THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 08-010 AND RESPECTFULLY RECOMMENDS:

1. Minutes of Various Sub-Committees (Item 5.1)
   That the April 2, 2008 Minutes of the Hamilton Cycling Committee, be received.

2. Intersection Control List (PW08001(e)) (Wards 7 and 13) (Item 5.2)
   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/Petition</th>
<th>Ward</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(a) Melville St.</td>
<td>Elgin St.</td>
<td>Existing: NB/SB</td>
<td>EB/WB</td>
<td>West of Sydenham St., North of King St. W.</td>
</tr>
<tr>
<td>(b) Pineway Ave.</td>
<td>Pineridge Dr.</td>
<td>NC</td>
<td>WB</td>
<td>North of Stone Church Rd., West of Upper Wellington</td>
</tr>
</tbody>
</table>

3. Declaration and Sale of Surplus Lands to the Ministry of Transportation – Red Hill Valley Parkway – Part of 490 Nash road, Part 5, Plan 62R0-16952 Hamilton (PED08137/PW08061) (Ward 5) (Item 5.4)

   (a) That the City owned vacant lands, identified as Part of Lot 28, Concession 1, in the former Township of Saltfleet, described as Part 5 on Plan 62R-16952, municipally known as 490 Nash Road (shown on the attached Appendix “A” to Report PED08137 / PW08061), comprising an area of 151 square meters (1,626 square feet) more or less, be declared surplus to the requirements of the City of Hamilton in accordance with the City of Hamilton Real Property By-Law No. 04-299;

   (b) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to convey the subject parcel to the Ministry of Transportation (MTO) in accordance with an agreement dated October 22, 1998, between MTO and the former Region of Hamilton-Wentworth providing for the land acquisition, design, construction and completion of the Red Hill Valley Parkway. The subject property forms part of the new Parkway within the section controlled by the MTO;

   (c) That the net proceeds of the sale be directed to the Red Hill Valley Project Capital Account Number 4060087001 to recover City funds used to acquire this parcel on behalf of the Ministry of Transportation;

   (d) That the Mayor and City Clerk be authorized and directed to execute any necessary documents in a form satisfactory to the City Solicitor, and that any Legal Services Section expenses or other administrative expenses be charged to Account Number 59259-4060087001 - Red Hill Valley Project.

4. Authorization for Access to Ministry of Transportation Authorized Requester Information System (ARIS) Program (PW08070) (City Wide) (Item 5.5)

   (a) That the City of Hamilton apply to the Ministry of Transportation for authorization to access the Ministry of Transportation’s driver licence retrieval database program known as ARIS (Authorized Requester Information System) to obtain driver’s licence abstracts for City employees who operate city owned/leased/rented vehicles;
(b) That the General Manager of Public Works be the Authorized Signatory and be directed to appoint designates in the Central Fleet section of the Energy, Fleet and Facilities Division, and the Transit Division, to access the ARIS program for the above-noted purposes;

(c) That the General Manager of Public Works be authorized and directed to execute the required documents in a form satisfactory to the City Solicitor.

5. Frid Street Extension Municipal Class Environmental Assessment (PW08072) (Ward 1) (Item 5.6)

(a) That the General Manager, Public Works, be authorized and directed to file the Frid Street Extension Municipal Class Environmental Assessment Environmental Study Report with the Municipal Clerk for a minimum 30 day public review period;

(b) That upon final approval of the Environmental Assessment for the portion of lands that is located within the McMaster Innovation Park lands that funding for this road be subject to the 2009 Capital Budget process and that the General Manager, Public Works Department, be authorized to proceed with the implementation of the preferred alternative.

6. Mountview Neighbourhood Storm Drainage Study and Stormwater Management Facility Location Review (Parts A and B) (PW08067) (Wards 1 and 8) (Item 8.1)

(a) That the General Manager of the Public Works Department be authorized and directed to file the Mountview Neighbourhood Storm Drainage Study and Stormwater Management Facility Location Review Parts A and B respectively as per the Municipal Class Environmental Assessment (October 2000, as amended in 2007), on the public record with the Municipal Clerk for a thirty day public review;

(b) That upon the completion of the thirty day public review period and final approval, the General Manager of the Public Works Department be authorized and directed to include the projects identified in the Mountview Neighbourhood Storm Drainage Study and Stormwater Management Facility Location Review Parts A and B respectively as part of future Capital Budget submissions.
7. Commercial Advertising and Sponsorship Policy (PW08060) (City Wide) (Item 8.2)

(a) That the revised City of Hamilton Commercial Advertising and Sponsorship Policy, attached hereto as Appendix “A”, be approved, as amended;

(b) That City staff be authorized to seek amendments to the City’s current advertising and sponsorship contracts to make the contracts consistent with the City’s amended Commercial Advertising and Sponsorship Policy;

(c) That the General Manager of the applicable City department or municipal services corporation be authorized to execute all necessary agreements and documents, satisfactory in form to the City Solicitor, to implement the recommendation in paragraph (b).

