



**Bentonville Parks and Recreation  
Parks and Recreation Advisory Board Meeting  
Monday, August 15 – 5pm  
Downtown Activity Center – 215 SW A Street**

**Agenda**

**Old Business**

1. Approval of Minutes from June 2016 Meeting
2. Approval of Minutes from June 29, 2016 – Special Meeting
3. Update – Trail Marking Plan – North Walton Trail

**New Business**

1. Impact / Capacity Fees Update
2. Brightwood Park Rename – Osage Park
3. Public Art Committee Approval – Truth Booth
4. July Meeting Sub-Committees Reports

**Other Business**

*Attachments:*

*June 2016 PRAB Meeting Minutes  
June 29, 2016 – PRAB Special Meeting Minutes  
Impact / Capacity Fee Memo  
Public Art Proposal – Truth Booth  
Capital Improvement Update Worksheet*

**Bentonville Parks and Recreation  
Advisory Board Meeting  
August 15, 2016**

The Bentonville Parks and Recreation Advisory Board met June 20, 2016 at the Downtown Activity Center.

Present were members Holly Hook, Jon Terlow, Tom Butrynski, Tregg Brown, Chris Sooter, Courtney Schaefer and Tom McCoy. Lee Farmer, David Wright, Crant Osborne, and Angel Stuler were present for the staff.

**Meeting began at 5:04PM**

**Old Business**

1. Approval of Minutes from May meeting
  - Motion to approve by McCoy
  - Sooter seconded the motion
  - Approved 7-0
2. Update – Trail Marking Plan – North Walton Trail
  - Wright updated PRAB on the trail marking plan for the North Walton Trail. Alta proposed an audit of Walton Blvd. Trail. Alta will evaluate the driveways and traffic and propose a solution.

**New Business**

1. Bike Playground at Bark Park – Concept Plan Review
  - Wright brought pictures of the conceptual design for the Bike Playground. He said he asked the designers to make the 2 tunnels more natural. Wright also explained to PRAB that the sign in the design will actually be green and our sign. In addition, the park will be installed before November – before IMBA. Hook suggested additional benches and signage for helmets. Schaefer also suggested a covered picnic table should be installed. They both mentioned since it's built for a younger crowd, plenty of seating should be available for parents while they supervise their kids.
2. Wildwood Park – Playground/ Concept Review/ Park Name Discussion
  - Wright recapped the Wildwood Park project. This project is a project that the Brightwood students were split into groups and each came up with a playground design that they would like to see in a park. Our designer, incorporated different ideas from the projects into the Wildwood design. PRAB was concerned with the color scheme – orange and red tend to be the colors that fade the quickest. PRAB would like to see the colors changed to possibly orange on the posts, but blue or green for the plastics so that it will last longer. Sooter asked about the surface and Wright told PRAB that the surface will be mulch due to budget. McCoy asked about a timetable for the project and Wright said it should be done by Labor Day. Wright also mentioned that PRAB might consider a name change because the majority of the public think it's a neighborhood park since it's named Wildwood

Park and sits in the Wildwood division. Because it's a public park, we want the public to know. Sooter mentioned we should also include the tennis courts in the name change because many people believe those are part of World's Gym. Wright asked PRAB to brainstorm and come back with some names at the August meeting.

3. Razorback Greenway Tree Planting Grant Project

- Wright told PRAB that he was approached by the Walmart Foundation. After seeing a picture from a park in Boston and the large Oak trees, the foundation would like to see something like that here in Bentonville. A company in Georgia is one of the only companies in the United States that sell trees that are 40 feet tall and about 6 inches in caliber. After telling the foundation the cost of 75 trees would be \$75k, the foundation said to double it to 150 trees for \$150k. 120 of the trees will line the trail stretching from the Bark Park to Wishing Springs and will also provide an immediate impact to the area. The remaining trees will be south of BHS to 28<sup>th</sup> street. McCoy asked about maintenance for the trees and if we can handle it. Wright said we will have to water the trees and they do come with a 5 year warranty. A contractor will plant the trees (this will be bid out) and the trees will go in the ground late fall. Wright all that was left was PRAB's approval Hook motioned to approve and Sooter seconded the motion. It was approved 7-0.

