Public Works Committee
MINUTES
9:30 a.m.
Monday, February 5, 2007
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present:
Chair M. McCarthy
Vice-Chair R. Powers
Councillors B. Bratina, C. Collins, L. Ferguson, T. Jackson,
S. Merulla, D. Mitchell

Also Present:
Councillor M. Pearson
S. Stewart – General Manager, Public Works
G. Davis – Director, Capital Planning and Implementation
J. Mater – Director, Fleet and Facilities
B. Shynal – Director, Operations and Maintenance
D. Hull – Director, Transit
B. Goodger – Director, Waste Management
J. Harnum – Senior Director, Water/Wastewater
C. Murray – Acting Director, Red Hill Valley Project
C. Biggs – Legislative Assistant, City Clerk’s

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERA-
TION:

1. Minutes of Various Committees
   (Powers/Ferguson)
   That the Minutes of the December 13, 2006 meeting of the Waste Reduction
   Task Force, be received. CARRIED

2. Agreement to Accept Compensation - 1287302 Ontario Inc. (Satwant
   Madesha) Easement Expropriation of Part of 952 Queenston Road - Parts 1,
   2 and 3 on Expropriation Plan WE228019 (PW03119(b))/(LS07001)/
   (PED07042) (Ward 9) (Item 5.2)
   (Powers/Ferguson)
   (a) That an Agreement by the Owner to Accept Compensation, resulting from
   the expropriation of certain lands known as part of 952 Queenston Road
   (as shown on Appendix A attached to Report PW03119(b)/LS07001/
   PED07042) in the former City of Stoney Creek, executed on December 4,
   2006 by 1287302 Ontario Inc. (Satwant Madesha), scheduled to close on
or before March 19, 2007, for the lands designated as Parts 1, 2 and 3 on Expropriation Plan WE228019, registered on April 22, 2004, also described as Parts 1 and 2 on Plan 62R-15649 and Part 1 on Plan 62R-16352, be approved and completed, and that the sum of $47,000 be paid to 1287302 Ontario Inc., and charged to Account Number 5160067054 (Sewage Pumping Station HC004 - Donn Avenue Replacement).

(b) That the sum of Forty-Seven Thousand Dollars ($47,000) resulting from the settlement of the expropriation of part of 952 Queenston Road be made to Jaskula, Sherk Law Office (Christopher B. Sherk) in Trust for 1287302 Ontario Inc. (Satwant Madesha) pending the completion of all of the terms and conditions of the Agreement by Owner to Accept Compensation.

(c) That the following conditions form part of the Agreement to Accept Compensation:

“It is understood and agreed that forming part of and as a condition of this Agreement by Owner to Accept Compensation document that the undersigned Owner will enter into and execute the Option to Purchase (Easement) agreement attached hereto as Schedule “C”, of the easement over Part 1 on Plan 62R-17574 for consideration in the amount of $2.00.

It is understood and agreed that the closing of the transaction by the City of Hamilton to purchase Part 1 on Plan 62R-17574 will be completed concurrently and contemporaneously with the closing of the Agreement by Owner to Accept Compensation for the City’s expropriation of Parts 1, 2 and 3 on Expropriation Plan WE228019.

It is understood and agreed that forming part of and as a condition of this Agreement by Owner to Accept Compensation document that the City will release all interests and easement rights over Part 1 on Expropriation Plan WE228019, as shown as Part 1 on Plan 62R-16352, to the Owner. This release of interests will be completed concurrently and contemporaneously with the purchase by the City of Part 1 on Plan 62R-17574 from the Owner.”

