

Chapter 299 - Public Art

299.01 - Purpose and intent.

The City Commission of Traverse City finds that the presence of public art advances the interests of the City, increases its desirability, aids in the enhancement of property values, promotes economic growth, and contributes to the general welfare of the City's citizens. The City Commission believes that public art should be encouraged and, therefore, establishes the following regulations to direct the inclusion of the works of art in the public spaces of the City.

(Ord. 1014. Passed 2-17-15)

299.02 - Definitions.

- (a) *Arts commission* shall mean the Traverse City Arts Commission established pursuant to Section 30 of the City Charter.
- (b) *Art selection panel* shall mean a seven-member panel appointed by the Traverse City Arts Commission, who reviews proposals made under this ordinance and makes recommendations to the Arts Commission.
- (c) *Eligible fund* shall mean a source fund for construction projects from which art is not precluded as an object of expenditure. Eligible funds shall exclude those funds expended for construction of utilities.
- (d) *Public arts trust* shall mean a fund established by the City Treasurer to be used consistent with its duties as outlined in this chapter.
- (e) *Public art* shall mean works of art located in highly visible public areas or private property areas that are highly visible from public areas. These are:
 - (1) Outdoor areas on public property or outdoor areas on private property that are highly visible from public areas.
 - (2) Interior areas that are highly traveled public areas in public or private buildings. Specifically excluded are interior areas not accessible to the general public (offices, work stations, cafeterias).
 - (3) Interior and exterior wall surfaces on or in public or private buildings when the work of art is attached to the wall surface, such as a mosaic or mural and the wall surface is visible from an area that is highly traveled by the public.
 - (4) Notwithstanding anything to the contrary contained in this Chapter, unless funding from the Public Arts Trust is provided for the Public Art, this Chapter shall not apply to Public Art to be located on real property not otherwise subject to City authority.
- (f) *Works of art* shall mean all forms of original creations of visual art, including, but not limited to:
 - (1) Sculpture: In the round, bas relief, high relief, mobile, fountain, kinetic, electronic, etc., in any material or combination of materials.
 - (2) Painting: All media, including portable and permanently affixed works, such as murals and frescoes.
 - (3) Architectural Design Features: Visual interest that may be freestanding or placed on roadway

structural features such as noise walls, retaining walls, sidewalks, bridges, bike paths or approved engineered structures.

- (4) Mosaics.
- (5) Mixed media: Any combination of forms or media including collage.
- (6) Digital art: An artistic work or practice that uses digital technology as an essential part of the creative or presentation process.
- (7) Photography.

(Ord. 1014. Passed 2-17-15; Ord. No. 1074, Passed 5-21-18)

299.03 - Establishment.

There is hereby established an Arts Commission pursuant to Section 30 of the City Charter and upon recommendation of the City Manager.

(Ord. 1014. Passed 2-17-15)

299.04 - Establishment of public arts trust.

There is hereby established a "Public Arts Trust" fund into which will be deposited the funds appropriated pursuant to this Chapter and from which expenditures may be made for the acquisition, commission, exhibition, and maintenance of works of art consistent with this chapter.

- (1) *Funding for public art:* The City Commission shall annually appropriate funds from the general fund to the Public Arts Trust following adoption of the Public Arts Master Plan by the City Commission to be used in accordance with this Chapter. The Downtown Development Authority shall annually appropriate funds to the Public Arts Trust following adoption of the Public Arts Master Plan by the City Commission to be used in accordance with this Chapter within the Downtown District.
- (2) *Private funding of public art:* All funds placed into the Public Art Fund through private donations or donations creating an exemption shall be expended for public art as hereafter provided.

(Ord. 1014. Passed 2-17-2015)

299.05 - Inclusions and exclusions relative to expenditures for public art.

- (a) *Inclusions.* The portion of the Public Arts Trust reserved for works of art may be expended for the following:
 - (1) The cost of the public art and its installation.
 - (2) Identification plaques and labels.
 - (3) Waterworks, electrical and mechanical devices and equipment which are an integral part of the public art.