4. July Meeting Sub-Committees Discussion

- Wright passed around committee meeting notes. In addition, he asked about some of the sub-committees needing additional PRAB members. Scafer volunteered to be a part of the recreation programming sub-committee, Hook volunteered to be a part of the maintenance facilities sub-committee, Butrynski volunteered to be a part of the marketing sub-committee, and Terlow volunteered to be a part of the overall budget sub-committee. Wright reminded PRAB that we will not meet in our regular July meeting due to the sub-committee meetings. The next PRAB meeting will be in August.

5. North Bentonville Trail – Outdoor Fitness Center

- Wright said the foundation approached us about an outdoor fitness center. Jennifer Valentine, our fitness specialist, met with them to help design this project. The project costs \$63k. McCoy asked Wright if this is normal to have next to trails and Wright said yes, many trails in the country have this set up. Scafer motioned to approve the outdoor fitness center and Sooter seconded the motion. The outdoor fitness center was approved 7-0.

6. Other News

- Brown asked about the roundabout installation and the Wishing Springs trail closure. Wright said Wishing Springs Trail will be closed for 4 months and then reopened.

**Meeting adjourned at BCC at 6:05 PM**

**Bentonville Parks and Recreation  
Advisory Board Meeting  
August 15, 2016**

The Bentonville Parks and Recreation Advisory Board met June 29, 2016 at the Downtown Activity Center.

Present were members Holly Hook, Jon Terlow, Tom Butrynski, Mike Power and Tom McCoy. David Wright and Angel Stuler were present for the staff.

**New Business**

1. Public Art Approvals – Four Trail Tunnels

- Wright presented 4 pieces of art the Public Art Committee has chosen. The theme is Walk/ Run/ Bike/ Play. The locations on the trail include tunnels on South Walton, North Walton, Crystal Bridges, and Wishing Springs. The trail on North Walton at Ridgefield (Wishing Springs) will feature “Hole in the Wall” which is a cyclist and runner. On the South Walton trail, the tunnel will feature “Aura Activity” which is a colorful scene that includes a walker, a cyclist, a runner, and a kite. The tunnel under North Walton will feature “Always a Pupil” features a set of eyes made from recycled bicycle reflectors. The final tunnel location on the Crystal Bridges Trail features “Energy Flow” which currently features a soccer player but we’ve asked the artist to change the player to a runner.
- Power asked about the Wishing Springs tunnel length. Wright said it is a longer tunnel. Butrynski asked if it would be possible to add another runner because of the tunnel length. Wright said we could look into that. McCoy asked what the life of the art is. Wright said the paint is actually sealed so that if there’s graffiti, it can be power washed without ruining the art. McCoy asked about the price of the art. Wright, said the A&P is paying for it, and the cost of the art is \$2k per piece of art. Power motioned to approve the art and McCoy seconded the motion. The art was approved 5-0. Wright told PRAB that the next step is for the A&P to approve the funding and the 2<sup>nd</sup> step is for City Council to vote on it. After that, we will start signing contracts and hope to have some of the art installed by the end of the summer. Hook asked about the direction of the bikes in the tunnels (if they would be traveling directionally correct). Wright said they would be correct.
- Wright told PRAB that the Master Plan was approved at Council last night so we’re moving forward with that.

