Public Works, Infrastructure and Environment Committee

MINUTES 06-009
9:30 a.m.
Monday, May 15, 2006
Council Chambers
2nd Floor, Hamilton City Hall
71 Main Street West, Hamilton

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

Absent with regrets: Councillor M. Ferguson, Illness

Also Present: Councillors B. Bratina and B. McHattie
S. Stewart, General Manager, B. Goodger, J. Harnum,
D. Hull, J. Mater, C. Murray, R. D’Angelo, C. Euale,
K. Fernandez, H. Groen, and E. Switenky, Public Works Department
M. Carter, Customer Service
I. Bedioui, Clerk’s Office

THE FOLLOWING ITEMS WERE REPORTED FOR THE CONSIDERATION OF COUNCIL:

1. Volunteer/Sub-Committee Minutes – For Information (5.1):
   (Pearson/Mitchell)
   That the following Volunteer/Sub-Committee Meeting Minutes be received for information:
   (a) Hamilton Cycling Committee Meeting Minutes of March 1, 2006.
   CARRIED
2. Lane Designation Change - James Street at St. Joseph’s Drive (PW06061) - (Ward 2) (Item 5.2)

(Pearson/Mitchell)
(a) That the centre southbound lane on James Street at Joseph’s Drive be designated for left turning traffic only.

(b) That the by-law outlined in Report PW06061 as Appendix “A” to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.

CARRIED

3. Temporary Closure of Hess Street South Between George Street and King Street (PW06060) - (Ward 2) (Item 5.3)

(Pearson/Mitchell)
That the applications to close Hess Street South between George Street and King Street to hold music festivals and specialty events for the following days and time periods:

(a) Friday, June 23rd at 9:00a.m. to Sunday, June 25th, 2006 at 9:00a.m.

(b) Thursday, July 20th at 9:00a.m. to Sunday, July 23rd, 2006 at 9:00a.m.

(c) Friday, September 15th at 9:00a.m. to Sunday, September 17th, 2006 at 9:00a.m.

be approved subject to the following conditions:

(i) That the prior approval of the Chief of Police or his designate is received, and that such permits or authorizations that may be required by the Chief of Police or his designate are obtained.

(ii) That the applicant provide proof of $5,000,000 public liability insurance naming the City of Hamilton as an added insured party with a provision for cross liability, and holding the City of Hamilton harmless from all actions, causes of action, interests, claims, demands, costs, damages, expenses and loss.

(iii) That all barricading, detour signing and traffic control be subject to the direction and satisfaction of the General Manager of Public Works, or his designate with all costs to be the responsibility of the applicant.

(iv) That all barricading be supplied by and at the expense of the applicant.
(v) That "Temporary Road Closure" signs be installed in advance by the Public Works Department, on the affected roadways, if deemed necessary by the General Manager of Public Works at the sole cost of the applicant.

(vi) That the applicant ensure that clean-up operations be carried out immediately before the re-opening of the roads, to the satisfaction of the General Manager of Public Works at the expense of the event organizer.

(vii) That no property owner or resident within the barricaded area be denied access to their property upon request.

(viii) That all property owners and tenants along the closed portion of the road be notified of the event by the applicant prior to the event in a form acceptable to the General Manager of Public Works.

(ix) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton is aware of the application by Adam Ellis, located at 193 James Street South, to serve alcohol on the road allowance of Hess Street South on Friday June 24, 2005 and Saturday June 25, 2005, from 12:00 pm (noon) to 12:00 am each day.

(x) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton is aware of the applications by Jim Skarratt, located at 19 Hess Street South, to serve alcohol on the road allowance of Hess Street South on Wednesday July 6, 2005 to Sunday July 10, 2005, from 12:00 pm (noon) to 12:00 am each day; and on Friday August 12, 2005 to Sunday August 14, 2005, from 12:00 pm (noon) to 12:00 am each day.

(xi) That the amplified sound, including set up, testing and performance will not begin prior to 11:00 am and will cease by 11:00 pm on all days of the week except Sunday when the amplified sound will not begin prior to 12:00 noon and will cease by 10:00 pm.

