



## Waxhaw Public Art Policy

### **Policies and Guidelines**

The Waxhaw Public Art Program Policies and Guidelines are designed to guide the Town's acquisition, display, retention and deaccession of public art. The Parks, Cultural & Recreation Advisory Board, in coordination with the Town staff and Town Board of Commissioners, shall be the coordinator of the Public Art Program, as outlined in the following policies and guidelines.

### **Goals and Objectives of the Public Art Program**

The objective of the Public Art Policy is to develop a worthwhile, enduring and varied collection of artworks that enhances, enlivens and enriches the Town while reflecting the values of the community.

- Develop a program, which contributes to and enhances community identity and pride;
- Promote excellence and demonstrate diversity and variety of media;
- Increases public exhibition opportunities for new and experienced artists;
- Encourage public participation and interaction with public spaces, kindling awareness of how surrounding impact experience;
- Enrich the public environment for both residents and visitors through incorporation of the arts.

### **Definition of Public Art**

Simply put public art is art in public spaces. The term "public art" may conjure images of historic bronze statues of a soldier on horseback in a park. Today, public art can take a wide range of forms, sizes, and scales—and can be temporary or permanent. It often interprets the history of the place, its people, and perhaps addresses a social or environmental issue. Public art can include murals, sculpture, memorials, integrated architectural or landscape architectural work, community art, digital new media, and even performances and festivals! (foot note: the Americans for the Arts website)

## Criteria of Artwork

Public art is acquired through loan, purchase, commission, and donation or by contract with the artist. It should be recognized that the acquisition of public art can be controversial and at times technically difficult. Public art submissions will be considered based on the following criteria:

- Media* All visual art forms (drawings, paintings, photography, sculpture, ceramics and film/movie) and materials will be considered.
- Style* Any distinctive and therefore recognizable way in which an act is performed or an artifact made or ought to be performed and made. Artwork reflecting any school, movement, method style will be considered.
- Range* Art is a highly diverse range of human activities engaged in creating visual, auditory or performed artifacts, artworks, technical skill, and are intended to be appreciated for their beauty or emotional power. Artwork may be functional or non-functional; conceptual or tangible; portable or site-specific; fold art, craft or fine art; temporarily or permanently installed, borrowed or purchased.
- Character* Artworks must be appropriate in scale, media, style and content to the project an environment to which they will relate.
- Permanence* Consideration should be given to structural and surface integrity, and should not require excessive maintenance and repair costs.
- Design Elements* In addition to meeting aesthetic requirements, public art may also be asked to serve as a means of defining architectural space, e.g. establish focal points, clarify, identify or indicate boundaries, modify and/or enhance specific spaces.
- Public Safety/  
Liability* Artworks and art places must be free of unsafe conditions or other factors bearing on public liability.
- Diversity* The Public Art Program should strive for diversity, reflecting the social, ethnic and cultural fabric of the Town.

**Offensive** Images, flags, religious and political symbols, logos, commercial images nor other elements deemed by the department as advertising or sponsorship. Art must not be offensive to motorist, pedestrians and local communities nor create negative public reaction.

### **Selection of Art**

Artistic integrity is primary. Artist's work will be chosen on the basis of their qualifications as demonstrated by past work, past experience with public art, and successful completion of previous projects similar in scope and demand. In addition, new emerging artists including students will be considered. Selected artwork will be original work completed by the submitting artist. The various methods of selection are as follows:

**Direct Selection:** Artist(s) chosen directly by Selection Jury appointed BOC Board of Commissioners, which consists of three (3) top members of diverse Town committees with (art-balance, value, color, technique and form/marketing/ planning and development/landscape architect) community minded goals for the town and 1 to 2 local Artist/Gallery owner members of Waxhaw these members would be selected by the pool of Art related business with-in our community.

**Limited Competition:** A small number of artists are invited by Selection Jury to submit proposals (limited to subject matter).

**Open Competition:** All artists are welcome to apply - Park, Cultural & Recreation Advisory Board will act as the liaison to the Artist Committee

**Invitation:** Based on reputation, research, and experience, an artist is invited by the Selection Jury and paid to develop a proposal.

**Donation:** Triggered by a citizen offer to contribute artwork to the Public Art Program, the Selection Jury will review the work in terms of whether it satisfies stated "Criteria of Artwork" elements, and whether a suitable and appropriate site exists to exhibit the artwork.

## Process and Responsibilities

### **Waxhaw Park, Cultural & Recreation Advisory Board Responsibilities**

Manage and administer all implementation aspects of the Public Art Program as follows, coordinating with others including the Town staff and Waxhaw Board of Commissioners as appropriate.

