



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

VIRTUAL MEETING - PUBLIC ARTS BOARD

WEDNESDAY, OCTOBER 21ST, 2020
6:30 PM

<https://zoom.us/j/95634450911> (Click on Blue Link)

Or dial 1 929 205 6099, MEETING CODE 956 3445 0911

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 – September 16th, 2020
- C. Unfinished Business
 - 1. Terminating Vista Framework for Implementation**
 - 2. Call for Entry for Sculptures**
- D. New Business
 - 1. Revisions to Art on Loan Agreement**
 - 2. Request for Qualifications (RFQ) for sculpture installation specialist.**
- E. Communication
 - 1. Laurie Tennent Installation**
 - 2. Sculpture Donation – Pyramid Earth**
- F. Public Comments
- G. Adjournment

Upcoming PAB Meeting: November 18th, 2020

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.

Public Arts Board Minutes

Public Meeting on Zoom – September 16th, 2020

A. Roll Call:

Members Present: Barbara Heller, Monica Neville, Jason Eddleston, Anne Ritchie, Annie VanGelderren, Linda Wells

Members Absent: Natalie Bishae

Administration: Brooks Cowan, City Planner

Members of the Public:

B. Approval of Minutes – August 19th, 2020

Motion to approve minutes by Jason Eddleston, seconded by Annie Van Gelderen.

Yeas: 6 Nays: 0

The motion carried.

C. Unfinished Business

The Board discussed terms for pursuing a sculpture call for entry which included 5 sculptures at agreed upon locations, insuring each approved piece up to \$100,000, and also requesting a stipend of \$2,000 for each piece from City Commission. Three of the locations are considered Terminating Vistas. The Board was notified that a framework for implementation for the Terminating Vista report was going to City Commission on September 21st, 2020. The framework indicated requesting a budget of up to \$10,000 to provide a stipend of \$2,000 for each piece of art approved. The Public Arts Board agreed it would be best to wait for any comments on the Terminating Vista framework and implementation plan before moving forward with a call for entry recommendation.

D. New Business

No new business

E. Communication

The Public Arts Board discussed the new sculpture installed at the Library, Michigan Spring, and how they believe it is a nice addition. The Board was also notified that staff had not been able to get ahold of the artist of Pyramid Earth to schedule an in person sculpture visit.

F. Comments

G. Adjournment

The meeting adjourned at 7:15 p.m.



MEMORANDUM

Planning Division

DATE: October 21st, 2020

TO: Public Arts Board Members

FROM: Brooks Cowan, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: Terminating Vista Implementation Framework

On August 24th, 2020 , the Public Arts Board's Terminating Vista Report was presented to City Commission. The report received positive reviews and City Commission requested a framework for implementation to help put recommendations into action.

On September 21st, 2020, the recommendation and implementation framework for terminating vistas was reviewed by City Commission in the staff reports section and the general consensus was that it provided a detailed and acceptable timeline.

The table and timeline are attached below. Staff recommends that the Public Arts Board approach the call for entry first, as well as beginning discussion on revisions to the art on loan agreement and an RFQ for a sculpture installation specialist. The Terminating Vista report and policy related to wall art and a wall art review process is tentatively scheduled with the Design Review Board for a study session on November 4th, 2020.

