ART COMMISSION
MINUTES OF THE MEETING OF November 23, 2009
BEGINNING AT 2:00 P.M.

PRESENT OF THE COMMISSION: **Klavon, Indovina, Cooper, Haskell, Mike Gable as designee of Kaczorowski**

PRESENT OF THE STAFF: **Morton Brown, Noor Ismail**

A. Approval of Meeting Minutes

Ms. Klavon asked for approval of minutes. The minutes for October 28, 2009 were moved to approve by Jane Haskell and seconded by Doug Cooper.

B. Correspondence

Mr. Brown noted no correspondence.

C. Items for Review

a. National Aviary Renovations and Expansions- Phase I Improvements
- Bill Szustak, Associate, Springboard
- Pat Mangus, Executive Director, The National Aviary

Ms. Klavon asked to clarify that the applicant was submitting for Final Approval of Phase I Improvements of the Aviary.

Mr. Brown clarified by stating that the applicant had received Conceptual and Final approval for this project in November, 2008 contingent upon final drawings and material samples but that in June, 2009, the applicant had received Final approval of the mechanical chiller portion of the project this was a time-sensitive piece necessary to be installed prior to the fall due to its function of environmental control of the new penguin exhibit.

Bill Szustak introduced himself as an architect at Springboard and explained that he was in charge of the expansion project of the National Aviary. Mr. Szustak proceeded to walk through projected images of existing conditions of the Aviary, making note of the nondescript nature of the exterior of the Aviary and its need for identification signage and a clear entry from the park side of the property.

Mr. Szustak noted that the expansion will be 10,000 square feet of new space that addresses a number of key issues with the existing building. The original building was built in the 1950's, with final additions made in the 1960's. He went on to note that the expansion adds three key components to the facility. The first component is an indoor theatre space for bird shows that currently take place in the rose garden area outside. Another component is a new café of which currently there is no eating space within the facility. The last component is new classroom space. He then noted a site plan which described the new spaces in relation to the existing structure of the Aviary.

Mr. Szustak went on to state that the Aviary is within an historic park (Allegheny Commons) that is currently governed by a Historic Master Plan created by Marion Pressley in association with the Allegheny Commons Initiative (ACI) community group. He stated that ACI and Marion Pressley had been consulted in the plans for this renovation to the Aviary and surrounding land and have approved of it as it relates to the goals of the master plan for the park. Mr. Szustak then noted the dome area of the site plan and the newly incorporated entry into the facility adjacent to it. He also noted that the café would be inside this entry area. This new café would be open for visitors regardless of paid entry to the Aviary and provide a lunch time restaurant in a location of the neighborhood where there currently are none. The theatre could hold 125 visitors, thus accommodating large school and touring groups for bird shows year round.

Mr. Szustak then described and noted on the site plan the way in which the new renovations would integrate with the existing structure. He went on to state that the existing structure was composed of basically three types of finishing materials: glass, exposed steel and masonry. Mr. Szustak stated that Springboard sought to continue this practice within the designs of the expansion. For example, the group entry is largely composed of glass and exposed steel in order to provide an inviting transparency to this façade. Mr. Szustak then provided samples of the masonry palette to the Commission for consideration.

Mr. Szustak also made note of the main "scrim wing" adjacent to the group entry that would incorporate new signage for the Aviary. He then passed around a sample of the metal perforated scrim that will be used for this portion of the façade. He went on to note that the signage will be illuminated at night and daytime from behind, adding a glow around the lettering. Mr. Szustak then walked through elevation drawings and described the use of the masonry palette and use of glass and exposed metal. He noted that they are designing a palette of four colors of primarily earth tones, the exposed steel will be aluminum (raw silver), and the glazing (glass) will actually have a subtle dot matrix "frit" pattern incorporated into it in order to allow birds(external to the Aviary) to see the glass and not impact upon it—this is a responsible method of potentially saving the lives of many indigenous birds as this is a common problem and this remedy is conducive to a bird-friendly and conservatory design of the facility and mission of the Aviary. He went on to say that a human visitor to the space would not see the frit pattern up close or from a few feet away, but a bird would see it as an opaque structure to avoid. This pattern will be somewhat visible from certain angles and would echo the scrim wing perforated metal adjacent to the group entry carrying the motif throughout the façade.

Mr. Szustak concluded his presentation and asked for questions from the Commission.

Ms. Klavon asked if there were questions from the Commission.

Mr. Indovina asked if the program spaces had changed from the previous presentation.

