



151 Martin St., Birmingham, MI 48009  
248-530-1800

## NOTICE OF MEETING - PUBLIC ARTS BOARD

**PLEASE TAKE NOTICE** that a meeting of the Public Arts Board will take place on **Wednesday, February 15, 2017 at 6:30 p.m.** in conference rooms 202-203 of the Municipal Building. Approved minutes of this meeting will be available on the City's website at [www.bhamgov.org](http://www.bhamgov.org).

**THIS NOTICE IS GIVEN** in accordance with Act 261, 1968 Public Act 267.

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### MEETING AGENDA

**\*\*\* Board members who are not able to attend this meeting are encouraged to notify the staff representative in advance for consideration of a quorum. \*\*\***

- A. Roll Call
- B. Approval of Minutes – January 18, 2017
- C. Unfinished Business
  - 1. **CityScapes Artist Agreement Renewals**
    - **Sculptures to Be Kept/Relocated/Removed**
    - **Letters to Artists**
- D. New Business
  - 1. **Updated Procedure and Application for Public Art**
- E. Committee Reports
- F. Communication – **Update on Birmingham in Stitches 2017**
- G. Public Comments
- H. Adjournment

### **Upcoming PAB Meeting: March 15, 2017**

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**NOTE:** Persons with disabilities that may require assistance for effective participation in this public meeting should contact the City Clerk's Office at the number (248) 530-1880, or (248) 644-5115 (for the hearing impaired) at least one day before the meeting to request help in mobility, visual, hearing, or other assistance.

*Las personas con incapacidad que requieren algun tipo de ayuda para la participacion en esta sesion publica deben ponerse en contacto con la oficina del escribano de la ciudad en el numero (248) 530-1800 o al (248) 644-5115 (para las personas con incapacidad auditiva) por lo menos un dia antes de la reunion para solicitar ayuda a la movilidad, visual, auditiva, o de otras asistencias.*

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# Public Arts Board

## Minutes – January 18, 2017

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Meeting called to order at 7:34 PM

### A) Roll Call –

**Members Present:** Barbara Heller, Maggie Mettler, Ann Ritchie, Linda Wells

**Members Absent:** Phyllis Klinger, Jason Eddleston, Mary Roberts, Eva Suchara  
(Student Representative)

**Administration:** Sean Campbell, Assistant City Planner  
Jana Ecker, Planning Director

**Special Guest:** Laurie Tennent, Cultural Council of Birmingham-Bloomfield

### B) Approval of Minutes – November 16, 2016

**Motion by Linda Wells, seconded by Maggie Mettler to approve the November 16, 2016 minutes with the following changes:**

The replacement of the word “Mary” with “Linda” to read “Linda Wells” in the first sentence of the first paragraph under B) Approval of Minutes – October 19, 2016.

The replacement of the word “obtain” with “write,” insertion of “would” between “Council” and “needs,” and the elimination of the “s” in “need” in the first sentence of the second paragraph under Section C, Unfinished Business, Gary Kulak Sculpture “Pride”.

The replacement of the word “Tournament” with “Fundraiser” in the first sentence of the second paragraph under D) New Business.

Yeas: 4      Nays: 0

### C) Unfinished Business

#### **Birmingham in Stitches Event – Fall of 2017**

Sean Campbell presented the Special Events Application completed for the Birmingham In Stitches event proposed for September 16 through October 7, 2017. He presented a map of the proposed yarn bombing locations along with the application. Jana Ecker

stated that she would submit these materials to the City Manager for an upcoming City Commission agenda.

**Motion by Ann Ritchie, Seconded by Linda Wells to approve the Special Events Application with the proposed yarn decoration locations.**

**Yeas: 4**

**Nays: 0**

Linda Wells added that Lori Rondello from the Birmingham Shopping District (BSD) contacted her about having the granite balls in Shain Park decorated with yarn during the Winter Markt event in December 2017. Ms. Ecker recommended having BSD place that on their Winter Markt special event application rather than have the PAB fill out a second special event application for approval. Board members expressed that they would like to do as many granite balls as possible.