Terminating Vista Recommendation and Implementation Framework

Priority	Recommendation	Background	Implementation	Costs	Approval Process
1	Use public art such as sculptures, artistic furniture, artistic utilities, landscaping and wall art to enhance the City's Terminating Vistas.	Public Arts Board is responsible for recruiting and recommending public art in various locations throughout the City.	<ol style="list-style-type: none"> Public Arts Board creates call for entry to recruit art donations and loans. This includes a request for an artist stipend fund to assist with installation before sending out. Public Arts Board reviews art pieces submitted and selects artwork for recommendation. 	\$2,000 per piece if approved, no more than \$10,000 total per year.	<ol style="list-style-type: none"> Public Arts Board Parks and Recreation Board (if on greenspace) City Commission
2	Revise the sculpture installation process to incentivize sculptures on loan and to make the installation process more efficient for artists and City staff.	<p>Issues have arisen regarding responsibility for installation and removal.</p> <p>City Employees may not have expertise to install unique pieces of art.</p> <p>Sculpture installation requirements have varied over the years, particularly related to concrete pads.</p>	<ol style="list-style-type: none"> Public Arts Board recommends revisions to art on loan agreement to allow City to assist with installation and removal to ensure quality control and manage liability. Public Arts Board creates RFQ for sculpture installation specialist to assist with mount fabrication and consult on installation process if necessary. Public Arts Board coordinates with Engineering Department's annual sidewalk program to install concrete base pads. 	<p>Up to \$5,000 for art installation specialist per year.</p> <p>Costs associated with concrete base pad installation (Much more cost efficient to incorporate with Engineering sidewalk program).</p>	<ol style="list-style-type: none"> Public Arts Board City Commission <p>* Input from Engineering and DPS strongly recommended</p>
3	Revise City policy towards city-standard furniture and utilities to allow for an occasional artistic variation in Terminating Vistas.	City-standard benches and lightpoles are required in the downtown.	<ol style="list-style-type: none"> Planning Board reviews Terminating Vista report to consider additional Terminating Vista locations as well as possible ordinance changes to permit artistic furniture and utilities. 	No Cost (In house)	<ol style="list-style-type: none"> Planning Board City Commission
4	Create a new policy and review process to allow murals and other various forms of wall art.	The Sign Ordinance currently prevents wall art.	<ol style="list-style-type: none"> Design Review Board considers definition for wall art in Sign Ordinance and Zoning Ordinance to help clarify difference between art and commercial signage. Design Review Board considers review process for wall art that possibly includes Public Arts Board. 	No Cost (In house)	<ol style="list-style-type: none"> Design Review Board Public Arts Board City Commission
5	Establish a public notification policy for art projects on public property.	There is no formal public notification process for art proposals on public property.	<ol style="list-style-type: none"> Public Arts Board reviews public notification options for public art and makes recommendations for notifications process. 	No Cost (In house)	<ol style="list-style-type: none"> Public Arts Board City Commission

Terminating Vista Recommendation and Implementation Framework Suggested Timeline Goals

Recommendation Priorities

- 1 Recruit public art
- 2 Revise installation process
- 3 Allow artistic City furniture and utilities
- 4 Permit wall art such as murals
- 5 Establish public notification policy for artwork proposals

Priority	Implementation	Sep-20	Oct-20	Nov-20	Dec-20	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21
1	1 - Create Call for Entry to recruit new artwork	Public Arts Board		Parks and Rec	City Commission						
	2 - Application for artwork review and recommendation								Public Arts Board	Parks and Rec	City Commission
2	1 - Consider revisions to Art on Loan Agreement			Public Arts Board			City Commission				
	2 - RFQ for sculpture installation specialist			Public Arts Board		City Commission					
	3 - Coordinate basepads with Engineering's Sidewalk Program								Public Arts Board		
3	1 - Planning Board review Terminating Vista report										TBD - Joint Meeting
4	1 - Design Review Board consider permitting wall art		Design Review Board				Public Arts Board	City Commission			
	2 - Design Review Board consider wall art review process		Design Review Board				Public Arts Board	City Commission			
5	1 - Establish Public Notification Process for Public Art					Public Arts Board			City Commission		

	City Commission
	Public Arts Board
	Planning Board
	Design Review Board
	Parks and Recreation Board

Recommendation and Implementation Priorities

Recommendation 1: Use public art such as sculptures, artistic furniture, artistic utilities, landscaping and wall art to enhance the City's Terminating Vistas

Implementation: Actively seek artists to provide various forms of artwork. Advertise in the art community for the type of art the City is seeking.

