

March 11, 2015

To: Members,  
Community and Protective Services Committee

Re: Grow Regina Gazebo

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**RECOMMENDATION**

1. That City Council approve the acceptance of a donation of a gazebo from Ceramsky Artworks Ltd. for placement in the McLeod Park Community Gardens which are operated by Grow Regina Community Gardens Inc.
2. That the Chief Operating Officer, or his or her designate, be delegated the authority to negotiate and approve an agreement with Ceramsky Artworks Ltd. for donation of the gazebo.
3. That the Chief Operating Officer, or his or her designate, be delegated the authority to negotiate and approve an amendment to the City of Regina's current lease agreement with Grow Regina Community Gardens Inc. as further detailed in this report.
4. That the Chief Operating Officer, or his or her designate, be delegated the authority to approve submission of an application and any required agreement for any applicable tax incentives as further detailed in this report.
5. That the City Solicitor's Office be directed to prepare the agreements as negotiated by the Chief Operating Officer or designate.
6. That the City Clerk be authorized to execute the agreements and tax incentive application on behalf of the City of Regina.
7. That that this report be forwarded to the March 23, 2015 meeting of City Council for approval.

**CONCLUSION**

Grow Regina Community Gardens Inc. (Grow Regina) is a registered non-profit volunteer-driven corporation with a mandate to promote economic, social and cultural wellbeing through community gardening. Grow Regina is proposing the construction and installation of a gazebo, designed by local artist Victor Cicansky of Ceramsky Artworks Ltd., in the community gardens in McLeod Park. In addition to providing shelter, the gazebo would be used for culinary demonstrations, musical performances, literary readings, informative lectures related to gardening, as well as other programmed events. Grow Regina and Victor Cicansky are requesting the City of Regina's (City) consideration of this proposal prior to the fundraising and construction processes. Administration recommends that Council approve acceptance of the donation of the gazebo from Victor Cicansky and to apply for a Certification of Cultural Property from Canadian Heritage, if eligible.

**BACKGROUND**

In October 2007, Grow Regina began leasing McLeod Park as a site for its community gardens. The organization now has more than 300 members and has been responsible for all capital upgrades on the site including the installation of garden plots and irrigation, as well as two sculptures located at the entrance to the park called the "The Gates", designed by Victor Cicansky.

On January 8, 2015, after months of discussions with Administration, Grow Regina requested through the City Clerk that Council consider acceptance of a donation of a gazebo, designed by Victor Cicansky (the Artist), and approval of its installation in McLeod Park. As part of this arrangement, the organization has requested that the City include the asset in its Civic Art Collection (the Collection) and apply for the Certification of Cultural Property from Canadian Heritage as a tax incentive for the project. The tax certification process is set out in the federal *Cultural Property Export and Import Act* and is intended to encourage the transfer of cultural property from private hands to the public domain. Applications are submitted by designated organizations (which include public authorities such as cities) on behalf of the donor and are adjudicated by a review board.

## DISCUSSION

Administration has explored the request for the inclusion of the proposed gazebo at McLeod Park, the provision of a tax receipt for the donation of the structure and the process for obtaining a Certificate of Cultural Property. The Community Services Department has met with and discussed the project with Grow Regina and the Artist, who has presented two possible designs that take into consideration capital and maintenance costs. The first is a more costly option, which has a roof that is the artist's interpretation of a tree canopy with laser cut steel wall panels depicting vegetables, similar to Appendix A. The second design is a less costly option that, while keeping the original roof design, changes the wall panels to horizontal railings with composite wood benches attached for seating, see Appendix B. At this time Grow Regina has indicated to Administration that the selection of a design will be based on the success of their fundraising campaign.

The following would apply to the terms of the donation:

- 1) Grow Regina and the Artist would be responsible for the design and construction of the gazebo in McLeod Park;
- 2) The gazebo would be a 25' laser cut, powder coated steel structure with a fully accessible concrete paver base;
- 3) The location of the gazebo would be as illustrated in the site plan (Appendix C), which would form part of the addendum to the lease agreement;
- 4) Facilities Management Services Department would act as an approval agent, reviewing drawings and inspecting installation to ensure the gazebo meets Professional Engineering Standards, as well as City construction standards;
- 5) The lease agreement would be amended to indicate the addition of the gazebo as a leased City asset within McLeod Park, at no cost to Grow Regina;
- 6) The City, as owner of the gazebo, would perform maintenance of the gazebo, at its own cost; and
- 7) The City will have the right to move or remove the gazebo for municipal purposes, if it is damaged or destroyed, or at the end of its useful life, as determined by the City.

