Public Works Committee
REPORT 07-011
9:30 a.m.
Monday, September 17, 2007
Hamilton Convention Centre
One Summer’s Lane
Webster Rooms B and C

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

Also Present:
Councillor B. McHattie
S. Stewart – General Manager, Public Works
J. Stephen – A/Director, Capital Planning and Implementation
B. Shynal – Director, Operations and Maintenance
R. D’Angelo – A/Director, Fleet and Facilities
D. Hall – Director, Transit
J. Harnum – Sr. Director, Water and Wastewater
B. Goodger – Director, Waste Management
C. Biggs – Legislative Assistant, City Clerk’s

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 07-011 AND RESPECTFULLY RECOMMENDS:

1. Minutes of the Glanbrook Landfill Co-ordinating Committee Meeting – May 28, 2007 (Item 5.1(a))
   That the May 28, 2007 Minutes of the Glanbrook Landfill Co-ordinating Committee, be received.

2. Minutes of the Special Meeting of the Glanbrook Landfill Co-ordinating Committee Meeting – June 17, 2007 (Item 5.1(b))
   That the June 17, 2007 Minutes of the Glanbrook Landfill Co-ordinating Committee, be received.
3. **Accessible Transportation Services (ATS) Performance Report – June 2007 (Item 5.2)**

That the June, 2007 Accessible Transportation Services (ATS) Performance Report, be received.

4. **Intersection Control List (PW07001(e)) (City Wide) (Item 5.3)**

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>(a) Kordun St.</td>
<td>Juliebeth Dr.</td>
<td>N/C</td>
<td>S/B Stop</td>
<td>8</td>
</tr>
<tr>
<td>(b) Tate Ave.</td>
<td>Rennie St.</td>
<td>N/C</td>
<td>W/B Stop</td>
<td>4</td>
</tr>
<tr>
<td>(c) Shynal Ave.</td>
<td>Rennie St.</td>
<td>N/C</td>
<td>S/B Stop</td>
<td>4</td>
</tr>
<tr>
<td>(d) Overfield St.</td>
<td>Tally Ho/ Walnut Grove</td>
<td>W/B</td>
<td>S/B Stop</td>
<td>13</td>
</tr>
<tr>
<td>(e) Tally Ho</td>
<td>Overfield St/Walnut Grove</td>
<td>W/B</td>
<td>E/B Stop</td>
<td>13</td>
</tr>
<tr>
<td>(f) Jolliet St.</td>
<td>Benjamin Dr</td>
<td>N/C</td>
<td>W/B Stop</td>
<td>7</td>
</tr>
<tr>
<td>(g) Buchanan St.</td>
<td>Churchill Ave.</td>
<td>N/C</td>
<td>S/B</td>
<td>7</td>
</tr>
<tr>
<td>(h) Felicia Ct.</td>
<td>Churchill Ave.</td>
<td>N/C</td>
<td>E/B</td>
<td>7</td>
</tr>
</tbody>
</table>

5. **Proposed Outdoor Boulevard Café – 38 Hess Street South, Hamilton (PW07108) (Ward 2) (Item 5.4)**

(a) That the application of the operator of “Che Burrito”, located at 38 Hess Street South, Hamilton, to erect and maintain an outdoor boulevard café within the Hess Street road allowance, be approved, subject to the following conditions:

(i) That the applicant and owner enter into an Outdoor Boulevard Café agreement in a form satisfactory to the General Manager, Public Works and the City Solicitor;

(ii) That the applicant pay the appropriate user fee and an annual fee based on 5% of the market value of the City land utilized at such time as the current moratorium ends;
(iii) That the applicant provide proof of $5,000,000 public liability insurance, naming the City of Hamilton as an added insured and holding the City harmless from all actions, causes of action, interest, claims, demands, damages, expenses and loss;

(iv) That the applicant adhere to all of the City of Hamilton’s Barrier Free Guidelines;

(v) That the applicant adhere to the City Council approved Technical Specifications for Outdoor Boulevard Cafes;

(vi) That the applicant adhere to the Urban Design Guidelines for Outdoor Boulevard Cafes on Public Property;

(b) That the Boulevard Café Agreement be executed by the General Manager, Public Works or his designate, in accordance with the delegated authority granted by Section 3 of the 3rd Report of the 1999 Finance and Administration Committee, adopted by the former City of Hamilton Council on February 9, 1999.

