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JAN 05 2011

MICHIGAN CITY COMMON COUNCIL

THOMAS F. FEDDER  
CITY CLERK  
CITY OF MICHIGAN CITY

ORDINANCE NO. 4124

AN ORDINANCE ESTABLISHING A PUBLIC ART COMMITTEE  
AND PUBLIC ART FUND

**WHEREAS**, the City has determined that public art is a critical element of providing a diverse and culturally rich environment to residents and visitors of the City that promotes the general public welfare;

**WHEREAS**, a well-conceived work of art can increase the value of a development project, help to lease space more quickly, enhance the image of the community, promote cultural tourism and provide a visible and lasting contribution to the community in return for the ability to build;

**WHEREAS**, public art expresses the confidence, vitality, and optimism of the community and reflects the highest ideals of its citizens resulting in a more beautiful and livable City;

**WHEREAS**, public art enriches and celebrates our community identity by developing a collection of artwork that have strong inherent aesthetic quality and represent diverse communities and a wide range of artistic styles and disciplines;

**WHEREAS**, on November 18, 2010, the Park Department passed Resolution #705, supporting the establishment of a Public Art Committee within the City;

**WHEREAS**, the Common Council of the City of Michigan City believes that it is in the best interest of the citizens of this community to establish a public art committee whose responsibilities would include adopting guidelines for public artwork, adopting a master plan to identify public locations for the display of artwork, and authorizing expenditures for public artwork.

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Michigan City, LaPorte County, Indiana, that Section 2-458 is added to Article VII of Chapter 2 of the Michigan City Municipal Code and shall read as follows:

**Sec. 2-458. Public Art Committee and Public Art Fund.**

- (a) **Definitions:** The following definitions shall apply:
- (1) *Artwork* shall mean any work of visual art, including but not limited to, a drawing, painting, mural, fresco, sculpture, mosaic, photograph, work of calligraphy, work graphic art, works in clay, textile, fabric, wood, metal, plastic, glass, steel and like materials, or mixed media (collage, assemblage, or any combination of the foregoing art media). For projects that involve no structure, art may include a combination of landscaping and landscape design (including some natural and manufactured materials such as rock, fountains, reflecting pools, sculpture, screens, benches, and other types of furniture). The term does not include environmental landscaping or ephemeral arts such as dance, voice, music or poetry, unless expressed in a manner defined above.
  - (2) *Committee* shall mean the Public Art Committee created by this section.
- (b) **Purpose and Intent:** The purpose of this ordinance is to create a committee responsible for authorizing the establishment of guidelines, procedures, and standards for the integration of public art throughout the City. Public art helps create a more livable and visually stimulating City. The presence of and access to public art enlivens the public areas of buildings and their grounds and makes them more welcoming. It creates a deeper interaction with the places where we live, work, and visit. Public art illuminates the diversity and history of a community, and points to aspirations for the future. A wealth of art and culture in the public realm will foster the economic development of our community.

181

- (c) Establishment of Committee & Members: There is hereby created a committee, to be known as the Public Art Committee, which shall be composed of eleven (11) members, ten (10) who shall be appointed by the Mayor, by and with the advice and consent of the Common Council, and the member of the Common Council who serves on the Plan Commission. To be eligible to serve as a member, the individual must have an affiliation with the City, which may be established by either owning real estate in the City, residing in the City, or maintaining employment within a business located in the City. In addition, the eleven (11) members of the committee shall be chosen from the following disciplines:

- One (1) member from the Lubeznik Center for the Arts;
- One (1) member who is an Engineering/Architect;
- One (1) member of the Michigan City Common Council;
- One (1) member from Purdue University;
- One (1) member from the LaPorte County Convention & Visitors Bureau;
- One (1) member from the Michigan City Park Department;
- One (1) member from the Michigan City Public Library;
- Two (2) members from the arts community; and
- Two (2) at-large members of the community that have demonstrated knowledge of public art, education, or community affairs.

Members shall be appointed for terms of (3) three years each, except that any individual appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. Any member of the commission may be removed by the Mayor upon notice and hearing for neglect of duty or malfeasance.

- (d) Organization and Conduct of Meetings:

- (1) At each annual meeting, the committee shall elect a member to serve as the chairperson for a term of one (1) year and until a successor chair is elected.
- (2) A vacancy on the commission shall not impair the right of the remaining members to exercise all the powers of the commission, and seven (7) members shall at all times constitute a quorum.
- (3) The chairperson may call meetings of the committee. Meetings may also be called by written notice signed by at least three (3) members of the committee. The committee shall convene no less frequently than once every month, unless deemed unnecessary by the chairperson with concurrence, either written, in person, or telephonic, of a majority of the members of the committee. The committee may meet more often, should the demand necessitate. The committee may, at any meeting, set a future meeting date. Minutes shall be kept of all meetings, including the vote of each member upon each action by the committee.
- (4) Members shall serve without compensation but may be reimbursed for pre-approved travel, mileage and per diem expenses as may be authorized by the Board of Works.
- (5) If any member fails to attend (3) successive meetings without cause and without prior approval of the chairperson, the committee shall declare the member's office vacant and promptly notify the Mayor of said vacancy.
- (6) The expenses for carrying on the commission's activities may be budgeted for and paid out of the funds in the City treasury and appropriated by the Common Council. The commission shall also have the authority to accept gifts or bequests, or other payments, public or private, to help finance its activities.

- (e) Powers and Duties: Members shall develop and adopt guidelines for accepting artwork for public display, develop and adopt a master plan to identify public locations for the display of artwork, and authorize expenditures for artwork. Artwork must be approved by the committee prior to placement on any public location and conform to the guidelines established by the committee. The guidelines must include a requirement that the artwork is accessible and readily visible to the public based on location and the normal flow of vehicles and pedestrians. Artwork that closely resembles a logo, sign, or branding of a business shall be rejected by the committee.

- (f) Public Art Fund.

- (1) There is hereby created a Public Art Fund, which shall be a separate

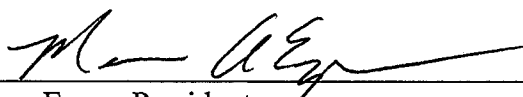
accounting fund set up by the City to receive monies designated for committee use and shall consist of the following: Funds donated to the City specifically for the Public Art Fund and funds allocated by the City through the budgetary process.

- (2) The Public Art fund shall be used solely for the selection, commissioning, acquisition, installation, maintenance, administration and insurance of artwork or in relation thereto, and such funds shall be administered by the Controller.

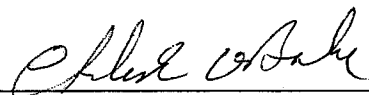
INTRODUCED BY:

  
Richard Murphy, Member  
Michigan City Common Council

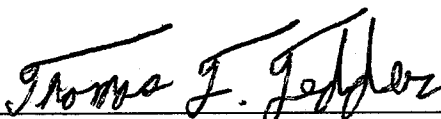
Passed by the Common Council of the City of Michigan City, Indiana, this 18<sup>th</sup> day of January, 2011, by a vote of 9 to 0.

  
Marc Espar, President  
Michigan City Common Council

Approved by me, this 20<sup>th</sup> day of January, 2011.

  
Charles E. Oberlie, Mayor  
City of Michigan City

ATTEST:

  
Thomas F. Fedder, Clerk  
City of Michigan City

*Prepared upon request by City Attorney*