

# **Elements of a Public Art Implementation Plan**

## **October 28, 2019**

### **Planning Services Division**

#### **Purpose**

This report responds to Council resolution CC2018-254 (PL2018-170A) directing staff to prepare a Public Art Implementation Plan. This report outlines the base level of service associated with the implementation plan, and seeks direction to return to the 2021 Budget process for Council's consideration of a service level enhancement.

#### **Overview / Executive Summary**

Council directed staff to prepare a Public Art Policy in October, 2017. In May, 2018, staff presented elements of a public art policy. Council endorsed a draft Public Art Policy in September, 2018, and directed staff to form a Public Art Advisory Panel (PAAP), and to return with a proposed Public Art Implementation Plan.

The draft Public Art Policy prompts a number of items that would require implementation. These items were researched and discussed with the PAAP, internal teams, and with comparative municipalities, and then categorized by their impact on the service level in the Greater Sudbury context.

Staff has organized these items under three service levels. The first is the service level that can be delivered with existing resources. The second level would increase the service level to be consistent with comparator municipalities. This increase in service level would be considered through a future budget process. The third level describes further service level increases beyond the average provided by comparator municipalities.

At this time, staff recommends that the Service Level Two components be considered as part of the 2021 Budget Process.

#### **Background**

City Council passed the following motion on October 17, 2017:

“WHEREAS a strong public art program fosters creativity and innovation in a community;

AND WHEREAS public art animates the public realm through activities that benefit artists, residents and visitors alike;

AND WHEREAS public art enhances public spaces, architecture and landscapes;

AND WHEREAS a formal public art policy will encourage the creation of public art with both public and private development;

AND WHEREAS public art installations are currently being dealt with on an ad-hoc basis;

AND WHEREAS a public art policy is required to provide consistent standards regarding choosing locations, and the installation and maintenance;

THEREFORE BE IT RESOLVED that the City of Greater Sudbury direct staff to prepare and present a report on a suggested policy for public art for our City by March 1st, 2018 for the consideration of this Council."

Staff presented a report entitled "Elements of a Public Art Policy" in May, 2018 (See Reference 1). Council directed staff to finalize a public art policy no later than September 2018, based on the elements outlined in the report.

Staff presented the draft Public Art Policy on September 24, 2018 (See Reference 2). City Council approved the Public Art Policy in draft, and directed staff to implement some of the elements outlined in the policy, including the establishment of a Public Art Advisory Panel, the development of a public art implementation plan and the preparation of a business case to fund the public art implementation plan as part of the 2020 budget process.

The Public Art Advisory Panel (the PAAP) was established by Council on April 9, 2019, following Nominating Committee Resolution NC2019-15 (See Reference 3).

### **Elements of a Public Art Implementation Plan**

Based on direction from Council, and discussions with various City departments and the PAAP, staff conducted a scan of public art implementation plans from comparable municipalities. As part of this research, Greater Sudbury Staff spoke with staff from Halton Hills, Mississauga, Hamilton, Kingston, and Oshawa, given these municipalities have a public art program in place.

Elements of a public art implementation plan were included in the draft public art policy endorsed by Council in September, 2018. These elements are presented in this report in three distinct Service Levels, namely: 1- Base Level of Service; 2 – Average Level of Service; 3 – Enhanced Level of Service.

The elements of the Service Level One can be done with existing resources at the City. The elements of the second and third service levels could require Council's approval as part of future budget processes.

### **Service Level One – Base Level of Service**

1. Development of a Public Art Handbook (2020)
  - a. Establishment of City processes, forms, review
  - b. Legal Graffiti Wall Process and Implementation
2. Public Art Master Plan (2021)
3. Finalizing of Public Art Policy (2021)
4. Public Art Integration in City Policies (e.g. Official Plan, Strategic Plans, Master Plans) (ongoing)

### **Service Level Two – Average Level of Service**

1. Public Art Funding
  - a. Percentage of Capital Budget for Public Art; and/or
  - b. Dedicated Funding for Public Art
2. Identification, promotion and celebration of Public Art

### **Service Level Three – Enhanced Level of Service**

1. Public Art Catalogue and Inventory
2. Public Art Asset Management Plan
3. Establishment of Collections Mandate
4. Private sector Public Art Requirements
  - a. Zoning
  - b. Site Plan Control
  - c. Section 37 Community Benefits

The following sections outline each element by Service Level, and identify staff's recommendations for a public art implementation plan. Staff recommends that the implementation plan be long-term and flexible in timing, since these would be new services provided by the City. A summary of the elements and recommendations are included in Appendix A to this report (see Attachment A).

