

ORDINANCE 15-2007

ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 10, ENTITLED "OWENSBORO PUBLIC ART COMMISSION," SECTIONS 2-391 THROUGH 2-395 OF THE OWENSBORO MUNICIPAL CODE, TO INCREASE THE MEMBERSHIP OF THE COMMISSION FROM TWENTY-EIGHT (28) TO TWENTY-NINE (29) MEMBERS AND ADDING THE PRESIDENT OF GREATER OWENSBORO ECONOMIC DEVELOPMENT CORPORATION AS AN EX OFFICIO MEMBER; AND FURTHER ADDING SECTIONS 2-396 AND 2-397 CONTAINING LANGUAGE TO ENCOURAGE PRIVATE FIRMS AND INDIVIDUALS TO PURCHASE, DISPLAY AND PROMOTE ART ON PRIVATE PROPERTY.

WHEREAS, on December 2, 2002, the Owensboro Board of Commissioners adopted Ordinance 66-2002, creating a 28-member Owensboro Public Art Commission and entrusting that Commission with the responsibility to oversee the creation, commission, purchase and/or placement of art work within the City of Owensboro for aesthetic enhancement and enjoyment by the community at large; and

WHEREAS, Ordinance 66-2002 established a 28-member Commission, thirteen (13) of whom would be appointed by the Mayor and 15 of whom would be ex officio members by virtue of their designated positions; and

WHEREAS, the Owensboro Public Art Commission now desires to increase its membership from twenty-eight (28) members to twenty-nine (29) members by adding the President of the Greater Owensboro Economic Development Corporation as an ex officio member; and

WHEREAS, the Commission further desires to encourage private firms and individuals to purchase and display works of art on private property for the public's enjoyment and appreciation, and to promote public visual art through educational programs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OWENSBORO, KENTUCKY, AS FOLLOWS:

Section 1. Chapter 2, Article V, Division 10 entitled "Owensboro Public Art Commission, Sections 2-391 through 2-395 of the Owensboro Municipal Code, shall be, and hereby is amended to read as follows:

Sec. 2-391. Definition. "Public Art", as here used, means a visual representation ~~located in a public place, and~~ intended for the free enjoyment, benefit and inspiration of the public and the aesthetic enhancement of the City in general.

Sec. 2-392. Established. There is hereby established the "Owensboro Public Art Commission" (OPAC) which shall develop and administer a Public Art Program for the City of Owensboro, Kentucky.

Sec. 3-393. Duties and powers. The OPAC shall have the following duties and powers:

- (1) To prepare, and with the Board of Commissioner's approval, adopt and amend as needed, a plan and guidelines for the selection of appropriate sites within the City for Public Art, for the selection of works of Public Art, for the selection of artists to commission to prepare works of Public Art, and for placement and maintenance of works of Public Art.

- (2) To authorize the purchase of works of Public Art, to commission the design, execution and/or placement of works of Public Art, to enter into such contracts and employ such agents or employees as may be necessary for the performance of its duties, and to provide for payment therefor from the Public Art Fund, in accordance with the plan and guidelines developed pursuant to (1) above.
- (3) To consult with the City Manager or his designees before the proceeding with placement of Public Art on city property;
- ~~(4)~~ To provide for the maintenance of public art;
- ~~(4)~~ (5) To consult with the City Manager with regard to possible use of City employees for the performance of its work whenever such use would be feasible;
- ~~(5)~~ (6) To promulgate rules and regulations consistent with this division for its internal functions and to facilitate the performance of its duties under this division.

Sec. 2-394. Public art fund. The Commission shall utilize such funds as may be made available to it by the City of Owensboro, or that it may acquire from other public or private sources. All such funds shall be held by the Public Art Commission, or its designee, and designated as the "Public Art Fund." Monies from the Public Art Fund shall be disbursed by order of the Owensboro Public Art Commission and upon requisition of its Chairman and Secretary. The Public Art Commission shall at least

annually, submit a report to the Owensboro Board of Commissioners identifying the source and use of all public and private funds acquired.

Sec. 2-395. Membership. The Public Art Commission shall have ~~twenty-eight (28)~~ twenty-nine (29) members, ~~thirteen (13)~~ fifteen (15) of which whom shall be appointed by the Mayor with the approval of the Owensboro Board of Commissioners. Appointed members shall have terms of four (4) years. ~~except that six (6) of those first appointed shall be appointed for a term of two (2) years.~~ The appointed members shall be made up of ~~eleven (11)~~ fifteen (15) members from the public-at-large, including an artist, a landscape design professional, an architect, and an attorney. Those holding the following ~~fifteen (15)~~ fourteen (14) positions shall be ex officio members having voting privileges; the City Manager or his designee; the Director of the Owensboro-Daviess County Tourist Commission; the Director of the Owensboro Museum of Fine Art; the Director of the Owensboro Metropolitan Planning Commission; the Chairman of the Kentucky Wesleyan College Fine Arts Department; the Chairman of the Brescia University Fine Arts Department; the Chairman of the Owensboro Community College Fine Arts Department; Director of the RiverPark Center; President of the Owensboro Art Guild; the Director of the Community Foundation; the President of the Owensboro Chamber of Commerce; ~~the Executive Director of Industry, Inc;~~ the President of Greater Owensboro Economic Development Corporation; ~~the Chairman of the Downtown Review Commission;~~ the Chairman of PRIDE, Inc.; and the Chairman of the Owensboro Historical Preservation Board. In the event

any ex officio member is unwilling or unable to serve, the Owensboro Public Art Commission shall recommend to the Mayor a substitute for that member to be appointed in the manner set out above for non ex officio members. Either the recommended substitute, or another selected by the Mayor, shall be appointed with approval of the Owensboro Board of Commissioners.

Sec. 2-396. Private art maintained for public view. The commission shall encourage private firms and individuals to purchase and display on private property works of art for the free enjoyment and appreciation of the public. The commission may, by providing the advice of artists or otherwise, facilitate the purchase and placement of such art.

Sec. 2-397. Education. The commission shall promote the appreciation of visual art by the public in general and by young people in particular, and design and implement programs for that purpose.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 20th day of March, 2007.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this the 10th day of April, 2007.

Mayor

ATTEST:

Carol Blake, City Clerk