8. ArcelorMittal Dofasco Inc. Truck Route Agreement (Wards 3 and 4)

(a) That the Mayor and City Clerk be authorized and directed to execute an agreement to further amend an agreement dated January 16, 1990, between the Corporation of the City of Hamilton, the Regional Municipality of Hamilton-Wentworth and Dofasco Inc. so as to extend the term of the said agreement and subsequent extension from July 1, 2008 to June 17, 2009, all other terms and conditions remaining the same;

(b) That staff be directed to continue negotiations with ArcelorMittal Dofasco Inc. ("Dofasco") with a view to drafting a new long-term agreement respecting the movement by Dofasco of super heavy loads over designated routes on City streets and the appropriate compensation therefore;

(c) That the said draft long-term agreement be brought before Council for approval prior to the expiry of the agreement on June 17, 2009.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk reported that there were no changes to the agenda.

On a motion, the agenda was approved, as presented.
(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

On a motion, the Minutes of the May 26, 2008 meeting of the Public Works Committee were received and adopted, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Requests to appear before the Committee respecting the North End Traffic Management Study from:

(aa) North End Neighbours Inc. (John Mattinson/Nancy Hadala)

(bb) Shawn Selway

(cc) West Harbour Neighbours Inc. (Stephen Park)

On a motion, the requests from the above-noted organizations/individual to appear before the Committee with respect to the North End Traffic Management Study, was approved. The Clerk will advise them of the meeting date accordingly.

(e) ARCELORMITTAL DOFASCO INC. TRUCK ROUTE REHABILITATION AND RESURFACING AGREEMENT (PW08066) (Wards 3 and 4) (Item 5.3)

The above-noted report was WITHDRAWN.

(f) FRID STREET EXTENSION MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT (PW08072) (Ward 1) (Item 5.6)

Staff requested that the following changes in the body of Report PW08072 be noted:

(i) Under “Preferred Corridor Alternatives” – The first paragraph should read as follows:

“The re-assessment of alternatives in terms of their effectiveness in addressing the Kirkendall Neighbourhood TMP problem of addressing operational and community concerns indicated that the southerly corridor connection Alternative 2Bis the preferred alternative.
(ii) Under “Alternatives for Consideration” – The first sentence in the third paragraph should read as follows:

“The preferred alternative solution is to proceed with Alternative 2B as the preferred options.”

Councillor Powers acknowledged correspondence that was distributed to the Committee from Mike Foley, Associate Vice President, Development, Trinity Development Group Inc., supporting Alternative 2B.

A copy of Mr. Foley’s correspondence has been retained in the Office of the City Clerk for the public record.

(g) PUBLIC HEARINGS/DELEGATIONS

(i) Mark Giavedoni, Solicitor, on behalf of Paul Watkins, respecting closure of unassumed alleyway at 11 Hollywood Street North, Hamilton (Item 6.1)

Mr. Mark Giavedoni, Solicitor, spoke on behalf of Paul Watkins and outlined the chronology of events leading to the denial of Mr. Watkins’ application to close a portion of the alleyway at 11 Hollywood Street North.

Mr. Giavedoni distributed a copy of the notice which was sent to the property owners in the neighbourhood of the proposed alley closure which was accompanied with a map showing the affected area, and the letter forwarded to Mr. Watkins advising denial of his request due to negative responses received from the circulation of the “Notice of Proposed Alley Closure”.

Councillor Brian McHattie spoke to this issue, advising that staff followed the correct process to make the determination that the alleyway should not be closed.

On a motion, the presentation of Mr. Mark Giavedoni, Solicitor on behalf of Paul Watkins, was received. This matter was referred to staff for a report back to the Committee on June 16, 2008.

(h) Commercial Advertising and Sponsorship Policy (PW08060) (City Wide)

Don Hull, Director of Transit, spoke to the report, providing the Committee with the background information as to the purpose of the revised policy and the harmonized contract language required to minimize community controversy.
Councillor Jackson requested that Section 2 of “Requirements and Conditions”, be amended to include language which would more accurately define federal, provincial and municipal laws and by-laws.

Don Hull indicated that with the approval of the revised policy, the pending application from Bus Stop Bible Studies to place ads on City-owned property will be approved.

Don Hull also advised the Committee that a Human Rights complaint has been filed by Hamilton Right to Life on the previous policy which restricted religious and advocacy advertising.

Eleonora Filippone, Solicitor, was also in attendance to respond to questions of the Committee.