Mr. Szustak stated that the plan has been simplified and reduced in scope. He noted that in this phase I project, the team has attempted to condense the central, revenue-generating components from the original proposal that had additional classroom and office spaces in the northern parts of the building. Due to budget constraints, the staff of the Aviary has agreed to keep offices where they exist for now, in lieu of allowing the revenue-generating and gathering spaces to become functional, which will help further additional projects.

Ms. Haskell asked if the additional projects would take up a greater footprint into the park.

Mr. Szustak stated that this phase of the project on the facility's southern edge is largely unchanged from the originally proposed footprint, although it is slightly smaller. The biggest change to the overall footprint into the park is that the entire northern section of the facility is not currently being developed due to budget constraints, thereby greatly reducing the overall footprint into the park at this phase.

Ms. Klavon noted that when and if any approvals are given today, the Commission should state that the approval is given for this phase only.

Mr. Indovina asked if there was a timeline in place for the later phases of the northern portions of the expansion.

Pat Mangus, Executive Director of the National Aviary, introduced himself and asked to speak on this issue.

Mr. Mangus stated that there is no concrete timeline as all further expansion is dependent upon further fundraising. The decision to reduce the current phases in scale was also born out of the need to reduce costs. For example, the theatre space was originally designed to accommodate 200 visitors but if they did this, it would have required the Aviary to produce 18 additional staff persons significantly increasing the overall ongoing budget for the facility. The Aviary could not financially support this increase and decided to cut back the scale.

Ms. Haskell asked to clarify that the dotted lines shown on the site plan indicate the point in which the Aviary is permitted to expand.

Mr. Mangus stated that the Aviary currently exists in that space now (the space indicated by the dotted line)—the outdoor condor and eagle exhibits currently exist in that space--but the new renovations will pull back from that area noted by the dotted line, thus reducing the current footprint.

Ms. Haskell asked if the Aviary has certain restrictions placed on how its facilities may intrude into the park.

Mr. Mangus stated that this is true, and that the Aviary has an agreement in place for this. Additionally, he stated that the Allegheny Commons Initiative is a local community group that he has worked with on this plan, making sure that all plans are amenable and in accordance with the Historic Master Plan drafted by this community group. He stated that he has letters of support from ACI with him at the hearing today stating that the group is pleased with the design and the fact that the expansion will actually reduce the footprint of the facility into the park.

Mr. Szustak noted that the master plan for the park recognizes the future need of the Aviary to expand and recognizes this as an integral part of the overall redevelopment of the park.

Mr. Cooper asked how the Aviary envisions the use of the theatre and its relationship to the classrooms.

Mr. Mangus answered by stating the theatre will house an indoor version of the current outdoor bird show. In this way, bird shows could occur all year. This will become more of an immersive experience, with bird boxes in all four corners of the space and when released the birds would fly overhead. A video wall with adjustable lighting and bird trainer audio commentary will enhance the immersive nature of the new theatre and classroom area.

Mr. Mangus added that in addition to the classroom, there will also be a small theatre on the rooftop above the bird-holding area, connected by an elevator, so that the Aviary can fly birds, primarily raptors, in the canopy.

Mr. Cooper asked if this canopy feature would be visible from the street.

Mr. Mangus answered that it would be, but there are many trees in the park blocking the view.

Mr. Szustak added that this does not require additional componentry, so the structure will be no different than a regular accessible roof.

Mr. Mangus explained that the classroom will fit seventy students and has all the audio/visual features needed. He described the current classroom as a partitioned-area off the domed area with removable walls, so this plan creates a permanent classroom. He went on to say that the planned entrance with the café, is anticipated to be a group entrance and a secondary entrance for individuals. This entrance allows groups to immediately enter the classroom and fill the auditorium as well when needed. The new set-up allows for facility rentals of the theater, which creates a new revenue stream for the Aviary.

Mr. Szustak added that the originally proposed theater was a black box with fixed seating, while the newer plans incorporate a stream-lined, cost-efficient, and flexible one-level space.

Mr. Mangus commented that the theater set-up will allow the Aviary to program all day, rather than only twice a day. Instead of the up-charge that the business plan suggested, the theater will be a part of visitors' normal admission.

Mr. Cooper asked if the space will be big enough for the kinds of programs they intend to present.

Mr. Mangus answered that the theater size reflects that of their rose garden and will accommodate 125 seats with additional bird-holding space. The theater will provide a dynamic show. Though staff set designers will prepare each show, the auditorium will be a defined, classroom/auditorium space where birds can fly overhead and over the screen.

