



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final Community & Economic Development Committee

Wednesday, July 11, 2018

4:30 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

[18-0950](#) CEDC Minutes from 6-20-18

Attachments: [CEDC Minutes 6-20-18.pdf](#)

4. Public Hearings/Apearances

5. Action Items

[18-0952](#) Award the Fair Housing Service Provider for the 2020-2025 Analysis of Impediments to the Metropolitan Milwaukee Fair Housing Council in an amount not to exceed \$28,000

Attachments: [Memo to CEDC for AI sole source contract 06-12-18.pdf](#)
[2018 Appleton AI Proposal.pdf](#)

[18-0954](#) Request to approve the Art in Public Places Policy of the Appleton Public Art Committee

Attachments: [Arts in Public Places Policy-CEDC Final Draft 062018.pdf](#)
[Appleton Public Art Committee Application.pdf](#)

6. Information Items

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Any questions about items on this meeting are to be directed to Karen Harkness, Director, Community and Economic Development Department at 920-832-6468.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



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100 North Appleton Street
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Meeting Minutes - Final Community & Economic Development Committee

Wednesday, June 20, 2018

6:30 PM

Council Chambers, 6th Floor

SPECIAL

1. Call meeting to order

Meeting called to order at 6:30 p.m.

2. Roll call of membership

Present: 3 - Coenen, Alderperson Baker and Alderperson Dvorachek

Excused: 2 - Reed and Alderperson Plank

Others present:

Alderperson William Siebers, District #1

Alderperson Vered Meltzer, District #2

Alderperson Curt Konetzke District #3

Alderperson Joe Martin, District #4

Alderperson Christopher Croatt, District #14

Paula Vandehey, Director of Public Works

Dean Gazza, Director of Parks, Rec & FMD

3. Approval of minutes from previous meeting

[18-0928](#)

CEDC Minutes from 6-13-18

Attachments: [CEDC Minutes 6-13-18.pdf](#)

Alderperson Baker moved, seconded by Alderperson Dvorachek, that the Minutes be approved. Roll Call. Motion carried by the following vote:

Aye: 3 - Coenen, Alderperson Baker and Alderperson Dvorachek

Excused: 2 - Reed and Alderperson Plank

4. Public Hearings/Appealances

5. Action Items

[18-0907](#)

Request to approve the Offer to Purchase from Becknell Industrial, LLC to purchase Lot 20, Plat 2 of Southpoint Commerce Park, consisting of approximately 14.6 acres, at a purchase price of \$35,000 per acre (approximately \$511,000)

Attachments: [Memo on Offer to Purchase Lot 20 Southpoint Commerce.pdf](#)
[Becknell Industrial Cover Letter 6.11.18.pdf](#)
[Becknell.Appleton.WI - Contract.pdf](#)
[Southpoint11_17_SubjectParcel.pdf](#)
[WI_Appleton_2018-03-28-Site Plan.pdf](#)

Alderson Baker moved, seconded by Alderson Dvorachek, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 3 - Coenen, Alderson Baker and Alderson Dvorachek

Excused: 2 - Reed and Alderson Plank

[18-0908](#)

The Community and Economic Development Committee may go into closed session pursuant to State Statute §19.85(1)(e) for the purpose of discussing real estate negotiations regarding the potential sale of Lot 20 of Plat 2 in the Southpoint Commerce Park and then reconvene into open session

The Community and Economic Development Committee did not go into Closed Session.

6. Information Items

7. Adjournment

Alderson Baker moved, seconded by Alderson Dvorachek, that the meeting be adjourned at 6:35 p.m. Roll Call. Motion carried by the following vote:

Aye: 3 - Coenen, Alderson Baker and Alderson Dvorachek

Excused: 2 - Reed and Alderson Plank



MEMORANDUM

"...meeting community needs...enhancing quality of life."

TO: Community and Economic Development Committee
FROM: Nikki Gerhard, Community Development Specialist
DATE: June 27, 2018
RE: Selection of Fair Housing Service Provider for the 2020-2025 Analysis of Impediments

The Community Development Block Grant (CDBG) program contains a regulatory requirement to affirmatively further fair housing based on the Department of Housing and Urban Development's (HUD) obligation under the Fair Housing Act. The CDBG regulation also reflects the CDBG statutory requirement that grantees certify that they will affirmatively further fair housing (AFFH). Under the AFFH obligation, HUD requires a grantee to: (1) conduct an analysis of impediments to fair housing choice within the jurisdiction; (2) take appropriate actions to overcome the effects of any impediments identified through the analysis; and (3) maintain records reflecting the analysis and actions taken in this regard. HUD recommends updating the Analysis of Impediments every three to five years. Because a Consolidated Plan must be drafted every five years under CDBG regulations- with the next plan spanning 2020-2025- staff determined that the reports should be drafted simultaneously.