**Meeting adjourned at BCC at 12:31PM**

|  | Project                                                            | Budget          | Status                                                                                                 |
|--|--------------------------------------------------------------------|-----------------|--------------------------------------------------------------------------------------------------------|
|  | Slaughter Pen Trails Signage                                       | \$200,000 Grant | Installation in Progress                                                                               |
|  | Parks and Recreation Master Plan                                   | \$200,000       | \$200,000 Grant from WFF - Council Approval June 28                                                    |
|  | Citizens Park - Soccer Restrooms                                   | \$350,000       | Project Complete                                                                                       |
|  | Citizens Park Inclusive Playground                                 |                 | Project In Design                                                                                      |
|  | Bike Playground                                                    | \$90,000        | Construction scheduled Fall (October) 2016                                                             |
|  | Razorback Greenway Wayfinding Signage                              | \$45,000        | Signs in production                                                                                    |
|  | Razorback Greenway - Tree Planting Project                         | \$150,000       | Installation Bid Opening - August 11. Council approval August 23. Installation scheduled November 2016 |
|  | Citizens Park Trail                                                | \$358,000       | Project at AHTD for review - Ready to bid once State approves                                          |
|  | Wildwood Park - New Play Structure                                 | \$75,000        | Installation begins August 15                                                                          |
|  | MFAC - Dive Well Impeller                                          | \$7,500         | Project Complete                                                                                       |
|  | MFAC - Architectural drawings for renovations                      | \$20,000        | Project in design                                                                                      |
|  | H.T.E. Payroll Software                                            | \$55,000        | Equipment / Software Ordered. Implementation progress. Expect October "Go Live" Launch.                |
|  | Old Tiger Stadium Park - Park Signage                              | \$10,000        |                                                                                                        |
|  | Old Tiger Stadium Park - Fence                                     | \$12,000        |                                                                                                        |
|  | Lake Bentonville Pavilion Improvements                             | \$5,000         |                                                                                                        |
|  | Memorial - Paint Ballfield Concession                              | \$7,500         | Project Complete                                                                                       |
|  | Memorial - Soccer Recycle Containers                               | \$15,000        | Project Complete                                                                                       |
|  | Memorial - Tennis Court Resurface                                  | \$20,000        | Project Complete                                                                                       |
|  | Orchards Park - Stone Work                                         | \$15,700        | Project Complete                                                                                       |
|  | LBV - Remove Old Buildings                                         | \$30,000        | Project Complete                                                                                       |
|  | LBV - Parking Lot Improvements                                     | 250,000 Grant   | Property transfer in process - Annexation in 2Q 2016                                                   |
|  | Phillips Park - Restrooms                                          | \$53,000        |                                                                                                        |
|  | Phillips Park - Scorebooths                                        |                 |                                                                                                        |
|  | <b>Grant Funded Projects - Not necessarily administered by BPR</b> |                 |                                                                                                        |
|  | North Walton Trail - Harps to Stonehenge                           |                 | Project underway - 0% Complete                                                                         |
|  | North Walton Trail - Stonehenge to Dog Park                        |                 | Work 100% Complete - Awaiting Property Transfer to City of Bentonville                                 |
|  | RBG / South Walton Tunnel                                          |                 | Project Complete                                                                                       |
|  | Rogers / Bentonville Trail - CC to Horsebarn Trailhead             |                 | Project underway - 50% Complete                                                                        |
|  | RBG / Hwy 102 Tunnel                                               |                 | Project Grant Submitted                                                                                |

# MEMO

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To: Mayor Bob McCaslin, City Council  
From: Denise Land, Finance Director  
Troy Galloway, AICP, Community & Economic Development Director  
CC Date: August 9, 2016  
Re: Impact/Capacity Fees

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## HISTORY

The City of Bentonville first enacted Impact/Capacity Fees on January 8, 2002 for water, sewer and fire. The fee schedules have been amended twice; in 2006 and 2009. Then, in 2006, the City adopted parks, library and police impact fees. The parks fee schedule was amended in 2009 and library and police fees were rescinded in 2009.

State law requires cities collecting or spending these fees to have a valid Capital Improvement Plan that meets certain elements. On July 14, 2015, the City of Bentonville approved Resolution No. 7-4-15F authorizing the Mayor and Clerk to enter into an agreement with TischlerBise Inc. for the purpose of evaluating and updating the City of Bentonville Impact and Capacity Fee Study and preparing a new Capital Improvement Plan.

## REPORT RECOMMENDATION

TischlerBise submitted the first Impact Fee Analysis Report to the city on June 22, 2016. **The report recommends amending the Parks and Fire/EMS Impact Fees, reinstating the Police and Library Impact Fees, and suspending the Water and Sewer impact/capacity Fees. The city received an updated report on August 5, 2016 reducing the Parks Impact Fees.**

TischlerBise in concert with City staff determined that all capacity expansion projects for water and sewer that are impact fee-eligible have existing dedicated funding sources. Existing rates already cover 100% of Northwest Arkansas Conservation Authority (NACA) payments for the City's share of new treatment plant services, debt service payments on existing water and wastewater infrastructure and planned improvements. TischlerBise recommends suspending the imposition of water and sewer impact/capacity fees and revisiting their calculation at the conclusion of the next rate study and water and sewer capital planning cycle (expected early 2017).

