

Adopted by Council at its meeting held May 6, 2013 [M176-2013]

RB

Windsor, Ontario, May 6, 2013

**REPORT NO. 157 of the
SOCIAL DEVELOPMENT,
HEALTH & CULTURE STANDING COMMITTEE**
of its meeting held April 10, 2013

Present:
Councillor Ed Sleiman, Chair
Councillor Jo-Anne Gignac
Councillor Percy Hatfield
Councillor Alan Halberstadt
Councillor Fulvio Valentinis

That the following recommendation of the Social Development, Health and Culture Standing Committee **BE APPROVED** as follows:

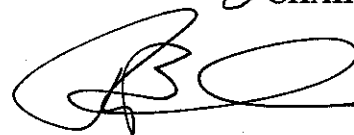
Moved by Councillor Hatfield, seconded by Councillor Halberstadt, **THAT** the report from the Manager of Cultural Affairs outlining the proposed activity plan to capitalize on the promotions and marketing of Windsor Sculpture Garden as funded through the Odette Estate Bequest **BE RECEIVED** for information.

Carried.

Clerk's Note: The administrative report authored by the Manager of Cultural Affairs dated March 18, 2013 entitled "Utilizing the Bequest of the Odette Estate for the Windsor Sculpture Garden" is attached as background information.

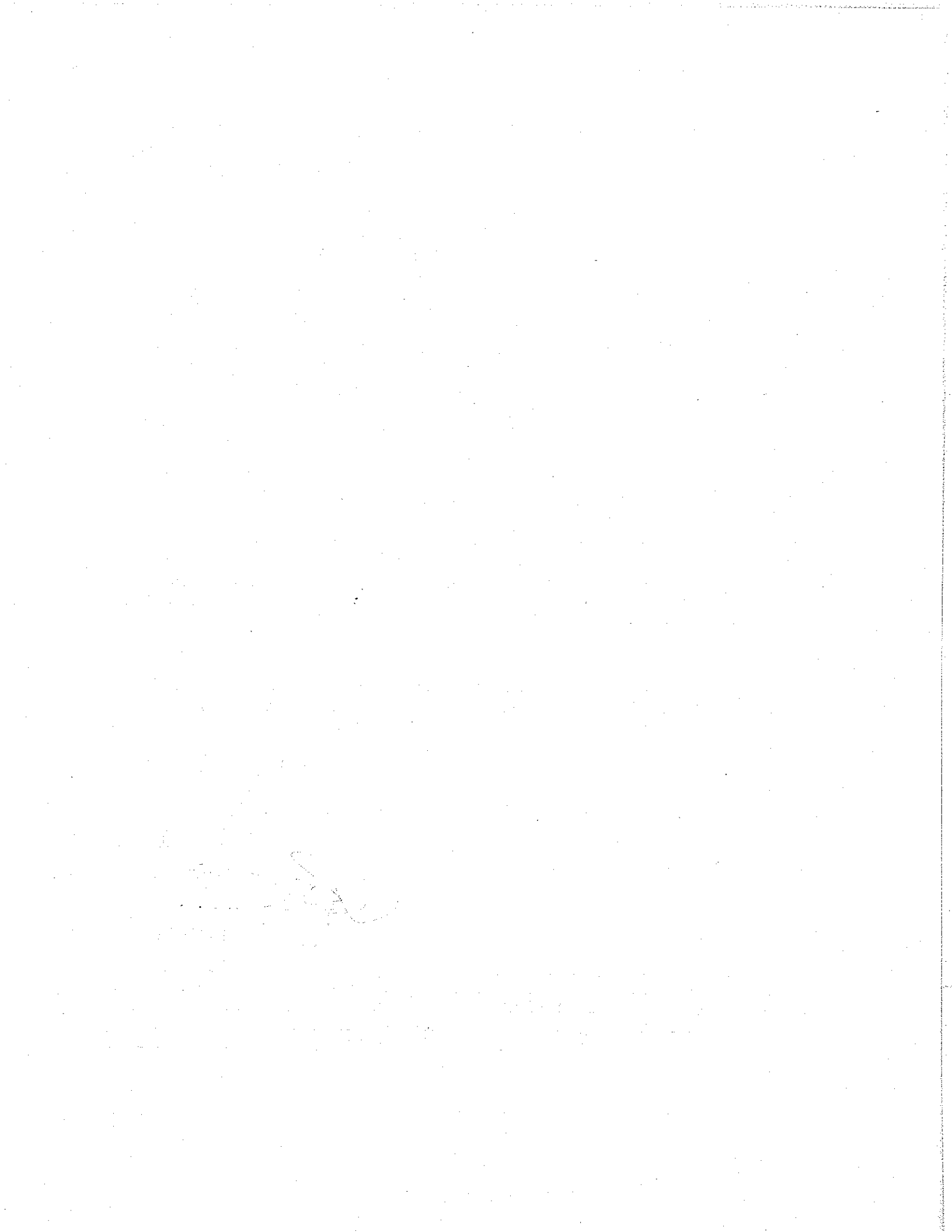
LIVELINK 16473, SR/7573


CHAIRPERSON



COUNCIL SECRETARIAT

NOTIFICATION:		
Name	Telephone	Email



THE CORPORATION OF THE CITY OF WINDSOR
Social Development, Health and Culture Standing Committee-
Administrative Report

