

Councillor Born then invited Ms. Lombardi to make a presentation. Ms. Lombardi stated that there is nothing in the current law that provides for Public Arts Committee review of privately funded art on public property. Councillor Born asked what Ms. Lombardi would like to see as a result of the policy being discussed here.

Ms. Lombardi stated that the Public Arts Ordinance is interested in an ordinance which reflects the process as it is actually used, a flexible collaborative process.

Councillor Sullivan noted that the Arts Council has siting authority.

Ms. Lombardi stated that usually the process works fine, but it does not work for a situation where there is a private donation for a public space. Many cities have a gifts and donations policy.

Councillor Davis stated that in addition to the Irish Famine sculpture in the common, the sculpture at Lafayette Square and the bench at Fresh Pond would also fall into this category.

Suzanne Greene stated that there should be an artistic judgments on proposed art structures in Historical districts somewhere in the decision-making process. If a gifts policy is what is required to accomplish this, then Cambridge should have one.

Councillor Sullivan asked if there is a residence requirement for the artists in the one percent for art projects program.

Ms. Lombardi said no, but there is a "concentric circle philosophy" in which there is great interest and emphasis in supporting Cambridge artists. The Arts Council keeps slides in a slide registry and the jury reviews them.

Councillor Davis stated that she has a concern about how having a private gifts and donations policy and review process would affect the chair carved by Mitch Ryerson from a tree stump at Fresh Pond.

Ms. Lombardi noted that right now there are 117 pieces of public art which the Arts Council is required to maintain.

Councillor Sullivan asked about the 117 pieces of art, and specifically, what is the oldest. Ms. Lombardi stated that probably the murals would be the oldest. Mr. Sullivan stated that the very oldest are the responsibility of the Historical Commission.

Ms. Lombardi discussed the difference between the Public Arts Committee and the Arts Council. Membership on the Public Arts Committee is discipline oriented; the Arts Council membership is a little broader.

Councillor Davis requested that the Arts Council bring a suggested gifts and donations policy back to the Public Service Committee for discussion.

Councillor Davis asked about the "flexibility" mentioned earlier with regard to the one percent amount. She did not know that this amount was flexible; she thought it was one percent of the construction amount. Councillor Davis asked how other cities do it. Ms. Lombardi stated there is a range of issues about the definition of what the one percent is based on. The City Manager and Deputy City Manager would need to be present for this discussion.

Councillor Born asked about the 1998 revisions to the guidelines on public art siting. Ms. Lombardi stated that the ordinance requires the Arts Council to develop guidelines for siting public art. The guidelines had not been updated for 10 years. The Public Arts Committee had discussions and made changes and sent them to the Law Department for them to ascertain conformity to the ordinance. The guidelines have now been reviewed by the Law Department and adopted by the Arts Council.

Mr. Perry stated that there is flexibility in the ordinance for the Arts Council to develop guidelines and revise them over time to respond to emerging issues. For example, the revised guidelines have an increased emphasis on education.

Councillor Born asked how under the new guidelines, the Fresh Pond situation could be different. Ms. Lombardi stated that this is a very unusual situation, really a green space issue rather than a siting issue.

Ms. Lombardi stated that one of Mr. Yngvason's recommendations is to develop a master plan, as some other cities have done in a public process that involves the whole community.

Councillor Born stated that a master plan associated with the capital budget plan would be a good idea. The capital plan looks ahead at least five years, and that kind of advance planning would eliminate the element of public surprise that can be detrimental.

Ms. Lombardi noted that it would be useful for the Public Arts Committee to be involved earlier on. By the time the Public Arts Committee is brought in, the design work is usually all done, and there is not much time for public process. For example, the City knows now that there will be a new library.

Councillor Born agreed that it would be wonderful for the architects and the artists to be able to work collaboratively on the new library.

Councillor Davis asked whether the right time for Public Arts Committee involvement is at the time of schematic drawings. Ms. Prellwitz stated that the art is a program element and should be considered in the context of the program elements.

Mr. Yngvason stated that the funding comes at the construction time, not at the design phase. Councillor Born asked for a brief letter outlining this difficulty and suggesting solutions.

Councillor Born noted that there is a certain "loosie-goosie" aspect to some of these issues. For example, how the one percent is calculated, and how to get the art discussion at the early design phase, not just at the construction phase.

Councillor Davis asked what is necessary with respect to the Historical Commission. Councillor Sullivan stated that the Historical Commission adopted a policy referring private art donations on public properties to the Public Arts Committee, and the Arts Council does not currently have the authority to make recommendations. A gifts and donations policy is necessary.

Mayor Duehay noted the King of Thailand's desire to donate art.

Councillor Born requested that Mr. Charles Sullivan and Ms. Lombardi collaborate on a proposal for a gift and donations policy and return it to the committee.

Councillor Davis brought up the issue of how to encourage art on publicly beneficial open space, private parks like at University Park.

Councillor Born thanked all those present for their attendance. The meeting was adjourned at 6:35 p.m.

For the Committee,

A handwritten signature in cursive script that reads "Kathleen L. Born" followed by a small monogram "JMB".

Councillor Kathleen Leahy Born, Chair

City of Cambridge

In City Council January 11, 1999

The Public Service Committee held a public meeting on December 9, 1998, beginning at 5:13 p.m. in the Sullivan Chamber for the purpose of discussing a report on siting public art and monuments submitted by the City Manager.

Present at the hearing were Councillor Kathleen Leahy Born, Chair of the Committee, Mayor Francis H. Duehay, Councillor Michael A. Sullivan, and City Clerk D. Margaret Drury. Also present were Charles Sullivan, Executive Director of the Historical Commission; Pallas Lombardi, Executive Director of the Arts Council; Hafthor Yngvason, Public Arts Director, Arts Council; Jerry Boyle, Superintendent of Buildings for the Department of Public Works; Suzanne Green, member of the Historical Commission; and Carol Harper, Wendy Prellwitz and David Perry, Arts Council Advisory Board members.

Councillor Born convened the hearing and explained the purpose. She invited those present to introduce themselves and noted that the late Anthony Platt was also very interested in this issue and asked that the Committee note how much they missed his presence. She requested that Mr. Sullivan describe the Historical Commission's involvement in this issue.

Mr. Sullivan explained that the Historical Commission has jurisdiction over public art installations in historic districts and on premises designated as a landmark because most such installations would be regarded as "structures" under M.G.L. Ch. 40C and Chapter 2.78 of the Cambridge Municipal Code. Thus the Historical Commission must issue a Certificate of Appropriateness. In recognition that there exists another public process for evaluating public art, in 1997 the Historical Commission adopted a resolution that Certificates of Appropriateness will not be granted for public land under the Commission's jurisdiction without prior approval of the art work by the Public Arts Committee of the Arts Council.

Councillor Born asked what would happen if someone wanted to put a sculpture on private property in an historical district. Mr. Sullivan stated that this would require a Certificate of Appropriateness and would be referred to the Public Arts Committee of the Arts Council with a request for a recommendation. Councillor Born asked what would happen if the Public Arts Committee recommended against the art work. What about the First Amendment? Mr. Sullivan stated that this is an excellent question. The Commission has not had an occasion to apply the policy, and he will bring this issue to their attention.

Committee Report #10

S-44

A report from Councillor Born,
Chair of the Public Service Committee,
for a hearing held on December 9, 1998
for the purpose of discussing a report
on siting public art and monuments
submitted by the City Manager.

In City Council January 11, 1999

Report Accepted .
Placed on file