Public Works Committee
REPORT 10-011
9:30 a.m.
Monday, October 4, 2010
Council Chambers
Hamilton City Hall
71 Main Street West

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

Absent with Regrets: Councillor M. McCarthy – Personal

Also Present: B. Goodger, A/General Manager, Public Works
J. Mater, Senior Director, Transportation, Energy
and Facilities
R. Norman, A/Senior Director, Environment and
Sustainable Infrastructure
P. Parker, A/Senior Director, Operations and Waste
Management
C. Biggs, City Clerk’s

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 10-011 AND
RESPECTFULLY RECOMMENDS:

1. Intersection Control List (PW10001(g)) (Wards 5 and 7) (Item 5.3)

   That the appropriate By-law to provide traffic control as follows, be passed:

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Stop Direction</th>
<th>Class</th>
<th>Location / Comments / Petition</th>
<th>Ward</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Van Wagner’s Beach Rd</td>
<td>Van Wagner’s Beach Rd</td>
<td>N/C</td>
<td>E/B Stop</td>
<td>N. of QEW, W. of Centennial</td>
</tr>
<tr>
<td>(b) Gildea Street</td>
<td>East 27th Street</td>
<td>N/C</td>
<td>E/B Stop</td>
<td>N. of Mohawk, W. of Upper Sherman</td>
</tr>
<tr>
<td>(c) Seeley Avenue</td>
<td>East 27th Street</td>
<td>N/C</td>
<td>E/B Stop</td>
<td>N. of Mohawk, W. of Upper Sherman</td>
</tr>
</tbody>
</table>

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2. **Birch Avenue – Leash-Free Park Assessment (PW10095) (Ward 3)**
   (Item 6.1(b))

   (a) That the City owned property at the south east corner of 330 Wentworth Street, fronting Birch Avenue be designated a Leash Free Park - Dog Park in Ward 3 at an estimated cost of $10,000 to be funded from the Leash Free Park Reserve;

   (b) That the By-law to amend the Leash Free Zone Provisions of the City of Hamilton By-law 01-169, being a By-law Respecting the Control and Licensing of Dogs and Kennels, (attached to Report PW10095 as Appendix “A”) be passed.

3. **Proposed Permanent Closure of a Public Walkway Abutting Liam Drive, Ancaster (PW10094) (Ward 12) (Item 6.3)**

   That the application to permanently close and transfer the public walkway abutting Liam Drive, Ancaster, to the adjoining owners of 64 and 66 Liam Drive be approved, subject to the following conditions:

   (a) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway;

   (b) That the appropriate by-law be introduced and enacted by Council;

   (c) That the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell this closed highway in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299;

   (d) 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;

   (e) 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;

   (f) 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-law.

4. **North End Traffic Management Study (PW08094) (Ward 2) (Item 7.1(b))**

   That no action be taken with respect to Report PW08094 respecting the North End Traffic Management Study.

   **Council – October 13, 2010**
5. **Wood Street East between James Street North and Hughson Street North - Petition for a Speed Limit Reduction (PW10092) (Ward 2) (Outstanding Business List Item) (Item 8.1)**

That the existing 50 km/h speed limit on Wood Street East between James Street North and Hughson Street North be retained until the North End Traffic Management Study is considered.

6. **Ontario Good Roads Association (OGRA) Request for Contribution to MMS Litigation Defense Fund (PW10097) (City Wide) (Item 8.2)**

That the request from the Ontario Good Roads Association (OGRA) for support funding in the litigation defense of the Municipal Maintenance Standards be denied at this time as being unaffordable.

7. **Winter Control Program Maintenance Services Levels for Cycling Infrastructure (PW10096) (City Wide) (Outstanding Business List Item) (Item 8.3)**

(a) That staff report back by June 2011 with proposed service levels for winter control maintenance of cycling infrastructure;

(b) That a stakeholder working group be established to provide input on service levels recommendations identified through recommendation (a).

8. **Funding Request for Energy Efficiency Projects (PW10099) (City Wide) (Item 8.4)**

(a) That the City Of Hamilton proceed with the implementation of the Energy Efficiency projects outlined in Appendix “A” attached hereto;

(b) That the estimated project costs of $1.495 million be allocated by having $1.37 million funding from the Enterprise Reserve Fund account 112243 and $125,000 funding from the Recreation Account #7101054536;

(c) That the energy savings from these projects, as outlined in Appendix “B” attached hereto, be used to repay the monies borrowed from the Enterprise Reserve Fund, after which the savings would be directed to the Energy Reserve.
9. **Request for All-Way Stop Control at Wingarden Trail at Davidson Boulevard and Linington Trail at Newcombe Drive, Dundas (Item 9.1)**

(a) That an all-way stop control be implemented at the intersection of Winegarden Trail and Davidson Boulevard;

(b) That northbound and southbound stop controls be implemented at the intersection of Newcombe Drive and the north leg of Linington Trail;

(c) That the appropriate amendment to the City’s Traffic By-law be passed with installation to take place as soon as possible.

