

RESOLUTION 2013-112

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, ADOPTING THE PROCESS/GUIDELINES THE ARTS AND CULTURE NASSAU COMMITTEE HAS DEVELOPED FOR THE PUBLIC ART PROGRAM; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Arts and Culture Nassau Committee has developed processes/guidelines for the art placed on public property; and

WHEREAS, on May 1, 2012, the City Commission amended Chapter 70 of the City of Fernandina Beach Code of Ordinances which addresses the Art in Public Places Program; and

WHEREAS, Section 70-150 through 70-154 will be used to determine what is acceptable art to be placed on public property within the City.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, THAT:

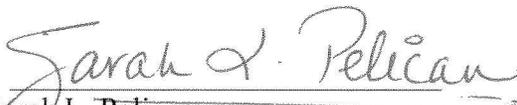
SECTION 1. The City Commission hereby adopts the processes/guidelines developed by the Arts and Culture Nassau Committee for the Public Art Program, attached hereto as Exhibit A.

SECTION 2. The Arts and Culture Nassau Committee is hereby authorized to execute all aspects of the guidelines.

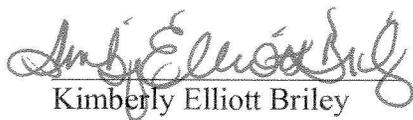
SECTION 3. This Resolution shall take effect immediately upon adoption.

ADOPTED this 20th day of August, 2013.

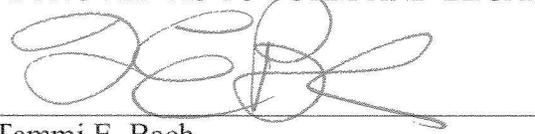
CITY OF FERNANDINA BEACH

  
\_\_\_\_\_  
Sarah L. Pelican  
Mayor - Commissioner

ATTEST:

  
\_\_\_\_\_  
Kimberly Elliott Briley  
City Clerk Pro Tem

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Tammi E. Bach  
City Attorney

**PUBLIC ART APPLICATION**

The following criteria govern the selection of public art in the City of Fernandina Beach and will be utilized by Arts and Culture Nassau during the process of review, selection and approval of public art. It is understood that some criteria will have more relevance than others

depending on the proposed artwork. This will be taken into account and the criteria weighted accordingly. Artists are strongly encouraged to meet with Arts and Culture Nassau or submit a preliminary concept application prior to completing this application.

**A. Artistic Quality and Originality:** The strength and originality and creativity of the artist’s concept and demonstrated skill or craftsmanship.

**B. Context:** The appropriateness of the concept within the proposed architectural, geographical, socio-cultural, and historical context, including use of appropriate scale and materials for the site.

**C. Diversity:** Issues related to race, age, style, media of the art within the context.

**D. Local Art:** Emphasis will be on local and regional artists whenever possible.

**E. Feasibility:** Budget, timeline, and probability of success

**F. Design & Construction:** Issues related to fabrication of the installation, its durability, resistance to vandalism, long-term maintenance issues, and weather permanence.

**G. Support:** Demonstrated community agreement/support for the project. ACN may choose to create an advisory group to represent the community in the selection process.

**H. Public Safety:** Meets any and all applicable building codes for public projects. Artist has shown due diligence in developing appropriate installation plans.

**I. Other:** ACN may adopt other project specific criteria pertinent to special considerations of the site, the project, or the Commission’s specific intent, provided such criteria are clearly and completely stated.

**Project Name:**

\_\_\_\_\_

**Installation Type:**

\_\_\_\_\_Permanent art collection

\_\_\_\_\_Temporary installation (up to 1 year)

Proposed Location\*:

\_\_\_\_\_  
*\*A map of approved locations is available through the City of Fernandina Beach*

**Artwork:**

Type [e.g., sculpture, mural, etc]: \_\_\_\_\_

Artwork Description [include title; fabrication date; current location; medium, dimensions, materials and finishes; installation method; life expectancy]:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Artist/ Applicant:**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

I understand that approval of art by Arts and Culture Nassau does not automatically denote approval of all necessary City permits for the installation and display of art work. Additionally, I understand if the artwork is accepted for temporary display, I am solely responsible for acquiring all necessary permits, and overseeing the installation and maintenance of the art. I am responsible for the care and maintenance of the art for the duration of the permitted display period, and for the removal of art following the display period. I also understand that all donations of permanent art become the sole property and responsibility of the City of Fernandina Beach.

