ITEM 12A

To: Honorable Mayor and Village Council

Date: January 26, 2015

From: Ron E. Williams, Village Manager

Re: AIPP Board Membership Ordinance for 1st Reading

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DIVISION 30-160 ENTITLED "ART IN PUBLIC PLACES", AMENDING SECTION 30-160.4(a) ENTITLED "PUBLIC ART BOARD", TO PERMIT BROADER ELIGIBILITY STANDARDS FOR MEMBERSHIP TO THE ART IN PUBLIC PLACES (AIPP) BOARD; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Administration)

BACKGROUND:

The Art in Public Places (AIPP) program was established on March 5, 2007 by the Mayor and Village Council of the Village of Palmetto Bay pursuant to Ordinance No. 07-05. The ordinance included the establishment of a five member advisory board (AIPP Board) to forward recommendations onto the Mayor and Village Council regarding the acquisition and installation of original art works. Membership to the AIPP Board was established to be professionally focused; seeking expertise in the areas of architecture, interior design, urban planning, fine arts, and art history. More specifically, the current requirements for membership are as follows:

Bachelor's degree from an accredited university field of:
- Art, architecture, art history, architectural history, urban planning, landscape architecture, interior design, graphic or product design; and

Two (2) members from the profession of architecture (landscape architect, architect, architectural historian, or urban planner); and

Two (2) members from the profession of fine art (fine art history, art dealer, art gallery, artists' representative, museum curator, etc.); and

One (1) member that is either an interior designer or a professor of art or art history.

While the mix of qualifications and professional diversification is highly desired for such a board, finding qualified candidates has proven to be a challenge. As a result, the AIPP Board has only had three appointed members at any one time over the last two years. This condition has persisted despite the efforts of staff, the AIPP Board, and Mayor and Village Council to recruit new members.

To remedy the matter is to first understand the nature of the membership requirements detailed above. First, the current ordinance requires a bachelor degree in one of the professions identified above. That requirement excludes all other professionals which may have extensive experience in

those fields. Some curators, artists, interior designers, just to name a few, that may be worthy of consideration may not possess such an educational qualification. The requirement exists because the ordinance relies upon the word "and". By changing the word "and" to "or" (Page 2, Line 6 of the proposed Ordinance), those individuals working in qualified professions, without the degree, are now eligible for consideration.

The second challenge presented by the current Code is the specificity of the professional make-up of the Board. All five members must neatly fit into one of the three categories cited above. The amendment remedies this requirement by recommending, but not requiring, at least two of the members be from any of the professions listed above.

The remainder of the AIPP code remains as is. It continues to require some professional qualification, professional practice within the given fields, or at a minimum a bachelor's degree in such professions. And it continues to seek diversification of membership by recommending a minimum of two members working within the given professions.

ANALYSIS:
The proposed ordinance was reviewed for consistency with the criteria established in Section 30-30.7(b). The Background section provided above shall be considered supplemental information to this analysis and thusly shall be incorporated into each criterion delineated below. The following is a review of those criteria:

Criteria (1): Whether the proposal is consistent with the comprehensive plan, including the adopted infrastructure minimum levels of service standards and the Village's Concurrency Management Program.

Analysis: The Village's Comprehensive Plan does not address Art in Public Places.

Finding: Not applicable.

Criteria (2): Whether the proposal is in conformance with all applicable requirements of Chapter 30.

Analysis: Please see Background section of this report. The proposed ordinance is not in conflict with any other provision of the Chapter 30.

Findings: Consistent.

Criteria (3) Whether, and the extent to which, land use and development conditions have changed since the effective date of the existing regulations, and whether the changes support or work against the proposed change in land use policy.

Analysis: Please see Background section of this report. As reflected in the Background section of this report, it has been difficult identifying individuals to serve on the AIPP board that conform to the strict standards of the current code. The remedy detailed above is an attempt to overcome this challenge while continuing to maintain a professional arts centered board.

Findings: Consistent.

Criteria (4) Whether, and the extent to which, the proposal would result in any incompatible land uses, considering the type and locations of uses involved, the impact on the adjacent or neighboring properties, consistency with existing development, as well as compatibility with existing and proposed land uses.

Analysis: The proposed ordinance does not change permitted uses.

Finding: Consistent.

Criteria (5) Whether, and the extent to which, the proposal would result in demands on transportation systems, public facilities and service; would exceed the capacity of the facilities and services, existing or programmed, including: transportation, water and wastewater services, solid waste disposal, drainage, recreation, education, emergency services, and similar necessary facilities and services.

Analysis: The proposed ordinance does not impact the above systems.

Finding: Consistent.

Criteria (6) Whether, and to the extent to which, the proposal would result in adverse impacts on the natural environment, including consideration of wetland protection, preservation of groundwater aquifer wildlife habitats, and vegetative communities.

