



CITY OF NEPTUNE BEACH

116 FIRST STREET, NEPTUNE BEACH, FLORIDA

MEMORANDUM OFFICE OF THE CITY CLERK

DATE: April 14, 2009

FROM: Karla Strait, CMC, Deputy City Clerk

TO: Mayor Harriet Pruette, City Council, & City Manager Jarboe

SUBJECT: Town Center Art Sculpture

The Atlantic Beach City Commission approved the placement of the Art Sculpture for Town Center at their April 13, 2009, commission meeting by a 3 to 2 vote with conditions.

I have attached a draft copy of the minutes for your review.

**Miscellaneous
Business**

8. Miscellaneous Business

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A. Sculpture in Town Center.

City Manager Hanson explained this item was deferred from the last meeting so all Commissioners could be present.

Mayor Meserve stated Michael Dunlap and the sculptors were in the audience to answer questions from the Commission. Mayor Meserve stated safety, security and long-term maintenance are his concerns. He stated he would support approval if, along with raising the funds to build the sculpture the Town Center Agency would escrow an amount of \$36,000 toward maintenance costs and agree to turning over all responsibility for maintenance and final disposition to the cities.

Commissioner Parsons agreed Town Center Agency should put in more money to cover maintenance, and wants to get everyone in agreement, but does not believe the cities should get involved with what kind of art was chosen or where it should go. He stated he believes the cities should take responsibility for the insurance.

Commissioner Borno referred to Resolution 08-05, Item 3, "any final plan approved should include an acceptable solution as to where to place the annual Christmas Tree and holding associated lighting ceremonies", which he believes has been totally avoided in everything that has been brought forward to the Commission. He further stated he will not burden the City's taxpayer with any financial burden for maintenance. He stated he supports the majority he has heard from who don't want the view changed and will not support the sculpture.

Commissioner Woods referred to Michael Dunlap's statement, "the Pathfinder will become the identity of our beaches Town Center and an iconic element in the urban landscape. The beach proximity will serve as a stark and unique backdrop to the triploid tower element." She stated the purpose of this sculpture is to become the Town Center beaches identity and she does not understand what this has to do with Atlantic Beach and Neptune Beach. She asked the artists to explain what this sculpture has to do with Atlantic Beach and Neptune Beach, stating she thinks of the beaches as residential and seaside vacation and this sculpture is more harsh and shipping industry. Artist Jay Shoots explained he and his partner tried to come up with a concept that actually interacted with the wind, water, and light and would constantly be changing and they believed, graphically, it fit in the 24 foot circle that was selected for this piece of sculpture. He stated they believe it evolves all the elements of the natural beach. He stated it is nautical and they like that because it is at the beach and they do not believe it takes away from the view of the beach at all.

Commissioner Fletcher asked about the caliber of the stainless steel. Michael Dunlap explained it will be made from 316 stainless, which is the highest available. He also stated they will put aside the necessary funds to cover the maintenance and will put it in escrow but does not believe the exact dollar figure needs to be a part of the deal tonight. He stated they are looking for an approval and have some fundraising to do, but they believe they have a coating that will cover it for ten years easily and have indicated the additional ten years will be covered by these escrow funds. He stated this

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leaves the only maintenance for the City for the first twenty years is to wash it a couple of times a year .

Commissioner Fletcher stated he does support the sculpture and public art but is not a judge of what that public art should be. He stated he is concerned that it is a kinetic piece of art and asked if the ball bearings will have to be maintained more frequently than every ten years. Mr. Dunlap stated one of the upgrades were the sealed bearings which don't need a lot of attention. He clarified they intend to fundraise the cost of the sculpture, which they figure to be \$250,000, and they will also fundraise the escrow account for maintenance. He stated they don't need to iron out a contract tonight; they just need an approval to get to the next step. He stated they still need Neptune Beach's approval.

Commissioner Fletcher further stated if the cities are going to accept the art, he believes it needs to be accompanied with an escrow account that everyone agrees will be adequate to keep the taxpayer out of maintaining it. Regarding the Mayor's comment about ultimate disposition, Mr. Fletcher asked if there would be an acceptance agreement the cities would enter into where they might be required to replace it if were destroyed. Mayor Meserve stated his concern was what happens if we have a hurricane and the sculpture sustains damage, will the cities be bound to replace it and, if so, what will our insurance cover on a piece like that.

Commissioner Woods expressed her concern regarding the sculpture blocking the ocean view and Mr. Dunlap explained to her he does not see the sight line being an issue.

Commissioner Parsons stated he believes the City can accept the issue of insurance and hopes Neptune Beach will feel the same way, but he still has an issue with the maintenance. He stated as long as the Town Center Agency will raise the money to take care of the maintenance and he could see the minutes where they voted on it, he will vote to support it. Mr. Dunlap reiterated they intend to provide maintenance on the project for the first twenty years, whatever that cost is.

Motion: Approve request for sculpture based on Atlantic Beach and Neptune Beach coming to a mutually agreeable dollar amount for a maintenance escrow account.

Moved by Parsons, Seconded by Fletcher

Votes:

Aye: 3 - Fletcher, Meserve, Parsons

Nay: 2 - Borno, Woods

MOTION CARRIED