

Legal Counsel Approval

RL14-020

Introductory No. LL14-1

Permanent No. LL14-1



THE COUNCIL OF THE CITY OF BINGHAMTON  
STATE OF NEW YORK

Date: February 19, 2014

Sponsored by Council Members: Motsavage, Matzo, Berg, Mihalko, Papastrat, Rennia, Webb

Introduced by Committee: Municipal and Public Affairs

LOCAL LAW

*entitled*

A LOCAL LAW ESTABLISHING A PUBLIC  
ARTS ADVISORY BOARD

WHEREAS, the City of Binghamton wishes to establish a Public Arts Advisory Board;  
and

WHEREAS, the Council of the City of Binghamton wishes to amend §18-39, *Commission established; composition; appointment and qualification of members*, §18-47, *Powers and functions concerning municipal property; approval of design of site, design of structure, location, alteration and demolition*, §18-48, *Factors considered prior to approval*; and

WHEREAS, to establish a Public Arts Advisory Board, City Council wishes to adopt a new Article XVIII, *Public Arts Commission*, as annexed hereto.

NOW, THEREFORE, the Council of the City of Binghamton, duly convened in regular session, does hereby ordain as follows:

Section 1. That §18-39, *Commission established; composition; appointment and qualification of members*, §18-47, *Powers and functions concerning municipal property; approval of design of site, design of structure, location, alteration and demolition*, §18-48, *Factors considered prior to approval* of the Code of the City of Binghamton, are hereby amended, as annexed hereto.

Section 2. That the Code of the City of Binghamton is amended to add Article XVIII, *Public Arts Advisory Board*, as annexed hereto and made a part hereof.

Section 3. That this Local Law shall take effect upon filing with the Secretary of State.

I hereby certify the above to be a true copy  
of the legislation adopted by the Council  
of the City of Binghamton at a meeting  
held on 3/5/14. Approved by the  
Mayor on 3/6/14.

A handwritten signature in dark ink, appearing to read "Doug Holmes", is written over the certification text.

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Sponsored by City Council Members:  
Motsavage, Matzo, Berg, Mihalko, Papastrat, Rennia,  
Webb

A LOCAL LAW ESTABLISHING A PUBLIC ARTS  
ADVISORY BOARD

The within Local Law was adopted by the Council of  
the City of Binghamton.

MARCH 5, 2014  
Date  
[Signature]  
City Clerk

MARCH 6, 2014  
Date Presented to Mayor

3/6/14  
Date Approved  
[Signature]  
Mayor

	Ayes	Nays	Abstain	Absent
Motsavage	✓			
Mihalko	✓			
Rennia	✓			
Webb	✓			
Papastrat	✓			
Matzo	✓			
Berg				✓
Total	6	0	0	1

Code of the City of Binghamton

Adopted     Defeated

6 Ayes    0 Nays    0 Abstain    1 Absent

**ARTICLE VI, Commission on Architecture and Urban Design.**

**§ 18-39. Commission established; composition; appointment and qualification of members. [Amended 7-16-1973 by Ord. No. 149-73; Amended 12-21-11 by Ord. No. 11-52; Amended 10-17-2012 by Ord. No. 12-66]**

To prevent the deterioration of property belonging to the City or property in which any City funds are involved and to advise builders to designers in regard to the use of space and the design of structures and to encourage protection of economic values and proper and appropriate use of surround areas, there is hereby established in and for the City a commission to be known as the "Commission on Architecture and Urban Design of the City of Binghamton." This Commission shall consist of seven (7) persons who shall be residents of the City or owners of real property situated therein, and who shall be appointed by the Mayor. Persons eligible for membership shall be persons who, by training, experience, interest or expertise, are qualified to carry out the duties of the Commission as set forth herein. The membership should include, if such persons are available and agreeable to serving, a professional engineer or contractor, an architect, and a landscape architect or an expert in the field of landscaping. Each member of the Commission on Architecture and Urban Design shall be paid an annual stipend of four hundred (\$400.00) dollars. Payments shall be made in four installments, on or about April 1, July 1, October 1, and January 1 (for the previous year). Any member joining the Commission on Architecture and Urban Design other than prior to the first meeting of the year will be paid a proportionate amount of the stipend. Any member who is removed pursuant to the Code of the City of Binghamton Article I, *Vacancies due to nonattendance*; § 16-1, *Application*; § 16-2, *Determination of vacancy*; or § 410-91.D, *Removal of members*, shall not be paid for any missed meetings leading to dismissal.

