



City of Naples

City Council Chamber
735 Eighth Street South
Naples, Florida 34102

Public Art Advisory Committee Regular Meeting – June 2, 2009 – 11:30 a.m.

CALL TO ORDER/ROLL CALL.....ITEM 1

Chairman Kenny called the meeting to order and presided.

Present:

Sharon Kenny, Chairman
Penny Taylor, Vice Mayor (Arrived at 11:35 a.m.)
Marcia Albert
Merlin Lickhalter
Jack O'Brien

Absent:

Eugene Burke

Also Present:

Tara Norman, City Clerk
Rachael McLean, Technical Writing Specialist
Jenna Buzzacco-Foerster, Naples Daily News

Michael Williams
Other interested citizens and visitors

SET AGENDA.....ITEM 2

City Clerk Tara Norman stated that there were no changes to the agenda.

APPROVAL OF MINUTES.....ITEM 3

MOTION by O'Brien to ***APPROVE*** the April 28, 2009, meeting minutes as submitted; seconded by Lickhalter and unanimously carried (Albert-yes, Burke-absent, Lickhalter-yes, O'Brien-yes, Taylor-absent, Kenny-yes).

FINANCIAL REPORTITEM 4

(It is noted for the record that a copy of the May 2, 2009, financial report is contained in the file for this meeting in the City Clerk's Office.) City Clerk Tara Norman pointed out that a revised cumulative financial report had been provided to show revisions that had been made. This was due to some of the contributions to the public art fund having been, in error, reflected in the developer deposit account, which should be limited to refundable amounts held in escrow pending satisfaction of the public art requirement. Mrs. Norman stated that the Hole-in-the-Wall Golf Club is in the process of applying for a building permit and would be contributing approximately \$17,000 to the public art fund in lieu of placing art. She further stated that the remainder of the public art contribution for the municipal parking garage at Sixth Avenue South and Eighth Street, estimated at \$15,000 to \$20,000, would be transferred to the public art fund following the purchase of two plaques. Chairman Kenny questioned whether a portion of the remainder would be designated for future maintenance and repair; Mrs. Norman indicated that the issue of maintenance reserves would be discussed during Item 6 below.

Mrs. Norman requested input on the format of the financial report. Member Lickhalter asked why the Naples Academy of Ballet is reflected in the financial report as placing art on site. Mrs. Norman explained that the development had in fact placed art inside the building, but it was neither in accordance with the public art ordinance (Section 46-42) nor the Committee's prior approval of the art plan. In further response to Mr. Lickhalter, Mrs. Norman clarified that certain funds within the public art account are reserved for a particular purpose, but agreed to contact the Finance Department, which drafts the financial report, for clarification with regard to the usage of terms, such as designated and undesignated balances.

(It is noted for the record that Member Taylor arrived at 11:35 a.m.)

Chairman Kenny suggested that the capital outlay items indicate the date of the expenditure. Mrs. Norman further clarified that the following projects had been submitted with "955" as part of their name: 1) 955 10th Avenue North, also known as the former Florida Power & Light (FPL) building; and 2) 955 28th Avenue North, which is a complete rebuild of a structure destroyed by fire. There had been some confusion with these two projects, she said, but it has been confirmed that both have contributed the correct amount based on square footage.

Chairman Kenny noted the clarity of the new financial report format, requesting that staff provide an updated version monthly.

.....**ITEM 5**
PURSUANT TO CITY COUNCIL WORKSHOP OF APRIL 13TH, CONTINUED REVIEW OF PROPOSED ORDINANCE AMENDMENT TO PLACE PROVISIONS REGARDING THE PUBLIC ART ADVISORY COMMITTEE IN THE CODE OF ORDINANCES AND TO EFFECT CERTAIN CHANGES IN THE PUBLIC ART AND DESIGN REVIEW BOARD SECTIONS. THIS WILL INCLUDE A REPORT BY CHAIRPERSON KENNY OF DISCUSSIONS WITH DESIGN REVIEW BOARD OF MAY 27TH. Chairman Kenny stated that on May 27 she had discussed the proposed ordinance revisions with the Design Review Board (DRB), which had suggested that any changes recommended by the DRB be reviewed by the Public Art Advisory Committee (PAAC). City Clerk Tara Norman agreed, noting that Member O'Brien had offered a similar suggestion at the previous PAAC meeting, which was subsequently incorporated into the draft revision. Another DRB recommendation included encouraging Planning Director Robin Singer and a PAAC Member to promote the City's public art program at one of the local monthly American Institute of Architects (AIA) meetings. There are many resources available to assist developers and architects in creating a public art plan, including a list of artists who submitted examples of their work for the Call to Artists for the municipal parking garage public art project. In further discussion, Mrs. Norman explained that initially there had been discussion of removing the public art ordinance from the Land Development Code, but Planning Director Singer had recently requested that it remain, thereby necessitating text amendment review by the Planning Advisory Board (PAB). Following review by the PAB, she said, City Council would conduct public hearings on the matter, which would likely be scheduled after Council's summer recess.