Mr. Brown asked for the letters of support to be presented to the commission.

Ms. Klavon asked if the Aviary plan had been approved by Council and the Allegheny Commons Initiative.

Mr. Szustak answered that the Master Plan was accepted in 2002.

Mr. Brown noted that the Allegheny Commons Initiative will likely present to the Art Commission in December for action on the North East part of the Master Plan.

Ms. Klavon asked if all the tress in the plan were existing trees.

Mr. Szustak answered yes.

Ms. Klavon asked if there are existing trees to be demolished, if so, which and how big are they.

Mr. Mangus answered that two trees will be demolished that have been reviewed by the Urban Forester and that the Aviary will be reimbursing the City for the two trees. He added that they tried to minimize the impact in the park and maintain the park.

Mr. Mangus pointed out the proposed pathway in the Aviary plans to demonstrate the changes made to maintain the park path and minimize the building entrance look.

Mr. Cooper asked for images of the proposed sign as it might look in the evening.

Mr. Szustak noted that he did not bring any images but described the sign as a color-kinetics LED system, bracketed to the 9'x 4' perforated panel to give a soft glow/illumination.

Mr. Mangus added that the building will be either Gold or Silver LEED certified.

Ms. Haskell asked about the main entrance changes.

Mr. Mangus answered that the main entrance by the parking lot will remain and the new entrance is intended to be a group entrance, but can accommodate individuals as there will be a concierge desk.

Mr. Szustak added that the Rose Garden, which had originally been proposed to be removed, is staying.

Ms. Klavon asked if the pathway corresponded to what was there in the past.

Mr. Mangus affirmed that the pathway was similar to the way it was in the past.

Mr. Szustak pointed out the existing paths and changes and noted that all materials had been identified in the Master Plan or had been approved by Marion in conformance with the intent of the park.

Ms. Klavon asked the audience to share their comments, but there were none.

MOTION: To grant Final Approval of the Phase I Project Phoenix as submitted.

MOVED: Haskell **SECONDED: Indovina**

IN FAVOR: All

OPPOSED: None **CARRIED**

b. *Tribute to Children* Final Acceptance
- Rachelle Wolf, Astorino
- Frank Dawson, Astorino

Ms. Klavon stated that the commission would hear from the *Tribute to Children* project for Final Acceptance and asked if the project was installed and completed, including the landscaping.

Frank Dawson, an architect of Astorino, introduced himself and the members of the project team: Tim Inglis of Colcom Foundation, Bill Isler of Family Communications, Rachelle Wolf with Astorino, Jeff Light with Astorino, and Rifat Qureshi of the Sports and Exhibition Authority (SEA)- before answering that the project is fully installed and received a certificate of occupancy. He noted that the project received Conceptual Approval in May of 2007, then Final Approval in December of 2007, and that now the project is seeking Final Acceptance. Mr. Dawson introduced Rachelle Wolf to speak on behalf of the project.

Ms. Wolf pointed out changes in the as-built from the original proposal. She noted that an original plumbing dig-out and lawn shift along the river walk was not required. She noted that there were no changes in the electric plans. She pointed out a few changes architecturally consisted of the proposed curved base for the sculpture was changed to a squared-off block base to direct the statue towards the city and to disallow a tripping hazard. Additionally, the proposed identification plaque on the sculpture base was omitted, and will now be placed to the left of the pier keyhole. This plaque is not currently installed, but will be soon if the Commission approves. She noted that the plaque's text, materials, placement and specifications were included in the packet of application. Ms. Wolf noted that the plaque was moved so that visitors would not create a "pinch-point" at the base of the sculpture, but on approach to the sculpture and overlook area, could stop and read then enjoy the sculpture without distraction or offering an obtrusion to other visitors. Ms. Wolf also noted a change in the landscape: where there was originally proposed a mass-planting, there is now just a lawn mound. She stated that the SEA had approved this new planting strategy as it adhered to the North Shore Master Plan and would be more sustainable than that which was originally proposed.

Ms. Wolf then directed the Commission to various images in the packet to additionally illustrate the as-built status of the project including the pier, plantings, keyhole area, etc.

Ms. Klavon stated that this was the first Final Acceptance for the current Art Commission and noted that the maintenance plan should be a priority.

Mr. Brown stated that he had previously sent questions to the applicant regarding maintenance and that the answers were submitted in the application. He also noted that in speaking with the City Law Department, this property currently belongs to the SEA, so the City would not enter into a maintenance agreement for this project at this time. Mr. Brown asked the presenters to talk about the maintenance plan.

