

**MINUTES
CITY OF FORT MYERS
PUBLIC ART COMMITTEE
May 17, 2022**

The Public Art Committee of the City of Fort Myers, Florida, met in regular session at Oscar M. Corbin Jr. City Hall, 2200 Second Street, its regular meeting place in the City of Fort Myers, FL, on Tuesday, May 17, 2022, at 4:00 p.m. Present were: Carolyn Gora, Chair, presiding, Committee Members, Bettye Middlebrooks, William Taylor, Leila Mesdaghi and Molly Deckart. Also present were Grant Alley, City Attorney, Tom Hall, Art Consultant, Jose Parrilla, Parks Interim Manager, and Reva Daly, Public Works Fiscal Coordinator. Absent: David Meo, Victor Dotres, and Ava Roeder.

CALL TO ORDER

Chair Gora called the meeting to order at 4:05 p.m.

PLEDGE OF ALLEGIANCE

Chair Gora led the Pledge of Allegiance to the Flag.

ROLL CALL - Taken by Reva Daly.

PUBLIC COMMENT

Brent Scheneman spoke on item number four.

Jeanne Wilkins spoke on item number four.

Shari Shifrin spoke about projects going on at the Fort Myers Mural Society.

REGULAR ITEMS

1. Approval of April 19, 2022, Minutes

MOTION: Committee member Taylor moved to approve the minutes of the April 19, 2022, meeting; seconded by Committee member Middlebrooks; motion carried 5-0.

2. Input from Councilmember Bochette, City Council Liaison, (Ward Four)

Councilmember Bochette was not in attendance for the Public Art Committee meeting.

3. Update from Jose Parrilla, Parks & Beautification

Jose Parrilla, Parks Interim Manager noted that the parks department fixed all the cracks and holes at the bottom of Rachel at the Well on McGregor. He stated that they recoated the inside of the pool, so it's back to normal and they should be filling it up with water on Friday and turning it back on.

PUBLIC ART COMMITTEE

May 17, 2022

2 | Page

4. Request to Deaccession Fountain Components in Uncommon Friends Public Art Installation

Tom Hall, Art Consultant read into record a formal letter requesting deaccession of the fountain features in Uncommon Friends (see end of minutes for the letter). He noted that under the deaccession policy it requires him to make a presentation regarding the specifics of the artwork so the committee can consider to approve or disapprove the request for deaccession. Mr. Hall presented a power point presentation about Artist Don D.J. Wilkins and his sculpture Uncommon Friends. He went over all the features in the pool, damages and future costs of maintenance in his deaccession report. His presentation included the process of deaccessioning the water feature and replacing it with grass. He noted that the deaccessioning of the water feature is subject to approval by the Historic Preservation Commission and City Council. Mr. Hall offered alternatives to deaccessioning. He stated that they are not here considering deaccessioning the entire artwork, but removing the components that make up the water feature. Mr. Hall noted that the Public Art fund is chronically underfunded and if money were no object, he didn't think they would be considering deaccession. He stated they have a finite amount of money and a responsibility to decide if they can afford to maintain a portion of the installation that continually gets broken because people are walking on it and trying to get over to the island for photo ops. Mr. Hall stated that if they do end up with proceeding with this change the intention is to rededicate the sculpture. Chair Gora stated she would like the pieces deaccessioned and to switch it to grass to make it more authentic. She noted that people want to have their picture taken with the hero's not the animals. Committee member Deckart noted that the integrity of the sculpture isn't the same, because we are constantly repairing it, so the original shapes look less like the original work, which is something to consider long term. Committee member Taylor asked if they were on a time frame. Mr. Hall replied no. Mr. Hall noted that it would be possible for city staff to paint the bottom of the pool, refill it and turn the fountain back on and defer making a decision on it. Mr. Hall noted that our deaccession policy contemplates that the committee would take action today. The committee discussed the costs to maintain the artwork. Mr. Hall noted that a compromise position would be to vote to approve deaccession subject to giving the public a specified time frame, to find sponsors for the artwork in order to ensure that it's conserved, maintained and full functioning. Grant Alley, City Attorney noted that this would require a Certificate of Review by the Historic Preservation Commission which is an established city board by ordinance and it's a quasi-judicial process similar to the deaccession policy. The applicant would be the city and they would present a report, most likely the report will talk about the expenses, the cost of maintenance and those types of things. If they grant the Certificate of Review, then that matter would be the end. Mr. Alley stated that if they deny the Certificate of Review, there is an appeal process to the Mayor and City Council, so the applicant can appeal it.

