



City of Keene, N.H.
Transmittal Form

July 11, 2018

TO: Mayor and Keene City Council

FROM: Municipal Services, Facilities and Infrastructure Committee

ITEM: J.2.

SUBJECT: Council Policy Relating to the Acceptance and Placement of Public Art

COUNCIL ACTION:

In City Council July 19, 2018.

Report filed into the record. Voted unanimously for the adoption of Resolution R-2018-22: a Council Policy Relating to the Acceptance and Placement of Public Art.

RECOMMENDATION:

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of Resolution R-2018-22 Related to the Acceptance and Placement of Public Art.

ATTACHMENTS:

Description

Resolution R-2018-22

BACKGROUND:

Mr. Bohannon said this resolution went to Council and welcomed questions and concerns from the Committee. Councilor Carl Jacobs said he continues his support and hopes the Committee votes to support the resolution and that Council will do the same.

Councilor Lamoureux asked if there were any changes to the resolution based on talks with Primex. Mr. Bohannon replied no.

Chair Manwaring recognized Councilor Philip Jones who asked if there is a provision if someone were offended by the art. Mr. Bohannon said the resolution leaves it to staff to guide a petitioner to the process outlining guidelines, and then the petition would go to Council. In the future he hopes there will be an ordinance to define the process or a commission to guide the process; he said art is in the eye of the beholder and the City does not want to be in the position of judging art. Council has used good judgement in the past to see art as art. Mr. Bohannon said the resolution outlines the process for having art. Councilor Jacobs said a commission would be valuable but is not needed to pass this resolution or for the City to accept art. The City Manager said an ordinance is the next step and if the Council wants an arts commission, she thinks it makes sense. Ultimately though, it is up to Council if the City accepts temporary or permanent art.

Councilor Jones said he is in favor of the resolution but forewarns the controversy issue; he said Councilors will be the first to get phone calls if someone has a problem. He said it sounds like the City is doing this the right way.

Councilor Filiault made the following motion, which was seconded by Councilor Lamoureux.

On a vote of 5-0, the Municipal Services, Facilities & Infrastructure Committee recommends the adoption of Resolution R-2018-22 Related to the Acceptance and Placement of Public Art.



CITY OF KEENE

R-2018-22

In the Year of Our Lord Two Thousand andEighteen.....

A RESOLUTION COUNCIL POLICY: RELATING TO THE ACCEPTANCE AND PLACEMENT OF
PUBLIC ART

Resolved by the City Council of the City of Keene, as follows:

WHEREAS: Public Art plays an important role in increasing the understanding and enjoyment of art by the community. Art is more accessible and visible to people when displayed in public areas. A key feature of Public Art is the importance of integrating art into the fabric of the community in order to enrich and enhance the physical attractiveness of the community. Public Art transforms spaces and provides a valuable contribution to the appreciation of the community and the quality of public places; and

WHEREAS: The City of Keene desires to participate in the promotion and display of Public Art to contribute to the unique identity of the City; enhance the City's economic and cultural vitality; and to encourage Public Art that is accessible to the public visually and physically.

NOW, THEREFORE, BE IT RESOLVED: Public Art may be located on public property in areas that are frequently visited, viewed, or accessed by the public. Locations may include public right-of-ways, intersections, City parks, City-owned property, and City-owned buildings, and

BE IT FURTHER RESOLVED: Artists and/or organizations wanting to create, provide, or develop Public Art shall submit a proposal to the Keene City Council that provides sufficient information for consideration of each proposal. When the City Council is considering Public Art, temporary or permanent, to be installed on, or in, property under City ownership or control it may consider:

- Whether the Public Art reflect aspects of the City's history, unique environment, cultural identity, or community at-large;
- Whether the Public Art aesthetically enhances public spaces or environments to which it relates or interacts;
- Whether the Public Art is commensurate in scale with its surroundings;
- Whether the Public Art is technically feasible to produce and to display;
- Whether the Public Art is unique and original and not mass produced or standardized;
- Whether the Public Art is durable, constructed of materials that will survive in the environment in which it will be placed, and reasonable to maintain in terms of time and expense;
- Whether the artist(s) and/or organization(s) submitting a proposal for Public Art can demonstrate that the artist(s) and/or organization(s) is (are) recognized by critics and peers as one who produces works of art;

PASSED

- Whether the Public Art is in a location that allows for necessary maintenance;
- Whether the Public Art is designed to be reasonably protected from environmental degradation, damage, vandalism, or theft;
- Whether the Public Art is affixed to a structure or building and whether the structure or building is expected to remain in good condition for twenty (20) years;
- Whether the Public Art creates a public safety, health, or security concern.