**D) New Business**

**1.) Coordination with Cultural Council of Birmingham/Bloomfield  
Special Guest Laurie Tennent, President**

Audience members, Laurie Tennent, Sally Parsons, and Kathy Wahlgren, were introduced on behalf of Cultural Council of Birmingham Bloomfield (CCBB). Ms. Tennent, President of CCBB, and Ms. Ecker, Planning Director, had met prior to the meeting to discuss a better procedure for approving and insuring temporary sculptures on public property. Ms. Ecker added that the CityScapes artist agreements are in Ms. Tennent's possession and that she will provide the City with copies to keep on record.

Mr. Campbell presented a table of all sculptures currently installed throughout the City, paying particular attention to who insures them and the length of the loans. It was noted that the contracts for all the CityScapes sculptures have expired and therefore need to be renewed. Ms. Tennent explained that the best way to proceed with updating the contracts would be to send letters to each of the artists asking if they would like to either extend the duration of the display, permanently donate their sculpture to the City, or terminate the contract and arrange to have the sculpture removed.

Board members discussed the length of the contract terms moving forward. Ms. Heller added that she liked the language in the Herb Babcock agreement that allowed the sculpture to remain installed until either party requested its removal. It was also discussed that 3 to 5 years would be a preferable minimum term.

Kathy Walgren added that if the artist agreements are to be extended that some of the sculptures would require maintenance and/or repair. She advised not sending a blanket letter to all the artists, but instead treating each sculpture individually.

Members discussed which temporary sculptures they would like to remain on display. The consensus was to keep *Journey Home*, *TORSO*, *Wind Rapids*, *The Counselor*, and *Lucky at Love*, *Unlucky at Game*, *You Can't Have it All*. Board members discussed the removal of *Choopy*, *Untitled* (Jay Wholley), and *Poetry and Truth*. Lastly, the Board discussed relocating *Heart of the Tetrahedron* and *Untitled* (Nathan Diana). It was further added that Nathan Diana's sculpture would be considered for removal if it did not receive the necessary maintenance and/or repairs.

Board members discussed ways to coordinate better with CCBB. Ms. Tennent recommended that the PAB nominate one of its members to attend CCBB meetings. Ms. Wells was subsequently nominated for this position.

Ms. Ecker discussed the current application process for public art, and it was agreed that the application process for approving public art will need to be updated to be consistent with a revised process. Ms. Ecker and Ms. Tennent agreed to meet prior to the next meeting and come back with a revised application process.

No motion was passed. It was agreed that discussion would resume at the next PAB meeting regarding renewing the artist agreements and reviewing a revised application process.

## **2.) Discussion of Funding Sources**

Ms. Ecker explained that she put in a budget request of \$5,000 in the Planning Department's budget as requested by the Public Arts Board.

Ms. Rose, resident of the Barnum Park neighborhood stated that no recent correspondence has occurred between the Community for Barnum Park and the City regarding the concrete pad. Ms. Rose reaffirmed the need for the funds to construct a concrete pad in Barnum Park for public art.

## **F) Committee Reports**

Ms. Heller reported that the December charity poker fundraiser netted \$1,250 and that she would be applying for a date between April and June for the next event. The Board agreed that Mr. B's would be a preferable location for the event in lieu of 5 Star Lanes. Ms. Heller said she would have the confirmed dates and times for the fundraiser by next meeting.

**G) Public Comments**

None.

**H) Adjournment**

Yeas: 4

Nays: 0

The meeting was adjourned at 8:50 PM.

DRAFT



# MEMORANDUM

Planning Division

**DATE:** February 8, 2017  
**TO:** Public Arts Board Members  
**FROM:** Sean Campbell, Assistant City Planner  
**SUBJECT:** Updates to CityScapes Artist Agreements

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As it was discussed during the January 18, 2017 Public Arts Board meeting, all existing CityScapes Artist Agreements have expired and will need to be updated. Before artists can be notified about changes to their contracts with the Cultural Council of Birmingham-Bloomfield, the Board must determine which temporary sculptures should be kept or removed. The table below summarizes the Board's deliberations as of the January 18 meeting:

<b>Sculpture and Artist</b>	<b>Determination:</b>
<i>Choopy</i> – Mark Di Suvero	Remove
<i>Heart of the Tetrahedron</i> – Di Suvero	Keep (possible relocation)
<i>Journey Home</i> – Dennis Oppenheim	Keep
<i>Unlucky at Love...</i> Chris Yockey	Keep
<i>Poetry &amp; Truth</i> – John Sauve	Remove
<i>The Counselor</i> – Chris Yockey	Keep
<i>TORSO</i> – Herb Babcock	Keep
<i>Untitled</i> – Nathan Diana	Keep (possible relocation)
<i>Untitled</i> – Jay Wholley	Remove
<i>Wind Rapids</i> – Russell Thayer	Keep

Please find attached two (2) draft letters that will be sent out to artists. The first letter will be sent to artists whose contracts were recommended for extension. Recipients of this letter will be given the option to extend their existing contract by signing an attached addendum, permanently donate the sculpture to the City, or terminate the contract and remove the sculpture from its current location. The second attached letter will be sent to artists who have been requested to remove their sculptures.

