



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Meeting Minutes - Approved MADISON ARTS COMMISSION

---

Monday, June 12, 2017

5:30 PM

210 Martin Luther King Jr Blvd.  
Room 108 (City-County Building)

---

**NOTE: Briony Foy attended via telephone conference call.**

### CALL TO ORDER / ROLL CALL

**Present:** 8 - Sheri Carter; Briony Jean Foy; Kia M. Karlen; Ginger A. Contreras; Cedric A. Johnson; Yvette M. Pino; Barbara M. Schrank and Jenie L. Gao

**Absent:** 1 - Michael I. Ford

**Excused:** 1 - Yorel F. Lashley

### APPROVAL OF April 12, 2017 MINUTES

**A motion was made by Pino, seconded by Johnson, to Approve the April 12, 2017 Minutes. The motion passed by voice vote/other.**

### PUBLIC COMMENT

- Gail Simpson spoke to the Percent for Art ordinance urging the City to reconsider the VARA language both in the original and in the substitute amendment. She would like to see artists have the first right to repair or reclaim their work before the City removes, destroys or alters it. She is also concerned about is the part of VARA that protects commercial use of an artist's work.
- Jennifer Bastran is in favor a Percent for Art Ordinance but does not agree with artists being required to sign away their VARA rights.
- Tiffany Kenney from the BID registered in favor of her Blink application
- Bethany Jurewicz registered to hear discussion of the Percent for Art Ordinance.
- Robert Hemauer spoke about his event Makeshift an upcoming temporary public art exhibition that will be held at Olbrich Park on August 20, 2017.
- Aaron Williams registered in support of his Blink proposal.
- William Turnbull in support for a percent for art program. Opposes requiring artists to sign away VARA rights.
- Veronica Figueroa spoke about the artists right to work, the potential benefits to and her opposition VARA language in the Percent for Art Ordinance.
- Sharon Kilfoy supports Percent for Art but not as written with VARA language.

---

**DISCLOSURES AND RECUSALS**

- Barbara Shrank disclosed that she is a resident in the Dungeon and Monroe neighborhood.
- Jenie Gao is on the Board of Directors of the Arts and Literature Lab and will recuse herself from voting on their Blink Application.
- Kia Karlen disclosed that she works for the Madison Children's Museum.
- Briony Foy disclosed that her husband was involved in drafting of the Percent for Art Ordinance.

**1. [32522](#) Review Overture Contract**

Barb Shrank presented commissioners with Overture's annual report in order for them to review of the contract. She then invited Overture Center Staff to provide some additional highlights to their report.

Overture staff: Kevin Sweeney, Chief Financial Officer; Donna Schmitt, Financial Analyst; Ed Holmes, Director of Diversity and Inclusion; and Alanna Medearis, Programming and Engagement Director; highlighted community outreach and inclusion efforts.

Ed Holmes presented a video that is about 6 minutes long and provides a snapshot synopsis of the work Overture is doing around diversity and inclusion.

<https://m34files.com/dl/r1ldTCdnJh>

Ted Dedee, President and CEO of Overture was also in attendance.

Overture's next report is due to the Madison Arts Commission in October of 2017. It will contain the completed 2017 fiscal year and the budget coming up for the next fiscal year.

**2. [47594](#) Public Art Approval**

Actual Size Artworks, sculptors Gail Simpson and Aris Georgiades, presented their proposed public art project for the Capitol East Parking Garage (see attached pdf "Glimpse").

Review of Art Proposal for Judge Doyle Square referred to July 2017 meeting.

**A motion was made by Pino, seconded by Johnson, to Approve Actual Size Artworks Capitol East Parking Garage Proposal. The motion passed by voice vote/other.**

**3. [21297](#) BLINK Proposal Review**

Commissioners reviewed BLINK proposals and made recommendations as follows:

- Bethany Jurewicz - Makeshift Temporary Art Festival: refer to July meeting to review a more complete proposal. Commissioners noted this could be a fabulous opportunity for Madison.
- Tiffany Kenney/BID - Stars in YOUR City, an outdoor concert series at the stop of State Street: MAC needs to see who the artists are and what they are getting paid. If they are not receiving any other City funding for this concert series MAC will approve \$625 in funding.
- Arts + Literature Lab/ Curators Simone and Max - Off the Wall, an outdoor family friendly experimental film series: MAC approved \$1500 in funding. Jenie Gao left the room for the discussion of this proposal.

- Monroe St Merchants Association Inc on behalf of Aaron Williams - Parking Day 2017 +Monroe Street Festival: MAC approved \$1000 in funding
- Staff should issue a special call for the Stairwell Project: MAC approved \$1500 in funding for this project

**A motion was made by Schrank, seconded by Carter, to Approve. The motion passed by voice vote/other except Karlen voted no on the BID project.**

4. [47273](#)

Creating Section 4.30 of the Madison General Ordinances to create a program for funding public art projects for certain public works projects.