BE IT FURTHER RESOLVED:

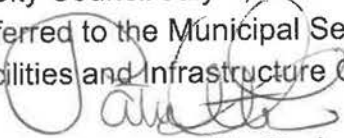
- Temporary Public Art is intended to not be owned by the City, to remain in the care, control, and ownership of the artist(s) and/or organization(s), to be easily installed and removed, to be displayed for a specific period of time or on loan for an undetermined period of time, and as specified in a Memorandum of Understanding between the artist(s) and/or organization(s) and the City Council prior to display.
- Permanent Public Art is intended to be owned by the City, is attached to a structure or property owned by the City, is of a size or type of construction that it cannot be easily removed, and which the artist(s) and/or organization(s) agree to relinquish and transfer all rights of ownership and control to the City of Keene.
- Public Art proposals will be in writing and shall include the following minimum information.
 - A description of the proposed Public Art, including but not limited to, the name of artist(s) and/or organization(s) involved, description of the experience of the artist(s) and/or organization(s) in the production of the type of artwork, and information establishing that the artist(s) and/or organization(s) is recognized by critics and peers as one who produces works of art.
 - Whether the Public Art will be temporary and on loan to the City, or permanent and owned by the City.
 - Identification of the location of the Public Art.
 - A description of the Public Art that includes a proposed design which is commensurate in scale with the intended location, the size to scale, the dimensions of the physical space required, the materials to be used, the intended theme or context, and if temporary, the length of time of the display, and how the Public Art will be accessible to the public for viewing and enjoying.
 - Whether utility hookups are required.
 - How the Public Art is funded.
 - The anticipated maintenance requirements of the Public Art, including recurring expenses.
 - If temporary, identify how the Public Art will be removed and how the space will be restored to its previous condition.

- How the Public Art will aesthetically enhance public spaces or environments to which it relates or interacts.
 - Provide appropriate certification that the Public Art does not infringe upon any copyright or trademark.
 - Provide documentation as required by the City with respect to construction or installation of the Public Art.
- The artist(s) and/or organization(s) proposing Public Art shall provide appropriate insurance certificates and indemnification to the City during construction/installation, and/or during display, as determined by the City Council, through a license for temporary Public Art or in the construction documents for Permanent Public Art.
 - If the Public Art is not owned by the City, the artist(s) and/or organization(s) proposing the Public Art will be responsible for the expenses of monitoring, operation, maintenance, repair, and removal.
 - The City shall have the right, in its sole discretion, to determine when or if it is necessary that Public Art be removed from public display.
 - The City Council, in its sole discretion, shall determine whether Public Art is accepted for ownership by the City.
 - The City Manager is authorized to develop and administer rules and procedures to determine whether a proposal for Public Art is acceptable and complete for submission to the City Council for consideration; for the management, monitoring, installation, maintenance, repair, operation, and removal of Public Art, and to prepare appropriate and necessary documents for the transfer of the ownership of permanent Public Art to the City; and to adopt City Ordinances as may be necessary and appropriate.
 - The City will establish an expendable trust for expenses associated with commissioning, installation, monitoring, maintenance, repair, operation, and removal of Public Art.
 - For any Public Art intended to be owned by the City, the donor shall contribute to the City a sum equal to one percent (1%) of the construction cost of the Public Art, to be deposited into the expendable trust and used by the City for the monitoring, operation, maintenance, repair, upkeep, relocation, removal, or other requirements related to the Public Art.



 Kendall W. Lane Mayor

In City Council July 5, 2018.
 Referred to the Municipal Services,
 Facilities and Infrastructure Committee.



 City Clerk

A true copy:

Attest:



City Clerk

PASSED July 19, 2018