



Committee of the Whole Report

Report Number:	ED2022-003
Meeting Date:	February 8, 2022
Title:	Public Art Acquisition by Donation: Fenelon Falls Marquee
Description:	Acquisition of the Fenelon Falls Marquee in the City's Public Art Inventory
Author and Title:	Donna Goodwin, Economic Development Officer – Arts & Culture

Recommendations:

That Report ED2022-003, Public Art Acquisition by Donation, be received;

That Council approve the acquisition by donation of the Fenelon Marquee sign from the Fenelon Theatre Marquee Committee and authorize the Mayor and Clerk to sign the Acquisition agreement to be in a form satisfactory to the City Solicitor; and

That this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Council Meeting of June 19, 2018, Council adopted the following resolution:

CR2018-400

That Report ED2018-003, **Public Art Policy**, be received;

That the policy entitled Public Art Policy appended to Report ED2018-003 be adopted, numbered and inserted into the Corporate Policy and Procedures Manual; and

That any unspent funds in the Public Art area be transferred annually to the City's Contingency Reserve for future use in the Public Art initiative; and

That \$12,500.00 be allocated annually to the Arts, Culture and Heritage budget, of which \$10,000.00 would be directed to public art purchases and \$2,500.00 towards possible maintenance or installation costs. **Carried**

At the Council Meeting of August 10, 2021, Council adopted the following resolution:

CR2021-361

That Report ED2021-031, **Revisions to CP2018-008 Public Art Policy**, be received; and

That the Policy entitled Public Art Policy attached as Appendix A to report ED2021-031, be adopted and numbered for inclusion in the City's policy manual, replacing all predecessor versions. **Carried**

The revised policy included the establishment of a multi-departmental Public Art Technical Team (PATT) that would be brought together when a Public Art donation request was received by the Economic Development Division. Revisions also included the amount of \$50,000 as the threshold for Council to make the decision to accept the donation based on information presented by Staff. The appraised value of the sign is more than \$50,000 which triggers Council approval.

This report addresses the need for Council to approve the acquisition by donation under the revised Public Art Policy.

Rationale:

In April 2021, the Economic Development Division was contacted to discuss the process of donating a possible Public Art piece to the City of Kawartha Lakes. The piece was the Fenelon Theatre Marquee sign.

The original neon sign was constructed in 1948 and hung on the Fenelon Theatre, at the corner of Colborne St. and Bond St. in the Town of Fenelon Falls, and was removed before the building was demolished in 2016. Through a community initiative the sign was restored in 2015 and mounted on a concrete base at 15 Oak Street, Fenelon Falls in 2018. As described on the commemorative plaque in front of the sign, "The Marquee became a beacon for locals and Tourists alike" and represents a particular place in the history and development of the municipality. Restored with now iconic lighting, it still acts as a beacon and meeting place in the picturesque community along the Trent-Severn waterway.

The piece is a populist art form of significant relevance to the built environment and the cultural heritage of the community. It demarcates a time and style of artistic craftsmanship. The work is in excellent condition; a stand alone piece installed on public property, conducive to inclusion in the City's Public Art inventory.

The marquee sign and base have been appraised for Replacement Cost for Insurance Purposes at \$78,400.00.

Found to be eligible under the selection criteria for Public Art in the 2018 Public Art Policy:

- a) quality and authenticity of the work: appraisal indicates that it has been refurbished to reflect the craftsmanship of its time;
- b) condition of work: materials are in excellent condition through its refurbishment in 2015;
- c) artistic merit and appropriate ethical content: great example of populous art blade signage for the advent of the techni-colour film industry;
- d) durability, safety and maintenance costs (i.e. lifecycle costs and annual operating costs) of the artistic work for display in a Public Space: sign permit process; verified it has engineering signoff and is safe for display in a Public Space
- e) relevance to the City's natural and built environment or cultural heritage: relevant to the cultural heritage of the City, and Fenelon Falls in particular; and
- f) ethical and legal considerations regarding ownership and installation: no considerations or constraints. Ownership has been validated by the applicant.

The Fenelon Theatre Marquee Committee was informed they could submit a formal request to donate the piece, see Appendix A. In May 2021, the Fenelon Theatre Marquee Committee submitted a formal request to donate the Fenelon Marquee sign to the City of Kawartha Lakes.

The 2018 Public Art Policy discussed the acquisition of Public Art by Donation but did not include a mechanism for other departments affected by the acquisition to participate in the decision making process. The Economic Development Division revised the policy to include the establishment of an inter-departmental Public Art Technical Team (PATT) to address this deficiency. In August 2021, Council approved Policy revisions and in September 2021, a PATT was struck to review the Fenelon Theatre Marquee Committee's donation request.

The PATT process activated the City's Cultural Master Plan (CMP) Objective 3: 'there is effective inter-departmental consideration of the cultural dimensions of development and city operations', initiating inter-departmental communication with respect to the implementation of the CMP and reinforcing Council's direction to consider a cultural lens for development and municipal projects. Research completed to ensure that all departmental requirements were addressed commenced in the Fall of 2021. The sign permitting process was completed as well as an independent appraisal for insurance purposes. The appraisal revealed that the value of the sign and base exceeded the \$50,000 threshold for Staff approval.

The Fenelon Theatre Marquee sign has great cultural significance to the community of Fenelon Falls and to the larger City of Kawartha Lakes. Staff recommend that Council accept the donation.

Other Alternatives Considered:

Council can choose not to accept the donation, which means that it will remain in community ownership. The long term outcome of this option is unknown and due to the importance of the sign in the city's cultural history, this option is not recommended.

Alignment to Strategic Priorities

This aligns to Strategy 2.5 An Exceptional Quality of Life in the 2020-2023 City of Kawartha Lakes Strategic Plan; Community Building through: the enhance community involvement, update and execute the Cultural Master Plan and support and promote arts, culture and heritage.

The acquisition also aligns with the 2020-2030 Cultural Master Plan (CMP) Priority 3.3: Improve Cultural Spaces & Places that encourages the City to consider the availability, suitability and accessibility of spaces and venues for cultural activities and events. Visitors and potential new residents expect cultural venues and outdoor spaces that are

comparable to other destinations that are available to them. Objective 6: A growing Public Art collection enlivens downtown and public space in the City and Objective 7: Heritage assets are protected and conserved and contribute to a thriving local economy.

Financial/Operation Impacts:

The Fenelon Marquee Committee has an agreement with the Fenelon Falls Chamber of Commerce to access electricity to light the sign from dusk to dawn. The annual stipend is \$400. Chamber staff have confirmed the amount and support for the arrangement continuing. The cost will be offset by the funds that will accompany the donation to the amount of \$7,155 and following this through the Public Art Reserve.

Corporate Assets will include the piece in their asset management plan. Annual assessment and general maintenance will be the responsibility of the Economic Development Division and funded through the public art allocation within its annual budget or the Public Art Reserve.

A legal agreement will be completed to transfer ownership to the City.

Consultations:

Corporate Assets Division

Legal Division - Realty Services

Legal Division – Insurance Risk Management

Building and Properties Division

Building & Septic Division

Manager of Economic Development

Attachments:

Appendix A – Formal Donation Request with Images



FTM-Letter of
Intention to Donate.doc



Fenelon
Marquee-Image 1.jpg



Fenelon
MarqueePlaque.jpg

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Department Head: Richard Holy, Director of Development Services