Recommendation 2: Revise the sculpture installation process to incentivize sculptures on loan and to make the installation process more efficient for artists and City staff.

Implementation: Establish an agreement with a professional sculpture installation specialist to consult and assist with sculpture installations in Birmingham. Amend the City's art on loan agreement to require approval of sculpture installation from installation consultant.

Recommendation 3: Revise City policy towards city-standard furniture and utilities to allow for an occasional artistic variation.

Implementation: Amend the Zoning Ordinance to allow an occasional deviation from city-standard benches and light poles where such items may be replaced by an artistically designed light or bench.

Recommendation 4: Create a new policy and review process to allow murals and other various forms of wall art to be placed on the exterior of a building.

Implementation: Amend Zoning Ordinance and Sign Ordinance to allow for placement of temporary and permanent murals and other various forms of wall art. The amendment should include review process by all relevant boards.

Recommendation 5: Establish a public notification policy for art projects on public property.

Implementation: Create a provision in the Public Art Section of the Municipal Code to require public notifications to be sent to residents for public art projects proposed within their area.





MEMORANDUM

Planning Division

DATE: October 21st, 2020

TO: Public Arts Board Members

FROM: Brooks Cowan, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: Sculpture Call for Entry

Birmingham has a number of preferred locations for sculptures throughout the City. In 2019, four sculpture pads were installed in various locations and two have yet to have to be designated for a sculpture. Meanwhile, two sculptures were removed at key entryways into the City on Woodward and Maple. The Board has also updated its map of preferred sculpture locations. The Public Arts Board has previously discussed doing a larger call for entry and possibly offering financial incentives.

On January 15th, 2020, the Public Arts Board discussed recruiting new sculptures as one of their goals for 2020. On May 15th, 2020 the Public Arts Board reviewed a rough draft flyer for a call for entry and discussed possible information to include with it. There was general consensus that the Board wanted to pursue sculptures for the vacant pads at Linden Park and Poppleton Park, as well as the Terminating Vista location at Henrietta and W. Maple Road.

The Board had also determined that they would like to see what happens with the budget for 2020-2021 which begins July 1st, 2020 because they are interested in asking City Commission to provide an installation stipend for artists who install their work in Birmingham. They also wanted to wait until the construction is done on Maple before posting a call for entry so that artists know what the area is like. The Public Arts Board would also like to finalize the report for Terminating Vista recommendations before pursuing a sculpture for Henrietta and W. Maple as well.

On August 19th, the Public Arts Board reviewed suggested locations and discussed potential others. The green space south of the 555 building was discussed where S. Old Woodward intersects with Woodward. The former Mark DiSuvero sculpture was removed and the Board felt that something should go there in its place. The Board also discussed the location at Hamilton Row and N. Old Woodward with the electrical box as a potential site but were undecided whether to continue with the Crayon Box recommendation or to seek other artistic proposals.

Providing financial assistance to the artists who are willing to donate or loan their work to the City was also discussed. Doing so would be ideal to incentivize new art because it could assist with materials, transportation, and installation. Considering the budget, there was general consensus from the Public Arts Board that \$2,000 was a reasonable stipend. The Public Arts Board will request this amount from City Commission once their call for entry is near finalization.

In regards to terms for potential sculptures, the Public Arts Board recommends a 3-year term for art work on loan, especially if it receives a stipend. The Public Arts Board also recommended that the Birmingham Bloomfield Cultural Council only insure sculptures valued up to a certain amount as to not exceed the BBCC's insurance budget. The highest valued sculpture the City has previously insured includes *Journey Home* by Dennis Oppenheim valued at \$85,000, and *Choopy* by Mark DiSuvero valued at \$50,000. These sculptures have since been removed, increasing amount available for insurance. The sample language would be provided at the next meeting for consideration.