An art valuation needs to be undertaken to establish a value for the asset for the purposes of applying for a Certification of Cultural Property for income tax purposes and/or issuing a municipal tax receipt. Therefore, once ownership of the gazebo has been transferred to the City, Administration would secure the services of an expert to provide an art valuation of the

historical, aesthetic and social value of the gazebo. The expert would evaluate the gazebo based on the requirements put in place by Canadian Heritage for the Certification of Cultural Property. In general the evaluation would include consideration of the criteria for cultural significance and national impact, as well as a financial appraisal. Costs for this work are estimated at \$1,500 due to the detailed information required.

Upon completion of the professional evaluation, and if the gazebo appears to meet with the guidelines for Certification as Cultural Property and is recommended for acquisition to the Collection, it would be accepted as part of the Collection and the Administration would make application to Canadian Heritage for Certification of Cultural Property for income tax purposes. If the application is successful, the Government of Canada will issue tax certification to Ceramsky Artworks Ltd. This certification is advantageous to Ceramsky Artworks Ltd as it provides non-refundable tax credits for the full fair market value of the gazebo. If the application to Canadian Heritage is unsuccessful, then the City will issue a municipal tax receipt to Ceramsky Artworks Ltd. for the fair market value of the donated gazebo.

In addition, accepting this donation would require an increase in the City's annual operating budget of \$2,000 to ensure that the gazebo is maintained and sustained at level appropriate for a work in the Collection. This maintenance would include general and detailed repairs, repairs due to vandalism, repainting, graffiti removal, replacing or resetting concrete pavers, conducting structural integrity evaluations and their maintenance.

It should be noted that through the process, Administration also explored the option of Grow Regina taking responsibility for maintenance costs; however due to capacity issues with the organization, the organization is not able to commit to maintenance of the asset. Administration believes that the initiative would be at risk for moving forward if the City were to push for this option. Given that this is a gazebo that is being designed by an internationally recognized artist with local connections, Administration is recommending approval of the donation.

## RECOMMENDATION IMPLICATIONS

### Financial Implications

The one-time cost of \$1,500 for the art valuation can be accommodated within the City's current operating budget.

The on-going annual maintenance costs will require an operating budget increase of \$2,000. This funding would be used for general repairs, repairs due to vandalism, repainting, graffiti removal and replacing or resetting concrete pavers. The request for this increased level of funding will be referred to the 2016 operating budget process.

If the Gazebo is damaged, destroyed, or when it is at the end of its useful life, there will be a cost to the City to remove and decommission it. This cost can not be reasonably estimated at this time.

### Environmental Implications

There are no environmental implications associated with this report.

### Policy and/or Strategic Implications

The gazebo that is proposed by Grow Regina is a shelter that has been included in their lease agreement plan since 2007. The addition of the gazebo at McLeod Park also supports the priority of developing complete neighbourhoods identified in *Design Regina: The Official Community Plan Bylaw No. 2013-48*. This particular community garden is a hub for the surrounding neighbourhoods, which is enhanced by its connectivity through the multi-use pathway system. By clustering the gazebo with the existing neighbourhood hub, it will allow space for Grow Regina to program cultural activities, gardening lectures and culinary demonstrations for the users of the garden, as well as the general public adding to the vibrancy of the space.

### Accessibility Implications

The City has worked with Grow Regina and the Artist to ensure that the gazebo is designed to allow for full accessibility, particularly for people with disabilities.

### COMMUNICATIONS

If a decision were to be made to move forward with the inclusion of the gazebo at the Grow Regina site, consultations with the adjacent residents would be conducted in accordance with the current Community Gardens Policy.

### DELEGATED AUTHORITY

The recommendations contained in this report require City Council approval.

Respectfully submitted,



For Laurie Shalley, Director  
Community Services

Respectfully submitted,



Kim Onrait, Executive Director  
City Services

Report prepared by:  
Janine Daradich, A/Manager Community Development