Signature: \_\_\_\_\_ Date \_\_\_\_\_

The following materials **MUST** be provided with the completed application form:

- Project description, including purpose, artist’s rationale and/or intention for the proposed work; history and provenance of artwork; relationship of project to other community interests and activities; involved individuals and organizations if any.
- Illustrative and/or construction drawings of proposed work; scale model of proposed sculptural work strongly recommended.
- Scaled site plan and color images of proposed installation location and its context.
- Scaled illustrative drawings or model showing artwork in relation to proposed site.
- Description of short- and long-term maintenance requirements.
- Artist resume, annotated exhibition list, and CD Rom and/or hard copy color images of other works.
- Project timeline, including (as applicable) fabrication, delivery, installation and removal.

Applications may be submitted by mail or hand delivered to:

City of Fernandina Beach  
Attn: Arts and Culture Nassau  
204 Ash Street  
Fernandina Beach, FL 32034

In order to schedule a meeting for pre-approval prior to completing this application, please call the City of Fernandina Beach at (904)277-7350 and request to be added to the Arts and Culture Nassau Agenda. At this meeting artists may submit a brief concept proposal and discuss the project with the ACN committee.

## TEMPORARY PUBLIC ART ACQUISITION PROCESS:

Arts and Culture Nassau (ACN) will site, evaluate and recommend public art for placement by following a standardized process that assures fairness and public input. All public art will be reviewed and accepted into temporary display up to one year through the following process:

### **1. General Criteria:**

Assuring the highest quality of aesthetic experience for the citizens of Fernandina Beach is the primary criterion for selection of public art. The objective is to develop a worthwhile, enduring, and varied collection of artwork in public spaces.

In commissioning or accepting public art the following general criteria apply:

- A. Media: All visual art forms and materials will be considered.
- B. Style: Artwork reflecting any school, movement, method style will be considered.
- C. Range: Artwork may be functional or non-functional; conceptual or tangible; portable or site-specific; including folk art, craft or fine art.
- D. Character: Artworks must be appropriate in scale, media, style, and content to the project and environment to which they will relate.
- E. Permanence: Consideration should be given to structural and surface integrity and the use of materials appropriate to the location so as to minimize or eliminate maintenance and repair costs.
- F. Public Safety/ Liability: Artworks and art places must be free of unsafe conditions or other factors bearing on public liability.
- G. Diversity: In selecting works, the City will strive for diversity, reflecting the social, ethnic and cultural fabric of the community.

### **2. Arts and Culture Nassau Public Art Acceptance Policies**

#### **Site Selection:**

Through partnership with the City of Fernandina Beach Historic District Council and the City of Fernandina Beach, Arts and Culture Nassau has developed a map of recommended locations for both temporary and permanent public art displays.

In the selection of locations for the installation of proposed public art, ACN strives to place public art in appropriate sites throughout the community with the objective of providing quality art to the greatest number of citizens.

The objective is to develop a worthwhile, enduring, and varied collection of artworks in city public spaces that enhances, enlivens, and enriches the City while reflecting the values of the community.

#### **Selection Process:**

All public art in Fernandina Beach will be determined through a process overseen by ACN. The objective of the ACN selection process is to allow for broad representation of community interests in the selection of public art.

Selected artwork will be original work completed by the submitting artist.

The following criteria govern the selection of public art in the City of Fernandina Beach and will be utilized by ACN during the process of review, selection and approval of public art:

- A. Artistic Quality and Originality: The strength and originality and creativity of the artist's concept and demonstrated skill or craftsmanship.
- B. Context: The appropriateness of the concept within the proposed architectural, geographical, socio-cultural, and historical context, including use of appropriate scale and materials for the site.
- C. Diversity: Issues related to race, age, style, media of the art within the context. Emphasis will be on local and regional artists whenever possible.
- D. Feasibility: Budget, timeline, and probability of success
- E. Design & Construction: Issues related to fabrication of the installation, its durability, resistance to vandalism, long-term maintenance issues, and weather permanence.
- F. Support: Demonstrated community agreement/support for the project. ACN may choose to create an advisory group to represent the community in the selection process.
- G. Public Safety: Meets any and all applicable building codes for public projects. Artist has shown due diligence in developing appropriate installation plans.
- H. Other: ACN may adopt other project specific criteria pertinent to special considerations of the site, the project, or the Commission's specific intent, provided such criteria are clearly and completely stated.

