



City Council Chamber  
735 Eighth Street South  
Naples, Florida 34102

**Public Art Advisory Committee  
Joint Workshop with Design Review Board – August 23, 2006 – 9:00 a.m.**

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Chairman Kenny called the meeting to order and presided.

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**ROLL CALL ..... ITEM 1**

**Present:**

Sharon Kenny, Chairman  
Jack O'Brien  
Franklin Duane, Chairman  
Jonathan Kukk, Vice Chairman  
Eugene Martin  
Russ Reddick

**Absent:**

Penny Taylor, Council Member  
Eugene Burke  
Merlin Lickhalter  
Norman Rocklin

**Also Present:**

David Lykins, Community Services Director  
Janet McCracken, Community Services Analyst  
Tara Norman, City Clerk  
Jessica Rosenberg, Deputy City Clerk  
Robin Singer, Community Development Director

Other interested citizens and visitors.

**DISCUSSION OF PERCENT FOR ART ORDINANCE ..... ITEM 2**

Community Development Director Robin Singer explained that the selection of art installment and its placement will involve both the Public Art Advisory Committee (PAAC) and the Design Review Board (DRB). The DRB will have an interest in these installments, due to their mandated exterior location and the importance of integrating the piece into the landscape and/or building. She suggested that the PAAC and DRB develop an efficient process by which to offer input and approve each developer's strategy for satisfying the public art requirement. Community Services Director David Lykins made an electronic presentation on the State of Florida Percent for Art Programs (a printed copy of which is contained in the file for this meeting in the City Clerk's Office). He emphasized that both the PAAC and the DRB will contribute to the review process and offer recommendations to the Planning Advisory Board (PAB) and City Council. The goal is to implement a streamlined approval process that allows input from the aforementioned interested parties.

PAAC Chairman Kenny concurred with both Ms. Singer and Mr. Lykins and stated that the approval process should occur early in the design. DRB Vice Chairman Kukk pointed out that when incorporating art into the building, it could be difficult to make a distinction between the art and the architecture. He also recommended that the value of the artwork necessary to satisfy the ordinance be calculated using fixed and easily determined figures, because proposed construction cost is variable and differs from the actual construction cost. He pointed out that more expensive projects with a higher grade of finish would be penalized for creating a better looking final product if the allowance for artwork is calculated using construction cost. Community Services Analyst Janet McCracken pointed out that many public art programs throughout the country base the artwork allowance instead on the square footage. DRB Chairman Duane agreed, stressing that variables associated with construction cost make that method of calculation inequitable. Ms. Singer concurred, but also noted that there may be special cases where square footage could not be applied such as in major renovations or a project involving primarily landscaping, such as a parking lot or garage. Mr. Duane stated that construction cost must nevertheless be narrowed and clearly defined if it is to be used in determining the artwork allowance value. Ms. Kenny said that the current proposal is to assess a different value based on whether the project is commercial or mixed-use, and Mr. Kukk suggested that a flat amount per square foot, regardless of the type of building, would simplify the process.

Ms. Kenny said that only new commercial construction over \$250,000 and any additions over 1,000 square feet would be affected by this ordinance. She also explained that in making the threshold for the program identical to that of the DRB, the DRB would only be evaluating the public art aspects of projects already under review. Ms. Kenny said that while she was uncertain of the point at which PAAC should enter the process, she suggested that it become involved at some point between the preliminary and final design review. She requested the DRB's input in narrowing that time frame. DRB Chairman Duane noted that this time period is further extended because the final installation of art will generally occur once construction is complete; therefore, he observed that the selection of the artist and review and approval of the artwork must take place at the initial stages of the process, due to its required exterior location and the architect's need to designate that location.