6. Citizen Appointment to the City of Hamilton Waste Reduction Task Force (PW07109) (City Wide) (Item 5.5)

That the City of Hamilton Waste Reduction Task Force (WRTF) recommendation that the following citizen be appointed to the City of Hamilton Waste Reduction Task Force for the noted term of office, be approved:

<table>
<thead>
<tr>
<th>Name</th>
<th>Affiliation</th>
<th>Term of Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rose Killey</td>
<td>Public - B2 Zone</td>
<td>December 31, 2008</td>
</tr>
</tbody>
</table>

7. Reduced Speed Limit – Mountain Avenue, between King Street East and Lake Avenue Drive, Stoney Creek (PW07110) (Ward 9) (Item 5.6)

(a) That the speed limit on Mountain Avenue between King Street East and Lake Avenue Drive, be set at 40 km/h;

(b) That the by-law outlined in Report PW07110 as Appendix “A” to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.
8. **Speed Limit Reduction- Milburough Townline – 11th Concession East to Campbellville Road (PW07111) (Ward 15) (Item 5.7)**

   (a) That the speed limit on Milburough Townline between 11th Concession East and Campbellville Road be set at 60 km/hr;

   (b) That the by-law outlined in Report PW07111 as Appendix “A” to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.

9. **Speed Limits – Full-time 40 km/hr School Zones (PW07113) (Wards 1, 2, 4, 7 and 11) (Item 5.8)**

   (a) That the speed limits in the following school zones be approved at 40 km/h:

      (i) That the speed limit on Hess Street North between York Boulevard and Harriet Street be set at 40 km/h;

      (ii) That the speed limit on Queen Street North between Little Greig Street and York Boulevard be set at 40 km/h;

      (iii) That the speed limit on Tragina Avenue North between Roxborough Avenue and Dunsmure Road be set at 40 km/h;

      (iv) That the speed limit on Weir Street North between Roxborough Avenue and Dunsmure Road be set at 40 km/h;

      (v) That the speed limit on Roxborough Avenue between Tragina Avenue North and Fairfield Avenue North be set at 40 km/h;

      (vi) That the speed limit on Dunsmure Road between Tragina Avenue North and Fairfield Avenue North be set at 40 km/h;

      (vii) That the speed limit on Brigade Drive between east end of Bonaparte Way to the west end of Bonaparte Way be set at 40 km/h;

      (viii) That the speed limit on Bonaparte Way be set at 40 km/h;

      (ix) That the speed limit on Glover Road between Hwy 8 and the southerly end be set at 40 km/h;

   (b) That the by-law outlined in Report PW07113 as Appendix “A” be passed and enacted to amend City of Hamilton By-law No. 01-215.
10. Proposed Changes to the Nutrient Management Regulation (PW07114) (City Wide) (Item 5.9)

That Report PW07114 respecting Proposed Changes to the Nutrient Management Regulation, be received.

11. Trinity Church Arterial Corridor Class Environmental Assessment – Summary of Discussions with Landowners (PW07119) (Wards 6, 9 and 11) (Item 5.10)

That Report PW07119 respecting Trinity Church Arterial Corridor Class Environmental Assessment – Summary of Discussions with Landowners, be received.

12. City of Hamilton Stormwater Master Plan Class Environmental Assessment (PW07021(a)) (City Wide) (Item 5.11)

That Report PW07021(a) respecting City of Hamilton Stormwater Master Plan Environmental Assessment, be received.

13. City of Hamilton Strategic Road Safety Program (PW07116) (City Wide) (Item 7.1)

(a) That the City of Hamilton Strategic Road Safety Program, as described in Report PW07116, be endorsed;

(b) That staff develop a City of Hamilton Strategic Road Safety Plan, through the Hamilton Strategic Road Safety Committee, with upset project funding in the amount of $160,000 to be provided from account 55916-461010;

(c) That the program for public safety information, as required and mandated under the contract between the City of Hamilton and Ministry of Transportation, Ontario, be revised to provide an annual expenditure of $100,000, with the cost for this activity to be charged to account 55401-461010;

(d) That all excess Red Light Camera program fine revenues not required to build, operate or maintain existing or future Red Light Camera sites, be allocated to road safety initiatives, as supported by the Hamilton Strategic Road Safety Program, subject to maintaining a minimum balance of $100,000 in the red light camera reserve 112203;
(e) That approval be granted to extend the previous contract with Affiliated Computer Systems (ACS) for various maintenance and operation activities associated with the operation of ACS red light camera sites for five additional years from November 2007 through to November 2012, with the cost for this activity to be charged to account 55916-461010;

(f) That the red light camera program operated by Affiliated Computer Systems be revised from two cameras rotating though eight sites to four cameras rotating through eight sites;

(g) That the Mayor and City Clerk be authorized to execute the contract to extend the operation of Affiliated Computer Systems services, with said contract to be to the satisfaction of the General Manager of Public Works and the City Solicitor;

(h) That the Strategic Road Safety Program report undertakings and progress annually in August or September.