**MISSION STATEMENT:**

"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships"

LiveLink REPORT #: 16473 SR/7573	Report Date: March 18, 2013
Author's Name: Cathy Masterson	Date to Standing Committee: April 10, 2013
Author's Phone: 519 253-2300 ext. 2724	Classification #:
Author's E-mail: cmasterson@city.windsor.on.ca	

To: Social Development, Health and Culture Standing Committee

Subject: Utilizing the Bequest of the Odette Estate for the Windsor Sculpture Garden

P&R 13-68

1. RECOMMENDATION: City Wide: _____ Ward(s): 3

THAT the report from the Manager of Cultural Affairs outlining the proposed activity plan to capitalize on the promotions and marketing of the Windsor Sculpture Garden as funded through the Odette Estate Bequest **BE RECEIVED**.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

The City received a bequest from the Estate of Louis Odette to be directed towards the Windsor Sculpture Garden. The Bequest consists of matching funds of \$50,000 from the estate and the City from 2012-2016. CR27/2012 states:

*That the report from the Recreation and Culture Department on the Bequest made through the Estate of L. Odette **BE RECEIVED** and further, that the City Solicitor **BE AUTHORIZED** to accept this bequest and further, that the City Solicitor **BE AUTHORIZED** to negotiate with the Executor of the Estate regarding wording of the conditions and terms as provided in the Will Extract and further that the \$250,000 in matching funds from the City **BE APPROVED** as a pre-commitment to the 2012 Capital Budget.*

The funds have been placed into a separate account with the spending of all monies to be reported to the estate annually.

The Bequest can be broken down into two main themes:

- 1) to promote the Sculpture Garden internationally to potential tourists from around the world; and
- 2) locally, to raise the Sculpture Garden profile to the citizens of Windsor.

The combined \$100,000 needs to be spent each year. The Bequest states that it cannot be used on regular maintenance of the Sculptures. The plan has been designed to provide a balance of activities with the intent of meeting the above goals.

3. DISCUSSION:

The first goal of raising the profile of the Windsor Sculpture Garden would occur through the use of IT and Social Media to promote and raise awareness about what Windsor has to offer. To reach the largest international audience, a dynamic interactive and engaging website should be developed along with a marketing plan to promote the website and the Sculpture Park. There are many dynamic website examples that can illustrate the type of interesting and engaging web opportunities to highlight the significant pieces within the Windsor Sculpture Garden. For example, there are websites that allow people to closely view and then pan out to see a large architectural detail of world famous places, there are websites that let you "drive" through a community closely exploring tourist sites, there are websites that provide history of objects along with YouTube videos. The technological and digital field is improving and developing new techniques every day to allow people to explore the world from their home.

Working with both the IT and Communications departments, the impact of the web presence of the Sculpture Garden would be able to be measured through the number of internet hits or the number of times a video was viewed. Through the use of this modern and potentially cutting edge technology, the profile of both Windsor and its cultural community would be prominently displayed around the world. This project would be completed in the first year in order to capitalize on the raised profile of Windsor and the cultural community with the potential tourists being drawn to our community through the multitude of other tourist and sport initiatives that will be taking place in the next five to ten years.

Locally, to meet the goals of raising the profile of the Windsor Sculpture Park through the development of a sense of place and sense of ownership with residents, a plan has been established to provide enhanced programming with the development of creative lively activities such as performances, special events, tours and other related programs. Programming would occur both on weekends to attract families to the Riverfront and during the week to compliment learning opportunities of local educators—elementary, high school, college and university students participating through interactive experiential learning opportunities.

For example, a series of participatory art programmes may be developed to encourage families to create a work of art together, there will be opportunities to enhance the Healthy Living programmes offered by the city through movement and dance activities within the Sculpture Park, or there could be opportunities to build community connections through a volunteer clean an Elephant day. By building positive experiences for local residents within the Sculpture Park, our local residents will come down and explore not just Windsor's riverfront, but also the emerging Downtown Cultural Hub. It is consistent with Recreation and Culture practices to hire temporary staff for specific classes, workshops and projects and this approach would be utilized to ensure staff with the right skill sets are available to lead and engage our community as they explore and develop connections with our riverfront.