Mr. Kukk cautioned that some developers may attempt to circumvent additional expenditures to meet the artwork allowance by asking that the architect instead add a decorative element to the building, estimate the cost, and identify it as the required artwork. Ms. McCracken explained that the artist and artwork must however meet certain criteria to be considered as such. PAAC Member O'Brien added that the PAAC currently employs certain criteria when evaluating art donations, and Ms. Kenny pointed out that PAAC is able to identify acceptable art through a series of guidelines, one of which is originality. Mr. Duane expressed his concern that these criteria may nevertheless discriminate against local artists, due to the stringent requirements involving exhibit experience. Mr. Duane also noted that the DRB already asks developers of major public projects to provide a grand public gesture and presenters before the board embraced this concept by enhancing the artistic aspects of their projects. He further noted that there is, however, no contractual requirement to include a grand public gesture.

DRB Member Russ Reddick stated that while he supports the concept, he questioned the methods of implementing the program. Mr. O'Brien stated that a projection of both private and municipal funds generated for public art had been based on 2004 figures. Mr. Reddick, however,

maintained that without an incentive such as making the fee deductible, developers would not simply absorb this increased cost, but would fund the artwork with monies that could have been spent on architectural quality. DRB Member Kukk said that a desirable incentive program would motivate developers to incorporate public art into their projects. In response to Mr. Reddick, Ms. Kenny indicated that the Naples program had used successful programs in other cities as examples, emphasizing that the owner of the property retains ownership of the artwork and assumes responsibility for maintenance. Mr. Reddick nevertheless cautioned that ownership of the artwork may not necessarily be viewed as an incentive, because selection is based on PAAC criteria rather than wholly on personal taste. In response to Mr. Kukk, Ms. McCracken also explained that developers would be given the option to satisfy the ordinance requirements by contributing to the public art fund, which the City would use to commission art for placement throughout the city.

Community Development Director Singer stated that the PAAC's role in the approval process will be to evaluate the artwork according to its specific guidelines while the location and manner of incorporating the artwork into the overall design of the building or landscape will be the primary focus of review by the DRB. DRB Member Kukk stated that the process must account for the timing of both options: incorporation of the artwork and payment into the fund. He however predicted that most developers would choose to contribute funds rather than lengthening their review process by incorporating artwork. DRB Members Duane and Reddick concurred.

Mr. Reddick then suggested that the PAAC review the architect's plan to integrate the artwork into the building during a preconstruction or pre-design conference. Mr. Kukk noted that by introducing that additional meeting, developers would be more inclined to contribute to the fund instead. In response, Ms. Kenny stated that ideally developers will choose to incorporate public art into their projects, and in the interest of achieving that objective, PAAC wishes to integrate itself into the process as seamlessly as possible. Mr. Kukk suggested that the DRB review the integration aspect of the artwork's placement during its normal proceedings and that PAAC approve the artwork by the end of the process prior to issuance of a Certificate of Occupancy (CO), which would not impede the developer in the building permit process.

DRB Member Reddick suggested that PAAC review plans during the same 30 day period set aside for staff review of projects so as to comment on its sufficiency with reference to the criteria, provided the artwork is actually integrated into the design of the building. Therefore, the DRB could review proposed integration of artwork in the way that it reviews signage. However, if the artwork were not integrated in that way, such as a mural or sculpture, the DRB could offer approval with the condition that the developer submit the artwork design to the PAAC at a later date, he added. Mr. Kukk noted that the DRB could evaluate the allocation of space, placement, and related matters, such as proportionality, with the understanding that the PAAC would later be responsible for reviewing the artwork's characteristics, such as color and texture, in the context of compatibility with the building. The artwork could then be installed with the approval of the PAAC prior to the issuance of a CO, Mr. Kukk said.

Ms. McCracken stated that the package presented by a developer to the Community Development Department would include a site plan for the placement of the artwork, and Ms. Kenny said that the PAAC would provide acceptable examples of public art from other cities at

that initial meeting. Mr. Reddick recommended that the process be open to variation because in some cases the type of artwork proposed may necessitate a joint conference of the two bodies.