(d) That an Option to Purchase (Easement) over certain lands known as part of 952 Queenston Road, described as Part 1 on Plan 62R-17574, designated as Part of Pin #17317-0052(LT) (as shown on Appendix B attached to Report PW03119(b) / LS07001 / PED07042) in the former City of Stoney Creek, executed on December 4, 2006 by 1287302 Ontario Inc. (Satwant Madesha), scheduled to close on or before March 19, 2007 be approved and completed and that the purchase price of $2, be charged to Account Number 5160067054 – Sewage Pumping Station HC004 - Donn Avenue Replacement.
(e) That the easement over Part 1 on Expropriation Plan WE228019 be declared surplus to the requirement of the City of Hamilton and be abandoned and released back to 1287302 Ontario Inc., who was served with the notice of expropriation, which Owner has agreed to take the land back pursuant to the terms and conditions set out in the Agreement by Owner to Accept Compensation and that this abandonment and release be made pursuant to the terms and condition set out in the Agreement by Owner to Accept Compensation and that the City Solicitor be directed to take all the necessary steps to abandon the lands described as Part 1 on Expropriation Plan WE228019 and more particularly shown as Part 1 on Plan 62R-16352 in favour of 1287302 Ontario Inc, who was served with the notice of expropriation.

(f) That the Mayor and City Clerk be authorized and directed to execute any necessary documents in a form satisfactory to the City Solicitor and that any Legal Services Section expenses or other administrative expenses be charged to Account Number 5160067054 – Sewage Pumping Station HC004 - Donn Avenue Replacement.

CARRIED

3. Citizen Appointments to the City of Hamilton Waste Reduction Task Force (PW07017) (City Wide) (Item 5.3)

(Powers/Ferguson)
That Council approve the City of Hamilton Waste Reduction Task Force recommendation that the following citizens be appointed to the City of Hamilton Waste Reduction Task Force for the noted term of office:

<table>
<thead>
<tr>
<th>Name</th>
<th>Affiliation</th>
<th>Term of Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tom Thompson</td>
<td>Public - A1 Zone</td>
<td>December 31, 2009</td>
</tr>
<tr>
<td>Jim Sweetman</td>
<td>Public - A2 Zone</td>
<td>December 31, 2009</td>
</tr>
<tr>
<td>Betty Hay Lambeck</td>
<td>Public - A3 Zone</td>
<td>December 31, 2008</td>
</tr>
<tr>
<td>Dorienne Cushman</td>
<td>Public - B2 Zone</td>
<td>December 31, 2009</td>
</tr>
<tr>
<td>Anton Volcansek</td>
<td>Education</td>
<td>December 31, 2009</td>
</tr>
</tbody>
</table>

CARRIED

4. Proposed Permanent Closure and Sale of Public Unassumed Alleyways, Road Allowances and Public Walkway (PW07016) (City Wide) (Item 6.1)

(Powers/Ferguson)
(a) That the applications to permanently close and sell the following lands be approved:

(i) A portion of the public unassumed alleyway between 96 and 98 Chestnut Avenue, Hamilton, to the abutting property owners;

(ii) A portion of the public unassumed alleyway abutting 291 Park Row South, Hamilton, to the owner of 291 Park Row South;
(iii) A portion of the unopened road allowance abutting 1 Oak Knoll Drive, Hamilton, to the abutting property owners;
(iv) A portion of public unassumed alleyway at the rear of 825 and 831 Beach Boulevard, Hamilton, to the abutting property owners;
(v) A portion of road allowance abutting 87 Rockcliffe Road, Flamborough, to the owner of 87 Rockcliffe Road;
(vi) A portion of unopened public walkway between 939 and 949 Stone Church Road East and 34 Ridley Drive, Hamilton, to the abutting property owners;

(b) That approval of these closures and sales be subject to the following conditions:

(i) That the applicants make an application to a District Court Judge, 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 lands to be closed;
(iii) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor;
(iv) That the applicants register reference plans under the Registry Act and that said plans be prepared by an Ontario Land Surveyor to the satisfaction of the Senior Project Manager, Survey and Technical Services and that the applicants deposit a reproducible copy of said plans with the Senior Project Manager, Survey and Technical Services;

(c) That provided the Judge's Orders to permanently close the lands is granted:

