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RESOLUTION NO. 2015-96

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO SECTION 30-160 OF THE ART-IN-PUBLIC PLACES (AIPP) PROGRAM, ACCEPTING THE RECOMMENDATIONS OF THE AIPP ADVISORY BOARD TO APPROVE THE ART INSTALLATION ENTITLED "ART FINNS" AS DESIGNED BY ELENA MANFERDINI, FOR ALEXANDER SCHOOL, INC., LOCATED AT 14850 SW 67TH AVENUE; PROVIDING FOR SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, on October 1st, 2007 the Mayor and Village Council established the Art-in-Public Places Program (AIPP) via Resolution 07-05, designed to promote the general welfare by encouraging pride in the community, increasing property values, enhancing the quality of life through artistic opportunities, uniting the community through shared cultural experiences, and creating a cultural legacy for future generations through the collection and exhibition of high-quality art pieces that reflect diverse styles, chronicling history through the collection of artifacts, documents and memorabilia that will acknowledge the past and create programs and activities that will further these goals; and

WHEREAS, as part of the program, the Village's AIPP Advisory Board was created to oversee the public education, and curatorial aspects of the program; and

WHEREAS, the Alexander School, Inc., submitted a proposal for an art element installation for their new school buildings, to the Art-in-Public Places Advisory Board as provided by the requirements of the AIPP Program;

WHEREAS, the Advisory Board accepted the art element installation entitle "Art Fins" as designed by Elena Manferdini, consisting of six (6) sheets dated stamped received August 26, 2015, attached hereto pursuant to Section 30-160.2; and

WHEREAS, the AIPP Advisory Board determined that the proposed art element meets the general criteria of the AIPP Program pursuant to Section 30-160.5 "Selections of Works of Art" in that the proposed art element is found to be appropriate to the site and the surrounding neighborhood and that it is not intrusive in nature. The Board finds the proposed location to be highly visible and accessible to vehicular traffic and that it will reflect the cultural ethnic diversity of the Village and South Florida; and

WHEREAS, the Board determined that the proposed art element meets the general criteria of the AIPP Program requirements that calls for on-site art installations equal to 1.25% of the "project valuation" on the "total value of improvements as indicated on the building permit application"; and

WHEREAS, the proposed construction value of the Alexander School, Inc., addition is estimated at \$4,393,800 with a minimum AIPP requirement of \$54,922; and

1 **WHEREAS**, the proposed and recommended art elements construction cost is estimated at
2 \$64,078, a value exceeding the minimum requirement by \$9,156.
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5 **NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE**
6 **COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:**
7

8 **Section 1.** The Mayor and Village Council hereby accepts the recommendation of the
9 Art-In-Public-Places Advisory Board to approve the art installation entitle “Art Fins” as designed by
10 Elena Manferdini, for Alexander School, Inc., located at 14850 SW 67th Avenue, consisting of six
11 sheets dated stamped received August 26, 2015, attached hereto as Exhibit 1 in accordance with
12 the provisions of the AIPP Ordinance with the following conditions:
13

- 14 1. That a plaque or equivalent form of permanent signage acknowledging the artist, other
15 design professionals involved in the project and the Village of Palmetto Bay must be sited in
16 a publicly accessible location near the art work. The physical dimensions of the plaque
17 should allow for the utmost legibility of the information contained on it, and should vary
18 appropriately with the scale of the artwork and the site. It should not intrude on the physical
19 artwork. The plaque should include:
20

21 Name of Artist(s)
22 Title of Art Work
23 Date of Art Work Completion
24 Name of Developer
25 In Association with the Village of Palmetto Bay
26

27 Final plaque layout shall be subject to the Department of Planning and Zoning approval.
28

- 29 2. That the proposed art element complies with the requirements of all other applicable
30 departments/agencies as part of the Village of Palmetto Bay building permit submittal
31 process.
32
- 33 3. That the proposed art element shall comply with the requirements of Section 30-160.9
34 entitled: “Certificate of Occupancy,” which provision provides that final approval, such as a
35 final inspection or a certificate of occupancy, for any development project shall not be issued
36 unless compliance with the Village’s art in public places program is achieved. In this case, the
37 art work must be installed in a manner satisfactory to the Village Council in compliance with
38 the Ordinance.
39
- 40 4. That the proposed art element complies with Section 30-160.14, entitled: “Ownership and
41 maintenance of artwork placed on the site of the project.” In particular, all art work placed
42 on the site of a development project shall remain the property of the property owner. The
43 obligation to provide all maintenance necessary to preserve and maintain the art work in
44 good condition shall remain with the owner of that site and the owner’s successors and
45 assigns, unless an agreement with the Village is reached and recorded. The obligation to
46 maintain the art work shall be enforced as provided in the Ordinance, and a covenant,
47 executed by the applicant, shall be recorded setting forth a description of the art work and

1 acknowledging the obligation of the property owner to repair and maintain it. This
2 document and the underlying covenant shall run with the land and provide notice to future
3 property owners of the obligation to repair and maintain the art work and of certain
4 limitations related to any federal, state or local laws governing the rights of the artists
5 including but not limited to rights regarding the alteration, modification or relocation of
6 subject art work. The covenant is a condition of approval.

- 7
8 5. That an independent appraisal as to the evidence of the value of the proposed artwork
9 including acquisition and installation cost, be conducted at the developers expense, should
10 the value of the art element be below the required minimum the applicant shall pay the
11 difference into the fund.
12

13 **Section 2. Effective Date.** This resolution shall take effect immediately upon approval.

14
15 PASSED and ADOPTED this 2nd day of November, 2015.

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19
20 Attest:


21 Meighan Alexander
22 Village Clerk


Eugene Flinn
Mayor

23
24
25 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
26 USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:
27

28
29
30 
31 Dexter W. Lehtinen
32 Village Attorney
33
34

35 FINAL VOTE AT ADOPTION:

36 Council Member Karyn Cunningham YES
37 Council Member Tim Schaffer YES
38 Council Member Larissa Siegel Lara YES
39 Vice-Mayor John DuBois YES
40 Mayor Eugene Flinn YES