(xii) That the applicants be granted an amendment to the City of Hamilton’s Noise By-law No. 79-292 to allow music to be played between the hours of 11:00 a.m. to 12:00 midnight on June 24-26, 2005, on July 6-10, 2005, and on August 12-14, 2005, and that a Licensing & Standards Officer monitor the event and be in attendance if necessary, at the expense of the applicant.

(xiii) That no other music be played outside of any establishments within the closure area at any time, pursuant to the City of Hamilton’s Noise By-law No. 79-292.
Hamilton Zoning By-law, including live music and outdoor speakers.

CARRIED

4. Temporary Closure of King Street West - Westdale Village B.I.A.
Street Festival (PW06058) - (Ward 1) (Item 5.4)

(Pearson/Mitchell)
That the application from the Westdale B.I.A. for the one day temporary
closure of King Street West between North Oval and Sterling
Street/Newton Avenue on Saturday June 10, 2006 from 6:00 am until
12:00 midnight for a street festival, be approved subject to the following
conditions:

(a) That the prior approval of the Chief of Police or his designate is
received, and that such permits or authorizations that may be
required by the Chief of Police or his designate are obtained.

(b) That the applicant provide proof of $5,000,000 public liability
insurance naming the City of Hamilton as an added insured party
with a provision for cross liability, and holding the City of Hamilton
harmless from all actions, causes of action, interests, claims,
demands, costs, damages, expenses and loss.

(c) That all barricading, detour signing and traffic control be subject to
the direction and satisfaction of the General Manager of Public
Works, or his designate with all costs to be the responsibility of the
applicant.

(d) That all barricading be supplied by and at the expense of the
applicant.

(e) That “Temporary Road Closure” signs be installed in advance by
the Public Works Department, on the affected roadways, if deemed
necessary by the General Manager of Public Works at the sole cost
of the applicant.

(f) That the applicant ensure that clean-up operations be carried out
immediately before the re-opening of the roads, to the satisfaction
of the General Manager of Public Works at the expense of the
event organizer.

(g) That no property owner or resident within the barricaded area be
denied access to their property upon request.

(h) That all property owners and tenants along the closed portion of the
road be notified of the event by the applicant prior to the event in a
form acceptable to the General Manager of Public Works.

CARRIED
5. **Status Update - Red Light Camera (RLC) Program Expansion** (PW03150c) (City Wide) **Outstanding Business List Item** (Item 5.5)  
(Pearson/Mitchell)  
(a) That Report PW03150c entitled *Status Update - Red Light Camera (RLC) Program Expansion*, be received.  
(b) That the due date for Outstanding Business List Item G be changed to September 11, 2006.  

CARRIED

6. **Permanent Closure and Sale of a Portion of Helena Avenue Road Allowance, Stoney Creek (PW06059) - (Ward 11) (Item 6.1)**  
(Mitchell/Pearson)  
(a) That the application of the Development and Real Estate Division of the Planning and Economic Development Department, to permanently close and sell a portion of the Helena Avenue road allowance in the former City of Stoney Creek, be approved, subject to the following conditions:  
   (i) That the applicant 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 a portion of the road allowance of Helena Avenue in the former City of Stoney Creek.  
   (ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the portion of road allowance 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 applicant registers a reference plan under the Registry Act and that said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Senior Project Manager, Survey and Technical Services and that the applicant deposit a reproducible copy of said plan with the Senior Project Manager, Survey and Technical Services.  
(b) That provided the Judge's Order to permanently close the road allowance is granted:  
   (i) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway.
(ii) That the appropriate by-law 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 highway at fair market value and 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 a certified copy of the by-law permanently closing the highway in the proper land registry office.

(v) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office.

(vi) That the Public Works Department publish a notice pursuant to Section 300 of the Municipal Act, R.S.O. 1990, of the City’s intention to pass the by-law.

