

COUNCIL REPORT

M&C No.	2019-50
Report Date	March 15, 2019
Meeting Date	March 25, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: Licence Agreement with Discover Saint John for Tidal Mural

OPEN OR CLOSED SESSION

This matter is to be discussed in open session of Common Council.

AUTHORIZATION

Primary Author	Commissioner/Dept. Head	City Manager
<i>Curtis Langille</i>	<i>Kevin Fudge/Ian Fogan</i>	<i>John Collin</i>

RECOMMENDATION

1. That the City enter into a Licence agreement with Discover Saint John for \$1.00 to grant its agents, employees, partners and contractors access to and use a portion of the Market Slip seawall, floating dock and staging area being a portion of PID No. 55235113, as identified on an attached Location map, for the steel installation, mural creation and further removal of same, subject to the following terms and conditions:
 - a. the Licence shall commence on July 15, 2019 and conclude at 11:59 pm (local time) on August 15, 2019;
 - b. that Discover Saint John shall, at no expense to the Licensor, obtain and maintain in full force and effect during the entire term of this Licence, a Commercial General Liability Insurance policy with policy limits of not less than five million dollars (\$5,000,000.00) inclusive per occurrence for bodily injury and property damage; which policy shall name the City as an additional insured and shall contain a cross-liability clause;
 - c. all damages, cost, claims, demands, actions, suits or other proceedings by whomsoever claimed, made, brought or prosecuted in any manner and whether in respect of property owned by others or in the Licensee does hereby indemnify and save harmless the Licensor from respect of damage sustained by others based upon or arising out of or in connection with the use of the Licensed Area; and

- d. submission of engineered design plans to be prepared and stamped by a professional engineer (registered in New Brunswick) and submitted to the City of Saint John for review and acceptance by the Chief City Engineer or designate, plans for the securing of steel plates onto the seawall of the subject property and for the subsequent removal of same.
2. That the Mayor and Common Clerk be authorized to execute the Licence Agreement.

EXECUTIVE SUMMARY

Discover Saint John is planning to have a world renowned artist come to the City in mid-July to mid-August of this year to paint a mural. The mural will be painted over submerged sheets of steel (depending on the tides) from dismantled, discharged shipping containers. Discover Saint John is requesting the City grant access to and use a portion of the Market Slip seawall (see location map) measuring approximately 12.2 metres (40 feet) in length, for the steel installation and mural creation for approximately one month. Once completed, the mural will be removed and relocated to a permanent location which has yet to be determined.

The terms and condition contained in the recommendation of this report will be included in a Licence agreement that will provide Discover Saint John and their agents the access they requested and also protect the City against any unforeseen circumstances.

PREVIOUS RESOLUTION

N/A

STRATEGIC ALIGNMENT

Providing for entrepreneur opportunities in the City's Uptown Core aid in creating a livable community that is vibrant and diverse, while providing an integrated approach to economic development.

REPORT

Further to the comments contained in the Executive Summary.

Various City departments and agencies have been advised and are supportive of Discover Saint John's proposal to use a portion of the Market Slip area to facilitate the painting of a tidal mural. The terms and conditions as set out in the recommendation contained in this report will facilitate the proposal and protect the interests of the City of Saint John.

SERVICE AND FINANCIAL OUTCOMES

The various City Departments involved with this proposal are supportive of this project and will coordinate their respective responsibilities for the Market Slip area to ensure this project is a success. There are no financial costs to the City associated with this project, while the tourism benefits to the City highlighting the artist and his works will be immeasurable.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Facility Management, Risk Management, Transportation and Environment Services, Saint John Parking Commission and Develop Saint John were all advised of this proposal and their input has been provided into this report where applicable. The City Solicitor's office has reviewed this report and is satisfied with the recommendation to Council.

ATTACHMENT

Location Map