In early June 2018, the City of Appleton sought a proposal from Metropolitan Milwaukee Fair Housing Council (MMFHC) to update the Analysis of Impediments to Fair Housing Choice (AI), which was last updated in 2013. The MMFHC was contracted through the CDBG program to update the AI in 2011, 2012, and 2013. This request is a sole source contract due to MMFHC being the only qualified contractor in the area with the ability to complete the necessary scope of services. The sole source proposal was reviewed by Jeff Fait, Purchasing Manager. He agreed with the sole source nature of this proposal and therefore it is being brought to CEDC and Council for approval, per policy.

With your approval, the Metropolitan Milwaukee Fair Housing Council (MMFHC), in partnership with their Fair Housing Center of Northeast Wisconsin (FHCNW) satellite office, will be chosen to:

- Review laws, regulations, administrative practices, policies, and procedures and conduct an assessment of how these affect the location, availability, and accessibility of housing, and
- Conduct an assessment of conditions- both public and private- affecting fair housing choice.
- Generate a final report, which will provide solid information for policymakers, administrators, housing providers, lenders, and advocates on how to overcome the identified impediments.

A copy of the proposal is attached for your reference. Community Development Block Grant (CDBG) funds are budgeted to pay for this contract.

Staff Recommendation: Award the 2020-2025 Analysis of Impediments to the Metropolitan Milwaukee Fair Housing Council in an amount not to exceed \$28,000.

Please contact me at 832-6469 or Nikki.gerhard@appleton.org with any questions regarding the Analysis of Impediments or the MMFHC proposal. Thank you!

Proposal for
Analysis of Impediments
to Fair Housing Report

Submitted by



Submitted to the City of Appleton, June 11, 2018

Introduction

The Metropolitan Milwaukee Fair Housing Council (MMFHC) appreciates the opportunity to submit the following Analysis of Impediments to Fair Housing Choice (AI) proposal to the City of Appleton. The proposal includes: a scope of services; a timeline of work; qualifications and a budget.

In selecting a consultant to undertake an Analysis of Impediments to Fair Housing Choice, it is important for the City to consider that staff at MMFHC has the ability and experience to analyze all data collected, both qualitative and quantitative, through a fair housing lens. We are able to determine if a demographic trend, policy or practice may impede or limit a person's fair housing choice based on a protected class. In terms of AIs, this ability distinguishes MMFHC and other fair housing organizations from other entities proposing to write AIs.

Additionally, through its satellite office, the Fair Housing Center of Northeast Wisconsin, MMFHC will be to maximize the AIs usefulness by utilizing its existing relationships and capacity with housing stakeholders in Appleton.

Scope of Services: Approach, Methodology, and Tasks

MMFHC's approach to developing an AI for the City of Appleton will be comprised of several essential components:

1. MMFHC staff will meet with City staff. This meeting will allow MMFHC staff to:
 - identify relevant contacts in the public and private housing communities, as well as contacts representing a cross-section of housing consumers in the area, including groups that have historically and currently faced impediments to fair housing choice;
 - request/obtain copies of City ordinances and other policies that may have fair housing implications;
 - review and assess the City's fair housing efforts to date;
 - obtain existing reports and plans for Appleton and the surrounding County that are relevant to housing and locational choice.
2. MMFHC staff will conduct a demographic analysis of the City. Data will be gathered from the 2010 US Census, the most current American Community Survey, Home Mortgage Disclosure Act (HMDA) reports, School District data and existing locally-generated reports and plans for the City and surrounding region. Data collected will be primarily related to both population (race and ethnicity, disability, age, income, etc.) and housing stock (age, supply, accessibility, affordability etc.). The data will be analyzed in order to identify a comprehensive list of fair housing impediments.

MMFHC will utilize any mapping and data available through HUD's *Affirmatively Furthering Fair Housing* geospatial tool.

3. MMFHC will seek input from public and private entities and community organizations with knowledge and/or responsibility for furthering fair housing practices. One-on-one interviews will be conducted to better identify fair housing impediments from a variety of public and private perspectives.
4. MMFHC will identify and describe impediments to fair housing. Based on both quantitative information gathered in relevant reports and demographic analyses, and qualitative information gathered in interviews, focus groups and a review of City ordinances and policies, MMFHC will identify impediments to fair housing and explain the impact of these impediments on the City and its residents.
5. MMFHC will create recommendations to overcome identified impediments. Based on the identified impediments to fair housing in Appleton, MMFHC will recommend remedies to overcome those impediments. These recommendations will form the basis of a meaningful action plan for the City of Appleton.

