Corporation of the Municipality of Brockton

Report to Council

Report Title: Historic Mural Removal
Prepared By: Fiona Hamilton, Clerk and Sonya Watson, Chief Administrative Officer
Department: Clerk’s
Date: August 13, 2019
Report Number: CLK2019-20 File Number: C11CL
Attachments: Photos of Historic Mural
Media Release on Historic Mural – August 6, 2010
Hawkins Electrical Contracting LTD. Invoice for Mural Removal
Brockton Heritage Committee Minutes – May 6, 2019
Brockton Heritage Committee Letter to Walkerton Business Improvement Area

Recommendation:

That the Council of the Municipality of Brockton hereby receives Report Number CLK2019-20 - Historic Mural Removal, prepared by Fiona Hamilton, Clerk and Sonya Watson, Chief Administrative Officer for information purposes and in so doing authorizes payment of the $395.50 from the __________ Reserve Fund.

Report:

Background:

On August 6, 2010, a historic mural displaying the Walkerton Automobile Garage next to J.A. Hartman, Practical Horse Shoer building (circa 1910), painted by artist, Allen Hilgendorf, was installed by the Walkerton Image Committee on the west wall of the building at the corner of Durham and Jackson Streets in Walkerton.

The mural was designed to reflect the scene pictured in an actual photograph of the Walkerton Automobile Garage and J.A. Hartman Practical Horse Shoer. The mural includes an automobile, pair of horses, wagon, and several men, women, and children in the scene. Walkerton resident, J.A. Harman, owned both buildings that are depicted in the mural. In the early 1900’s the side-by-side businesses were located on Durham Street, Walkerton west of the bridge. Photos of the mural, and a Media Release about the mural’s unveiling have been attached to this report for Council’s information.

On May 3, 2019, the Brockton Heritage Committee Secretary was informed by the Walkerton Business Improvement Area (BIA) Manager that the historic mural that was previously installed on 206 Durham Street, Walkerton (business formerly known as “Scotty’s”) was removed at the request of the new property owner. The Walkerton BIA had arranged to remove the mural, and provided the Brockton Heritage Committee with an invoice for the cost of removal. The invoice from Hawkins Electrical Contracting LTD. was approximately
$395.50. The invoice has been attached to this report for Council’s information. The cost of the removal of the mural had not been included in the 2019 operating budget for either the BIA (noting that the BIA budget had to be first approved by its members) or the Heritage Committee budget.

The Walkerton BIA inquired if the Heritage Committee, or Community Improvement Committee would be willing to pay the invoice since the mural was of historic significance to downtown Walkerton, and was a joint project between the Heritage Committee and former Image Committee. Both committees were also asked to provide suggestions for the mural’s relocation, since it will need to be reinstalled in the future. The mural is currently being stored at the Walkerton BIA’s storage shed.

The Brockton Heritage Committee suggested that the mural be reinstalled on to the Canada Packers Building, but the committee are still in the process of identifying locations for the mural to be reinstalled.

**Analysis:**

The Heritage Committee discussed the matter at their May 6, 2019 committee meeting. The minutes from the meeting has been attached to this report for Council’s information.

The Heritage Committee decided to write a letter in response to the Walkerton BIA, declining to pay the cost of the invoice since the amount was not included in the 2019 Heritage Budget; the committee was not involved in the removal process; and that the painted mural did not coincide with the committee’s theme of historic photograph murals. The Heritage Committee’s letter to the Walkerton BIA, dated May 14, 2019, has been attached to this report for Council’s information.

This matter was discussed at the July 9, 2019 Council Meeting under Item 14. “New Business Brought Forward”. Council requested more information about the matter, and recommended that the Heritage Committee utilize their Heritage Reserve Funds to pay for the mural removal invoice.

Although the Municipal Act, 2001 S.O. 2001 c. 25 (the “Act”) contains a number of provisions related the municipal budget, there are provisions specific to funds that can be expended by a business improvement area that are relevant to the consideration of how the invoice should be paid. In particular, se. 205(3) of the Act states:

> (3) A board of management shall not,

> (a) spend any money unless it is included in the budget approved by the municipality or in a reserve fund established under section 417;

> (b) incur any indebtedness extending beyond the current year without the prior approval of the municipality; or

> (c) borrow money.

There are no other provisions in the Act that limit the spending of other Committees-of-Council in a similar manner.

Many of the Committees-of-Council have specific projects in mind when the municipal budget is set, and unseen expenses make it difficult for these projects to continue. The Heritage Committee does have a reserve
fund but as a committee they have already considered this matter. However, it is the opinion of staff that preserving this historic mural would fall within the Heritage Committee’s mandate. Council can authorize the use of Heritage reserve funds towards this expense. Another option would be for the Municipality of Brockton to pay the invoice related to the mural that was removed using funds from the Council reserve fund. There is currently $106,664.21 available in the Council Reserve Fund.

**Sustainability Checklist:**

What aspect of the Brockton Sustainable Strategic Plan does the content/recommendations in this report help advance?

- Do the recommendations help move the Municipality closer to its Vision? Yes
- Do the recommendations contribute to achieving Cultural Vibrancy? Yes
- Do the recommendations contribute to achieving Economic Prosperity? Yes
- Do the recommendations contribute to Environmental Integrity? N/A
- Do the recommendations contribute to the Social Equity? N/A

**Financial Impacts/Source of Funding:**

- Do the recommendations represent a sound financial investment from a sustainability perspective? Yes

The Heritage Committee have approximately $26,707.00 in the Heritage Reserve Fund which could be used to pay for the mural removal invoice. Alternatively, the invoice could be paid from the Council Reserve Fund which currently has a balance of $106,664.21.

**Reviewed By:**

Trish Serratore, Chief Financial Officer

**Respectfully Submitted by:**

Fiona Hamilton, Clerk

Sonya Watson, Chief Administrative Officer