14. City of Hamilton/Ministry of Transportation 2007 Ontario Bus Replacement (OBRP) Funding Requirement (PW07118) (City Wide) (Item 8.1)

(a) That in compliance with the revised 2007 Ontario Bus Replacement Program (OBRP) eligibility requirements for the replacement of Conventional and Specialized Transit fleet, the City of Hamilton make an application for subsidy in the amount of $2,185,861 to the Ministry of Transportation;

(b) That the 2007 Ontario Bus Replacement funding be allocated to the 2007 Transit (Conventional) Fleet Capital Vehicle Replacement Project # 5300783101 and the 2007 (Accessible Transit) Fleet Capital Vehicle Replacement Project # 5310782100, as outlined in Table 1;

(c) That staff be authorized and directed to correspond with the Ministry of Transportation requesting consideration of supplemental funding in the amount of $1,378,832 for the higher cost of Hybrid Transit Fleet relative to Diesel Transit fleet on the basis that Hamilton has demonstrated leadership in being the first municipality in Ontario to purchase the lower emission Hybrid fleet;

(d) That the City of Hamilton, Corporate Services Department set up an OBRP capital reserve as per the 2007 OBRP guidelines;

(e) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in accordance with sub-section (a).
15. Follow-up Report on Materials Recycling Facility (MRF) Container Line Acquisition (PW07092(a)) (City Wide) (Item 8.2)

(a) That Canada Fibers Ltd. (CFL) be retained to design, install and operate a new, City owned, minimum seven (7) tonnes per hour container processing line located at the City’s Materials Recycling Facility (MRF) at a cost not to exceed $2.7 million (excluding taxes);

(b) That Contract C11-74-02 for the Operations and Maintenance of a Materials Recycling Facility with Canada Fibers Ltd. be amended in accordance with the provisions set out in Appendix A attached hereto;

(c) That the Mayor and City Clerk be authorized and directed to execute all necessary documents to implement recommendations (a) and (b) with content acceptable to the General Manager of Public Works and in a form acceptable to the City Solicitor;

(d) That the item relating to the Materials Recycling Facility be removed from the Public Works Committee Outstanding Business List.

16. Lisgar Park Bocce Accessory Building – Tender (PW07120) (Ward 6) (Item 8.3)

(a) That the 2007 capital project budget of $165,000 Project ID 4400756756 for construction of the Lisgar Park bocce accessory building, be supplemented with an additional $101,104 from Project ID 4400550001 Templemead Park land purchase;

(b) That tender number C11-116-07 for the construction of the Lisgar Park bocce accessory building, be awarded to the lowest compliant bid of $236,609 to Corporate Construction, as per Purchasing Policy 4.4 - Approval Authority;

(c) That $101,104 be added to the 2008 Capital Budget submission for Council’s consideration for Project ID 4400550001 Templemead Park land purchase;

(d) That funding for the Templemead Park trail project, which was originally directed through the Committee of the Whole Report 07-010 and approved by Council on April 24, 2007, to be submitted for consideration as part of the 2008 Capital Budget submission, be rescheduled for submission as part of the 2009 Capital Budget for Council’s consideration.
17. Funding Methodology for Municipal Infrastructure Extensions Review and Update (TOE02005(b)/FCS02026(b)/PED07248) (City Wide) (Item 8.4)

(a) That the Funding Methodology for Municipal Infrastructure Extensions Policy attached hereto as Appendix “B”, be approved as the City of Hamilton’s cost recovery policies and procedures for extensions of water, sanitary sewer and storm sewer services for existing residences and businesses;

(b) That the Funding Methodology for Municipal Infrastructure Extensions Policy contained in Appendix “B” attached hereto replace the “Policies for Cost Recovery of Municipal Infrastructure Extensions under Section 221 of the Municipal Act’, approved by City Council May 15, 2002 as part of Item 39 of Report 02-019 of the Committee of the Whole, and as amended by Item 19 of Report 02-027 of the Committee of the Whole approved by City Council on July 10, 2002;

(c) That the procedures and policies outlined in Report TOE02005/FCS02026, approved by City Council on May 15, 2002, as part of Item 39 of Report 02-019 of the Committee of the Whole, for sidewalk projects, continue unchanged;

(d) That the following projects identified in subsection (c) of Item 39 of Report 02-019 of the Committee of the Whole, which was approved by City of Hamilton Council on May 15, 2002 no longer be grandfathered under the Funding Methodology for Municipal Infrastructure Extensions Policy:

(i) Miles Road - 265m south of Rymal to 314m south: Sanitary $35,000 and Storm $64,000,
(ii) Nebo Road - Sanitary $400,000;

(e) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the necessary cost recovery by-laws in accordance with the Funding Methodology for Municipal Infrastructure Extensions Policy contained in Appendix A to Report TOE02005b/FCS02026b/PED07248 for the following sanitary sewer construction projects:

(i) West 5th Street - 40 metres north of Rymal Road to 120m south of Stone Church Road,
(ii) Rymal Road East - Dakota Drive to west of Glover Road;

(f) That in cases where Development Charges have fully funded the municipal servicing infrastructure construction project, the General Manager of Finance and Corporate Services is hereby authorized and directed to prepare the necessary cost recovery by-laws in accordance with the approved flat fee charges in force at the time;
(g) That the City Solicitor be authorized and directed to prepare the appropriate by-law to reflect the flat fees set out in Schedule 1 to the Funding Methodology for Municipal Infrastructure Extensions Policy attached hereto as Appendix “B”.

