

# Council Communication

## November 30, 2015, Study Session

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### Review of Codified Public Art Selection Process

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**FROM:**

Ann Seltzer, management analyst, seltzera@ashland.or.us

**SUMMARY**

The Public Art Commission (PAC) requested this study session to review with the Council its process to solicit and select public art for the Gateway Island.

**BACKGROUND AND POLICY IMPLICATIONS:**

In December 2008, the process to commission, select and approve public art was adopted via ordinance and is codified in [AMC 2.29](#).

AMC2.29.100 Process for acquiring public art:

- A. General: The Public Art Commission will call for entries by issuing a request for proposal, a request for qualification or by invitation. The call will include specific guidelines and criteria for the specific project..." The [Request for Qualifications for the Gateway](#) project is attached.
- B Selection Panel. A selection panel, separate from the Public Art Commission, consisting of art professionals and enthusiasts, residents near the proposed site, community members, and city administrators will be chosen to evaluate the proposals received from artists...
- C Evaluation of Acquisition Proposals. Proposals which meet the minimum requirements set forth in the call for entries will be given to the Selection Panel for review. The proposals for acquisition shall be evaluated based upon criteria set forth in the call for entries at a public meeting. The Selection Panel will evaluate the proposals and make a recommendation to the Public Art Commission regarding which proposals to accept. The Commission shall forward that recommendation to the City Council for final selection. This ordinance does not exclude land use approval processes when required for the use or structure.

Attached is a timeline that highlights the history of the Gateway project and the process of the Public Art Commission.

AMC2.29 further states that the selection panel be chosen for each project by the Commission after an advertisement is placed in the local newspaper, postcards are sent to all property owners located within 300 feet of the proposed site and a notice is placed on the city's website. The commission did not place an ad in the newspaper or post a notice on the city's website. In the past public art projects, neither newspaper ads nor website notices were effective in generating responses from candidates willing to serve on the selection panels. Accordingly, since about 2010, the PAC has been foregoing the



newspaper ads and website notices. Instead, the PAC has developed a list of persons with qualifications for and interest in serving on art selection panels. Then, as a particular project approaches the point where an aesthetic choice among competing entries must be made, the PAC issues invitations to individuals from the list with experience relevant to the particular project to serve on the selection panel. Postcard notices to neighbors have also proved to only occasionally be effective in recruiting selection panel participants. The PAC has continued sending postcards to people living near projects whenever it believed neighbors might be willing to volunteer to serve on a panel.

To get selection panel members for the Gateway Island project, the PAC approached likely candidates from its list of interested persons. The properties immediately neighboring the Gateway Island are a gas station, professional offices, Fire Station No. 1, and the Library. The PAC invited a Library representative to serve as the neighbor representative on the selection panel, expecting that many members of the public would have casual input through the interactions with Library staff.

The following citizens served on the Gateway Island Selection Panel: Bruce Bayard, Allison Renwick, Amy Blossom, John Davis, Erika Leppman, Christian Burchard, and Scott Fleury (from the City's Public Works Department).

The Selection Panel considered various criteria about each of the submissions including artistic merit and creativity, consideration of Public Art Master Plan goals, purpose and mission, how closely the piece met the RFQ project intent, and how the artwork fits within the context of the site, potential safety conflicts, practical considerations and more. [Notes from the Selection Panel](#) are attached and include the criteria stated in the RFQ.

#### Public Outreach

The PAC solicited public input during July and August in 2014. Citizens were asked to respond to four questions related to the Gateway Island and Ashland. Seventy responses were received and sent to the artists to help inform them about the site and about Ashland. These results were reported to the Council in October, 2014. [Click here to view the public input responses.](#)

Margaret Garrington, chair of the Public Art Commission, will speak in greater detail about the process, public outreach and more in her oral presentation.

#### **COUNCIL GOALS SUPPORTED:**

14. *Encourage and/or develop public spaces that build community and promote interaction.*

#### **FISCAL IMPLICATIONS:**

N/A

#### **STAFF RECOMMENDATION AND REQUESTED ACTION:**

N/A

#### **SUGGESTED MOTION:**

N/A

#### **ATTACHMENTS:**

1. Timeline



2. AMC 2.29
3. Notes from the selection panel meeting including the criteria stated in the RFQ
4. Information submitted by the Historic Commission



# Gateway Island Public Art Project Timeline

2002 - 2003 - Siskiyou Blvd. redesign .

Includes re-design, expansion and naming of the Gateway Island.

2004 - Council designated Gateway Island as a placeholder for public art

2007 - Council requested the Public Arts Commission (PAC) use a public input process to develop a master plan. Participants identified gateway art projects as one of the plan goals. Council approves the [Public Art Master Plan](#) and allocates 3% of the transient occupancy tax funds designated for tourism for public art

2008 - Council adopts ordinance for the [process to acquire public art](#)

2011 - PAC begins development of project description, intent and timeline in order to create the RFQ for professional artists for Gateway Island Art project.

January, 2014 - [RFQ published](#) and sent to 183 (29 local) contacts, organizations, & artist listing sites

March 31, 2014 - 63 responses received to RFQ.

[April 8, 2014](#), [April 18, 2014](#), [April 28, 2014](#), [May 12, 2014](#), [May 19, 2014](#), [June 20, 2014](#) - PAC holds public meetings to select the four artists chosen to move forward in the process.

August 2014 - the four artists visit Ashland to get a feel for the community.

July - September 2014 - Public outreach regarding the Gateway Island includes:

- July, 2014, [City Source Article](#)
- Open City Hall topic
- Information and input gathering booth on Plaza (August 1 and September 5)
- Information and input display at the Ashland Public Library

October 2014 - [Results of public input](#) are [reported to Council](#).

March 2015 - Deadline for the four artists to submit their concept plans.

June, 2015 - PAC invites three artists to continue to move forward in the process.

September 10, 2015 - The three artists present their concepts to the community. Approximately 60 people attend one of two public presentations held at the Ashland Public Library (notifications of the presentations included three [Ashland Daily Tidings](#) articles, a [news release](#) on the City's website, e-mail invitation to City Council, Parks and Recreation Commissioners, and members of all City Commissions, a public announcement by the Mayor at the beginning of the September 1, 2015 City Council meeting, and a notice in the Ashland Daily Tidings calendar of events.)

