Public Works, Infrastructure and Environment Committee

MINUTES 05-013
9:30 a.m.
Monday, September 19, 2005
Council Chambers
2nd Floor, Hamilton City Hall
71 Main Street West, Hamilton

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

Absent with regrets: Councillor S. Merulla, City business

Also Present: Councillors B. Bratina and B. McHattie
S. Stewart, General Manager, G. Davis, B. Goodger, J. Harnum, D. Hull, J. Mater, B. Shynal, and M. L. Tanner, Public Works Department
I. Bedioui - Clerk’s Department

THE FOLLOWING ITEMS WERE REFERRED TO COUNCIL FOR CONSIDERATION:

1. Volunteer Committee Minutes – For Information (Item 5.1):
   (Ferguson/Collins)
   That the following Volunteer/Sub-Committee Minutes be received for information:
   (a) Niagara-Hamilton WastePlan Working Group Minutes of January 20, 2005 Meeting
   (b) Niagara-Hamilton WastePlan Working Group Minutes of March 10, 2005 Meeting
   (c) Niagara-Hamilton WastePlan Working Group Minutes of April 14, 2005 Meeting
   (d) Niagara-Hamilton WastePlan Working Group Minutes of May 19, 2005 Meeting

Council – September 28, 2005
2. **Intersection Control List – September 19, 2005 (PW5001d) (Wards 2, 6, & 15) (Item 5.3)**

*Ferguson/Collins*

That the appropriate By-law be presented to Council to provide traffic control as follows:

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Stop Direction</th>
<th>Class</th>
<th>Location Comments</th>
<th>Ward</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alderson Rd</td>
<td>E/B</td>
<td>A</td>
<td>S. of Carlisle Rd, E of Centre Rd</td>
<td>15</td>
</tr>
<tr>
<td>Alger Crt</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Park St</td>
<td>S/B Stop, W/B Stop</td>
<td>A</td>
<td>W. of James, S. of Hunter</td>
<td>2</td>
</tr>
<tr>
<td>Duke St</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rideau Cr</td>
<td>E/B Stop</td>
<td>A</td>
<td>S. of Mohawk, E. of Upper Ottawa</td>
<td>6</td>
</tr>
<tr>
<td>Moxley Dr</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kathleen Ct</td>
<td>W/B Stop</td>
<td>A</td>
<td>N. of Mohawk, E. of Upper Gage</td>
<td>6</td>
</tr>
<tr>
<td>East 45th St</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

CARRIED

3. **To Incorporate Certain City Land Into Various Streets by By-law (PW05002e) - (Affects Wards 10 and 11) (Item 5.4)**

*Ferguson/Collins*

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

- **Hemlock Avenue**
  - Part 1
  - Plan 62R-17212
  - Ward 10

- **Kopperfield Lane**
  - Parts 1, 2, 3, and 4
  - Plan 62R-17151
  - 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.

CARRIED
4. Urban Forest Health Program Report (PW05115) - (City Wide) (Item 7.1)

(McCarthy/Bruckler)
That the Urban Forest Health Program report and implementation plan as outlined in Report PW05115 be approved to guide staff in the ongoing delivery and development of the program.

CARRIED

5. Sanitary Sewer Construction - Windemere Road and Shippee Avenue (PW05113) - (Ward 11) - Outstanding Business Item Z of the Public Works, Infrastructure & Environment Committee Agenda of September 12, 2005 (Item 8.1)

(Mitchell/Braden)
(a) That the construction of a sanitary sewer extension on Shippee Avenue from McCollum Road to Windemere Road and on Windemere Road (north-south and east-west sections) be approved as an owner initiated project subject to the following conditions:

(i) That a Schedule B Class Environmental Assessment under the Municipal Engineers Association Municipal Class Environmental Assessment (June 2000) be completed on Windemere Road for the additional easement required for the sanitary sewer, to the satisfaction of the City of Hamilton and at the sole expense of the benefiting adjacent property owners; and,

(ii) That the adjacent property owners on Windemere Road grant the required easements to the City to construct the proposed sanitary sewer. The location and width of the easement must be to the satisfaction of the General Manager of Public Works and must also include the relocated utilities as required to construct this work; and,

(iii) That the “Petition Package” for the installation of sanitary sewers on Shippee Avenue and Windemere Road be prepared and sent to the owners of lands at No. 55 Windemere Road for circulation to all the benefiting property owners; and,

(iv) That upon receipt of a “sufficiently petitioned for” petition that the City commence the Schedule “B” EA process, including an Information Meeting with all the benefiting property owners, to outline the next steps in the sanitary sewer construction process on Shippee Avenue and Windemere Road.

(b) That the City reconstruct Shippee Avenue from McCollum Road to approximately 150 metres northerly, including appropriate storm...
drainage works, and construct a cul-de-sac bulb at the northerly end and that the Shippee Avenue works to be charged to 4030580582 Annual Road Urbanization account (the cost of the works is estimated at approximately $200,000).