On August 24th, 2020 , the Public Arts Board's Terminating Vista Report was presented to City Commission. The report received positive reviews and City Commission requested a framework for implementation to help put recommendations into action.

On September 21st, 2020, the recommendation and implementation framework for terminating vistas was reviewed by City Commission in the staff reports section and the general consensus was that it provided a detailed and acceptable timeline. Priority 1 of recruiting new art included a cost of up to \$10,000 for artwork per year which recommends \$2,000 for each artist, up to five total.

A map of the five recommended locations to pursue for sculptures is provided below, as well as terms of the call for entry. Staff has also created a flyer to distribute to art organizations, and an informational pamphlet they would be directed to on the website in order to find more information about the sites.

Call for Entry Terms:

1. 5 locations to recruit for as indicated on map.
2. An installation stipend of \$2,000 for each location, up to 5 total works of art (\$10,000 total - pending City Commission approval).
3. Art work is insured up to \$100,000 in value. If the total value of the art work exceeds \$100,000, the artist(s) organization will be responsible for additional insurance costs.
4. Artists coordinate with City for any requirements related to installation.

Suggested Language:

Motion to recommend a call for entry for artwork at five locations as indicated on the map for Linden Park, Henrietta and W. Maple, N. Old Woodward and Hamilton Row, Poppleton Park, and the intersection of S. Old Woodward and Woodward Avenue,

AND

To recommend a stipend of up to \$2,000 for each piece of art approved, with a stipend total not to exceed \$10,000.

Birmingham Michigan Sculpture Call For Entry

The City of Birmingham, Michigan is seeking applications for sculpture donations and loans for five locations throughout the City. Birmingham is able to provide a \$2,000 stipend to artists for approved art work.

Please visit the Birmingham Public Arts Board website to find more details about the suggested locations, to learn more about Birmingham's Art in Public Spaces program and to download an application.

https://www.bhamgov.org/culture/public_art.php

You can also find images of Birmingham's various sculptures located on their Pinterest Page.

<https://www.pinterest.com/BhamPublicArt/>

For more information, please contact:

