

1. Agenda

Documents:

[2023-10-27 ART COMMISSION - PUBLIC AGENDA-1850.PDF](#)

2. Meeting Materials

Documents:

[2023-10-27 ART COMMISSION - FULL AGENDA-1850.PDF](#)

AGENDA

Special Meeting of the
Nichols Hills Art Commission
Friday, October 27, 2023 at 9:00 AM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

If special assistance is needed for this meeting by any person wishing to attend, please contact the City Clerk's office no later than 48 hours prior to the meeting, and such assistance will be provided.

Official action may be taken by the Nichols Hills Art Commission only on items that appear on this Agenda. The Nichols Hills Art Commission may dispose of the business set out on this Agenda by accepting, approving, adopting, rejecting, amending, or postponing action as to each item, as determined by the Nichols Hills Art Commission.

I. Call to Order

II. Roll Call

III. Citizens Desiring to be heard

The purpose of this time is to allow members of the public to speak to the Nichols Hills Art Commission on any matter that is not otherwise set for consideration on this Agenda.

IV. Minutes

a. September 29, 2023 Minutes

V. Items for a Separate Vote

Consideration of approval, acceptance, rejection, amendment, and/or postponement of the following:

a. Review possible art locations in Nichols Hills.

b. Discussion of new commissioners.

c. Discussion regarding preference being given to local artists or art.

d. Discussion regarding procedures and guidelines regarding donation of art to the City.

VI. Adjournment

I certify that the forgoing was filed in the Office of the City Clerk at 12:24 P.M. on the 24th day of October, 2023 and posted in prominent view on the window at City Hall, 6407 Avondale Drive, at 12:45 P.M. on the 24th day of October, 2023; posted to the City of Nichols Hills website at <http://www.nicholshills.net> at 5:00 P.M. on the 24th day of October, 2023; and transmitted by email at 5:00 P.M. on the 24th day of October, 2023 to those persons who have requested to be included on such notices pursuant to the Open Meeting Act and to those who have requested such notice.



City Clerk
City of Nichols Hills, Oklahoma

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City Clerk
City of Nichols Hills, Oklahoma

MINUTES

Special Meeting of the
Nichols Hills Art Commission
Friday, September 29, 2023 at 9:00 AM
City Hall, 6407 Avondale Drive
Nichols Hills, OK 73116

**Original agenda filed in the Office of the City Clerk at 7:59 AM on
the 27th day of September, 2023.**

I. Roll Call

Attendee Name	Title	Status	Arrived
Melissa Scaramucci		Present	9:10 AM
Leigh Ann Albers		Present	
Steve Knox		Present	

II. Call to Order

III. Citizens Desiring to be heard

The purpose of this time is to allow members of the public to speak to the Nichols Hills Art Commission on any matter that is not otherwise set for consideration on this Agenda.

No one expressed a desire to be heard.

IV. Minutes

a. July 11, 2023 Minutes

MOTION: Knox moved to approve the July 11, 2023 minutes as presented. Scaramucci seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steve Knox
SECONDER:	Melissa Scaramucci
AYES:	Scaramucci, Albers, Knox

V. Items for a Separate Vote

a. Nomination and election of Chairman of Nichols Hills Art Commission.

MOTION: Albers nominated Melissa Scaramucci as Chairman. Knox seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Leigh Ann Albers
SECONDER:	Steve Knox
AYES:	Albers, Knox
ABSENT:	Scaramucci

- b. Nomination and election of Vice-Chairman of Nichols Hills Art Commission.

MOTION: Albers nominated Steve Knox as Vice-Chairman. Knox seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Leigh Ann Albers
SECONDER:	Steve Knox
AYES:	Albers, Knox
ABSENT:	Scaramucci

- c. An Ordinance amending Chapter 34 of the Nichols Hills City Code creating a Visual Arts Commission related to works of art in the City's parks; repealing all conflicting ordinances or parts of ordinances; providing for severability; and declaring an emergency.

Art Commission members discussed the proposed ordinance creating the visual arts commission and the purpose of the commission. Art Commission members will bring three to four names to City Council to complete the five-member commission.

MOTION: Knox moved to recommend City Councils approval subject to amending Visual Arts to Public Arts. Albers seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Steve Knox
SECONDER:	Leigh Ann Albers
AYES:	Scaramucci, Albers, Knox

d. Review possible art locations in Nichols Hills.

Art Commission members discussed possible locations for art throughout the City. Commissioners will come back with three or four additional places for art excluding Grand Park at the next scheduled meeting.

