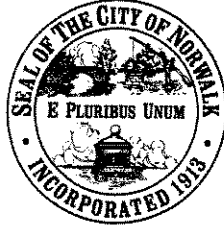


CITY OF NORWALK

LAW DEPARTMENT

CITY HALL
125 EAST AVENUE, P.O. BOX 5125
NORWALK, CONNECTICUT 06856-5125



TEL: (203) 854-7750

FAX: (203) 854-7901

COMMON COUNCIL ORDINANCE COMMITTEE

REGULAR MEETING

September 20, 2016
7:00 p.m. – Room 231
Norwalk City Hall-125 East Avenue
Norwalk, CT

AGENDA

1. ROLL CALL
2. PUBLIC HEARING (possible action on):
3. PUBLIC HEARING DISCUSSION
4. PUBLIC COMMENT
5. ACCEPTANCE OF MINUTES: August 16, 2016
6. OLD BUSINESS (possible action on): Parking Authority Membership
7. NEW BUSINESS: (possible action on): Art Commission
8. ADJOURNMENT

**CITY OF NORWALK
ORDINANCE COMMITTEE
REGULAR MEETING
AUGUST 16, 2016**

ATTENDANCE: Eloisa Melendez, Chair; Shannon O'Toole-Giandurco, Bruce Kimmel, Michael Corsello, Travis Simms, Douglas Hempstead

STAFF: Atty. Brian McCann, Corporation Counsel's Office

OTHERS: Mr. James Conte, Conte Construction; Sgt. David Orr, Norwalk Police

CALL TO ORDER

Ms. Melendez called the meeting to order at 7:03 p.m. A quorum was present.

Ms. Melendez introduced all the Council Members present.

PUBLIC HEARINGS.

(possible action on);

Extra Police Work.

Ms. Melendez called the public hearing on Extra Police Work to order at 7:04 p.m.

Mr. James Conte of Conte Construction came forward to speak about the extra police work. He said that Conte Construction was a heavy commercial construction company and it has been in existence for three generations. The company is now working on various sites through out Connecticut and Massachusetts. Mr. Conte said that the company has always advocated the use of police officers for traffic control. The most important reason is safety because construction is a dangerous job and keeping both the public and the workers safe is paramount. He said that he started working in the ditches and worked his way up. It is a dangerous atmosphere and the workers have a job to do and to deal with the public. When there are police officers on site, their presence alone changes the atmosphere. The workers don't have to worry about traffic control because the officer and the cruisers are on site. The public calms down when they see the officers. He said that it was invaluable to have officers trained in traffic control. They were there to help the contractors and they do. They are also first responders and they are available when things go wrong. Officers have total communications with emergency workers. He said that both his company and he are advocates for the officers. When officers are not on site, the workers lose time because they are concerned with the traffic rather than doing the job. There have been documented jobs where his company saved time because there was an officer on site.

Mr. Kimmel asked about the possible action. Ms. Melendez said that the Committee could moved to send the item to the full Council.

Ms. Melendez then asked if there was anyone else present who wished to speak on this issue. Hearing none, she closed the public hearing on Extra Police Work at 7:12 p.m.

Mr. Kimmel asked if they were sending Chapter 96-14 in the information packet to the Council. Ms. Melendez said they would have to vote on it later in the meeting.

Vicious dogs

Ms. Melendez opened the public hearing on the Vicious dog ordinance at 7:13 p.m. She asked if there was anyone who wished to speak to the Committee about this ordinance. Hearing none, she closed the public hearing on the Vicious Dog Ordinance at 7:14 p.m.

PUBLIC HEARING DISCUSSION.

Extra Police Work

**** MR. KIMMEL MOVED TO SEND CHAPTER 96-14 AS MODIFIED TO THE FULL COUNCIL.**

Mr. Hempstead said that he would like to see a modification of the language for the speed limit signs to include the phrase "in session".

**** MR. HEMPSTEAD OFFERED AN AMENDMENT TO READ "IN SESSION".**

Mr. Kimmel asked the police officers present about the 20 mph speed limit on West Rocks Road near the schools. He said that when a driver goes 20 mph in that area, if school is not in session, the drivers behind them honk. Sgt. Orr said that the speed limit remains in effect all the time. It is to make people aware that it is a school zone. Discussion followed about the speed limits and how the public handles it.

Mr. Hempstead said that there were other communities that had signs that indicated time periods. He pointed out that most of the schools are closed during the summer but some have summer programs. Sgt. Orr said that it would be up to the Committee to add it. However, after hearing Sgt. Orr's points, Mr. Hempstead said he would reconsider it.

**** MR. HEMPSTEAD WITHDREW HIS AMENDMENT.**

Sgt. Orr said that he had a request about clarity. He asked if the wording was from Option A. Ms. Melendez said that it was. Atty. McCann confirmed that it was.

**** THE MOTION TO FORWARD CHAPTER 96-14 TO THE FULL COUNCIL PASSED WITH FIVE IN FAVOR (MELENDEZ, HEMPSTEAD, KIMMEL, O'TOOLE-GIANDURCO AND CORSELLO) AND ONE OPPOSED (SIMMS).**

A discussion followed about a type of shark fishing that happened in Delaware that resulted in local municipality enacting an emergency ordinance.

Vicious dog Ordinance

**** MS. O'TOOLE-GIANDURCO MOVED THE ITEM.**

Mr. Corsello said that he would like to amend the item to eliminated 15-14, I & 2. He said that he had a problem with the language and gave his reasons. Mr. Hempstead agreed and gave an example of a small dog that would approach a person and start yapping. Mr. Kimmel said that he agreed with Mr. Corsello. He said that as a runner, he was familiar with the way that many small dogs go crazy. During the campaign season, he said that he was surprised to see how many people did not have control over their dogs. He then spoke about the "known propensity" phrase and said that there was a certain subjectivity involved.