Mrs. Norman stated that the proposed revisions to the ordinance including Member O'Brien's above referenced suggestion (a copy of which is contained in the file for this meeting in the City Clerk's Office), and the companion flow chart, had been provided to the Committee.

.....**ITEM 6**
CONSIDER A RESOLUTION DESIGNATING A PERCENTAGE TO BE RESERVED WITHIN THE PUBLIC ART FUND TO UNDERWRITE REPAIR AND MAINTENANCE OF CITY-OWNED ARTWORK. City Clerk Tara Norman explained that

the Committee had previously discussed the issue of reserving a percentage of the balance of the public art fund to cover repair and maintenance of City-owned artwork, noting that it is important to communicate the Committee's wishes in this regard to the Finance Department. Mrs. Norman therefore reviewed a proposed resolution (Attachment 1), which would reserve a percentage of the undesignated fund balance for repair and maintenance of artwork owned by the City as of the effective date and, for artwork acquired in the future, reserve a percentage of the total price of the installation for the same purpose. There is a provision in Section 1, she said, to maintain a minimum reserve amount in order to protect against a fluctuating overall balance, noting that the resolution could be amended in the future to revise the amount. Mrs. Norman further clarified that Facilities Maintenance Superintendent Chuck Cunha had confirmed that the City undertakes routine maintenance as a matter of course, such as pressure cleaning. The maintenance and repair fund however would be intended for major renovation or restoration with the Committee's concurrence, she said. In response to Chairman Kenny's request, the Committee agreed to replace the term "installation" in Section 2 with "total cost of the artwork project" as suggested by Member O'Brien. Mrs. Norman said she believed that artwork acquired by the City through donation would be handled through a separate existing policy. Chairman Kenny pointed out that according to the proposed resolution, the maintenance reserve amount would fluctuate in response to any changes in the balance, noting that the Committee had previously discussed 10% as an appropriate reserve.

In further discussion, Mrs. Norman clarified that the draft resolution directs a percentage of the undesignated fund balance to be reserved for the care of artwork that the City currently owns (Section 1), while the cost of maintaining future acquisitions would be handled by setting aside a percentage of the cost of the artwork project (Section 2). Member O'Brien however questioned the provision in Section 1 that the reserved amount shall not fall below a particular dollar amount; Mrs. Norman confirmed that the funds would be able to be expended as needed for the dedicated purpose, despite the minimum requirement, although it should be considered an emergency fund. Member Taylor agreed, noting her belief that it would essentially be a fund balance for catastrophic events, and suggested \$5,000 as a minimum. There is some resistance to the public art program, she said, and City Council may be concerned that there is not an appropriate budgeting and planning process for future needs. Mrs. Norman indicated that City Council has established a rule for fund balances, which is a percentage of the operating expenses. Member Taylor therefore suggested that the Committee comply with the City's existing policy and standards in this regard. Mrs. Norman agreed to research the policy in advance of the Committee's next meeting. In further discussion, Member Taylor explained that the fund balance or reserve would be immediately accessible following an emergency, therefore enabling the City to address any damage promptly, rather than waiting for payments by insurance or the Federal Emergency Management Agency (FEMA). The eventual receipt of such payments however would be used to replenish the fund, she said. Chairman Kenny suggested that the resolution indicate that the reserve funds may be expended in the event of an emergency. Mrs. Norman indicated that it would be important to refer to the City's own criteria for drawing from the fund balance, but it may be appropriate to include the emergency use provision.

In response to Member Taylor, it was confirmed that 10% of the current undesignated balance is approximately \$2,000. Member Albert expressed concern that the amount may not be sufficient to cover future needs and asked whether any guidelines were available in this regard. Mrs. Norman however stated that other cities budget for repair and maintenance rather than employ a reserve fund approach.

With regard to the “Cambier’s Quilt” artwork installed in conjunction with the municipal parking garage, Mrs. Norman clarified that its future maintenance would be addressed under Section 1 due to its date of acquisition. Member Taylor said it is important to establish a minimum balance by seeding the reserve fund in order to ensure that sufficient funds are available if needed and to demonstrate to City Council that the Committee is planning for the future. Mrs. Norman acknowledged that it is difficult to predict the future maintenance requirements for the artwork currently included in the City’s inventory. She also noted that the parking garage remainder amount (see Item 4) would be contributed to the fund, because there were contingency amounts included in the public art budget but not expended, therefore the required contribution, calculated according to square footage, had not yet been met; this matter had been discussed with the City Manager, she said, and he had agreed with her assessment. She further clarified that the estimate of the structure’s square footage had been accurate, but the expenditures for the artwork and its components had been less than expected. Member O’Brien however questioned whether the City would be compelled to allocate 10% of the cost of the artwork for future maintenance, as indicated in the original budget. Mrs. Norman said she believed the designations in the original budget would carry forward, describing it as an initial estimate. Member Taylor urged the Committee to apply the City’s fund balance policy, for reserve purposes, following receipt of the parking garage contribution.