(c) That the installation of sanitary sewers on Shippee Avenue and Windemere Road proceed in accordance with recommendation (a) of Report PW05113, the General Manager of Finance and Corporate Services be authorized and directed to prepare the Municipal Act cost recovery by-law for the recovery of capital costs of the construction of the sanitary sewer extension on Shippee Avenue from McCollum Road to Windemere Road, and on Windemere Road (north-south and east-west sections) from the benefiting properties as outlined in Appendix “B” to Report PW05113, at the time of completion of construction.

(d) That Staff be directed to remove Item Z from the Public Works, Infrastructure & Environment Committee Outstanding Business List. CARRIED

6. Mewburn Sheldon Neighbourhoods Master Servicing Plan Approval to Expropriate for Sewer Easement South of Stone Church Road - Upper James to West 5th Street as Approved in 2004 Environmental Assessment (PW04133a) - (Ward 8) (Item 8.2) (Jackson/Collins)

(a) That the City Solicitor be authorized and directed to proceed with the necessary steps to expropriate an easement over the following lands for the purposes of sanitary sewer installations:

<table>
<thead>
<tr>
<th>Municipal Address</th>
<th>Owner</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1041 West 5th Street</td>
<td>Kenneth N. Ramey</td>
<td>Part 1 Plan 62R-15255</td>
</tr>
<tr>
<td>City of Hamilton</td>
<td></td>
<td>PIN #16912-0017 (LT)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Roll # 251808095405102480</td>
</tr>
<tr>
<td>1073 West 5th Street</td>
<td>DiCenzo Construction</td>
<td>Part 2 Plan 62R-15255</td>
</tr>
<tr>
<td>City of Hamilton</td>
<td>Company Limited</td>
<td>PIN #16912-0019 (LT)</td>
</tr>
<tr>
<td></td>
<td>-Mascia Enterprises Limited</td>
<td>Roll # 251808095102450</td>
</tr>
<tr>
<td></td>
<td>-Mary Finochio</td>
<td></td>
</tr>
<tr>
<td>1420 Upper James</td>
<td>Rencoast</td>
<td>Part 3 Plan 62R-15255</td>
</tr>
<tr>
<td>City of Hamilton</td>
<td></td>
<td>PIN #16912-0017 (LT)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Roll # 251808095405104730</td>
</tr>
</tbody>
</table>

(b) That the City Solicitor, and the City Clerk sign an Application for Approval to Expropriate by the City of Hamilton to City Council for an easement over the lands shown as Parts 1, 2 and 3 on Plan 62R-15255, for the purposes of installing sanitary sewers;
(c) That the Application of the City of Hamilton, signed by the City Clerk, to expropriate an easement described in Sub-section (a) be authorized and that the said Application be hereby received and that the City Solicitor be authorized and directed to cause the necessary notices in this application to be served on the registered owners of the lands affected and, for advertisement of the said Notice of Expropriation to be placed in The Hamilton Spectator, or other local newspaper, for three (3) consecutive weeks;

(d) That the City Solicitor be authorized to forward to the Chief Inquiry Officer any Request for Hearings received and to report to City Council such information;

(e) That, in the event no Requests for Hearings are received, the City Solicitor be authorized to introduce the Expropriation By-Laws to City Council;

(f) That the Manager of Real Estate, Planning and Economic Development Department, be authorized and directed to retain an independent fee appraiser to prepare an appraisal of fair market value of the easement lands described in Sub-section (a) to form the basis of compensation to be offered by the City and that the Manager of Real Estate, if and when necessary, be authorized and directed to negotiate compensation with the owners of the lands to be expropriated on the basis of the appraisal report;

(g) That all the costs of the expropriation be charged to Capital Budget Item No. 5160480483 West 5th Street Sanitary Sewer.

CARRIED

7. Local Authority Services (LAS) (PW05106) - (City Wide) (Item 8.3)

   (Bruckler/Collins)

(a) That the City of Hamilton participate in the Local Authority Services (LAS) Natural Gas Procurement Program (GASAMO), subject to Legal review.

(b) That the City of Hamilton participate in the Local Authority Services (LAS) Electricity Procurement Program, subject to Legal review.

(c) That the Director of Fleet and Facilities or his designate be granted the authority to execute all documentation in a form acceptable to the City Solicitor related to recommendations (a) and (b) above.

   CARRIED
8. Tree Removal and Replacement - 61 Robinson Street (PW05114/PED05122) - (Ward 2) (Item 8.4)

(McCarthy/Jackson)

That the removal and replacement of one municipal tree (620mm d.b.h Norway Maple) located at 61 Robinson Street be approved and that all costs associated with the removal and replacement of this tree, by City staff, determined to be $7,092.09 excluding applicable taxes, be paid by the developer of 61 Robinson Street.