**Regina Flanagan, Public Art Consultant, attended the meeting to provide insights and answer questions. Regina Flanagan resides in Saint Paul Minnesota. She ran the Wisconsin Arts Board Percent for Art Program many years ago and then ran the Minnesota Arts Board's program for 10 years. She was one of the consultants that drafted Madison's Public Art Field guide.**

**Distinctions the Madison Arts Commission would like noted::**

**Ordinance = Definitions, project eligibility, calculating expenditures, art aggregated fund and designation of alternative sites and maintenance and conservation fund. Goal: specificity, but also flexibility.**

**Program Policies & Procedures expressed in Guidelines, etc. = Operationalizes ordinance. Arts Program Administrator Responsibilities in ordinance language now; portions of this should be in procedural guidelines. It is appropriate to address general administrative structure relationship with the Common Council and reporting requirements in the ordinance.**

**Contracts = Bear out ordinance and policies/procedures/guidelines with boilerplate clauses and negotiated clauses specific to projects. Ownership of works of art language could be addressed in contracts. Other contractual issues addressed in the boilerplate: deliverables for design and commission phases; insurances; warranties; maintenance/care/conservation; public notice (plaque or didactics); reproductions, etc. Negotiated clauses include: site preparation; delivery date; installation process.**

**MAC RESPONSE TO ORDINANCE LANGUAGE**

**4.30 (2) under the definition of "Artwork" aesthetic enhancements to infrastructure or extraordinary landscaping/environmental treatments. Generally means streets, bridges, parklands, etc. which are excluded under 4.30 (3) (b) 3 excluding public right of way, utility easements, and highway easements. Assessable funds in 4.30.04 (1) (c) are a funding source for ROW and streets; they're subtracted from the construction estimate. Municipal public art programs generally include public art in streetscape settings, especially arterials in commercial districts. Art as part of residential street construction and renovation is also part some programs including the City of Saint Paul's, i.e. sidewalk poetry, stop sign posts and stormwater sculptures.**

**Also in 4.30 (4) (a) 5 Should the word "Restricted" be added before Funds provided by private individuals and entities shall be subtracted. Private**

not-profits? Business Improvement Districts? Otherwise, why would these be subtracted and not viewed as matching funds if the private individual/entity was especially interested in seeing public art included?

4.30 (6) The Maintenance and Conservation Fund should also handle professional removal, secure storage and re-siting work that must be relocated (to prevent what happened with The Philosopher's Grove). Any funds not spent on projects for whatever reason should be added to the Maintenance and Conservation Fund; emphasis on building up this fund so that it is adequate to handle routine conservation, relocation of work, and emergencies.

4.30 (7) Arts Program Administrator Responsibilities section includes details in (1) more appropriate to Program Policies/Procedures/Guidelines. The paragraph addresses several complex administrative procedures. The Arts Program Administrator or designee of the Director of Planning and Economic Development shall be consulted by the City's project development teams on each project... The Arts Program Administrator is critical to this decision-making. MAC does not want this responsibility removed from the Arts Administrator and recommends striking the words "or designee."

4.30(8) Ownership of Completed Works of Art is very problematic. MAC recommends striking 4.30 (8)(a)(b). The ordinance asks artists to waive their federally-assured rights under copyright law and VARA. It essentially says that creating a work of public art for the City of Madison is like producing a "work for hire" such an architectural plan, landscape design or graphic design.

These hard-won rights are supported by most state and municipal public art programs. Madison's program would be an outlier. No artist of any level of experience, maturity and quality will, or should, agree to give up these rights. It will limit participation in the program and make it less competitive among all of the public art opportunities that are offered through Call for Entry (CAFÉ) for example.

This clause will reflect badly on the program and the municipality. It signals that Madison does not value art and artists when the city wants to support the creative class and creative economies.

It is more common to include language that says the City will own the work of art but that the artist retains copyright and all rights under VARA. Under VARA, the City does have the right to sell, move or remove the work, even where such actions could cause physical defacement or destruction. The artist is informed and given the opportunity to recover the work, or at least photograph/document it before it is destroyed.

Consultant Recommendation: exploration of the potential for public art should be part of every neighborhood plan; a chapter or section of each plan addressing the neighborhood's will and interests on this topic. The Public Art Framework was intended to enable this exploration by artists, neighborhood residents, arts administrators and others.

Commissioners thanked Alder Sheri Carter for sponsoring this resolution and for raising concern with the Common Council Executive Committee about the VARA language.

5. [39932](#) Public Art Conservation

Referred to July meeting

6. [45613](#) 2017 Press and Publicity

Attached

7. [21279](#) MAC Administrative Reports

Several Madison Music City Initiatives are coming up in the next few weeks:

The Between the Waves Music Festival + Conference will be held from Thursday June 15 - Sunday, June 18, 2017

The Madison Area Music Awards will be held on Sunday, June 18, 2017

Make Music Madison will occur on Wednesday, June 21, 2017

## ADJOURNMENT

**A motion was made by Pino, seconded by Johnson, to Adjourn at 9:45 p.m. The motion passed by voice vote/other.**