Timetable

Major project milestone goals and time estimates are as follows:

Months 1 and 2

Research/Literature Review of housing and other related reports and studies

Compile municipal ordinance and policies related to fair housing

Months 2 and 3

Demographic Analysis using the US Census, mapping technology and other available research data

Months 3 and 4

Interviews/public meeting(s) with Appleton housing market stakeholders

Month 4

Identification of impediments to fair housing

Month 5 and 6

Development of recommendations/corrective actions to address impediments

Month 6

Draft submission for City's comments

Month 7

Final document production and editing,

Statement of Qualifications

Organizational Experience and Qualifications:

In its 40-year history, the Metropolitan Milwaukee Fair Housing Council (MMFHC) has garnered a national reputation as one of the leading private fair housing organizations in the country. MMFHC has extensive experience in the areas of fair housing enforcement, education, research and community development issues. Characterized by strong leadership and low staff turnover, the organization is well respected for its innovative and effective methods, as well as a thorough understanding of fair housing issues and laws.

Prior Analyses of Impediments to Fair Housing (AI) Experience

MMFHC also has considerable experience preparing and assisting in the preparation of Analysis of Impediments to Fair Housing documents for Wisconsin entitlement communities.

MMFHC completed Milwaukee County's Analysis of Impediments to Fair Housing in 1994, and assisted the City of Milwaukee with its 1996 Analysis of Impediments. In 2005, MMFHC prepared and completed Analyses of Impediments for the Cities of Sheboygan and Milwaukee. In 2006, MMFHC completed AIs for to the Cities of Appleton and Racine. In 2008, MMFHC completed Milwaukee County's Urban Consortium AI. In 2011 MMFHC completed an update to the City of Appleton's Analysis of Impediments to Fair Housing report, as well as AIs for the City of Eau Claire and City of Memphis. TN. Since 2005, Kori Schneider Peragine, Senior Administrator of MMFHC's Inclusive Communities Program, has been the primary staff person responsible for development of AIs.

Principle Staff and Team Experience and Qualifications:

Key MMFHC staff assigned to the Appleton Analysis of Impediments to Fair Housing Choice Report will include Kori Schneider Peragine, Erika Sanders, Carla Wertheim, and William R. Tisdale. Ms. Schneider Peragine will serve as the lead staff person on this project, as she was the primary person responsible for the recent completion of AI reports since 2005. She has been employed with MMFHC since 1998 and is extremely knowledgeable of local, state and federal policies and their effects on regional housing markets and resulting racial disparities. As noted above, she is Senior Administrator for MMFHC's Inclusive Communities Program. Her Master's Degree in Urban Planning and frequent technical assistance to support the work of Southeastern Wisconsin Regional Plan Commission qualifies her to successfully lead this project.

Ms. Sanders is MMFHC's Director of Program Operations and has been employed with the organization since 1998. She has developed reports for numerous local, state and federal grants,

and has successfully created a statewide outreach network of community-based organizations, housing industry representatives, as well as municipal officials. She will assist Ms. Schneider Peragine in preparation of the final document.

Organizational Background

MMFHC's mission is to promote fair housing throughout the State of Wisconsin by combating illegal housing discrimination and by creating and maintaining racially and economically integrated housing patterns.

Prompted by prevailing patterns of racial and economic segregation and widespread discrimination in the housing market, 40 citizens organized the Metropolitan Milwaukee Fair Housing Council (MMFHC) in 1977. A non-profit, membership-based organization, MMFHC is comprised of men and women who share a desire to create open and inclusive communities throughout the State of Wisconsin.

MMFHC's primary office, located in Milwaukee, provides service in Milwaukee, Ozaukee, Waukesha, Racine and Washington Counties. Additionally, MMFHC operates two satellite offices, the Fair Housing Center of Greater Madison, which serves Dane County, and the Fair Housing Center of Northeast Wisconsin, which serves Brown, Calumet, Outagamie and Winnebago Counties and the City of Fond du Lac. MMFHC received Best Practices Awards from the US Department of Housing and Urban Development in both 1999 and 2003. In addition, in 2003, MMFHC was honored with the prestigious Trail Blazer Award by the Milwaukee Awards in Neighborhood Development Innovation program for its activities to address predatory lending practices.