10. **Request for All-Way Stop Control at the Intersection of Kensington Avenue North and Dunsmure Road (Ward 3) (Item 9.2)**

(a) That an all-way stop control be implemented at the intersection of Kensington Avenue North and Dunsmure Road;

(b) That the appropriate amendment to the City’s Traffic By-law 01-215 be passed.

11. **Request for All-Way Stop Control at the Intersection of Isaac Brock Drive and Gordon Drummond Avenue (Ward 9) (Motion 9.3)**

(a) That all-way stop control be implemented at the intersection of Isaac Brock Drive and Gordon Drummond Avenue.;

(b) That the appropriate amendment to the City’s Traffic By-law 01-215 be passed.

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**FOR THE INFORMATION OF COUNCIL:**

Prior to the meeting’s commencement, the following ceremonial activities took place:

(i) **Presentation of Solid Waste Association of North America Awards**

Art Mercer, International Board Representative for the Ontario Chapter, presented the Bronze Award in the category of Landfill Management and the Gold Award in the category of Solid Waste Management Systems to the City.

Chair Merulla, Beth Goodger, Craig Murdoch and Raffaella Morello accepted the Bronze Award and Gold Awards on behalf of the City.
(ii) Presentation of 2010 Communities in Bloom Awards

Bruce Warren from the Board of Communities in Bloom and Provincial Judge presented the following Awards:

- 2009 Extreme Park Makeover at Woodlands Park: Award of Excellence and Park Revitalization Award
- Hamilton Trillium Awards Program Volunteer Initiative
- Innovative Community Clean Trailer

Councillor Merulla, Pat Parker and Angela Storey accepted the Awards on behalf of the City of Hamilton.

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

DELEGATION REQUESTS

(i) North End Neighbours (Chris Pearson and Shawn Selway)
(ii) James Novak, Resident of the North End

NOTICE OF MOTION

(i) Request for All-way Stop Control at the Intersection of Isaac Brock Drive and Gordon Drummond Avenue (Ward 9)

On a motion (Mitchell/Collins) the agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3.1)

On a motion (Powers/Bratina) the Minutes of the September 20, 2010 meeting of the Public Works Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation request from:

(aa) North End Neighbours (Chris Pearson and Shawn Selway)
(bb) James Novak
On a motion (Mitchell/Bratina) the delegation requests submitted by the North End Neighbours (Chris Pearson and Shawn Selway) and James Novak were approved, and that the rules of order were waived to allow these delegations to address the Committee at today’s meeting.

(e) CONSENT AGENDA

(i) Minutes of Various Sub-Committees (Item 5.1)

On a motion (Collins/Mitchell) the following Minutes were received for information:

(aa) Hamilton Cycling Committee – August 4, 2010

(ii) Minutes of the Halton-Hamilton Source Protection Committee (Item 5.2)

On a motion (Collins/Mitchell) the June 22 and August 24, 2010 Minutes of the Halton-Hamilton Source Protection Committee, were received.

(f) PUBLIC HEARINGS/DELEGATIONS (Item 6)

(i) Stephen Rowe, respecting proposed Karma Hill Dog Park (Item 6.1)

Stephen Rowe, a resident in the Keith Neighbourhood (Ward 3), stated that 25% of the dogs in the City are concentrated in the inner City (Wards 2, 3 and 4), but that all of the dog parks are in the outlying areas. He indicated that Parks staff has done a good job on the report recommending a park at Karma Hill and spoke in support of the staff recommendation.

Chair Merulla advised the Committee that Councillor Morelli also supported the staff recommendations.

On a motion (Collins/Powers) the presentation by Stephen Rowe respecting Proposed Karma Hill Dog Park, Birch Street, be received.

(ii) Proposed Permanent Closure and Sale of Public Unassumed Alley Abutting 50 Cayley Street, Dundas (PW10093) (Ward 13) (Item 6.2)

Chair Merulla advised the Committee that the above-noted proposed permanent closure and sale was advertised in the Spectator on Friday, September 24, 2010 and requested if there was any one present who wished to address the Committee on this issue. The following individuals addressed the Committee:
(aa) Caterina Avery, property owner of 52 Cayley Street addressed the Committee to express concerns with the above-noted closure and sale and indicated that she is hesitant to grant an easement as the City would then retain ownership and this could compromise her use of the land. Ms. Avery is concerned of the impacts of the sewer construction on her retaining wall and landscaping.

