

ORDINANCE 13 - 18

AN ORDINANCE AMENDING THE CITY OF PORT ST. LUCIE CODE BY CREATING A NEW CHAPTER TO BE NAMED CHAPTER 162 ART IN PUBLIC PLACES; RECOGNIZING THE IMPORTANCE OF ART IN PUBLIC PLACES; PROVIDING FOR GOALS; PROVIDING FOR DEFINITIONS; PROVIDING FOR A PUBLIC ART ADVISORY BOARD; PROVIDING FOR FUNDING FOR ART IN PUBLIC PLACES; PROVIDING FOR THE ART IN PUBLIC PLACES FUND; PROVIDING PROCEDURES AND PROCESS; PROVIDING SELECTION CRITERIA FOR SITE AND PUBLIC ART; PROVIDING FOR OWNERSHIP AND MAINTENANCE; ALLOWING THE PUBLIC ART ADVISORY BOARD TO DEVELOP PROCEDURES; PROVIDING FOR THE REPEAL OF ORDINANCES 07-155 AND 09-100; PROVIDING AN EFFECTIVE DATE.

WHEREAS, by Ordinance 07-155, as amended by Ordinance 09-100, the City Council has recognized the importance of Art in Public Places in the City of Port St. Lucie; and

WHEREAS, the City Council created the Public Art Advisory Board; and

WHEREAS, the City Council finds that the membership of the Public Art Advisory Board should be expanded, the funding for the Public Art Advisory Board should be modified, and that the provisions of the Art in Public Places Ordinance be codified as a part of the Port St. Lucie City Code.

NOW, THEREFORE, THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. The Port St. Lucie City Code is hereby amended by creating a new Chapter to be named Chapter 162 Art in Public Places; which shall read as follows:

CHAPTER 162. ART IN PUBLIC PLACES

Sec. 162.01 Goals.

- (A) The City Council has determined that art, which may include architectural enhancement and special landscape treatment, should be planned as an integral part of the city. The mission of this Ordinance is to enhance the quality of the visual environment in the Port St. Lucie community, both natural and built; and in so doing add to the quality of life and raise the level of citizen awareness of the importance of aesthetic experiences in their everyday lives.

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(B) The principal goals of this Ordinance are:

- (1) To increase public access to art and the aesthetically designed environment, and to promote understanding and awareness of the visual arts in the public environment.
- (2) To contribute to the civic pride and economic development of our community.
- (3) To enhance the climate for artistic creativity in our community.
- (4) To enrich the public environment for both residents and visitors to the area through incorporation of the visual arts.

Sec. 162.02. Definitions.

For the purpose of this Ordinance, the words and phrases listed below shall have the following definitions:

(A) *Architectural Enhancement* is the physical result of the application of skill and taste according to aesthetic principles to the architectural embellishment of a building, the placement of works of art in the interior or exterior spaces of the building, or special landscape treatments such as parks, plazas or atriums.

(B) *Public Works Projects* means any development project, including remodeling, or any capital project, excluding transportation and utility projects, paid for wholly or in part by the City of Port St. Lucie or paid for with monies granted to the City of Port St. Lucie by other governmental agencies; including but not limited to any project to construct or remodel a building, a decorative or commemorative structure, park, parking facility or beautification project or any portion thereof within the city limits of the City of Port St. Lucie.

(C) *Private or Commercial Development* means any project subject to Sections 158.235 through 158.245 of the City of Port St. Lucie Land Development Regulations (Site Plan Review).

(D) *Public Art Advisory Board* is defined as a body of individuals appointed by the Mayor and confirmed by City Council which has the duty and

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responsibility to generate a Public Art Master Plan and make recommendations on specific public art projects.

(E) *Public Art Master Plan* is defined as the plan generated by the Public Art Advisory Board and approved by the City Council, which presents selected sites and criteria for the selection of works of art, architectural enhancement and special landscape treatments.

(F) *Public Places* are defined to be City-owned parks and buildings with high visibility and/or heavy pedestrian traffic or privately-owned property with high visibility and/or levels of pedestrian traffic that is consistently and constantly open to the public.

(G) *Special Landscape Treatment* shall be defined as landscaping that creates a park-like setting or plaza, as opposed to the landscaping requirements normally associated with the siting of a public facility, private or commercial development.

(H) *Works of Art* are defined as the application of skill and taste to tangible objects produced according to aesthetic principles and include, but are not limited to, paintings, sculpture, engravings, carvings, frescos, mobiles, murals, collages, mosaics, statues, bas reliefs, tapestries, photographs and drawings.

Sec. 162.03. Public Art Advisory Board, Creation, Composition, Responsibility.

(A) A Public Art Advisory Board is hereby created as a body of individuals appointed by the Mayor and confirmed by City Council which shall have the duty and responsibility to generate a Public Art Master Plan for review and approval by the Planning and Zoning Board and City Council and to make recommendations on specific public art projects, including the selection of works of art, architectural enhancements and special landscape treatments.

(B) The Public Art Advisory Board shall be comprised of seven (7) members as follows:

- (1) A representative of the St. Lucie County Chamber of Commerce.

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(2) A representative of the Treasure Coast Builders' Association.

(3) Wherever possible, the remaining members shall be representative of one (1) or more of the following classifications:

- (a) Architect or interior designer
- (b) Landscape architect or land use planner
- (c) Professional in the field of art
- (d) Art or architectural historian
- (e) Art educator
- (f) Artist

(C) The architect or other design professional for a specific City project may advise the Board during the selection process as it relates to his/her project but shall not be a voting member of the Board.

(D) Subject to City Council approval, the Public Art Advisory Board shall develop written bylaws, guidelines, and procedures to govern the manner and method of selection of proposed sites, works of art, architectural enhancement and special landscape treatment; and the process by which the recommendations shall be made to City Council and by which Council shall approve acquisitions.

Sec. 162.04. Funds for Works of Art, Architectural Enhancement and Special Landscaping Treatment.

(A) Public Art Fund.

(1) *Fund.* There is hereby created a public art fund consisting of all funds deposited to the public art fund in connection with the construction or major renovation of public places, private or commercial projects. The fund is also authorized to accept gifts, grants, and donations made to the City for art in public places. All appropriations, gifts, grants, and awards of monies for art in public places shall be deposited in an interest-bearing account entitled the City of Port St. Lucie Public Art Fund Account, which shall be a separate account established and maintained apart from the general

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revenue funds and accounts of the City. All interest earned in said account shall accrue to the use and benefit of the public art fund account. Funds deposited or credited to the public art fund account and not expended by the close of any fiscal year shall be carried forward into the next succeeding fiscal year.

(2) *Terms of existence.* The public art fund account shall be self-perpetuating from year to year unless specifically terminated by the City Council.