FOR THE INFORMATION OF COUNCIL:

(a) **CHANGES TO THE AGENDA (Item 1)**

The Clerk noted the following changes to the agenda.

(i) **Delegation Requests**

(aa) From Rob Payne on behalf of the Ainslie Wood/Westdale Community Association of Resident Homeowners Inc. respecting revisions to Hamilton Traffic By-law 01-215 (See Item 6.1(c))

(bb) From Alicia Milner, President, Canadian Natural Gas Vehicle Alliance, to give presentation respecting the environmental benefits of current generation natural gas technology for transit buses

(ii) **Letters of Opposition**

(aa) Ronald Thorne and Mary Ashby
(bb) Pamela and Bruno Bragoli

expressing their opposition to the proposed outdoor boulevard café at 38 Hess Street South (See Item 5.4)

(iii) **Motions**

Item 9.1 respecting Cinema Park – Free Running Area Designation (PW07066) (Ward 12) – Withdrawn

That the agenda be approved, as amended. **CARRIED**

(b) **DECLARATIONS OF INTEREST (Item 2)**

None.

(c) **APPROVAL OF MINUTES (Item 3)**

On a motion, the Minutes of the June 18, 2007 meeting of the Public Works Committee were received and adopted, as amended.

**Council – September 26, 2007**
(d) **DELEGATION REQUESTS**

On a motion, the following requests to appear before the Public Works Committee, were approved:

(i) Mr. Rob Payne, on behalf of the Ainslie Wood/Westdale Community Association of Resident Homeowners Inc. respecting revisions to Hamilton Traffic By-law 01-215, to speak at today’s meeting.

(ii) Ms. Alicia Milner, President, Canadian Natural Gas Vehicle Alliance, respecting the environmental benefits of current generation natural gas technology for transit buses, to address the Committee at a future meeting.

(e) **PROPOSED OUTDOOR BOULEVARD CAFÉ – 38 HESS STREET SOUTH, HAMILTON (PW07108) (Ward 2) (Item 5.4)**

Councillor B. Bratina spoke to this issue and advised that he is continually working on noise and various other issues with the Hamilton Police Service, residents and others, and with the Task Force on Cleanliness and Security in the Downtown Core.

On a motion, the following correspondence was received:

Letters of opposition from:

(i) Ronald Thorne and Mary Ashby
(ii) Pamela and Bruno Bragoli

expressing their opposition to the proposed outdoor boulevard café at 38 Hess Street South.

(f) **PROPOSED CHANGES TO THE NUTRIENT MANAGEMENT REGULATION (PW07114) (City Wide) (Item 5.9)**

Councillor D. Mitchell requested that Report PW07114 respecting the proposed changes to the Nutrient Management Regulation be forwarded to the Agricultural and Rural Affairs Advisory Committee for their information.

(g) **PUBLIC HEARINGS/DELEGATIONS (Item 6)**

Prior to the delegations addressing the Committee, Bryan Shynal gave a verbal update on recent discussions that had occurred between staff and representatives from McMaster University, and suggested that an option for the Committee in this matter was to receive the report and refer the same to the Truck Route Master Plan. This would provide the opportunity for further consultations to address issues with the stakeholders and surrounding interests.
(i) Mark Giavedoni, Evans, Philp, on behalf of McMaster University, respecting truck and vehicular traffic surrounding eastern section of McMaster University Campus and Sterling Street Entrance (Item 6.1(a))

Mr. Randall Bocock, legal counsel on behalf of McMaster University, addressed the Committee. His comments included, but were not limited to the following:

- Advised that discussions with City staff included the issue of how to involve all stakeholders in future discussions i.e., students, HSR, residents and the Westdale business community;
- To date, those discussions have not taken place;
- Indicated that it has only recently come to light that King Street is a designated truck route to the campus boundary; however, the issue is much broader
- McMaster is also cognizant of the impact of the truck traffic on the residents of the Westdale neighbourhood community;
- The issue also involves 450 HSR buses that travel through the campus on a daily basis;
- Want to undertake a broad-based consultation process with all stakeholders in an attempt to come to a mutual resolution.

Roger Trull, Vice President of University Advancement, stated that from the university’s perspective, this is a complex issue, and one that can only be resolved effectively by consultation with the neighbours, students, HSR and all stakeholders. It is his belief that given additional time, the issue can be resolved that will respect all parties concerned.

(ii) Correspondence from Roger Trull, Vice President, University Advancement, McMaster University, respecting City of Hamilton By-law 01-215 and the interpretation thereof by the City of Hamilton and Hamilton Police Service (Item 6.1(b))

On a motion, the Committee received the correspondence.