## **Implementation Plan**

### **Service Level One – Base Level of Service**

#### **Development of a Public Art Handbook**

Staff has gained experience with the public art procurement process over the past year. The City had received Main Street funding from the Association of Municipalities of Ontario (See Reference 4). The City directed staff to use a portion of the monies for two murals in Downtown Sudbury. These murals are now complete and photos are attached to this report (See Attachment B and C).

Staff has also gained valuable experience over the past year with the legal graffiti wall located at 71 Cedar Street. The wall was prepared (repainted) 3 times over course of the spring and summer, and the wall was covered with graffiti almost immediately. A new “Legal GRAFFITI Légal” stencil was designed by our communications team and used on the wall.

In addition to these specific examples, the City receives numerous requests per year from individuals and community groups for community arts projects (murals, sidewalk paintings, etc). Staff recommends that the processes be formalized over the next year and included within a Public Art Handbook. This Handbook would be a one-stop resource similar to the Film Handbook available to those wishing to film in our community (See Reference 5 – Film Handbook). The handbook could include forms, and could outline the application process for groups and citizens requesting to donate public art, paint murals or those requesting new private legal graffiti walls.

The City currently has no committed funds for legal graffiti walls. Staff recommends establishing a cap on the number of public legal graffiti walls as well as a service standard (e.g. repainting three times a year) as part of a budget request for the public art program (see Service Level 2). In the meantime, should a private landowner request a legal graffiti wall, staff recommends that the maintenance costs be the responsibility of the applicant. This would be formalized as part of the Public Art Handbook forms and agreements.

#### **Public Art Master Plan**

Staff recommends the preparation of a Public Art Master Plan. The master plan would help guide the “what and the where” in the public art acquisition process. It is a tool used in many municipalities (e.g. Kingston, Halton Hills, Richmond Hill, Hamilton) that have a public art program. Per Hamilton, “The Hamilton Public Art Master Plan is an important tool in the ongoing implementation of public art in Hamilton. Its primary intent is to identify and prioritize potential sites and opportunities for new public art projects across the city and to outline the principles by which this art is commissioned.” (See Reference 6 – City of Hamilton). The City of Hamilton has used its Public Art Master Plan process to prioritize 14 priority sites.

Similar to Oshawa and Hamilton, the development of the Public Art Master Plan can be done with existing resources. Staff recommends a two-year process (with regular check-ins) whereby staff would continue the research, prepare the materials required to conduct open houses, identify where existing public art is located in the community, and return with recommendations on the themes and location of future public art.

Staff envisions working closely with First Nations and Indigenous citizen groups on the development of the Master Plan. We would also turn to the Community Action Networks, other key stakeholder groups, and pop up events throughout the municipality in the outreach and gathering of information. Staff would also use the Libraries and Citizen Services Centres to allow for ongoing suggestions regarding matters of public art.

### **Finalize Public Art Policy**

As noted above, City Council endorsed a draft Public Art Policy in September, 2018. This draft policy has been useful in providing guidance to staff over the past year. Staff recommends that the Public Art Handbook be developed prior to finalizing the Public Art Policy. The handbook will allow staff to further consider the implementation of public art and will provide staff and Council with further insight on the applicability and the practicality of the proposed policies.

### **Integration of Public Art in City Policies and Procedures**

Council has recently finalized the 2019-2027 Corporate Strategic Plan. Council included a seventh Strategic Objective to further strengthen the objective of community vibrancy. Within this Strategic Objective are goals 7.1 and 7.3, which are to “Develop a Public Art Implementation Plan” and to “Strengthen the framework of programs that support the artistic, cultural and creative expression of local citizens and groups.” Goal 7.4 seeks the review of the Official Plan and other corporate policies to ensure they are appropriately aligned with the strategic objective of community vibrancy.

The City has launched Phase Two of the Official Plan Review. Included within that review are considerations of public art. This would flow through to other master planning processes, and if budgeted, through to the procurement process (e.g. Request for Proposals, Request for Quotes, etc).

Upon this integration, the City could take a step further to encourage or require public art through the development process (see Service Level 3). For example, the City could require Public Art through the site plan agreement process or through the Community Benefits process (Section 37 of the Planning Act). This next step is not recommended at this time, however.

The City should consider amendments to the Procurement By-law relating to the acquisition of Public Art. Specifically, the City should consider a modified Request for Quote process, whereby qualifications and conditions can be attached to the quote (e.g. qualified artists), and whereby the City is not necessarily bound to take the lowest project cost.

## **Service Level Two – Average Level of Service**

### **Public Art Inventory – Part 1**

The Public Art Master Plan process would assist the City in cataloguing the existing the Public Art inventory. In working with the PAAP, and the City's Libraries and Museums Department, City staff would establish the information requirements for cataloguing (e.g. artist name, title of public art, maintenance requirements, matters of copyright, etc). This would be an ongoing process.