(3) *Fund expenditures.* Monies may be used in accordance with the requirements of this Ordinance for all costs associated with acquiring and commissioning art for public places, including costs for administration, travel, training, postage, printing, grants match, and education workshops. Any gifts, grants, and awards received subject to a condition shall be expended strictly in accordance with that condition. If an appropriation is not used for the acquisition of art for the public place for which it was appropriated, it shall be retained in the public art fund to supplement other appropriations for the acquisition of art or to place art in, at, or near public buildings which are already in existence.

(B) *Public Works Projects.* All estimates for the construction or renovation of capital projects and all requests for authorizations or appropriations for such projects may include an amount for a Public Art Fund which represents a combined amount for works of art, architectural enhancement or special landscaping treatment equal to the following percentages of the total estimated cost of the project, excluding land costs:

(1) 0% for minor site plans less than 10,000 square feet that comply with the City of Port St. Lucie Citywide Design Standards or the design standards of a DRI (Development of Regional Impact).

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(2) ½% for minor site plans less than 10,000 square feet that don't comply with the City of Port St. Lucie Citywide Design Standards or the design standards of a DRI (Development of Regional Impact).

(3) ½% for major site plans 10,000 square feet to 50,000 square feet.

(4) 1% for major site plans over 50,000 square feet.

The percentage calculations shall apply to all public work projects but shall only apply to the first \$5,000,000.00 for any single project which has an estimated construction cost exceeding \$5,000,000.00. The Public Art Fund appropriation shall only apply if such expenditure is legally permissible for that project and under the specific project funding sources. If the source of funding or other appropriate law with respect to any particular project precludes art as an object of expenditure of funds, the amount of funds so restricted shall be excluded from the aforesaid calculation. Said works of art, architectural enhancement or special landscape treatment may be integral parts of the building, situated within or outside the building, may be located in or near government facilities which have already been constructed, or may be located in other public places where numbers of people may experience them. The location of works of art, architectural enhancement or special landscape treatment paid for out of project funds at a site other than the specific project site requires a prior finding by the City Council that the location of works of art, architectural enhancement or special landscape treatment at the specific project site is inappropriate for that particular project, that it serves a municipal purpose to locate such art objects or improvements elsewhere, and that it is an appropriate use of those particular funds.

(C) *Private or Commercial Projects.* Private or commercial projects shall include an amount for a Public Art Component which represents a combined amount for works of art, architectural enhancement or special landscaping treatment equal to the following percentages of the total estimated cost of the project, excluding land costs:

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- (1) 0% for minor site plans less than 10,000 square feet that comply with the City of Port St. Lucie Citywide Design Standards or the design standards of a DRI (Development of Regional Impact).
- (2) ½% for minor site plans less than 10,000 square feet that don't comply with the City of Port St. Lucie Citywide Design Standards or the design standards of a DRI (Development of Regional Impact).
- (3) ½% for major site plans 10,000 square feet to 50,000 square feet.
- (4) 1% for major site plans over 50,000 square feet.
- (5) A cap of \$50,000 applies to all site plans.

The percentage calculations shall apply to all private and commercial development projects but shall only apply to the first \$5,000,000.00 for any single project which has an estimated construction cost exceeding \$5,000,000.00. A fee may be paid in lieu of artwork placement upon approval of City Council. The fee is due prior to the issuance of any building permits.

Sec. 162.05. Procedures.

(A) *Requirements.* Capital Improvement Projects (CIP), including the Community Redevelopment Agency (CRA), and private and commercial development projects, including remodeling of commercial property, are required to contribute a percentage of the overall construction budget, excluding land costs, toward enhancing the visual aesthetics of the project which may be integral parts of the building, situated within or as an interior/exterior feature. Exclusions are only limited to those allowed by law or funding sources that preclude this contribution. A Public Art Fund was established as a depository for public art fees paid by the City and private entities prior to securing a building permit from the City of Port St. Lucie.

For the private sector, this fee may be refunded if a City approved artwork of equal or greater value has been either placed on the site or donated to, and accepted by, the City by the property owner. All fees remain in the Public Art Fund for the discretionary use of the City. City generated funds will generally

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be designated to the project, but any unspent funds may be pooled with other unspent funds and utilized for public art at another site.

(B) For construction of public work projects financed by the City of Port St. Lucie, the following procedure shall be complied with:

(1) Early in the design of a project with a Public Art Appropriation, the architect or other design professional retained for that project shall work with the Public Art Advisory Board to develop a site plan for adding art works, architectural enhancements or special landscape treatments to the project.

(2) The Public Art Advisory Board shall recommend to the City Council those works of art, architectural enhancements or special landscape treatments it deems are appropriate to the project in accordance with the Public Art Master Plan. In no case shall the Public Art Advisory Board take such time to render its findings as to delay or hinder the design or construction of the project.

(3) The City Council shall, in its discretion, accept or reject the recommendations of the Public Art Advisory Board. If such recommendations are rejected, the City Council may request the Public Art Advisory Board to submit alternative recommendations. When recommendations are accepted, the City Council may designate the manner by which artists, sculptors, designers, craftsmen or contractors are retained for each project, but in no case shall the City Council be required to comply with the purchasing requirements of Section 35.01, et seq., of the Port St. Lucie City Code unless the City Council determines it appropriate under the circumstances.

(C) For construction of private or commercial projects, the following procedure shall be complied with:

(1) Early in the design of a project the architect or other design professional retained for that project shall work with the Public Art

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Advisory Board to develop a site plan for adding art works, architectural enhancements or special landscape treatments to the project.

(2) The Public Art Advisory Board shall recommend to the City Council those works of art, architectural enhancements, or special landscape treatments it deems are appropriate to the project in accordance with the Public Art Master Plan. In no case shall the Public Art Advisory Board take such time to render its findings as to delay or hinder the design or construction of the project.

(3) The City Council shall, in its discretion, accept or reject the recommendations of the Public Art Advisory Board. If such recommendations are rejected, the City Council may request the Public Art Advisory Board to submit alternative recommendations.

(D) *Program Requirements.* The Public Art requirement shall remain the obligation of the owner of the particular property for the life of the Certificate of Occupancy. This obligation will transfer to any successive owner of the property. Once the artwork has been accepted by the City and installed it cannot be removed, altered or replaced without specific written approval of the City Council. Private sector projects subject to compliance are:

- (1) Residential development, including two or more single-family dwellings being built concurrently in the same subdivision, planned unit development, or multi family units by the same owner or contractor.
- (2) All non-residential development.
- (3) All major site plan amendments for either residential or non-residential developments.

(E) *Developer Options.* All proposals require the review of PAAB and approval of the City Council. Several options are available to private developers to meet the City's art requirement. They are:

- (1) *Artwork on Site.*

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Upon assessment of the public art fee, the Developer may elect to site a permanent public artwork as part of the development project.

Using this option, the Developer may

- (a) Utilize the City's artist registry to find artists.
- (b) Select the artist directly.
- (c) Hire a professional consultant to select artists to commission site-specific, architecturally integrated artworks.
- (d) Purchase artworks for permanent installation.