- (4) Frames, mats, and simple pedestals necessary for the proper presentation of the public art.
 - (5) Maintenance and repair of the surface of the public art.
 - (6) Fees to artists for the execution of final proposals for the arts commission to select from.
 - (7) Exhibitions, marketing and educational programs.
 - (8) For the support of artistic special events at a cost not to exceed five percent of the appropriation reserved for the public art.
 - (9) Administrative expenses at a cost not to exceed fifteen percent of the appropriation reserved for the work of art.
- (b) *Exclusions.* The portion of the Public Arts Trust reserved for works of art may not be expended for the following:
- (1) Reproductions by mechanical or other means of original works of art, however, limited editions controlled by the artist may be included.
 - (2) Art objects which are mass produced or of standard designs, such as playground sculpture or fountains.

(Ord. 1014. Passed 2-17-15)

299.06 - Traverse City Arts Commission; composition; terms of office; compensation; expenses.

The Traverse City Arts Commission will consist of seven members who will be registered electors of the City or members of the Downtown Development Authority Board of Directors and will have evidenced interest in the advancement of Public Art in the City of Traverse City. The City Commission will appoint two members from the following public bodies of the City: one from the Downtown Development Authority Board of Directors, and one from the City Commission. The City Commission will appoint the remaining four members of the Traverse City Arts Commission from the registered electors of the City. The City Manager, or the designee of the City Manager, shall be a member of such an advisory committee with full authority of vote.

All members of the Traverse City Arts Commission, excluding those appointed from the Downtown Development Authority Board of Directors, and City Commission, will be appointed to terms of three years. All members of the Traverse City Arts Commission appointed from the Downtown Development Authority Board of Directors, and City Commission will be appointed to terms of three years or for the length of their terms on their respective public bodies, whichever is shorter. Members will be eligible for reappointment. Members will serve without compensation, but may be reimbursed for actual expenses incurred in Commission activities consistent with this Chapter.

The Art Selection Panel, a seven-member panel appointed by the Traverse City Arts Commission, will review proposals and make a recommendation to the Traverse City Arts Commission. The Art Selection Panel shall be comprised of one representative from the Arts Commission and six arts professionals, who have knowledge of the visual arts and/or design (public art administrators, artists, architects, landscape architects, art historians, museum and exhibition curators, art critics, educators) and who understand the challenges of Public Art, actively participate in the selection process of artists

and/or artists teams. Members of the Art Selection Panel will be appointed to terms of three years; provided, however, for the two seats that were added to the Art Selection Panel in 2018, they shall initially be two-year terms to provide for staggering and thereafter shall be three-year terms.

In cases where there are one or more stakeholders, the Arts Commission may choose to appoint additional non-voting members representing stakeholders to the Art Selection Panel.

(Ord. 1014. Passed 2-17-15; Ord. No. 1073. Passed 5-21-18; Ord. No. 1074. Passed 5-21-18)

299.07 - Vacancies.

In the event of a vacancy on the Arts Commission that cannot otherwise be filled consistent with this section, the City Commission will appoint a replacement to serve the remainder of the unexpired term.

(Ord. 1014. Passed 2-17-15)

299.08 - Organization.

- (a) The Arts Commission will schedule regular meetings to be held at least once each month and at other times as necessary. All meetings shall comply with the Open Meetings Act.
- (b) At the first regularly scheduled meeting, the Arts Commission will develop by-laws governing the operations of such Commission.
- (c) At the first regularly scheduled meeting, a Chairperson and a Vice-Chairperson will be elected to a term of one year. Administrative staff may act as the Recording Secretary and Administrative Manager of the Arts Commission. Officers thereafter will be elected to one-year terms upon the expiration of the terms of the previously elected officers.
- (d) Five members will be considered a quorum for the transaction of business of the Arts Commission.

(Ord. 1014. Passed 2-17-15; Ord. No. 1073. Passed 5-21-18)

299.09 - Duties.