PUBLIC ART COMMITTEE

May 17, 2022

3 | Page

MOTION: Committee member Taylor moved to deaccession Uncommon Friends with the caveat of six months to raise funds to maintain it; seconded by Committee member Middlebrooks; motion carried 5-0.

It was noted to wait until the end of the six months to apply for the Certificate of Review. Mr. Hall stated he would reach out to his media outlets and sources and let them know what the committee's action was and that there is a need for sponsors.

5. Status of Mickael Broth Rise Above Project

Tom Hall, Art Consultant noted that Mickael Broth has signed the public art agreement, but it has not been submitted to or approved by Council. He said that once the contract is approved the city is obligated to provide a site ready for installation within six months, but that phase of the Forum has not even been started. Mr. Hall noted what parks decided to do was the exercise path portion of the park first, so as a consequence we can't meet our six-month obligation as things presently stand and the funding for that phase of the Forum project may not even be under consideration until the new fiscal year until the new budget is determined. Mr. Broth is amenable to an addendum agreeing that the timeline on the contract will start once construction on that phase of the park starts. Mr. Broth based his \$50,000 budget on the current cost of materials, but because of supply line problems and other issues material costs have been increasing, so he is asking for an accommodation for the increased costs and the committee would be responsible for finding the money to make that whole. Mr. Hall suggested that for example, we could say subject to it not exceeding 20 percent of the project or whatever the percentage would be. Mr. Hall noted that they should have about \$20,000 available for maintenance from the Fire Station 17 project, so he thought that could be funded. Mr. Hall stated that they will submit this to legal first and then of course it still goes before City Council. He suggested they say not to exceed 10 percent or 20 percent of the project, but it seems like a 20 percent contingency would be appropriate. Mr. Hall said given the fact that in all probability instead of this project being completed at the end of 2022, the best-case scenario is 2023 if not sometime in 2024.

MOTION: Committee member Taylor moved to add an addendum to Mickael Broth's contract that the six month time frame will not begin until the city is ready to begin the project and there be an offer of a not to exceed 20 percent increase if needed; seconded by Committee member Mesdaghi; motion carried 5-0.

6. Status of MLK/VSSB Gateway Artwork, Cecilia Lueza Journey of Hope

Tom Hall, Art Consultant noted that artist Cecilia Lueza has reviewed the contract and she is in agreement with everything except a handful of small changes. He stated that Ms. Lueza said that after consulting with their engineer for wind load purposes their engineer recommends that the height of the sculpture not exceed 16 feet. Mr. Hall noted that since the base is going to be approximately three feet in height that would

PUBLIC ART COMMITTEE

May 17, 2022

4 | Page

essentially give you a 19-foot overall height. Ms. Lueza also had an issue with the time frame and said that instead of it starting when they get their first trench of money under the contract, they would like the first six months to start once the city approves their final design. Mr. Hall stated that they asked for 50 percent of the total cost up front and to begin the fabrication process. He noted that the only issue is when he prepared the contract and submitted it to legal, it was under the assumption that the contract would be between the city and the artist. Since then, the CRA has stepped forward and said that since they are providing the funding then they would like to be made party to the contract. Mr. Hall said that legal has agreed and now the CRA's attorneys are reviewing the agreement and these requested changes. He noted that Michelle Hilton Terry stated that should be completed in the next week or two with the hopes that it will go on next month's agenda, and we can get this started sometime in June.

7. Status of Fire Station 17, Call to Artist

Grant Alley, City Attorney noted that he reviewed the matter in reference to the mandatory money that is donated into the Public Art for Fire Station 17, for vertical construction with the intent that it goes on the site, but in this case the site is not a site for public art according to the host of the site. He noted that after review of the statue, the ordinance did not anticipate this type of circumstance. Mr. Alley noted that his opinion is that they are free to use the funds at a different site or a different location. Mr. Alley stated that this is not an opinion for future projects where payment is mandatory, and he is limiting it to this circumstance. Committee member Taylor inquired if the funds are limited to public art or if the money could be used for maintenance purposes. Mr. Alley believed that maintenance of public art is public art. Committee member Deckart asked if this sets a precedence for hosts to deny future public art projects based on this. Mr. Alley noted that it does not set a legal precedence, but it sets a historical precedence. Mr. Hall noted to come back and address this in June when we can give proper notice to the public and that the committee should make a motion to notify the three artists that we are not going to proceed with the station 17 project.

MOTION: Committee member Taylor moved to contact the artist and let them know that the fire station 17 project will not be happening; seconded by Committee member Deckart; motion carried 5-0.