September 11, 2015 - Selection Panel meets and selects "Gather" by Sunan Zocolla  
Selection Panel Members included: two local artists, one art historians who is also a member of the Historic Commission, an SOU art professor who was the director of the Schneider Museum, a former Ashland gallery owner, the head librarian of the Ashland Public Library, and the Engineering Services Manager for the City of Ashland.

## 2.29 Public Art

### 2.29.005 Definitions

- A. "Acquisition" means the inclusion of an artwork in the Ashland Public Art Collection by any means including direct purchase, commission or acceptance of a gift.
- B. "Artwork" means visual works of public art as defined herein.
- C. "Ashland Public Art Collection" means all public art acquired by the City by any means.
- D. "Capital improvement program (CIP)" means the city's program for advance planning of capital improvements.
- E. "City project" or "project" means any capital improvement project in an amount over \$25,000 paid for wholly or in part by the city of Ashland to purchase or construct any public building, decorative or commemorative public structure, sidewalk, or multi-use pathway construction, park facility construction, or any portion thereof, within the limits of the city of Ashland. "City project" or "project" does not include public utility improvements, (e.g. electric, water, sewer, or stormwater), LID improvements, including but not limited to streets, sidewalks and associated improvements, property acquisition, earth work, emergency work, minor alterations, rehabilitation, minor or partial replacement, remodeling or ordinary repair or maintenance necessary to preserve a facility. Notwithstanding the above limitation, the Council or responsible contracting officer may include any new city street or utility project (limited to water, sewer and storm water projects) in an amount over \$25,000 as a city project under this article, by either vote of the Council or inclusion in the contract solicitation documents prepared by the responsible contracting officer.
- F. "Commission" means the Ashland Public Arts Commission created by AMC 2.17.010, consisting of seven members appointed by the mayor and confirmed by the Council.
- G. "Eligible funds" means a source of funds for projects from which art is not precluded as an object of expenditure.
- H. "Participating department" means the department that is subject to this article by its sponsorship of a city project.
- I. "Percent for art" means the program established by this article to set aside a percentage of the total cost of city projects for public art.
- J. "Public art" means all forms of original works of art in any media that has been planned and executed with the specified intention of being sited or staged on City Property or on property owned or controlled by the City of Ashland, usually outside and accessible to the public.
- K. "Public art account" means the city of Ashland public art account in the city budget established by this article into which all moneys donated, appropriated or derived

pursuant to the percent for art program shall be deposited. Funds within the public art account shall be utilized for the purposes outlined in this article.

L. "Removal" means the exclusion of an artwork from the Ashland public art collection by the removal and disposal through any available means, such as relinquishing title through sale, gift or destruction.

M. "Selection Panel" means a group of individuals selected by the Commission that will evaluate the proposals associated with a particular project in a public meeting.

N. "TOT Funds" means the portion of transient occupancy tax funds allocated for public art.

O. "Commercial Development Fee" means funds deposited by a commercial developer into the Public Art account when the developer prefers not to incorporate public art into the project and follow the public art process for art acquisition and approval.

P. "Total cost" means the entire amount of the city's financial contribution toward construction and maintenance of a project.

(Ord 3003, 2010)

## **2.29.100 Process for acquiring public art**

A. General. The Public Art Commission will call for entries by issuing a request for proposal, a request for qualification or by invitation. The call for entries will include specific guidelines and criteria for the specific project. Every call for entry must comply with the City's public contracting rules.

1. Acquisition. Acquisition of public art will generally result from:

a. The commissioning or purchasing of a work of public art by the city using city funds or donated funds, in accordance with public contracting laws and AMC Chapter 2.50; or

b. An offer made to the city to accept a work of public art as a gift, donation, or loan.

2. Removal. Removal of public art may be by request or owing to some damage or destruction of the artwork.

B. Selection Panel. A selection panel, separate from the Public Art Commission, consisting of art professionals and enthusiasts, residents near the proposed site, community members, and city administrators will be chosen to evaluate the proposals received from artists. A different selection panel shall be chosen for each project by the Commission after the following notifications have been made:

1. An ad is placed in a newspaper of general circulation in the city,

2. Postcards are sent out to all property owners located within 300 feet of the

proposed site, and

3. A notice is placed on the city's website.

The Commission shall pick the Selection Panel by examining applications received from interested parties.

C. Evaluation of Acquisition Proposals. Proposals which meet the minimum requirements set forth in the call for entries will be given to the Selection Panel for review. The proposals for acquisition shall be evaluated based upon criteria set forth in the call for entries at a public meeting. The Selection Panel will evaluate the proposals and make a recommendation to the Public Art Commission regarding which proposals to accept. The Commission shall forward that recommendation to the City Council for final selection. This ordinance does not exclude land use approval processes when required for the use or structure.

D. Removal and Disposal Process. Except as provided in AMC 2.29.140(B), neither the Council nor the Commission is bound to follow any particular process for removal and disposal of art in the Ashland Public Art Collection.

(Ord 3003, 2010)

### **2.29.110 Review process for gifts or donations**

The Commission may solicit gifts and bequests of public art or funds to benefit the Ashland Public Art Collection. The Council shall decide whether to accept all such gifts of art work on behalf of the city and the Ashland Public Art Collection on its own motion or upon a recommendation by the Commission based on its own evaluation, or by recommendation of the Commission after the Selection Panel has evaluated the artwork using the guidelines in AMC 2.29.130 and the total cost over the life of the artwork.

All art works or funds shall be administered by the city in accordance with its terms. Funds donated to the Commission shall be placed in a special account to be used exclusively for the purposes of the Commission or as designated by the donor. Funds in this account may only be expended after they have been properly budgeted or approved by the city.