#### **4. Administration of Program**

Arts and Culture Nassau will manage implementation of public arts programming as follows, coordinating with others (City staff as appropriate and necessary):

- A. Encourage, identify, and accept public art sites, locations and projects.
- B. Approve or reject art work using outlined criteria.
- C. Work with city staff to determine physical and logistical components of art installation. In some cases, the artist may be responsible for acquiring additional permits outside of the Public Art permit process.
- D. May assist in preparation of any necessary signage, including identification labels and/or plaques.
- E. Arts and Culture Nassau may convene community panels to advise in the art selection process.
- F. Serve as resource, guide, and counsel to the City Council and the City Manager regarding public art related issues.

#### **5. Ownership/Copyright/Reproduction/Re-siting**

- A. Temporary art works remain the property and responsibility of the artist while on display.

- B. The City intends that the work shall remain accessible to public viewing for the entirety of the permitted display period.
- C. The City retains the right to transfer work from one City-owned site to another, as it deems necessary, in consultation with the artist.
- D. The City retains the right to deaccession works of arts it no longer desires to retain as a component of the public art program prior to the end of the temporary display period as necessary. In such cases, the work will be returned to the artist.

**6. Artists' Responsibilities**

- A. Overseeing and completing installation of artwork.
- B. Acquiring all appropriate permits as required through city policy.
- C. Maintenance and upkeep of art.
- D. Removal of art at the end of the permitted display period or deaccession. Artist may apply for extension of display period utilizing the standard public art permitting process.

## **PERMANENT PUBLIC ART ACQUISITION PROCESS:**

Arts and Culture Nassau (ACN) will site, evaluate and recommend public art to the Fernandina Beach City Commission for placement by following a standardized process that assures fairness and public input. All public art will be reviewed and recommended to the Fernandina Beach City Commission for review through the following process:

### **1. General Criteria:**

Assuring the highest quality of aesthetic experience for the citizens of Fernandina Beach is the primary criterion for selection of public art. The objective is to develop a worthwhile, enduring, and varied collection of artwork in public spaces.

In commissioning or accepting public art the following general criteria apply:

- A. Media: All visual art forms and materials will be considered.
- B. Style: Artwork reflecting any school, movement, method style will be considered.
- C. Range: Artwork may be functional or non-functional; conceptual or tangible; portable or site-specific; including folk art, craft or fine art.
- D. Character: Artworks must be appropriate in scale, media, style, and content to the project and environment to which they will relate.
- E. Permanence: Consideration should be given to structural and surface integrity and the use of materials appropriate to the location so as to minimize or eliminate maintenance and repair costs.
- F. Public Safety/ Liability: Artworks and art places must be free of unsafe conditions or other factors bearing on public liability.
- G. Diversity: In selecting works, the City will strive for diversity, reflecting the social, ethnic and cultural fabric of the community.

Funding: Funding for purchase or commission of specific works of public art may be developed through the City budget process, grant or fund-raising activities, private or corporate donations, or any other process of ACN and the City of Fernandina Beach in accordance with its rules. The Public Art Selection and Acquisition Policy does not obligate or guarantee funding for public art.

### **2. Arts and Culture Nassau Public Art Acceptance Policies**

#### **Site Selection:**

Through partnership with the City of Fernandina Beach Historic District Council and the City of Fernandina Beach, Arts and Culture Nassau has developed a map of recommended locations for both temporary and permanent public art displays.

In the selection of locations for the installation of proposed public art, ACN strives to place public art in appropriate sites throughout the community with the objective of providing quality art to the greatest number of citizens.

The objective is to develop a worthwhile, enduring, and varied collection of artworks in City public spaces that enhances, enlivens, and enriches the City while reflecting the values of the community.

**Selection Process:**

All public art in Fernandina Beach will be determined through a process overseen by ACN. The objective of the ACN selection process is to allow for broad representation of both Commission and community interests in the selection of public art.

For each approved site for public art, ACN will oversee the art selection process. For permanent artwork, recommendations will be forwarded to the City Commission for approval.

Artwork may be selected by purchase, commission, donation, or by contract with the artist as part of a design team.

Selected artwork will be original work completed by the submitting artist.