(i) That the Acting City Solicitor be authorized and Corporate Counsel be directed to prepare the By-laws to permanently close for the highways;
(ii) That the appropriate By-laws be introduced and enacted by Council;
(iii) That the Development and Real Estate Division, Planning and Economic Development Department be authorized and directed to sell this closed highways in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299;
(iv) That the City Solicitor be authorized and directed to register certified copies of the By-laws permanently closing the highways in the proper land registry office;
(v) That the By-laws permanently closing the highways do not take effect until certified copies of the By-laws are registered in the proper land registry office;
(vi) 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-laws. CARRIED

5. Request to Transfer Millennium Partnerships Funding to the Central Composting Facility (PW07010) (City Wide) (Item 8.1)

(Powers/Jackson)
That the Ministry of Public Infrastructure Renewal be requested to transfer $2.126 million of Millennium Partnerships funding from the SWARU Decommissioning project (File 7109) and the Community Recycling Centres construction (File 7107) to the Central Composting Facility (File 7104). CARRIED

6. South Mountain Complex – Status Update/Approval of Agreements (PW07018/FCS07025) (Ward 7) (Item 8.2)

(Jackson/Merulla)
(a) That the Mayor and City Clerk be authorized and directed to execute the agreements as outlined in Appendix A to Report (PW07018/FCS07025) between the City of Hamilton and the YMCA, which agreements define the relationship between the YMCA and the City of Hamilton during planning, design and construction of the South Mountain Complex, in a form satisfactory to the City Solicitor;

(b) That Council deem the YMCA Facility of the South Mountain Complex located at 356 Rymal Road East as a Municipal Capital Facility and would therefore, pursuant to section 110(7) of the Municipal Act be exempted from development charges liability ($552,000);

(c) That Council pass a By-law to authorize the exemption listed in recommendation (b) of Report PW07018/FCS07025. CARRIED

7. Support for Great Lakes and St. Lawrence Cities Initiative Water Conservation Framework (City Wide)

(Bratina/Jackson)
(a) That the resolution of the Great Lakes and St. Lawrence Cities Initiatives, attached hereto as Appendix “A”, with respect to participating municipalities reaching a 15% percent water use reduction below a year 2000 baseline by the year 2015, be endorsed.;

(b) That the Great Lakes and St. Lawrence Cities Initiatives be advised accordingly. CARRIED
8. **Pedestrian Signal at DiCenzo Drive and Stone Church Road East**

   (Jackson/Merulla)
   (a) That an intersection pedestrian signal be implemented at the intersection of DiCenzo Drive and Stone Church Road East;
   
   (b) That the appropriate by-law be passed and enacted. \textit{CARRIED}

9. **Permanent Closure of Mount Albion Road (New Business – No Copy)**

   (Collins/Jackson)
   That Council recommit to permanently closing Mount Albion Road upon the opening of Red Hill Valley Parkway. \textit{CARRIED}

10. **Ontario Water Resources Act Charges – Treated Effluent Diversion (LS02006(d)) (City Wide)**

    (Merulla/Ferguson)
    (a) That Report LS02006(d) respecting Ontario Water Resources Act Charges – Treated Effluent Diversion, be received;
    
    (b) That the contents of Report LS02006(d) remain confidential as it pertains to pending litigation. \textit{CARRIED}

**FOR THE INFORMATION OF COUNCIL:**

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

   The Clerk advised of the following change:
   
   (i) Request from Mr. R. Bandiera to defer Item 5.4 respecting Fifty Point Subdivision – Lochside Drive – Diversion of Storm Sewer and Sanitary Sewer Trenches to the February 19, 2007 meeting of the Committee or to address the Committee, should the report be considered at today's meeting
   
   (ii) Added Motion – Item 9.1 – Pedestrian Signal at DiCenzo Drive and Stone Church Road East, Hamilton

   (Powers/Ferguson)
   That the agenda be approved, as amended. \textit{CARRIED}

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

   None.
(c) **APPROVAL OF MINUTES (Item 3)**

(Mitchell/Collins)
That the Minutes of the January 15, 2007 meeting of the Public Works, Committee be received and adopted as presented. **CARRIED**