Mr. Gable noted that this is correct, that the City had conveyed the land to the SEA some time ago and that at some undecided point in time, the land would be conveyed back to the City.

Mr. Inglis of Colcom Foundation explained that the foundation struggled to arrive at the appropriate endowment fund to maintain *Tribute to Children* in perpetuity. He explained that the Foundation finally decided to directly pay for all the maintenance for a two-year period while the SEA develops a maintenance checklist based on actual costs. Colcom Foundation will not pay for insurance or utilities, but will entertain a proposal from the SEA at the end of the two-year period to pay for routine maintenance. Mr. Inglis mentioned that at the end of the two-year period they may approach a third-party partner, like the Pittsburgh Foundation, to establish a mechanism like a fixed annual amount of 4, 5, or 6%, or an actual expenditure process for routine maintenance.

Mr. Brown added that there was a conservator's report in 2007 from the Inter-Museum Conservation Association out of Cleveland that defined some routine maintenance of the sculpture. He agreed that the plan to develop a system of maintenance based upon a two year study of actual costs is a good plan.

Ms. Klavon asked if there were questions from the Commission.

Mr. Cooper asked to clarify what was shown to the Commission as far as final specs on the sculpture in the past and if the Commission would be accepting the project into the City Art Collection at this hearing.

Mr. Brown answered that since the land the project sits upon is not currently City property, the Commission will only approve that the project was built as proposed at this hearing. He went on to state that if the project was sitting upon City property today, then the Art Commission's acceptance of the piece would be the first step in accepting the piece into the City's collection. The next steps—in a normal review of City-owned property—would be that the Law department would finalize a long term maintenance and licensing agreement that would be signed and accepted by Finance and City Council, thus officially adopting the piece into the City's ownership.

Mr. Cooper asked what the Commission was shown in the previous presentations and if the sculpture was already built when it was presented.

Mr. Dawson answered that the Commission was shown a maquette and that the sculpture was cast in pieces but not assembled at the time of the last presentation to the Commission.

Ms. Haskell asked if the Commission had seen the maquette.

Ms. Klavon stated that the Commission had seen it.

Mr. Brown presented a booklet to the Commission that had been presented to them in 2007. He noted that the booklet had images of the maquette and the actual 1:1 scale clay sculpture used for the cast itself.

Mr. Indovina asked for clarification of the SEA ground maintenance.

Mr. Dawson affirmed that the SEA maintains the site.

Mr. Gable of Public Works, attending in place of Mr. Kaczorowski, added that in conjunction with the SEA and other partners, like the Pirates, the Steelers, and some other businesses, (City of Pittsburgh) Public Works collectively maintains the site from Allegheny Landing to beyond the Carnegie with in-house employees and a landscape contractor. Mr. Gable went on to say that before this parcel was transformed into a sculpture site, Public Works shared ground maintenance with the SEA, and that even now that the parcel has changed its look and function, Public Works will continue to perform the maintenance that it has done in the past.

Ms. Klavon asked to clarify that today the Commission will motion to offer Final Acceptance.

Mr. Brown clarified that the Commission will only review and potentially approve that the project was built as proposed as per the construction documents presented in October, 2007. These instructions to the Commission came from the City Law Department in a letter dated November 28, 2007.

Ms. Haskell expressed desire to talk about the project before a motion. She stated that that the pier is satisfactory with beautiful views, but she expressed disappointment in the sculpture, noting that it was not the artist Mr. Berks' best work. She stated that she is familiar with Berks' other works such as the Caliguiri sculpture in the City's collection and the Albert Einstein portrait in Washington DC, but that this work does not exemplify this artist's usual high quality of rendering a subject.

Mr. Cooper agreed with Ms. Haskell noting that that he had problems with the initial design. He went on to clarify that he indeed had problems with the initial design of the site and sculpture when the project was first presented to the Commission in 2007, but he did not expect the finished project to look the way that it does now that it is completed. He stated that the sculpture is "awful looking", and he did not expect to have this reaction to the finished sculptural piece. He also mentioned that other people have mentioned to him their displeasure with the project.

Though the work is consistent with the proposal, he concluded that even though children like the sculpture and like sitting there, the sculpture surface is "worrisome and monstrous". He stated that the actual sculpture does not "square", even remotely, with his memory of the maquette and proposal. Mr. Cooper stated that he believes the Art Commission is called upon to offer responses.