The following criteria govern the selection of public art in the City of Fernandina Beach and will be utilized by ACN during the process of review, selection and approval of public art:

- A. Artistic Quality and Originality: The strength and originality and creativity of the artist's concept and demonstrated skill or craftsmanship.
- B. Context: The appropriateness of the concept within the proposed architectural, geographical, socio-cultural, and historical context, including use of appropriate scale and materials for the site.
- C. Diversity: Issues related to race, age, style, media of the art within the context. Emphasis will be on local and regional artists whenever possible.
- D. Feasibility: Budget, timeline, and probability of success
- E. Design & Construction: Issues related to fabrication of the installation, its durability, resistance to vandalism, long-term maintenance issues, and weather permanence.
- F. Support: Demonstrated community agreement/support for the project. ACN may choose to create an advisory group to represent the community in the selection process.
- G. Public Safety: Meets any and all applicable building codes for public projects. Artist has shown due diligence in developing appropriate installation plans.
- H. Other: ACN may adopt other project specific criteria pertinent to special considerations of the site, the project, or the Commission's specific intent, provided such criteria are clearly and completely stated.

**4. Administration of Program**

Arts and Culture Nassau will manage implementation of public arts programming as follows, coordinating with others (City staff as appropriate and necessary):

- A. Encourage, identify, and accept public art sites, locations and projects.
- B. Participate in the coordination and development of funding sources to support the Public Art Program.

- C. Approve or reject art work using outlined criteria.
- D. Work with City staff to determine physical and logistical components of art installation. In some cases, the artist may be responsible for acquiring additional permits outside of the Public Art permit process.
- E. Arts and Culture Nassau may convene community panels to advise in the art selection process.
- F. May assist in preparation of any necessary signage, including identification labels and/or plaques.
- G. Serve as resource, guide, and counsel to the City Council and the City Manager regarding public art related issues.

#### **5. Ownership/Copyright/Reproduction/Re-siting/Resale**

- A. Permanent works of art will remain the property and responsibility of the City of Fernandina Beach until such time as ownership is transferred to another party.
- B. The City intends that the work shall remain accessible to public viewing for as long as the City owns the work, however in some cases permanent art work may need to be removed from display.
- C. The City retains the right to transfer work from one City-owned site to another, as it deems necessary, to place the work in storage, in another facility, to make a temporary loan to another agency or organization, or to resell.
- D. The City retains the right to deaccession works of arts it no longer desires to retain as a component of the public art program and move or transfer art as the City deems necessary.

#### **6. Accepting Donations or Acquisitions of Art Work**

In addition to supporting the Public Art Program via financial assistance or the grant of land or long-term easements for public art, private parties and other entities may offer to donate completed or proposed works of art to the City of Fernandina Beach under the Public Art Program.

It is the responsibility of Arts and Culture Nassau to review such proposals for consistency with the Public Art Program goals and, where appropriate either accept or reject such gifts to the City.

All such determinations reside with the ACN and any committee appointed thereby, as the designee of the Fernandina Beach City Commission. In evaluating offers of donated artwork, the ACN will use the procedures and criteria established to determine the appropriateness of both the proposed site and the extant or proposed work of art.

The ACN will make a recommendation to the City Commission based on the acceptance of the proposed art work. If the Commission approves the work of art, installation and maintenance of the work will be the responsibility of the City of Fernandina Beach. In most cases, installation will be performed with the artist's input.

ORDINANCE 2012-03

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH, FLORIDA, CREATING CHAPTER 70, ARTICLE 3, SECTIONS 70-150 THROUGH 70-154 OF THE CITY CODE OF ORDINANCES ESTABLISHING AN ART IN PUBLIC PLACES PROGRAM, PROVIDING FOR PURPOSE; PROVIDING FOR DEFINITIONS; PROVIDING FOR ESTABLISHING COMMITTEE ROLES AND RESPONSIBILITIES; PROVIDING FOR OWNERSHIP AND MAINTENANCE; ESTABLISHING AN ART IN PUBLIC PLACES FUND; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the intent and purpose of this ordinance to further the commitment of the City of Fernandina Beach to the aesthetic, historical, cultural, and economic enrichment of the community through the creation of works of art so that citizens and visitors to the City of Fernandina Beach are afforded an opportunity to enjoy and appreciate works of art. The requirements of this chapter shall be construed to promote the aesthetic values of the community and to encourage the preservation and protection of works of art.