(iii) Mr. Rob Payne, on behalf of the Ainslie Wood/Westdale Community Association of Resident Homeowners Inc. respecting revisions to Hamilton Traffic By-law 01-215

Mr. Paye, President of the Ainslie Wood/Westdale Community Association of Resident Homeowners Inc., gave a power point presentation outlining the AWWCA’s support for the recommendations contained in Report PW07106. Failure to do so will create a new truck route that passes through high-pedestrian residential areas; encourage heavy trucks to take short cuts to King Street West through local roads bordering an elementary school; and use of Forsyth Avenue, a local road designated for traffic calming and reduced traffic by the McMaster Campus Plan and the Ainslie Wood Westdale Secondary Plan.
On a motion, the Committee received Mr. Payne’s presentation.

Councillor McCarthy thanked Mr. Payne for his presentation.

Councillor B. McHattie spoke to the issue and also indicated his support for the recommendations contained in Report PW07106; however, he would still like discussions to continue between McMaster University and the community, as well as meetings between the HSR and McMaster to discuss the number of buses running through the campus.

( h ) AMENDMENT TO HEAVY VEHICLE PROVISIONS OF TRAFFIC BY-LAW 01-215 (PW07106) (City Wide) (Item 6.1(c))

The following motion LOST on a recorded tie vote:

That Report PW07106 respecting “Amendment to Heavy Vehicle Provisions of Traffic By-law 01-215” be deferred to allow more opportunity for discussion between staff, including the HSR, Councillor B. McHattie, representatives from McMaster University and all appropriate stake-holders, and the matter brought back to the October 1, 2007:

Yeas: Ferguson, McCarthy, Mitchell, Powers
Total Yeas: 4
Nays: Bratina, Collins, Jackson, Merulla
Total Nays: 4

On a motion, the Committee moved to permit legal counsel for McMaster University and Roger Trull to address the Committee to advise the impact of the staff recommendation, should they be approved by the Committee.

Roger Trull responded that should the staff recommendations be approved, no trucks will be allowed to enter the University through the Sterling Street entrance, which will greatly impede the day-to-day operations of the University, as well as have an impact on the major construction projects being carried out on the University campus.

Randall Bocock responded that approval of the recommendations will add an environment for the purposes of negotiations which could otherwise have been avoided.

The following motion LOST on a recorded tie vote:

(i) That Schedule 27 (Truck Routes) of the City of Hamilton Traffic By-law 01-215 be revised to reflect the current truck route signing in the field; that being the designation of King Street between Centennial Parkway South and Paradise Road South, as a full-time truck route, except for the segment between Wellington Street North and Bay Street North;
(ii) That the amending By-laws outlined in Report PW07106 as Appendix “A” and “ B” respecting the heavy vehicle provisions of the City of Hamilton Traffic By-law 01-215, be passed and enacted.

Yeas: Bratina, Collins, Jackson, Merulla
Total Yeas: 4
Nays: Ferguson, McCarthy, Mitchell, Powers
Total Nays: 4

(i) PRESENTATIONS

City of Hamilton Strategic Road Safety Program (PW07116) (City Wide)  
(Item 7.1)

Hart Solomon, Manager, Traffic Engineering and Operations, gave a power point presentation outlining the Strategic Road Safety Program. The presentation included information on:

➢ The Problem – the “hidden epidemic”
➢ Fatal Collisions – 20-year trend
➢ Information Board as of September 6, 2007
➢ Injury Collisions – 20-year trend
➢ The Solution, Approach, Team
➢ Strategic Plan
➢ Program Products
➢ Expected Outcomes
➢ Advantages of the Approach
➢ Implementation Steps and Financials.

Inspector Vince DeMascio of the Hamilton Police Service was also in attendance to respond to questions of the Committee.

(j) HALTON REQUEST FOR PROPOSAL (RFP) – PROCESSING OF ORGANIC WASTE – VERBAL UPDATE (Item 8.5)

Beth Goodger, Director, Waste Management, gave a verbal update on the status the proposals submitted by the City to the request for proposal issued by the Region of Halton for the processing of organics and recycling. Councillor Powers and Craig Murdoch attended a meeting of Halton’s Public Works Committee on September 12, 2007, where it was recommended that Hamilton be recommended for the organics processing, scheduled to commence in April, 2008. The recommendation will be considered by Halton Council on Wednesday, September 19, 2007. The annual value of the contract is $2.23 million per year for four years, with two 1-year renewals.

On a motion, the verbal update respecting the Halton Request for Proposal (RFP) – Processing of Organic Waste, was received.