Artworks may be:

- (a) Singular objects (sculpture);
- (b) Artist designed amenities (streetscapes, paving treatments, lighting standards and treatments, benches, way finders, architecturally integrated water features, artist designed landscape treatments or other artist designed amenities or aesthetic treatments).
- (c) Artworks must further the idea of public art by being located in publicly accessible locations.

The Artwork on Site approach allows the Developer to:

- (a) Maximize and return the outlay of art fees by bringing a signature artwork to the development as an identifying and prestige feature.
- (b) Increase the scope of work of a particular project or feature within the development by using art allocations to supplement and enhance the budget (for example, bringing an artist in to design an already budgeted water or entry feature).

(2) *Art Donated to the City of Port St. Lucie.*

Upon assessment of the public art fee, the Developer may elect to purchase an existing artwork or commission an original artwork for donation as a gift to the City of Port St. Lucie's public art collection. Donations to the City must be approved for acceptance by the City

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and are reviewed by the Public Art Advisory Board and City Council to determine the aesthetic quality of the donation, the work's maintenance requirements and the appropriateness of the donation to the overall goals of the PAAB. This approach allows the Developer to increase public awareness of the Developer as a civic benefactor.

(3) Fees In Lieu of Artwork on Site.

Upon assessment of the public art fee, the Developer, at the discretion of the PAAB and City Council, may elect to pay the fee to the Public Art Fund with no intention of placing artwork on site or donating a work of art to the City. The fee is due prior to the issuance of any building permits. These funds are subsequently used by the City of Port St. Lucie and the Public Art Advisory Board on publicly-sited projects of their choosing through the review and approval process. Artworks placed at sites on city property become a city maintenance responsibility for the lifetime of the art. This approach allows the Developer to by-pass completely the public art process.

(F) Site Criteria for Developers.

(1) Eligible Public Art Location.

(a) Spaces may be interior, accessible to the public during normal business hours.

(b) Locations can include surface treatments of buildings, retaining walls, and bridges. The definition of "location" can also be expanded by an artist's ability to extend the possibilities for public art, and would then be determined on a case-by-case basis.

(c) Projects can also include artist-designed features provided by commercial sources, such as gates, water fountains, tile and surface materials, doors, furniture, clocks, lighting fixtures, railings, signage, etc.

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(d) Designated public art receiving areas may be approved for large projects, e.g., Developments of Regional Impact and/or Planned Unit Developments. Such public art receiving areas may be designated for projects within the Developments of Regional Impact and/or Planned Unit Developments to locate their respective public art requirements instead of placing them on their own property.

(2) *Eligible Public Art Components.*

(a) *On-Site Art in Public Places.* The PAAB encourages imaginative interpretations of media. The possible media and materials, which might be used for permanent installation, decorative or functional purpose, include:

(i) Sculpture: Free standing, wall supported or suspended; kinetic, electronic, etc., in any material or combination of materials.

(ii) Painted and mosaic murals.

(iii) Earthworks, fiberworks, neon, glass, mosaics, photographs, prints, any combination of forms of media including sound, film, holographic and video systems, hybrids of any media and new genres.

(iv) Standardized fixtures such as gates, streetlights, signage, etc., may be contracted to artists for unique or limited editions.

(v) Special landscaping treatments as designed by a Florida registered Landscape Architect.

(vi) Unique art installations that are not categorized in the above list may be considered by the board in its discretion.

(b) All public art components are subject to the Florida Building Code and wind load specifications.

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(G) *Budgetary Guidelines for Developers.*

(1) *Eligible Costs.* The following eligible costs/expenses shall be considered by the PAAB:

- (a) Structures, which enable the display of artwork(s).
- (b) Artists' budgets for projects, which will be expected to cover:
 - (i) Professional fees for the artist(s).
 - (ii) Labor of assistants, materials, and contracted services required of the production and installation of the work of art.
 - (iii) Any required permit.
 - (iv) Business and legal costs directly related to the project.
 - (v) Studio and operating costs.
 - (vi) Communication and other indirect costs (insurance, utilities).
 - (vii) Travel expenses of the artist for site visitation and research.
 - (viii) Transportation of the work of art to the site.
 - (ix) Preparation of site to receive artwork.
 - (x) Installation of the completed work of art.
 - (xi) Documentation (photos) of the artwork.

(2) *Ineligible Costs.*

- (a) Directional elements such as supergraphics, signage, or color-coding except where these elements are integral parts of the original work of art.
- (b) "Art objects" which are mass-produced of standard design such as playground equipment, fountains, or non-bronze statuary objects.
- (c) Reproductions, by mechanical or other means, of original works of art, except in cases of film, video, photography, printmaking or other media arts.
- (d) Decorative, ornamental, or functional elements that are designed by the building architect as opposed to an artist commissioned for this purpose, that are in addition to any City or other entity design standard requirement(s).
- (e) Landscape architecture and landscape gardening except where these elements are designed by the artist and/or are an integral part of the work of art by the artist.

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(f) Services or utilities necessary to power, operate or maintain the artwork over time.

Sec.162.06. Review and Approval Process.

(A) *Public Art Advisory Board.* The Public Art Advisory Board serves in an advisory capacity to the City Council, providing recommendations for art placement in Port St. Lucie. The City Council, in its discretion, may accept or reject the Board's recommendations.

(B) *Application Review.* An application shall include:

- (1) Preliminary sketches or other documents of sufficient clarity that indicates the nature of the artwork.
- (2) An appraisal or other evidence of the value of the proposed artwork.
- (3) Upon final review of application, the PAAB shall forward a recommendation to the City Council, which shall have sole authority to accept or reject the recommendation.

Sec. 162.07. Selection Criteria for Sites and Public Art.

In the selection process, the Art Advisory Board shall consider the following criteria:

- (A) Works of art, architectural enhancements and special landscape treatments shall be located in areas where residents and visitors live, work or congregate and shall be highly visible and accessible.
- (B) The Public Art Advisory Board shall consider the intrusive nature of public art on the lives of those who frequent public places. Works of art, architectural enhancements or special landscape treatments shall take into account appropriateness to the site, permanence of the work relative to environmental conditions, maintenance requirements and costs, and the enduring nature of the artistic statement.
- (C) Wherever possible, the selection should show sensitivity to the aesthetic and cultural traditions of the City of Port St. Lucie, to its history and to the environmental and geographic characteristics that make it unique.
- (D) *Site Selection.* General criteria for the selection of an art site include:

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(1) Location, Installation and Identification.

(i) Artworks for public and private projects must be located in an area which is accessible to the public. The PAAB Master Plan sites include commercial and residential buildings and adjoining plazas, parks, sidewalks, traffic islands, public buildings, power stations, etc.

(ii) Installation of the artwork should be planned to complement the work.

(iii) Potential obstruction of growing trees, shrubbery, or future construction should be taken into account.

(iv) Each artwork shall be identified by a plaque stating the artist's name, artwork title, and date the artwork was dedicated. The plaque will be placed in an appropriate location near the artwork that can be easily accessed by pedestrians.

