

**CULTURAL COUNCIL of VOLUSIA COUNTY  
REGULAR MEETING MINUTES**

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**May 8, 2009**

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**MEMBERS:**

Katherine Smith-Williams, Chair  
Wendell Jarrard, Vice Chair  
Bob Dahlen  
Bill Dreggors  
Gary Libby  
Tim Ludwig  
Donna Sue Sanders  
Jim Ward  
Sandra Wilson

**MEETING PLACE:**

Ocean Center  
101 N. Atlantic Avenue  
Daytona Beach, FL.

**STAFF:** Tim Baylie, Nancy Maddox, Mike Fincher, Bruce Page, Assistant County Attorney

**GUESTS:** Wayne Atherholt, Farrokh Assad, Lew Welje

**CALL TO ORDER/ROLL CALL** – In the absence of both the Chair and Vice Chair, staff asked Member Ward to fill in as Acting Chair. Mr. Ward called the meeting to order at 9:12 a.m. Roll was called. Members Smith-Williams, Jarrard, Dreggors, Sanders and Wilson were not present. A quorum could not be declared. Member Sanders called and advised that she was in route. Acting Chair Ward suggested we proceed with the agenda and come back to the approval of the minutes when Ms. Sanders arrives which would constitute a quorum. Member Sanders joined the meeting in progress. Roll was called again and a quorum was declared. Member Wilson arrived later after second roll call.

**OLD BUSINESS** – Two items of old business were moved up on the agenda to allow Mr. Bruce Page, Assistant County Attorney, to address several legal questions raised at the last meeting.

**Gift Rules for Cultural Council Members** – A question was raised by Mr. Libby at the March 27, 2009 meeting about restrictions on advisory board members accepting gifts from organizations that apply to the County for grant funding. He made specific reference to such items as books, tickets to galas and memberships. At Staff's request, Mr. Bruce Page, Assistant Volusia County Attorney, was invited to attend and respond to this issue. Mr. Page distributed copies of the Florida Commission on Ethics' Code of Ethics for Public Officers and Employees. He explained that while members of advisory boards are unpaid volunteers, they are nevertheless considered public officials and subject to this code of ethics. According to Mr. Page however, even though the code does deal with gifts, the rules are still not completely clear in the case of advisory board members. As a general rule, for a gift to be considered significant it has to have tangible value of more than one hundred dollars. Generally, gala tickets and memberships to non-profit museums and performing arts organizations do not meet this test. Also, although Cultural Council members are considered public officials, they are not in the category that requires filing financial disclosure documentation. Mr. Page recommended that Cultural Council members adopt a common sense approach in dealing with the non-profit applicant organizations.

As long as there is no indication that a representative of one of the applicant organizations attempted to solicit a favorable decision from a Cultural Council member by offering a gift and the gift is not significant, it can be considered that no violation of the ethics code has occurred.

**Re-granting Rules re: Art Festival Awards** – At the March 27, 2009 meeting, Member Libby raised a question regarding re-granting. He asked for a legal opinion as to whether Art Festivals that receive Community Cultural Grant funds are re-granting when they provide prize money to winning artists. The Florida Division of Cultural Affairs grant guidelines specifically prohibit any form of re-granting of State grant funds. Mr. Page was asked by staff to address this question. Mr. Page advised that upon review of our grant guidelines and applicable county ordinance governing the Community Cultural Grant, there is no documented policy prohibiting re-granting. Further, Mr. Page advised that in any event, from a legal point of view, prize money provided to art festival winners should not be considered re-granting. Mr. Libby said that if this is the case, he would still like to see the art festivals be required to exclude prize money from the budget basis on which their grant request is computed. He will address this in the Grant Workshop next year when changes to the program are discussed.