WHEREAS, the City of Fernandina Beach recognizes that a superior and diverse aesthetic character of the City's built environment is vital to the quality of life of its citizens, and the economic successes of its businesses, and serves as an attraction for visitors and a benefit to tourism; and that a public art and design program would contribute to the aesthetic enhancement of the community; and

WHEREAS, the City Commission desires to create an Art in Public Places Program that reflects and enhances the City's diversity, character, and heritage through the artworks and designs by artists integrated in architecture, infrastructure, and landscape throughout the City of Fernandina Beach on public property; and

WHEREAS, the City's public art and design program shall promote and unite the community through art, bring public art and education to the community, and create public arts community partnerships; and

WHEREAS, section 70-150 through 70-154 of the City Code of Ordinances shall be known and cited as the "Art in Public Places Program".

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FERNANDINA BEACH AS FOLLOWS:

SECTION 1. That the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended by adding a new article under Chapter 70, and such article shall read as follows:

### **Article III. Art in Public Places**

SECTION 2. That the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended by adding a section to be numbered 70-150 which section shall read as follows:

#### **Sec. 70-150. Purpose**

The City of Fernandina Beach recognizes that providing for public art and enhancing the appearance of buildings and spaces provides benefits to the community by expanding the historical, cultural, and creative knowledge of citizens. It further recognizes the diverse aesthetic character of the City's built environment is vital to the quality of the life of its citizens, the economic successes of its businesses, an attraction for visitors and a benefit to tourism; and that a public art and design program contributes to the aesthetic enhancement of the community.

SECTION 3. That the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended by adding a section to be numbered 70-151 which section shall read as follows:

#### **Sec. 70-151. Definitions**

1. Aggregate Job Value means the total of all construction costs associated with a particular permanent art installation. Construction costs shall include all labor, structural materials, plumbing, electrical, mechanical, infrastructure, and site work.
2. Artist or Professional Artist means a practitioner in the visual arts, generally recognized by critics and peers as a professional in the field. Indications of a person's status as a professional artist include, but are not limited to, income realized through sole commission of artwork, frequent or consistent art exhibitions, placement of artwork in public institutions or museums, receipt of honors and awards, and training in the arts.
3. Art, Artwork, or Works of Art means tangible creations by an artist exhibiting the highest quality of skill and aesthetic principles and includes all forms of the visual arts conceived in any medium, material, or combination thereof, including, but not limited to, paintings, sculptures, engravings, carvings, frescos, stained glass, mosaics, mobiles, tapestries, murals, photographs, video projections, digital images, bas-relief, high relief, fountains, kinetics, collages, drawings, monuments erected to commemorate a person or an event, functional furnishings, such as artist designed seating and pavers, unique or original architectural elements and artist designed landforms or landscape elements. The following shall not be considered artwork or works of art for purpose of this ordinance:
  - a. Reproductions or unlimited copies of original artwork,
  - b. Art objects, which are mass-produced, or
  - c. Works that are decorative, ornamental, or functional elements of the architecture or landscape design, except when commissioned from an artist or designed as an integral aspect of a structure or site.
4. Arts and Culture Nassau is the advisory board established by the City of Fernandina Beach City Commission, pursuant to Resolution 2007-102 as amended, shall oversee and administer the Art in Public Places Guidelines.

5. Art Permit Fee shall be a one-time fee to be paid by the artist or entity applying for each temporary art installation. The fee shall go into the Art in Public Places maintenance fund and be utilized for the creation of artist recognition plaques and insurance coverage.
6. License Agreement shall be a temporary agreement between the City and an Artist to place Art in Temporary Art Locations on City property.
7. Permanent Art means artwork created either as a donation to the City or by the City and intended to be in place for a period greater than one (1) year. Permanent Art shall be installed in cooperation with the artist. The City shall be responsible for ongoing maintenance activities for the life of the artwork.
8. Publicly Accessible means locations that are open to the general public during normal business hours and are visible by the general public at all times.
9. Art in Public Places Program Fund means a separate, non-interest bearing account set-up by the City to receive monies for the Art in Public Places Program.
10. Art in Public Places Design Guidelines means a set of guidelines established by the Arts and Culture Nassau in cooperation with the City Attorney and City staff to provide procedures for the review and approval of public art.
11. Temporary Art Locations means artwork intended to be temporary in nature and lasting no longer than one (1) year. Temporary artwork must be installed, maintained, and removed in compliance with the approval received by the Arts and Culture Nassau. Any temporary artwork which becomes defaced, altered from its original approval, or destroyed is subject to immediate removal and loss of its approved status.