(2) Public Placement

(i) An artwork site for public projects is selected for its aesthetic possibilities as recommended by the PAAB to City Council.

(ii) Sites may include urban gateways, bridges, vistas, public spaces and plazas or other publicly accessible places.

(iii) Particular attention will be given to providing artwork at major intersections, corridors and entrances to the City of Port St. Lucie.

(iv) Artwork sites for City Capital Improvement Projects including CRA or private donations may include public facilities such as the Civic Center, Senior Center, schools, parks and recreation buildings or other sites as appropriate.

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(E) *Artwork Selection.*

(1) *Selection Criteria for Artists.* General criteria for the PAAB and Developer to consider in selecting artists for public or private projects should include:

- (a) The aesthetic and technical quality and originality of the artist's previous work as evidenced by photos and other supporting materials;
- (b) The artist's previous experience with public art projects of a similar scale and scope;
- (c) The artist's demonstrated ability to execute and complete a project in a timely and professional manner;
- (d) The artist's ability to communicate ideas verbally and visually, and work effectively in a team environment;
- (e) The appropriateness of the artist's proposal to the particular project and its probability of successful completion;
- (f) A wide variety of nationally known artists as well as local artists.

(2) *Selection Criteria for Artwork.* General criteria for the PAAB and Developer to consider in selecting artwork for public or private projects should include:

- (a) Creativity: artwork demonstrates originality, artistic excellence, and quality.
- (b) Media: all visual forms and media may be considered, subject to the recommendation of the PAAB and approval of City Council.
- (c) Style: artworks of all schools, styles, and tastes should be considered.
- (d) Response to Site: artworks and art places should be appropriate in scale, material, form, content, and value for the immediate, general, social, and physical environments with which they are to relate.
- (e) Team Approach: encourage the early involvement of the artist as a member of the project design team of architect, engineer, landscape architect, etc.

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(f) **Durability:** consideration should be given to structural and surface integrity, permanence, protection against theft, vandalism, weathering, excessive maintenance, and repair costs.

(g) **Elements of Design:** consider that public art, in addition to meeting aesthetic requirements, may also serve to establish focal points, terminate areas, modify, enhance, or define specific spaces or establish identity.

(h) **Public Liability:** artworks and art places should be examined for unsafe conditions or factors that may bear on public liability.

(i) **Diversity:** strive for diversity of style, scale, media, artists, community values, forms of expression, and equitable distribution of artworks throughout the City.

(3) **Selection Methods.** Artworks for public and private projects may be selected in a variety of methods. In addition to advertising of projects, the Artist Registry is a resource that may be reviewed for direct selection of an artist or artwork. Other selection methods may include but are not limited to:

(a) **Open Competition:** The project is advertised locally, regionally, nationally or internationally and through the artist data bank. Interested artists may submit materials for review, which include jpg. images on CD, letter of interest, resume and supplementary materials such as reviews, articles, books or brochures.

(b) **Limited Invitational:** A selected number of artists are invited to submit materials for review. Finalists may be selected to submit detailed models (maquettes) for the project for which they may be paid a fee as recommended by PAAB to City Council for approval.

(c) **Invitation: (Sole source exception)** One artist is invited to submit materials for review, and may be commissioned to create a detailed proposal.

(d) **Direct purchase:** An existing work is purchased for a specific project.

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Selection of the artwork for City sponsored projects is subject to the artist(s) providing materials and completion bond, as well as completing a contract as set forth by the City Attorney.

(4) *Selection Process.*

(a) Artist(s) solicited.

(b) Materials reviewed by PAAB, finalists shortlisted (as appropriate) with selection forwarded as recommendation for commission or purchase to the City Council.

(c) Review by City Council with direction to staff to proceed with contract if approved.

(d) City Council determination of final acceptance upon project completion.

(5) *Art In Public Places Art Selection Guidelines.* Criteria that may be considered by the PAAB, in its discretion, include but are not limited to the following:

(a) Will the art component be concentrated in one area or distributed throughout the public spaces?

(b) Is the proposed project/program a collaborative effort? If so, specify the participants, responsibilities, and proposed arts budget allocation to non-arts components, if applicable.

(c) How will the art component function within the whole development? Activate a space? Provide a landmark? Serve a function (gateway, seating, etc.)?

(d) Who are the primary and secondary audiences for the artwork (pedestrians, building users, tourists, automobile traffic, etc.)?

(e) How has the anticipated audience influenced your choice of artwork?

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- (d) If applicable, describe plans for artwork to conform to necessary safety and functional requirements. Who will assist on these requirements?
- (e) Describe plans for fabrication and installation of the artwork.
- (f) Describe needs and plans for ongoing maintenance responsibilities and identify what entity will handle those duties.
- (g) Please submit a reduced schematic design, limited to 11" x 17" folded, with model, if appropriate.

Sec. 162.08. Ownership and Maintenance.

(A) *City Ownership and Maintenance.* Unless otherwise provided, ownership of all works of art and architectural enhancements acquired by the City under this section is vested in the City including copyrights, patents, and other reproduction rights. The City shall be responsible for managing the reproduction rights of each acquisition with advice and counsel from the Public Art Advisory Board. Privately sited art works shall remain the property of the property owner for the life of the certificate of occupancy and title to the art work shall pass to any new owner of the property upon which it is situated. The owner must maintain the work in good condition. Failure to maintain the artwork may result in a violation of this ordinance and penalties as provided in Section 10.99 of the City of Port St. Lucie Code of Ordinances.

(B) *Private Ownership and Maintenance Requirements.*

(1) *Maintenance.* All privately sited artworks shall remain the property of the owner for the life of the Certificate of Occupancy. Title and ownership of the artwork shall transfer in whole or in part to any successor in interest of the structure. The owner of the artwork shall provide all maintenance necessary to preserve the work in good condition. In addition, the owner of artwork shall maintain in full force and effect fire and extended insurance coverage, including but not

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limited to vandalism coverage, in a minimum amount of the purchase price of said artwork. Failure to maintain the artwork will constitute a violation of this ordinance and will be prosecuted by the Code Enforcement Division pursuant to Chapter 37, Code of Ordinances.

(2) *Removal or Alteration of the Work.* The artwork shall be a permanent, fixed asset to the property. Public art installed onto or integrated into a private construction project shall not be removed, altered or replaced without the approval of the City Council. If the art is knowingly removed or altered without prior approval, a Code Enforcement case will be brought as outlined above, and a fine may be imposed. In addition, if artwork is removed by the property owner without the approval of the City Council, the owner may be required to contribute funds equal to the current appraised value, or replace the work with another of equal value, as approved by the City.

Sec. 162.09-162.14. Reserved.

Section 2. The City of Port St. Lucie Ordinances 07 -155 and 09 -100 are hereby repealed in their entirety and the City of Port St. Lucie Code of Ordinances is hereby amended by creating a new Article and Sections to Chapter 32 Departments, Boards, and Commissions to be numbered Article XV Public Art Advisory Board, Sections 32.130-32.143; which is hereby adopted by this Ordinance.