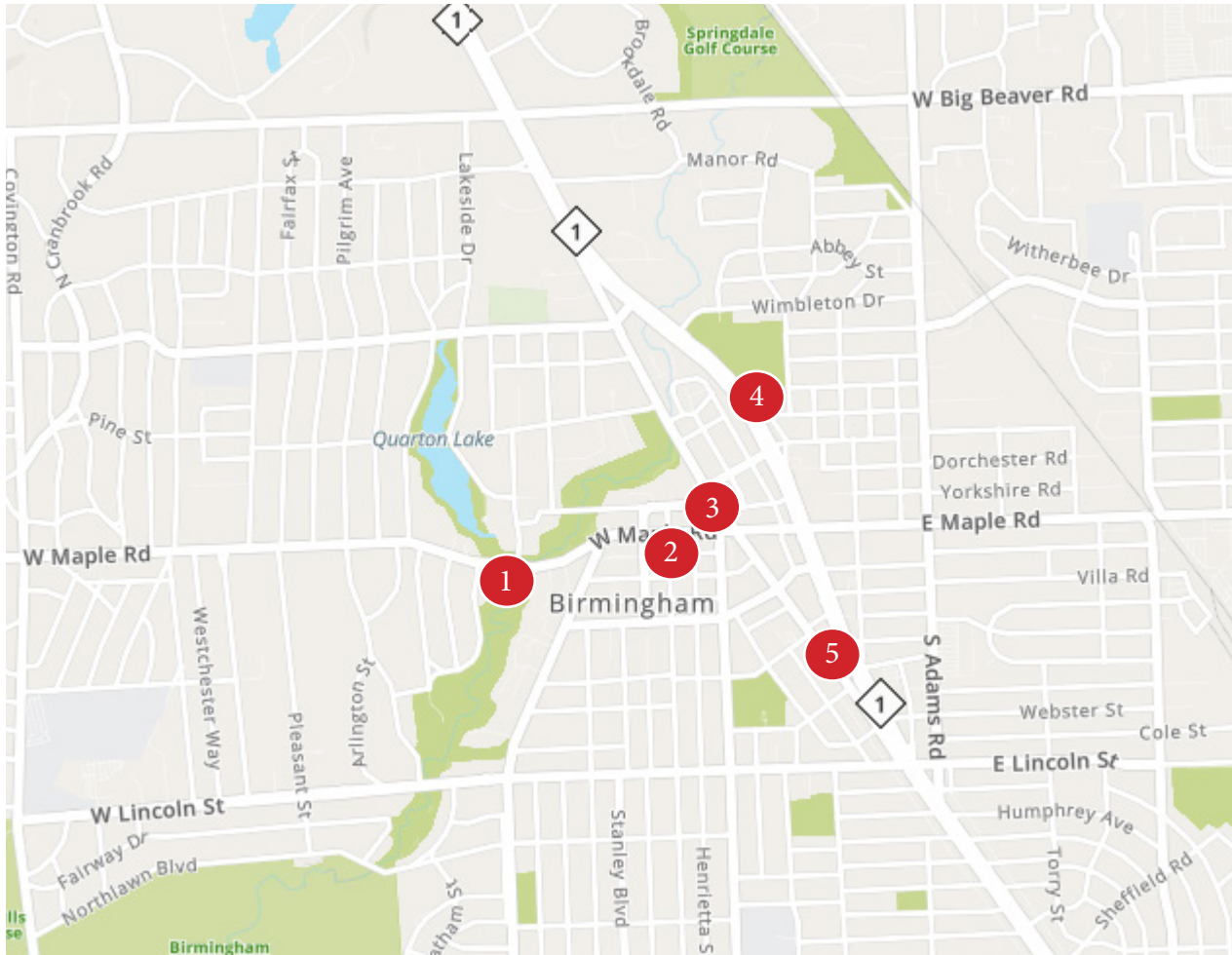
Brooks Cowan

BCowan@Bhamgov.org

(248) 530-1846



**ART IN
PUBLIC
SPACES**





Site 1:

Linden Park, south of W. Maple

Surrounding:

Greenspace, Rouge River, forest and Linden Trail. Quarton Lake and Quarton Lake Trail is directly north across Maple Road.

Access:

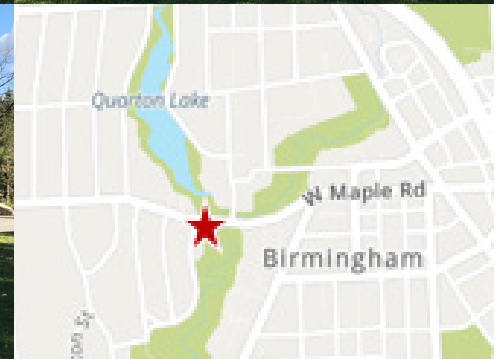
In between the sidewalk and the road, just west of Linden Trail. There is a midblock crossing nearby to the west, connecting Linden Trail to Quarton Lake Trail.

Visibility:

Visible from Maple Road heading east and west, as well as from the sidewalk, Quarton Lake Trail, and Linden Trail. Background consists of greenery and forest.

site:

6' x 6' concrete pad that is 8 inches deep.





Site 2

W. Maple and Henrietta

Surrounding:

Sidewalk, planters, and historical district buildings. Anthropologie currently located behind the pad.

Access:

sidewalk along W. Maple.

Visibility:

Visible from Maple Road heading east and west, as well as north-bound on Henrietta.

