Public Works, Infrastructure and Environment Committee

REPORT 06-004
9:30 a.m.
Monday, March 6, 2006
Council Chambers
2nd Floor, Hamilton City Hall
71 Main Street West, Hamilton

Present: Councillors M. McCarthy, Chair and M. Merulla, Vice Chair
Councillors D. Braden, C. Collins, P. Bruckler, T. Jackson
and D. Mitchell

Absent with regrets: Councillor M. Ferguson, Illness

Also Present: Councillors B. McHattie, M. Pearson and A. Samson
G. Peace, City Manager
S. Stewart, General Manager, G. Davis, B. Goodger,
J. Harnum, D. Hull, J. Mater, C. Murray, B. Shynal, Public
Works Department
T. McCabe, Planning and Development
H. Vastis and A. Zuidema, Legal Division
I. Bedioui, Clerk’s Office

THE PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT
COMMITTEE PRESENTS REPORT 06-006 AND RESPECTFULLY
RECOMMENDS:

1. To Incorporate Certain City Land Into Various Streets by By-Law
   (PW06002b) - (Affects Wards 9 and 11) (Item 5.1):

   (a) That the following City land be incorporated into the following
       streets:

       Hampshire Place       Block 167
       Plan 62M-918           Ward 9

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Southbrook Drive Blocks 66 and 67 Plan 62M-961 Ward 11

(b) That the By-Laws to carry out the incorporation of the said land into the foregoing streets be prepared to the satisfaction of the Corporate Counsel and be enacted by Council.

(c) That the General Manager, Public Works, be authorized and directed to register the By-Laws.

2. Request for a “No Right Turn on Red” Regulation - Main Street West at McMaster University’s Entrance (PW06031) - (Ward 1) (item 5.2)

That a “No Right Turn on Red” regulation be implemented for southbound traffic exiting McMaster onto Main Street West and that the by-law outlined in Report PW06031 as Appendix “A” be passed and enacted.

3. Speed Limit Change - Brock Road between Regional Road 97 and Concession 6 West (PW06032) - (Ward 14) (Item 5.3)

(a) That the speed limit on Brock Road between 213m south of Concession 8 West to 420m south of Safari Road be set at 60 km/h.

(b) That the speed limit on Brock Road from Regional Road 97 to 591 metres north of Concession 8 West be set at 70 km/h

(c) That the by-law outlined in Report PW06032 as Appendix “A” as amended to include both (a) and (b) above, to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.

4. Letter from the Glanbrook Landfill Co-Ordinating Committee respecting waste from other municipalities. (Item 5.4)

That the letter from the Glanbrook Landfill Co-Ordinating Committee dated February 23, 2006 respecting its policy to not accept any waste from outside the City of Hamilton, be received for information.

5. Red Hill Valley Project - Noise Mitigation Program Expansion Investigation - (PW04074c) - (City Wide) Public Works, Infrastructure & Environment Committee Outstanding Business Item G. (Item 7.1)

(a) That staff continue implementing the noise mitigation program described in PW04074B and add to the list of eligible properties 38 Sinclair Court and 20 Beland Court.

(b) That staff be directed to report back later this year the results of the End Use Plan for the Rennie/Brampton Public Works Yard that
considers, where required, ways to buffer Waterloo Street area residents from the Red Hill Valley Parkway.

(c) That staff be directed to invite representatives of the Red Hill Valley Neighbourhood Association to a future meeting of the Parkway Implementation Committee to discuss the concerns residents have regarding noise and air emissions and the alleged impact this is expected to have on residential property values.

(d) That Item G, “Report on financial implications of various noise mitigation options (Including Glen Castle, Forest Hill, Brookstream, etc.)” be deleted from the Outstanding Business List of the Public Works, Infrastructure and Environment Committee.

See the Information Section, page 7, for further disposition of this Item.

6. Independent Community Panel to Review Flooding Issues (PW06029) - (City Wide) (Item 7.3)
That the members of the Independent Community Panel on Flooding Issues be appointed as follows:

Paul Kovacs
Dr. Paul Kay
Dr. Yiping Guo
Carl Bodimeade
Mark Schollen

7. Valley Inn Road Bridge Municipal Class Environmental Assessment (PW06030) - (Ward 1) (Item 8.1)
(a) That the General Manager, Public Works, be authorized and directed to file the Valley Inn Road Bridge Municipal Class Environmental Assessment Project File Report with the Municipal Clerk for a minimum 30 day public review period;

(b) That upon final approval of the 2006 Capital Budget, the General Manager, Public Works Department, be authorized and directed to proceed with the implementation of the preferred alternative.

