

To: City Council

From: Anthony Ambra, P. Eng., Commissioner
Economic and Development Services Department

Item Number: INFO-24-119

Date: October 23, 2024

Subject: Supplementary Information to Report ED-24-112 Mural Art
Evaluation Plan

Ward: Ward 4

File: 03-05

1.0 Purpose

The purpose of this Information Memo is to provide Council with supplementary information pertaining to Report [ED-24-112](#) dated October 2, 2024 regarding the Mural Art Evaluation Plan.

2.0 Input From Other Sources

The following were consulted in the preparation of this Information Memo:

- Legal Services

3.0 Analysis

3.1 Agreements and Legal Implications

The Report presented the Mural Art Evaluation Plan by STEPS Public Art, as well as provided recommendations regarding the City's fifteen (15) murals located in Downtown Oshawa (collectively, the "Murals"). The Murals were created by the Downtown Action Committee ("D.A.C.") between 1995 and 2001.

The Murals are part of the City's Public Art Collection. Nine (9) of the Murals are located on private property and six (6) of the Murals are located on public property. The artists who commissioned the Murals entered into artist agreements with the City, which outlined the terms and conditions for commissioning the Murals. The private property owners also entered into agreements with the City regarding having a mural displayed on their building and outlining the terms and conditions with respect to same.

These murals were always intended to be temporary; the agreements that were signed with artists and property owners were for a limited time frame and have now lapsed.

3.1.1 Artist Agreements

The City has been able to locate four (4) of the likely fifteen (15) artist agreements for commissioning of the Murals. These four (4) agreements are substantially the same. The agreements generally indicate that:

- The City has sole, exclusive ownership rights to the artistic rendering and maquette of the murals, including the right to remove and/or sell the artistic rendering; and,
- The City is responsible for the cost of any repairs or maintenance, at the City's sole option and discretion.

3.1.2 Property Owner Agreements

The City has been able to locate two (2) of the likely nine (9) building owner agreements with the private property owners. These two (2) agreements are substantially the same. The agreements generally indicate that:

- The City has sole and exclusive ownership rights to the mural, including the right to produce and sell replications of the mural (such as photographs); and,
- The City is responsible for the costs of any repairs or maintenance to the mural; and,
- The City is responsible for insuring the mural.

3.1.3 Property Owner Communication

Staff contacted the private property owners who have existing murals on their property. In August and September 2023, City staff contacted the property owners listed in City records or as listed in the Corporate Geographic Information System data. Property owners were contacted by email, mail, or a virtual meeting. Included in the email and letter was a questionnaire about the mural on their building. Of the property owners contacted by email, one contacted City staff with a follow-up phone call and one followed up to notify the City they no longer own the property. Of the property owners contacted by mail, two property owners returned the questionnaire. Further consultation with building owners is necessary and is identified within Section 4.4.3 Next Steps and Mural Update Proposal of ED-24-112.

3.1.4 Artist Communication

Consultation with artists is necessary and is identified within Section 4.4.3 Next Steps and Mural Update Proposal of ED-24-112.

3.2 Financial Implications for Restoration

The Public Art Master Plan (P.A.M.P.) identifies that the lifespan for a mural is between 10-20 years. At the time the P.A.M.P was approved in 2018, the downtown murals were nearing this lifespan. Since that time, their deterioration has only advanced and they are now well beyond their lifecycle. The Canadian Conservation Institute's "Conservation guidelines for outdoor murals" echoes this timeline, noting that "Many public art programs consider murals to be temporary, with a lifetime of approximately 10 years."

3.3 Condition Information for the 15 Murals Located in Downtown Oshawa

The majority of the murals were created on 1-inch thick Styrofoam type material covered with 1/8 inch of plaster embedded with a mesh stability layer affixed to the walls. These materials are prone to damage and lack durability.

In 2017, as part of the development of the P.A.M.P., a condition assessment was completed. At that time the murals were in varying states of decline and condition: 5 were considered in Good condition, 4 were considered in Good/Fair condition, 4 were considered Fair, 1 was considered Poor and 1 was considered in Excellent condition.

Over the past 7 years, the overall condition of the murals has further declined. STEPS conducted a condition assessment in 2023 and identified that 10 of the murals were in Poor condition, 2 were in Neutral condition, 2 were in Good condition and 1 was in Very Poor condition.