MMFHC's Availability

Upon receipt of the contract for services, Metropolitan Milwaukee Fair Housing Council (MMFHC) will commence work on the City of Appleton's Analysis of Impediments to Fair Housing Report (AI). Based on MMFHC's extensive fair housing knowledge, experience in producing AIs, and staff resources, it is estimated the production of the City of Appleton's AI will require approximately seven (7) months to complete.

All-inclusive Fee

MMFHC will complete the City of Appleton's Analysis of Impediments in the manner described in this proposal for a fixed price of **\$28,000**.

City of Appleton AI Project Budget

Personnel Costs

Direct Labor	17,377.29
Taxes and Benefits	<u>3,372.13</u>
<u>Total Personnel Costs</u>	<u>20,749.42</u>

Other Costs

Postage	40.00
Travel	720.00
Printing/Copying	200.00
Indirect	<u>6,290.58</u>
<u>Total Other Costs</u>	<u>7,250.58</u>

TOTAL	\$ 28,000.00
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Art in Public Places Policy

Appleton Public Art Committee

June 2018

INTRODUCTION

This document serves as the policy to oversee the public display of art placed on publicly owned property and to serve as the road map to decisions made in relation to public art in the City of Appleton. This policy will also define the types of public art, how pieces will be chosen, approval and review process, the maintenance of each piece and the process for deaccession of the artwork. This policy does not apply to artwork on private property.

What is Public Art?

Public art is any work of art or element of design that is sited in or on property that is publicly owned or controlled by the City of Appleton (parks, buildings, right-of-ways, etc.) for people to experience.

For the purposes of this policy, Public Property is defined as *a building and/or land owned and controlled and/or in which the use is operated by the City including fire stations, City Hall, public works and park facilities, library and the like.*

Why Public Art?

Creative placemaking is a way of creating a special place and creating an identity within the places we frequent. Public art has been used in placemaking for decades and there are countless examples throughout the Fox Cities, State and Country on how the arts have improved the quality of life and enhanced the communities we live in.

Why a Public Art Committee?

By developing a Public Arts Committee for the City of Appleton, the City can work toward deliberately creating these special places, events and moments. Creation of a Public Arts Committee will establish a more formal way to review and maintain public art, provide another avenue for the promotion of the arts community and show the continued desire to establish the arts as a priority for our community.

Types of Public Art

Public art can take a wide range of forms, sizes, and scales—and can be temporary or permanent. Public art can include murals, sculpture, memorials, integrated architectural or landscape architectural work, community art, digital new media, lighting installations and even live performances.

Temporary/Events/Performance Public Art

Interactive cultural activities, performance-based work, or objects presented in public space that have a limited duration. Temporary public art is exhibited for 6 months or fewer. Public art may be experienced as a surprise or unanticipated activity, or as part of larger or anticipated events such as a festival, parade, or other community event. Temporary public art is transient and may last a few minutes or not more than 6 months. They may take place in one location or move but are not permanently sited.

Examples: Temporary public art can be almost any form; objects such as sculptures, interactive art or furnishing that are movable; street artists that perform music poetry, dance or skits; modification to existing structures through wrapping, projecting images or other means.

Functional Art

The primary purpose is functional or utilitarian. Works of art that serve a purpose in publicly owned spaces that are designed and/or embellished by artists.

Examples: seating, benches, bicycle racks, bus shelters, fences, gates, trash cans, lights, light poles, etc.

Integrated Artwork

Fully incorporated into the design of a larger project or existing element in the community. Artists may work directly with the architects or engineers to enhance the qualities and functionality of publicly owned buildings, structures, spaces and/or infrastructure.

Examples: bridges, retaining walls, walkways, buildings, streetscaping, landscaping, functional building elements – façade elements, entrances, lobbies, etc.

Two and Three - Dimensional Artwork

Two and Three-dimensional artwork has been the most common form of public art and comes in a variety of forms, including, but not limited to:

- Interpretive: Primary purpose is educating the public. The artwork might be self-explanatory or require a panel explaining the project.
- Monument: A statue, building or other structure created to commemorate a famous or notable person or event. They are typically cast in or sculpted from granite, bronze or marble.
- Mural or Mosaic: A painting or other work of art created or mounted on a wall. Media used to create the mural or mosaic can include paint, tile, glass or other found materials.
- Sculpture: Freestanding, physically independent of other site elements. Can consist of a variety of materials, including metals, wood, concrete, fiberglass, landscape, glass, etc.
- Sensory Art: Appeals to the senses – visual, auditory, touch or a combination of these. Can include water features, fountains, interactive sound or touch features, lighting, etc.