Ms. Wolf stated that the presenters anticipated mixed reviews since the artist's other pieces received mixed reviews, but chose his work as it was Mr. Rogers' favorite sculptor and it seemed appropriate.

Mr. Cooper responded in saying that he agreed with Ms. Haskell in that the Tribute to Children sculpture is not the artist's best work.

Ms. Haskell mentioned that she couldn't see how children would approach the Fred Rogers sculpture or be able to sit in it.

Mr. Dawson and Ms. Wolf answered that children do sit on the sculpture and noted that it is big enough for adults as well.

Ms. Haskell agreed with Mr. Cooper's interpretation of the sculpture finish, stating that the piece is scaley-looking and that the rough texture is not how she envisioned the finish piece to be.

Ms. Klavon asked the presenters if the sculpture was indeed different than the model that was presented to the Commission, and asked if the finished sculpture is different than what the project team expected.

Mr. Dawson answered that the sculpture is a scaled model of the maquette. He noted that part of the artist's system is to scale up the model.

Ms. Haskell asked if Mr. Berks (the artist) supervised the casting and the finish of the final piece.

Mr. Dawson answered that the artist was involved throughout the whole process of the statue. Mr. Dawson stated that the project may be controversial on some level, but that it is engaging. He concluded that the piece conveys a message and creates conversation which is a good thing whether a viewer likes the project or dislikes it.

Ms. Klavon re-stated that the project is present at the Art Commission for Final Acceptance, which is different than Conceptual Review, and now that the Law Department confirmed that it is not on City property, the Art Commission most likely does not have jurisdiction over this property and project.

Mr. Indovina asked if this Final Acceptance is different than accepting the piece as if it were coming into the City's art collection. He asked if this Final Acceptance was just accepting the construction of the overall *Tribute*, simply that it was done as proposed.

Mr. Indovina agreed with Ms. Haskell and Mr. Cooper in that it is not his favorite sculpture, but agrees that it was done according to the drawings.

Ms. Klavon requested a motion, but asked the audience for their input before a motion is moved.

Mr. Rifat Qureshi of the SEA described his pleasure in having the project as an asset to the park. He confirmed that the SEA will be taking care of the site and working with Colcom to fund the maintenance in perpetuity after two years. He mentioned that he looks forward to, upon the Art Commission's Final Acceptance of the piece, to have the project transferred over to the SEA.

Mr. Brown asked Mr. Qureshi if it would be possible for the City to look over the maintenance plan once it is proposed in order to review and respond to it. Mr. Brown stated that in some ways, this is a strange situation as the property is owned by the SEA currently, but that on some undecided date in the future the property would be conveyed back to the City—that, there is no legal way for the City to mandate anything in the agreement now, but it would be nice to review the plans and offer some input—or, at least allow the

City to begin to understand what maintenance responsibilities it will be involved with once the land is conveyed.

Mr. Qureshi agreed and promised to send Mr. Brown an invitation to the maintenance plan kick-off meeting as well as a copy of the actual agreement.

Ms. Klavon asked the audience once more for any input. Ms. Klavon asked for clarification of the Final Acceptance today.

Mr. Brown answered that the project should be approved if the Commission agrees that the piece was built to original spec. He mentioned that typically after Final Acceptance, the project would be brought into the City's collection, but in this case, that is not possible as the land is not City property. He stated that there is a third stage in the Art Commission review process (Final Acceptance) that needs to be fulfilled today or denied today. Mr. Brown then stated that when and if the property is transferred to the City, this project would be a legal and financial issue of transferring the land and the sculpture to the City.

Ms. Klavon requested a motion to grant Final Acceptance to the *Tribute to Children* project.

Mr. Cooper asked if the sculpture itself was part of the Final Acceptance, because he does not agree it was built as proposed.

Ms. Klavon concluded that Mr. Cooper intended to state that he does not believe the sculpture was up to par, but that what was shown to the Commission was not substantially different than what was built. She asked Mr. Cooper if the actual was different from the model.

Mr. Cooper stated that the sculpture does seem markedly different from that which was proposed.

Mr. Brown noted the booklet that was submitted in 2007 that displayed images of the original maquettes and a studio photo of the 1:1 scale clay sculpture that was used in the cast of the final bronze. Mr. Brown went on to say that there may be some differences in proportions and texture from the maquettes, but the studio shot is the exact sculpture used for the large scale cast.

Ms. Haskell asked if the Commission was ever shown a plaster maquette.

