



**City of Kingston
Report to Council
Report Number 17-263**

To: Mayor and Members of Council
From: Lanie Hurdle, Commissioner, Community Services
Resource Staff: Luke Follwell, Director, Recreation & Leisure Services
Date of Meeting: November 7, 2017
Subject: Neighbourhood Park Improvement Project - Request for Funds -
Polson Estate

Executive Summary:

The City of Kingston is a beneficiary in the last will and testament of Stuart MacDowall Polson, dated May 30, 1957 and Codicil thereto dated April 15, 1958 (herein referred to as “the Estate”). The terms of the Estate provided for a Trust to be set up and referenced as “The Hannah Washburn, Neil Currie Polson Trust for Garden Beauty Open Spaces for the City of Kingston”. The terms require that the net income of the trust not accumulate for a period of more than five consecutive years. The City has begun the process, as prescribed, to request the proceeds from income earned from the Trust for use in accordance with permitted expenditures under the Estate. This report seeks Council’s approval to apply to the Estate for funds to support a neighbourhood park improvement project for Fairway Hills Park.

Recommendation:

That Council approve a capital budget for the Fairway Hills Park in the amount of \$405,000, with funding of \$160,000 from the Polson Estate and \$245,000 from the Municipal Capital Reserve Fund; and

That staff be authorized to apply to the Polson Estate’s Advisory Committee to withdraw funds in the estimated amount of \$160,000 to finance improvements to pathways, landscaping and a children’s play area at Fairway Hills Park.

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Authorizing Signatures:

ORIGINAL SIGNED BY COMMISSIONER

Lanie Hurdle, Commissioner, Community Services

ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER

Gerard Hunt, Chief Administrative Officer

Consultation with the following Members of the Corporate Management Team:

Desirée Kennedy, Chief Financial Officer & City Treasurer



Denis Leger, Commissioner, Corporate & Emergency Services

Not required

Mark Van Buren, Acting Commissioner, Transportation & Infrastructure Services



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Options/Discussion:

The City is included as a beneficiary in the last will and testament and codicil of Stuart MacDowall Polson. The terms of the estate provided for a trust to be set up and named "The Hannah Washburn, Neil Currie Polson Trust for Garden Beauty Open Spaces for the City of Kingston". The terms of the estate require that the net income of the Trust not accumulate for more than five consecutive years and the proceeds must be used for the purpose of:

- *"the acquisition of land for open spaces or small parks within the City of Kingston and for improving, leveling, draining, and landscaping of said lands and for providing park benches, shrubbery, flower plots and ornamental trees, but not for the maintenance of such open spaces and parks after they have been acquired or approved."*
- *"the purchase of buildings where such buildings are to be removed or demolished to provide open spaces or parks."*
- *"where a building which is located on land to be acquired for an open space or park is, in the opinion of the Advisory Committee hereinafter referred to, suitable to be used in connection with and for the purpose of serving the open space or park it may be purchased, and, if necessary, renovated from the net income from the trust fund and need not be removed or demolished."*

An Advisory Committee was established by the estate to advise and direct on the distribution of proceeds and to approve the required signage to recognize the donor. The Advisory Committee is comprised of the following members of the community:

- City of Kingston Mayor, Chair of the Advisory Committee
- Member of Parliament representing Kingston
- Member of the Legislative Assembly representing Kingston
- County Judge of the County of Frontenac
- President of the Ministerial Association of Kingston
- Head of the Roman Catholic Diocese of Kingston
- Chair of the Board of Education of the Public School Board of Kingston
- Chair of the Board of the Separate School Board of Kingston

With Council approval, staff will apply to the Advisory Committee to withdraw funds in the estimated amount of \$160,000. It has been determined that the following project will satisfy the terms of the Estate:

Fairway Hills Park - Improvements to pathways, landscaping and children's play area (estimated cost of \$405,000). The following elements are proposed in the park improvement:

- An improved accessible path through the park;
- A grass trail loop around the woodlot;
- A new west pedestrian access;

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- Improved visibility and safety for the woodlot;
- The addition of natural play features (non-plastic equipment);
- A new open lawn for community gathering; and
- Improved seating in the park.

This project was approved by Council in 2013 for future budget consideration and is currently identified in the 2020 capital forecast. Staff is recommending that the project be brought forward in order to benefit from a contribution from the Polson Estate. This contribution will allow a reallocation of capital resources to other projects.

This project will be presented to the Polson Estate's Advisory Committee later this year.

Existing Policy/By-Law:

The provisions of the last will and testament and codicil of Stuart MacDowall Polson.

Notice Provisions:

In 2012 and 2013 public consultations on the concept plan for the improvements to Fairway Hills were undertaken. On May 23, 2013, a presentation was made to the Arts, Recreation and Community Policies Committee and a report recommending these improvements was ultimately approved by Council.

Accessibility Considerations:

A Municipal Accessibility Advisory Committee (MAAC) representative reviewed the Fairway Hills conceptual plan at the time of public consultation and would be part of the review of technical plans for the project.