- Assist Town Staff for possible Public Art sites with final approval by the Board of Commissioners.
- Convene Selection Jury and coordinate its work.
- Serve as information conduit and link between artists, project and building managers, Town Staff and others as necessary for proper project flow.
- Serve as resource, guide and counsel to the Waxhaw Board of Commissioners and the Town Manager regarding planning and other issues related to the Public Art Program.

### **Selection Jury (Projects Only)**

The Board of Commissioners will appoint three (3) members to the Selection Jury and 1 to 2 local artists / Gallery owner from the Waxhaw region facilitated by Parks, Cultural & Recreation Advisory Board.

- Three members of diverse Town Committees.
- One and/or two local artists/ gallery owner from the Waxhaw region.
- Selection Jury shall serve by project.
- Selection Jury makes recommendations to the Parks, Cultural & Recreation Advisory Board who will forward recommendations to the Town Commissioners.

### **Selection Jury Responsibilities:**

- Review, evaluate and discuss credentials, proposals and materials submitted by the artists.
- Draft and distribute artist prospectuses, stating project goals and site plan;
- Via majority vote, recommend, make action, or decide to further investigate.
- Prepare and monitor all tracking documents, including artist records, art inventories and contracts.
- Coordinate all physical and logistical components of art installation with the artist.
- Coordinate preparation of any necessary signage, including identification labels and/or plaques.
- If further investigation of finalists is decided, draft list of information and/or additional materials required. Conclude investigation as

rapidly as possible, convene for further discussion and, via majority vote, make recommendation.

- The Selection Jury retains the right to make no selection if, in its opinion, there is insufficient merit among the submissions. If this occurs, the Parks Cultural & Recreation Advisory Board will determine whether to recommend that the project be abandoned, begin a new selection process or take some other course of action.

### Artist Responsibilities

- Be willing to sign and abide by the terms stated within any agreement with the Town of Waxhaw,
- Execute and complete the work in a timely and professional manner,
- Maintain an effective working relationship with the Selection Jury and the representatives of the Town,
- Advise the Parks, Cultural & Recreation Advisory Board immediately of significant changes to the scope, materials or design of the work after contract is signed (all changes must be reviewed and approved prior to completion, in accordance with the Town requirements),
- Be responsible for all design and execution of the work, including site preparation and installation, unless otherwise stipulated in the contract.

If an existing work is selected for a commission the artist (or owner) will:

- Deliver the selected piece promptly,
- Ensure that it is substantially and wholly the same work whose image was reviewed by the Selection Jury,
- If the Board of Commissioners purchases artwork, provide transfer of the title to the Town Waxhaw,
- If the Board of Commissioners does not purchase, provide a third-party licensed art appraisal of the value,
- Sign a Waiver, Indemnity and Release in a form provided by the Town.

Artists' works will be in the original product of the artist's own creative efforts and will not infringe on any third party's copyrights or other intellectual property rights.

## **Town of Waxhaw Responsibilities**

- Exert reasonable efforts to ensure that artwork is available for public viewing and, when available for public viewing, is displayed in an appropriate and respectful manner.
- Exert reasonable efforts to protect the artwork from theft, vandalism or the other damages. Notwithstanding the foregoing, the Town shall not be liable for any damage or theft to the artwork.
- Coordinate publicity and media attention for artwork.
- The Town shall be responsible for the proper cleaning, maintenance and protection of the work and its installation, considering any written instructions provided by the Artist at the time of application.

## **Funding of Art, Purchase, Sale and Deaccessioning**

### **Funding for Art Program**

The Town of Waxhaw recognizes that the inclusion of the public art in appropriate capital improvements projects will promote the cultural heritage and artistic development of the Town, enhance the Town's character and identity, contribute to economic development and tourism, add worth, dignity, beauty and accessibility to public spaces, and expand the experience and participation of citizens with visual arts. The Town Commissioners shall establish a special fund designated for the public art account into which funds appropriated or derived from gifts or donations to the Town for public art shall be deposited.

Monies collected in the public art account shall be budgeted and expanded in the same manner as other city revenues and used for projects commissioned pursuant to this article. Each disbursement from such account or from other appropriations for artwork shall be recommended by the Parks, Cultural & Recreation Advisory Board and authorized in accordance with applicable law and accounting shall be established whenever funds are required to be used at a designated capital improvement project.