**APPROVAL OF MINUTES** – From the regular meeting of March 27, 2009

**MOTION** by Member Libby, 2nd by Member Dahlen, *“To approve the minutes of the March 27, 2009 regular meeting as presented.”* **Motion passed unanimously.**

### **ART IN PUBLIC PLACES COMMITTEE REPORTS**

**Ocean Center Expansion** – Ms. Sanders advised that all the work was completed and installed and invited everyone to take the time and tour the facility after the meeting. Mr. Fincher offered to lead a tour for those who wanted to participate.

Mr. Fincher reported that permanent signage would be installed next week and that Community Information was in the process of developing a brochure on the Ocean Center public art. Several members expressed congratulations and appreciation to the members of the Selection Committee for their efforts in choosing excellent art for this project.

**Lifeguard & Beach Safety HQ** – Mr. Fincher reported that the three paintings by John Wilton for the second and third floors would be installed next week and that Stephanie Gassman’s piece for the lobby would be installed later in the month.

**Deltona Regional Library Expansion/ Lyonia Environmental Center** – Mr. Fincher reported that the deadline for submissions was April 30, 2009 and that we received 25 proposals. Staff is in the process of reviewing them and preparing a presentation for the Selection Committee to review them toward the end of the month or in early June. Ms Maddox pointed out that several of the artists responding had included “green” materials in their proposals in keeping with the fact that the new facility would be the County’s first LEED certified building.

**Historic Courthouse Plaza Chess Park** – Member Ludwig thanked the Cultural Council for approving the recommendation of the Selection Committee at the last meeting. He asked when the artist, Jill Cannady, would be presented with a contract.

Ms. Maddox advised that this item is on the May 21, 2009 County Council agenda for final approval. A contract will be presented very soon after if approved.

Member Libby pointed out that there was a wide disparity in the types and styles of permanent signage associated with Art in Public Places collections at various sites around the County. He asked if a standard could be established. Mr. Fincher advised that we have used the same format for all such signage since the new courthouse project was completed and that this would be the standard from now on. Mr. Libby asked if there was any possibility of replacing the existing signage at some of the older sites, particularly the Daytona Beach International Airport, with the new standard. Mr. Baylie asked what the estimated cost would be to do this. Mr. Fincher said that it should not exceed \$500 for all the sites. Ms. Maddox said that there were sufficient funds in the Local Arts Agency budget for maintenance to cover this cost and that staff would survey the sites involved and begin changing them out.

### **OLD BUSINESS**

**Re-election of Officers** – Mr. Fincher advised that although new officers were elected at the January 23, 2009 meeting, according to the Cultural Council’s governing resolution, election of officers is to occur at the first meeting of the year which is defined as the first meeting held after the County Council fills all vacant seats thereby constituting a new board. The board was officially reconstituted effective April 1, 2009 so, therefore, new officers need to be elected at this time.

**MOTION** Member Libby nominated Dr. Katherine-Smith Williams for Chair and Mr. Wendell Jarrard, Jr. for Vice Chair. The nominations were seconded by Member Ludwig. No other nominations were heard. Acting Chair Ward closed the floor for nominations and asked for a vote. **The vote was unanimous in favor of both nominees.**

**Comp Plan Amendment re: Per capita funding of Cultural Arts** – Acting Chair Ward reported on the outcome of the County Council’s action on the proposed change to Section 18.1.5 of the Volusia County Comprehensive Plan which addresses funding for cultural arts. At County Council’s request, County planning staff drafted an amendment that changed existing language in the plan that sets an objective of \$1.50 per capita for cultural arts funding to language eliminating a specific amount entirely. At the March 27, 2009 meeting the Cultural Council voted to recommend to County Council that Section 18.1.5 of the Volusia County Comprehensive plan be amended to provide cultural support funding on the basis of \$1.50 per capita, but not less than \$1.25 cents per capita. This position was presented to the County Council by Cultural Council Vice Chair Jarrard at the meeting on April 23, 2009. Several members of the Cultural Council, as well as representatives from the cultural organizations, spoke in support of this recommendation. After much discussion the County Council voted to approve language that calls for UP TO \$1.50 per capita without any minimum.