The murals are very faded and many show signs of physical damage, including water damage and marks from physical impact as noted in Figures 1 – 5 below.

Figure 1: "Driving Force" (Rudolf Stussi, 22 Athol St. East) – Cracks, chips and streaks



Figure 2: "Victorian Order of Nurses - 100th Anniversary" (Robin Burgesse, Go Bus Station, 47 Bond St.) – Impact Damage



Figure 3: "Famous Oshawa Generals" (Paul Ygartua, 78 King St. West) – Streaks, cracks and water damage

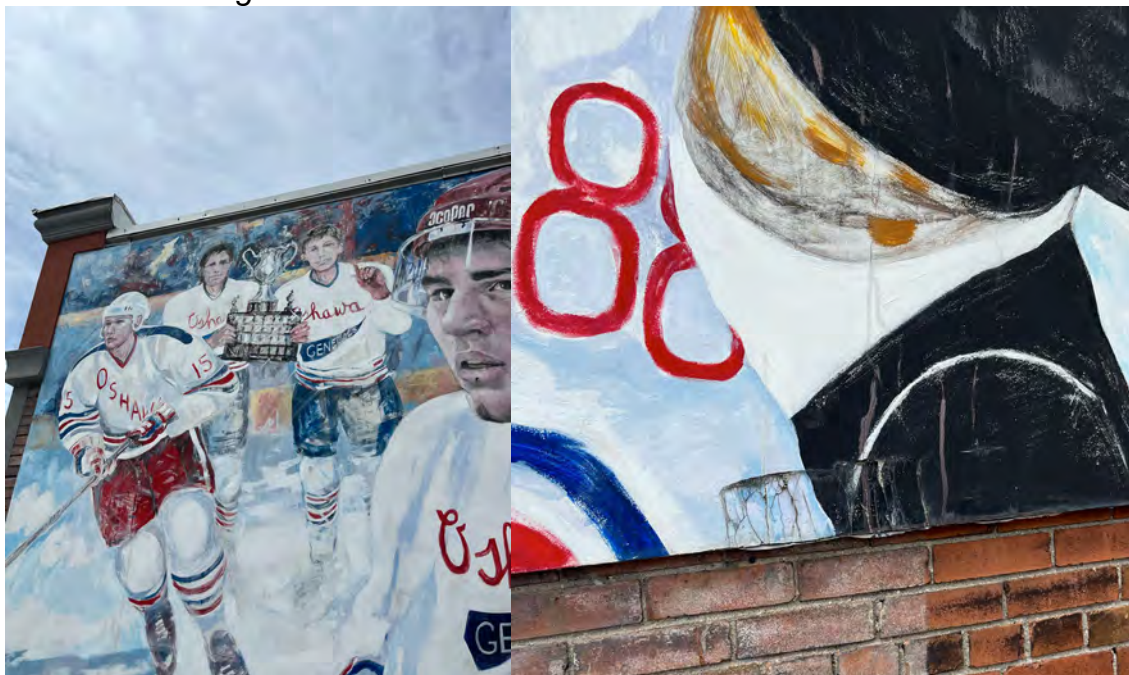
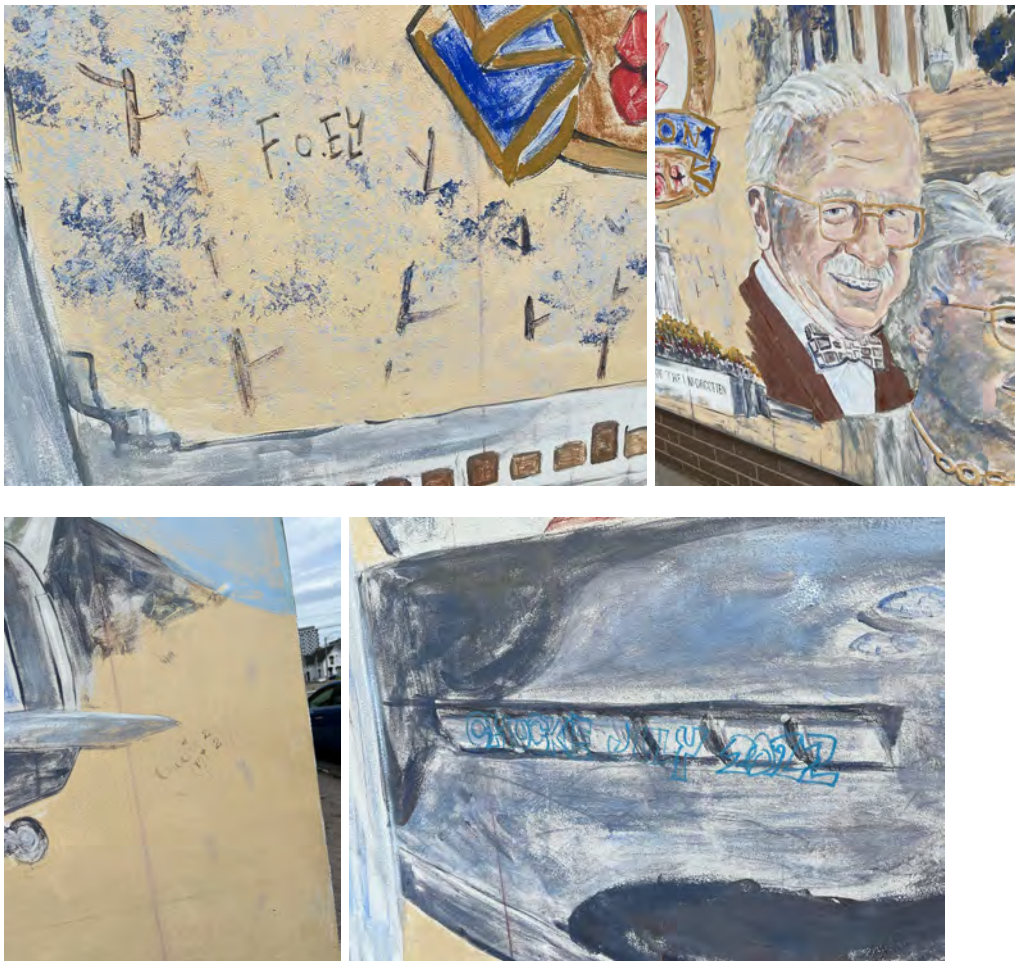