The following tables show the current fees, proposed fees and the difference between the two.

| Action                   | Parks   |          |            | Fire    |          |            |
|--------------------------|---------|----------|------------|---------|----------|------------|
|                          | Current | Amend    | Difference | Current | Amend    | Difference |
|                          |         | Proposed |            |         | Proposed |            |
| <b>Residential</b>       |         |          |            |         |          |            |
| Single Family (detached) | \$ 791  | \$ 2,192 | \$ 1,401   | \$ 515  | \$ 318   | \$ (197)   |
| Other Residential        | \$ 568  | \$ 1,381 | \$ 813     | \$ 370  | \$ 200   | \$ (170)   |
| <b>Nonresidential</b>    |         |          |            |         |          |            |
| Commercial               | \$ -    | \$ -     | \$ -       | \$ 217  | \$ 357   | \$ 140     |
| Office                   | \$ -    | \$ -     | \$ -       | \$ 295  | \$ 135   | \$ (160)   |
| Industrial               | \$ -    | \$ -     | \$ -       | \$ 130  | \$ 47    | \$ (83)    |

| Action                   | Library |           |            | Police  |           |            |
|--------------------------|---------|-----------|------------|---------|-----------|------------|
|                          | Current | Reinstate | Difference | Current | Reinstate | Difference |
|                          |         | Proposed  |            |         | Proposed  |            |
| <b>Residential</b>       |         |           |            |         |           |            |
| Single Family (detached) | \$ -    | \$ 178    | \$ 178     | \$ -    | \$ 546    | \$ 546     |
| Other Residential        | \$ -    | \$ 112    | \$ 112     | \$ -    | \$ 344    | \$ 344     |
| <b>Nonresidential</b>    |         |           |            |         |           |            |
| Commercial               | \$ -    | \$ -      | \$ -       | \$ -    | \$ 615    | \$ 615     |
| Office                   | \$ -    | \$ -      | \$ -       | \$ -    | \$ 233    | \$ 233     |
| Industrial               | \$ -    | \$ -      | \$ -       | \$ -    | \$ 81     | \$ 81      |

| Action                | Water      |          |                | Sewer     |          |                |
|-----------------------|------------|----------|----------------|-----------|----------|----------------|
|                       | Current    | Suspend  | Difference     | Current   | Suspend  | Difference     |
|                       |            | Proposed |                |           | Proposed |                |
| <b>Residential</b>    |            |          |                |           |          |                |
| SF 5/8" meter         | \$ 1,366   | \$ -     | \$ (1,366.00)  | \$ 1,117  | \$ -     | \$ (1,117.00)  |
| SF 1" meter           | \$ 1,913   | \$ -     | \$ (1,913.00)  | \$ 1,117  | \$ -     | \$ (1,117.00)  |
| All other residential | Meter Size | \$ -     |                | \$ 803    | \$ -     | \$ (803.00)    |
| <b>Nonresidential</b> |            |          |                |           |          |                |
| 5/8" meter            | \$ 1,366   | \$ -     | \$ (1,366.00)  | \$ 1,117  | \$ -     | \$ (1,117.00)  |
| 1" meter              | \$ 1,913   | \$ -     | \$ (1,913.00)  | \$ 1,564  | \$ -     | \$ (1,564.00)  |
| 2" meter              | \$ 3,962   | \$ -     | \$ (3,962.00)  | \$ 3,241  | \$ -     | \$ (3,241.00)  |
| 4" meter              | \$ 19,130  | \$ -     | \$ (19,130.00) | \$ 15,647 | \$ -     | \$ (15,647.00) |

## Total Fees by Development Type

The table on the following page compares the *current* total impact fees (parks, fire, water and sewer) with the *proposed* total impact fees (parks, fire, library, police) by development type.