**Southeast Museum of Photography’s Request for Grant Eligibility** – Mr. Baylie reported that the Cultural Council’s decision to reject the Southeast Museum of Photography’s grant application for this year was not overturned by the County Council. However, at another recent Council meeting County Attorney Dan Eckert announced during Staff time that the issue regarding grant eligibility for education institutions would be brought back to Council as an

agenda item in the future for formal consideration. This prompted much discussion and the consensus of the Council was that if eligibility is opened to non-501(c)3 educational organizations, we could expect the applicant pool to double, making competition for limited funds even tighter. Mr. Ward stated that he thinks that some County Council members may not be fully aware of the impact that this could have on future funding.

**MOTION** by Member Libby, 2nd by Member Ludwig, *“To work with staff to prepare a position paper regarding the impact of allowing educational organizations grant eligibility and presenting this to County Council on behalf of the Cultural Council.”* **Motion passed unanimously.**

**State of the Arts License Plate Activity** – Member Ludwig inquired of Staff as to whether we had seen an increase in State of the Arts license plate revenues since the promotional brochure was distributed. Mr. Fincher advised that based on the checks we receive there did seem to be some increase but he could not really tell how much. He said he would try to get a year to date comparison report from the Budget group prior to the next meeting.

Mr. Libby mentioned the Volusia County Advertising Federation and advised that they annually adopt a non-profit cause to promote for free with a county wide media campaign and that he thought the arts license plate could be something they might be interested in. Debbie Berner of Frazer-Berner Advertising is one of the officers of the organization. Ms. Maddox and Ms. Sanders agreed to contact her to discuss this possibility.

## **NEW BUSINESS**

**Community Cultural Grant Review** – Mr. Fincher reminded everyone that the Grant Review was scheduled for Friday, June 5, 2009 in the County Council chambers in DeLand. We would begin at 9:00 a.m. and this year would be reviewing applications in alphabetical order. As in previous years, we will be deleting the high and low score from the average computation as long as there are at least seven members available for voting. The applications will only be scored at this meeting. No recommended funding allocations will be announced at this meeting since the budget will not have been announced by then. Ms. Maddox advised that the County Manager’s recommended budget will be announced in early July. Recommended allocations will then be determined based upon the scores from the grant review.

There was discussion about whether council members who recuse themselves from voting on a particular organization due to a conflict of interest are required to leave the room during that organization’s review. Although the Chair has already indicated that we would follow this procedure, the council still felt that that the policy should be formalized by a vote.

**MOTION** by Member Libby, 2nd by Member Sanders, *“To require members recusing themselves from voting on an organization’s application due to a conflict of interest, absent themselves from the chambers during discussion and voting on that application.”* **Motion passed six to one with Member Ludwig dissenting.**

**Ocean Center ECHO Gallery Policy** – Ms. Maddox advised that staff would be working on developing a policy for the use of the ECHO Gallery in the Ocean Center. A public meeting involving the CCVC, VCCA, TDC and all other stakeholders will be held to solicit input in formulating this policy which will ultimately be presented to the County Council for approval.

Mr. Libby discussed the origins of this project and the basis for which it originally received Volusia ECHO funding. He suggested that all Council members review the original ECHO grant and acquaint themselves with requirements of the grant, particularly the cultural information center portion of the project in addition to the exhibition function.

**PUBLIC PARTICIPATION/VCCA REPORT**

Mr. Farrokh Assad of the Iranian American Society spoke to insure the Cultural Council that any invitations to council members to attend IAS events are only offered for the purposes of informing and educating council members about the organization’s mission and the Iranian culture. There is no expectation of preferential consideration for their grant application. They fully expect to have to defend their grant application on its merits.

**ADJOURNMENT** - There being no further business, Acting Chair Ward adjourned the meeting at 10:48 a.m.

Respectfully submitted- Mike Fincher, Cultural Coordinator and Recording Secretary.