Site:

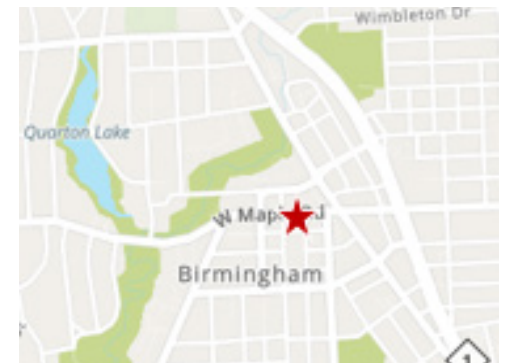
concrete pad surrounded by plantings.

Terminating Vista:

This location is a Terminating Vista which requires enhanced design features as per Birmingham's Zoning Ordinance requirements.



(To Be finalized when construction is done)





Site 3

Electrical Box at N. Old Woodward and Hamilton Row

Surrounding:

Sidewalk, planters, and historical district buildings.

Access:

sidewalk along N. Old Woodward.

Visibility:

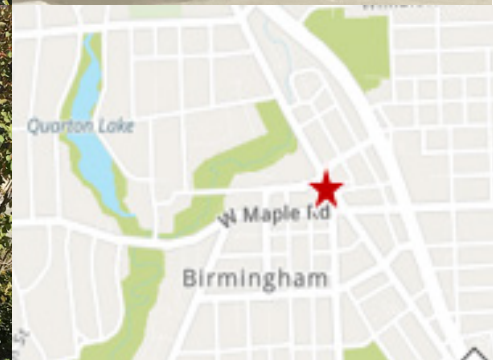
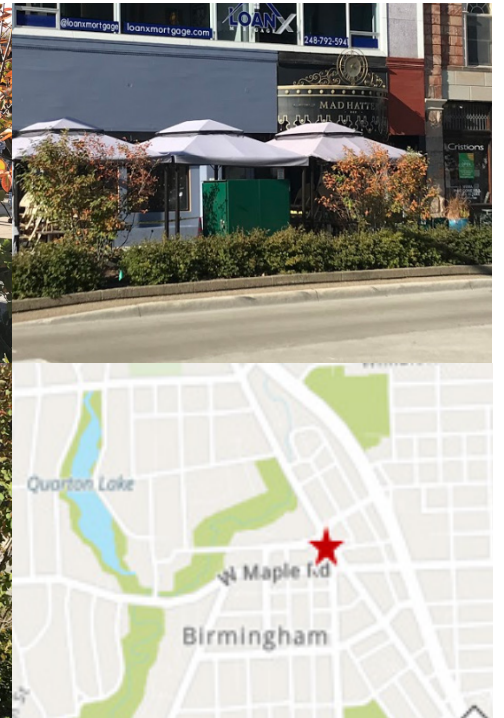
Visible from N. Old Woodward northbound and southbound, as well as westbound on Hamilton Row.

Site:

Electrical box on concrete pad surrounded by planter

Terminating Vista:

This location is a Terminating Vista which requires enhanced design features as per the Birmingham Zoning Ordinance requirements. The City is seeking an artistic design for the electrical box to enhance the aesthetics of the space in the right of way.





Site 4:

Poppleton Park at the intersection of Woodward Avenue and Madison Avenue.

Surrounding:

Poppleton Park and the Poppleton residential neighborhood.

Access:

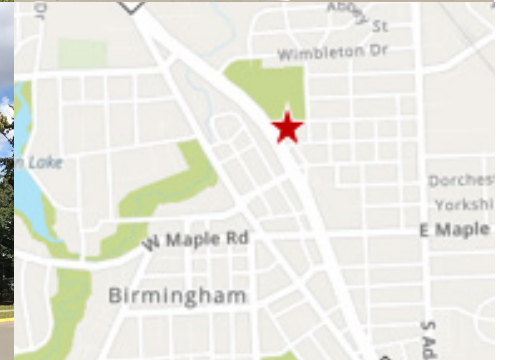
sidewalk along Woodward Avenue and Madison Avenue.

Visibility:

Visible from northbound and southbound Woodward Avenue, as well as entrance and exit for Madison Avenue. MAY also be viewed from southwest portion of Poppleton Park.