- **Commercial Fees Reduce.** The suspension of water and sewer impact fees significantly reduces the total fees for commercial development. Recommended total commercial impact fees:

|             |       |
|-------------|-------|
| Commercial: | \$972 |
| Office:     | \$368 |
| Industrial: | \$128 |

- **Single Family Fees Increase.** Although the sewer and water impact fees are suspended, total impact fees for single family is higher due to the increase in parks fees and the addition of library and police fees. Recommended total residential impact fees:

|                         |                  |
|-------------------------|------------------|
| Single family detached: | \$3,234          |
| Other residential:      | \$2,037 per unit |

|                  | TOTALS                         |                                   |             |            |
|------------------|--------------------------------|-----------------------------------|-------------|------------|
|                  | Current                        | Proposed                          | Difference  |            |
|                  | (Parks, Fire,<br>Water, Sewer) | (Parks, Fire,<br>Library, Police) |             |            |
|                  | Residential                    |                                   |             |            |
|                  | SF - 5/8" w & s meters         | \$ 3,789                          | \$ 3,234    | \$ (555)   |
|                  | SF - 1" w & s meters           | \$ 3,968                          | \$ 3,234    | \$ (734)   |
|                  | Other - 5/8" w meter           | \$ 3,107                          | \$ 2,037    | \$ (1,070) |
|                  | Other - 1" w meter             | \$ 3,654                          | \$ 2,037    | \$ (1,617) |
|                  | Other - 2" w meter             | \$ 5,703                          | \$ 2,037    | \$ (3,666) |
|                  | Other - 4" w meter             | \$ 1,741                          | \$ 2,037    | \$ 296     |
| Commercial       |                                |                                   |             |            |
| 5/8 w & s meters | \$ 2,700                       | \$ 972                            | \$ (1,728)  |            |
| 1" w & s meters  | \$ 3,694                       | \$ 972                            | \$ (2,722)  |            |
| 2" w & s meters  | \$ 7,420                       | \$ 972                            | \$ (6,448)  |            |
| 4" w & s meters  | \$ 34,994                      | \$ 972                            | \$ (34,022) |            |
| Office           |                                |                                   |             |            |
| 5/8 w & s meters | \$ 2,778                       | \$ 368                            | \$ (2,410)  |            |
| 1" w & s meters  | \$ 3,772                       | \$ 368                            | \$ (3,404)  |            |
| 2" w & s meters  | \$ 7,498                       | \$ 368                            | \$ (7,130)  |            |
| 4" w & s meters  | \$ 35,072                      | \$ 368                            | \$ (34,704) |            |
| Industrial       |                                |                                   |             |            |
| 5/8 w & s meters | \$ 2,613                       | \$ 128                            | \$ (2,485)  |            |
| 1" w & s meters  | \$ 3,607                       | \$ 128                            | \$ (3,479)  |            |
| 2" w & s meters  | \$ 7,333                       | \$ 128                            | \$ (7,205)  |            |
| 4" w & s meters  | \$ 34,907                      | \$ 128                            | \$ (34,779) |            |

# Bentonville Public Art Installation Proposal Information

## Proposal Requirements

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All applications submitted for consideration to the Bentonville Public Art Advisory Committee must include all information and materials requested in Part 1 (Written Proposal) and Part 2 (Support Materials) of the Public Art Installation Application.

### **PART 1: WRITTEN PROPOSAL**

Written proposal should be submitted as both an electronic file (MS-Word or PDF format) and as a hard copy.

#### A. Application date

8/3/16

#### B. Contact information

Chad Alligood, Curator  
Crystal Bridges Museum of American Art  
600 Museum Way  
Bentonville AR 72712  
4789187078

Artist: Cause Collective (Hank Willis Thomas, Ryan Alexiev, Jim Ricks, Will Sylvester)  
will@insearchofthetruth.net

#### C. Title of the proposed work

Truth Booth, sponsored by Crystal Bridges Museum of American Art, Visit Bentonville, and (possibly) the Scott Family Amazeum

#### D. Desired location of proposed work

Two possible locations:  
Lawrence Plaza  
Area in front of the Courthouse

#### E. Physical project description (100 words maximum)

The Truth Booth is a 2-day event that features a massive 14-foot pop-up inflatable word balloon that reads TRUTH on the side. Visitors are invited to come inside and share what their idea of TRUTH is on a camera recording. This project is traveling all over the country on a 50-state tour in the months leading up to the election.