CARRIED

7. Proposed Closure of a Portion of Jarvis Street Road Allowance to Pedestrian Traffic (PW06057/PED06153) - (Ward 2) (Item 6.2)

(Pearson/Jackson)
That the portion of Jarvis Street previously closed to vehicular traffic by by-law 69-17, be permanently closed to pedestrian traffic subject to the following conditions:

(a) That the application to permanently close a portion of the road allowance of Jarvis Street (the highway), known municipally as part of 289, 293 and 297 King Street East and 12 Jarvis Street, be approved.

(b) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway to pedestrian traffic.

(c) That the appropriate by-law be introduced and enacted by Council.

(d) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway to pedestrian traffic in the proper land registry office.

(e) That the by-law permanently closing the highway to pedestrian traffic does not take effect until a certified copy of the by-law is registered in the proper land registry office.

CARRIED
8. City of Hamilton’s Barrier-Free Design Guidelines 2006 (PW06056/FCS06045) - (City Wide) (Item 7.3)

(Merulla/Jackson)
(a) That the newly-revised *City of Hamilton’s Barrier-Free Design Guidelines 2006* be approved as an update of the previous Regional Municipality of Hamilton-Wentworth, and the Corporation of the City of Hamilton’s Barrier Free Design Standards as approved by Regional and City Councils in October 1994.

(b) That the incorporation of the newly-revised *Barrier-Free Design Guidelines* city-wide be approved and made available to both City staff and the public by placing it on the City’s intranet (ENet) as well as myhamilton.ca websites.

(c) That all corporate Legal documentation (including Purchasing) pertaining to the procurement of design and construction services on any City property be updated in order to reflect this revised document.

(d) That all City Departments be authorized to utilize the new *Barrier-Free Design Guidelines 2006* wherever feasible in the design and construction of any City property, including facilities, parks, infrastructure, in an effort to improve the overall accessibility to the staff and citizens of the City of Hamilton.

(e) That the *City of Hamilton’s Barrier-Free Design Guidelines 2006* be updated every three (3) years in order to provide an up-to-date and continually improving guideline for the staff and public to use on an on-going basis.

(f) That a copy of the *Barrier-Free Design Guidelines* be forwarded to the Ministry of Community and Social Services, Accessibility Directorate of Ontario, as an outcome of the City’s Accessibility Plan that was submitted under the Ontarians with Disabilities Act, 2001.

(g) That the Public Works Department prepare a communications plan, in conjunction with Corporate Services (Customer Service, Access & Equity), to promote the *City of Hamilton’s Barrier-Free Design Guidelines*.

CARRIED

9. Binbrook Road - Regional Road 56 to Approximately 800m Westerly, Municipal Act Project (PW06063/FCS06053) - (Ward 11) (Item 8.1)

(Pearson/Jackson)
(a) That pursuant to the Municipal Act, 2001, a full cost recovery mechanism be implemented to recover and repay the developer the...
cost of $250,915.00 from the existing benefiting owners for the construction of the municipal water main on Binbrook Road from Regional Road 56 to approximately 800m westerly at the Municipal Water Tower Site (Binbrook Road Watermain”).

(b) That the charges for the municipal infrastructure outlined in recommendation (a) shall be payable if and when the benefiting property owners, as outlined in Appendix “A” attached hereto, connect to the Binbrook Road Watermain.

(c) That the capital costs recovered by the City, for the Binbrook Road Watermain, be remitted to Bay-Area Infrastructure Inc. in accordance with the terms and conditions of the Glanbrook Leachate Removal Design/Build and Binbrook Development Charge Financing Agreement.

(d) That the capital costs for the City’s share of the project of $7,169.00, being the exemption of the church property at No. 3060 Binbrook Road, be funded from Waterworks Capital Reserve Account Number 108015.

(e) That appropriate warning and liability clauses, absolving the City of Hamilton of all liabilities for failed septic systems due to the increased availability of water, be added to notices sent to the benefiting owners on Binbrook Road and municipal water connection permits issued by the City to the land owners. This clause would be added since municipal sanitary sewer service is not available at this time for the same property.