8. Report on Opening of Individual Artist Grant Recipient Show at Sidney and Burne Davis Art Center

Tom Hall, Art Consultant noted that the opening for the individual artist grant recipient show was very successful. He stated that the committee members should have received bios for the 17 artist that participated in the show in their agenda packet. He noted that a lot of people will get to see it during the four days of the Fort Myers Film Festival. Mr. Hall also informed the committee that Lily Hatchett has arranged for a closing reception on Wednesday, May 25th.

PUBLIC ART COMMITTEE

May 17, 2022

5 | Page

9. Tom's take on FAPAP Annual Conference

Tom Hall, Art Consultant noted that he had the honor and pleasure of speaking with Mary Davis Wallace the chief planner of the city of Sarasota's public art program. He converted that interview into a spotlight on the arts radio segment on WGPU and suggested the committee listen to that. He noted that a lot of the interesting things that they are doing in Sarasota have to do with roundabouts, have to do with murals and have to do with introducing public art into neighborhoods, so that art becomes a matter of people's everyday lives. Mr. Hall thought that next month they will talk about greater opportunities for this committee to expand its collection by partnering with the Fort Myers Mural Society and other local mural painters. Mr. Hall noted that he was part of a pod cast for Southwest Florida Strong. Chair Gora noted that the New York Times had an insert about museums and on the last page it had the art that is going on in the west coast of Florida. Mr. Hall noted that he had the luxury of being interviewed by Nancy Threatt for an article that she did in Florida Weekly. He said this particular piece compares public art programs not only ours but some of the others in Southwest Florida and it shows how their funding is actually more assured than ours is, because for example Naples is including contributions from developers and other percent for art ordinances. Mr. Hall noted that Sarasota is funding all the great art that they are doing through developers, because they get a half a percent on any private development projects that exceed a million dollars and she indicated that they're receiving several hundred thousand dollars a year to be able to fund their program. He noted that one of the things that came up at the FAPAP conference is that we not only have to do a better job of not only advocating for public art but educating our government officials about the benefits of public art. Mr. Hall stated that he took this article and highlighted it and added his own post it notes to the article. He noted that he hand delivered a copy to each and every one of our City Council members, the Mayor and our city manager for whatever good that will do, but at least he got the information out there. Committee member Taylor noted he read Mr. Hall's article about Sarasota and that they do get push back from developers and they deal with it. He asked if Mr. Hall had more insight to how they actually get them to accept it. Mr. Hall noted that is because they are given a seat at the table. He stated that when the developer comes in with their project they have to sit down with someone from public art, so public art right up front has the ability to explain to them the benefits of public art, they explain to them how public art either on their project or in the vicinity of their project can actually increase the amount that they can ask from tenants or purchasers, and they are able to interface the developer at the beginning rather than after the fact. Committee member Deckart suggested inviting another city down to talk about the public art program directly. She said like reaching out to a St. Pete which has had a transformative experience in public art and what it has done for its city, maybe just getting them in the room and having them present some of that information, because it is a long process. Mr. Hall stated there are several programs that just leap to mind in hoping that some of our City Council members or maybe our Mayor are competitive in some way and to maybe invite Naples. Mr. Halls understanding was that they have half a million dollars sitting in their public

PUBLIC ART COMMITTEE

May 17, 2022

6 | Page

art account trying to figure out what they want to do with it, because they get money from developers on a square footage basis. He noted that Tampa has over 800 artworks in their collection, and they are now doing something similar to what we're doing, they call theirs art on the block, we call ours art hubs, but same basic concept. He noted that Collier County sees the wisdom to public art to the point where they are now actually doing the leg work to find how to install a public art program for Collier County and the city of Naples. Their city manager is very pro public art and so they are actually exploring passing a percentage for art ordinance as well. Chair Gora noted that the city manager for Cape Coral has been very pro art. Mr. Hall stated that yes, maybe inviting them to come and speak would be great, just the question is can we do that by way of a workshop for City Council. Committee member Deckart said she was sure the Alliance would be happy to host.

10. Comments on FAPAP by other Committee members who attended

Chair Gora said that it was really great to see what is going on around the state, and that she is very proud that it is her state, but it also makes her want more for our community. Committee member Mesdaghi noted it gave her some hope being so close to what's happening there and how active they were.