#### F. Project narrative (4 pages maximum)

Project narrative should include the following:

1. Detailed project description including a broader explanation of the proposed work. This should include a detailed description of the project concept, project materials, construction and installation, and life expectancy of the work. Project description should include any special requirements such as access to electricity, water, etc.

In Search of the Truth is an interactive transmedia project featuring The Truth Booth, an inflatable portable public sculpture of an iconic, 14-foot high speech bubble. Inside is a video recording booth where the public can tape two-minute videos of them completing the statement, "The truth is..." We aim to represent and celebrate the world's diverse people, cultures, and locations and capture as many definitions, representations, confessions, and thoughts on "the truth" as possible.

The goals of the fifty-state tour of the Truth Booth are as follows:

- Amplify the voices of the public during the presidential campaign period.
- Provide an interactive platform for the nation to share its hopes, dreams, and truths in this election season both physically and digitally.
- Capture as many definitions, confessions and thoughts on "the truth" as possible.
- Provide an interactive experience with art, media, and free speech.

The installation needs power access.

#### 2. Timeline for design, fabrication, and installation of the work.

In preparation for The Truth Booth, the location needs a 260 square foot flat area with at least 15 feet of clearance overhead. It can be set up both outdoors and indoors. However, for safety reasons, please keep in mind an indoor location for rainy, windy or other severe weather conditions.

#### 3. Explanation of how the artwork will contribute to both residents' and visitors' experience of Bentonville.

With one month left to go in the Presidential Election season, the Truth Booth will serve as a positive force for the expression of individual opinion in the public sphere. The Truth Booth will activate the downtown square, offering visitors and residents alike an interactive experience of surprise and delight at the visual impact of the piece. The Truth Booth will serve as a conduit to foster meaningful conversation between visitors about the nature of truth (and art!) in the charged political climate of a presidential campaign. The installation, because it is temporary, creates a "don't miss it" moment perfect for media placement and social media sharing.

#### 4. Explanation of the required maintenance for the function and preservation of the work.

The Truth Booth staff, who will travel with the work, will assist with functionality of the work over its two-day installation.

#### G. Illustration(s) of proposed Work

Proposal should include at least one sketch, drawing, digital illustration, or maquette of the proposed work. Proposal illustrations should accurately and clearly describe the proposed work.



H. Requested Funding/Proposed Budget

The cost for the two-day installation is an all-in number of \$10,000. Visit Bentonville, Crystal Bridges Museum of American Art, and (possibly) the Scott Family Amazeum will contribute these funds directly to the Cause Collective.

**PART 2: SUPPORT MATERIALS**

A. Artist Portfolio

Submit at least ten images of previous artwork. These may be imbedded into a Word or PDF document and must include a title, date, media, and description for each image.

Please see attached.

B. CV/Artist Resume

Submit a CV/Artist Resume and include artist website or links to web resources, if available.

Hank Willis Thomas CV attached. More information on Cause Collective can be found here:

<http://www.causecollective.com/projects/>

**Mail or e-mail proposals to:**

**Public Art Advisory Committee  
c/o Shelli Kerr  
305 SW A Street  
Bentonville, AR 72712**

[skerr@bentonvillear.com](mailto:skerr@bentonvillear.com)

## Review Criteria

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1. **Artistic Quality and Merit:** Due consideration will be given to the strength of the artist's concept, vision, innovation, execution and craftsmanship.
2. **Context:** Consideration should be given to the architectural, historical, geographical and socio-culture of the City. The PAAC may also take into consideration the theme and context of the display in terms of scale, form, content and materials.
3. **Mission Statement & Core Principles.** Works of art for public display shall meet the mission statement and core principles of the PAAC.

### **Mission Statement**

"Enriching and engaging our community through public art."

