

<b>TO:</b>	<b>CHAIR AND MEMBERS INVESTMENT AND ECONOMIC PROSPERITY COMMITTEE MEETING ON MARCH 27, 2012</b>
<b>FROM:</b>	<b>MARTIN HAYWARD CITY TREASURER, CHIEF FINANCIAL OFFICER AND TOM JOHNSON MANAGING DIRECTOR – CORPORATE ASSETS</b>
<b>SUBJECT:</b>	<b>“PEOPLE IN THE CITY” ARTWORK</b>

### RECOMMENDATION

That, on the recommendation of the City Treasurer, Chief Financial Officer and the Managing Director - Corporate Assets this report **BE RECEIVED** for information.

### PREVIOUS REPORTS PERTINENT TO THIS MATTER

- Public Art Policy - Board of Control, January 2009
- Inquiry about the Deterioration of the Public Art Installation at the corner of Wellington Road and Queens Avenue, Board of Control, February 11, 2009
- The possible relocation of the ‘People in the City’ public art was referred to the Creative City Committee for their deliberation by Council, March 9, 2009
- People in the City Artwork Report to Creative City Committee, May 4, 2009

### BACKGROUND

*“At its meeting of May 4, 2009 The Creative City Committee received a municipal Council resolution adopted at its meeting held on March 9, 2009 and an information report from the Director of Corporate Management Support, with respect to “People in the City” artwork. The CCC asked the Director, Corporate Management Support, in consultation with the artists, to report back at a future meeting of the CCC with respect to the following matters relating to the “People in the City” artwork:*

- (a) *“the estimated cost of restoration of the “People in the City” artwork in its current location.*
- (b) *the potential cost to relocate the “People in the City” artwork; and,*
- (c) *potential locations for the artwork if it is relocated.”*

The “People in the City” Artwork was created in 1991 by the artists Doreen Balabanoff and Stuart Reid and the artists signed an agreement with the City of London, which continues to apply today. The City is the owner of the Artwork, but the artists still have certain rights under the original creation agreement related to repair, restoration or relocation of the Artwork.

The Artwork is made of bronze with a base of Indiana limestone. The base was created with complex geometry similar to a jigsaw puzzle and is not one piece that is easily movable. The top layer of stone was put on last and beneath there are 3 layers of concrete which goes down approximately 5 feet to a concrete pad. The bronze is in two pieces held together through Tung and Groove bolted into the concrete pad and stainless steel bar with screws. It is located on the median in the middle of Wellington Street, just north of Queens Avenue, between four lanes of traffic. The base, which has visible deterioration, is in need of repair. Some emergency conservation work - pointing of the stones, to stabilize the stones on the base was performed in November 2009 by Mr. Alexander Gabov, a Specialist Conservator for public art monuments. This emergency conservation work was performed so that the Artwork could withstand the weathering over the winter.

## THE RESTORATION AND MAINTENANCE OF THE ARTWORK AT ITS CURRENT LOCATION

The restoration of the Artwork at the current location includes two components:

1. An in depth repair and restoration of the limestone base and bronze; and,
2. An annual maintenance program.

1. The agreement dated June 30, 1990 section 20 sets out the terms and conditions that apply to restoration and repair of the “People in the City” Artwork. This section states that the City must consult with the artists about restoration and repair. In so doing the City must give the artists written notice by registered mail in accordance with section 24 of the agreement and provide the artists with the option of contracting with the City to carry out such repairs or restorations for a reasonable fee to be negotiated by the parties in good faith. As per the terms and conditions of the agreement, the Culture Office sent a registered letter to the artists asking if they wished to exercise their right to carry out repairs or restorations to the Artwork for a reasonable fee. The artists officially responded stating that they wished to exercise their legal right to perform the restoration work. The artists give permission for Alexander Gabov, Public Art Conservator, to perform the work on their behalf; however the artists have requested that they be included in all consultations and oversee the in depth repair and restoration work.

The overall cost estimate to repair this monument is \$37,325.00 +\$4,852.25 (HST) = \$42,177.25. The complete plan for repair and restoration including: cleaning of the bronze, replacement of missing stones, realignment of stones, removal of corrosion from plaques and clear coating of the bronze surfaces and a written and photographic final report has been provided to the Civic Administration. The Civic Administration has determined that this proposed fee is reasonable and can be accommodated through existing funding available in the Public Art Maintenance Reserve Fund of the Culture Office. Based on the legal authority provided under the terms and conditions of the agreement dated June 30, 1990 with the artists, this contract for the repair and restoration of the “People in the City” Artwork will be awarded to Mr. Alexander Gabov with the artists overseeing all phases of the in depth repair and restoration work for an incidental fee for this oversight.

