

COUNCIL REPORT

M&C No.	2019 - 71
Report Date	April 01, 2019
Meeting Date	April 08, 2019
Service Area	Finance and Administrative Services

His Worship Mayor Don Darling and Members of Common Council

SUBJECT: License Agreement with Saint John Arts Centre for Mural Project

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 enters into a License agreement with Saint John Arts Centre for \$1.00 to grant its agents, employees, partners and contractors access to and use a portion of the building facade at civic #20 Peel Plaza, being a portion of PID No's. 37499 and 37481, for the mural creation, subject to the following terms and conditions:
 - a. the License shall commence on June 1, 2019 and conclude at 11:59 pm (local time) on July 31, 2019;
 - b. that Saint John Arts Centre 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; and
 - 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.
2. That the Mayor and Common Clerk be authorized to execute the License Agreement.

EXECUTIVE SUMMARY

Saint John Arts Centre (SJAC) is planning to have a renowned artist come to the City in June to July of this year to paint a mural. The mural will be painted over portions of the east and south facing walls of the Arts Centre building. The mural will be designed by artist Allan Ryan (Uber 5000) and be approved by the SJAC mural committee. The Committee would reserve the right to paint over the mural at some point in the future. If permission is granted, the mural would be set to proceed in June of this year.

The terms and condition contained in the recommendation of this report will be included in a License agreement that will provide SJAC 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.

City departments and agencies have been advised and are supportive of Saint John Arts Centre proposal to use a portion of the building (non-brick) facades to facilitate the painting of a mural to draw attention to the SJAC offering New Brunswick College of Craft and Design foundation courses starting this September. 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. These conditions are similar to a recent license granted by the City for Discover Saint John to create a mural adjoining the Market Slip.

SERVICE AND FINANCIAL OUTCOMES

There are no financial costs to the City associated with this project, while the tourism benefits to the City and drawing attention to the new courses being offered in the fall by the Arts Centre will be immeasurable.

INPUT FROM OTHER SERVICE AREAS AND STAKEHOLDERS

Facility Management and Risk Management were all advised of this proposal and their input has been provided into this report where applicable. The City Solicitor's office has reviewed a very similar report involving Discover Saint John and was satisfied with the recommendation to Council.

ATTACHMENT

Location Map