(Ord 3003, 2010)

### **2.29.120 Public Art on Private Property**

Before public art can be placed on private property the Commission shall determine whether the site is appropriate for public art under the Site Selection criteria in AMC 2.29.130. If the site is found to be appropriate for public art, the City shall secure authorization to use and access the private property where the public art will be located before the acquisition process for public art is initiated. There shall be a written agreement or legal instrument, granting the City permission and control of the property so that the property can be used for public art purposes, including access for installation, maintenance and removal of the artwork. Public

art can then be acquired for placement on private property by following the process for:

A. Acquisition in AMC 2.29.100, or

B. Gifts and donations in AMC 2.29.110.

(Ord 3003, 2010)

## **2.29.130 Guidelines for recommendation by the Commission**

### A. Selection Guidelines for Works of Public Art.

1. Quality. The artwork should be of exceptional quality and enduring value.

2. Site. The artwork should enhance the existing character of the site by taking into account scale, color, material, texture, content, and the social dynamics of the location.

3. History and Context. The artwork should consider the historical, geographical, and cultural features of the site, as well as the relationship to the existing architecture and landscaping of the site.

4. Initial Cost. The total cost of the artwork, including all items related to its installation, should be considered.

5. Maintenance and Durability. The durability and cost to maintain the artwork should be considered and quantified, particularly if the work is servicing, repainting, repairing or replacement of moving parts.

6. Permanence. Both temporary and permanent art works shall be considered.

7. Media. All forms of visual media shall be considered, subject to any requirements set forth by city ordinance.

8. Public Liability. The artwork should not result in safety hazards, nor cause extraordinary liability to the city.

9. Diversity. The artwork in the Ashland Public Art Collection should encourage cultural diversity.

10. Commercial Aspect. The artwork shall not promote goods or services of adjacent or nearby businesses.

11. Compliance. Artworks shall not violate any federal, state, or local laws, including specifically AMC Chapter 18.96.

### B. Guidelines for Site Selection.

1. Ownership or Control. Public art should be placed on a site owned or controlled by the city, or there should be a written agreement or legal instrument,



granting the City permission to use the property for public art purposes, including access for installation, maintenance and removal.

2. Visual Accessibility. Public art should be easily visible and accessible to the public.

3. Visual Enhancement. Public art should visually enhance the overall public environment and pedestrian streetscape.

4. Pedestrian Accessibility. Public art should experience high levels of pedestrian traffic and be part of the city's circulation paths.

5. Circulation. Public art should not block windows, entranceways, roadways or obstruct normal pedestrian circulation or vehicle traffic.

6. Scale. Public art should not be placed in a site where it is overwhelmed or competing with the scale of the site, adjacent architecture, large signage, billboards, etc.

(Ord 3003, 2010)

## **2.29.140 Standards for the Ashland Public Art Collection**

A. Acquisitions. The following minimum standards and criteria shall apply to the acquisition of artworks.

1. Artworks may be acquired by direct purchase, commission, gift or any other means.

2. Acquisition, whether by direct purchase, commission, gift, or otherwise, shall occur by a legal instrument of conveyance or other writing transferring title of the artwork to the City and clearly defining the rights and responsibilities of all parties.

3. The city shall obtain the rights of ownership and possession without legal or ethical restrictions on the future use of the artwork upon final acceptance of the artwork, except where expressly provided in the contract with the artist. The artists shall retain all rights and interests in the artwork except for the rights of ownership and possession.

4. The City shall only acquire artworks if: 1) the artist warrants that he will not make a duplicate of the artwork, or permit others to do so, without written permission by the City, and 2) the artist gives permission to the City to make a two-dimensional reproductions as long as all such reproductions provide the copyright symbol, name of the artist, title of the artwork, and the date of completion.

5. Complete records, including contracts with artists, shall be created and maintained for all artworks in the Ashland Public Art Collection.

## B. Removal.

1. The Commission may recommend removal and/or disposal based on one or more of the following conditions. No public hearing is required for a removal recommendation.

- a. The site for an artwork has become inappropriate because the site is no longer accessible to the public or the physical site is to be destroyed or significantly altered.
- b. The artwork is found to be forged or counterfeit.
- c. The artwork possesses substantial demonstrated faults of design or workmanship.
- d. The artwork causes excessive or unreasonable maintenance.
- e. The artwork is damaged irreparably, or so severely that repair is impractical.
- f. The artwork presents a physical threat to public safety.
- g. The artwork is rarely displayed.
- h. A written request for removal has been received from the artist.

## 2. Council Removal Process.

- a. On its own motion, or following receipt of a recommendation from the Commission the Council may remove and dispose of any artwork previously accepted into the Ashland Public Art Collection in their sole discretion.
- b. Acceptance or placement of donated art by the city does not guarantee continuous public display of the artwork regardless of physical integrity, identity, authenticity, or physical condition of the site.
- c. Removal officially deletes the work from the city of Ashland Public Art Collection by a relinquishment of title to the artwork; thus, eliminating the city's obligation to maintain and preserve the artwork.
- d. Notwithstanding the above, Artwork shall be disposed of in accordance with any specific terms for removal and disposal set forth in the contract with the Artist.

## 3. Removal and Disposal.

- a. The city may donate the artwork to another governmental entity or a nonprofit organization.
- b. A work that is deemed to have retained sufficient monetary value to warrant resale, shall be disposed of through a public sale, auction, or any

other means as established by city ordinance.

c. Artworks removed from the Ashland Public Art Collection may be disposed of through any appropriate means, including the city's procedures for the disposition of surplus property.

#### C. Borrowing of Artworks.

1. The Commission may also recommend artworks be borrowed.

2. With the exception of ownership, the eligibility, review criteria, and procedure for borrowed works shall be the same as those established in this article for acquisition.

3. The borrowing of artworks shall be pursuant to written agreement between the city and the artist.

4. Nothing herein prohibits the city from securing other works of art or art exhibitions for display inside its facilities.

(Ord 3003, 2010)

### **2.29.150 Maintenance of the Ashland Public Art Collection**

A. Except where expressly provided in a contract or warranty for public art the city shall be responsible for all maintenance of all artworks in the Ashland Public Art Collection.

B. Within the limitation of the city budget the city shall provide necessary and appropriate maintenance of the Ashland Public Art Collection, including, but not limited to, regular custodial care and landscape maintenance. Maintenance shall be performed in accordance with any special instructions or procedures necessary for the preservation of the work.

C. Any evidence of damage, deterioration, vandalism or theft of artworks in the Ashland Public Art Collection shall be immediately reported to the appropriate City Department. City staff shall keep the Commission and Council informed of damage to City property.