Section 3. The provisions of the Ordinance are severable and, if any section, sentence, clause or phrase is for one reason held to be unconstitutional, invalid or ineffective, this holding shall not affect the validity of the remaining portions of this Ordinance, it being expressly declared to be the City Council's intent that it would have passed the valid portions of this Ordinance without inclusion of any invalid portion or portions.

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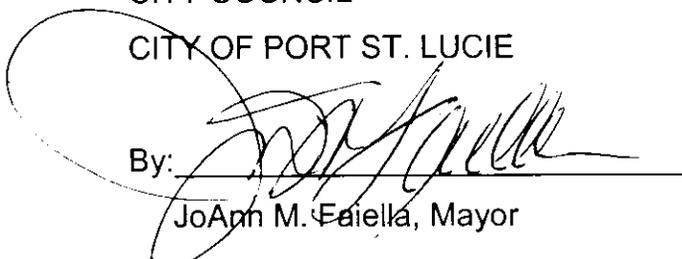
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Section 4. This ordinance shall become effective ten (10) days after its final adoption.

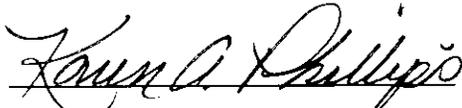
PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 22nd day of April, 2013.

CITY COUNCIL
CITY OF PORT ST. LUCIE

ATTEST:

By: 

JoAnn M. Faiella, Mayor



Karen A. Phillips, City Clerk

APPROVED AS TO FORM: 

Roger G. Orr, City Attorney

CITY OF PORT ST. LUCIE, FL - CITY COUNCIL

AGENDA ITEM REQUEST

MEETING: REGULAR X SPECIAL

DATE: April 8, 2013 and April 22, 2013

ORDINANCE X RESOLUTION MOTION PUBLIC HEARING X

ITEM: PROJECT NO. P12-128
PUBLIC ART ORDINANCE AMENDMENT

RECOMMENDED ACTION: The Public Art Advisory Board voted to accept the proposed changes to the Art in Public Places Ordinance, Bylaws, and Procedures at their meeting on January 8, 2013.

EXHIBITS:

- A. Ordinance
- B. Memo
- C. Support Materials

SUMMARY EXPLANATION/BACKGROUND INFORMATION: At the direction of the City Council per their meeting on September 24, 2012 staff has prepared the attached Public Art Ordinance Amendment. Currently, the City of Port St. Lucie has both a public art ordinance, procedures, and bylaws documents for the Public Art Advisory Board. Staff recommends that these documents be changed and reorganized in the following manner:

- 1. All public art requirements and procedures are proposed to be in a new chapter 162 of the City's Code of Ordinance.
- 2. The Public Art Advisory Board's bylaws will be a separate document.

Fundamental changes to the public art requirements and procedures in Ordinance 13-___ are as follows:

- 1. Expand the membership to include a representative from both the Chamber of Commerce and the Treasure Coast Builder's Association.
- 2. Modify the public art requirements.
- 3. Propose optional public art receiving areas for large-scale development.

The PAAB voted to accept the proposed changes on January 8, 2013.

IF PRESENTATION IS TO BE MADE, HOW MUCH TIME WILL BE REQUIRED?

None.

SUBMITTING DEPARTMENT: Planning and Zoning

DATE: 3/29/13

**CITY OF PORT ST. LUCIE
CITY COUNCIL REGULAR MEETING MINUTES
SEPTEMBER 24, 2012**

A Regular Meeting of the CITY COUNCIL of the City of Port St. Lucie was called to order by Mayor Faiella on September 24, 2012, at 7:10 p.m., at Port St. Lucie City Hall, 121 SW Port St. Lucie Boulevard, Port St. Lucie, Florida.

1. MEETING CALLED TO ORDER

2. ROLL CALL

Council Members

Present:

Mayor JoAnn M. Faiella
Vice Mayor Linda Bartz
Councilwoman Michelle Lee Berger
Councilman Jack Kelly
Councilwoman Shannon M. Martin

Others Present:

Gregory J. Oravec, City Manager/
CRA Director
Roger G. Orr, City Attorney
James Angstadt, Acting Assistant City
Engineer
Stefanie Beskovoyne, Assistant City Attorney
Pam E. Booker, Senior Assistant City
Attorney
Sherman A. Conrad, Parks & Recreation
Director
Edward Cunningham, Communications Director
Edwin M. Fry, Jr., Finance Director/
Treasurer
Joel Dramis, Building Code Administrator
Carol M. Heintz, Assistant City Clerk
Daniel Holbrook, Planning & Zoning Director
Renee Major, Risk Management Director
Jesus A. Merejo, Utilities Director
Karen A. Phillips, City Clerk
David K. Pollard, OMB Director
Jack Reisinger, Technical Services Manager
Building Department
Patricia Selmer, Community Services Director
Susan Williams, Human Resources Director

staff did research past minutes of meetings, and we weren't able to come up with anything. I believe you were referencing that required roofs in the Conversion Area and along Prima Vista would require metal roofs. However, we didn't find any direction one way or the other from Council." Councilman Kelly asked, "You said they required metal roofs?" Mr. Holbrook replied, "That was the conversation we had." Councilman Kelly commented, "I know we had all of the roofs to be contiguous in that area, but you're saying you have found nothing in the history of that Conversion Area. I will have to go back myself."

12. UNFINISHED BUSINESS

a) DISCUSSION REGARDING ORDINANCE 11-63 AS IT RELATES TO CONSIGNMENT SHOPS, COUNCILMAN KELLY

Councilman Kelly said, "I think this one has already been solved. I believe the City Manager told me that the Police Department has also agreed that the precious metals and everything else is not the same as this, and the consignment shop was going to be alleviated of some parts of the ordinance." The City Manager stated, "If it meets with City Council approval, staff will bring back at the next meeting an ordinance for First Reading the proposed changes as outlined in Chief Bolduc's memo of September 20, 2012. Do I have **consensus** to bring it back?" Mayor Faiella replied in the affirmative.

b) DISCUSSION REGARDING AMENDING ORDINANCE 09-100, ART IN PUBLIC PLACES REQUIREMENTS, PLANNING AND ZONING

Mr. Holbrook said, "This item is to discuss Art In Public Places. This is a topic that was brought before the Council during the Summer Retreat, and Council did direct staff to prepare a tiered approach to the requirements. For everyone's edification, the requirements of the Public Art ordinance do require that developments within the City calculate their 1% of the construction cost of their site, and they have a variety of options. One of them is to provide art on site, to donate art to the City, or to pay a fee in lieu of. That's the existing requirements and those requirements are kept at \$50,000 total. What City staff proposed and took to the Public Art Advisory Board was that for minor Site Plans, which are less than 10,000 square feet, that there would be a 0% requirement as long as they met the Citywide Design Standards. For projects that were 10,000 to 50,000 square feet, they would be .5%. For sites that have greater than 50,000 square feet would be 1%, and all of this would require a cap of \$50,000. At the August 14 meeting,

the Public Art Advisory Board reviewed staff's recommendations and they came up with a counter. This is described in the memo. Their proposal was .5% for minor Site Plans of less than 10,000 square feet, 1% for major Site Plans greater than 10,000 square feet, capping every project at \$50,000. Since then, we did receive a letter from the St. Lucie County Chamber of Commerce, and they would appreciate not having this ordinance. However, if the City stuck to the request and the desire to have this ordinance that they essentially mirror City staff's recommendation with the exception of the language as far as the Citywide Design Standards. They also requested to have membership on the Board. Currently there are no vacancies, but those are items for the City Council to discuss. If the Council does have direction, we will need to amend both the Procedures and Bylaws as well, and bring that back at a later date."