SECTION 4. That the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended by adding a section to be numbered 70-152 which section shall read as follows:

**Sec. 70-152. Committee Roles and Responsibilities.**

The Arts and Culture Nassau committee shall administer the Art in Public Places Program. Its purpose, functions, role, and responsibilities within the Art in Public Places Program shall be as follows:

1. Develop guidelines, selection procedures, and organizational policies for both temporary and permanent artwork to facilitate the Art in Public Places Program.
2. Review and approve temporary art installations for compliance with the established Art in Public Places guidelines with final approval granted by the Arts and Culture Nassau. Temporary art locations shall be determined by the City Manager or his/her designee. Temporary art locations will be specific and are subject to change. The Arts and Culture Nassau may issue recommendations for extending or relocating temporary art to the City Commission.
3. Review and issue a recommendation on all permanent art installations pending review by the Historic District Council, if located within a designated historic district or the Community Redevelopment Area (CRA), and provide notice to applicants that all permanent works of art are subject to final approval by the City Commission. Permanent art locations shall be determined on a case by case basis.
4. Establish artist recognition procedures for the placement of plaques. This shall apply to both temporary artwork and permanent art installations. Plaques recognizing the artist shall become property of the City.

5. Prepares an annual Art in Public Places Program expenditure plan for the monies in the Art in Public Places fund for approval by the City Commission during its annual budget review process.
6. Related to City construction projects, in concert with City staff, is responsible for working with appropriate department program planning; designating temporary public art locations and long-term/ permanent public art locations; provide support in determining project scope and budget; managing the artist selection process; commission artworks; approve design, execution and placement of artworks from the City's public art collection.
7. Issue recommendations to the City Commission on final selection of permanent art installations for purchase. Any approvals for purchase are then guided by the City's purchasing requirements.
8. Recruit professionals in the visual arts and design fields to serve in the artist selection process in order to ensure works of highest quality.
9. Encourage public art throughout the City and shall educate and stimulate participation of all citizens in a joint public and private effort to promote art in public places.
10. Ensure appropriate community participation in this process and provides public education activities as part of public art projects.
11. Coordinate, investigate, review, and recommend to the City Commission other means by which artworks may be obtained, including donations to the Art in Public Places Program, and grant applications for public art projects.
12. Administer the City's donation policy for artwork in cooperation with the City Attorney's Office and the City's Finance Department.
13. Special Events as permitted by the City, in which artwork may be displayed as part of the event on City rights-of-way or within public parks, are exempt from necessary public art permitting requirements. All artwork exempt from public art permit requirements must be removed within 24 hours of the end of the permitted special event.

SECTION 5. That the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended by adding a section to be numbered 70-153 which section shall read as follows:

**Sec. 70-153 Ownership and maintenance.**

1. The City shall retain ownership of all permanent works of art acquired and shall retain title to each work of art.
2. Artwork which has been donated to the City as a permanent art installation becomes property of the City upon formal acceptance by the City Commission. The City, in cooperation with the artist shall install the artwork. All maintenance activities will be conducted by the City indefinitely or until the artwork is removed.
3. All contracts for artwork that will be acquired or accepted for ownership by the City must be reviewed and approved by the City Attorney's Office.
4. Ownership of all works of art incorporated into private construction projects, as may be required for development approval, shall be vested in the property owner who shall retain title to each work of art. If the property is sold, the seller may either:
  - a. include restrictions in the deed that require maintenance of the artwork and prevent its removal from the property;
  - b. transfer ownership of the artwork to the City of Fernandina Beach to be maintained as public artwork; or

- c. remove the artwork and make a contribution to the Art in Public Places Program fund in an amount equal to 0.75% of its initial Aggregate Job Value.
5. If the title is passed to a subsequent owner and, as a result, a deed restriction exists as to the artwork, the subsequent owner shall maintain the artwork in accordance with applicable codes or other established guidelines. The artwork cannot be altered, modified, relocated, or removed other than as provided herein without prior approval of the Arts and Culture Nassau.
6. Artwork owners will be required to maintain the work of art in good condition in the approved location, as required by code or other applicable guidelines for all temporary artwork installations including, but not limited to, normal code enforcement rules, to ensure that proper maintenance is provided.
7. The artwork owner may request that artwork be removed from the site due to hardship with the approval of the Arts and Culture Nassau. In addition, in the event there is a condition that occurs outside of reasonable control of the owner, then this provision may be implemented with the approval of the Arts and Culture Nassau.