APPLETON PUBLIC ART COMMITTEE (APAC)

The Appleton Public Art Committee (APAC) is responsible for implementing the Art in Public Places Policy. The APAC will create recommendations for the appropriate committee of jurisdiction based upon the proposed project/request. The recommendations will be forwarded to the Common Council to further the City of Appleton's commitment to the promotion, creation and maintenance of public art as defined in this policy. The Public Art Committee is a volunteer committee that works to support the goals and strategies for increasing the prevalence of public art and placemaking. It is important to understand that members will serve in an advisory capacity to the committees of jurisdiction.

The Committee will be made up of no more than 7 members that are appointed by the mayor and will have staggered terms of service. The Mayor will also appoint the chair of this committee.

The Community and Economic Development Committee (CEDC) will be the committee of jurisdiction to the APAC concerning the Art in Public Places Policy, committee budget, other policies and procedures applicable to the APAC. The APAC will also provide a report/summary of current project and initiatives to the CEDC at least every six months, or as requested by the CEDC.

Goals/Focus Areas

1. Support the arts and cultural opportunities as identified in Comprehensive Plan 2010-2030 (see Exhibit A).
2. Serve as a forum to receive proposals, review for compliance with City policies and set forth maintenance and deaccession expectations.
3. Advocate for the arts by advising on policies and plans of the City, and by seeking non-City public and private resources to advance the work of the Public Art Committee.

4. Analyze gaps and opportunities in programming, support, funding, and promotion for the arts, cultural activity and economic development.
5. Increase public awareness, appreciation and contribution of public art.
6. Foster artistic creativity in the community and broaden public participation in the planning and creation of public artworks.
7. Consider development of an arts and cultural plan as recommended throughout the Comprehensive Plan.
8. Review and update the arts inventory.

Funding Sources

Public art is typically funded through the government, but increasingly through public-private partnerships as well. An ongoing funding source is yet to be determined for Appleton Public Art Committee projects, but will need to be a decision made by the City's elected officials. Some funding options could include a potential annual budget allowance, fundraising, private donations, grants and/or allocations from public projects.

Initially, the APAC will be funded through an annual set aside amount in the City's budget. The final amount will be determined during the annual budgeting process. The funds can be used for the commission, purchase, fabrication, installation and maintenance of public artwork or other APAC recommended projects as approved by the Common Council.

PUBLIC ART GUIDELINES

Note: These guidelines are a dynamic, working document that will be reviewed periodically by the APAC and amended as needed.

Specific criteria are needed to evaluate the location and appropriate type of public art projects sponsored by the City. Proposed public artwork shall be reviewed by the APAC. Recommendations will be requested by the APAC from affected committees, when appropriate, and as defined within this policy. The committee of jurisdiction for the APAC will be the CEDC. The typical approval process will include a recommendation by APAC to the applicable committee of jurisdiction based upon the specific project. Their recommendation would be forwarded to the Common Council.

For a City-commissioned project or set of projects, the APAC will establish a formal selection process, seeking a range of choices appropriate for each project. City Staff and the APAC should first articulate the desired goals, nature, budget and any other special requirements for each project. A Request of Proposals or Request for Qualifications should then be issued.

Proposed public art will be evaluated on the following:

- Goals and Objectives. Each project should satisfy some of the goals and objectives as established by this policy, the 2010-2030 Comprehensive Plan and other applicable plans and policies.
- Context. The architectural, historical, geographical, geological and socio-cultural context of the site where the artwork will be installed or displayed.
- Structural Soundness. The resistance to theft, vandalism, weathering and/or excessive maintenance or repair costs.
- Public Safety. Artwork shall not present a hazard to public safety.
- Diversity. Rather than one kind of artwork, a range of styles, scale and approaches to public art should be considered.

- Feasibility. Evidence of the artist's ability to successfully complete the work as proposed including: project budget, timeline, artist's experience, soundness of materials and construction and design guidelines.
- Donor conditions. If applicable.
- Budget (if applicable). Proposal should provide a budget adequate to cover all costs for the design, fabrication, insurance, transportation, storage, installation and maintenance.
- Installation. Applicable engineering and structural details for the installation are provided.

Gifted Public Art

Artwork that is presented to the City and not part of an APAC project, will be reviewed on a case-by-case basis by the APAC, and other applicable committees, in accordance with policies and review criteria outlined within this document.