Mr. Dawson and Ms. Wolf answered that they did bring the actual maquette to a meeting in the past, and that the photos in the booklet represent that maquette.

Mr. Cooper described what he found to be different than the proposal. He stated the finished sculpture was scalier (reptilian), the teeth were even out of scale and more prominent and that the piece had a much rougher surface texture than the maquettes proposed. He went on to say that he understands the difficulties in producing a large scale sculpture that is to faithfully resemble a small scale maquette, but he believed that this piece did not do this. He insisted that he did not want to make a problem, but wanted to offer his honest sense of the piece as "not good". He stated that he is asked to approve it, and he is having a hard time doing that.

Ms. Haskell stated that she believes the Art Commission needs to set aesthetic standards, not just grant Final Approval because the project is installed. She stated that she believes they have to be careful of how they state this motion, since she is in agreement with Mr. Cooper on the sub-par execution of the sculpture. She went on to say that she did not believe that the sculpture was realized as per its conception.

Ms. Klavon reminded the Commission that they will motion for Final Acceptance, not Final Approval.

Ms. Haskell asked where the Commission stands on bringing this project into the City Art Collection.

Mr. Brown answered that the project would not be brought into the City collection until the property is transferred to the City. He explained that technically Final Acceptance, in the Bylaws, that if Final Acceptance is not given the piece would not be considered City property or City responsibility. He

continued to say that that does not necessarily mean the piece can be removed, but that the City would not be responsible for maintenance. Mr. Brown stated that if the Commission approved today, this piece would not become a piece of the City's collection until the land was transferred to the City and City Council had approved of a long term license and maintenance agreement drafted by the Law Department.

Mr. Indovina asked if there would be another review by the Art Commission when the property is transferred to the City to grant Final Acceptance of the piece into the City Art Collection.

Ms. Haskell asked if the transfer of the piece into the City Art Collection would be automatic.

Mr. Brown answered that he believed that the transfer would most likely be automatic if the Commission gave Final Acceptance to the piece today.

Ms. Ismail added that Final Acceptance is not just agreeing that the sculpture, but the entire project, was built to proposal.

Ms. Haskell agreed that the other portions of the project were built as proposed.

Mr. Indovina asked if the Commission could make a statement of qualification in the motion to require another review upon suggested transfer to the City of Pittsburgh collection.

Mr. Brown answered that he will check with the City Law Department as this is new territory for the City, but believes that the Commission could request that another review by the Art Commission would occur to officially decide on the piece becoming a part of the City's collection once the land is transferred to the City. He asked Mr. Gable if he had ever encountered a situation such as this with land transfers.

Mr. Gable answered no.

Ms. Haskell suggested going on record with their feelings towards the sculpture as opposed to the entire site.

Ms. Klavon asked if Ms. Haskell would not want the sculpture to be accepted into the City collection.

Ms. Haskell answered that Mr. Brown is correct that the Commission will have to go to the legal department with questions.

Mr. Brown stated that if the Art Commission votes to go on record in opposing the sculpture as built, he stated that they could accept the site as a whole, but request that before the piece is accepted into the collection there would be another review.

Ms. Klavon stated that there is some clear distaste for the sculpture, but asked the Commission if it would want the sculpture to be maintained, regardless if the Commission liked the piece or not. Ms. Klavon stated that the project as a whole seems built as proposed, however there is some grey area in determining whether the sculpture was indeed built as proposed as there is always some variance from a maquette to a full scale cast. She went on to say that if the only repercussion to a denial of Final Acceptance is that the City does not agree to maintain the piece, wouldn't the Commission want to see that the piece is maintained?

Ms. Haskell suggested accepting the project as a whole with the understanding that the sculpture itself does not meet Art Commission standards or expectations.

Mr. Brown asked to clarify that the latter statement need not be a condition of approval nor an action item, but merely a statement for the record.

Ms. Klavon stated that she thought that was fair.

Mr. Cooper stated that he could not accept the project and would not vote to approve since he believes it was not built as proposed and believes that the Commission should set aesthetic standards.

Ms. Klavon asked what would happen if the Art Commission denies the sculpture.

Mr. Cooper stated that it is understood that nothing would happen—the sculpture would remain at this location.

Ms. Kalvon stated again that while she understands Mr. Cooper's reservations, she wished to see that the sculpture is protected and that it be maintained.