**SUGGESTED RECOMMENDATION:**

**To direct staff to send renewal letters to the following artists to extend their temporary sculpture loan: Mark di Suvero, Dennis Oppenheim, Chris Yockey, Herb Babcock, Russell Thayer; and**

**To direct staff to send letters to the following artists requesting removal of their sculptures: Mark Di Suvero, John Sauve, Jay Wholley.**



February 3, 2017

[Recipient]  
[Street and Street #]  
[City, State, Zip]

Dear [Recipient],

On behalf of the Birmingham Public Arts Board and Cultural Council of Birmingham-Bloomfield, I am writing to inform you that the duration of your loan for your sculpture, [insert artwork name here], expired on [insert date]. Over the years, [insert artwork name] has enhanced Downtown Birmingham's visual and cultural character. For this reason, the City is interested in continuing the display of your sculpture to give lasting pleasure to residents of, and visitors to, the Birmingham area for years to come.

At this time, the City is extending you the following options for proceeding with your generous loan:

- If you wish to extend the term of your CityScapes Agreement to 2022, please sign the attached addendum to your existing contract.
- If you wish to permanently donate the sculpture to the City, please indicate this in writing and we will create a new contract to move forward with this.
- If you wish to terminate the existing contract and remove your sculpture from its current location, please indicate this in writing. Removal must be coordinated with the City in a separate correspondence.

Once again, we express our appreciation and gratitude for your generous loan to the City.

Kindest regards,

Sean Campbell  
Assistant City Planner, Public Arts Board Liaison  
Phone: (248) 530-1855 Email: [scampbell@bhamgov.org](mailto:scampbell@bhamgov.org)



February 3, 2017

[Recipient]  
[Street and Street #]  
[City, State, Zip]

Dear [Recipient],

On behalf of the Birmingham Public Arts Board and Cultural Council of Birmingham-Bloomfield, I am writing to inform you that the duration of your loan for your sculpture, [insert artwork name here], expired on [insert date]. Over the years, [insert artwork name] has enhanced our downtown's visual and cultural character and has brought pleasure to residents of, and visitors to, the Birmingham area. However, after much deliberation, the Public Arts Board and Cultural Council have decided not to extend the term of your Agreement with the City.

Please be advised that pursuant to the Agreement, it is the artist's responsibility to remove the sculpture from its current location at [insert location]. Further, in the event that we do not receive a response from you within 90 days, the Cultural Council will become the sole owner of the sculpture. Please submit your written response to 151 Martin Street, P.O. Box 3001 Birmingham, Michigan 48012 to advise the City of the date you will be removing your sculpture. Please contact the City to arrange sculpture removal.

Should you have any questions regarding the above information, you can reach me by email at [scampbell@bhamgov.org](mailto:scampbell@bhamgov.org) or by phone at (248) 530-1855.

Once again, we express our appreciation and gratitude for your generous loan to the City.

Kindest regards,

Sean Campbell  
Assistant City Planner, Public Arts Board Liaison



**ADDENDUM TO** \_\_\_\_\_  
(Original agreement effective date)

**CITYSCAPES - OUTDOOR SCULPTURE AGREEMENT**

Cultural Council of Birmingham/Bloomfield (“COUNCIL”) and \_\_\_\_\_  
(Artist name)

(“ARTIST”) hereby shall amend their \_\_\_\_\_ contract as follows:  
(Original effective date of agreement)

1. Council and Artist agree to Artist’s continued display of sculpture for an additional sixty (60) months through \_\_\_\_\_;
2. Council and Artist agree that Artist may remove the sculpture with two weeks written notice to Council of Artist’s intent.