DEBORAH MAGRANN, Chairman of the Public Art Advisory Board, stated, "I just wanted to be here to answer any questions. I did see the support letter from the Chamber of Commerce, and they were requesting a seat on the Board for a Chamber member and the TCBA. We have no vacancies on our Board at this time. The requirements are that they be a resident of the City of Port St. Lucie, and that they have an art background. If the Council would want to change that, we would have to revisit the ordinance, our bylaws, and our procedures." Councilwoman Martin noted, "In reviewing the proposals, I prefer to go with what staff recommended." Councilwoman Berger commented, "I will also support staff's recommendation with the added caveat of asking for two additional members to the Board, not to take away from the current Board, but to change the bylaws to add two additional members. One would be from the Chamber of Commerce, and one from the TCBA. I think the Chamber and the TCBA are looking to make sure that these monies get set aside on a line item, and that they are made available in the appropriate manner and dispensed in the appropriate manner. Our businesses want to be a part of that decision-making process, and I think that's a great thing to have." Councilwoman Martin **moved** to go with staff's recommendation, and adding two members to the Public Art Advisory Board, from the St. Lucie Chamber of Commerce and one from the TCBA. Councilwoman Berger **seconded** the motion. The Clerk restated the motion as follows: for approval of the recommendations and to add two members to the Public Art Advisory Board as stated by staff. The **motion passed unanimously** by roll call vote.

ADDED ITEM

to make sure it is the way it should be, and then we will put it to rest in February."

9. PAAB PROCEDURES AND BYLAWS

→ A. BYLAWS

Ms. Cox said, "There still might be some changes that you want to make. However, Mr. Holbrook wants you to make a recommendation today on this, so it can be taken forward. The new members that need to be added are contingent upon it. If you still have more changes that you want to make, you can always bring it back. Mr. Holbrook wants some action taken, so he can schedule it as soon as possible." Chair Magrann stated, "Article III, Members, says, 'Members must be full-time residents, and be a professional in an art or an art discipline as described in the ordinance. The ordinance is changing also, because we are adding two non-art members. How do we change the wording?' The City Attorney responded, "You need to look at the ordinance before you look at the bylaws. I suggest that we not refer to the Trust Fund but instead it be the Public Art Fund." Chair Magrann said, "That should have been changed already." The City Attorney remarked, "Apparently not." Chair Magrann pointed out, "We did that a year ago." The City Attorney commented, "I thought so, too." Chair Magrann explained, "We knew when we first started that there wasn't going to be a Trust Fund." The City Attorney advised, "There is going to be a Public Art Fund that is an amendment to Ordinance 09-100. At the top of Page 3, it adds the language where the Number 7 is stricken through and the Number 9 is underlined, which adds the two new positions. A question was posed to my office of whether those two positions had to be residents of the City, or could they own a business in the City. The answer is that they have to be a resident. Section 3.2 of the Charter says that advisory board members have to be residents of the City. In Section 4, it sets up the new percentages. It says, 'Zero percent for minor Site Plans.' Should that be projects instead of Site Plans?" Chair Magrann responded, "We don't deal with minor Site Plan changes." Ms. Cox explained, "It is a category in the Code that indicates a Minor Site Plan is any Site Plan that is less than 10,000 square feet of a building."

The City Attorney inquired, "If I apply for a Site Plan, then I don't have to pay any of this on the Site Plan application?" Ms. Cox replied, "That is what it is connected to. They can't get Site Plan approval until they have gone through this Board." The City Attorney questioned, "When do they make their cash contribution?" Ms. Cox answered, "It doesn't say." Chair Magrann

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remarked, "We haven't established that yet." The City Attorney stated, "If they are going to make a payment in lieu of putting a piece of art in its place, then there should be a condition of the permit that they have to make the payment at the time of permitting. We could tie it to the permit, but it could become complicated if somebody said they don't have to pay anything because the art is a part of the Site Plan. If the applicant is going to use the payment option in lieu of the public art as part of the project, then that payment should be made at the time the permit is pulled. Otherwise, the ordinance has to have minor format changes, because it is an amendment to another ordinance. I was thinking that Ordinance 09-100 changed because of the Trust Fund issue." Chair Magrann pointed out, "It should have been changed from Ordinance 07-155 to Ordinance 09-100, but it slipped through the cracks." The City Attorney said, "I am assuming that this is a takeoff on 09-100."

The City Attorney continued, "On Page 2 of the Bylaws, Article 3, Members, the first line says, 'Members must be full-time residents of Port St. Lucie.' We don't want somebody who goes to North Carolina every so often." Chair Magrann said, "We made it full-time because of Ms. Relis. We were in a pinch, because a couple of times we didn't have a quorum. We meet every month of the year, so we need to have full-time residents." It was the **consensus** of the Board that members must be full-time residents. Mr. Gabel stated, "It says, 'Be a professional in an art discipline.' Does that mean a representative of the Chamber has to be picked out of its membership that is art-related?" The City Attorney remarked, "I don't think so." Chair Magrann advised, "That has to be modified." The City Attorney explained, "The Council wanted to bring in representatives not so much from the art side, but from the business side." Chair Magrann commented, "They have been asked to make a contribution. We need to reword that." Mr. Veloz asked, "Wouldn't they be excluded from that where we wouldn't have to reword it?" Chair Magrann replied, "They would still have a seat on the Public Art Advisory Board, so they will always be separate entities. If someone resigns, then someone from the Chamber will always have to replace them. It can't just be an open application for those two seats. It has to be an addition of a member of the Chamber and a member of the Treasure Coast Builders Association. It should say, 'Members must be full-time residents of Port St. Lucie, be a professional in an art discipline, or a representative of the Chamber.'" Ms. Cox suggested, "You could just reference that section of the ordinance, and not specify about the changes or give any detail. Full-time residents should meet the qualifications of that section of the ordinance." Mr. Gabel commented, "That is even better." Chair Magrann clarified,

"It should say, 'Membership is described in the Ordinance.'" The City Attorney said, "It would say, 'Membership shall be as established by Section 2 of Ordinance 09-100.'" Chair Magrann inquired, "Mr. Orr, can you look at it, and fix it for us?" The City Attorney replied in the affirmative.