(bb) Bruce Taylor, property owner of 97 Sydenham Street, expressed concern that the only access to his septic system is through the alleyway. If the entire unassumed alley is sold to the owners of 50 Cayley Street, he would not have access to connect to City services.

(cc) Mr. Jeffrey Steadman, acting on behalf of Dr. and Mrs. S. Panagiotou, the applicants and owners of 50 Cayley Street, advised the Committee that the application is for the entire alleyway to be sold to his clients. His clients were not aware of the sewer issue involving 97 Sydenham Street until recently. He indicated that if his client has the 10-foot alleyway deeded, they are prepared to give the owner of 97 Sydenham Street an easement through their property, subject to clarification of various matters i.e., who would pay for the cost of the easement, terms of the draft land-owner agreement and special sewer service agreement, etc. Mr. Steadman concluded that if the entire alleyway was deeded to the owners, it would allow the existing configuration for the properties to stay as they are i.e., no fences need to be moved, no walls need to be moved and would involve only 2 property owners.

Jennifer DiDomenico provided a power point presentation giving an overview of the subject properties and a summary of the circulations of the notice. It was identified through circulation that the only means of access to City services that would facilitate a sewer connection to 97 Sydenham Street is through the subject lands. As all three property owners indicated a desire to purchase those portions abutting their parcels, the staff recommendation reflects a three-way split of the alleyway, with a guarantee of easement over a portion of it to the owners of 97 Sydenham Street that will allow them to connect to the City sewer system in future.

Proposed Permanent Closure and Sale of Public Unassumed Alley Abutting 50 Cayley Street, Dundas (PW10093) (Ward 13) (Item 6.2)

On a motion (Powers/Bratina) Report PW10093 respecting Proposed Permanent Closure and Sale of Public Unassumed Alley abutting 50 Cayley Street, Dundas, was referred back to staff to consider the comments made by the three property owners, and report back at a future meeting of the Public Works Committee.

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(iii) Proposed Permanent Closure of a Public Walkway Abutting Liam Drive, Ancaster (PW10094) (Ward 12) (Item 6.3)

Chair Merulla advised the Committee that the above-noted proposed permanent closure and sale was advertised in the Spectator on Friday, September 24, 2010 and requested if there was any one present who wished to address the Committee on this issue. There was no one.

See Item 3 for the disposition of this item.

(g) PRESENTATIONS (Item 7)

(i) North End Traffic Management Plan (Item 7.1(a))

Justin Readman provided power point presentation on the North End Traffic Management Plan outlining the study process, consultation points, alternative strategies, preferred strategy and community input, monitoring and report and the staff recommendations.

On a motion (Bratina/Collins) the staff presentation was received.

(ii) North End Neighbours

Chris Pearson, Vice President of North End Neighbourhood Association, appeared before the Committee. His comments included, but were not limited to, the following:

- Main issue is Burlington and James Streets – problem with leaving them at 50 km/hr is that they will become zoom corridors and will take away from the pilot project to slow down traffic in the neighbourhood and make the neighbourhood child friendly
- Of 95 houses canvassed, only 3 residents said to keep the speed limit at 50 km/hr
- Very adamant about the 30 km/hr all the way as that is what makes the pilot project
- Have engaged the community throughout the process
- This could be a good statement for Hamilton and could be a spinoff for more
- Believe that this is the right way to go

A written copy of Mr. Pearson’s comments was distributed to the Committee and submitted to the City Clerk to be retained in the public record.

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Shawn Selway distributed material to the Committee detailing the chronology of the timelines for the Setting Sail and North End Traffic Pilot Project. Stage 1 dealt with Setting Sail, Stage 2 with New North End Traffic Management Pilot Project and Stage 3 with the 2009-2010 NEN Negotiations with Staff. The Committee was also provided with several attachments, including portions of e-mail between City staff and the NEN lawyer, excerpt from the IBI Report dated January, 2008 and correspondence from the IBI Group to Herman Turkstra on the north end traffic settlement.

Mr. Selway requested that the IBI proposal be presented to the Committee of the Whole and that the staff recommendation be deferred.

A copy of the material distributed by Mr. Selway was submitted to the City Clerk to be retained in the public record.

(iii) James Novak

James Novak spoke of his involvement in the Setting Sail Secondary Plan from 2002 to 2005, and the North End Traffic Management Study from January 2006 to October 2010, and extended his thanks to the many residents in the North End who have volunteered hundreds of hours into this project.

Mr. Novak expressed that his only real concern is the division of the neighbourhood by keeping James and Burlington Streets at 50 km/hr, and indicated that some experts, engaged by the City, agree that a universal 30k is best.

In his closing remarks, Mr. Novak prevailed “upon all members of the Committee and the North End Neighbours not to allow this wonderful initiative to go the route of an OMB appeal.”

A written copy of Mr. Novak’s comments was submitted to the City Clerk to be retained in the public record.