Mr. Brown stated that currently, there is no indication of how long the piece and the land it sits upon will remain the property of the SEA—it could be many years before the land is transferred to the City. However, it has been stated that the SEA and Colcom Foundation will maintain the sculpture in perpetuity and at some point the maintenance responsibilities will transfer to the City.

Mr. Indovina mentioned that the Commission has had issues and has been in a dilemma with the project since the beginning. He noted that even in the beginning, the Commission was told that the piece was already cast and could not be changed and so forth. He went on to say that if he were choosing a sculpture for this purpose, he would not have chosen this one. He stated that the sculpture does seem to have differences from the maquettes originally proposed, but he does understand that scaling a sculpture up from a small maquette will often incur some changes just simply from the scaling process. He noted that certainly the facial features and the texture is different in the large scale piece from the original maquettes. He stated that he is pleasantly surprised by the bridge pier work in its finished state—he did not envision that it would look as good as it does.

Mr. Indovina stated that it is a dilemma, and questioned who it is that they would be punishing by refusing to accept the piece. He stated that if the Commission could have a review of the piece to decide if it becomes a piece in the City's collection at the time that the land is transferred to the City, then he would be okay with acceptance at this point.

Ms. Klavon requested a motion to be formed.

Mr. Indovina motioned to accept the *Tribute to Children* project, subject to all comments made in the hearing regarding the disappointment with the sculpture. He also requested when the site is transferred to the City and the artwork would have an additional review by the Art Commission to decide if the piece should become a piece of the City's collection.

Mr. Cooper asked that it be duly noted that his objection was solely aimed at the sculpture and not for the entire site work.

MOTION: To grant Final Acceptance--approval that the *Tribute to Children* site was built as proposed--subject to the aforementioned issues with the sculpture and additional review of the site and sculpture once land is transferred to the City of Pittsburgh in order to determine if the artwork should become a piece of the City's collection.

MOVED: Indovina SECONDED: Haskell

IN FAVOR: Haskell, Indovina, and Klavon

OPPOSED: Cooper (to sculpture, not site) CARRIED

D. <u>Consent Agenda</u>

a. Oakland Task Force Banner Project

Mr. Brown reviewed the previous Oakland Banner application and noted that he had asked the Commission for staff review powers of this applicant, as was his right per Art Commission Bylaws, in July, 2009, and the Commission extended permission for this to occur. He went on to say that the banners were approved by staff—after some modifications were made due to some Commissioners' comments—and installed.

He mentioned that since the banners were installed, Councilman Bill Peduto had raised a question of the fact the applicant did not appear in a public hearing as per Code requirement. The City Law Department reviewed the matter and decided that staff review could occur, but all applications should go before the Art Commission in a public hearing at least as part of a consent agenda

Mr. Brown passed the original Oakland Banner application around and noted the images of the banners.

Ms. Haskell mentioned that the museum banner features posts and red rope swag connected to stanchions in front of the museum door that could be construed as meaning that the museum is closed.

Mr. Brown asked if Ms. Haskell's comment is meant for future reference or was she asking for replacement of the existing banner.

Ms. Haskell replied that when and if the banner is replaced, it should be replaced with another image that was already proposed and approved within the packet.

Alex Coyne introduced himself as the Operations Manager for the Oakland Business Improvement District, which is part of the Oakland Task Force, the applicant for the Oakland Banner project.

Ms. Klavon stated that the Commission would like the banner to be replaced when they reprint.

Ms. Haskell agreed and added that when they reprint they should re-design the museum banner to represent an open museum rather than a closed one.

Mr. Brown stated that Coyne and OBID will have to come before the Commission with any new placements of the banners, even though these images were approved. The former application was solely for the six locations shown on that application.

Mr. Coyne agreed to relay the museum banner re-design request to the Task Force.

Ms. Klavon mentioned that there was no one in the audience to speak on behalf or against the project.

Mr. Brown mentioned that the November Art Commission meeting minutes will be posted after the December meeting for Mr. Coyne to review.

MOTION: To accept the Oakland Task Force Banners with condition of revised museum banner when they are reprinted.

MOVED: Haskell **SECONDED: Cooper**

IN FAVOR: ALL

OPPOSED: NONE **CARRIED**

Ms. Haskell mentioned that the Art Commission's purpose is to review banner design.

Mr. Brown added that he will most likely keep banner applicants within a regular agenda from now on, but perhaps if and when there may be a large number of applicants, he would present banner applications as part of a consent agenda (rather than ask the applicant to present). In this way, the Commission would avoid any perception of impropriety.