 **B. PROCEDURES**

The City Attorney said, "On Page 3 of the Procedures, Artist Designed Amenities, I don't know that we should define artists. If somebody is a welder by trade and does not refer to himself as an artist, but is doing creative welding, is he an artist?" Chair Magrann stated, "He is an artisan. Artist is a broad word." The City Attorney said, "That is exactly where I was going. I don't know if there needs to be some recognition of how broad it is." Chair Magrann explained, "The purpose of this was so that we have artist-driven pieces that are not off of a shelf. The money that is in this allowance in the percentage for public art is that it is truly a public art piece that is artist-driven, not some company making them by the thousands. We want it to have character and a look all their own." The City Attorney stated, "I agree with that concept. In a commercial context, if someone is designing a building and what they design is more of a trade than art, then what they do on some level is artistic." Mr. Veloz pointed out, "We have had a couple issues, like the gentleman who had a welded piece, and it was considered art." The City Attorney said, "He had a studio, so he was different." Mr. Veloz stated, "As long as they have something to show or can describe the artwork." Mr. Gabel said, "In terms of the desire to provide income or job sources to local artists, I agree, but what if they built a building and wanted to use what he did, but doesn't do it for a living?" Chair Magrann said, "It doesn't matter, as long as he has some kind of a portfolio to show the body of his work." Mr. Gabel pointed out, "The fact that they are not paid all day long for being a professional artist is okay." The City Attorney advised, "The test is whether this measure of creativity goes beyond simply utility."

 **C. ORDINANCE**

Chair Magrann said, "On Page 2 of 7, Number 6, Special Landscape Treatment, should we specify what we are talking about, because it says, 'Shall be defined as landscaping that creates a park-like setting or plaza,' as opposed to the landscaping requirements normally associated with the siting of a public facility." Ms. Cox advised, "It is going to be the trees and shrubs around the perimeter of the site that are required. The Code requires within the parking lot, the islands are required

to have a tree at each end, plus some landscaping around the building itself." Chair Magrann inquired, "Do you remember the gentleman that came in that had a lot of non-natives?" Mr. Veloz responded, "I think it was Fountainview." Ms. Cox said, "I have not heard anything about that project lately." Chair Magrann said, "I would like to make it where you cannot plant non-natives in the City." Ms. Cox stated, "They have to have a certain percentage of native, according to what kind of plants that you are planting. The certain percentage requirement goes by the trees and the shrubs. There are also requirements for the irrigation. Some of the plants may be very drought tolerant, and may not need as much irrigation. There are actually trees and shrubs on the City's approved list that are not native, but they are not invasive exotics either. A lot of ornamental trees and shrubs are not a native species per se. They are from other parts of the world."

Chair Magrann inquired, "Ms. Leigh, do you have any experience with non-natives in general?" Ms. Leigh responded, "I do actually. I'm quite a gardener." Chair Magrann asked, "What is the trend as far as communities developing their tree canopies? What are they using?" Ms. Leigh replied, "The more native that you can go, the less irrigation you need and the less care they need. There are a lot of ornamental beautiful plants that aren't necessarily invasive, but they require a lot more care. It would depend a lot on how much care could be given to the nurturing of them. The natives you can pretty much plant in our poor soil and they will thrive. Some of the prettier plants, you have to amend the soil and fertilize them a lot more." Chair Magrann remarked, "It is bad for the water table." Ms. Leigh said, "Exactly, so there is that to consider, too." Chair Magrann questioned, "Is that something that we should emphasize to a department of the City to try and go more towards native plants?" Ms. Cox answered, "We do have those requirements in the Landscape Code. We put as much of that in there as we can, but people still want to have some of the ornamental flowering plants. It also goes by cold tolerance, which is another issue that you have to consider." Chair Magrann said, "I agree about the fertilizer use." Ms. Cox commented, "That has been addressed as well." Chair Magrann said, "I see the words Master Plan a lot, so we are probably going to have to look at that in the future. Wasn't the ordinance originally written to capture funds from capital projects also?" Ms. Cox responded, "I don't have a copy of the original. Is it supposed to be struck out and underlined in the most recent one?" Chair Magrann commented, "I get the impression that it is all development-driven."

Ms. Cox said, "In Section 5, it says, 'For construction or public works financed by the City of Port St. Lucie.' That would be a capital project." Chair Magrann stated, "The ordinance was worded so that it was a combination of capital and development and that would cap out at \$5 million." Ms. Cox said, "On the top of Page 4, it says, 'The percentage calculations shall apply to all residential and commercial development projects, but shall apply only to the first \$5 million for any single capital project.'" Chair Magrann remarked, "That is an error." Mr. Gabel stated, "It says, 'Construction or public works means any capital project excluding transportation and utility projects paid for solely or in part by the City of Port St. Lucie, or paid for with money granted to the City of Port St. Lucie.'" Chair Magrann asked, "Where is that?" Mr. Gabel replied, "It is in the old ordinance on Page 2, Section 2, Number 2." Ms. Cox said, "It is on Page 2 of the proposed ordinance. It says, 'Construction or public work means any private or commercial development project.'" Mr. Gabel remarked, "It says the same thing." Chair Magrann stated, "This is saying, 'shall only apply to the first \$5 million for any single capital project.' It was also supposed to be applied to developers. Wasn't it?" Ms. Cox said, "That is what it says, 'All residential and commercial developmental projects.'" Chair Magrann pointed out, "But there is, 'but shall only apply to the first \$5 million for any single capital project.' It is a stipulation. Isn't it? I thought all projects were capped at \$5 million." Ms. Cox remarked, "That is what I thought, too." Chair Magrann pointed out, "That is not what this is saying." Ms. Cox commented, "No. It is not." Chair Magrann advised, "It should say 'and' and not 'but.'" Ms. Cox observed, "I agree." Chair Magrann explained, "Then strike capital, and keep it as any single project." Ms. Cox replied in the affirmative. Chair Magrann said, "The sentence reads, 'The percentage calculation shall apply to all residential and commercial development projects, and shall only apply to the first \$5 million for any single project which has an estimated construction exceeding \$5 million.' Is that okay with the Board?" Mr. Gabel stated, "It doesn't define what capital is." Chair Magrann stated, "A capital project is a project that is initiated by the City, as opposed to a private developer."