**** MR. SIMMS MOVED TO AMEND THE ORDINANCE BY ELIMINATING ITEMS 1 & 2.**

Mr. Corsello said that he did not think the Committee would have to replace that wording with something else. Atty. McCann said that there had been a complaint from someone who reported the neighbors dog that constantly barking at them when they went to their car. Mr. Corsello said that he was not comfortable with something that might end up having the dog euthanized just for barking or rushing towards someone.

Mr. Kimmel said that he would support that motion with the understanding that if there were additional adjustments that needed to be changed, it would be done. Mr. Corsello said that he did not think that the definition of viciousness would be significantly changed.

**** THE MOTION TO AMEND THE ORDINANCE BY ELIMINATING ITEMS 1 & 2 PASSED UNANIMOUSLY.**

**** THE MOTION TO SEND THE ORDINANCE AS AMENDED TO THE FULL COUNCIL PASSED UNANIMOUSLY.**

PUBLIC COMMENT

There was no one who wished to make a public comment at this time.

ACCEPTANCE OF THE MINUTES

June 21, 2016.

**** MR. HEMPSTEAD MOVED MINUTES OF JUNE 21, 2016.**

**** THE MOTION TO ACCEPT THE MINUTES OF JUNE 21, 2016AS
SUBMITTED PASSED UNANIMOUSLY.**

OLD BUSINESS

Ms. Melendez said that there had been a discussion regarding the possibility of adding a Council Member to the Parking Authority. Atty. McCann said that the ordinance limits the membership at five members and gives the Mayor the authority to appoint the members. He said that he did not know of a way that they would be able to enlarge the group via ordinance. Ms. Melendez clarified that the info in the packet was the State Ordinance. Atty. McCann handed out copies of the City ordinance.

Atty. McCann went on to speak about the recent parking fee increases. Mr. Kimmel pointed out that the dilemma was that because of the State bonds and State statutes, the Council could not change the budget for Authority. The Mayor would have to appoint a Council Member to the Parking Authority. A second method could be having the Parking Authority as a regular item on the Finance Committee. Mr. Kimmel said that the Planning Committee had first heard about the parking fee increase was when it happened. He said that the commuters are stuck because when the Parking Authority rates go up, the commuters are stuck in a monopoly. It is an untenable situation.

Mr. Simms said that he would like to see the Parking Authority changed to be under Public Works or another City department. Then they would make the recommendations and the Council would make the final decisions. He said that some of his constituents have to move their vehicles from the street parking in front of their residences by 6:30 a.m., which is a major inconvenience to the residents who live there. If they don't move the vehicle promptly, they get a ticket. Mr. Simms said that he had spoken to Mr. Chimento about this, but nothing has been done yet.

Mr. Hempstead asked if there was anything that prohibits the creation of a fee schedule. He also asked if there was anything that would prohibit the City from putting in Capital funding. Mr. Kimmel reminded everyone that before the Parking Authority was created, the City had major deficits in parking. The Council decided to create the Parking Authority and it was based on revenue bonds. The City could not maintain a triple A bond rating because of the Parking situation.

Mr. Kimmel said that he would insure that this issue would be on the Finance Committee agenda. He said that Mr. Brescia seemed to agree that the new fees were hurting South Norwalk.

Mr. Corsello reminded everyone that Mr. Hempstead had asked if the Council Members could have input into setting the rates. Discussion followed. Mr. Kimmel pointed out that if the City did not have a Zoning Commission, then the Council could do whatever they wanted. However once the Zoning Commission is established, the State does not allow the Council to interfere with the Zoning Commission.

Mr. Hempstead asked Mr. Simms if the meters were in residential areas, such as Monroe Street. Mr. Simms said that the meters were installed recently and the rate was \$1.50/hr. He said that it should only be on the commercial streets. The Parking Authority sends out a truck that waits for 6:30 a.m. and immediately tickets the cars. He said that this was not good for City.

Mr. Corsello asked whether the City could lend money to the Parking Authority, which would give the Council some control over the fees. Atty. McCann read a section of the State statute that could give the Council the authority to set the Parking Authority fees.

Mr. Hempstead said that Waypoint was supposed to have free public garages that never were built and those references should be removed from the document.

Ms. Melendez said that she would like Atty. McCann to update everything, but would like to have everyone review the ordinance for changes. Atty. McCann said that he would come up with a draft. Mr. Simms asked if they would have a Council Member on the Parking Authority. Atty. McCann said that the State does not allow it. It has to be autonomous. The State statues set the membership at five members. However having them come to the Finance Committee would give the Council some control.

Mr. Kimmel said that he would like to see the ordinances from the other cities because Norwalk is the only triple A city that has a parking authority.

ADJOURNMENT.

**** MR. SIMMS MOVED TO ADJOURN.**
**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:07 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services

§ 73A-1 Creation; powers and duties.

There is hereby created, in accordance with the provisions of Chapter 100, Sections 7-202 to 7-212a of the Connecticut General Statutes, as amended (the "Chapter"), an authority known as the "Norwalk Parking Authority." The Norwalk Parking Authority (the "Authority") shall have all the powers and perform all the duties that are by law granted to or imposed upon parking authorities under and by virtue of the provisions of the Chapter, as it shall be amended from time to time, subject to the provisions of this ordinance.

§ 73A-2 Responsibility for parking facilities.

A.

The Authority shall have all of the powers and perform all of the duties that are by law granted to or imposed upon parking authorities under and by virtue of the provisions of the chapter with respect to all City parking facilities. For purposes of this chapter, "City parking facilities" shall mean lots, garages, parking terminals or other structures and accommodations for the parking of motor vehicles off the street or highway and open to the general public with or without charge, and off-street and on-street parking meters owned by the City wherever located, including, without limitation, parking facilities and parking meters constructed subsequent to the effective date of this chapter, additions to or replacements of existing parking facilities and parking meters and parking facilities and parking meters within mixed-use facilities, including the property comprising the South Norwalk, East Norwalk and the Merritt 7 Railroad Stations and their related parking facilities, subject to relevant agreements with the State of Connecticut. The areas included within the definition of this term are all buildings and improvements and all means of ingress and egress used to access and travel about within the railroad station facilities. Excluded from this definition is the property comprising the Rowayton Rail Station which is subject to an agreement with the State of Connecticut and any property now or hereafter located within the Waypointe Special Services District, unless otherwise provided for by a separate agreement by and between the City and the Parking Authority.