2. The maintenance of the Artwork should be ongoing in the spring for an approximate cost of \$2,000 + HST per year financed through the Public Art Maintenance Reserve Fund, as there should be a process to seal the bronze with wax every year to preserve the bronze finish over the winter and the value of the Artwork. This price would also include the replacement of missing stones with appropriate Indian Limestone.

## THE RELOCATION OF THE “PEOPLE IN THE CITY” ARTWORK

The agreement dated June 30, 1990 section 22 Copyright and City’s Right to Reproduce pertains to the relocation of the monument and places the following limitations and restrictions on the City for moving the Artwork: *“After advising the artists the City shall have the right for maintenance or safety reasons to move the Artwork to a different location provided that such location shall have similar visibility and stature in the City of London to that where the Artwork is first installed and provided that the City uses its best efforts to locate the Artwork in the central business district.”* The City may only move the Artwork for “maintenance and safety reasons” provided the terms and conditions in section 22 have been met. If the City wishes to move the Artwork for other reasons, then it would appear that the City would have to negotiate an amendment to the agreement or obtain the consent of the artists.

After the “People in the City” Artwork has been stabilized in its current location, the Culture Office will explore opportunities to relocate this Artwork to a more suitable location that meets the terms and conditions of the agreement dated June 30, 1990. Any new location must *“have similar visibility and stature in the City of London to that where the Artwork was first installed and provided that the City uses its best efforts to locate the Artwork in the central business district.”*

The artists and the Conservator have expressed the following concerns about the current location of the “People in the City” Artwork and are not opposed to the Artwork being moved:

- **Maintenance** - The artists have some concerns about the maintenance of the Artwork in its current location for the long-term related to continual salt damage to the limestone base of the Artwork and to the patina of the “People in the City” bronze. The bronze never formed a hard patina of light green to protect the bronze due to the salt damage to the Artwork in the winter;
- **Safety** - The Culture Office and the Transportation Division of the City of London have some general concerns about the safety of placing Artwork in close proximity of traffic and potentially having members of the public want to get up close to a piece that is intended to be viewed in close proximity and be readable. The original location of the Artwork was part of the Wellington Street Roadwork Redesign when the road was only two lanes wide;
- **Sightlines** –The artists have concerns about the site lines of the Artwork as it appears dwarfed beside One London Place which was built after the “People in the City” Artwork was placed in its current location. The artists would like the Artwork placed in a visible place that the public can easily walk around.

The Public Art Conservator M. Alexander Gabov suggests, due to the unstable condition of the base of the Artwork which is not one piece, that it not be moved to a new location but instead be left to display flags along Wellington Street. In the future a new base for the bronze Artwork could be created for a new location for a cost of approximately \$7,500 for the supervision of a public art conservator, not including the cost of materials. The artists give permission for Alexander Gabov to perform the work; however the artists have requested that they be included in all consultations and oversee all phases of the relocation work for an incidental fee. The Public Art Conservator M. Alexander Gabov has provided the following quotation of \$35,000 (includes transportation costs up to \$20,000 + up to \$15,000 supervision) to relocate the bronze of the “People in the City” Artwork.

The Public Art Site Plan approved by City Council includes the Market as a site to be developed in approximately ten years time and this could be considered as a potential site to move this Artwork which is intended to be viewed close up by the public. The other appropriate sites to be considered in the future might be along the Forks of the Thames River, as the Artwork features Lord Simcoe.

<b>CONCLUSION</b>
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The Public Art Policy states that *“The Culture Office, in conjunction with the Environmental and Engineering Services Department (EESD), will oversee the maintenance, conservation/restoration of public art.* The Civic Administration recognizes that the “People in the City” Artwork needs to be stabilized immediately in the spring of 2012 through repair and restoration work in its immediate location and that the ongoing conservation of the bronze occur on an annual basis before winter once the Artwork as been repaired. The possible relocation of the Artwork should be explored further by the Culture Office in the future, noting that the approval of additional funds by Council would be required for this move.

**Acknowledgements:** This report was prepared by Stephanie Jones Specialist, Culture

<b>SUBMITTED BY:</b>	<b>SUBMITTED BY:</b>
<b>BILL CAMPBELL DIVISION MANAGER FACILITIES</b>	<b>ROBIN ARMISTEAD MANAGER OF CULTURE AND MUNICIPAL POLICY</b>

<b>RECOMMENDED BY:</b>	<b>RECOMMENDED BY:</b>
<b>TOM JOHNSON MANGING DIRECTOR CORPORATE ASSETS</b>	<b>MARTIN HAYWARD CITY TREASURER, CHIEF FINANCIAL OFFICER</b>