WITNESSES:  
\_\_\_\_\_

“ARTIST”  
By: \_\_\_\_\_

(Artist name in print)

“CULTURAL COUNCIL OF  
BIRM/BLOOMFIELD”

\_\_\_\_\_

By: \_\_\_\_\_  
Laurie Tennent  
President

## All Birmingham Sculptures 2016

Name of Sculpture	Artist	Location	Temporary/Permanent?	Date of Installation	Insured by	Original Contract Term	Addendum Term
"Breakaway – Form #3"	Daniel LaRue Johnson	Eton Rd. & Lincoln Ave.	Permanent	Circa 2011	City of Birmingham	N/A	N/A
"Choopy"	Mark di Suvero; Hill Gallery	S. Old Woodward Triangle	Temporary	Circa 2008	CityScapes/CCBB	2008 – 2010	
"Dancing Fish"	James Clover	Quarton Lake Park	Permanent	Circa 2008	City of Birmingham	N/A	N/A
"Freedom of the Human Spirit"	Marshall Fredericks	Shain Park	Permanent	Circa 1982	City of Birmingham	N/A	N/A
"Heart of the Tetrahedren"	Mark di Suvero; Hill Gallery	Martha Baldwin Park	Temporary	7/24/2008	CityScapes/CCBB	2008 – 2010	
"Journey Home" <small>(formerly "Dancing Still")</small>	Dennis Oppenheim; Hill Gallery	Baldwin Public Library	Temporary	7/24/2008	CityScapes	2008 – 2010	
"L.O.L."	Kirk Newman	Maple Rd. and Peabody St.	Permanent	Circa 2011	Catalyst Building (Owner)	N/A	N/A
"Lucky at Love, Unlucky at..."	Christopher Yockey; Hill Gallery	Linden Park	Temporary	Circa 2011	CityScapes/CCBB	2008 – 2010	
"Poetry & Truth"	John Sauve	Pierce St. and Merrill St.	Temporary	7/24/2008	CityScapes/CCBB	2008 – 2010	
"Siberian Ram"	Marshall Fredericks	Baldwin Public Library Plaza	Permanent	Circa 2003	City of Birmingham	N/A	N/A
"The Counselor" <small>(formerly "Flower")</small>	Christopher Yockey; Hill Gallery	N. Old Woodward Parking Structure	Temporary	Circa 2008	CityScapes/CCBB	2008 – 2010	
"TORSO"	Herb Babcock	N. Old Woodward and Oakland Ave.	Temporary	4/24/2007	CityScapes/CCBB	2007 – 2009	September 22, 2010 – indefinite
"Untitled"	Nathan Diana; Hill Gallery	Oakland Ave. and Ferndale St.	Temporary	7/24/2008	CityScapes/CCBB	2008 – 2010	
"Untitled"	Jay Wholley; Hill Gallery	Martha Baldwin Park	Temporary	7/24/2008	CityScapes/CCBB	2008 – 2010	
"Upcast"	Clement Meadmore	Maple Rd. and Southfield Rd.	Permanent	5/23/2007	City of Birmingham	N/A	N/A
"Wind Rapids"	Russell Thayer	Pierce St. and Merrill St.	Temporary	5/15/2006	CityScapes/CCBB	2006 - 2007	May 15, 2006 - May 31, 2010
"X-Man Man Ray"	Terry Lee Dill	Pierce St. and Brown St.	Permanent	5/31/2006	City of Birmingham	N/A	N/A



## MEMORANDUM

Planning Division

**DATE:** February 8, 2017

**TO:** Public Arts Board Members

**FROM:** Sean Campbell, Assistant City Planner

**SUBJECT:** Updated Procedure and Application for Public Art

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Under the former CityScapes application process for the placement of art on public property, a call for submissions was conducted, and applications were reviewed and selected by a jury. Those sculptures selected were forwarded to the Cultural Council of Birmingham-Bloomfield (CCBB) for insurance funding and subsequently forwarded to the Public Arts Board and the City Commission for approval to place the artwork on public property. Funding was provided to the selected artist under the former CityScapes program. Given the lack of funding to commission new artwork or to provide stipends to artists, a revised process for the display of art on public property is needed.

While the CCBB has no plan (or funding) at this time to conduct a CityScapes call for entries in the near future, it still has an interest in encouraging and insuring temporary artwork under its Outdoor Sculpture Agreement with the City. Thus the Planning staff, on behalf of the Public Arts Board (PAB), met with Laurie Tennent, President of the CCBB, to establish a revised procedure for approving artwork for temporary (or permanent) display on public property. A revised process was discussed to allow artists to apply for the display of their art on public property even in the absence of funding for a formal call for submissions for the commission of public art.