(f) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the necessary cost recovery By-law.

CARRIED

10. South Mountain Transportation Master Plan 5-Year Mandatory Review of Municipal Class Environmental Assessment (PW06062) - (Wards 6, 7 and 8) (Item 8.2)

(Jackson/Mitchell)

(a) That the General Manager, Public Works, be authorized and directed to file the South Mountain Transportation Master Plan 5-year Mandatory Review with the Municipal Clerk for a thirty (30) day public review;

(b) That upon completion of the 30 day public review, the General Manager, Public Works, be authorized and directed to proceed with implementing the recommendations for short term improvements, as listed in tables 1, 2 and 3 of Appendix “B” attached hereto.

CARRIED
FOR THE INFORMATION OF COUNCIL:

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

(Collins/Braden)
That the following change to the agenda be approved:

(i) Added delegation request from Dan Pope, Dansway International Transport Limited, May 11, 2006 respecting notice to vacate 241 Stuart Street. (Added as Item 4.2)

CARRIED

(b) Declarations of Interest (Item 2)
None declared.

(c) Minutes (Item 3)

(Pearson/Bruckler)
That the Minutes of the May 1, 2006 meeting be approved as presented.

CARRIED

(d) Delegation Requests

(i) (Pearson/Braden)
That the delegation request from Lian Ellis, Coordinator Volunteer Services – Brain Injury Services of Hamilton, April 25, 2006, respecting proposal for leash free park be referred to staff for report back to Committee with recommendations at which time Ms. Ellis will be invited to attend as a delegation. (Item 4.1)

CARRIED

(ii) (Collins/Braden)
That the delegation request from Dan Pope, Dansway International Transport Limited, May 11, 2006 respecting notice to vacate 241 Stuart Street be approved to address Committee today. (Added Item 4.2)

CARRIED

(e) Public Hearings/Delegations

(i) Permanent Closure and Sale of a Portion of Helena Avenue Road Allowance, Stoney Creek (PW06059) - (Ward 11) (Item 6.1)

The Chair invited any member of the public wishing to address Committee with respect to this issue to come forward and print their

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name, address and telephone number on the pages provided. No one came forward.

The Committee approved the staff recommendation.

(ii) **Proposed Closure of a Portion of Jarvis Street Road Allowance to Pedestrian Traffic (PW06057/PED06153) - (Ward 2) (Item 6.2)**

The Chair invited any member of the public wishing to address Committee with respect to this issue to come forward and print their name, address and telephone number on the pages provided. No one came forward.

The Committee approved the staff recommendation.

(iii) **Dan Pope, Dansway International Transport Limited, May 11, 2006 respecting notice to vacate 241 Stuart Street. (Added Item 6.3)**

Mr. Pope addressed Committee and indicated that he is currently the only paying tenant at 241 Stuart Street and he assumes that the City is asking everyone to leave in an attempt to get a better deal for the property. If so, he requested that he be allowed to remain as a tenant in the meantime.

Staff advised that the building has a number of health and safety issues and all occupancies have to be terminated for risk management reasons.

Staff were directed to meet with Mr. Pope and explain to him the reasons why the building needs to be vacated and to work out a suitable time frame for his company to relocate. Staff were further directed to report back on the issue including whether the property is contaminated.

(f) **Staff Presentations**

(i) **National Public Works Week (No copy) (Item 7.1)**

Chris Murray addressed Committee and provided a brief overview of the National Public Works Week Activities. He presented Charlene Hands-Lourie who is a member of the Committee responsible for organizing the events and a hand out outlining the itinerary was distributed.

On a motion *(Pearson/Mitchell)* the Committee received the staff update.
(ii) Wildlife Management (No Copy) (Item 7.2)

Katie Fernandes made a PowerPoint presentation and provided a hand-out which was distributed.