Site:

6' x 6' concrete pad that is 8 inches deep





Site 5

Greenspace at intersection of Woodward and S. Old Woodward.

Surrounding:

555 Building, Woodward Avenue to east, S. Old Woodward to the west.

Access:

sidewalk along S. Old Woodward

Visibility:

Considered a gateway to downtown Birmingham.

Site:

Greenspace with required base pad yet to be determined. Will be based upon side of sculpture proposed.

Terminating Vista:

This location is a Terminating Vista which requires enhanced design features as per the Birmingham Zoning Ordinance requirements.





MEMORANDUM

Planning Division

DATE: October 21st, 2020

TO: Public Arts Board Members

FROM: Brooks Cowan, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: Revisions to Art on Loan Agreement

The City of Birmingham has historically accepted art on loan with the condition that the artist is responsible for installation and removal and any costs associated with such processes. Requiring artists to be responsible for all installation and removal processes has created a number of difficulties.

The most common difficulty is that a number of installations require base pads to be installed as well as proper anchoring. This often requires digging a hole on public property and then pouring and molding a cement pad. As per the agreement for art on loan, the artist should be responsible for digging the hole and pouring the concrete, though this may not be in the best interest of the City for quality control concerns. The Art on loan agreement also specifies that the artist is responsible for restoring the area to its prior condition, which also creates a number of difficulties such as removing a large block of cement.

Staff members from the Department of Public Services have been involved in past installations for art on loan in order to ensure quality and safety of installation, although the current terms of installation are unclear about how they may assist in the installation process.

The Public Arts Board may wish to discuss recommendations to amend the art on loan agreement in order to encourage artists to work with the City and to allow the City to assist with the installation and removal of sculptures in order to ensure safety and quality control. The agreement's terms of #1, #5 and #9 have the most relevant impact on the installation process.

SCULPTURE INSTALLATION AND MAINTENANCE AGREEMENT

This Sculpture Installation and Maintenance Agreement (the Agreement) is entered into on this ____ day of _____, 2019, by and between the CITY OF BIRMINGHAM, a Michigan municipal corporation (the "City"), whose address is 151 Martin Street, Birmingham, Michigan, 48009, and _____ ("Owner"), whose address is _____.

Recitals

Owner is the owner of the sculpture known as the _____. Owner desires to install and maintain the sculpture attached on Exhibit A (the "Sculpture"), at location _____ attached on Exhibit B, hereto (the "Location"). The City has agreed to permit Owner to install and maintain the Sculpture at the Location, subject to the terms and conditions set forth in this Agreement.

Accordingly, the parties agree as follows:

Agreement

1. Installation of Sculpture. Owner shall, at its sole expense, install the sculpture at the Location and restore the Location to its prior condition.
2. Maintenance and Conservation of Sculpture. Owner shall be responsible for all maintenance and conservation of the Sculpture, at its expense, for the duration of the loan. In the event the Sculpture is damaged, Owner shall, at its sole expense, promptly repair the Sculpture, or Owner may remove the sculpture pursuant to Section 5 below.
3. Ownership of the Sculpture. Owner shall retain ownership of the Sculpture and Owner may, in accordance with the terms and conditions of this Agreement, remove the Sculpture from the Location at any time, for any reason.
4. Release. In consideration of the City's display of the Sculpture on public property, Owner hereby grants to the City of Birmingham, its officers and employees, the right to photograph the Sculpture and the further right to use photographic images of the Sculpture in promotional material prepared by or for the City of Birmingham, including any commercial or noncommercial promotional materials. Owner waives any rights to payments from the sale of any City promotional materials that feature the Sculpture.
5. Removal of Sculpture. In the event the Sculpture is removed from the Location, for any reason, Owner shall, at its sole expense, restore the area to its prior condition or consistent with the current environment at the time of removal, as requested by the City.