### **Administration/Planning/Funding:**

- ▶ Always adhere to the adopted policy and best practice guidelines when reviewing and approving all public art projects.
- ▶ Monitor and continue to prioritize this plan.
- ▶ Plan for multiple streams of funding to include: grants, personal donations, partnership opportunities and a percent for art ordinance.
- ▶ Adopt a percent for art ordinance, initially allocating half of one percent with the eventual goal to increase the allocation to one percent of capital improvement municipal projects (public buildings, parks, and streetscapes).

- Strive to keep a diverse mix of skills on the Selection Jury to include: educators, artists, urban design professionals, historic preservation experts, landscape designers, business people, etc.
- Maintain a monthly Selection Jury meeting schedule; include agenda items from this plan.
- The fun factor: remember to celebrate successes and factor in some fun. This is hard work.
- Keep your eye on why you are doing this and enjoy the process.

## **Funding**

While this intensive six-month planning process has addressed many important issues, **the most critical will be establishing a plan for obtaining funding sources.** Public art programs can be funded by the public and private sector. The most common approaches are:

- ▶ **A town's annual budget:** This usually covers money for smaller projects, planning, education, maintenance and insurance, and eventually administration.
- ▶ **Private funding:** This would be money obtained from individuals, corporations, foundations, institutions, and organizations. These funds usually come in the form of grants, wills, memorials, gifts or special fundraising campaigns.
- ▶ **Federal or state grants:** Consider these to be long-term strategies in that most will require a demonstrated history of multi-year planning and investment on the part of the town. They also require time for the building of relationships and establishing a proven track record.
- ▶ **Percent for art:** This refers to a program, often in the form of a city ordinance, in which a fee, usually some percentage of the project cost, is placed on development projects to fund, install, conserve, educate, and/or maintain public art.

## **Community Engagement/Education/Marketing:**

- ▶ Budget adequate funds to provide programs that elevate public awareness around the value of public art and the importance of its care.
- ▶ Important assets that need to be supported are the two art galleries and the arts education studio already established in downtown Waxhaw as well as the Waxhaw Arts Council. Their dedication and willingness to be good partners is key. They are among the town's most important ambassadors.
- ▶ Collect and commission public artworks that enhance and promote public spaces through place making rather than just placing objects.
- ▶ Work with the Main Street committee to include temporary art into existing events and spaces like the *Living Windows* project, or create new opportunities with an eye on increasing exposure for artists and unique opportunities for visitors and residents. Key locations will be

areas of recurring, high visibility such as the farmer’s market, downtown windows and festivals.

**Community Engagement and Data Analysis**

Community Public Art Plan-June 2013- public art plan – and the process by which a plan is developed – offers a way to define a community’s identity, highlight cultural heritage, and address physical improvements within the context of broader planning efforts.

The public’s participation in town hall meetings and focus groups, as well as information gained from stakeholders, public officials, artists and other representatives during one-on-one interviews, and the survey results guided the consultant team in their work and were key determinants of the plan’s final recommendations. Conversations were also designed to find out what citizens appreciate about Waxhaw and what they desire it to become. This fact-finding

phase also revealed many unique assets that already exist in Waxhaw.

**Location Analysis Matrix2**

Cooperation and partnership among Waxhaw’s businesses, town leaders, organizations, citizens, artists and other groups will allow for a diverse range of locations to be established for public art. When choosing the locations for public art, it is wise to use a matrix similar to the one below, customized for specific projects in Waxhaw.

<b>Preferred Location Qualifications</b>	<b>Yes</b>	<b>No</b>
The design takes into account the physical site restrictions and maximizes opportunities		
Public interest has been previously expressed in placing public art at the site or there has been thorough communication with the public about using the site for public art placement.		
The site’s history has been taken into consideration.		
There has been explicit consideration about how the public will interact with public art at the site.		
The site is easily visible and coordinates with other public artworks within the public art program.		
The site allows for safe placement and maintenance of public art.		

**Inventory and Site Selection:**

- Rely on professionals to ensure a curatorial approach to the selection of artwork and sites.
- Concentrate on the town center as a means of strengthening its core, maintaining historic identity and promoting economic development.



- Keep in mind the top priorities of citizens’ survey responses: Downtown Historic District, along transportation infrastructure routes, town parks, trails, greenways and public buildings.
- All site-specific work should directly respond to and enhance the site for which it is commissioned.

### **Ownership/Copyright/Reproduction/Relocation/Resale**

- Work purchased, commissioned or accepted as a donation shall be the property of the Town.
- The Town intends that the work will be available for public viewing within the discretion of the Town Board of Commissioners. The Town retains the right to transfer work from one Town-owned site to another, as it deems necessary, or to place in storage in another facility, or to make a temporary loan to another agency or organization.
- At the time of application, the artist/Town relationship will be defined as necessary by an agreement addressing copyright, reproduction and resale issues.