8. Request for Council Resolution - Downloading of Upper James Street (Former Highway 6 - Former Township of Glanbrook) (PW06035) - (Ward 11) (Item 8.2)
(a) That the Ministry of Transportation be advised that the City of Hamilton declines to accept the transfer of Highway 6 (former Township of Glanbrook) from the Ministry of Transportation.

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(b) That the Ministry of Transportation be requested to remove the “Special Controlled Access Highway” designation on Highway 6 (south);

(c) That a copy of this report be forwarded to the Minister of Transportation and all area MPP’s.

(d) That the Ministry of Transportation be further advised that the City of Hamilton desires to continue negotiations in an effort to achieve a transfer agreement that is financially fair to both parties.

9. Agreement to Accept Compensation - Borgacci, Maiero, Starai, Nella
Expropriation of Part of 1173 Golf Links Road, Former Town of Ancaster, Part 1 on Expropriation Plan 28999 (PW06028) / (LS06005) / (PED06071) (Ward 12) (Item 8.3)

(a) That an Agreement by the Owner to Accept Compensation, resulting from the expropriation of certain lands known as part of 1173 Golf Links Road (as shown on Appendix A and B to attached Report PW06028/LS06005/PED06071, in the former Town of Ancaster, be executed by the former owners Anna Borgacci, Gaetano Maiero, Ricardo Starai and Emilio Nella and spouses, and any others as may be required, scheduled to close on or before March 24, 2006, for the lands described as Part 2 on Plan 62R-10459 and designated as Part 1 on Expropriation Plan 28999, registered on December 14, 1989, be approved and completed and that the total full and final compensation of $2,636,000, of which $580,000 has already been paid, be charged to Account Number 59259-4060087001 (Freeway Land Purchase);

(b) That a final payment of Two Million and Fifty-Six Thousand Dollars ($2,056,000) resulting from the settlement of the expropriation of part of 1173 Golf Links Road be made to Camporese and Associates, in Trust for the owners;

(c) That should the Agreement by Owner to Accept Compensation for the expropriated lands at 1173 Golf Links Road, being recommended in Sub-section (a) above, be approved, but should the final payment of $2,056,000 not be made by the agreed closing date of March 24, 2006, that an additional interest compensation in the amount of $150 per diem from March 25, 2006 to the actual date of closing, will be paid to the owners, but only if in the opinion of the City Solicitor that the delay to the final payment is caused by the City of Hamilton;
(d) That the Mayor and City Clerk be authorized and directed to execute any necessary documents in a form satisfactory to the City Solicitor;

(e) That the Red Hill Valley Project budget be increased by $2,056,000 for this expropriation settlement, as included in the 2006 Capital Budget submission and subject to final approval of the budget.

10. Recommendation from Brant County Council respecting “Watertight: The Case for Change in Ontario’s Water and Wastewater Sector”. (Referred from Council February 15, 2006.) (Item 8.4)

That the recommendation from Brant County Council respecting “Watertight: The Case for Change in Ontario’s Water and Wastewater Sector” dated January 17, 2006 be received for information.

11. Stop Sign at the N/E corner of Charlton Avenue West and Kent Street (Item 9.1)

That tiger tail markings be placed on the stop sign at the N/E corner of Charlton Avenue West and Kent Street to ensure pedestrian safety.

FOR THE INFORMATION OF COUNCIL:

(a) Changes to the agenda (Item 1):

The Clerk advised of the following changes to the agenda which were approved:

(i) Added delegation request from Mr. Roy Maiero requesting to speak to Item 8.3 on today’s agenda.

(ii) Added delegation request from Mr. Ed Fothergill requesting to speak to Item 8.2 on today’s agenda

(iii) Added Motion from Councillor Braden with respect to Item 5.3 on today’s agenda.

(iv) Added delegation request from Mr. Manfred Rudolph wishing to speak to Item 8.3.

(v) Added delegation request from the Hamilton Halton Home Builders Association with respect to Item 7.2.

(b) Declarations of Interest (Item 2)

None declared.
(c) **Minutes (Item 3)**

The Minutes of the February 20, 2006 meeting were approved as presented.