During the five years of Sculpture Park programming, two cultural festivals would be planned for the second and fourth years which would build on the work done both locally and internationally. The form of the festivals will be both engaging and educational and allow residents and tourists the opportunity to explore our creative community. Planning for the first festival will begin this year, with the event taking place in 2014. Details of the projects will be finalized after the first summer of activities. Further projects will develop and roll out during the five year period, based on the budget and timelines of the Bequest. Administration will provide a report to Council on an annual basis to highlight these activities.

4. RISK ANALYSIS:

As per the Bequest agreement, clauses 7.1 and 7.2 define the repercussions, should the City not meet the mandate of the Bequest.

7.1 Event of Default *An "Event of Default" constitutes any one or more of the following:*
a Party becomes bankrupt or insolvent or takes the benefit of any statute for bankrupt or insolvent debtors or makes any proposal, assignment or arrangement with its creditors, or any steps are taken or proceedings commenced by any person for the dissolution, winding-up or other termination of a Party's existence or the liquidation of its assets;
a trustee, receiver, receiver/manager, or a person acting in a similar capacity is appointed with respect to the business or assets of the Estate, but not including the appointment of an Estate Trustee;
a Party makes an assignment or other transfer of rights under this Agreement other than in accordance with the provisions of this Agreement, or as may be mutually agreed;
a Party fails to make the payment(s) required pursuant to Article 3 of this Agreement; or
a Party fails to observe or perform any of the terms, covenants or conditions of this Agreement and such failure to observe or perform is not remedied within 45 days of written notice of such failure.

7.2 Estate Remedies *If an Event of Default occurs by the City, then, without prejudice to any other rights which it has pursuant to this Agreement, the Estate shall have the right to (a) suspend payments of Estate Funds until such time as the City remedies the Event of Default; or (b) terminate this Agreement and in such case, the Estate shall have no obligation to pay any further sums to the City whether in equity or otherwise. Furthermore, the City shall pay to the Estate all damages, costs and expenses (including all legal fees and costs on a complete indemnity basis) incurred by the Estate in enforcing the terms of this Agreement, or with respect to any matter or thing which is the obligation of the City under this Agreement.*

5. FINANCIAL MATTERS:

The City is obligated through the legal agreement between the City of Windsor and the Estate of Louis Lawrence Odette to spend the money agreed upon to promote the Sculpture Garden both locally to residents and internationally.


The City has received the first of five annual installments of \$50,000 from the Estate of L. Odette relating to 2012. Matching funds from the City totalling \$250,000 for the full five year period (2012-2016) were approved in the 2012 Capital budget. Total revenues to date within the Capital Project account (#7129008) are \$300,000.

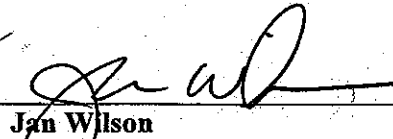
6. CONSULTATIONS:

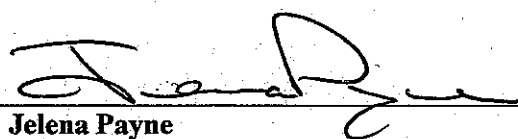
Discussions were held with several cultural activists and artists within the Windsor community as to the possible types of activities that could take place within the Windsor Sculpture Park.

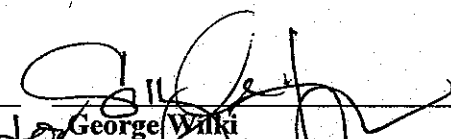
7. CONCLUSION:

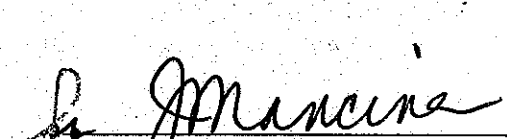
The Windsor Sculpture Garden plays a role within Council's strategic priorities relating to Cultural Capital, Downtown Revitalization and the Affordable and Attractive City stream as well as Windsor's Community Strategic Plan through the streams of Capitalize on Our Strengths, Invest in Quality Living, Create Complete Neighbourhoods, Value Art, Celebrate Diversity and Improve our Environment.

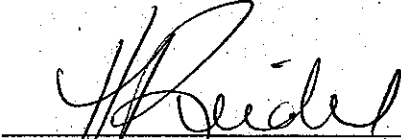

Cathy Masterson
Manager of Cultural Affairs


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Commissioner and Corporate Leader Social
Development, Health, Recreation and Culture


George Wilki
City Solicitor and Corporate Leader
Economic Development and Public Safety


Onorio Colucci
Chief Financial Officer/City Treasurer
and Corporate Leader Finance and
Technology


Helga Reidel
Chief Administrative Officer

cfm

APPENDICES:

DEPARTMENTS/OTHERS CONSULTED:
Name:
Phone #: 519 ext.

NOTIFICATION :

Name	Address	Email Address	Telephone	FAX