### **Core Principles**

- Enhance the community's visual environment
  - Promote awareness of the city's social, cultural, and historical composition
  - Encourage a spirit of collaboration
  - Expand public knowledge of the visual arts
4. **Prohibitions:** The PAAC shall reject for display works of art that are obscene (as defined by A.C.A. § 5-68-302 *et seq.*) or violate other state or Federal laws.

## Public Art Regulations

(Per Ordinance No. 2013-40, 06-14-13)

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1. **Approval.** All requests to display artwork on city maintained property shall be approved by the Bentonville City Council, the Public Art Advisory Committee and if required, the Parks & Recreation Advisory Board and / or other City Boards and Commissions.
2. **Insurance.**
  - a. **Temporary Works of Art.** The City is self-insured and does not insure temporary display of artwork on city maintained property. The artist who loans temporary works or art for display on city maintained property shall bear the risk of loss from damage, destruction, or theft of the artwork while it is in the care of the City of Bentonville. The artist shall agree in writing to assume sole liability or responsibility for loss, damage, or theft of the artwork.
  - b. **Permanent Works of Art.** Insurance details relating to permanent works of shall be outlined in the contract agreement.
3. **Assumption of Risk and Public Safety.** Display of artwork shall not create an unnecessary safety hazard to the public or city employees and shall be displayed in a manner that does not unreasonably impeded traffic or interfere with public safety.
4. **Types of Display.** Art displays hosted or coordinated by the City may include competitions sponsored by the City, art displays featuring individual artist, themes and art displays featuring groups of artists.
5. **Location.** Artwork may be displayed in public places approved by City Council. Artwork may be physically separated from the main exhibit when, in the opinion of the City Council, warranted under current community standards. Artwork, other than works of art currently in placed a the time of adoption of this ordinance, shall not be displayed on the Bentonville Square.
6. **Compatibility.** Proposed public art shall be evaluated for its compatibility relative to the following:
  - Visibility and public access
  - Public safety
  - Traffic patterns
  - The relationship of the proposed public art project to the site's existing or future architectural features, its natural features, its historical, geographic and social / cultural context
  - The function and use(s) of the facility or site
  - The nature of the site's surrounding neighborhood and potential impact of the public art project on residents, businesses, existing works of art or design elements within the site's vicinity
  - Future development plans for the area which may affect the public art project
7. **Identification of Artwork.** Works of art should be identified in an appropriate manner to the context of the artwork. Standard, consistent signage details are outlined in the contract.

- 8. Sales Prohibited.** Art shall not be sold on city maintained property except as part of an organized event. Sales information shall not be posted or displayed with a work of art; interested buyers shall contact the artist directly for sales information.
- 9. Payments Prohibited.** The City (or any organization or person affiliated with the City) shall not accept payments to have art displayed on city maintained property. Furthermore, the display of public art on city maintained property shall not be used by any organizations for fundraising.
- 10. Presentation.** As outlined in the contract, all art needs to be finished and ready for display and artists shall remain responsible for all costs associated with presenting, setting up and taking down.
- 11. Set Up / Take down.** As outlined in the contract, it shall be the responsibility of the artist to adhere to the details for presenting, set up and take down.
- 12. Pick-up and Deliver / Abandonment.** As outlined in the contract, the artist shall adhere to the details for pick-up and delivery location and time. Any piece that is not picked-up by the deadline shall be treated as abandoned property subject to disposal without further notice under applicable laws.
- 13. Complaints.** If the City receives signed, written complaints from ten (10) or more citizens of Bentonville about a work of art on display, then the City shall notify the artist about the complaint and allow the artist an opportunity to immediately withdraw the work. Should the artist choose not to withdraw the work, the City shall hold a meeting between the artist and complainants during which they will be given an opportunity to address the appropriateness of the display of the work of art. After the meeting, if the issue is still unresolved, the City Council shall make the final decision on whether the work of art shall be removed, relocated, relabeled, or otherwise modified giving due regard and consideration to the artists freedom of expression and due process under the First and Fourteenth Amendments in accordance with the forum in which that artwork is displayed.
- 14. Removal.** As outlined in the contract, there shall be no removal or disguise of a work of art once it is placed on display unless and until the City Council decides to do so, subject to the right of the artist to remove it.