Guidelines for Accepted Artwork

The APAC will need to establish guidelines to follow when artwork is accepted. These guidelines and applicable agreements may vary widely dependent upon the type of artwork and will need to be flexible and customized for each project.

- After the decision is made to accept a piece of artwork, the artist is informed and a contractual agreement is drafted setting forth the length of the loan and other terms such as location, maintenance requirements and responsibility, insurance, value of the artwork, installation and removal responsibility, payment schedule (if applicable) and other conditions pertinent to the agreement. The agreement will be reviewed and approved by the committee of jurisdiction and forwarded to the Common Council for final approval. Some temporary public art may not require a formal agreement.
- Artwork may be declined at the discretion of the City Council consistent with the criteria in this policy.
- Sponsorship plaques will be reviewed on a case-by-case basis in accordance with the City's Sign Code. Specifically, Section 23-531 as it pertains to sponsorship signs for murals will be applied.

Installation

A plan for installation, including any requested structural and engineering information, shall be provided prior to any work commencing. Upon completion of the installation, the artist shall provide certification that the artwork was installed correctly and meets applicable/required structural standards.

Maintenance

In general terms, the City will be responsible for the scheduling and action of maintenance and upkeep of public artwork on public property. Whether integrated into building construction or standing alone in a public park or right of way, each work requires routine maintenance such as cleaning or trimming weeds, as well as long-term repair such as sealing cracks, fabricating and re-attaching a broken piece or outright replacement. Each public art project should have a maintenance plan and agreement that is prepared as part of the commissioning or acquisition process.

Deaccession & Relocation of Artwork

Deaccessioning and relocating should be applied by the APAC only after careful evaluation. The APAC will retain the right to relocate or deaccession any public artwork in accordance with this policy, regardless of the source of funding or method of acquisition. While the intent of acquisition is for long-term public display, circumstances and/or conditions may arise that make it prudent for the Committee, on behalf of the public interest, to remove an artwork from public display.

Deaccessioning and relocating of artwork may be considered for reasons including, but not limited to:

- The condition or security of the artwork cannot be reasonably guaranteed in its present location.
- The site is being eliminated.
- The site is being altered such that the artwork is no longer compatible with the site.
- The artwork presents a public safety risk.
- The cost of maintaining or updating the artwork's operating technology is cost prohibitive.
- The artwork requires excessive maintenance or has failures of design and workmanship.
- A more suitable location for the artwork has been proposed.
- The artwork no longer meets the goals of the Public Art Policy.

Procedures for possible deaccessioning or relocation of public artwork shall be initiated by a majority vote of the APAC, committee of jurisdiction or direction from the Common Council. Final approval of the deaccession or relocation of public artwork is required from the Common Council.

Procedures for Deaccessioning or Relocating of Public Artwork

Once the APAC recommendation and the recommendations from the committee of jurisdiction are forwarded to the Common Council, and the Common Council has determined that the public artwork meets one or more of the above criteria, the following process is initiated:

- Review of any restriction which may apply to the specific work.
- Where appropriate and practical, City staff make a good faith attempt to discuss relocation with the artist.
- If, in the opinion of APAC, there is not another appropriate site, there will be an assessment of options for storage or disposition of artwork, which may include sale, trade, return to artist or gift.
- If the structural integrity or condition of an artwork, in the opinion of the APAC, City staff or other appropriate professional, presents an eminent threat to public safety, the Mayor may authorize its immediate removal, without City Council action or the artist's consent. The work may be placed in temporary storage. The artist must be notified of this action within 30 days. The APAC will then recommend options for disposition (e.g., repair, reinstallation, maintenance provisions or deaccessioning) to the City Council for approval.

REVIEW PROCEDURES

The Appleton Public Art Committee will have jurisdiction over the placement or acceptance of public art; however, review by other applicable committees will be part of the review and approval process. Final approval is required by the Common Council. Community and Economic Development Staff will route the proposal to appropriate departments for review, comments and conditions. Projects will generally be reviewed by the Department of Public Works, Attorney's Office, Parks, Recreation & Facilities Management and Human Resources. The project can also be routed to any other applicable department based upon the project scope. The APAC will be responsible for reviewing the public artwork and making their recommendation to the committee of jurisdiction and the Common Council will make the final determination on whether or not the piece will be placed on publicly owned or controlled property.

Public Art Project Review Team:

- Department of Public Works – review pieces that will be placed within the public right-of-way or on certain structures under the jurisdiction of this department (i.e. parking ramps, utility stations, light poles, etc.).