Following additional discussion, there was consensus to reserve 10% for maintenance and repair of future acquisitions under section 2 of the resolution and address the reserve under section 1 in accordance with the City’s fund balance policy. Member Taylor also pointed out that the public art fund undesignated balance would increase greatly following the anticipated contributions from Hole-in-the-Wall Golf Club and the municipal parking garage (see Item 4).

Member Albert questioned whether there would be a requirement to maintain the reserve, and replenish it if necessary in perpetuity.

In further discussion, Mrs. Norman agreed to examine the City’s contract with the Downtown Naples Association to ascertain whether the Community Foundation funds transferred to the City, in conjunction with the Images of Our Environment (Fifth Avenue South) display program, had been designated solely for maintenance.

CORRESPONDENCE AND COMMUNICATION.....

Following a brief discussion, the Committee agreed to cancel its June 23 meeting. Chairman Kenny stated that the next regularly scheduled meeting would therefore be held on July 28. City Clerk Tara Norman pointed out that a candidate for the Committee’s existing vacancy, Michael Williams, would be interviewed by City Council on June 15. She also noted that the City Council had approved the placement of two plaques for Cambier’s Quilt, the artwork at the municipal parking garage at Sixth Avenue South and Eighth Street. Mrs. Norman further noted that the Humane Society and the Naples Beach Hotel & Golf Club had been contacted with regard to their on-site public art projects, but it is not yet known when they would move forward.

Member Taylor requested that a Committee Member attend the June 3 City Council meeting to discuss the value of art during public comment, noting that some members of City Council may be dismissive of the art program, based on her review of a recording of the meeting during which City Council approved the plaques for Cambier’s Quilt. She stressed the importance of the plaque selection process, which she described as simple, but also significant, given that Cambier’s Quilt was purchased by the City in conjunction with the public art program.

Public Art Advisory Committee Regular Meeting – June 2, 2009 – 11:30 a.m.

Chairman Kenny asked that Member O'Brien represent the Committee in thanking City Council for approving the purchase of plaques and making a brief statement with regard to the value of the public art program; Mr. O'Brien agreed. Mrs. Norman pointed out that Cambier's Quilt is the City's first acquisition, noting that the material and design selected for the plaque may establish a precedent for future additions to the City's inventory of artwork.

Chairman Kenny questioned whether the sculpture in Cambier Park, Jake the Friendly Dragon, is also identified by a plaque. Following a brief discussion, Mrs. Norman agreed to determine whether a plaque had been installed, and if not, obtain the necessary information for such a plaque, such as the donor's name.

PUBLIC COMMENT.....

None.

ADJOURN.....

12:28 p.m.

Sharon Kenny, Chairman

Tara Norman, City Clerk

Minutes prepared by:

Rachael McLean, Technical Writing Specialist

Minutes Approved: July 28, 2009

Agenda Item _____
Meeting of 6/3/09

RESOLUTION 09-_____

A RESOLUTION OF THE PUBLIC ART ADVISORY COMMITTEE ESTABLISHING DIRECTION FOR AMOUNTS TO BE RESERVED FOR THE MAINTENANCE AND REPAIR OF CITY-OWNED ART; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is the desire of the Public Art Advisory Committee to assure that a certain level of funding is reserved for the maintenance and repair of artwork owned by the City of Naples;

NOW, THEREFORE, BE IT RESOLVED BY THE PUBLIC ART ADVISORY COMMITTEE:

Section 1. Except for art which is acquired by the City after this date, the City of Naples Finance Department is requested to reserve _____% of the ending undesignated balance in the Public Art Fund to be expended as needed for the maintenance and repair of artwork owned by the City of Naples as of this date. But at no time shall the reserved amount fall below \$_____.

Section 2. For any public art which is acquired by the City of Naples after this date, a specific reserve for maintenance and repair shall equal _____% of the total price of the installation and shall be accounted for separately from the maintenance amount shown in Section 1.

Section 3. Notwithstanding applicable City of Naples procurement regulations, all maintenance and repair activities proposed for City-owned artwork must first be reviewed by the Public Art Advisory Committee prior to expenditure of funds for this purpose from the Public Art Fund.

Section 4. This resolution shall take effect immediately upon adoption.

PASSED IN OPEN AND _____ SESSION OF THE PUBLIC ART ADVISORY COMMITTEE THIS _____ DAY OF _____, 2009.

Chair