Council – September 26, 2007
(k) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business Items

(a) Report re: Controlling Volume of Cars Accessing Garth Street
   Due Date: June 18, 2007 (Proposed Due Date: Q1, 2008)
   (Councillor Whitehead requesting Information Update only)

(b) Stoney Creek Trans Cab – In-House Bid
   Due Date: October 15, 2007
   Proposed Due Date: December 3, 2007

(c) Peak Oil Report – Due Date: September 17, 2007
   Proposed Due Date: October 15, 2007

(d) Federal Gas Tax – Committed and Spent
   Due Date: October 15, 2007
   Proposed Due Date: December 3, 2007

(e) Extension of Red Light Camera Program
   Due Date: September 10, 2007
   Remove from Outstanding Business List; Report PW03150(e)
   presented to August 8, 2007 Committee of the Whole meeting

(f) Advisory Committee for Persons with Disabilities respecting Use of Segways
   Proposed Due Date: December 3, 2007

(g)(i) AMO Communication respecting “Province Proclaims Clean Water Act”

(g)(ii) Niagara Peninsula Conservation Authority respecting Source Protection Committee
   Remove from Outstanding Business List; Report PW07107
   presented to August 8, 2007 Committee of the Whole meeting

On a motion, the Outstanding Business Item on the Public Works Committee respecting “Cinema Park, Ancaster – Free Running Area Designation”, was lifted from the table.

On a motion, the Committee approved that no action be taken with respect to “Cinema Park, Ancaster – Free Running Area Designation”, and that the item be removed from the Outstanding Business List.

On a motion, the Outstanding Business List of the Public Works Committee was amended accordingly.
(ii) RFP for Towing of Buses

Councillor Mitchell requested that staff provide an update at a future meeting of the Committee with respect to the Request for Proposal for the towing of buses.

There being no further business, the Committee adjourned at 11:25 a.m.

Respectfully submitted

Councillor M. McCarthy
Chair
Public Works Committee

Carolyn Biggs
Legislative Assistant
September 17, 2007
Container Line Acquisition and
Materials Recycling Facility Operations

Additional Contract Provisions - Contract C11-74-02

Negotiated provisions as agreed to by Canada Fibers Ltd. (Canada Fibers) and the City of Hamilton (City):

Canada Fibers agrees to:

1) Design, deliver, install and operate a new, City owned, minimum seven (7) tonne per hour container processing line to be located in the easterly area of the MRF at a cost not to exceed $2.7 million inclusive of all design, installation and contingency costs but exclusive of applicable taxes. The City will be the owner of the container processing line at all times. Canada Fibers agrees to a peer review being conducted on its design and costs by a City appointed consultant and agrees to discuss a resolution to any issues resulting from this peer review to the satisfaction of both Canada Fibers and the City. Insurance and utility costs will be borne by the City. Maintenance costs will be as set out in the present Contract. Manual hand sort will be compensated at the “Hand Sort” rate, and equipment sorting which includes optical sorting equipment and/or any other method of sorting other than manual hand sorting, will be compensated at the “Equipment Sort” rate as set out in the existing Schedule “C” of the Contract.

2) A reduction in the allowable contamination rate of 4% over and above the Collected Contamination Rate to 3% as a result of the replacement of the existing container processing line. The provisions would come into effect once the container line is operational.

3) An amendment to Schedule “D” of the existing Contract to clarify that all calculations of fibre payments from Canada Fibers to the City will be made on the basis of metric tonnes.

The City agrees to:

1) Pay to Canada Fibers the cost associated with the design, delivery and installation of a new, minimum seven (7) tonne per hour container processing line at an upset limit of $2.7 million dollars, inclusive of all design, installation and contingency costs but exclusive of applicable taxes.

2) Continue to pay utility costs for the operation of the MRF.

3) Amend the present contract from optional one-year extensions up to December 31, 2010 to a fixed term extension from January 1, 2008 to March 30, 2013.

4) Consider in 2008 the request from Canada Fibers for compensation in the event that the Provincial LCBO Bottle Deposit/Return Program substantially reduces the glass tonnage in the Hamilton Recycling Program.

The above provisions will be reflected in amendments to the Contract that are acceptable to both the City and Canada Fibers. All other terms and conditions of the present Contract would remain unchanged for the extended term to March 30, 2013.
Appendix “B” to Public Works Committee Report 07-011

City of Hamilton
Funding Methodology for Municipal Infrastructure Extensions Policy (“Policy”)

Under sections 9 and 10 of the Municipal Act; 2001, as amended, the City of Hamilton is empowered to impose fees or charges for services or activities provided or done by or on behalf of the City of Hamilton. These fees and charges include the capital costs related to services or activities and may also include the imposition of such fees and charges on persons not receiving an immediate benefit from the services or activities.

1. Owner Initiated Projects - Petition

Property owners have the opportunity to request the extension of municipal waterworks, sanitary sewers and storm sewers by way of petition. The sufficiency threshold shall be two thirds of affected property owners, representing at least 50% of the total assessed value of the lots liable to pay in accordance with this Policy. The petition and estimated cost is prepared by City staff and sent to the person requesting the petition (“Petitioner”).