- (a) The Arts Commission will develop a Public Art Master Plan and recommend its adoption to the City of Traverse City Planning Commission, Parks and Recreation Commission and City Commission. The Arts Commission shall regularly assess its consistency with City Master Plan and Parks and Recreation five-year plan. The Arts Commission shall conduct a formal review and update of its Master Plan every five years and ensure its consistency with the City Master Plan and the Parks and Recreation five-year plan. Upon recommendation by the Arts Commission, the Public Art Master Plan shall be re-adopted by the City Planning Commission and City Commission every five years. Prior to the re-adoption of the Public Art Master Plan by the City Commission, the Parks and Recreation Commission shall review it and provide any recommendations to the City Commission.
- (b) It will be the duty of the Arts Commission to study and recommend a policy and guidelines to carry out the

City's public art program and Public Art Master Plan, and any amendment thereto, which will include, but will not be limited to, a method or methods for the selection of artists or works of art and for the placement of Public Art in the City.

- (c) Recommend the purchase of works of Public Art or commission the design, creation, execution, and/or placement of works of Public Art and the payment therefore from the Public Arts Trust pursuant to the following procedure:
- (1) Prior to sending out a Request for Proposal (RFP) or Request for Qualifications (RFQ), the Arts Commission shall present a conceptual project to the City Commission and seek authorization from the City Commission for an authorized budget of funds from the Public Arts Trust and for authorization for the appropriate signatories to enter into an agreement on behalf of the City with an artist to be selected and recommended by the Arts Commission for the specific project under consideration. If the City approves the conceptual project the City Commission shall authorize the necessary individuals to execute documents necessary to carry out the project subject to recommendation of the artist by the Arts Commission. If the proposed location for the conceptual project is within a City park, prior to seeking City Commission approval, the Arts Commission shall seek the input of the Parks and Recreation Commission as to the location of the conceptual project, the input shall be provided to the City Commission for its consideration. The Parks and Recreation Commission should consider factors such as planned improvements to the park and the conceptual project's impact, if any on such improvements; consistency with the five-year Parks and Recreation Plan as appropriate; and the character of the park.
 - (2) The Arts Commission will then assess the project, establish selection criteria and meet with stakeholders, if any, to be involved in the vision.
 - (3) The Arts Commission will seek approval of a site plan from the appropriate staff.
 - (4) The Arts Commission will prepare and send out the RFP or RFQ.
 - (5) The Arts Commission shall evaluate the proposals submitted in response to the RFP/RFQ and select an artist for the project.
 - (6) Once an artist is selected and a final budget agreed upon, the City will enter into a contract with the artist. The dollar amount of the contract is subject to the funds approved by City Commission and allocated to the project and the artists' fees and fabrication costs, as well as other expenses as allowed under the terms of this Chapter.
- (d) The Arts Commission shall be responsible for promoting arts in the community, to include, but not be limited to, dissemination of knowledge with regard to arts, recognizing local artists and their work when appropriate, and cooperation with metropolitan agencies also dealing in the arts.
- (e) The Arts Commission shall be responsible for reviewing Public Art proposed to be donated to be in compliance with the public art program and Public Art Master Plan. If the Arts Commission determines the proposed Public Art is not in compliance, it shall advise and provide steps to have the proposed donated Public Art comply with the applicable requirements and standards.
- (f) Recommend that site plans be approved by appropriate department heads.

- (g) Recommend that any proposed Public Art will be reviewed by the department head responsible for operation or maintenance.
- (h) Study and recommend rules and regulations consistent with this Chapter to facilitate the implementation of its duties and responsibilities under this Chapter.
- (i) Advise the City Commission on matters pertaining to the arts programs within the city including review of requests for support, monetary or otherwise, submitted to the City; advise on the priority of such requests for or donations and placement of Public Art.
- (j) The Arts Commission will have such other duties as designated by the City Commission from time to time.

(Ord. 1014, Passed 2-17-15; Ord. 1037, Passed 8-1-16)