11. Extension of Tom Hall's Public Art Consultant Agreement and Request for 10 percent increase of Compensation

Tom Hall, Art Consultant spoke on his contract that is up at the end of this month. He noted that he was asking for the committee to renew him for another year, subject to a 10 percent increase. He said last time we asked them for a \$5,000 increase and they summarily said no. Committee member Taylor asked if 10 percent is approvable. Mr. Hall thought it to be more approvable than \$5,000, but who knows. Mr. Hall noted that he had heard somewhere recently that the city of Bonita Springs just approved an eight and a half percent cola increase for their city workers, he thought there is some support out there. He stated that he didn't think they've increased his pay for the last three years, so if it averages out it is like three and a half percent. Mr. Hall said they may decline to do the increase, but he thought that it would behoove the committee to have him for another year.

MOTION: Committee member Mesdaghi moved to extend Tom Hall's Public Art Agreement and request for a ten percent increase; seconded by Committee member Middlebrooks; motion carried 5-0.

12. Upcoming Public Art Committee Meeting rescheduled

Due to observance of the Juneteenth Holiday the Public Art Committee rescheduled there June meeting for Wednesday, June 29, 2022, at 4:00p.m. in the Council Chambers.

PUBLIC ART COMMITTEE

May 17, 2022

7 | Page

OTHER

Tom Hall, Art Consultant noted that they should be looking for ways to leverage the money that they have available to expand our collection and to support efforts like the Fort Myers Mural Society should be incumbent upon being able to find either corporate sponsors or grants that in essence match whatever we're allocating, so that's one of the things that we need to discuss in June. Mr. Hall stated yes, we will have some money, but the question is how do we want to allocate it and what conditions should we place on it, in order to demand that whatever we're spending receives matching funds. Committee member Taylor asked if they have money in the bank. Mr. Hall noted that they can't agree to spend any of the money that is in our fund right now, because we don't know what that number is going to be. Mr. Hall noted that they have 23 Carmona sculptures in total, and they are moving all but three of them. He worked out with Public Works that they would actually provide the manpower and supplies, we would simply reimburse them. He said none of that work has been done yet and that he is being told that instead of the city engineer engineering those pads that they may actually subcontract that out to a contractor, so they'll be a cost associated there, so he couldn't say in good faith that there is money in the Public art fund available for this, but there would be out of that \$69,000 from Fire Station 17. What he needed to find out between now and June is when will that money be deposited, how much is going to be deposited and then we can decide how we want to allocate the funds

ADJOURNMENT

There being no further business, it was moved by Committee member Taylor; seconded by Committee member Middlebrooks; to adjourn the meeting at 6:14 p.m.

PUBLIC ART COMMITTEE

May 17, 2022

8 | Page

Formal Letter Requesting Deaccession

May 14, 2022

City of Fort Myers
Public Art Committee
c/o Donna Lovejoy
City Hall
2200 Second Street
Fort Myers, FL 33908

RE: SUBJECT: Request to Deaccession Uncommon Friends Fountain Feature

Dear Committee Members:

I am hereby formally requesting that the Fort Myers Public Art Committee deaccession the fountain feature of the Uncommon Friends public art installation. This request encompasses the life-size sculptures of the mother alligator, the mother manatee and her calf, the sixteen (16) fish, twelve (12) frogs and four (4) lily pads that occupy the reflection pool that surrounds the sculptures of Thomas Edison, Henry Ford and Harvey Firestone and the island on which they are sited. This request is based upon three interrelated criteria, namely:

1. these features require excessive maintenance;
2. the continued presence of these features poses a threat to public safety; and
3. the condition or security of these features cannot be reasonably guaranteed.

As you know from previous meetings of our Committee, the foregoing features are regularly damaged because members of the general public wade in the pool and step on the rocks and animals in the water in order to reach the island so that they can take selfies and other photos with the three inventors. The condition of the water components is so poor, that our long-term Miami based conservators, Rosa Lowinger & Associates, not only couldn't complete maintenance and conservation of the installation when they were here in February, but will require an additional

PUBLIC ART COMMITTEE

May 17, 2022

9 | Page

\$10,762.67 in expense to complete (on top of the roughly \$6,000 we have already expended from the public art fund).

In making this request, I am mindful of the public's attachment to this artwork, which has long been regarded as a symbol of our town. However, our Committee is obligated to maintain the City's entire collection of artworks for the benefit of its citizens. Given the limited funds we presently have and are likely to receive each year, paying this sum to conserve and maintain a single artwork undermines our ability to properly maintain the other forty outdoor artworks in our collection, particularly given the recurring nature of the damage suffered by components for which I am requesting deaccession.

Thank you for consideration of this matter.

Respectfully,

Carolyn Gora

Carolyn Gora

Member

City of Fort Myers Public Art Committee