A petition that meets the sufficiency test does not by itself guarantee that a project will be completed. The project is subject to all necessary approvals, including but not limited to City Council (“Council”) approval and the enacting of a cost recovery by-law.

2. City Initiated Projects

City-initiated water, sanitary sewer and storm sewer extension projects would split into 2 categories:

a. City-initiated projects whereby abutting landowners would be required to pay only as they connect. These City-initiated projects will be limited only to critical water main looping projects or projects which ensure security of supply, to be approved by Council.

b. City-initiated projects whereby all abutting landowners would have to pay their assessed costs upon completion of construction. This would include all projects not required in “a.” above such as storm sewers to mitigate flooding, sanitary sewers to mitigate health concerns and works solely coordinated with road resurfacing. These water and sanitary and storm sewer capital projects initiated by the City for health, environmental and asset management reasons would be undertaken under Sections 9 and 10 of the Municipal Act; 2001, as amended, with impacted area ratepayers subject to special assessment charges. Adjacent landowners wishing to contest such an initiative, would have to submit a petition signed by a minimum of 50% of the impacted ratepayers representing at least 50% of the assessment in order to have the project halted.
3. **Project Costs – Owner Options**

Once the sufficiency test is met for an owner petition and the work is approved by Council, City staff will undertake detailed design and estimation of related costs. If the costs are lower or higher than 20% of the original estimate, owners will be notified of the revised costs. Significantly higher costs may change the opinion of those wishing to proceed with a project.

With respect to a City-initiated project, notification of changes to the estimated cost serves as useful information to owners in their determination of whether they wish to connect to the service (2a), or object to the installation (2b).

4. **Public Consultation Process**

In the case of a project initiated by owner petition or City-initiated, where owners are assessed the cost of the project upon its completion, an Information Meeting will be held to discuss the financial and technical implications of the project. These meetings provide an efficient forum in which to communicate with owners and ensure that consistent information is relayed. These meetings will give staff time to explain the project and answer the same questions posed by various owners and give the property owners a greater understanding of the project and the process.

Following public consultation, a 30 calendar day period will be invoked during which time affected property owners can withdraw their petition. In the case of a City initiative (2b), abutting landowners wishing to contest such an initiative, would have to submit a petition signed by a minimum of 50% of the impacted ratepayers representing at least 50% of the assessment in order to have the extension project halted. At the end of this period, the project will progress to the next stage, if the original sufficiency test is met.

5. **Authorization to Proceed with the Project**

Upon completion of the detailed design, notice to owners and the 30 calendar day review period (if necessary), staff will prepare a report to Council requesting authorization and approval of the project and the draft by-law. The by-law sets out the methodology for assessing charges for a specific project.

6. **Assessment of Costs**

For owner-initiated projects and City-initiated projects under (2b), the cost recovery will be initiated immediately following the completion of the construction of the project in accordance with the cost recovery by-law. The cost recovery for City-initiated projects (2a) commences as owners connect to the service.

7. **Appeal Process**

There is no appeal process contained in the *Municipal Act, 2001*, as amended, nor in this Policy.
8. Costs to be Recovered from Abutting or Benefiting Property Owners

In accordance with Sections 9 and 10 of the Municipal Act, 2001, as amended, the City will recover the following capital costs from properties benefiting from a water and/or sanitary and storm sewer servicing project; including but not limited to:

(a) All costs related to the design and construction of the municipal mainline service extension. This includes Municipal Class EA studies, soil testing, borehole testing, tree preservation and replacement plans, etc.

(b) Laterals and sewer laterals – public portion from the municipal mainline service extensions to the property line

(c) Costs associated with fire hydrants and the increased sizing of water mains to conform with municipal fire flow requirement;

(d) Costs for all intersection work incurred in the course of constructing the extended water and wastewater services; and

(e) Property acquisition costs.

In certain circumstances a project may have extraordinary costs associated with it (i.e. local topography, extensive rights of way, health concerns). On a project specific basis, the City may opt to incur some or all of the extraordinary costs, thereby providing relief to the impacted ratepayers.

In circumstances where the ‘oversizing” costs of municipal mainline service extensions is required to accommodate future growth, this extra cost will be paid by development charges. In this way local ratepayers are not charged for infrastructure sizing that is beyond that needed to service their local area.

9. Hardship Cases

In recognition of legitimate hardship cases, the City may defer all or part of the charges until such time as the property is either sold or a change in ownership by other means occurs. The charges, if deferred, would be registered on title and would become a lien against the property. It would be incumbent upon individual homeowners to demonstrate to Council’s satisfaction, the basis of their request (i.e. financial need).