{Amended 1-13-2004; 3-24-2009}

B.

The Authority is hereby granted all net revenues earned from City parking facilities on and after July 1, 2002, including, but not limited to, revenues from the lease, license or other use of any portion of City parking facilities directly related to the parking of motor vehicles, revenues from parking meters and parking permits collected on or after July 1, 2002, and revenues from parking fines and penalties levied on or after July 1, 2002, plus any interest thereon. Excluded from this provision are all revenues (including net revenue) generated from any parking facilities, parking meters and parking pay stations owned by the City located within the Waypointe Special Services District. For purposes of this chapter, "net revenues" shall mean revenues less any and all related expenses incurred in generating such revenues, including, but not limited to, contractual and other obligations of the City charged to the Authority, such as the cost of collecting and enforcing parking fines and penalties and an allocable share of expenses of City departments and City personnel providing services to the Authority. Net revenues shall be used by the Authority for any of its corporate purposes pursuant to the chapter, including, but not limited to, the acquisition, construction, expansion, improvement and equipping of City parking facilities, the operation and maintenance of City parking facilities, the establishment of capital

and operating reserves and the payment of debt services on bonds issued by the City or the Authority pursuant to the provisions of the chapter.

{Amended 11-12-2002; 3-24-2009}

C.

The Authority shall assume all existing obligations of the City in connection with City parking facilities as of July 1, 2002, and any obligations which accrue on or after July 1, 2002, which arise from City parking facilities. Nothing contained in this chapter shall be deemed to transfer any existing fee ownership interest of the City in any City parking facility, including the underlying land, air rights above or any easements through City parking facilities, to the Authority, and provided further, that control over parking meters within the City, including, but not limited to, the type, location, number and servicing thereof, shall be subject to the approval of the traffic authority of the City.

{Amended 11-12-2002}

§ 73A-3 Members; terms, vacancies; residency.

A.

The Authority shall consist of five members to be appointed by the Mayor and confirmed by the Common Council, not more than three of whom shall be of the same political party.

B.

Those first appointed shall be designated to serve for one, two, three, four and five years respectively and thereafter a member shall be appointed to serve for five years, except that any vacancy shall be filled for the unexpired portion of the term. The Mayor and the Director of the Department of Public Works, or their designee, shall serve as ex officio, nonvoting members of the Authority.

C.

No person shall be appointed or reappointed to the Authority unless a resident of the City.

§ 73A-4 Compensation of members.

The members of the Authority shall serve without compensation but may be reimbursed for necessary expenses.

§ 73A-5 Organization; officers and employees.

A.

The Authority shall organize and operate in conformity with the provisions of Section 7-203 of the chapter.

B.

The Authority shall annually elect one of its members as Chairman and shall elect one of its members as Vice Chairman. The Authority may also employ an Executive Director (who shall not be a member of the Authority), who shall serve at the pleasure of the Authority and have such duties and receive such compensation and benefits as shall be fixed by the Authority. The Executive Director shall be professionally qualified to carry out the purposes of the Authority.

C.

The Authority or its Executive Director, as directed by the Authority, shall have the sole right to employ, direct and control such persons as it deems necessary to carry out the purpose of the Authority. The selection, appointment, assignment of duties, compensation, benefits,

termination, status and other terms and conditions of employment of its employees shall be under the sole jurisdiction of the Authority or the Executive Director, as authorized by the Authority. The Executive Director and other employees of the Authority shall not be considered employees of the City.

D.

The Authority or its Executive Director as directed by the Authority, shall have the sole right to select, direct and control such technical consultants, accountants, parking operators and other contractors as it deems necessary to carry out the purpose of the Authority. The selection, scope of services, compensation, termination and other terms and conditions of such contacts shall be under the sole jurisdiction of the Authority or the Executive Director, as authorized by the Authority.

E.

The Authority or its Executive Director, as directed by the Authority, may enter into agreements with the City to provide the Authority with various services to support the Authority.

[Amended 11-12-2002]

§ 73A-6 Annual budget and reports.

A.

On or before November 15th of each year, the Executive Director of the Authority shall submit to the Authority a recommended annual budget for the Authority for the next succeeding fiscal year commencing July 1st and ending June 30th. The Authority shall adopt a proposed budget on or before December 15th of each year and submit the proposed budget to the Director of Finance on or before December 31st of each year, or on or before such other dates as departments of the City shall be required to submit budgets. The Authority's budget shall be submitted to the Board of Estimate and Taxation and the Common Council for consideration and adoption in the manner and on the same schedule as departments of the City.

[Amended 11-12-2002]

B. Parking fee increases shall be submitted by the Executive Director of the Authority to the Board of Estimate and Taxation and the Finance/Claims Committee of the Common Council for their consideration and approval. Proposed increases shall be submitted no later than December 1st in order to be considered for the succeeding fiscal year.

C.

The Authority shall contract for an annual independent audit and shall submit a copy thereof to the Mayor, the Board of Estimate and Taxation and the Common Council on or before the date of submission of the City's audit for the same period.

§ 73A-7 Meetings.

A.

The Authority shall annually adopt a schedule of its regular meetings and file that schedule with the City Clerk. The Authority may hold special meetings on the call of the Chairman or any two members upon giving notice thereof to all members of the Authority at least 24 hours in advance of such meeting.

B.

All meetings of the Authority shall be held in compliance with the applicable provisions of the Connecticut Freedom of Information Act, as amended.

[Amended 11-12-2002]

§ 73A-8 Term of Authority.

The Authority shall continue to exist until abolished by subsequent ordinance of the Common Council, which shall not be earlier than the repayment of all obligations of the Authority, including without limitation, the retirement of all outstanding indebtedness of the Authority, or the assumption of such obligations by the City.