- Parks, Recreation & Facilities Management– review projects that are proposed to be placed within public parks, City property and grounds, trails or City structures/facilities under the jurisdiction of this department.
- Human Resources – insurance and liability review and requirements.
- Attorney’s Office – liability, legal considerations and preparation of applicable documents and agreements.
- Others as determined appropriate by Staff.

Review Steps

The procedure outline below are the general steps that will be involved when reviewing the placement of public art. Because public artwork can take on many forms, the review process is meant to be flexible and can be adjusted based upon each individual project. This process is expected to take 4 to 6 weeks dependent upon the project variables and meeting schedules.

1. Project initiation:
 - a. City-commissioned projects – APAC would typically develop project parameters and release a Request for Proposals. Once responses are received, they will be reviewed according to the RFP criteria.
 - b. Non city-commissioned projects – These are proposals initiated and funded by an entity other than the City. An application is submitted to Community and Economic Development Department (CEDD) staff. Project is forwarded to the APAC and the committee discusses item and determines if the project meets the goals and mission of the APAC.

Note: Approval/Review of Temporary artwork may be requested upon initial presentation to the APAC. It would then be forwarded to committee of jurisdiction and the Common Council.
2. The APAC refers the project to Community and Economic Development Department Staff to coordinate review.
3. CEDD Staff route the proposal to appropriate departments for review, comments and conditions. Projects will generally be reviewed by Staff representatives with the Department of Public Works, Attorney’s Office, Parks, Recreation & Facilities Management and Human Resources. The project can also be routed to any other applicable department based upon the project scope. These representatives shall furnish the CED Staff, in writing, their comments and/or conditions as to whether an application for a public art installation should be approved, approved conditionally or denied within 5 business days of receiving the application from CEDD.
4. CEDD Staff will compile all findings and recommendations and present a Staff Report for the project to APAC for approval/denial of the proposal. Conditions of APAC approval may be required.
5. APAC recommendation will be sent to the committee of jurisdiction for action.
6. Committee of jurisdiction recommendation forwarded to Common Council for final action.
7. Appropriate legal documents and agreements are finalized prior to artwork being accepted, constructed or installed.
8. Upon completion of the installation, the artist shall provide certification that the artwork was installed correctly and meets applicable/required structural standards.

Public Art Exemptions

The following public art initiatives and/or displays are exempt from review by the Appleton Public Arts Committee and have been previously reviewed and approved by Municipal Services Committee and/or Common Council.

- Annual or previously approved Art events (these require Street Occupancy Permits through DPW):
 - Fiber Rain (Yarn Bombing)

- Chalk on the Town
- Paint on the Town
- Park(ing) Day
- Ice Sculptures
- DPW funded and administered art programs:
 - Snowplow Painting Program
 - Sidewalk Poetry Program
- Other exempted artwork:
 - Mandalas on the Red Ramp
 - Traffic Control Boxes
 - Compassion Manhole Project
 - Marigold Mile and street name signage
 - Installation of free libraries made through CARE Program
 - Painting of Water Street retaining wall
 - Acre of Art – existing pieces only (as of May 2018), future artwork associated with Acre of Art, that are placed on public property, will need proper approvals
 - Wayfinding signs for trails and public parks
 - Existing artwork on/in public property

EXHIBIT A:

Comprehensive Plan 2010-2030 References Relating to Public Art Committee

Creating a Public Arts Committee and increasing the prevalence of public art is widely and strongly supported throughout the City's Comprehensive Plan 2010-2030. One of the "Key Issues" heard during the public participation process related to the creative culture and public art. The following questions were poised during this process: *How can the City and its partners encourage the growth and diversification of the local arts and creative culture scene? How can a broader arts strategy be pursued in a fair and equitable manner? How can public art and other forms of creative expression be leveraged to foster a stronger community identity?* Establishing a Public Arts Committee will work towards answering these questions and achieving a vision within the Comprehensive Plan.

A number of vision statements that characterized the quality of life in Appleton were developed to help guide the City's comprehensive planning process. One of those vision statements stated that: *"Creative place making and public art enhance the public realm and contribute to a vibrant economy."* This statement confirms that residents recognize and value the City's commitment to placemaking and public art.

Chapter 8: Agriculture, Natural, Historic, and Cultural Resources of the Comprehensive Plan provides a detailed overview of the cultural amenities or organizations currently provided for in the City. The objectives and policies within this chapter speak directly to maintaining, supporting and enhancing the arts within Appleton.