Accordingly, the attached application form has been updated to ensure that all of the required information is provided to allow all City departments, the CCBB and the PAB to conduct a thorough review of the proposed art and the proposed location. Information such as specific dimensions, wind loads, dead loads, installation requirements, length of loan and maintenance requirements have been added to the application in addition to the existing requirements for photos of the art and information on the background and experience of the artist. In addition, the application form has been amended to clarify whether an applicant is proposing a permanent donation of art, or a temporary loan for the display of art. The intention is to have the City provide the required insurance for all permanent donations, and to have the applicant apply for funding for the required insurance from the CCBB for all temporary loans. If a temporary loan is proposed, the applicant will be required to attach a signed contract to the application to ensure that all terms are agreed to prior to review. If a permanent donation is proposed, the applicant will be required to attach a signed donation agreement. At this time, the City Attorney is reviewing the draft agreements and comments will be provided as soon as we received them.

In the proposed revised process, applications for the display of artwork on public property would be submitted to the City first and then routed to the CCBB and the PAB for simultaneous review. The PAB would conduct its standard review of the sculpture while the CCBB would determine whether the sculpture meets its criteria for providing insurance free of charge to the artist. Once a recommendation of approval has been made by both the CCBB and the PAB, the application would then be forwarded to the City Commission for a final decision.

Ms. Tennent also suggested the idea of having an announcement or press release issued when a new space is approved for the display of public art, or when an existing space is vacated and available for placement of a new art piece.

The revised application form has been attached for your review.



## APPLICATION FOR ART IN PUBLIC SPACES

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APPLICANT NAME

---

DAYTIME PHONE

EMAIL

---

OWNER OR AGENT FOR OWNERS'S RELATIONSHIP TO ARTIST

---

ARTIST (first and last) or PROJECT NAME

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TITLE

---

DATE OF ARTWORK

MEDIUM/TECHNIQUE

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PROPOSED

PERMANENT DONATION

TEMPORARY LOAN

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DESCRIPTION OF ARTWORK

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HEIGHT

x

WIDTH

x

LENGTH/DEPTH

WEIGHT

---

OBJECT TYPE(S)/MATERIAL

(i.e., metal, glass, stone, etc.)

---

DESIGN LOADS

(i.e., wind, seismic, and dead loads)

---

INSCRIPTION/FOUNDRY MARKS

(if multiple, please include edition number)

---

PRESENT LOCATION OF ARTWORK (where is the work of art?)

---

CONDITION

---

MAINTENANCE REQUIRED

(long term care/annual)

---

VALUE

APPRAISED

OWNER'S STATED VALUE

---

FOOTING/FOUNDATION REQUIREMENTS

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NARRATIVE/RATIONALE FOR GIFT/LOAN/TEMPORARY INSTALLATION

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SIGNATURE

DATE

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**\*\*\*Submit application together with prints or digital images of artwork, foundation plans, completed Outdoor Sculpture Agreement (if temporary sculpture), and a vitae or resume of the artist to:**

City of Birmingham  
Attn: City Clerk – c/o Public Arts Board  
151 Martin St.  
P.O. Box 3001  
Birmingham, MI 48012

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PAB Action

Date Received \_\_\_\_\_

Presented for Public Arts Board discussion \_\_\_\_\_

Board Action:  approved for continuation  approved  not approved/declined

Insurance:  Provided by CCBB  Provided by City  Other \_\_\_\_\_

Recommendation(s)/Action Taken \_\_\_\_\_

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Routing and dates approved:

Y N

Planning \_\_\_\_\_

Engineering \_\_\_\_\_

Public Safety (Police/Fire) \_\_\_\_\_

Parks and Recreation \_\_\_\_\_

Approved by CCBB \_\_\_\_\_

Approved by City Commission \_\_\_\_\_

Y N

Building \_\_\_\_\_

Other \_\_\_\_\_

Other \_\_\_\_\_

Site Location \_\_\_\_\_

(If artwork is to be permanently donated, the City of Birmingham may provide required insurance.  
If artwork is to be on temporary loan, the CCBB may provide required insurance.)