§ 73A-9 When effective.

This chapter shall take effect upon its adoption by the Common Council.

Establishment; membership; appointment; terms of office.

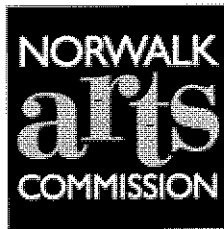
There shall be a Commission known as the "Norwalk Arts Commission." The Commission shall consist of eleven members, not more than seven of whom shall be registered members of the same political party, who shall be appointed by the Mayor, with the consent of the Common Council. In addition to the 11 members of the Commission, there shall be two ad hoc members of the Commission from the Common Council, one from each political party, which ad hoc members shall have the right to vote but shall not be counted in determining a quorum of the Commission. The Common Council members shall serve only during their terms of office as Council members; and, upon the expiration of such terms of office, vacancies shall exist which shall be filled by the Mayor with the consent of the Common Council. Members of the Commission shall serve for a term of three years commencing July 1 of the year of appointment. Each vacancy shall be forthwith filled by the Mayor with the consent of the Common Council for the unexpired portion of the term of the member whose place shall become vacant.

Officers and executive director.

At its first meeting subsequent to July 1 of each year, the Commission shall elect a Chairman, Vice Chairman and a Secretary. The Commission may appoint an Executive Director (who shall not be a member of the Commission), who shall serve at the pleasure of the Commission and have such duties and receive such compensation as shall be fixed by the Authority.

Purposes and duties.

The purpose of the Commission shall be to serve as stewards for the City's public art collection and cultural assets, increasing public awareness and community pride, ensuring high standards, for the benefit of future generations. The Commission shall establish such bylaws, rules and regulations as may be necessary to achieve the purposes set out herein. The Commission shall prepare a monthly arts calendar and make a semiannual report to the Mayor and the Common Council.



Connecting the Arts with the Community

Volunteers who live or work in Norwalk serve on the Arts Commission. As an advisory group, the Commission offers guidance and responds to requests from the Mayor and members of his administration about how best to use the City's resources, with a focus on public art and other cultural assets. The Mayor appoints Norwalk residents who reflect our rich diversity to serve as voting members for three-year terms. Non-voting members need not live in Norwalk, and include creative professionals – visual artists, musicians, writers, poets, dancers, and performers --- as well as representatives from area arts organizations, arts-related businesses, and city employees. Norwalk area residents also serve as volunteers with specific Commission-sponsored projects. The Commission receives funding from the City of Norwalk and sometimes through grants. The Commission has participated as a sponsor or partner in a variety of arts cultural events and public installations including public art. Current efforts include expanding awareness of the City's WPA mural collection in partnership with the Norwalk Public Library History Room, the Historical Commission and the Historical Society; developing docent programs, expanding digital heritage resources, and creating a public art inventory. The Commission meets monthly.

Arts Commission Member Roles & Responsibilities

- Advocate for the arts in Norwalk
- Cultivate and support partnerships.
- Actively participate in or lead at least one Commission-sponsored or partnership project each year.
- Increase public awareness of and celebrate Norwalk artists past and present and their contributions in the fields of drama, literature, music and the visual arts.
- Create and maintain public art and cultural asset inventories and digital resources.
- Recommend, promote and become involved in public art best practices which
 - Enhance Norwalk's image locally, regionally and nationally;
 - Promote our community's identity and celebrate our diversity;
 - Set the standard by engaging qualified and experienced artists;
 - Create exciting, appealing spaces by integrating public art into architecture, urban design and public space planning.
- Attend monthly meetings.
- Promote and participate in Norwalk arts and cultural events and activities.
- Respond to funding opportunities available to local governmental arts organizations based on community priorities and needs.
- Partner with city departments and local arts and cultural organizations on programs, services, networking opportunities and capacity building.
- Provide a user-friendly interface between artists, arts and cultural organizations and City government.

Revised 6/17/14

**NORWALK ARTS COMMISSION
APPLICATION FORM**

Name:
Address:
Phone:
Email:

Thank you for your interest in serving on the Arts Commission. To help us get to know you and your interests, please answer the following questions and attach a resume or bio if available. Please return your application to: Norwalk Arts Commission, Attn. Mayor's Office, 125 East Ave., Norwalk CT 06856

1. Are you interested in serving as a voting member or ex officio member?
2. If ex officio, what group or organization do you represent?
3. Why do you want to serve?
4. What strengths, expertise, special skills, and experiences would you bring to the Commission?
5. Have you reviewed the roles and responsibilities and are you able to make a commitment to these expectations?
6. Please describe your current and prior community service and volunteer experience. Are you a member of any arts organizations?
7. The Commission is currently revisiting its monthly meeting day and time. What is your availability? Please note your preferences and any limitations i.e., days, times that don't work.
___ Weekday mornings (8:30 - 10 AM)
___ Weekday early evenings (4:30 - 6 PM)
___ Weekday evenings (7:00 - 9:00 PM)
___ Other:
8. Anything else you would like to share?

CITY OF NORWALK, CT.

Standards and Conditions for Donations, Loans, Commissions and De-accessioning of Public Art for the Collection of the City of Norwalk *Version 1 - Adopted by the Norwalk Arts Commission July 13, 2015* *Adopted by (other boards, bodies - insert date)*

I. Introduction

- A. Background and Statement of Needs, including process and timeline*
- B. Goals*
- C. Definitions*

II. Management and Oversight

- A. Staffing*
- B. Public Art Ad Hoc Review Committee*
- C. Review Criteria for management of Public Art for the City of Norwalk*

III. Guidelines

- A. Public Art Opportunities*
- B. Donations of Artwork*
- C. Public Art Loans*
- D. De-accessioning and/or Relocations of Public Art*
- E. Public Art in the Public Right of Way*
- F. Ownership of Purchased, Commissioned or Donated Artwork*
- G. Exemptions and Exceptions*

IV. Community Arts Projects

V. Seasonal/Thematic Displays

VI. Maintenance Plan

I. INTRODUCTION

A. Background and Statement of Needs

Over a period of many years, the City of Norwalk has acquired loans, donations and commissions of artworks large and small. Public buildings, public parks, beachfronts, sidewalks and plazas display the wide range of creations, supported by public and private groups, businesses and individuals in the community. This public art contributes to the image and spirit of Norwalk and helps demonstrate its diversity.