(Ord 3003, 2010)

### **2.29.160 Parks Commission**

The standards and procedures in this article are in addition to, not in derogation of, the Ashland parks commission review responsibilities for projects proposed in city parks. Nothing herein exempts public art projects from compliance with all applicable federal, state,

and local laws including, but not limited to, land development regulations and building code compliance.

(Ord 3003, 2010)

### **2.29.170 Development of guidelines**

The Commission shall have the ability to establish further guidelines concerning its operations; however, only the criteria and processes of this ordinance will be legally binding.

(Ord 3003, 2010)

### **2.29.180 Creation, funding and use of Ashland public art account**

A. Establishment. The Council hereby establishes a separate account entitled the Ashland public art account to be reflected in the city budget. All funds donated, appropriated or generated for the purpose of public art acquisition and education shall be deposited in this account and used solely for such purposes, in accordance with this article and other applicable law. Funds generated pursuant to the Commercial Development Fee in lieu established in Chapter 18, as well as the Transient Occupancy Tax Resolution authorized in Chapter 4.24, and the Percent for Art dedication in this section shall all be deposited into the Ashland Public Art Account.

B. Permitted Purposes of Public Art Account. The public art account shall be used solely for the acquisition, placement, maintenance, and removal of artworks for inclusion in the Ashland Public Art Collection and for art education purposes, such as community outreach presentations and workshops, in accordance with the provisions of this article and other applicable law.

C. Requirement for Dedication of a Percent for Art. Any city official or employee who authorizes or appropriates expenditures on behalf of a participating department for a city project shall, to the degree that there are eligible funds, include within the budget for the project a monetary contribution for the public art account equal to one-half percent (0.5%) of the total cost of the project.

1. One-half percent (0.5%) of the total cost of a qualifying city project shall be dedicated to the public art account. Such funds shall be deposited into the public art account by the city official or employee acting on behalf of the participating department no earlier than the time that budgeted funds are encumbered for construction of the city project and no later than final inspection of the completed city project.

2. The participating department shall consider the siting of public art as part of the design and engineering phase of any city project. If costs are incurred by the participating department to comply with this article requirement prior to transfer of the one-half percent (.5%) dedication for the city project to the public art account, the participating department may deduct such costs (not to exceed one-half percent) from the one-half percent (.5%) dedication at the time such funds

are transferred.

D. Restricted Funds. If funding for a particular city project is subject to legal restrictions that preclude public art as an object for expenditure, the portion of the city project that is funded with the restricted funds shall be exempt from the dedication requirements of this article.

E. Phased Projects. As a general rule, where a city project will be constructed in phases, the one-half percent (0.5%) dedication shall be applied to the estimated total cost of each phase of the city project at the time that funds for the phase are appropriated and encumbered. However, nothing in this section prevents the Council from deciding to hold or set aside all or part of the entire dedication from the funds of a particular phase, as the Council deems appropriate. In determining when to hold or set aside the funds for a phased project, the city will consider an overall public art plan for the project to ensure that art is not located on a piecemeal basis with phase construction.

F. Monetary contributions for public art shall be deposited in separate accounts within the public art account if separate accounting is deemed appropriate by the Administrative Services Director (Finance) or is required by law.

G. Monetary contributions or appropriations made other than through the percent for art program shall be deposited in the public art account and may be dedicated to or earmarked for a specific education program or work of art, subject to acceptance by the Council.

H. Disbursements from the public art account shall be made only after authorization of the City Administrator or the Administrative Services Director (Finance), and shall be made according to this article and other applicable city ordinances, including but not limited to the public contracting code (AMC Chapter 2.50).

I. The Council may adopt by resolution case specific waivers or guidelines for administration of the percent for art program, including case-by-case waivers of the required dedication set forth herein based on the availability of public funds, as well as any other matters not specifically addressed herein and appropriate or necessary to the administration of the program.

(Ord 3003, 2010)

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Notes

Selection Panel Gateway Island

September 11, 2015

Selection Panel: Bruce Bayard, Allison Renwick, Scott Fleury, Amy Blossom, John Davis, Erika Leppman, Christian Burchard

### Welcome

Margaret Garrington, chair of the Public Art Commission welcomed the panel. She reminded the group that art is subjective and encouraged the group to put aside personal likes and dislikes, to focus on the criteria and to reach consensus on the piece that works best for the site and for Ashland.

### Criteria

#### **A. Selection Criteria extracted from RFQ Project Intent – How closely does the art piece meet the goals set out in the RFQ:**

- Is the piece contemporary and original?
- Will the artwork stimulate conversation and create a sense of identity for site?
- Does the piece have the potential to become a visual landmark/iconic to Ashland?
- Will the piece enhance the Gateway location and the experience of entering downtown?

#### **B. Artistic merit and creativity**

How strong (positive or negative) is your response to the visual appearance of the work? Does the piece have the wow factor?

- How well does the artwork activate the site in terms of size, form, color, magnitude, etc?
- Is the piece engaging from differing viewpoints, levels, angles, and perspectives?
- Comparatively, how does each work rate in originality, concept, vision, and overall aesthetics?

#### **C. Consideration of public art master plan goals, purpose and mission**

- Would the art piece elevate awareness of public art in the city?
- Is the design visually memorable to the diverse users of the site?
- Does the piece lend a unifying identity for Gateway and the public spaces, buildings, and roadways that surround/cross it?

#### **D. How the artwork fits within the context of the site**

- Does the concept articulate the space by expressing a coherent whole engaging to all (pedestrians, bicyclists, vehicles, library, fire station, and bus stop users)
- Is the work appropriate for the City placing Ashland in an contemporary context artistically?

### **E. Potential safety conflicts**

- Does the proposal present conflicts that would interfere with traffic, pedestrian, bicycle or other public safety concerns?

### **F. Practical considerations**

- Technical feasibility: can the work be built and installed as proposed?
- Is the piece/material easily maintained?

Davis started the discussion by stating that the three different artists have three unique approaches in respect to their background and history: product design (Stoller), engineering design (Beeman) and intuitive fine art design (Zoccola).