VI. Adjournment

MOTION: There being no further business, Scaramucci moved to adjourn the meeting. Albers seconded the motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Melissa Scaramucci
SECONDER:	Leigh Ann Albers
AYES:	Scaramucci, Albers, Knox

 Chairman
 Art Commission
 City of Nichols Hills, Oklahoma

 City Manager
 Art Commission
 City of Nichols Hills, Oklahoma

 City Clerk
 City of Nichols Hills, Oklahoma

Attachment: September 29 2023 Minutes (6871 : September 29, 2023 Minutes)













CITY OF NICHOLS HILLS, OKLAHOMA
Application for Donation to a Park

Completed applications should be submitted to the Nichols Hills City Clerk, 6407 Avondale Drive, Nichols Hills, Oklahoma 73116.

Staff use only

Case # _____

Date filed _____

Fee receipt # _____

Applicant is encouraged to consult Article VI, *Donations to Parks*, in Chapter 34 of the Nichols Hills City Code (“the Code”) when completing this Application.

This Application may require the recommendation for approval of the Nichols Hills Board of Park Commissioners and the approval of the Nichols Hills City Council.

Attach a separate sheet to provide complete answers if necessary.

Applicant’s name ¹: _____

Mailing address: _____

Telephone number(s): _____

Email address(es): _____

Name of park proposed to receive donation: _____

Description of the proposed donation: _____

Estimated value of the proposed donation: _____

Please attach all available descriptive information regarding the proposed donation.

This Application will be considered officially submitted and filed only after it is examined by the City Manager and found to have met the applicable requirements of Chapter 34 of the Code and those set out in this Application. At that time, the City Manager will determine whether to approve or disapprove this Application, or if required by the Code, the City Clerk will set the Application for consideration by the Nichols Hills Board of Park Commissioners and for hearing before the Nichols Hills City Council. Applicant will be advised of the date and time for those hearings. It is highly recommended that applicant attend (or have a representative attend) the hearings and be prepared to answer questions.

The above statements in this Application and all attachments to it are true and correct.

Submitted and agreed to this ___ day of _____, 20__.

Signature: _____

Print applicant’s full legal name: _____

Print signatory party’s title if applicant is a legal entity: _____

¹ If more than one applicant, attach a separate sheet with additional applicant information.

Sec. 34-121. Donations in general.

- (a) *Applicability of this article.* All donations of park amenities, donations for the significant refurbishment of existing park amenities, and donations of money for trees and plant and landscape material (each occurring on or after the effective date of this article) shall be subject to the requirements set out in this article. This article does not apply to significant donations to parks that are comprised of large-scale improvements (which improvements may consist of hardscape and constructed facilities, significant park amenities, and/or significant plantings of trees and plant material) of such size, scope, and permanency that a special permit from the city is required and engagement of a landscape architect and/or engineer for preparation of professional and detailed landscape plans and engagement of professional contractors for installation are required which donations are deemed to be adoptions of parks and are subject to article VII of this chapter. In the event of any uncertainty, the city manager and any entity the city council may designate to have such authority, will determine whether a particular plan for improvement constitutes an adoption subject to article VII or a donation subject to this article.
- (b) *Donations of money.* The city may accept donations of money for maintenance and enhancement of the parks in general. Persons wishing to donate money for a specific tree(s) or plant and landscape material to be located in a particular park or area of a park may apply to do so as set out in subsections (g) and (h) of this section.
- (c) *Compliance with laws.* All park amenities and refurbishments of existing park amenities donated to the city must comply with all applicable laws, including this Code, and the accessibility requirements of the Americans with Disabilities Act.
- (d) *Donations are city property.* After a donation is accepted pursuant to the process set out in this article, it will be thereafter owned by the city.
- (e) *Characteristics of donated park amenities.* The city manager, the board, the city council, or a designee chosen by the city council, as the case may be, in making decisions whether to accept or reject donation of a proposed park amenity may consider, among other things, the quality, appearance, durability, ease of maintenance, and consistency with the proposed location and proposed use of the park amenity.
- (f) *Installation, location, and maintenance of donated park amenities.* Only the city, or an entity designed by the city council, may install donated park amenities or refurbish existing park amenities. The donor's wishes as to timing for installation or refurbishment of a park amenity in a park will be considered, but the city will not guarantee installation or refurbishment by a particular date. The donor's wishes as to location of a donated park amenity in a park will be considered, but the city will make the final determination as to the location. The city will not guarantee the permanency of any donated park amenity and will not be obligated to replace any donated park amenity that is stolen or damaged. The city will generally maintain donated park amenities for up to ten years and may require the donor to pay in advance the city's projected installation, maintenance, and associated administrative costs for a stated period of time. However, in any event, the city may remove any donated park amenity for the following and like reasons regarding the particular Park and park amenity: safety concerns; deterioration; vandalism; maintenance or construction activities; and the city's inability to fund ongoing maintenance or repair.
- (g) *Donations of trees.* The city shall not accept donations of actual trees. Plaques for recognizing financial contributions for trees are not allowed. The donor's wishes as to caliper, height, species, and location of a donated tree will be considered, but the city manager, or an entity designated by the city council, will make the final determination. Only the city may install trees in parks. The donor's wishes as to timing for planting a tree will be considered, but the city will generally plant trees at times and in numbers determined by the city manager. The city will maintain donated trees for their lifetime but may require the donor to pay in advance a payment to offset costs for the projected installation, maintenance, and associated administrative costs for