However, this gradual accumulation of disparate works of art, ranging from monumental sculptures to framed watercolors, came about without a central aesthetic or common set of policies or procedures, leading at times to issues of maintenance and care, questions concerning quality and an absence of documentation and promotion that could elevate the City's presence and reputation even further regionally and nationally.

Until recently for example, no comprehensive inventory of the more than 100 works owned by, or loaned to, the City existed, a resource that could be utilized by all agencies to advance their goals and programs, including economic development, redevelopment and tourism plans. Public access to information concerning the public art collection would create increased community pride, an interest in learning about the works and the artists and additional points of interest for tourists and visitors to the City.

Responding to these issues and opportunities, the Norwalk Arts Commission's identified a shortlist of strategies to support its goals of expanding access to and increased public awareness of the public works of art, both contemporary and historical, throughout the City of Norwalk.

These are:

- A Public Art Policy draft (this document)
- An inventory of existing public art holdings (completed Spring 2015)
- Design options for consistent signage of artworks (in progress)
- And research and recommendations for utilizing digital and online platforms for further public educational programs and tourism promotion (in progress)

The policies and procedures for Public Art activities outlined in this document assume certain factors:

1. The final version of the Policy and Guidelines is adopted by Common Council
2. Adequate staffing is put in place to coordinate and manage existing and future public art and other cultural programming, a view supported by the *Mayor's Economic Development Action Plan* (August 2015)

B. Goals

1. Maintain high artistic standards in works of art displayed in the permanent and temporary collections and spaces of Norwalk.
2. Enhance Norwalk's image locally, regionally and nationally by acquiring and presenting high quality public art works.
3. Create exciting, appealing and harmonious spaces by integrating public art into architecture, urban design and public space planning.
4. Build awareness of community history, culture and geography.
5. Strengthen community pride and encourage tourism city-wide.
6. Encourage creative collaborations between public and private sectors.
7. Provide uniform procedures and policies for donations, loans, commissions and de-accessions of public artwork in Norwalk
8. Outline the responsibility of the Norwalk Arts Commission (and relevant agencies) for the oversight in managing and maintaining the City's public artworks.
9. Facilitate planning for the placement of works in City facilities and public spaces in accordance with Master Plans and/or other reports.
10. Assure appropriate recognition of contributing artists and owners of artworks donated or loaned to the City of Norwalk.
11. Create safe and accessible public art areas.
12. Care for the collection with an ongoing review and tracking system for maintenance needs.
13. Create a fund for the maintenance of the public art collection for future generations.

C. Definitions

1. Public Art

- a) Encompasses the broadest definitions of visual art, including the imaginative use and interplay of all artistic disciplines: shall include art work which is to be an integrated part of a public right of way or facility or building, including but not limited to, fresco, mosaic, sculpture and other architectural embellishment or functional art created by an artist, artisan, or craftsperson, and any work of visual art which is not to be an integrated part of a public right of way, facility or building, including but not limited to, a drawing, painting, sculpture, mosaic, photograph, work of calligraphy or work of graphic art or mixed media but is

otherwise made available to the public. Work of art does not mean landscape architecture or landscape gardening.

- b) Is publicly accessible original art that evokes meaning and enriches the City.
- c) May include temporary visual art, performances, installations, events and other temporary works.
- d) Should consider the site, its context and its audience.
- e) May possess functional as well as aesthetic qualities.

2. Donations

A donation, for these purposes, may be any work of art given to the City for public use or display, whether by the artist or subsequent owner, any real property transferred to the City for placement of artwork, or funds given to the City for the acquisition of artwork and/or its maintenance.

3. Loans

A loaned artwork is a work of art entrusted to the City for a period of time, to be returned to its owner at the end of the use period.

4. Eligible Public Art Projects

- a) Commissions of permanent works designed for specific public sites in Norwalk.
- b) Loans or donations of works of art.
- c) Installations and other projects or planning activities that result in the creation of temporary or permanent public art.

5. Office of Cultural Affairs

Duties to be assigned to an existing staff position, or position created or outsourced, either part-time or fulltime or to a contracted consultant, upon adoption of Public Art Policy & Guidelines by the appropriate departments and other bodies.

6. The Norwalk Arts Commission (NAC)

The Norwalk Arts Commission serves as steward of the City's public art collection. For each new public art project, NAC assists in the development of project parameters, including artist selection process and selection criteria; and provides recommendations for prospective selection panelist members.

7. The City

The City of Norwalk, Connecticut.

11. Management and Oversight

A. Office of Cultural Affairs)

Responsible for directing and coordinating new public art, cultural and historical programs in the City of Norwalk in partnership with the Mayor's Office, the Norwalk Arts Commission, City agencies and other entities.

B. Public Art Ad Hoc Review Committee

The Office of Cultural Affairs, with advice from the Norwalk Arts Commission and other participating agencies, will establish a Public Art Ad Hoc Review Committee to consider each proposed opportunity, loan, donation, installation or de-accession of public art. Each Public Art Ad Hoc Review Committee shall include at least one member of the local arts community, a member of the residential or business community of the proposed site (if applicable), at least one arts professional with experience of the type of public art under review, and representatives from the various City departments, agencies and commissions as needed and appropriate in the circumstances.

City agency representation may include, but is not limited to, representatives from any of the following:

1. Planning & Zoning
2. Public Works
3. Redevelopment Agency
4. Recreation & Parks
5. Parking Authority
6. Transit District
7. Fire Department
8. Police Department
9. Norwalk Libraries
10. Norwalk Arts Commission
11. Norwalk Historical Commission
12. Norwalk Public Schools
13. Mayor's Office

The City Agency or department, or other organization with jurisdiction over a proposed installation site must be represented on the Public Art Ad Hoc Review Committee in question.