Chair Magrann said, "On Page 5 of 7, Section 6 (a), where they are speaking of a fund, that word in the first sentence, 'There is hereby created a Public Art Trust Fund.' The word trust comes out. In that same sentence, the word trust is there two times. It is not placed in an interest bearing account that I know of. I'm sure that is what OMB said, as nothing is really bearing that much interest these days. 'All appropriations, gifts, grants, and awards of monies for art in public places shall be

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deposited in an interest-bearing account.' That is supposed to be stricken." Ms. Cox commented, "Strike interest-bearing." Chair Magrann replied in the affirmative and said, "OMB indicated that we are just a line item in the budget. We are separate, and don't have a trust." Ms. Cox remarked, "I will check with OMB." Chair Magrann said, "The third line from the bottom, 'Awards of monies for art in public places shall be deposited.' That has to be looked at." Ms. Cox replied in the affirmative. Chair Magrann said, "On Page 6 of 7 at the top, 'All interest earned in said account' may be going by the wayside, depending on what the Legal Department says. On Page 6 of 7, Section C, Expenditures, we can recommend that if we do a post card and we have to pay for it, then it will be covered in this section." Ms. Organ asked, "Would we be allowed to purchase something for public display in a City facility, like the Botanical Gardens?" Chair Magrann responded, "Yes. That is what the fund is supposed to be for." Ms. Organ said, "Anita Prentice has submitted a mosaic." Chair Magrann explained, "That would have to be something that would come before the Board, but we can talk about it under New Business." Ms. Organ replied in the affirmative. Chair Magrann said, "On the last page just before Section 9, where it says, 'Failure to maintain the artwork may result in a violation of this ordinance and penalties are provided in Section 10.99.' Is that the Code?" Ms. Cox replied in the affirmative. Chair Magrann asked, "Should it say City Code?" Ms. Cox replied, "It should be clarified as to what section of what is referenced." Mr. Gabel clarified, "If we purchase a piece, we will be responsible for maintaining it." Chair Magrann remarked, "The City will." Mr. Gabel remarked, "We would pay ourselves a fee to maintain it." Mr. Veloz questioned, "What about when it is a gift?" Chair Magrann answered, "The ownership would transfer to the City if it is gifted to us." Mr. Veloz asked, "What if it is gifted to another institution?" Chair Magrann replied, "It won't have anything to do with us. Anything that is established on City property would be our responsibly to maintain." Ms. Cox pointed out, "Like in the parks."

Chair Magrann said, "I have seen how metal sculptures do not retain their beauty, especially in Fort Pierce some of the sculptures look shabby. Maybe it is because they are not maintaining them, so it is something that we need to keep in mind when we are thinking of having sculptures or someone is presenting to us. It must be powder-coated, as the elements in the air destroy them. Also, the murals that are in historic downtown Fort Pierce are falling apart. We have our premier muralist here. Ms. Leigh, can you speak a little bit about the maintenance of sculptures, but mainly murals?" Ms. Leigh

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responded, "It is so important to use the right paints. So many of the murals in Fort Pierce were done with regular house paint, and I'm sure they had low budgets. Disney has formulated paints that are guaranteed to stay brilliant for ten years. After ten years, as long as you recoat it with a UV protected film they will last indefinitely." Chair Magrann pointed out, "The base has to be prepared also. You can't just paint on a wall." Ms. Leigh explained, "It is all about materials, and many times unfortunately, murals are done on low budgets."

Chair Magrann inquired, "Does Section 9 still hold true? We have our procedures done already. They were carried over from Ordinance 07-155, when we were first in the inception stage." Mr. Holbrook said, "It can be changed to, 'has been developed and incorporated as exhibit,' whatever that is attached, so it is one document." Chair Magrann asked, "Do we bother with changing it at all?" Mr. Holbrook replied, "We can change it." Chair Magrann commented, "Great."

Mr. Gabel inquired, "What about Articles 10 and 11 of the Bylaws?" Chair Magrann responded, "Page 4 of the Bylaws, the third paragraph is adding in the receiving area, which is new wording." Ms. Organ asked, "Where are you looking?" Chair Magrann responded, "Scratch that. I'm on 10 and 11." Ms. Cox remarked, "The underlined portion." Chair Magrann said, "Sorry, Mr. Gabel reminded me about the Bylaws. Are we going to entertain these kinds of activities?" Mr. Gabel responded, "It doesn't hurt to list options of what we might want to do. They might not happen this year, but we wouldn't want to exclude them." Chair Magrann commented, "So that is okay." Mr. Veloz said, "The scholarship is something that we might want to look into in the future, and getting into the elementary schools to start cultivating them." Chair Magrann stated, "We are going back to the new wording regarding the receiving areas in the procedures. Any artwork that would go to a receiving area is still maintained by the entity that places the art there. In the case of Tradition in the memorial park, who maintains it?" Mr. Holbrook responded, "I don't know that it is specified." Ms. Cox remarked, "It should be the owner of the property." Mr. Holbrook advised, "There are a variety of options. The City owns the property at City Hall, and has art out front. We don't own the art, but the art has an agreement to be on City property. I don't know that we need to be specific, because you may have different scenarios come forward. If it is a receiving area, and if there is a public art requirement and they installed it, then they will need to maintain it." Mr. Gabel pointed out, "Every piece that gets put up will have a separate contract, which indicates who will maintain it." Mr. Holbrook stated, "It may or



City of Port St. Lucie
Planning and Zoning Department
A City for All Ages

TO: CTIY COUNCIL- MEETING OF APRIL 8 AND 22, 2013

THROUGH: DANIEL HOLBROOK, AICP, DIRECTOR OF PLANNING AND ZONING

FROM: KATHERINE H. HUNTRESS, PLANNER *KHH*

RE: P12-096 CITY OF PORT ST. LUCIE
PUBLIC ART ORDINANCE AMENDMENT

DATE: MARCH 29, 2013

At the direction of the City Council per their meeting on September 24, 2012 (see attached minutes) staff has prepared the attached ordinance, to include the Procedures as part of the Ordinance, codify the Art in Public Places Ordinance as a part of the Port St. Lucie City Code, modify the Public Art Funding, and expand the membership of the Public Art Advisory Board to include a representative of the St. Lucie County Chamber of Commerce and a representative of the Treasure Coast Builders' Association. The total number of members on the board will remain seven, with the remaining five members to be a representative of one or more of the following wherever possible:

- Architect or interior designer
- Landscape architect or land use planner
- Professional in the field of art
- Art or architectural historian
- Art educator
- Artist



City of Port St. Lucie
Planning and Zoning Department
A City for All Ages

TO: CTIY COUNCIL- MEETING OF APRIL 8 AND 22, 2013

THROUGH: DANIEL HOLBROOK, AICP, DIRECTOR OF PLANNING AND ZONING *DH*

FROM: KATHERINE H. HUNTRESS, PLANNER *KH*

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Currently, the City of Port St. Lucie has both a public art ordinance, procedures, and bylaws documents for the Public Art Advisory Board. Staff recommends that these documents be changed and reorganized in the following manner:

1. All public art requirements and procedures are proposed to be in a new chapter 162 of the City's Code of Ordinance.
2. The Public Art Advisory Board's bylaws will be a separate document.

Fundamental changes to the public art requirements and procedures in Ordinance 13-____ are as follows:

1. Expand the membership to include a representative from both the Chamber of Commerce and the Treasure Coast Builder's Association.
2. Modify the public art requirements.
3. Propose optional public art receiving areas for large-scale development.

The PAAB voted to accept the proposed changes on January 8, 2013.