Figure 4: "Camp X" (Tony Johnson, 100 Simcoe St. South) – South impact damage



Figure 5: "Oshawa's 75th Anniversary" (Tony Johnson, 121 Simcoe St. South) – Vandalism



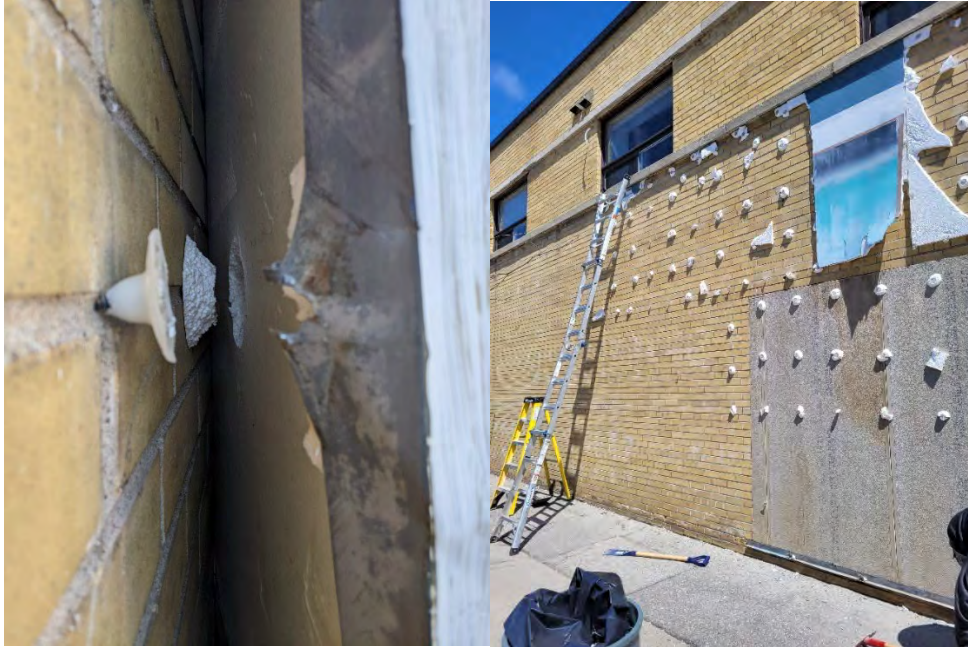
Based on the information available, repairs to address graffiti, punctures and minor cracks were conducted over the years with repairs occurring in 2005, 2009, 2015 and 2017. Full restoration of one mural was conducted 2017 to address major fading and defacement.

