



**City of Kingston  
Report to Council  
Report Number 18-199**

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**To:** Mayor and Members of Council  
**From:** Lanie Hurdle, Commissioner of Community Services  
**Resource Staff:** Peter Huigenbos, Director of Real Estate & Environmental Initiatives  
**Date of Meeting:** July 10, 2018  
**Subject:** Proposed Cell Tower Lease – Rogers Communications – 1303 John Marks Avenue

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**Executive Summary:**

The City has been approached by Rogers Communications Inc. through its site location agent, Eric Belchamber & Associates, to construct a 40 to 45 metre high cell tower on the Public Works site located at 1303 John Marks Avenue in the City's St. Lawrence Business Park. In May 2016, Council approved a potential lease with Bell Mobility for the same location but Bell did not proceed to make an application.

Should Council approve the recommendations in this report, Rogers Communications will proceed to make application through the Canadian Radiocommunications Information and Notification Service/Service d'Information et de notification en radiocommunications canadienne (CRINS-SINRC) established process for public consultation and review. If the application is approved through that process, City staff will proceed to negotiate a lease with Rogers Communications.

This is an opportunity for the City to realize new, annual non-tax revenue. The City has similar towers with Bell Mobility for total revenue of approximately \$35,000 per year. It is estimated that the addition of a third tower will increase the City's annual cell tower lease revenue to over \$52,000 per year.

In addition to non-tax revenue from the land lease, the future ground shelter at the base of the tower is taxable, generating approximately \$1,200 annually in new property tax revenue. The tower itself will be exempted from property tax.

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**Recommendation:**

**That** Council grant approval for Rogers Communications Inc., or its agent, to submit a formal application to the Planning, Building & Licencing Services Department to initiate a public consultation for a proposed cell tower on City-owned property at 1303 John Marks Avenue; and

**That** the Director of Real Estate & Environmental Initiatives be delegated authority to provide land owner's written consent for the purposes of the application; and

**That** subject to the application receiving no objections from the Planning Committee in accordance with the requirements of Innovation, Science and Economic Development Canada, and the City's public consultation process, Council direct staff to negotiate a lease of Rogers Communications Inc. at fair market value for a period of five (5) years with three (3) successive five (5) year options to renew in a form satisfactory to the Director of Legal Services; and

**That** Council authorize the Mayor and Clerk to execute all necessary agreements as may be required to finalize a lease with Rogers Communications Inc.



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**Options/Discussion:**

The City has been approached by Rogers Communications Inc. (“Rogers”) through its site location agent, Eric Belchamber & Associates, to construct a 40 to 45 metre high cell tower on the Public Works site located at 1303 John Marks Avenue in the St. Lawrence Business Park. In May 2016, Council approved a potential lease with Bell Mobility for the same location but they did not proceed to make an application.

At the same Council Meeting in May 2016, the Planning, Building & Licensing Services Department put forward [Report Number 16-136](#) to authorize CRINS-SINRC to act as the City’s authorized representative for the purposes of reviewing and processing radiocommunication facility applications. The City also adopted the CRINS-SINRC Reference Protocol for siting towers and the “Guidelines for Establishing Radiocommunication Facilities in the City of Kingston” developed by City staff to provide additional guidance for the review of requests for cell towers.

Should Council approve the recommendations in this report, Rogers Communications will proceed to make application through the CRINS-SINRC’s established process for public consultation and review. Only if the application is approved, would City staff proceed to negotiate a lease with Rogers.

Exhibit ‘A’ illustrates the proposed location on the southeast corner of 1303 John Marks Avenue in the St. Lawrence Business Park. Research presented by the Planning, Building & Licensing Services Department in their 2016 report indicates that most municipalities encourage towers to be located in industrial, commercial and rural areas, and to discourage their proximity to residential areas, heritage districts, downtowns, hazard lands and environmentally sensitive areas. Locating the tower in the City’s business park also helps to increase cellular reliability and capacity for local businesses in the park. The closest residential property is approximately 300 metres to the south. The site is adjacent to the John Machin Sports Fields which is part of a large open space area which buffers the residential area from the business park.

The specific location at the rear of the Public Works buildings does not pose any operational issues for Public Works. Rogers will still be required to make a formal application and comply with the City’s public consultation process as would any other applicant. In addition, the City, as the land owner, can include site specific conditions that it otherwise could not require of other applicants that construct towers on privately owned lands.

Cell towers offer municipalities the opportunity to realize new, annual non-tax revenues. The City currently receives lease payments from Bell Mobility for two existing tower locations, one at 692 Dalton Avenue (accessed from St. Remy Place) and another at the Centre 70 arena at 100 Days Road. Total annual revenue is approximately \$35,000 per year for the two existing towers. Should another carrier such as Rogers or Wind Mobile co-locate on those towers, the City will receive another 50% of the current rate in fees. The proposed site on John Marks Avenue will add an estimated \$17,500 per year (plus any co-locate fees should they occur in the future) for a total of \$52,500 per year from all cell tower providers on City lands across the City.

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In addition to non-tax revenue from the land leases, the ground shelters at the base of towers are taxable, generating approximately \$1,200 annually per tower in new property tax revenue. The towers themselves are exempted from property tax.

**Existing Policy/By-Law:**

The lease of the cell tower will be negotiated at fair market value in compliance with the City's Revenue Leasing and Licensing Policy. Real Estate & Environmental Initiatives staff will negotiate the terms of the lease, subject to the outcome of the public consultation process managed separately by the Planning, Building & Licensing Services Department.

**Notice Provisions:**

The review and consultation process undertaken by CRINS-SINRC on behalf of the City will determine notices as required.

**Accessibility Considerations:**

Not applicable

**Financial Considerations:**

The annual lease revenue at fair market value will be directed to the operating budget for the Public Works Road Sand & Salt Storage Facility.

**Contacts:**

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**Other City of Kingston Staff Consulted:**

Damon Wells, Director, Public Works Services

**Exhibits Attached:**

Exhibit A Location of Proposed Cell Tower

