



**CITY OF KINGSTON**  
**REPORT TO COUNCIL**

**Report No.: 12-205**

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**TO:** Mayor and Members of Council

**FROM:** Desirée Kennedy, City Treasurer

**RESOURCE STAFF:** Wally Ferris, Director, Recreation & Leisure Services  
Neal Unsworth, Manager, Parks Development

**DATE OF MEETING:** July 17, 2012

**SUBJECT:** Community Park Projects - Request for funds- Polson Estate

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**EXECUTIVE SUMMARY:**

The City of Kingston is included as 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 also 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 on 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 in relation to two identified community park projects. This report is time sensitive as the Estate’s Advisory Committee meeting is scheduled for August.

**RECOMMENDATION:**

**THAT** staff be authorized to apply to the Estate’s Advisory Committee to withdraw funds in the estimated amount of \$190,000 to finance improvements to pathways, landscaping and decorative walls at Churchill Park in the amount of \$100,000 and to finance the creation of a community gathering space at Shannon Park in the amount of \$90,000.

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**AUTHORIZING SIGNATURES:**

ORIGINAL SIGNED BY DIRECTOR OF FINANCIAL SERVICES _____ Desirée Kennedy, City Treasurer
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER _____ Gerard Hunt, Chief Administrative Officer

**CONSULTATION WITH THE FOLLOWING COMMISSIONERS:**

Cynthia Beach, <i>Sustainability &amp; Growth</i>	N/R
Lanie Hurdle, <i>Community Services</i>	√
Denis Leger, <i>Transportation, Properties &amp; Emergency Services</i>	N/R
Jim Keech, <i>President and CEO, Utilities Kingston</i>	N/R

***(N/R indicates consultation not required)***

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**OPTIONS/DISCUSSION:**

The City of Kingston is included as a beneficiary in the Last Will and Testament of Stuart MacDowall Polson. 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 of the Estate require also 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, City staff will apply to the Advisory Committee to withdraw funds in the amount of \$190,000. In consultation with the City's Commissioner of Community Services, Director of Recreation and Leisure Services and Manager of Parks Development, it has been determined that the following projects will satisfy the terms of the Estate:

1. Churchill Park - Improvements to pathways, landscaping and decorative walls (\$100,000)

Churchill Park provides an opportunity for residents of all ages to enjoy informal gatherings with its many gardens. It has pathways which encourage active and healthy living. Improvements to these amenities are required in order to enhance this service.

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- 2. Shannon Park - Creation of a community gathering space next to the skatepark that will include accessible paths, benches and trees (\$90,000)

A community gathering space next to the skatepark will provide an area of beautification with trees, benches etc. It will be an area where parents can interact with their children and where more intergenerational interaction is encouraged as the area will be highly used by groups of all ages.

Both park projects were contemplated within the City’s previously approved priorities and capital budget envelopes. Donations from the Estate to the Shannon Park project will have a significant impact on the fundraising efforts of the community and ensure that the skatepark amenities can be completed. A donation to improvements at Churchill Park will allow a reallocation of resources to other projects.

These projects will be presented to the Estate’s Advisory Committee later this summer.

**EXISTING POLICY/BY LAW:**

The provisions of the Last Will and Testament of Stuart MacDowall Polson and Codicil thereto.

**NOTICE PROVISIONS:**

There are no notice requirements under the *Municipal Act*, 2001 for this report.

**ACCESSIBILITY CONSIDERATIONS:**

There are no accessibility considerations for this report.

**FINANCIAL CONSIDERATIONS:**

The Trust proceeds of \$190,000 will be used to finance the identified projects. The City Treasurer has discussed these projects with the Estate’s solicitor, Mr. Robert Little, Cunningham, Swan, Carty, Little & Bonham LLP. Mr. Little has confirmed that these projects fit the established criteria of the Estate and is prepared to proceed with the necessary actions to secure the funds for the City, subject to the approval of the recommendation in this report by Council.

**CONTACTS:**

Desirée Kennedy, City Treasurer	Ext. 2220
Lanie Hurdle, Commissioner, Community Services	Ext. 1231
Wally Ferris, Director of Recreation & Leisure Services	Ext. 1302

**OTHER CITY OF KINGSTON STAFF CONSULTED AND AFFECTED:**

Neal Unsworth, Manager, Parks Development, Recreation & Leisure Services

**EXHIBITS ATTACHED:**

N/A