Financial Considerations:

The estimated cost for the project is \$405,000. \$160,000 would be funded from the Polson Estate with remaining funds coming from the Municipal Capital Reserve Fund.

The City Treasurer has discussed this project with the Estate's solicitor, Mr. Robert Little, of Cunningham, Swan, Carty, Little & Bonham LLP. Mr. Little is prepared to proceed with the necessary actions to secure the funds for the City, subject to the approval of the recommendations in this report by Council.

Contacts:

Lanie Hurdle, Commissioner, Community Services 613-546-4291 extension 1231

Luke Follwell, Director, Recreation & Leisure Services 613-546-4291 extension 1815

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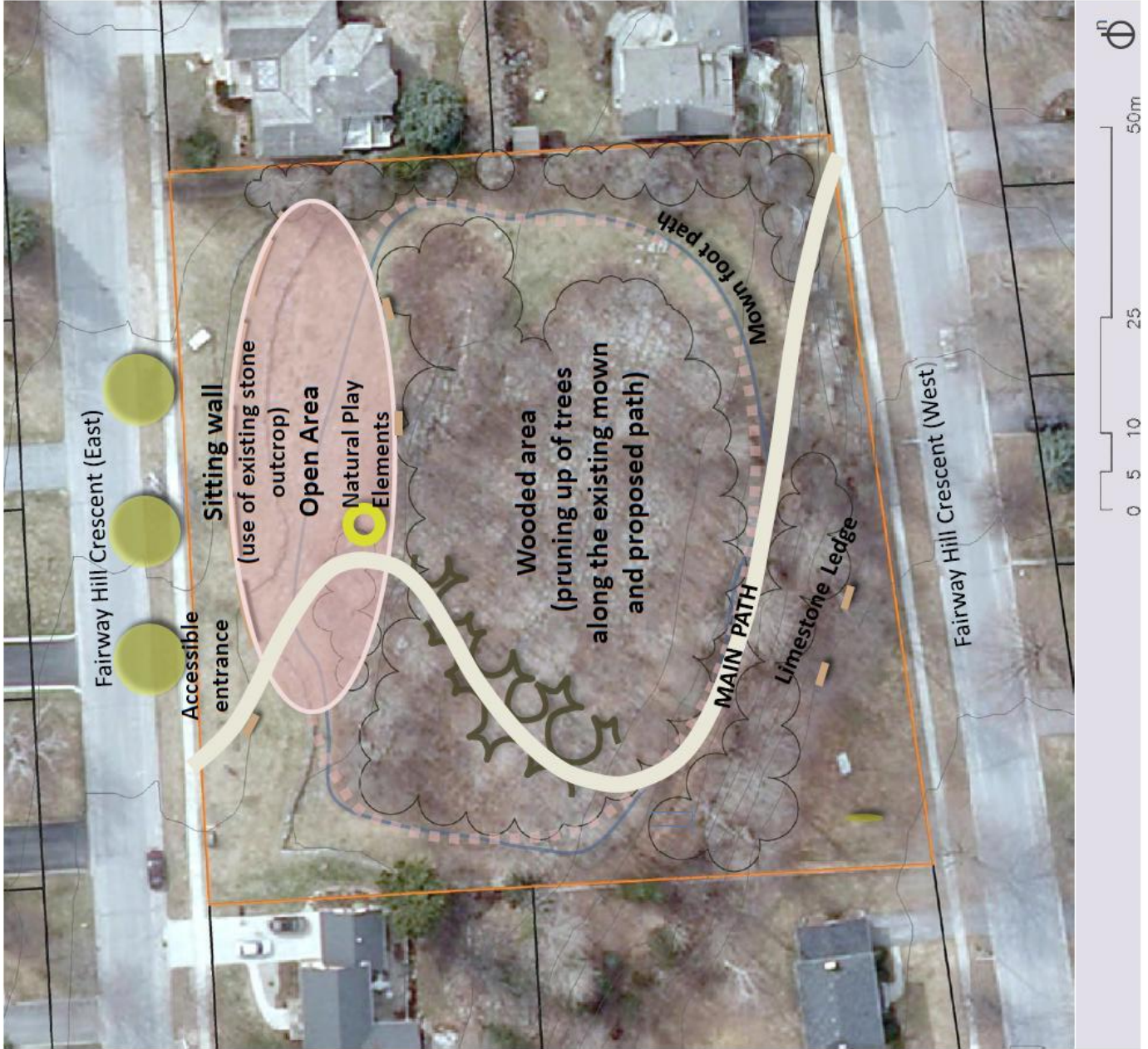
Other City of Kingston Staff Consulted:

Damon Wells, Director, Public Works

Lana Foulds, Manager, Financial Planning, Financial Services

Exhibits Attached:

Exhibit A Proposed Concept Plan for Fairway Hills Park



CONSOLIDATED DESIGN CONCEPT

PARK KEY MAP

LEGEND

- Redefined existing mown path
- Proposed path
- New Street Trees
- Existing trees
- Open lawn
- Seating areas
- Play area (natural)

FAIRWAY HILLS PARK