C. Review Criteria

The following criteria will be used by each Public Art Ad Hoc Review Committee in determining the merit of any proposed public artwork.

1. Aesthetic

- a) The artwork should represent excellence in enhancing the aesthetic environment of public places within the City.
- b) The artwork should be of exceptional quality and enduring value, engaging qualified and experienced artists.
- c) The commissioning process should:
 - i. Value artists and the artistic process by providing a range of creative opportunities for artists with differing levels of experience, as appropriate to the project in question;
 - ii. Ensure the ongoing integrity of artworks; and
 - iii. Respect the creative rights of artists, always involving artists directly in the concept, design and creation of artworks.

2. Financial

- a) Budgets for new commissions should adequately support artists and the creative process. Budgets for donations and loans must adequately support the maintenance and preservation of the artworks within the scope of the City's responsibilities.
- b) Resources should be used wisely to develop and sustain projects in a cost-effective manner by examining the cost of fabrication, installation, insurance and maintenance of proposed artwork.

3. Environmental

- a) Appropriateness of the artwork to the site shall be considered, including but not limited to the social, cultural, historical and physical context of the site, either existing or planned. Scale of artwork in relation to the site and impact on the ecology of the site are also issues to be considered.

- b) The artwork should contribute to the City's vitality and promote the City as a regionally, nationally and internationally recognized arts city and tourist destination.
- c) The artwork should enhance community identity and place and celebrate the City's cultural communities.
- d) Special attention must be given to any artwork to be placed in a public right-of-way. Such artwork must be located outside the pedestrian zone unless integrated into the walking space and must not interfere with vehicular sight lines if installed in an area adjacent to roadways.
- e) Consideration must also be given to any ADA requirements.

III. Guidelines

A. Public Art Opportunities

Based on recommendations of the Office of Cultural Affairs and the Public Art Ad Hoc Review Committee, and subject to ratification by the initiating agency or department, commissions may be awarded by competitive proposal process or invitation, subject to funding restrictions.

The selected artist(s) would be commissioned to create original artwork consistent with the artist(s) proposal.

Notice to artists; opportunity to participate

Prior to selection processes outline below, appropriate notice shall be given to artists who may wish to participate by use of one or more of the following methods:

- a) Specific projects will be announced on the City's web site.
- b) Announcements shall be distributed to arts organizations, art schools, art centers or museum and arts service organizations.
- c) The opportunity will also be announced through use of appropriate media such as online newsletters, blogs, listings, and social media platforms.
- d) Press releases as appropriate.
- e) Email alerts to arts organizations and artists who request inclusion in an email list

1. Commissions may be awarded as follows:

- a) Request for Proposals (RFP): an RFP requests an artist's or team's qualifications, examples of past works, a description of their working process and preliminary ideas and design concepts.
- b) Open Competition: an artist or artists may be chosen through a competition whereby all artists are welcome to submit proposals that meet the requirements established by the Office of Cultural Affairs, in consultation with the initiating agency or department and the NAC prior to publication. A Public Art Ad Hoc Review Committee will be convened to review submissions.
- c) Closed Competition: an artist or artists may be chosen through a limited entry competition, for which artists are invited to submit proposals according to criteria established by the Office of Cultural Affairs, in consultation with the initiating agency or department and the NAC prior to publication. A Public Art Ad Hoc Review Committee will be convened to review submissions. (E.G. An example of a closed competition may be one that seeks to engage local working artists, such as the Traffic Graphic program)

2. Final proposals for commissioned work shall include:

- a) Artist's résumé
- b) Digital images of previous work
- c) Description of proposed/concept in response to the published call for proposals
- d) Drawings, photographs or digital simulations that demonstrate the relationship and scale of the artwork to the site
- e) Material samples for the artwork and any relevant construction materials (if applicable)
- f) Installation details and requirements
- g) Timeline for project
- h) Detailed budget including artist fees, installation cost estimates, including identifying markers or plaques consistent with current signage on existing City public artworks, documentation during creation, and proof of public liability insurance.
- i) Description of fabrication materials, maintenance requirements and estimate of annual maintenance costs

3. Artist selection criteria for commissioning new public art should include the following considerations:

- a) Are the artist's submissions, previous work and/or proposed idea of high aesthetic quality in concept and execution?
- b) Does the artist have a significant or engaging body of work?
- c) If applicable, does the artist have experience collaborating with architects and other professionals? Does the artist have experience with architectural and engineering drawings and methods?
- d) Does the artist have experience in comparable projects with regard to scope, budget size, artistic discipline etc.?
- e) Is the artist familiar with, or interested in researching, the community or setting and its characteristics, including history, identity, geography and cultures?
- f) Do the artist's previous projects or proposed ideas have the potential to attract visitors and residents?
- g) If applicable, does the artist have experience working with communities and with diverse groups?
- h) Does the artist have experience in projects that bring people together or help create gathering places?
- i) Is the proposed project or process an opportunity to nurture an emerging artist?
- j) Is the artist's previous work or proposed project sustainable, secure and technically feasible?
- k) If applicable, has the artist's previous work been completed on time and within budget, and is the artist able to work within the City's timeline and budget?

B. Donations of Artwork

1. The City, through the Office of Cultural Affairs, may seek to foster a donation program that engages donors (both artists and owners of artworks) and clearly communicates the City's public art goals, policies and procedures in order to obtain high quality public artwork for the City. Donations will be reviewed and confirmed by a Public Art Ad Hoc Review Committee convened by the Office of Cultural Affairs. Such Committee will make recommendations as to acceptance of proposed donations and any appropriate stipulations to be made applicable to such.
2. Donation Acceptance Criteria

- a) Artworks should conform to the Review Criteria described in Section II.B of these standards.
- b) The City shall accept donated artworks only when:
 - i. The work has artistic merit
 - ii. The work augments, rather than disrupts, the overall City collection
 - iii. Such gifts are offered without restrictions as to future use or disposal;
 - iv. The placement of the artwork is not stipulated as a condition of the gift;
 - v. There is no obligation on the part of the City to display the artwork;
 - vi. The City may de-accession the artwork if it is deemed necessary for public good.

