



Agenda Item Summary

File ID: 19-0438

PH-3

Meeting Date: 6/4/2019

PLACEMENT: Public Hearings

TITLE:

PUBLIC HEARING TO CONSIDER ADOPTION OF AN ORDINANCE AMENDING CHAPTER 13, ART IN PUBLIC PLACES, GENERAL ORDINANCES, MARTIN COUNTY CODE; AND ADOPTION OF A NEW PROGRAM MANUAL AND BUDGET

EXECUTIVE SUMMARY:

The Board is requested to consider adoption of an Ordinance amending Chapter 13, Art in Public Places, General Ordinances, Martin County Code and adoption of a new Program Manual that includes clear program responsibilities, procedures and forms, as well as an annual budget and sample contracts.

DEPARTMENT: Administration

PREPARED BY: Name: Susan Kores

Title: Manager, Office of Community Development

REQUESTED BY: Susan Kores

PRESET:

PROCEDURES: None

BACKGROUND/RELATED STRATEGIC GOAL:

In 1997, Martin County established a public art program that included on-going funding, through the building of new capital facilities, for works of art for public appreciation. The Art in Public Places (AIPP) program mission is: "To enhance the quality of the visual environment in the Martin County community, both natural and constructed."

In 2017, the Board appointed the Community Redevelopment Agency (CRA) members as the Public Art Site Selection Committee (PASSC) to replace the previous Public Art Advisory Board. These seven Committee members are tasked with reviewing and managing the AIPP program, recommending the selection, purchase, lease or commission of new public art to the Board and the maintenance and repair of the current public art inventory.

As of September 2018, sixteen sculptures, mobiles, stained glass windows, murals, mosaics, benches and photographs are now on display throughout Martin County. The public art is situated at libraries, fire stations, beaches, administration buildings, parks and other County owned properties. The Office of Community Development (OCD) staff, under the direction of the PASSC,

and with the assistance of the Arts Council of Martin County, completed an assessment of the public art inventory last summer. In the past eight months, the competition pool murals and the lazy river murals at Sailfish Splash Waterpark, the Oasis tile bench at the Martin County Correctional facility, the Hobe Sound Beach exhibit and the benches and bike racks on Hwy. 707 have been repaired and/or renovated. Currently, the Florida wildlife mosaics at Halpatiokee Park and the ceramic relief mural at Stuart Beach are in the process of being repaired, replaced and re-installed. Also, on the inventory list in need of action is the renovation of the Manatee Gateway in Port Salerno, the placement of a bronze and teak sculpture "Southeast of Disorder", and the disposition of Wind Games, a kinetic sculpture that was originally installed at Halpatiokee Park.

A new website page, with a virtual tour of our current inventory, public art activities, announcements, meeting agendas, meeting minutes and an artist 'sign-up' opportunity is now available.

Since taking over the management of the AIPP program for the County, OCD staff has been reviewing the AIPP program documents and recommends amendments to the AIPP program Ordinance that will enhance program operation; guarantee future program funding; define fund allocation; and ensure proper maintenance of the current/future inventory. Funding for public art is equal to 1% of the construction cost of a new or remodeled County facility, a new active regional park greater than 50 acres and parking facilities. Unfortunately, as the County has not built or remodeled any County capital facilities, parks or parking lots in many years, funding for public art has waned. The proposed Ordinance provides for a base amount of funding (\$50,000.00) per year to assure that the AIPP program can achieve its mission by improving the quality of the visual environment in Martin County through public art projects. This funding also assures that the current (and future) inventory remains cared for, repaired, renovated and refreshed when necessary to protect the County's investments and guarantee a high standard of enjoyment for the viewing public. As seen in the FY 2019 budget provided, there is a cost to replace and/or restore any work of art, and generally it is less expensive to maintain than to completely restore or replace this type of asset.

Why invest in the Arts? Investment in the arts strengthens local economies and communities. This sector produces a unique, comprehensive impact by building social cohesion, increasing neighborhood identity, providing jobs for residents and generating spending at a variety of businesses from restaurants, hotels, catering, and equipment suppliers to dry cleaners and babysitters. On the front page of the Opinion section of the Stuart News published on April 21, 2019, the headline read "Florida's arts funding has fallen off a cliff". The article detailed that over the last 5 years, arts funding dropped 93 percent in Florida. Fund the A List, an arts promotion campaign started right here in Martin County, looks specifically at Florida and provides data to support investment in the arts. Statewide, the facts are:

Economic Impact: over \$4.6 billion (generating \$3.35 billion in household income)

Return on Investment - Every \$1 invested in cultural arts returns \$9 to the local economy

Jobs - Florida is home to 58,163 arts-related businesses that employ 227, 843 people

Tourism - Cultural interest is the #2 driver for out of state and in state tourists

Engages People - Over 699 million Floridians and tourists participate annually in cultural arts activities

Nationwide, arts and culture are responsible for 4.2% of the Gross Domestic Product (GDP), ahead of transportation, tourism and construction.

In addition to Chapter 13, General Ordinances, the AIPP program has been operated following the

Public Art Master Plan and Five-Year Siting Plan. Staff has combined these program operating documents into one AIPP Program Manual that provides clear and concise operating instructions for the successful implementation of the AIPP program. The AIPP Program Manual summarizes the responsibilities of County personnel, describes the methods for public engagement, and outlines procedures for the selection of public art, artists and locations. Included are all relevant forms for ease of program operation.

Staff has also included with this Item two form contracts, one for new public art and one for maintenance of public art and a program budget for FY 2019. Staff will submit a FY 2020 budget for approval during the upcoming budgetary season.

The PASSC has recommended the proposed Ordinance, AIPP Program Manual, form Contracts, and FY 2019 Budget be presented to the Board for approval.

ISSUES:

None

LEGAL SUFFICIENCY REVIEW:

Consideration of the adoption of an ordinance is a legislative matter. Legislative decisions are those in which the local government formulates policy rather than applying specific rules to a particular situation. A local government’s approval or denial of an issue in its legislative capacity is typically subject to a fairly debatable standard of review. Fairly debatable means that the government’s action must be upheld if reasonable minds could differ as to the propriety of the decision reached. Decisions submit to the fairly debatable standard of review need only be rationally related to a legitimate public purpose, such as the health, safety, and welfare of the public, to be valid. Given this broad discretion, only decisions that are arbitrary and capricious or illegal are subject to serious legal challenge.

RECOMMENDED ACTION:

RECOMMENDATION

1. Move that the Board approve and adopt the Ordinance amending Chapter 13, Art in Public Places, General Ordinances, Martin County Code.
2. Move that the Board approve the new Art in Public Places Program Manual and form Contracts.
3. Move that the Board approve and adopt the Art in Public Places program budget for FY 2019.

ALTERNATIVE RECOMMENDATIONS

Move that the Board provide direction.

FISCAL IMPACT:

RECOMMENDATION

None

Funding Source	County Funds	Non-County Funds
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General Fund	\$50,000.00	
Subtotal	\$50,000.00	
Project Total	\$50,000.00	

ALTERNATIVE RECOMMENDATIONS

None

DOCUMENT(S) REQUIRING ACTION:

- ☒ Budget Transfer / Amendment
 ☐ Chair Letter
 ☐ Contract / Agreement
☐ Grant / Application
 ☐ Notice
 ☒ Ordinance
 ☐ Resolution
☒ Other:

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