SECTION 6. That the Code of Ordinances, City of Fernandina Beach, Florida, is hereby amended by adding a section to be numbered 70-154 which section shall read as follows:

**Sec. 70-154. Art in Public Places Program fund.**

1. The City shall maintain a separate accounting of monies received for the Art in Public Places program which shall consist of the following:
  - a. All funds received as part of the art permit fee.
  - b. All funds donated to the City for purposes of the creation or maintenance of public art or for purposes of community outreach and education furthering the mission of the Arts and Culture Nassau; and
  - c. Any funds allocated by the City for the Art in Public Places Program through the budgetary process.

The Art in Public Places monies shall be used solely for expenses associated with the selection, commissioning, acquisition, installation, maintenance, administration, removal, and insurance of work of art or public education in relation thereto at the discretion of the City Commission. Such funds shall be administered by the City in consultation with Arts and Culture Nassau. Custody of the Art in Public Places funds shall remain with the City and all City policies and procedures shall be strictly adhered to regarding the oversight of such funds. Programming of Art in Public Places expenditures for new artwork shall be included in the annual capital improvements plan and expenditures related to ongoing maintenance of the Art in Public Places program shall be included in the operating budget of the City.

A minimum of ten percent (10%) of all non-restricted Art in Public Places Program funds which are applied to City-owned public art projects shall be deposited into an Art in Public Places "maintenance" account. The "maintenance account" shall be administered by City staff as a function of the Art in Public Places Program.

SECTION 7. SEVERABILITY. If any section, subsection, sentence, clause, phrase of this Ordinance, or the particular application thereof, shall be held invalid by any court, administrative agency or other body with appropriate jurisdiction, the remaining sections, subsections, sentences, clauses and phrases under application shall not be affected thereby.

SECTION 8. This Ordinance shall become effective immediately upon final adoption.

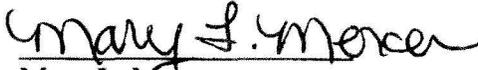
ADOPTED this 1<sup>st</sup> day of May, 2012

CITY OF FERNANDINA BEACH



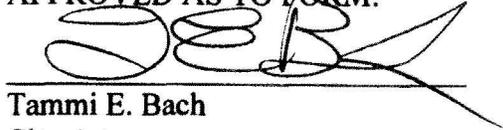
Arlene R. Filkoff  
Mayor - Commissioner

ATTEST:



Mary L. Mercer  
City Clerk

APPROVED AS TO FORM:



Tammi E. Bach  
City Attorney

Date of First Reading:	April 3, 2012
Date of Legal Ad:	April 18, 2012
Date of Second Reading And Public Hearing:	May 1, 2012

CITY COMMISSION AGENDA ITEM  
CITY OF FERNANDINA BEACH

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SUBJECT: Resolution 2013-112  
Adopting the process/guidelines of "Art in Public Places"

DEPARTMENT: Parks & Recreation Department

ATTACHMENTS:  Ordinance  Resolution  
 Support Documents  Other

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RECOMMENDED ACTION: Approve Resolution 2013-112

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SUMMARY: On May 1, 2012, the City of Fernandina Beach City Commission approved an amendment to Chapter 70 of the City of Fernandina Beach Code of Ordinances adding Article III. This Article refers to the Art in Public Places Program. This approved addition of Section 70-150 through 70-154 of the code was developed by the Arts and Culture Nassau Committee and establishes the process/guidelines for art placed on City property.

The Arts and Culture Nassau Committee would like for the City Commission to give final approval of these guidelines.

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FISCAL IMPACT:

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CITY ATTORNEY COMMENTS: No Additional Comments.

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DEPARTMENT HEAD	Submitted by: Nan Voit Parks and Recreation Director	Date: 7/25/13
	Requested Agenda	Date: 8/20/13
FINANCE DEPARTMENT	Approved as to Budget Requirements	Date:
CITY ATTORNEY	Approved as to Form and Legality <i>TEBJ</i>	Date: <i>8/13/13</i>
CITY MANAGER	Approved Agenda Item for 8/20/13 <i>per</i>	Date: 7/30/13

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COMMISSION ACTION:  Approved As Recommended  Disapproved  
 Approved With Modification  Postponed to Time Certain  
 Other  Tabled

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Approved at the City Commission  
*Regular* Meeting  
Held on 8/13/13  
Voted: 50 Initial: YB