In 2022, through [CS-22-15](#) Request to Remove Mural at 32-40 King Street East, the mural "On the Lake (The Argyle)" was approved for removal. City staff received a request from the property owner of 32-40 King Street East in November 2021 to remove the City commissioned mural affixed to the west side of the building. Council approved the deaccession of the mural through CS-22-15. The mural was removed in April 2022. Photos of the removal, showing the construction method of most murals (1-inch thick Styrofoam type material covered with 1/8-inch of plaster embedded with a mesh stability layer affixed to the walls) are below in Figure 6.

As outlined in the Council endorsed Report CS-22-15, this mural was memorialized by providing a maquette of the mural to the artist's family and a letter from the Mayor acknowledging the significance of work in the Oshawa context.

Figure 6: Removal of "On the Lake (The Argyle)" (Ross Beard, 32-40 King Street East) in April 2022





3.4 Further Information on Budget and Financial Implications in ED-24-112

The proposed budget in ED-24-112 of \$433,000 consists of the following estimated breakdown in Table 1 below:

Item	Notes	Cost
Removal of murals	12 murals have been estimated to be removed including Windfields Farm, Borsberry Music Hall, Famous Oshawa Generals, Oshawa 1935, Camp X, Full Steam Ahead, Victorian Order of Nurses – 100 th Anniversary, Recreation by the Lake, Kingston Road Stage Coach, Oshawa’s 75 th Anniversary, Skae’s Corner, Driving Force. NB: Two murals will be maintained as is (“Oshawa’s Development (Historical Industry and Development)” and “General Motors of Canada”) on account that the properties on which these murals are located are slated for development and determining their future will be part of the planning process when the development occurs.	\$120,000
Creation of new murals	7 new murals have been estimated to be created at locations where there is an existing mural and/or at new locations (to be determined pending discussions with property owners and/or availability of City property to host a mural in the downtown area).	\$240,000
Restoration	1 mural has been identified for preservation. This mural is the “Ontario Regiment – 130 Years of Service” located on the Memorial Park Bandshell. This	\$73,000

Item	Notes	Cost
	mural is a heritage attribute associated to the designation of Memorial Park (By-law 10-2024) and requires restoration and specialized community engagement to support its restoration.	
	Total	\$433,000

The removal of a mural cost is estimated at \$10,000 for each mural. This cost can vary depending on the size of the mural, the complexity of the location, considerations for ensuring no damage to the wall occurs, and disposal of the mural fragments.

To create a new mural staff have estimated approximately \$35,000 for each mural. The cost can vary depending on the size of the mural and whether or not the mural is at height or ground level. Additionally, artist fees can range depending on the artist’s experience and qualifications.

The mural recommended for preservation, “Ontario Regiment – 130 Years of Service”, is estimated at a cost of \$73,000. This includes restoration work, community engagement (including with stakeholders, community partners and the public), and the development of resources that will assist in decision-making, education and promotion of the mural.

Beginning in 2018, as per the P.A.M.P., Oshawa City Council approved an annual contribution of \$67,000 to the Arts and Culture Reserve. Funds from this reserve would be utilized to cover the estimated \$433,000 identified in ED-24-112.

3.5 Preservation Considerations and Budget Implications to Preserve the Murals Located in Downtown Oshawa

Murals are typically categorized as temporary because they are often subject to unpredictable weather and climate conditions that lead to deterioration. This deterioration can occur quickly and as such long term preservation becomes impractical and costly.

If Council chooses to preserve murals, there are a wide range of possible approaches to preservation. Scenarios for consideration include:

- The mural is restored and remains at its existing site. Please note, there are a wide range of options when it comes to restoring a mural, ranging from undertaking only very light surface restoration to completing full conservation-level restoration work. It is crucial to note light surface restoration will not provide a long-term extension to the lifespan of the mural and that retaining the murals in their existing form and location in perpetuity will be the highest restoration cost estimate, without relocation, outlined in Table 2 below.
- The mural is restored and relocated to a City owned property.
- The mural is digitally reproduced at a large scale and installed. There are varied display options for this approach, including installing vinyl directly to a wall or to panels which are affixed to the wall.

