility of un-assumed alleyways.

**ANALYSIS/RATIONALE:**

The proposed alleyway ownership and responsibility review will include options for individual sale of un-assumed alleyways to neighbouring property and business owners, (i.e. local BIAs). The rational to support the proposed review is based on the inconsistent service levels currently being provided, the uncertainty surrounding responsibility and ownership of un-assumed alleyways and the customer satisfaction. This initiative supports a healthier and safer place to live and an environmentally responsible approach in the use of land and green space.

The internal “Comprehensive Alley Management Team” will consist of staff from time to time, from Legal, Risk Management, Emergency Services (Police and Fire); and Planning and Economic Development (Property Standards and By-law Enforcement). The team is to be jointly lead by the Public Works Department and the Ottawa Street BIA.

The team will report back to the Public Works Committee with their recommendations by September 2007.
ALTERNATIVES FOR CONSIDERATION:

Elect not to move forward with the proposed alleyway review and continue to provide the very minimum in terms of alley maintenance on the un-assumed alleys.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The financial implications as a result of the recommendations in this report will involve staff time and commitment but will not require a specific operating budget line to complete the recommended exercise.

POLICIES AFFECTING PROPOSAL:

Under the previous Municipal Act, any works performed by the City in a public unassumed alley could be deemed an act of assumption. Therefore, City policy has been to perform extremely limited maintenance in such alleys. Although the Municipal Act of 2000 removed that condition, the previous policy of limited maintenance is being adhered to until such time as a comprehensive policy and procedure manual is formalized.

RELEVANT CONSULTATION:

Ongoing communication/collaboration with Legal Services, Risk Management, Police, Fire, Property Standards, By-law Enforcement and HABIA.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. □ Yes  ☑ No
Environmental Well-Being is enhanced. □ Yes  ☑ No
Economic Well-Being is enhanced. □ Yes  ☑ No

Does the option you are recommending create value across all three bottom lines? □ Yes  ☑ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? □ Yes  ☑ No