**§ 18-47. Powers and functions concerning municipal property; approval of design of site, design of structure, location, alteration and demolition.**

- A. No design for a building, bridge, approach, gate, step, fence, lamp, or other structure or addition which shall be erected upon any street or property owned, leased, or occupied by the City, or involving the use of funds or monies of or from the City, shall be implemented without the approval of the Commission.
- B. The Commission shall also consider the location of structures and may make recommendations for changes in location thereof.
- C. The Commission may recommend that works of art be a part of any new construction under their purview and may require that up to 1% of the total cost of construction be used for works of art. The review and approval of such art shall be under the authority of the Public Art Advisory Board, as established in Article XVIII below.

**§ 18-48. Factors considered prior to approval.**

In considering applications for the approval, and in the recommendation of designs for buildings or structures as set forth in this article, the Commission shall review all material submitted to it, taking into consideration, but not limited to, the following factors:

- A. The location of the building, structure, or sign on the site or street.

- B. The relation of the building, or structure to adjacent open space or spaces, including adjoining property, both private and public, including streets.
- C. The form and bulk of the building, or structure in association with other nearby structures.
- D. The placing of buildings, or other structures in existing or newly created public open spaces, including parks.

#### **ARTICLE XVIII, Public Art Advisory Board**

##### **§18-115. Creation.**

The City Council of the City of Binghamton hereby creates an advisory board that shall be known as the Public Art Advisory Board (hereinafter referred to as "the Advisory Board"). The Advisory Board is formed to make recommendations concerning the selection, acquisition, and display of public art.

##### **§ 18-116. Purpose and duties.**

The purposes and duties of the Advisory Board shall be as follows:

- A. To create and oversee a public art program to enrich the visual and aesthetic environment of public spaces within the City of Binghamton.
- B. To initiate and develop proposals, to receive recommendations and to solicit contributions for additions to the existing collection of art in public places.
- C. To develop criteria and guidelines for the selection, acquisition, exhibition and display of new works of art, either temporary (on loan) or permanent. The criteria and guidelines shall relate to, but are not limited to, economic feasibility, maintenance, security and aesthetics. Acquisition of art includes either the purchase of art by the City or the acceptance of a donation of art to the City.
- D. To review all proposals for the exhibition and display of public art in the City's public spaces, in public buildings, and public facilities and infrastructure, including appropriate locations.
- E. To advise the Mayor and Common Council about the selection of acquisitions and donations of public art that meet the selection criteria and guidelines and to determine whether to accept unsolicited donations of art and where they may be located.
- F. Notwithstanding any other provision herein to the contrary, final approval and acceptance of any and all public art resides with the Mayor (daily operations) and Common Council (grants/gifts and through the legislative process).

##### **§18-117. Private Properties.**

If requested by the owner, the Advisory Board will work with the owners of privately owned outdoor public space and semipublic interior spaces, including assistance obtaining grants, gifts,

or other funding opportunities. The Advisory Board will have no oversight or input on privately owned property without written consent of the owner.

**§18-118. Historic Properties.**

Any public art proposed to be located on the exterior of any designated historic property, either individually designated Local Landmark Properties, or properties located in a designated Local Historic District, shall be subject to review and approval by the Commission on Architecture and Urban Design (CAUD) as set forth in Article XII above. The Advisory Board will have no oversight or input on such proposed public art unless requested in writing by CAUD.

**§ 18-119. Membership.**

The Advisory Board shall consist of five (5) voting members, all of whom shall be appointed by the Mayor and shall be residents of the City of Binghamton. At least three (3) of the voting members shall be professionals from the field of design, visual arts, architecture, or landscape architecture. The Advisory Board shall also have three (3) non-voting ex-officio members: a representative from the Broome County Council of Arts, a representative from the Gorgeous Washington Street Association, and a representative from the Downtown Binghamton Business Association.

**§ 18-120. Terms of office; vacancies.**

- A. The five (5) voting members shall be appointed for terms of three (3) years, except that the terms of the first Advisory Board members shall be for such lesser periods of time as to provide appropriate staggered rotation and continuity.
- B. Vacancies on the Advisory Board shall be filled in the same manner as the original appointment, except that a vacancy occurring other than by expiration of term of office shall be filled only for the remainder of the unexpired term.

**§ 18-121. Officers.**

The Advisory Board shall have a Chairperson, a Vice Chairperson and a Secretary, who shall be elected by and from among the voting members of the Advisory Board once yearly.

**§ 18-122. Compensation of members.**

The voting members of the Advisory Board shall receive no compensation for their services.

**§ 18-123. Meetings.**

- A. A quorum for the transaction of business shall consist of three (3) voting members of the Advisory Board.
- B. The Advisory Board shall meet at least every other month.
- C. The Advisory Board shall adopt rules and procedures for its meetings.

D. The Advisory Board meetings will be open to the public and minutes will be kept and published as required by the New York State Public Officers Law, Article 7, Open Meetings Law.