(d) **Delegation Requests**

The following delegation requests were approved to be heard today:

(i) Mr. Roy Maiero approved to speak to Item 8.3 on today’s agenda. Added as Item 8.3.1.

(ii) Mr. Ed Fothergill approved to speak to Item 8.2. Added as Item 8.2.1.

(iii) Mr. Manfred Rudolph was approved to speak to Item 8.3 on today’s agenda. Added as Item 8.3.2.

(iv) A representative from the Hamilton Halton Home Builders Association was approved to speak to the Tree By-law (Item 7.2). His delegation was added as Item 7.2.1.

(e) **Speed Limit Change - Brock Road between Regional Road 97 and Concession 6 West (PW06032) - (Ward 14) (Item 5.3)**

The Committee approved Councillor Braden’s motion in place of the staff recommendation.

(f) **Public Hearings/Delegations**

(i) **Brian Penman, Chair of Conservation Halton, respecting Watershed Report Card (Requested December 20, 2005 by Gary Hutton, Communications Services Director and approved by Committee January 16, 2006) (Item 6.1)**

Mr. Penman addressed Committee and made a PowerPoint presentation respecting the Watershed Report Card. He advised that Conservation Halton is launching a new community outreach program called Streams of Dreams. Bags have been distributed this morning to Committee members and will also be distributed to the balance of Council and senior staff. The bags contain a wooden cut out fish and Councillors and staff are requested to paint the fish and return it to Conservation Halton. Every area Councillor and Mayor are being challenged to participate in this initiative.
Mr. Penman asked that the Committee review the report card and provide feedback.

On a motion (Jackson/Bruckler) the Committee received the presentation.

(g) Staff Presentations

(i) Red Hill Valley Project - Noise Mitigation Program Expansion Investigation - (PW04074c) - (City Wide) Public Works, Infrastructure & Environment Committee Outstanding Business Item G (Item 7.1)

Chris Murray made a PowerPoint presentation providing an overview of the report and a hard copy was distributed.

The following amendment to the staff recommendation was referred (Collins/Mitchell) to the Red Hill Parkway Steering Committee for review to determine if it would set a precedence and for response back at the next Council meeting:

That the following be added to the Red Hill Valley Project – Noise Mitigation Program Expansion Investigation (PW04074c) as subsection (e):

(e) That the properties at 252 Hixon Road, 35 Sinclair and 40 Sinclair Court be added to the noise mitigation program for front yard noise relief, subject to funds being available following the completion of the noise mitigation program.

The staff recommendation (subsections (a) to (d)) was approved as presented.

(ii) City of Hamilton Public Trees By-law (PW06034) - (City Wide) (Item 7.2)

Bryan Shynal introduced Katie Fernandes, Tami Sadonojz and Mike McNamara who were in attendance to assist Committee with the PowerPoint presentation. Bryan Shynal and Katie Fernandes made the presentation which summarized highlights of the proposed by-law and policies.

Bryan Shynal advised that the by-law will be amended to comply with a request made by the Hamilton Halton Home Builder’s Association respecting trees on private lands which are assumed by the City for road development.

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A discussion followed and the Committee requested that staff investigate some of the following suggestions and comments:

- cost savings opportunities with respect to felled trees
- providing guidance to residents when selecting trees for planting

Councillor Samson submitted to the Clerk a list outlining his concerns with respect to the proposed by-law and policies which was also referred to staff.

(1) **Adi Irani, Director of the Hamilton Halton Home Builders Association (Added Item 7.2.1.)**

Adi Irani from Hamilton Halton Home Builders Association addressed Committee and explained that the Association is generally in support of the report. He requested that some changes be made such as:

- private lands being assumed by the City for road development should be exempt from the policy
- amendments to the proposed set back requirements (i.e. that the 1.5 metre set back requirement in Appendix B with respect to driveway set backs be changed to a minimum of 0.8 metres and that the measurements indicated in Appendix D be qualified as being minimum requirements
- the compensation formula should be included in the policy.

(2) **Referral Motion**

The Committee approved the following motion (Mitchell/Jackson):

(a) That Item 7.2 respecting City of Hamilton Public Trees By-law be referred back to staff for review and report back to the next Public Works, Infrastructure and Environment Committee Meeting addressing the Committee’s input.

(b) That the rural components of the by-law and policies be referred to the Agriculture and Rural Affairs Committee for review and comment.