Some of the topics covered in the presentation were as follows:

- Why geese/gulls remain in the area.
- What are the issues with the goose/gull population?
- The establishment of the Wildlife Management Advisory Committee
- The target habitat areas
- The techniques used to manage wildlife.
- Performance Indicators
- The Pier 4 Pilot Project
- The 2005 Findings

Katie Fernandes responded to questions posed by the Committee. On a motion (Pearson/Collins) the Committee received the staff presentation.

(iii) City of Hamilton’s Barrier-Free Design Guidelines 2006 (PW06056/FCS06045) - (City Wide) (Due to bulk, copies of the Barrier Free Design Guidelines are kept in the Clerk’s Office for viewing.) (Item 7.3)

Clark Euale, of the Capital Planning and Implementation Division presented Maxine Carter, the City’s Access & Equity Officer and Rick Lintack, and Kaywana Gargarello of R.F. Lintack Architect Inc. who were in attendance to assist with the presentation. He indicated that bound copies and CD copies of the Guidelines were distributed to the Committee.

Clark Euale commenced the PowerPoint Presentation and hard copies of the slides were distributed. He provided an introduction and indicated that the Advisory Committee for Persons with Disabilities was involved in the project and a Barrier-Free Design Guidelines Committee was formed.

Maxine Carter covered the history of the project and recognized Ron Smithson, Emily Green and Sheila Behnke who were in attendance and who sit on the Barrier-Free Design Guidelines Committee. She indicated that the formation of the Committee was key to the project which was 9 years in the making.

Rick Lintack of R.F. Lintack Architect Inc. explained that the document is a guideline not a standard for the private sector and a
binding document for City owned facilities. He provided highlights of the guide. Kaywana Gargarello also of R.F. Lintack Architect Inc. outlined some of the background research that was conducted prior to preparing the Guidelines.

Clark Euale presented the conclusion and indicated that once the Guidelines have been approved, the document will be uploaded to the City’s web page and will be updated every three years.

Councillor Mitchell recognized Mary Smithson who sits on the Barrier-Free Design Guidelines Committee with her husband Ron.

Staff answered questions posed by the Committee. The Committee approved the staff recommendations.

(g) South Mountain Transportation Master Plan 5-Year Mandatory Review of Municipal Class Environmental Assessment (PW06062) - (Wards 6, 7 and 8) (Item 8.2)

The Committee asked if the short term projects as outlined on page 5 of the report in the Financial Implications section could be amended by extending the reconstruction of Upper Wellington and the resurfacing of Upper Sherman Avenue from Rymal Road to the Linc (rather than from Rymal Road to Stone Church Road). The Committee further requested that Pritchard Road be included and the intersection at Rymal and Nebo Roads also be widened. Staff are to investigate and advise the Committee members prior to the next Council Meeting if these requests are feasible to implement.

(h) General Information/Other Business

(i) Councillor Bratina requested an update from staff on the status of the Federal and Provincial Funds ($35,000,000 and $15,000,000 respectively) which were promised for harbour remedial work and noted that in order to qualify, GRIDS needs to be approved by May 18, 2006.

(ii) (Jackson/Pearson)

That the Outstanding Business List be amended by changing the due dates as follows:

1. Outstanding Business List Item E, Additional Cemetery RFP. Due date changed to June 5, 2006.
2. Outstanding Business List Item L, Policy respecting removal of trees on public property posing threat to public safety or property – Tree By-law. Due date changed to **June 5, 2006**.

3. Outstanding Business List Item Q, Fifty Point Sub-division – Lochside Drive – diversion of storm sewer and sanitary sewer trenches. Due date changed to **June 5, 2006**.

4. Outstanding Business List Item R, Urban Braille – Advisory Committee for Persons with Disabilities. Due date changed to **June 5, 2006**.

   CARRIED

(iii) Scott Stewart introduced Geoff Lupton who was recently hired as the Manager of Energy Initiatives in the Fleet & Facilities Division.

(i) Adjournment

There being no further business, the meeting of the Public Works, Infrastructure and Environment Committee adjourned at 11:10 a.m.

Respectfully submitted,

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

Ida Bedioui, Legislative Assistant
Public Works, Infrastructure and Environment Committee
May 15, 2006