Analysis: The proposed ordinance does not impact the above systems.

Finding: Consistent.

Criteria (7) Whether, and to the extent to which, the proposal would adversely affect the property values in the affected area, or adversely affect the general welfare.

Analysis See Analysis under Criteria 2, 3 and 4. The overall desired impact of the AIPP Board is to enhance the quality of development and in turn, property values within the community. Adjustment of the membership requirements is aimed at minimizing Board vacancies thus ensuring their work is done.

Findings: Consistent.

Criteria (8) Whether the proposal would result in an orderly and compatible land use pattern. Any positive and negative effects on land use pattern shall be identified.

Analysis The proposed ordinance does not change permitted uses or change any provisions which affect the development of land.

Findings: Consistent.

Criteria (9) Whether the proposal would be in conflict with the public interest, and whether it is in harmony with the purpose of Chapter 30.

Analysis: See Analysis under Criteria 2, 3 and 4.

Finding: Consistent.

Criteria (10) Other matters which the local planning agency or Village Council in its legislative discretion may deem appropriate.

Analysis: As per the direction of the Village Council.

Finding: As determined by the Village Council.

FISCAL/BUDGETARY IMPACT:
None at this time.

RECOMMENDATION:
Decision for the Village Council.

For DPD

Darby Delsalle, AICP
Planning & Zoning Director

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO DIVISION 30-160 ENTITLED "ART IN PUBLIC PLACES", AMENDING SECTION 30-160.4(a) ENTITLED "PUBLIC ART BOARD", TO PERMIT BROADER ELIGIBILITY STANDARDS FOR MEMBERSHIP TO THE ART IN PUBLIC PLACES (AIPP) BOARD; PROVIDING FOR ORDINANCES IN CONFLICT, CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE. (Administration)

WHEREAS, on March 5, 2007 the Mayor and Village Council of the Village of Palmetto Bay adopted Ordinance No. 07-05, establishing the Art in Public Places Program (AIPP); and

WHEREAS, that ordinance and subsequent amendments thereto (Ordinance Nos. 07-20 and 2012-05) provided for an AIPP Board to serve in an advisory capacity to the Mayor and Village Council regarding implementation of the AIPP program; and

WHEREAS, Section 30-160.4(a) provides for a stringent set of professional qualifications necessary for eligible appointment to the AIPP Board; and

WHEREAS, as a result of those requirements, retaining a fully appointed board (five (5) members) has proven difficult with only three seats being filled over the past two (2) years; and

WHEREAS, the Mayor and Village Council now desire to maintain a professionally centered board, but one that embraces a broader spectrum of the arts community.

NOW THEREFOR BE IT ENACTED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The Village of Palmetto Bay hereby amends Section 30-160.4(a), entitled "Public Art Board" which amendment shall read as follows:

* * *

DIVISION 30-160

ART IN PUBLIC PLACES

* * *

Sec. 30-160.4. - Public Art Board.

There shall be created a Public Art Board whose membership, meetings, duties, and other responsibilities are as described below.

(a) Membership. The Village Council shall appoint members to the Public Art Board, which board shall consist of five members. The mayor and Village Council shall vote on the selection of each member. The Board members shall serve for four (4) years, under staggered terms, serving without compensation. Each Board member must be

knowledgeable in one of the identified fields of: fine art, be employed by any art dealer, art gallery, artists' representative, museum or other entity which derives income from the sale or display of artwork, be a professional in the field of art, architecture, art history, architectural history, urban planning, landscape architecture, interior design, graphic or product design, ~~and~~ or possess a minimum of a bachelor's degree in said field from an accredited university. To ensure a balanced and diverse Board it is recommended, but not required, that two of the Board members be from the following professions: architects (landscape architect, architect, architectural historian, or urban planner), a~~; two be~~ skilled professional in the field of ~~in~~ fine art (fine art history, art dealer, art gallery, artists' representative, museum curator, etc.),; ~~and one be~~ an interior designer, or a professor of art or art history.

* * *

Section 2. **Conflicting Provisions.** The provisions of the Code of Ordinances of the Village of Palmetto Bay, Florida and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. **Severability.** The provisions of this Ordinance are declared to be severable, and if any sentence, section, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sentences, sections, clauses or phrases of the Ordinance, but they shall remain in effect it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. **Codification.** It is the intention of the Village Council and it is hereby ordained the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Village of Palmetto Bay, Florida, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. **Effective Date.** This ordinance shall take effect immediately upon enactment.

PASSED and ENACTED this ____ day of _____, 2015.

First Reading: _____

Second Reading: _____

Attest: _____

Meighan Alexander
Village Clerk

_____

Eugene Flinn
Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:

_____

Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Karyn Cunningham _____

Council Member Tim Schaffer _____

Council Member Larissa Siegel Lara _____

Vice-Mayor John DuBois _____

Mayor Eugene Flinn _____