On a motion (Bratina/Mitchell) the presentations provided by Messrs. Pearson, Selway and Novak were received.

(h) NORTH END TRAFFIC MANAGEMENT STUDY (PW08094(a)) (Ward 2)  
(Item 7.1(c))

On a motion (Mitchell/Jackson) sub-section (e) was deleted in its entirety and replaced with the following in lieu thereof:

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(e) That if any other neighbourhoods across the City request a 30 km/hr speed zone, that staff review the feasibility of their request and report back to the Public Works Committee prior to implementation, and that these areas be included in the pilot study as well.

The Amendment CARRIED on the following vote:

Yeas: Merulla, Bratina, Collins, Jackson, Mitchell, Powers
Total Yeas: 6
Nays: Ferguson
Total Nays: 1
Absent: McCarthy
Total Absent: 1

On a motion (Bratina/Powers) the recommendations contained in Report PW08094(a) respecting the North End Traffic Management Study, as amended, and which read as follows, were referred to the Committee of the Whole meeting on October 12, 2010 for consideration:

North End Traffic Management Study (PW08094(a)) (Ward 2) (Item 7.1(c))

(a) That the “North End Traffic Management Plan”, June 2008, attached to Report PW08094a as Appendix A be endorsed;

(b) That at an appropriate time following resolution of the North End Neighbourhood Associations’ appeal to the Setting Sail Secondary Plan for the West Harbour, the General Manager, Public Works, be authorized and directed to proceed with implementation of the recommended traffic calming and management components of the North End Traffic Management Plan (June 2008);

(c) That at such time as the recommended traffic management strategy is substantially constructed, the speed limit on all streets within the North End Neighbourhood, save James Street North and Burlington Street East, be set at 30 km/hr, as a Pilot Project for a duration of five (5) years, and that the appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted;

(d) That the General Manager, Public Works be directed to report back on the findings of the Pilot Project;

(e) That if any other neighbourhoods across the City request a 30 km/hr speed zone, that staff review the feasibility of their request and report back to the Public Works Committee prior to implementation, and that these areas be included in the pilot study as well;

(f) That staff be directed to report back to the committee with respect to improved transit services in the north end neighbourhood.

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(i) MOTIONS (Item 9)

None

(j) NOTICES OF MOTION (Item 10)

(i) Councillor R. Powers introduced the following Notice of Motion:

Request for All-Way Stop Control at the Intersection of Isaac Brock Drive and Gordon Drummond Avenue (Ward 9) (Item 10.1)

(a) That all-way stop control be implemented at the intersection of Isaac Brock Dr. and Gordon Drummond Avenue;

(b) That the appropriate amendment to the City’s Traffic By-law 01-215 be passed.

On a motion (Powers/Jackson) the rules of order were waived to allow for the introduction of a Motion respecting Request for All-way Stop Control at the Intersection of Isaac Brock Drive and Gordon Drummond Avenue (Ward 9).

See Item 11 for the disposition of this item.

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

(i) Items on Outstanding Business List

On a motion (Bratina/Collins) the following items were deemed complete and removed from the Outstanding Business List:

(aa) Wood Street East between James Street North and Hughson Street North – Petition for a Speed Limit Reduction (PW10092) (Ward 2) (Item 8.1)

(bb) Ontario Good Roads Association (OGRA) Request for Contribution to MMS Litigation Defense Fund (PW10097) (City Wide) (Item 8.2)

(cc) Winter Control Program Maintenance Services Levels for Cycling Infra-structure (PW10096) (City Wide) (Outstanding Business List Item) (Item 8.3)

(ii) Review of Outstanding Business List (Item 11.1)

On a motion (Powers/Jackson) the Public Works Committee Outstanding Business Items will be carried over to the Public Works Committee in the new term of Council.

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(j) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – September 20, 2010 (Item 12.1)

On a motion (Collins/Jackson) the Closed Session Minutes of the Public Works Committee meeting held on September 20, 2010, were approved as presented and will remain confidential and restricted from public disclosure in accordance with the exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

On a motion (Bratina/Jackson) the Committee moved In Camera at 10:05 a.m. pursuant to Sections 8.1(e) and (f) of the City’s Procedural By-law and the Municipal Act as the subject matter pertained to litigation or potential litigation, including matters before administrative tribunals affecting the City and for the purpose of receiving advice that is subject to solicitor-client privilege, including communications necessary for that purpose with respect to the North End Traffic Management Plan.

On a motion (Collins/Jackson) the Committee reconvened in Open Session at 10:15 a.m.

No action to be reported.

There being no further business, the Committee adjourned at 11:00 a.m.

Respectfully submitted

Councillor S. Merulla, Chair
Public Works Committee

Carolyn Biggs
Legislative Assistant
October 4, 2010