3. Donations or Loans of artwork shall be accompanied by:

- a) A detailed description, including digital images, of the artwork;
- b) A résumé detailing the qualifications and other pertinent information regarding the artist, and appropriate publicity materials;
- c) The cost of moving, storing or installing the artwork;
- d) A legal instrument conveying title to the artwork, such as a Charitable Gift Agreement, executed by the donor and the City enumerating any conditions of acceptance of the gift that the City has agreed to;
- e) A statement of value or current appraisal by the donor or a professionally accredited appraiser;
- f) A warranty of originality of the artwork (i.e., the work must be an original or limited edition) and documentation of its provenance (where possible).

4. Maintenance

- a) The donor shall provide the Office of Cultural Affairs with detailed maintenance instructions for the artwork.

5. Insurance

The donor is responsible for all insurance costs until title to an artwork is transferred to the City. Prior thereto, the City must be named on all insurance documents as an additional insured party, and proof of insurance must be included in the final accepted proposal packet.

6. Acknowledgement

The donor must agree to the placement of a plaque or sign on or near the artwork, crediting the artist, acknowledging the donor and recognizing the gift to the City. Such signage must conform to City standards for public art signage.

7. Gifts to the City

Gifts presented to the City by outside governments (municipal, state, or national) or by individuals or business entities, may be accepted by the Mayor on behalf of the City. Appropriate placement will be determined by the Mayor or City Planning Department with the advice of the Office of Cultural Affairs in consultation with the NAC.

C. Public Art Loans

1. Loans of artwork shall be governed by a loan agreement.
2. A loan agreement may be entered into with art museums and arts organizations, galleries, other institutions, private individuals or individual artists, for the placement of art in public places for periods of one month to a year.
3. The loan agreement will state the length of the loan and other terms such as location, maintenance requirements, and vandalism responsibilities. The agreement will also stipulate: value of artwork; insurance requirements; shipping and installation; and removal responsibility.
4. The Review Criteria as outlined in II.B should be considered, provided that any artwork(s) to be displayed on City property for ninety days or less may be exempt from the Review Criteria considerations at the discretion of the Office of Cultural Affairs. For example, short-term displays in the Mayor's Gallery at City Hall.

D. De-accessioning and/or Relocation of Public Art

1. The City may de-accession (i.e. remove an artwork) from the City's collection (by selling, returning, donating or destroying it) with the agreement of the responsible City department or agency, and after consultation with the Office of Cultural Affairs and the NAC, only when it finds such action to be in the public interest, or as a means of improving the quality of the collection, or for the purposes of public safety and in compliance with applicable laws and regulations governing the same.
2. Works of public art may be relocated or removed if a piece becomes a hazard or liability or if the adopted terms of acceptance are not fulfilled.

3. De-accessioning should be cautiously applied, only after careful and impartial evaluation by the Office of Cultural Affairs, a Public Art Ad Hoc Review Committee and following input from NAC, art professionals, the public, and the artist(s) and where/ whenever required by the appropriate state or federal agency. The Office of Cultural Affairs shall make all reasonable efforts to locate the donor, artist or his/her heirs.
4. De-accessioning of any artwork must take into account adherence to the Visual Arts Rights Act of 1990, which states that “significant or substantial distortion, mutilation, or other alteration to a pictorial, graphic or sculptural work, which is publicly displayed, caused by an intentional act or by gross negligence, is a violation of the exclusive rights of the copyright owner where the author of the work is the copyright owner”.
5. De-accessioning or relocation of artwork may be considered for one or more of the following reasons:
 - a) The condition or security of the artwork cannot be reasonably guaranteed in its present location.
 - b) The artwork cannot be properly cared for or stored by the City.
 - c) The artwork presents a public safety risk.
 - d) The artwork is damaged and repair is not feasible.
 - e) Significant changes in the use, character or design of the site require a re-evaluation of the artwork’s relationship to the site.
 - f) The site has become unsafe, no longer accessible to the public or is due to be demolished.
 - g) The artwork requires excessive maintenance or has failures of design or workmanship.
 - h) The original artistic integrity of the artwork is no longer intact or can no longer be maintained.
 - i) The cost of repair or conservation is more than fifty percent (50%) of the original commission costs or current appraise value.

A decision to de-accession, relocate or dispose of an artwork must be explaining in writing and made public. Preferred methods of de-accession are:

1. Relocation of the artwork to another site within the City departments or agencies
2. Removal of the artwork from public display and subsequent storage

3. Donate the artwork to another government entity or non-profit, civic, charitable or cultural organization that will properly install and display the artwork in a public space.

Further:

- a) If the work is sold, the City shall use any monies realized in one or more of the following ways: to purchase, commission or cause to be created other work(s) for the collection; add the proceeds to the City's Public Art Maintenance Fund (if such Fund is established upon adoption of these guidelines); produce supplementary materials to promote and support the public art collection, such as brochures, digital products etc.; and/or in support of additional activities associated with the public art collection, such as docent training, administrative internships or other art educational programs.
- b) Every effort shall be made to honor the wishes of the donor or heirs of the donor concerning the de-accession of the artwork, provided although express agreement to the de-accession shall be solicited from the donor or heirs of the donor, such agreement shall not be required. The City may dispose of de-accessioned works by such means as may be warranted by each circumstance. If the City elects to sell the artwork in question then:
 - i. The artist/donor will be given the right of first refusal to reacquire the work at fair market value, original price, or at no cost, depending on the recommendation of the Office of Cultural Affairs and/or Public Art Ad Hoc Review Committee. The cost of removal shall be borne by the artist/donor.
 - ii. The City may sell the artwork through a dealer.
 - iii. The City may sell the work through competitive bidding.
 - iv. The City may sell the work through a Public Sale.