Zoccola's design approach is site specific. She conceives her designs based on the site, and the design is unlike any of her previous work. Stoller and Beeman presented concepts that seemed to be variations on their previous work. Stoller's concept is a duplication of his previous work and the primary change is the design of the laser art. Davis commented that he has seen Stoller's work and it is stunning but is concerned that his proposal for Ashland is not unique or original. Beeman's piece is creative and reflects his preference for interactive work.

He commented that Zoccola's choice for the patina of the steel captures the palette of colors and texture of Ashland, and respects the tonal architecture of the City.

Renwick agreed and added that Stoller's work was too literal. Blossom commented that while the idea of hidden "picture" was charming, at the other end of downtown is the literal piece *We Are Here* sculpture and did we need another vertical piece with identifiable images? It was mentioned that Stoller's concept is identical to his helix form in Carlsbad but with different iconography.

Burchard commented that Stoller's piece could be larger if the artist changed the stainless steel to corten steel.

Generally, the group felt that asking an artist to change their concept was wrong and art should not be designed by a committee. In addition, making a selection based on possible changes to the concept was not a good thing. All agreed the selection must be based on the work presented not on possible artistic changes.

Renwick opened the discussion of visual impact and scale. Generally the group felt that Beeman's piece was out of proportion and scale with the site. Zoccola's and Stoller's were more appropriate in scale. Davis feels Zoccola's piece with "bulk and height" was appropriate for the site.

The group went outdoors to view markers placed on a cobra light pole representing the height of each piece. All agreed that thirty feet (Beeman) was too tall and out of scale and that the height of either Stoller's or Zoccola's was more appropriate. They also reviewed the width and depth of the concepts and agreed that Beeman's narrow leg design was not appropriate in scale and out of proportion to the site. The widest point on Stoller's was 5 feet at the highest point of 15 feet. The group felt that Stoller's piece was not in scale to the site. Zoccola's piece is 20 feet tall with a width of 11.5 feet and a depth of 9 feet. All agreed this was the most appropriate in scale to the site.

The group agreed to eliminate Beeman's proposal from consideration.

Renwick believes that Zoccola's concept goes farther than Stoller's on all levels: it best articulates the space, it is the most appropriate in scale, it doesn't tell the viewers what to see but invites the viewers to think and to imagine what they see and it looks different from every angle.

Davis feels that Zoccola is a 'fine artist' and intuited her piece from a sense of "this is what should go here". Her recommendation to place it off center was thoughtful and she presented complete ideas.

The discussion touched on safety and maintenance.

Does Zoccola's piece invite climbing? The group agreed that bad behavior can occur in any number of public places around town. As long as the piece is engineered correctly and built of non breakable parts and can withstand abuse, they should not be concerned with "what might happen". Will the patina of Zoccola's design need to be reapplied. Fleury noted that the design will be easy to maintain with the occasional power washing and that the patina will last 40 years or more since it will be applied using a flame treated application. It will be easy to repair if necessary as the piece will be built of stock steel (round and flat).

Garrington asked if the group has reached a consensus and if so was, were they ready to vote? All agreed that Zoccola's was the most compelling and appropriate piece for the Gateway Island. The vote was unanimous to move their recommendation forward to the Public Art Commission and to the City Council.

Garrington thanked the committee members for their time and their thoughtful, productive and respectful discussion.



# CITY OF ASHLAND

November 23, 2015

Re: Public Arts Commission Gateway Island Project

Dear Honorable Mayor and City Council,

Thank you for the opportunity to review the proposed Public Art Commission Gateway Island Project at the Ashland Historic Commissions meeting on November 4, 2015. After hearing public testimony and a discussion among commissioners, we respectfully submit our recommendations to the City Council in regard to the Gateway Island Project.

First, we would like to address the historic compatibility of the art piece selected by the Public Arts Commission known as "Gather." The proposed project is located in the nationally registered Downtown Historic District. When assessing the compatibility of a project proposed to be located within Ashland's Historic District, the commission considers three main aspects of a project including; 1) whether the location and placement of the proposed project is appropriate, 2) how the scale and mass of the project will fit in with surrounding development, and 3) are the materials selected for the project historically compatible. The commission was divided in their opinion about whether or not the proposed "Gather" project meets the outlined criteria. The discussion was spirited among commissioners with widely varying opinions. At the conclusion of the debate, a slight majority voted in favor to affirm that the proposed project meets the criteria for placement, scale, and materials within the historic district.

The second issue that was identified as a concern during the public forum and subsequent discussion by the commission is the issue of the process used to select public art. Specifically, the public as well as commissioners expressed concern that the Historic Commission was not formally consulted during the Gateway Island Project selection process. We respectfully request that the City Council consider including the Historic Commission in the formal selection process for public art when the proposed location is within one of the four Nationally Registered Historic Districts. Including the Historic Commission in the formal process would be in conformance with our powers and duties outlined in the Ashland Municipal Code as well as in keeping with our practice to review all proposed development within the historic districts.

Sincerely,



Terry Skibby  
Historic Commission Chair



**ASHLAND HISTORIC COMMISSION**  
**Meeting Minutes**

November 4, 2015

**Community Development/Engineering Services Building – 51 Winburn Way – Siskiyou Room**

**REGULAR MEETING - CALL TO ORDER 6:04p.m.** – SISKIYOU ROOM in the Community Development/Engineering Services Building, located at 51 Winburn Way

**Historic Commissioners Present:** Mr. Skibby, Ms. Kencairn, Ms. Renwick, Mr. Emery, Mr. Ladygo, Mr. Shostrom, Mr. Giordano

**Commission Members Absent:** Mr. Swink (E), Mr. Whitford (E)

**Council Liaison :** Carol Voisin

**Staff Present:** Staff Liaison: Mark Schexnayder; Clerk: Regan Trapp

**APPROVAL OF MINUTES:**

Ms. Kencairn motioned to approve minutes from October 7, 2015. Mr. Ladygo seconded. No one opposed.

**PUBLIC FORUM:**

There was no one in the audience wishing to speak.

**COUNCIL LIAISON REPORT:**

Ms. Voisin gave the Council Liaison report.

**OLD BUSINESS:**

Public Arts Commission, Gateway Island proposal. Public input and Commission recommendations on the proposal will happen during this time.