10. Projects funded from Development Charges

In cases where Development Charges have fully funded the water main, sanitary sewer or storm sewer infrastructure, the existing adjacent owners to this service will be required to pay the applicable flat fee upon connection to the municipal service in addition to the normal connection permit charge at the time of connection. The flat fees are shown as Schedule 1 to this Policy. These flat fees would be reflected in a cost recovery by-law and the monies collected would be placed in the appropriate City Development Charges account.
In cases where Development Charges have partially funded the water, sanitary or storm sewer mainline service construction, the adjacent owner will pay their apportioned share of the actual outstanding construction costs of the main line service or the flat fee, whichever is the greatest. The determination of the time of payment (upon completion of construction or upon connection) and apportioned share of the cost will be in accordance with this Policy. Again, these flat fees would be reflected in a cost recovery by-law and the monies collected would be placed in the appropriate City account.

11. **Cost Recovery for “Developer Initiated” Municipal Service Construction**

In cases where “Developer Initiated” municipal services are constructed outside of the development lands, the City can use best efforts to collect the outstanding municipal servicing costs on behalf of the developer. The adjacent property owners would pay their apportioned share upon connection to the municipal service in accordance with section 12 of this Policy (Method of Cost Recovery).

12. **Method of Cost Recovery**

The costs are apportioned as follows:

(a) That for projects benefiting both residential and non-residential premises, total assessable costs be first apportioned between these two groups on a basis equal to the percentage split of the total actual frontage of the impacted assessable properties;

(b) That project costs assessable to residential premises be apportioned on a per lot basis, with residential lots having multiple services assigned additional costs related to the lateral charge for each additional service connection;

(c) For owner petition projects and approved City-initiated projects (2b), all abutting properties are subject to the special assessment of charges whether or not they elect to connect to City water and/or wastewater services;

(d) The costs associated with the sewer laterals – public portion and water service laterals for each project shall be identified separately for each property and are not considered as part of the mainline municipal service;

(e) That project costs attributable to non-residential premises benefiting from the project will have costs apportioned between them on a basis of lot-specific area. This alternate apportionment formula for non-residential premises and lands will take into account the potentially more significant water demands that larger properties may ultimately place on the water and/or sanitary and storm sewer systems;

(f) For the purposes of this Policy, non-residential properties include nursing homes, schools, parks and businesses. Farms are considered to be residential. Churches are exempt from the cost recovery provisions of this Policy and the funding shortfall will be recovered from another source.

(g) Parks are assessable and chargeable, but acreage-based apportionment charges would be determined using the actual frontage and a depth measurement capped at a maximum of 30 metres;
(h) In the case of exceptional circumstance, where lot configurations vary widely, the City reserves the right to alter the allocation of costs against a particular property in the interests of equity and fairness to the other benefiting properties (e.g. a lot that is clearly significantly larger than others or that is far removed from a grouping of other properties);

(i) Properties that cannot take advantage of the municipal service (re: utility lands or lands that are undevelopable for reasons such as being designated hazard lands) would be exempt from the process and charges set out in this Policy.

(j) New lots that are created through the severance process after the cost recovery bylaw has been passed would not be required to participate in the project recovery process and would be exempt from the process and charges. However, due to the fact that cost recovery is based on a per lot basis, in the issue of fairness, newly created lots would be subject to the total Development Charge in effect at the time of building permit application.

(k) For projects that include blocks of land that have development potential, that the cost apportionment proceed as if the development is in place, (based on existing planning documentation) however that the cost recovery for said block be initiated only as a condition of development or subdivision agreement;
Schedule 1 to Funding Methodology for Municipal Infrastructure Extensions Policy

1. Flat Fee Charges

The fee derived from the benefit of connecting to a municipal infrastructure extension which is funded wholly or partially by Development Charges shall be either the actual cost to each benefiting owner or the flat fee noted below – whichever is the larger amount. The flat fees will be annually adjusted in accordance with the Construction Data Index.

2007 Single Family Residential Unit:

Sanitary Sewer Main line Fee: $6,000.00
Storm Sewer Main line Fee: $7,000.00 (larger pipe size for storm sewer)
Water main Main line Fee: $4,200.00

Cost excludes the following items, which are the property owners additional costs: sewer lateral – public portion construction cost within the public right of way, water service lateral construction cost within the public right of way, permit connection fee and all works on private property.

Uses other than Single Family Residential

It is recommended that the residential flat fee be applied to all other existing land uses and/or buildings constructed prior to the approval of this Policy by Council.

The majority of existing land uses without municipal services on existing roadways appear to be single family residential. Generally, a more intense use or commercial use would not be permitted without municipal services first being installed and as such these lands would be connected to the system already.

Flat Fee charges based on:

1. The average cost per metre between constructing a local service in “greenfield development” and on an existing roadway.
2. The average frontage of existing residences on private services being approximately 18m.
3. Design, Engineering, GST and Administration Fees included.
4. 2004 Construction Costs - adjusted to 2007