6. If a marginally significant work has deteriorated to such an extent that it is irreparable and unsuitable for exhibition, the City may elect to destroy it upon de-accession, which should be accomplished in accordance with all applicable state and federal laws and regulations.

E. Public Art in the Right-of-Way

1. No individual or private group may own permanently installed artworks in the Right-of-Way, public building or facility.
2. The Office of Cultural Affairs will serve as the first point of contact and act as coordinating agent for applicants wishing to place temporary artworks in the public Right-of-Way, public building or facility.
 - a) An application to Common Council shall be completed for all potential art projects to be located in the public Right-of-Way, or any public building or facility - which shall also be submitted for review by a subgroup consisting of the Office of Cultural

Affairs and Public Art Ad Hoc Review Committee for the artwork in question and City staff or other agency staff as appropriate.

- b) Specific submission requirements may include without limitation:
- i. A description, digital image, photograph, model or drawing of proposed artwork.
 - ii. Statement indicating the duration of the artwork's installation in the Right-of-Way.
 - iii. Evidence of liability insurance
 - iv. Detailed maintenance requirements and written maintenance agreement.
 - v. Access and safety considerations
- (c) Public Art located in the public Right-of-Way must be outside the traffic sight lines and pedestrian zone unless integrated into the walking surface, and should conform to all terms and conditions and requirements of the City, including the Department of Public Works and any applicable State or Federal traffic safety standards and requirements.

F. Ownership of Purchased, Commissioned or Donated Artwork

Artwork purchased, commissioned or accepted as a donation will become the property of the City of Norwalk. Title for each work shall be transferred to the City. Upon acquisition of an artwork, the relationship between the City and the artist or donor will be defined by a legal instrument of conveyance addressing the terms of the acquisition, any instructions for proper care and maintenance of the work, and any special agreements regarding the manner in which the work may be de-accessioned, copyright, reproduction and resale issues.

G. Exemptions and Exceptions

Exemptions

Certain projects and commissions will be considered exempt from review and approval processes as outlined in this policy document, at the discretion of the Office of Cultural Affairs and the City of Norwalk.

Examples of exempt projects are:

- Ongoing educational programs at or on publicly owned sites and buildings which involve public school students under the guidance of a nonprofit arts, cultural or historical organization. Details of such programming should be supplied to the Office of Cultural Affairs in advance as logistical, promotional and/or documentary support may be available.

- Commissions, loans, gifts confirmed and contracted but not implemented or received before the implementation date of this policy

Exceptions

This policy is not intended to apply to the Norwalk School system or assets under the jurisdiction of the Norwalk Historical Commission.

This policy will apply to publicly-owned sites and assets. It does not apply to privately-owned buildings or sites.

IV. Community Arts Projects

The City is experiencing increasing interest in the creation of murals and other public artworks by private individuals on both public and private property. Unless and until the City initiates a Public Mural Program to assist in funding the on-going creation and maintenance of murals, individuals and groups wishing to create any mural visible in the public realm are urged to consider the following:

A. Community Input

Mural or other artwork design should be developed with input from the community in which it is to be located and the City department or agency with jurisdiction over the proposed site.

B. Approvals

- a) Design and location should be shared with the Office of Cultural Affairs and the Common Council representative for the ward in question.
- b) If the location is privately owned (e.g. a wall for a mural) the artwork instigator must receive written permission from the property owner.

Other approvals or permits may be needed, such as:

- c) A permit from the Norwalk Zoning Commission
- d) Written permission from the Norwalk Redevelopment Agency
- e) Formal, written license or agreement with the City

- f) A permit from the Department of Public Works if the artwork is located in a public right-of-way

C. Liability Insurance

The organizing individual or group should provide liability insurance coverage for the owner of the site where the work will be installed and all individuals involved in installing the artwork. Such insurance shall conform to the requirements set out by the City's Risk Manager.

D. Maintenance and Vandalism

1. One or more individuals with the project or community group must be identified as being responsible for on-going maintenance as needed. Project appearance should be assessed no less than once a year.
2. Artwork should be protected by anti-graffiti coating and security lighting against vandalism wherever reasonably possible.
3. Damaged murals not maintained properly may be painted over or removed.

E. Publicity/Documentation

- i. The planning, painting and installation process should be documented throughout with photographs (and video if possible) and with a follow up survey as appropriate.
- ii. A press release with photographs should be made available to media outlets.

V. Seasonal and thematic displays throughout the City

Occasionally, The City may present temporary or seasonal displays of artworks centered on one type of object or centered on a theme. No general policy or procedures can be announced concerning such programs because the City, the visual arts, public interests and tastes are constantly evolving. Such matters as traffic patterns, construction activity and redevelopment of neighborhoods, artistic techniques and materials, artistic visions and ideas of current interest can all affect a seasonal or thematic exhibit and all these factors must be considered simultaneously. When and if such a temporary or seasonal display is planned the Office of Cultural Affairs will announce the particulars of the project and how artists and others might participate.

VI. Maintenance Plan

Artworks in the City's collection are located in a variety of environments. Some are installed outdoors; others are placed in semi-enclosed settings and others in indoor public spaces. Artwork can be affected by exposure to light (natural and artificial), wind, air-borne dust, temperature and humidity changes, vibration, precipitation and other conditions. On occasion an artwork may also suffer physical damage as a result of accident or vandalism. Without long-term maintenance, the artworks risk serious degradation as the collection ages. In an attempt to mitigate these issues the following steps will be taken:

- a) An inventory of all public art works shall be maintained and updated annually by the Office of Cultural Affairs.
- b) An evaluation of the condition of each artwork will be separately noted in the inventory report.
- c) A professional conservator may be hired to assess certain works of art and make recommendations on cost and future care.
- d) Partnerships in the private and public sectors may be sought to fund restoration costs.
- e) The archive of the collection will be made accessible to the public.