CARRIED

FOR THE INFORMATION OF COUNCIL:

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

(Ferguson/Bruckler)

That the changes to the agenda, as noted by the Clerk, be approved as follows:

(i) That consideration of Item 5.2 be delayed until later in the meeting when Councillor Bratina is able to attend as he wishes to speak to this Item (See (f) below).

(ii) That a staff presentation be added to Item 8.1 respecting sanitary sewers on Windemere Road and Shippee Avenue, and

(iii) That Item 8.1 be considered prior to Mr. Kevin Dhinsa’s delegation (Item 7.1) on the same topic.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

(c) Minutes (Item 3)

(Ferguson/Bruckler)

That the Minutes of the September 12, 2005 Public Works, Infrastructure and Environment Committee Meeting be approved as presented.

(d) Staff Presentations

(i) Sanitary Sewer Construction - Windemere Road and Shippee Avenue (PW05113) - (Ward 11) - Outstanding Business Item Z of the Public Works, Infrastructure & Environment Committee Agenda of September 12, 2005 (Item 8.1)

Mary Lou Tanner made a PowerPoint presentation in which she provided an overview of the City’s funding methodology policy with
respect to infrastructure. She indicated that the requirements of the Municipal Act Petition process need to be satisfied and she explained the steps as outlined in the report.

(e) Delegations/Public Meetings:

(i) Kevin Dhinsa, August 29, 2005, concerning City report respecting sewers on Windemere Road which will be on upcoming Public Works, Infrastructure and Environment Committee Agenda. (Item 7.1)

Ms. Dhinsa addressed Committee and stated that he is a resident at 55 Windemere Road. He indicated that five of his neighbours were also in attendance.

He advised that he had made a delegation to the Committee with respect to this issue last March and explained that the residents of Windemere Road are not requesting to receive anything for free. Shippee Avenue is a new development and in his opinion, the developer should be covering the costs of the sewer installation. He indicated that the City has not been maintaining Windemere Road and it is in poor condition.

He also expressed concerns that a resident is pumping sewage into the lake and the City isn’t addressing the issue.

The Committee discussed the matter and Chairman Mitchell relinquished the Chair to Councillor McCarthy to participate in the debate and to move the staff recommendation.

The Committee asked staff to see if somehow the developer can be urged to complete the work sooner so that Windemere Road could finally be repaired by a more durable method, rather than the spot repairs currently being undertaken while construction is still underway. Staff were also requested to determine the cost of the watermain if it needs to be relocated.

Councillor Mitchell assumed the Chair and the Committee approved the staff recommendation.

(f) Temporary Closure of Hess Street South between George Street and King Street for a Halloween Street Festival (PW05116) - (Ward 2) (Item 5.2)

Councillor Bratina expressed concerns with the Hess Street late night operations. He has received numerous complaints about loud music being played beyond 11:00 p.m., the City parking lot not being cleaned
up after an event, and the requisite police fees not being paid. The operators are not following the rules and owe money.

(Ferguson/McCarthy)
That Item 5.2 respecting Temporary Closure of Hess Street South between George Street and King Street for a Halloween Street Festival (PW05116) - (Ward 2) be TABLED in order to allow the Ward Councillor time to consult with the interested parties (residents, bar owners, police, etc.).

CARRIED

(g) Staff Presentations

(i) Urban Forest Health Program Report (PW05115) - (City Wide) (Item 7.1)

Bryan Shynal provided a verbal overview of the report and responded to questions posed by the Committee.

After some discussion, the Committee approved the staff recommendation.

(h) Outstanding Business List Updates

(Jackson/Collins)

(i) That the due dates of the following be amended as indicated:


Council – September 28, 2005
7. Outstanding Business List Item KK – Truck Route Sub-Committee Report 05-001 -funding source for a truck route master plan in the amount of $200,000, due date September 19, 2005 changed to **October 3, 2005**.

CARRIED

(ii) Councillor Braden indicated that he isn’t able to attend tomorrow’s Planning and Economic Development Committee meeting and requested that his Committee colleagues be aware of the *Chop Shop* issue on the agenda.

(iii) Councillor Collins requested that staff report back on the status of the City’s non-chemical weed treatment operations. He has received numerous complaints with respect to weeds on boulevards and medians. The mechanical process of removing weeds is much slower and he wishes to know why (i.e. shortage of staff?) and he wonders if the process adds to air pollution.

Councillor Braden suggested that staff consider aquacide.

There being no further business, the meeting of the Public Works Infrastructure and Environment Committee adjourned at 10.55 a.m.

Respectfully submitted,

Councillor David Mitchell, Chair
Public Works, Infrastructure and Environment Committee

Ida Bedioui, Legislative Assistant
Public Works, Infrastructure and Environment Committee
September 19, 2005