Mr. Skibby opened the discussion by reading a statement from Bill Molnar in regards to the Gateway Island Proposal and what their focus needs to be during this discussion time.

Mr. Skibby asked if there was conflict of interest or ex parte contact. Ms. Renwick brought to the attention of the Commission that she was selected for the Arts Commission review panel as a modern art historian and went on to say that was she was not appointed as a representative from the Historic Commission. Ms. Renwick stated that she does not feel she has a conflict of interest or financial gain in this project.

Mr. Schexnayder reminded the Historic Commission that unless a Commissioner has financial conflict, they are not required to recuse themselves. Mr. Schexnayder emphasized that if a Commissioner has a pre-disposition likely to affect their objectivity they should disclose it now.

Mr. Skibby opened the discussion for comment from the public regarding "Gather".

George Kramer of 326 N. Laurel, Ashland, OR addressed the Commission and read his letter to the Historic Commission into record regarding the "Gather" sculpture. **See exhibit A, attached.** Mr. Kramer stated that he opposed the scale of the sculpture and the process by which it was chosen. He stressed that he does not agree with the Public Arts Commission's broken process and

encourages the Historic Commission to protect the downtown by making a clear and strong statement to City Council.

David Powell of 875 Beswick Way, Ashland, OR addressed the Commission regarding the "Gather" sculpture. Mr. Powell does not like the scale, massing and location of the sculpture and stated that it does not fit in with what he pictures Ashland to be. Mr. Powell feels that the City should be promoting the Historic character of the town in such a public place.

Alice Mallory of 438 Taylor, Ashland OR addressed the Commission regarding the "Gather" sculpture. Ms. Mallory stated that she represents the thoughts of many citizens of Ashland and would like to ask the City Council to please reconsider the placement of the "Gather" sculpture. Ms. Mallory feels that this large, expansive and expensive, contemporary sculpture would best be suited for the grounds of the City Government offices on East Main Street. A large piece of art like this would complement the Contemporary architectural style of the City offices and could become a symbolic invitation welcoming people to the civic center, the "gathering place" of our local government. This location would provide a home for the "Gather" sculpture, in harmony with its theme and its size while expanding Ashland's reputation as an art community beyond the downtown periphery. The Historic core should be preserved as an area apart from the contemporary and urban areas of town. She is one of many that would like to see a vigorous recruitment of artists from the Rogue Valley. She asks that the City Council slow the pace of this process and plan a public listening meeting so that all voices may be heard.

Mr. Skibby closed public input and opened to the Commissioners for comments regarding "Gather".

Mr. Giordano stated that he was impressed with the public comment and could not add more to what was said.

Ms. Renwick remarked that an attack on the Public Arts Commission is inappropriate. Having been a part of this process, they were in no way any of the things mentioned in George Kramer's letter. They were rigorous in their selections and the issue about local artists is that they are, for the most part, not capable of handling an installation of this scale. She emphasized that locals do not pay the Transient Occupancy Tax (Hotels/Motels) which paid for the "Gather" sculpture. She stressed that according to the City website it is not the job of the Public Art Commission to bring art to the Historic Commission nor is it the Historic Commission's job to comment on it. Ms. Renwick went on to say that an ADHOC committee with both Historic and Public Arts representative's should be formed to change the flawed process. As a member of the Public Arts Commission selection committee, each member had to write a letter to the City Council. Ms. Renwick read aloud her letter addressed to the City Council stating she is in favor of the sculpture.

There was some discussion by the Commission on the size, scale and measurements of the "Gather" sculpture.

Ms. Renwick read aloud the charters of both the Ashland Historic Commission and the Public Arts Commission. Ms. Renwick stated that the descriptions are vague but the point is that we need to address the process. She went on to say that the "Gather" piece has been chosen and that the Historic Commission has known about this for at least 3 years. Ms. Renwick declared that the process going forward needs to be addressed.

Ms. Voisin impressed upon the importance that the Historic Commission make some recommendations to the City Council on location, placement, size and materials of the "Gather" sculpture.

Ms. Kencairn likes the "Gather" sculpture but says the process is flawed.

Mr. Emery likes the "Gather" sculpture but says the process is flawed.

Mr. Skibby doesn't like the transparency of the art. He stated that it would be more suitable in another location. He commented that it competes with the surroundings and is not compatible with the Historic District.

Mr. Kramer interrupted the Commission review and stated that the fact that Ms. Renwick is testifying for the Public Arts Commission when she is a Commissioner on the Historic Commission is totally inappropriate. Mr. Kramer requested a rebuttal once the Commission is done with their comments. Mr. Skibby allowed rebuttal.

Mr. Shostrom is most concerned about the process. He added that the "Gather" sculpture is out of scale and character for the area.

Mr. Giordano stated that art is very subjective and knows there are specific things they are supposed to comment on but is unable to comment because, in his opinion, the artist made "Gather" for that location. He agrees that the process is flawed.

Mr. Ladygo added that he too feels the process is flawed. He went on to say that someone from both the Public Arts Commission and the Historic Commission needs to represent at the Commission meetings. Mr. Ladygo stated that, of the 3 finalists, "Gather" was the most appropriate for the location. Mr. Ladygo is unsure that anything better could have resulted from the process that was in place at the time.

Mr. Swink was absent from the meeting but submitted a letter to the Historic Commission in regards to the "Gather" sculpture. Ms. Trapp noted this letter for the record. **See attached exhibit B.**

Mr. Skibby allowed rebuttal time from the public.

Mr. Kramer referenced the duties and responsibilities of the Historic and Arts Commission charter in section 18 which lays out the responsibilities of design review. He declared that the Historic Commission needs to treat this as though the Public Arts Commission was any other applicant. He pointed out that the "Gather" sculpture was made to be a landmark and that this landmark will impede the view of the Ashland Springs Hotel "by design". Mr. Kramer went on to say that that the Public Arts Commission did not consider these issues when they wrote the criteria for the RFP. He stressed that the Historic Commission should not allow a failed process to create an incompatible product that will take over a major part of the Downtown area.