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

(i) Outstanding Item – Snow Fences in Rural Areas

Councillor Mitchell requested if staff could address this issue prior to the June 2010 date indicated on the Outstanding Business List. Staff advised that an information update will be provided.

(ii) Request for Intersection Control at Highway 56 and Windwood Drive/ Southbrook Drive

Councillor Mitchell requested a status report on this issue which he had brought to the Committee’s attention at a previous meeting, and requested that this item be placed on the Outstanding Business List.

(j) PRIVATE AND CONFIDENTIAL

Approval of Minutes of Closed Session Meeting held on May 26, 2008

On a motion, the Minutes of the Closed Session of the Public Works Committee meeting of May 26, 2008 were received. These Minutes will remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

On a motion, the Rules of Order be waived to allow for the Committee to move into Closed Session for the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
On a motion, the Committee moved In Camera at 10:15 a.m. for the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

On a motion, the Committee reconvened in Open Session at 10:25 a.m.

See Item 8 for disposition of matter discussed in Closed Session.

There being no further business, the Committee adjourned at 10:30 a.m.

Respectfully submitted

Councillor R. Powers
Chair
Public Works Committee

Carolyn Biggs
Legislative Assistant
June 2, 2008
CITY OF HAMILTON
Policy for Commercial Advertising and Sponsorship

Appendix “A” to Item 7 of
Public Works Committee Report 08-010

POLICY

The City of Hamilton permits commercial advertising and sponsorships on City-owned or City-controlled assets and public property, at City events and in City publications, subject to conditions outlined in this policy. This policy applies to all paid advertising and sponsorship recognition of individuals or corporations on City-owned or City-controlled assets and public property, at City events and in City publications. The advertisement of a product or service does not necessarily act as the City’s endorsement of any product or service. This policy replaces the Council-approved Commercial Advertising and Sponsorship Policy (2001).

PURPOSE

The City of Hamilton acknowledges that commercial advertising and sponsorships provide a community benefit through the opportunity to offset the cost of municipal programs and through the recognition of partnerships that provide valued support for City programs and events. The objective of this policy is to ensure that advertising and sponsorship abides by all applicable laws and City policies and does not adversely affect public safety or the City’s image or interests.

DEFINITIONS

“commercial advertising” means the sale to external businesses and organizations of advertising space on City property and publications or in conjunction with City events or programs.

“sponsorship” means the contribution of funds, goods or services-in-kind by an external business or organization to a City program, event or activity in return for acknowledgement, recognition or other promotional consideration related to the City program, event or activity.

REQUIREMENTS AND CONDITIONS

1. All advertising and sponsorships must comply with the Canadian Code of Advertising Standards, as amended from time-to-time.
2. All advertising and sponsorships must comply with all applicable federal, provincial and municipal laws and by-laws (including without limitation, the Ontario Human Rights Code, Canada’s Criminal Code, and the Canadian Charter of Rights and Freedoms), as the same may be amended or substituted from time to time.
3. All advertising and sponsorships shall not, either directly or indirectly:
   (a) violate any City policy;
   (b) advertise tobacco products or promote tobacco use;
(c) advertise the purchase of alcoholic beverages or promote the use of alcohol by those younger than the legal drinking age;
(d) advertise or promote the use of illegal substances, weapons or other life-threatening products;
(e) advertise the sale and distribution, or promote the possession, of pornographic materials.

4. The City will not accept advertising when in its sole discretion, it determines same not to be in the City's best interests.

5. The City reserves the absolute right to accept advertising that does not violate this policy.

6. Notwithstanding any prior approval, the City reserves the absolute right to order the immediate removal or, if necessary, remove any advertising on its property at any time.

PRE-SCREENING OF ADVERTISING AND SPONSORSHIP REQUESTS

From time to time, City advertising and sponsorship contractors may request advice from the City regarding questionable advertising content or sponsorship. The City’s Senior Management Team (SMT) – composed of the City Manager and the General Manager from each department - will conduct the review. SMT may elect, at their discretion, to accept or deny the request for a review. Acceptance of a request by SMT may result in a decision to withhold approval of the advertisement or sponsorship.

RECONSIDERATION

Individuals or groups objecting to a particular advertisement or sponsorship governed by this policy may file a complaint with Advertising Standards Canada (ASC), following their prescribed process. Individuals or groups may also request, through the City Clerk, to appear as a delegation before the City’s Audit and Administration Committee to state the nature of their request for reconsideration.

ADMINISTRATION

The General Manager of the department, or his or her designate, maintaining a particular advertising or sponsorship contract or otherwise designated with responsibility for commercial advertising and sponsorships on particular City-owned or City-controlled assets or public property, particular City events or particular City publications, will administer this policy.

Approved by Council: (Date)