Ms. Klavon stated that the Commission is in agreement that the Commission will review all banners in a public hearing from this point forward.

b. Art Commission Bylaw Revision of Staff Review Language

Mr. Brown stated that he would read the current Bylaw language and the proposed Bylaw changes for the Commission to review and accept. He directed the Commission to a printed version of the Bylaws.

Mr. Brown stated that yes, he would only ask for staff review in cases where there might be a large number of applicants for a particular hearing.

Mr. Brown read the following:

Current section E. Staff Review Language:

E. Staff Review
In some cases, the Director of City Planning may request that an application to the Art Commission be reviewed by City Planning staff before it is sent to the Art Commission. In cases where the Art Commission has developed standards for elements within its jurisdiction, such as street banners, the Director may request that the application be sent for a staff review instead of Art Commission approval.

Proposed amendment to section E. Staff Review Language:

E. Staff Review (changes highlighted in red)
In some cases, the Director of City Planning may request that an application to the Art Commission be reviewed by City Planning staff before it is sent to the Art Commission. In cases where the Art Commission has developed distinct and clear standards for elements within its jurisdiction, such as street banners, the Director may request that the application be sent for a staff review before the application is submitted to the Art Commission for approval. If staff review occurs for an application such as street banners, staff must present the application to the Art Commission as part of a consent agenda at a regularly scheduled hearing of the Art Commission.

Mr. Cooper asked if the change would require the banner applicant to be present at the hearing.

Mr. Brown answered that the change in Bylaw language would streamline the amount of discussion at a hearing, by the presenting the project application himself instead of asking the applicant to do so. Otherwise, there is no sufficient savings to have staff review of banners. The applicant should be present at an Art Commission hearing, but in consent agenda, the applicant would not present the information. He went on to say that he would most likely keep the banner applications to a regular agenda item unless there a large number of applicants at a particular hearing.

Mr. Indovina asked if the change would still allow an applicant to present the full application to the Art Commission at a hearing.

Ms. Klavon asked how the Art Commission defines "temporary" as it pertains to banners.

Mr. Brown answered that "temporary" banners are defined as those that are planned to exist for 1 to 30 days, while long-term banners are 30 days and longer with a cap of two years, he thought. He went on to

say that Mr. Cooper had commented on the fact that all banners are temporary, given the impermanence of their materials. For the purposes of procedures and policies regarding banners, however, the Commission should adhere to the time limits described before regarding temporary and permanent banners. The Commission reviews long term banners, but not temporary banners. Temporary banners only go through Public Works for permitting.

Mr. Cooper mentioned that long-term banners often get replaced indefinitely without additional review.

Mr. Brown stated that this is correct, and that he likes this practice (as long as the Commission likes the banners) because what happens is that a community group will print out more banners than they need and replace them as they get torn or weathered. This is a cost savings to the community group, but also helps maintain the proper look of the banners over time.

Ms. Haskell asked if language should be added to the by-laws regarding long-term banners that after two-years they should be reviewed by the Art Commission again before replacements are installed.

Mr. Cooper answered that the addition of a two-year limit would be a good addition to the Bylaws.

Mr. Brown asked Mr. Gable to clarify if there were already a two-year limit on long-term banners.

Mr. Gable answered that even though he was not extremely familiar with code, that there is most likely a two-year limit.

Mr. Indovina added that a banner installed for longer than two years is permanent and should come before the Art Commission.

Ms. Klavon added that not only could the banner become outdated, but dirty.

Mr. Brown stated that he would check the language regarding the two-year limit, and add language that required an addition of another Commission review.

Ms. Haskell asked if the option for people designing banners to come before the Art Commission is still present.

Mr. Brown affirmed that banner applicants still have the option to come before the Art Commission at a public hearing. He added that the Bylaw states that the Commission can do Staff Review at the Director's request, however, the applicant can present to the Commission directly, or staff would present as part of a consent agenda at a hearing. The latter would only be done in the case of a large number of applicants, but the Bylaw revision would allow either alternative—not a mandate for one or the other.

Ms. Ismail added that the applicants still have the option to come before the Art Commission, but with heavy workloads, there is also the Staff Review option.

Ms. Klavon requested a motion to revise language of Paragraph E.

Ms. Haskell moved to revise language of Paragraph E.

MOTION: To revise language of Bylaws, Paragraph E as proposed.

MOVED: Haskell SECONDED: Cooper

IN FAVOR: ALL

OPPOSED: NONE CARRIED

Meeting Adjourned