Ms. Mallory mentioned that she was a tourist in Ashland for many years and was brought here by Ashland's unique character. She noted that tourists pay for the art but are not asked what they would like to see in Ashland. She went on to say that the residents of Ashland need to be made aware of these projects and that the Commissions need to do a better job of getting the word out. She pointed out that there are voices out there that would like to be heard and would appreciate being notified about public input sessions.

Mr. Powell was surprised that the downtown art project would not be reviewed by the Historic Commission and that all future projects in this area should go through their review. Mr. Schexnayder gave the Historic Commission direction on what needed to be done to send a clear message to the City Council.

After review the Historic Commission was unanimous in their opinion that the process used to select public artwork is flawed. Furthermore, they believe that any Public Arts Commission project proposed to be located within Ashland's Nationally Registered Historic District should require a recommendation by the Historic Commission to the City Council. In this instance, they find that the Public Arts Commission Master Plan and the Gateway Island Project RFP are inconsistent. In regards to the artwork selected by the Public Arts Commission for the Gateway Island Project the Historic Commission's opinion was divided. The following is a tally of votes in favor and against four aspects of the project that affect historic compatibility:

Location and Placement – 4 in favor vs. 3 against

Scale and Massing – 4 in favor vs. 3 against

Materials – 4 in favor vs. 3 against

Overall Process used for Selection of the Artwork – 0 in favor vs. 7 against

#### **PLANNING ACTION REVIEW:**

**PLANNING ACTION:** PA-2015-01517

**SUBJECT PROPERTY:** 209 Oak St., 221 Oak St., 225 Oak St. and 11 B St.

**OWNER/APPLICANT:** Spartan Ashland Natalie Real Estate, LLC

**AGENTS:** Kistler, Small & White, Architects

**DESCRIPTION:** A request for Outline Plan, Final Plan and Site Design Review approvals for the properties at 209 Oak Street, 221 Oak Street, 225 Oak Street and 11 B Street. The proposal includes the renovation of two existing, historic homes; the construction of six townhouses along B Street; and the construction a new, detached residential cottage. Also included are requests for a Variance to allow a 15-foot wide, one-way driveway where a 20-foot driveway width would typically be required; two Conditional Use Permits to allow a 25 percent increase in the Maximum Permitted Floor Area, and to allow a commercial use within an existing, historic residential building; and an Exception to the Street Standards to allow a curbside sidewalk along B Street where a planting strip would typically be required between the curb and sidewalk. **COMPREHENSIVE PLAN**

**DESIGNATION:** Low Density Multi-Family Residential; **ZONING:** R-2; **ASSESSOR'S MAP:** 39 1E 09BB; **TAX LOTS:** 15600, 15700, 15900 and 16000

Mr. Schexnayder gave the staff report on PA-2015-01517

Mr. Skibby opened the public hearing to the applicant.

Ray Kistler of Kistler, Small, White addressed the Commission in regards to the final plan for a type two site review for the renovation of the two historic houses, construction of six townhouses and a residential cottage.

Leslie Gore of Kistler, Small, White, elaborated on the concerns and issues, brought up at the October Historic Commission meeting.

Mr. Skibby closed the public hearing and opened to the Commission.

Mr. Giordano motioned to approve PA-2015-01517 with below conditions and recommendations. Mr. Ladygo seconded. No one opposed.

The Historic Commission recommends approving the application as submitted subject to the specific recommendations below:

1. The Historic Commission recommends composition shingle roofs for the Mickelson-Chapman House and Smith-Elliott House because this treatment is historically compatible. Metal roof is appropriate for the new cottage.
2. The Historic Commission would prefer the Mickelson-Chapman House remain a residential use because this house is a historical residence.
3. The Historic Commission recommends that the porch and dormers be restored and that siding be replaced in kind where necessary.
4. The Historic Commission supports the Exception to Street Standards to allow the continuation of the existing curbside sidewalk pattern established with the Winston Building at the corner of Water and B Streets because this design would allow for larger porches and retains the historic location of the sidewalk.

**NEW ITEMS:**

Review board schedule  
Project assignments for planning actions

**DISCUSSION ITEMS:**

Email from David Sherr. Mr. Skibby requested that this be tabled until the next regular meeting.

**COMMISSION ITEMS NOT ON AGENDA:**

There were no items to discuss.

**Review Board Schedule**

November 12 <sup>th</sup>	Terry, Kerry, Bill
November 19 <sup>th</sup>	Terry, Sam, Tom
November 25 <sup>th</sup> (Weds)	Terry, Allison, Andrew
December 3 <sup>rd</sup>	Terry, Sam, Keith

**Project Assignments for Planning Actions**

PA-2014-01956	Lithia & First	All
PA-2014-00710/711	143/135 Nutley	Swink & Whitford
PA-2014-01283	172 Skidmore	Shostrom
PA-2014-00251	30 S. First St	Whitford
BD-2013-00813	374 Hargadine	Swink
PA-2013-01828	310 Oak St. (Thompson)	Shostrom
PA-2014-02206	485 A Street	Renwick
PA-2015-00178	156 Van Ness Ave	Kencairn
PA -2015-00374	160 Lithia Way	Emery
PA-2015-00541	345 Lithia Way	Giordano & Renwick
PA-2015-00493	37 N. Main	Skibby
PA-2015-00878	35 S. Pioneer	Ladygo
PA-2015-01163	868 A' Street	Kencairn
PA-2015-00980	637 B' Street	Shostrom
PA-2015-00797	266 Third	Ladygo
PA-2015-01115	34 S. Pioneer	Ladygo
PA-2015-01496	35 S. Second-Winchester Inn	Shostrom
PA-2015-01512	198 Hillcrest	Swink
PA-2015-01695	399 Beach	Skibby
PA-2015-01769	860 C	Renwick
PA-2015-01517	209 Oak	Shostrom

**ANNOUNCEMENTS & INFORMATIONAL ITEMS:**

Next meeting is scheduled for December 2, 2015 at 6:00 pm.

*There being no other items to discuss, the meeting adjourned at 8:25pm*

Respectfully submitted by Regan Trapp

Testimony of George Kramer, 386 N Laurel, Ashland  
As presented to the Ashland Historic Commission, 4-Nov-2015  
"Old Business, PAC Gateway Island Proposal

Chairman Skibby & Members to Commission,

I am glad to see that the Ashland City Council and this body have recognized the wisdom of including the AHC in review of public art projects. I hope it's the beginning of a trend.

