



**City of Kingston  
Report to Council  
Report Number 16-016**

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**To:** Mayor and Members of Council  
**From:** Lanie Hurdle, Commissioner, Community Services  
**Resource Staff:** Luke Follwell, Director, Recreation and Leisure Services  
**Date of Meeting:** December 15, 2015  
**Subject:** Proposed Amendment to Kingston BMX Association License Agreement

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**Executive Summary:**

On June 18, 2013 Council gave delegated authority to the Director of Real Estate & Construction Services and the Director of Recreation and Leisure Services to approve standard license agreements for existing sports and recreation partner groups who already occupy the various office and storage spaces throughout the City.

The Kingston BMX Association signed a license agreement with the City on June 26, 2015 for the BMX office building and canteen in Woodbine Park. It was noted in Report Number 13-228 that if additional space or privileges beyond the standard license is requested, a separate report would be submitted for Council's consideration.

Since signing the license agreement, the Kingston BMX Association brought forth a request to build an announcer stand within the BMX track at Woodbine Park. As this is new construction, the purpose of this report is to request Council's approval to amend the existing license agreement to include the announcer stand in the Kingston BMX Association's community license.

**Recommendation:**

**That** the Mayor and Clerk be authorized to execute the amendment to the license agreement with the Kingston BMX Association to permit the construction and operation of an announcer stand, in a form satisfactory to the Director of Legal Services.

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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:**

Cynthia Beach, Corporate & Strategic Initiatives

Denis Leger, Transportation, Facilities & Emergency Services                      Not required

Jim Keech, President and CEO, Utilities Kingston                                      Not required

Desiree Kennedy, Chief Financial Officer & City Treasurer                              Not required

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**Options/Discussion:**

On June 18, 2013, through Report Number 13-228, Council had given delegated authority to the Director of Real Estate & Construction Services and the Director of Recreation and Leisure Services to approve standard license agreements for existing sports and recreation partner groups who already occupy the various office and storage spaces throughout the City. The partner groups occupy various offices and storage spaces within recreation facilities while also renting program space, ice time and field time by permit at rates established by the Fees and Charges By-Law Number 2005-10.

Such license agreements are implemented under the Community Leases/Licenses section of the Revenue Leasing and Licensing Policy. This section of the policy allows the City to enter into agreements for reduced rents/fees or nominal rents/fees under specified circumstances involving community groups. A key element of each agreement is the requirement to maintain liability insurance for the space each community group occupies. Currently, each community group pays a \$1 fee per year to occupy the space and maintain a general liability insurance of not less than five million dollars.

The Kingston BMX Association signed a license agreement with the City on June 26, 2015 for the office building and canteen in Woodbine Park as per the delegated authority given in 2013. The standard licenses were for office and storage facilities only. If additional space or privileges beyond the standard license was requested, a separate report would be submitted for Council's consideration.

Since the signing of their license agreement, the Kingston BMX Association brought forward a request to build an announcer stand within the BMX track at Woodbine Park, 1180 Woodbine Road. The announcer stand allows the association to view the finish line and starting gate during a race. They received donations which allow the association to carry out the construction of the proposed announcer stand. The design of the announcer stand will be made in accordance with the building code and approved by a licensed Professional Engineer. A concept drawing of the stand is depicted in Exhibit A.

As this is new construction, the request is being brought forward for Council's consideration to amend the BMX Association's existing license to include the announcer stand. In the proposed amendment, the Kingston BMX Association is responsible for maintenance and ensuring the announcer stand is safe for the public. The license renews on an annual basis provided the space is still available, the insurance is kept current, the licensee abides by the terms of the agreement, is not outstanding with respect to facility rentals and continues to be a partner group as defined under the aforementioned policies.

**Existing Policy/By-Law:**

Revenue Leasing and Licensing Policy

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**Notice Provisions:**

Not applicable

**Accessibility Considerations:**

Not applicable

**Financial Considerations:**

The construction and associated cost for constructing the announcer stand will be incurred by the Kingston BMX Association.

**Contacts:**

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

Neal Unsworth, Manager, Parks Development, Recreation and Leisure Services 613-546-4291 extension 1811

Peter Huigenbos, Manager, Real Estate & Land Development 613-546-4291 extension 3148

**Other City of Kingston Staff Consulted:**

Susan Nicholson, Director, Legal Services & City Solicitor

Chanda Sames, Planner, Parks Development, Recreation and Leisure Services

**Exhibits Attached:**

Exhibit A      Concept Drawing of Announcer Stand

Exhibit A

Concept drawing of proposed announcer stand