a ten-year period as determined by the city. The city may remove diseased and dead trees and is not required to replace trees that die unless sufficient funds previously paid by the donor remain to do so.

- (h) *Donations of plant and landscape material.* The city, or a designee chosen by the city council, may accept donations of money for plant and landscape material to be installed in parks. The city will not accept donations of actual plant or landscape material. Plaques for such donations are not allowed. The donor's wishes as to the type of plant or landscape material will be considered, but the city manager will make the final determination. Unless otherwise agreed, only the city, or a designee chosen by the city council, may install plant and landscape material in parks. The city will maintain donated plant and landscape material for its applicable growing season but may require the donor to pay in advance an annual payment to offset costs of the additional annual maintenance that would be required of the city attributable to the proposed improvement above the routine maintenance cost associated with the park. The city may remove diseased and dead plant material and is not required to replace plant material that dies unless sufficient funds previously paid by the donor remain to do so.

(Ord. No. 1130, § 6, 5-8-2018)

Sec. 34-122. Process for donations.

- (a) *Application.* Persons wishing to make a donation to a park pursuant to this article shall file a written application with the city on an application form supplied by the city clerk.
- (b) *Donations of park amenities valued at \$5,000.00 or less with insignificant associated costs.* For donations of park amenities valued at \$5,000.00 or less and that would not require the city to incur significant installation or long-term and/or significant maintenance costs, the city manager, or a designee chosen by the city council, shall determine whether to approve or disapprove the application. The city manager, or a designee chosen by the city council, shall provide a decision to the applicant within 90 calendar days.
- (c) *Donations of park amenities valued at \$5000.00 or less with significant associated costs and donations of park amenities valued at more than \$5,000.00.*
- (1) *Transmittal to the city manager.* For donations of park amenities valued at \$5,000.00 or less that the city manager, or a designee chosen by city council, concludes would require the city to incur significant installation or long-term and/or significant maintenance costs and donations of park amenities valued at more than \$5,000.00, the city manager, or a designee chosen by city council, shall assess the application and determine the projected installation, maintenance, and associated administrative costs, if any.
 - (2) *City manager review.* The city manager shall assess the application and determine the projected installation, maintenance, and associated administrative costs to the city, if any. The city manager shall then transmit to the board the application, his recommendation whether to approve or disapprove it, and his assessment of the projected installation, maintenance, and associated administrative costs, if any.
 - (3) *Board review.* The board shall consider the application and the recommendations of the city manager at its next regularly scheduled meeting. The board shall provide a recommendation to the city council within 90 calendar days, recommending approval or disapproval of the application. The board may condition its approval of an application based on a requirement that the applicant be required to pay in advance the city's projected installation, maintenance, and associated administrative costs for a stated period of time.
 - (4) *City council determination.* The city council shall hold a public hearing regarding the application at its next regularly scheduled meeting (or a special meeting at the city council's sole discretion) following receipt of the board's recommendation, subject to the city council's right to continue such hearing. The

city council shall thereafter review the application and the recommendations of the city manager, the board, and any recommendations from officials or other municipal departments, and testimony and exhibits submitted at the public hearing. The city council shall approve, conditionally approve, or disapprove the application by resolution within 90 calendar days from the date of the public hearing. The city council has absolute discretion to override the recommendation of the city manager and the board in approving, conditionally approving, or disapproving the application. If the city council disapproves the application, the grounds for such disapproval must be stated in its decision. If the city council conditionally approves the application, the conditions that must be satisfied for full approval must be stated in the resolution. If the city council requires the applicant to pay in advance the city's projected installation and maintenance costs for a stated period of time and the city's associated administrative costs, such requirement will be stated in the resolution and the applicant must do so before the city will be required to accept the donation.

- (5) *Acceptance of dedication.* Upon completion of the installation for donations of park amenities, the city shall accept dedication of the improvements by resolution.

(Ord. No. 1130, § 6, 5-8-2018)

Secs. 34-123—34-150. Reserved.