(h) **Request for Council Resolution - Downloading of Upper James Street (Former Highway 6 - Former Township of Glanbrook) (PW06035) - (Ward 11) (Item 8.2)**

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(1) Ed Fothergill, President of Fothergill Planning and Developments Inc. (Added Item 7.2.1))

Mr. Ed Fothergill addressed Committee and advised that he has a client who owns land in the area of the proposed downloading which is zoned commercial and who wishes to apply for an Automotive Sales Zoning but the Province won’t provide him an access. Mr. Fothergill requested that the Committee table this report because the Province is impeding development by not providing access permits and therefore, the City is denied any development charges that it would be entitled to through new development.

Chair McCarthy relinquished the Chair to Councillor Merulla in order to participate in the debate and indicated that she does not support the Province’s downloading proposal.

Councillor McCarthy assumed the Chair and after some discussion, the Committee amended the staff recommendation (Mitchell/Jackson) by adding a subsection (d).

(i) Agreement to Accept Compensation - Borgacci, Maiero, Starai, Nella
Expropriation of Part of 1173 Golf Links Road, Former Town of Ancaster, Part 1 on Expropriation Plan 28999 (PW06028) / (LS06005) / (PED06071) (Ward 12) (Item 8.3)

(1) Delegation from Mr. Roy Maiero (Added Item 8.3.1)

Mr. Roy Maiero addressed Committee and advised that he is the son of Gaetano and Maria Maiero and the Executor of their Estate and the managing partner for the owners.

He requested that subsection (b) of the recommendation be amended by deleting the words Manfred Rudolph Law Office and inserting the words Camporese Associates

(2) Delegation from Mr. Manfred Rudolf (Added Item 8.3.2)

Mr. Rudolf addressed Committee and advised that he has been practicing law for 25 years. He indicated that he has been working on this file since 1988 and after 18 years of working on this case, he just found out last night that he has been terminated and now the settlement cheque will be delivered to another law firm.

He indicated that he has to pay the consultants that he hired for this case and requested that the City withhold $207,325.84 so that he can ensure that they are paid for their services.

The Committee moved In Camera (Jackson/Collins) to receive advice that is subject to solicitor/client privilege.

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The Committee reconvened in Open Session (Bruckler/Braden) and approved the amended staff recommendation with the change to the law firm name.

(j) General Information / Other Business

(i) The Outstanding Business List was amended by changing the due dates as follows:

(1) Outstanding Business List Item C, Annual report re: Hamilton Water and Waste water operations due date changed to **April 3, 2006**

(2) Outstanding Business List Item E, Report respecting volume of cars on Garth Street, due date changed to **October 2, 2006**.

(3) Outstanding Business List Item G, Additional cemetery RFP, due date changed to **April 3, 2006**.

(4) Outstanding Business List Item H, Implementation of roundabouts in Ward 4, due date changed to **October 2, 2006**.

(5) Outstanding Business List Item L, Patio Fees, due date changed to **April 3, 2006**.

(6) Outstanding Business List Item M, Purchase of Bulk Fuel, due date changed to **June 5, 2006**.

(7) Outstanding Business List Item N, Native tree nursery initiative, due date changed to **June 19, 2006**.

(8) Outstanding Business List Item T, “Slow Moving Vehicles: Caution Signs, due date changed to **date April 3, 2006**.

(9) Outstanding Business List Item Z, Tree removal for scenic vistas, due date changed to **April 3, 2006**.

(ii) Petition from Residents requesting traffic light at Highway No. 8 and Winona Road:

Councillor Mitchell submitted a petition to the Clerk with nearly 1,000 signatures requesting a traffic light at Highway No. 8 and Winona Road which was referred to staff by motion (Mitchell/Bruckler) for report back to Committee.

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(iii) Pioneer Gas Station on Upper Centennial Parkway across from Green Mountain Road

On a motion (Bruckler/Jackson) staff were requested to investigate safety concerns with traffic entering and exiting the Pioneer Gas Station on Upper Centennial Parkway across from Green Mountain Road as it has been the site of 68 accidents in the last 4 years and report back to Committee on recommendations on how to improve traffic safety of this location.

(k) Adjournment

There being no further business, the meeting of the Public Works, Infrastructure and Environment Committee adjourned at 12:05 p.m.

Respectfully submitted,

Councillor Margaret McCarthy, Chair
Public Works, Infrastructure and Environment Committee

Ida Bedioui, Legislative Assistant
Public Works, Infrastructure and Environment Committee
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