6. Indemnification. To the fullest extent permitted by law, Owner and any entity or person for whom Owner is legally liable, agrees to be responsible for any liability, defend, pay on behalf of, indemnify, and hold City harmless, including City's elected and appointed officials, employees and volunteers and others working on behalf of City, against any and all claims, demands, suits or loss, including all costs and reasonable attorney fees connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City, its elected and appointed officials, employees, volunteers or others working on behalf of City, by reason of personal injury, including bodily injury and death and/or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this Agreement. Such responsibility shall not be construed as liability for damage caused by or resulting from the sole act or omission of City, its elected or appointed officials, employees, volunteers or others working on behalf of City.
7. Binding on Successors and Assigns. All covenants, agreements, provisions and conditions of this Agreement shall be binding on and inure to the benefit of the parties hereto, their respective personal representatives, successors and assigns.
8. No Waiver. No waiver of any covenant or condition contained in this Agreement, or of any breach of any such covenant or condition, shall constitute a waiver of any subsequent breach of such covenant or condition by either party, or justify or authorize the nonobservance on any other occasion of the same or any other covenant or condition hereof of either party.
9. Insurance. Sculptures loaned to the City shall be insured by the Cultural Council of Birmingham Bloomfield through their service agreement with the City.
10. Interpretation. This Agreement shall be construed in accordance with the laws of the State of Michigan. Whenever the contents of any provision shall require it, the singular number shall be held to include the plural number and vice versa. The neuter gender includes the masculine and feminine.
11. Entire Agreement. This Agreement contains the entire agreement of the parties hereto with respect to the installation and maintenance of the Sculpture described above, and this Agreement may not be amended or modified, in whole or in part, except by an instrument in writing signed by the parties hereto, their respective successors or assigns.
12. Term. This Agreement shall be for a period of 2 years and commence upon the signing of both parties.
13. Termination of Agreement. This Agreement shall automatically terminate at the expiration of the 2 year term provided in Section 12, or upon the removal of the Sculpture from the Location in compliance with Section 5 of this Agreement.

14. Renewal Option. Parties shall have the option to renew this Agreement for an additional 2 year term.

[Remainder of Page Intentionally Blank]

IN WITNESS WHEREOF, the parties hereto have their hands and seals the day and year first above written.

OWNER:

By: _____

Its: _____

CITY OF BIRMINGHAM:

By: _____
Patricia Bordman, Mayor

APPROVED:

Joseph A. Valentine, City Manager
(Approved as to substance)

Timothy J. Currier, City Attorney
(Approved as to form)

Jana Ecker, Planning Director
(Approved as to substance)

Mark Gerber, Director of Finance
(Approved as to financial obligation)



MEMORANDUM

Planning Division

DATE: October 21st, 2020

TO: Public Arts Board Members

FROM: Brooks Cowan, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: Request for Sculpture Installation Specialist

There have been a few occasions where the City of Birmingham has accepted a sculpture on behalf of an artist who has passed away, and complications related to installation have occurred because the artist is no longer around to provide direction.

City staff may not have the expertise to install or assist in installing a sculpture that requires delicate care. In the case for Michigan Spring which was installed at the Library, The Public Arts Board contracted out to a sculpture specialist to assist with fabricating the mount and doing the install.

City staff has indicated the desire for an installation specialist to assist with complicated installation pieces. The position would be on retainer and only work on a case-by-case basis as needed.



MEMORANDUM

Planning Division

DATE: October 21st, 2020

TO: Public Arts Board Members

FROM: Brooks Cowan, City Planner

APPROVED: Jana Ecker, Planning Director

SUBJECT: Communications

1. Laurrie Tennent has installed her art installation along the various trail networks surrounding Quarton Lake. Social Media posts have been made on the City's facebook page and Instagram account. A news article was also posted in the Oakland Press.
2. City staff was able to get in contact with a representative of the artist of Pyramid Earth who is open to coordinating a site visit with Board members.