However, much work is required to capture, catalogue and maintain the entirety of the City's collection. This work can be done in two streams: the external public work (e.g. monuments, statues), and the internal public art (e.g. art hanging in City buildings).

This elements may require further staffing resources (further described in Service Level 3).

### **Identification, promotion and celebration of Greater Sudbury's Public Art**

The City should continue identifying (i.e. inventorying) its public art portfolio. The City could take a step further to promote and celebrate public art in the community. This could include dedicated web resources, mobile applications, pamphlets, self-guided and/or organized tours.

### **Public Art Funding**

Funding for Public Art programs varies from municipality to municipality. A common form of funding for public art is the "Percent-for-Art" model which sets aside 1% of the municipality's Capital Budget for Public Art in the community.

Staff does not recommend the percent for public art until we have a more robust public art program.

Sample municipalities have set aside either a reserve which can or cannot accrue, have set aside additional monies for the maintenance of public art, and/or have include a public art portion of major capital projects notwithstanding the annual reserves set aside in the Budget. For example, while the City of Hamilton has both an annual Capital and Operations budget for public art, it sets aside additional funding for special public art opportunities such as the West Harbour Public Art project.

<b>Municipality</b>	<b>Funding</b>	<b>Other</b>
Halton Hills	\$100,000 (can't accrue)	1% for public art (optional with menu of projects from which to choose)
Hamilton	\$171,000/year (accrues)	\$55,000 in operations budget for maintenance and administration of Public art.
Oshawa	\$60,000 in reserve + \$20,000/annual	The annual contribution includes 10% for operations (\$2,000)
Thunder Bay	No dedicated funding. On a project-by-project basis.	Can also be accessed by Grant (max \$10,000 for project grant). Annual deadlines
Barrie	\$25,000 (2014) + 10% accrual every year.	Currently considering legal graffiti wall program

Staff recommends that the Service Level Two options be considered as part of the 2021 Budget Process

## **Service Level Three – Enhanced Level of Service**

### **Public Art Catalogue and Inventory**

These considerations were discussed as part of the second service level and may require further staffing resources. The position would help build the catalogue and to establish the maintenance schedule, where appropriate. This position could eventually act as the public art coordinator as seen in municipalities like Kingston. This person would unlock the other “Service Level Three” components such as the Asset Management Plan and the Collections Mandate.

### **Public Art Asset Management Plan**

Staff recommends that an Asset Management Plan be established for Public art once an inventory is substantially completed. This means that each art piece would be catalogued, and would have information such as the maintenance plan and schedule tied back to the art. This information would also be useful for copyright and insurance purposes.

### **Establishment of Collections Mandate**

A Collections Mandate is recommended once the inventory is substantially in place. This mandate would assist the City in the acquisition of public art either through commission or donation. For example, the mandate could establish that the City collect pieces from X group of artists, of Y group of themes.

### **Private sector Public Art Requirements**

The City of Toronto employs the “Percent for Public Art” principle. This is a common practice found within numerous public art programs throughout North America. The recommended minimum public art contribution for a development is based on one percent of the gross construction cost of that development. This 1% budget includes all of the various costs associated with the commission, administration, etc of acquiring public art.

The City could require public art as part of the Zoning, Site Plan Control, and Section 37 (Community Benefits) process. However, this is not recommended at this time. Staff recommends that the City consider these options only once the Public Art program has been established.



## Conclusion and Next Steps

The draft Public Art Policy endorsed by Council in September, 2018, includes a number of implementation items for a robust public art program. These items vary by their ease of implementation within the current context of Greater Sudbury, and their impact on future budget requests.

It is recommended that Council direct staff to prepare a business case for the Service Level Two components for consideration as part of the 2021 Budget Process.

## Resources Cited

1. "Elements of a Public Art Policy", report presented at the May 15, 2018 Finance and Administration Committee Meeting  
<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1272&itemid=14940&lang=en>
2. "Draft Public Art Policy", report presented at the September 24, 2018 Planning Committee Meeting  
<http://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1230&itemid=15595&lang=en>
3. Resolution to Establish Public Art Advisory Panel  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1417&itemid=rec>
4. "Ontario's Main Street Revitalization Initiative", report presented at the June 12, 2018 City Council meeting  
<https://agendasonline.greatersudbury.ca/index.cfm?pg=agenda&action=navigator&id=1282&itemid=15197&lang=en>
5. Greater Sudbury Filming Handbook  
<https://investsudbury.ca/investsudbury/assets/File/Film%20Guidelines.pdf>
6. City of Hamilton Public Art Master Plan Website  
<https://www.hamilton.ca/city-planning/master-plans-class-eas/public-art-master-plan>
7. Request for Prequalification, Muralists

<https://greatersudbury.bidsandtenders.ca/Module/Tenders/en/Tender/Detail/e325e05c-a081-43d6-9248-c0a78f40315c>