(d) **Fifty Point Subdivision - Lochside Drive - Diversion of Storm Sewer and Sanitary Sewer Trenches (PW07019)/(PED07057) (Ward 11) (Item 5.4)**

(Mitchell/Bratina)
(a) That Report PW07019/PED07057 respecting Fifty Point Subdivision - Lochside Drive - Diversion of Storm Sewer and Sanitary Sewer Trenches, be deferred to the February 19, 2007 meeting of the Public Works Committee in order to allow Mr. Renzo Bandiera the opportunity to address the Committee;

(b) That the request to appear from Mr. Renzo Bandiera be received. **CARRIED**

(e) **South Mountain Complex – Status Update/Approval of Agreements (PW07018/FCS07025) (Ward 7) (Item 8.2)**

Gerry Davis gave an overview of the project and introduced the team involved with the project, including Jim Commerford, CEO and President of the YMCA of Hamilton/Burlington, Brian Posavad, Vice President, Capital Development and Membership Centres, YMCA of Hamilton/Burlington, Ken Roberts, Chief Librarian, Steve Dickson, Solicitor and Clark Euale, Project Manager (Facilities).

Jim Commerford, CEO and President of the YMCA, was called upon to address the Committee with respect to the fund raising efforts that have been undertaken and thanked the City for its support of this project.

Councillor McCarthy acknowledged Councillor Jackson and all of the staff involved in this community/private partnership for their work.

(f) **Traffic Signal Installation Requests**

(Jackson/Merulla)
That staff be directed to bring forward a composite list of all requests for traffic signal installation, including requests received through community petitions, etc., indicating what will be recommended in 2007, including the total number and costs involved, for discussion during the 2007 budget deliberations.
(g) **Golden Horseshoe Marathon 2006 (Item 8.3(b))**

Staff advised that recommending the request of the Golden Horseshoe Marathon 2006 for relief from a past due payment of $192.11 would set a precedent, which would then allow opportunities for other organizations to make similar requests and it is against existing policy; therefore, staff recommend denial of this request.

(Collins/Merulla)

That the request from the organizers of the Golden Horseshoe Marathon 2006 for relief of past due payment of $192.11 be referred to the Grants Subcommittee for consideration. **CARRIED**

(h) **Correspondence from the Honourable Lawrence Cannon, Minister of Transport, Infrastructure and Communities respecting federal funding assistance to introduce a Bus Rapid Transit (BRT) System (Item 8.3(c))**

Scott Stewart advised that his staff is working with staff from the Mayor’s office to provide additional information to the Minister with respect to Hamilton’s proposed BRT project. Any correspondence forwarded to the Minister will be circulated to members of the Public Works Committee

(Powers/Jackson)

That the correspondence be received. **CARRIED**

(i) **Private and Confidential – Ontario Water Resources Act Charges – Treated Effluent Diversion (LS02006(d)) (City Wide) (Item 12.1)**

(Ferguson/Collins)

That the Committee move into Closed Session on the above-noted subject matter as it pertains to pending litigation. **CARRIED**

(Ferguson/Collins)

That the Committee reconvene in Open Session. **CARRIED**

See Item 10.

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

(i) Outstanding Business Item: Urban Braille - Advisory Committee for Persons with Disabilities - **Item to be transferred to Outstanding Business List of Economic Development and Planning Committee**

(ii) Outstanding Business Item: Recommendations from the Seniors Advisory Committee and Advisory Committee for Persons with Disabilities respecting transit issues

Due Date: February 5, 2007  **(New Due Date: 2007 Budget Deliberations - Committee of the Whole)**
(Ferguson/Mitchell)
That the Outstanding Business List of the Public Works Committee be amended accordingly. CARRIED

There being no further business, the Committee adjourned at 10:15 a.m.

Respectfully submitted

Councillor M. McCarthy
Chair
Public Works Committee

Carolyn Biggs
Legislative Assistant
February 5, 2007