- The mural is digitally reproduced as a print and framed for interior display (at a smaller scale/size).

The approximate budget to undertake the above scenarios is found in Table 2 below:

Scenarios	Notes/Considerations	Cost	Total Approximate Cost if this scenario was applied across all 14 murals
<p>The mural is restored and remains at its existing site.</p>	<p>There are a wide range of options when it comes to restoring a mural, ranging from undertaking only very light surface restoration to completing full conservation-level restoration work. Dependent on the overall condition and suitability for restoration. The current property owner would have to agree that the mural can remain on the site and a renewed agreement with the artist would need to be executed.</p>	<p>\$2,500 to \$100,000 (pending level and type of restoration work required - low end includes minor touch ups and restoring, while the top end includes filling and in-painting panel seams and holes, cleaning, stabilization and varnish of which would be more aligned to retaining these murals permanently).</p>	<p>\$35,000 to \$1,400,000</p>
<p>The mural is restored and relocated to a City owned property.</p>	<p>For consideration in a situation where the current property is no longer suitable and/ or the owner wishes to no longer have a mural on the site. Dependent on availability of City infrastructure to attach the mural. Dependent on the overall condition and</p>	<p>\$75,000 to \$122,500 (pending the size and complexity to remove and relocate)</p>	<p>\$1,050,000 to \$1,715,000</p>

Scenarios	Notes/Considerations	Cost	Total Approximate Cost if this scenario was applied across all 14 murals
	<p>suitability for restoration. A renewed agreement with the artist would need to be executed.</p>		
<p>The mural is digitally reproduced at a large scale and installed.</p>	<p>Full restoration of the mural is not practical and is too costly. Property owners are agreeable to reproduction remaining on site or a new location can be identified. There are varied display options for this approach, including installing vinyl directly to a wall or to panels which are affixed to the wall.</p>	<p>Pending the size and most suitable materials and installation method to be used. Possible options are: Printed vinyl installed on a wall (3.9 meters x 2.6 meters): \$1,700 to \$3,600 Printed vinyl installed on a wall (11.5 meters x 3.5 meters): \$4,900 to \$12,000 Printed vinyl on Alupanel installed on a wall (11.5 meters x 3.5 meters): \$12,800</p>	<p>\$23,800 to \$179,200</p>
<p>The mural is digitally reproduced as a print and framed for interior display (at a smaller scale/size)</p>		<p>\$1,400</p>	<p>\$19,600 (This quote and cost will likely increase due to necessary technical requirements and equipment to conduct the photography)</p>

In all scenarios where artwork (either an existing mural or a reproduction) is considered for exhibition it is appropriate to consider an additional artist fee and a renewed agreement with the artist in addition to the infrastructure costs noted in Table 2 above.

Additionally, if Council chooses to establish a new approach and framework for long-term mural preservation, an amendment to the Public Art Program and P.A.M.P. will need to be made in order to establish the new approach as part of the Public Art Program, which will affect the acquisition and long-term care and preservation of murals going forward.

The financial implications for the long-term care and preservation of the existing murals may impact budget allocations and opportunities for the commissioning and development of future Public Art installations in the City as it has the potential to deplete the funds currently in the Arts and Culture Reserve Fund and may also require additional budget contribution to offset currently available funding dependent on City Council's preferred direction.

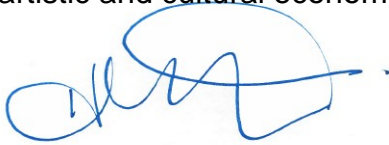
4.0 Financial Implications

Financial implications are dependent on Council direction.

5.0 Relationship to the Oshawa Strategic Plan

This Information Memo responds to the Oshawa Strategic Plan Priority Area:

“Innovate: Vibrant Culture and Economy” with the goal to attract and promote a vibrant artistic and cultural economy.



Hailey Wright, BA Hons, Director
Business and Economic Development Services



Anthony Ambra, P.Eng., Commissioner
Economic and Development Services Department