The project before you is the latest in a series of efforts by the Public Arts Commission proposed for Ashland's NR-listed downtown. I don't agree with the PAC's continued focus on downtown, but given that, I am completely flummoxed by their failure to include the commission in that efforts. Art is a good thing. The PAC was formed in 2002 with laudable goals and has been well-funded by TOT monies. But public art, like any public-funded endeavor, must be reviewed from multiple standpoints to be successful. The fact that we are here tonight is a testament to the failure of the PAC process.

The PAC would like to present the controversy surrounding its choice of "*Gather*" as being about the philistines lacking an appreciation of "contemporary" art. That's a convenient stance and I know that many find little of value in this design. In my case the design isn't the problem. My issue with *Gather* is its scale and the process by which it was chosen.

The PAC and their staff outline the public input they sought after winnowing down 60+ respondents to the Gateway RFP into three finalists, of which *Gather* is the preferred alternative. I'm sure they followed that process to a "Tee." But it was the PAC alone who created the criteria and who selected the finalists. I might have chosen differently, but then I am not an artist.

But I am a member of the public. The public that both pays for and has to live with this selection, whatever it may be. Looking at the criteria that the PAC developed I note that the VERY first statement in the Gateway Island RFP asks is "the piece is contemporary and original" and the third is whether the piece has "the potential to become a visual landmark/iconic to Ashland." It's not hard to imagine that at least some of the other responses might have been more compatible in scale and character with Ashland's historic downtown and were removed from consideration precisely for that reason.

The Historic Commission was formed in the early 1970s with the goal of protecting and preserving Ashland's historic character while allowing growth and change. You have a laudable record over the past 40+ years of doing just that, and that is particularly evident in our vibrant and successful downtown core, success that is a large part of the reason downtown is the focus of the much newer PAC. Downtown is where the people are.

I submit to you that BY DESIGN the RFP for the Gateway Island Project was counter to the goals of this commission and the city's long-term interest in preserving and enhancing downtown's historic character. I further submit to you that recognition of that simple fact is exactly why the PAC and its staff interpreted City Code to avoid AHC review. And make no mistake, that is that is precisely what they have done. The PAC's convenient fiction that "public art" is only subject to AHC review when it is physically attached to a building, is just that, fiction. I can't blame them. If the AHC honestly applies its review standards to *Gather*, I don't see how you can possibly approve it for installation in the downtown core. Frankly I can't imagine anyone other than the PAC being so bold as to even suggest it.



Testimony of George Kramer, 386 N Laurel, Ashland  
As presented to the Ashland Historic Commission, 4-Nov-2015  
"Old Business, PAC Gateway Island Proposal

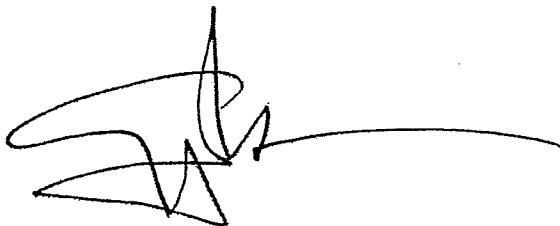
Eliminating the AHC from this process by choice, in my opinion invalidates the ENTIRE process. As a result the Gateway Island Project from the beginning has been mis-guided, ill-conceived and counter to the character of downtown. *Gather* may be a nice piece but it is too big, too tall, and visually incompatible with the character of downtown precisely because that is what the PAC ask for. **The right response to the wrong question is still wrong.** This process was flawed from the start. *Gather* is the entirely predictable result.

I encourage this Commission to do its job and in protecting downtown. I encourage you to make a clear and strong statement to City Council that a work like *Gather*, while perhaps attractive, is nevertheless wrong and incompatible with the character of downtown that you are bound to protect. The process the PAC has followed did not allow your input in a timely manner and, had it, we might have avoided this controversy.

This is not about "Art." It is not about contemporary or what I like or you like. This is about location and scale. The PAC should either move *Gather* to a spot where its scale is appropriate or they should go back to the drawing board. And this time they should follow the same standards that everyone else does, and have their proposals for Downtown reviewed by the Ashland Historic Commission before they get to the point of recommending a preferred design to City Council. And we should fix this problem before any future project, including the \$75K downtown beautification project that Council has already funded for installation between Starbucks and the old Fortmiller's building.

While *Gather* should be stopped, this isn't about *Gather*. It's about the broken process that allowed it to proceed and that process needs to be fixed. I would encourage the AHC to put that in your recommendation to Council too. If not, I fully expect we'll all be here doing this again in the future.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "George Kramer", with a long horizontal line extending to the right.

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November 2, 2015

Dear fellow Historic Commission members,

Since I will not be present for the November 4<sup>th</sup> commission meeting, I wanted to comment in writing a few of my concerns about the PAC gateway sculpture discussion that I will be missing.

Firstly, I want to emphasize that I feel that public art is important in all communities. However..... I believe that the current way that the Historic Commission and Arts Commission constantly run at odds in their respective missions has an ongoing and and frustrating history that needs to be rectified now.

As a member of the Historic Commission I feel that any public artwork that is considered for the installation in any historic district needs to be approved by the Historic Commission. Period!

The Arts Commission needs to submit their intentions to our commission just as anyone that has building projects that would impact the historic character of our designated historic districts would. Especially for an installation that will have such a significant visual effect on our historic downtown corridor as the currently proposed Gateway sculpture. I believe that the currently proposed sculpture is completely inappropriate to represent our community in any way. To me, it is in no way historically compatible with our downtown street scape. It seems to be a sculpture more compatible in a more contemporary large open space park setting.

I think it is all well and good that the Arts Commission noticed meetings over the past year or more for the public for comment, however, they should have been coming to the scheduled Historic Commission meetings for our feedback and approval before making unilateral decisions about such an important piece of artwork that should represent our community.

It is way past time that this situation, where our commissions continually work at cross purpose be rectified by the city council and I support any direction the commission deems appropriate to help rectify this currently flawed process we are regularly struggling with.

Sincerely,

  
Keith Swink