8.4 OBJECTIVE: Support the organizations, events, and venues that make Appleton the arts and cultural center of the Fox Cities.

- 8.4.1 *Provide appropriate financial, technical, and other resources to ensure the continued viability and growth of cultural organizations and attractions, in partnership with organizations such as Appleton Downtown, Inc., the Appleton Public Library, and the Fox Cities Convention and Visitor's Bureau.*
- 8.4.2 *Partner with other agencies and organizations to ensure the availability of adequate event space and logistical services to facilitate cultural and related events within the community.*
- 8.4.3 *Continue to broaden education and collaboration with diverse communities.*
- 8.4.4 *Support development of a signature downtown amphitheater to showcase Appleton's growing music and cultural performance scene.*

8.6 OBJECTIVE: Consider developing a comprehensive Cultural Arts Plan to inform and guide efforts that position Appleton as the cultural center of the Fox Cities and a unique regional destination for those interested in history, culture, and all forms of artistic expression

- 8.6.1 *Reach out to private businesses and arts and cultural organizations to determine if there is sufficient interest in and resources available to prepare a comprehensive Cultural Arts Plan.*
- 8.6.2 *Prepare a Cultural Arts Plan which goes beyond public art to proactively plan for how the City can leverage its tremendous cultural, musical, and creative talents to retain its young people, grow its tourism potential, and attract and retain creative workers to the region.*
- 8.6.3 *Consider establishment of a public arts fund to support on-going public art initiatives.*
- 8.6.4 *Partner with private businesses and organizations to help brand and market Appleton as the creative hub for northeast Wisconsin.*

Chapter 14 - Downtown Plan provides for specific recommendations for Appleton's Downtown and directly supports the creation of a Public Arts Committee. One of the recommendation is the "formal establishment of

a city-wide arts council or commission to administer, promote a public art program and maintain public art collections.”

This chapter also has a detailed section that illustrates the importance of the arts community to Appleton and encourages the expansion and promotion of placemaking and arts in the City. One of the key strategies identified in this chapter is the development of a citywide Arts and Culture Plan. The creation of a citywide Arts and Cultural Plan is also supported elsewhere within the Comprehensive Plan. This could be an important task that the Public Arts Committee could accomplish.

While there are countless references to the importance of the arts community within Chapter 14 – Downtown Plan, below are the specific Initiatives that establishing a Public Arts Committee would support:

1.1 Continue development of entry features on major routes into the downtown

- B. Partner with local artists to design entry features including at the intersection of College Avenue and Richmond Street.*

1.3 Implement appropriate streetscaping projects throughout the downtown

- E. Use lighting to showcase the growing inventory of public art downtown, while contributing to a more interesting environment for walking. Continue to integrate public art into streetscape enhancements downtown.*

1.4 Install sculpture, murals, and other art in public locations throughout the downtown

2.1 Maintain and strengthen the vitality of the arts and entertainment niche

- B. Consider various models of providing broad municipal support for the creation, installation, and maintenance of public art.*

2.8 Establish an Arts and Culture Plan for the City

An Arts and Culture Plan is recommended for the entire City, as described in Chapter 8: Agricultural, Natural, Historic, and Cultural Resources. The plan would create a shared vision for the future of Appleton’s investments in a wide range of public art, educational, and cultural activities and programs. It would help guide both public and private actions and enable a more coordinated strategy to maximize efficiencies and returns on investments. The plan would leverage the City’s growing creative economy, strengthen tourism, and contribute to Appleton’s high quality of life. Implementing this strategy will require additional discussion, direction, and buy-in. Recommended next steps include:

- A. The City forming a study group to explore alternative models for art and culture planning, inventory assets and opportunities, and survey best practices from other communities.*
- B. Consider engaging an outside facilitator or consultant with experience developing similar plans in order to develop a comprehensive strategy, including a governance and management structure for arts and culture development with clear policies and procedures.*
- C. Establishing criteria for oversight (review/approval) and ongoing maintenance of public art and cultural programs and activities.*
- D. Identifying and securing funding mechanisms.*

5.6 Plan, design, and implement bike and pedestrian wayfinding signage

- B. Install destination arrival signs and features that integrate public art into infrastructure*

7.6 Promote the identity of the riverfront through creative use of lighting



PUBLIC ART COMMITTEE COMMITTEE MEMBER APPLICATION FORM

Name:

Address:

Phone:

Email:

Educational / Professional Background:

Reason for Interest in the Public Art Committee:

*** * Feel free to attach a second page if you need additional space ****

Please return to Jessica Titel – Principal Planner

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