DRB Member Martin, while praising the program, nevertheless expressed concern about its feasibility with reference to small, individualized projects for the following reasons: the locations may be obscure; the burden of maintenance will fall to future owners; and the \$250,000 threshold may result in the placement of numerous minor works of art. Mr. Kukk said that he shared Mr. Martin's preference for the program to fund the strategic placement of impressive pieces of grand art selected by the PAAC. Ms. Kenny pointed out that public art is usually privately owned and other cities have found that to be a beneficial arrangement. Mr. Kukk stated that the manner of calculating the art allowance does not consider the importance of the location of the project. He suggested that the community would be better served by taking other factors into account, especially in the example of a small project on a prominent street corner. PAAC Member O'Brien responded that while this may achieve the highest and best use of the space, the City wants the developer to integrate art into their plans, rather than the City imposing art after the fact.

DRB Member Kukk expressed regret that the DRB had not been aware that the focus of the workshop was to develop a process to implement the program. Ms. Kenny however reiterated that the process must be fluid and straightforward to ensure its success.

In further discussion, DRB Chairman Duane suggested clarifying the term "commercial projects" to differentiate from industrial buildings such as hangars. Mr. Kukk noted that industrial buildings, such as this often lack public access and art placement at those locations would therefore have minimal impact. In response to Ms. Kenny, Community Development Director Singer reiterated that if square footage is used to calculate the art allowance, accommodations may be necessary to account for the lower cost of open space projects such as garages and industrial buildings, necessitating either their exclusion or a rate differential. In response to Mr. Kukk, PAAC Chairman Kenny confirmed that municipal buildings would be participating in the program, but Mr. Kukk pointed out that decisions to include municipal buildings elsewhere had been later reversed due to budget constraints. Ms. Kenny stressed that art expenditures in this context are nevertheless a lasting source of pride for a community and thus worthwhile. In response to Mr. Kukk, Community Services Director David Lykins stated that there is currently no cap on the art allowance, but it is under consideration as many cities have an upper limit. Ms. Kenny also noted that if the art allowance is calculated to be less than \$10,000, the amount must be donated to the public art fund instead of funding art within a project.

DRB Member Reddick suggested that multifamily projects owned by an association could also pose a problem, because individuals within that association could oppose long-term maintenance of the artwork and seek political office to influence decisions regarding the Percent for Art Ordinance.

In summary, Community Development Director Singer reiterated that all DRB packages will be sent for review to the PAAC, which can make comments and recommendations on location to be included in the staff report given to the DRB prior to its meeting. The PAAC's final review and approval would be necessary to obtain the building permit, and installation of the art would be a requirement for the CO. If the installation is delayed, a Temporary Certificate of Occupancy (TCO) may be issued. Ms. Singer said that Community Development will further examine the

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financial aspect of basing the allowance on square footage instead of construction cost, with consideration for the diversity of projects. She also said that the PAAC's information packet regarding the program could be included with Community Development's list of applications. Mr. Kukk mentioned that the program could be noted in the context of a grand public gesture within the DRB handbook. Mr. Duane suggested that PAAC specify items to be included in a submission, such as a concept sketch, site plan, and artwork location. Ms. Kenny agreed and mentioned that artists may be able to provide a maquette or small example of the proposed artwork. In response to Ms. McCracken, Ms. Singer explained that the Percent for Art Ordinance will be addressed in the pre-application conference and its packet will be displayed and available to the developer from the outset. PAAC's application, guidelines and related materials will be available alongside the DRB's own application and handbook.

In response to Mr. Kukk, Mr. Lykins said the results of this workshop will be used to prepare a packet for the Planning Advisory Board's review. Ms. Singer stated that the minutes from this meeting will be included for review by the PAB and the City Council, in order to represent the comments of the DRB. Ms. Singer agreed to provide the DRB with the revised ordinance prior to its September meeting and the DRB offered to take formal action at that time.

In reference to text changes to the proposed ordinance made at the Council meeting on April 3, 2006, DRB Chairman Duane suggested PAAC further clarify the inclusion of dedicated public space such as plaza surfaces by specifically excluding street paving.

**PUBLIC INPUT .....ITEM 3**

None.

**ADJOURN .....**

3:53 p.m.

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Sharon Kenny, Chairman

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Tara A. Norman, City Clerk

Minutes prepared by:

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Rachael McLean, Technical Writing Specialist

Minutes Approved: February 2, 2007