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

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

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 13-008 AND RESPECTFULLY
RECOMMENDS:

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

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

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

(a) That the application to permanently close and purchase the unopened road
allowance known Hazelwood Avenue, Ancaster, as shown on Appendix A, 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;

(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.

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

(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, 2006*;

(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, Report PW13044, 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.

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

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

(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


(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.

**FOR THE INFORMATION OF COUNCIL:**

(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.

The June 17, 2013 Public Works Committee Agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) MINUTES (Item 3)

(i) June 3, 2013 (Item 3.1)

The Minutes of the June 3, 2013 Public Works Committee meeting were approved as presented.

(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)

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

(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)

The Delegation Request from James Burnett to provide information the benefits of garbage and waste incineration, was approved.
(e) CONSENT ITEMS (Item 5)

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

The following Advisory and Sub-committee Minutes were received for information:

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

(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 announced that the proposed closure and sale of the road allowance was a Public Hearing. He indicated that notice of the meeting was advertised in the Hamilton Spectator on June 7, 2013. The Committee Clerk 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 matter. No one came forward.

On a Motion the staff presentation respecting Proposed Permanent Closure and Sale of the Road Allowance of Hazelwood Avenue, Ancaster, was waived.

For disposition on this matter refer to item 2.

(g) PRESENTATIONS (Item 7)

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

This item was 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)

The following items of correspondence respecting Report PW13049, were 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.

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

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

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

(i) Outstanding Business List (Item 11.1)

1. Item Requiring Approval for Removal

   On a Motion the following item was approved for removal from the Outstanding Business List:

   Item G - Delegation by Alex Sears respecting improvements and changes

2. Item Requiring Revised Due Date

   On a Motion the following revised due date was approved:

   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)

On a Motion 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 administrative tribunals, affecting the City and advice that is subject to solicitor-client privilege including communications necessary for that purpose.

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