### **Non-destruction/Alteration/Maintenance**

The Town generally will not purposefully destroy, damage, alter, modify or otherwise change a public artwork work. If any alteration occurs after the receipt of the work by the Town, whether intentional or accidental, the Artist has the right to request that the work shall no longer be represented to be the work of the Artist.

### **Acquisition and Maintenance**

Respondents (171) to the Downtown Marketplace Study ranked cleanliness and maintenance as the most important characteristic of downtown. With this in mind, a plan for funding long-term maintenance of artwork should remain a high priority; especially considering most respondents to the public art survey said they would like to see more permanent art rather than temporary installations.

### **Conservation and Maintenance Policy**

It is common to have one entity in charge of care and maintenance of a municipality’s public art collections. This entity can consult with other organizations, like the public services department or artists, about establishing sustainable maintenance programs for public art collections. To achieve this, the maintenance program should use skilled maintenance technicians, keep detailed maintenance records, and consult qualified fine art conservators as needed. It’s also advised to list a contact for vandalism or maintenance issues on site and on Waxhaw’s website. It is recommended that the Town of Waxhaw establish a policy of withholding final acceptance

of the work until the artist has provided a maintenance plan. Because those who accept the transfer of care and maintenance of the work will likely not be knowledgeable about all of its elements, the care of the artwork must be specifically outlined so others can properly maintain the piece. It's best practice, at a minimum, to require that site plans and drawings be provided so it is understood what precise maintenance is required for the site and piece, as they exist together. It's also common practice for public art projects to allocate a percentage (commonly 10%) of the project budget to a maintenance fund.

### **Deaccessioning**

Deaccession is the removal of artwork from the inventory. Waxhaw's procedure for deaccession should be carefully followed as part of the ongoing evaluation of the public art collection. Some municipalities create a committee explicitly charged with recommending public artworks for consideration for deaccession. Such committee should consist of a local artist, art conservator and/or a representative from the work's location, if possible. There should be a clearly defined sequence of action whereby the deaccession process and committee can act. This process could include reports and/or official council recommendations.

The art may then be moved, sold or exchanged, returned to the artist or destroyed with any monies received through the sale of art being placed in the public art fund and used for public art purposes.

The Parks, Cultural & Recreation Advisory Board or Town Staff may recommend to the Board of Commissioners the deaccessioning of artwork for one or more of the following reasons in the event that it cannot be re-sited:

- A work is not, or is rarely, on display because of lack of suitable site.
- The condition or security of the artwork cannot be reasonably guaranteed.
- The artwork has been damaged or has deteriorated, has faults of design and repair/maintenance is impractical or unfeasible.
- The artwork endangers public safety.
- In the case of site-specific artwork, the artworks relationship to the site is altered because of changes to the site.
- Replacement of the artwork owned by the Town may be sold or transferred by the Town in accordance with its policies and applicable law.

### **Vandalism**

Quality of life issues and location tend to be the main factors contributing to vandalism. Community murals, public sculptures and other forms of outdoor art are most vulnerable. Encouraging the idea of shared ownership through education and project participation is usually the best solution.

Appendix Attached:

Appendix A: Public Art Application form

Appendix B: Waxhaw Down Town Main Street Boundaries

Adopted July 23, 2019 by Waxhaw Board of Commissioners

Appendix A: Public Art Application form



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**Public Art Application Form**

**Town of Waxhaw**

**Parks & Recreation Department**

**317 N. Broome Street Waxhaw, NC 28173 [parkrec@waxhaw.com](mailto:parkrec@waxhaw.com) 704.843.2195 No278**

**APPLICANT INFORMATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Email Address: \_\_\_\_\_ Fax: \_\_\_\_\_

**ARTIST INFORMATION (if different than Applicant)**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Email Address: \_\_\_\_\_ Fax: \_\_\_\_\_

**PROPERTY/PARCEL OWNER INFORMATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Email Address: \_\_\_\_\_ Fax: \_\_\_\_\_

## PROJECT INFORMATION

Project Title: \_\_\_\_\_

Proposed Art Site: \_\_\_\_\_

Description of Art Project: \_\_\_\_\_

\_\_\_\_\_

Scope/Dimensions: \_\_\_\_\_

Estimated Total Budget: \_\_\_\_\_

## AFFIDAVIT

Your signature below indicates that you have read the foregoing application, know the content thereof and state that the same is true and correct to the best of your knowledge.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Artist: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner: \_\_\_\_\_ Date: \_\_\_\_\_

## Submittal Requirements

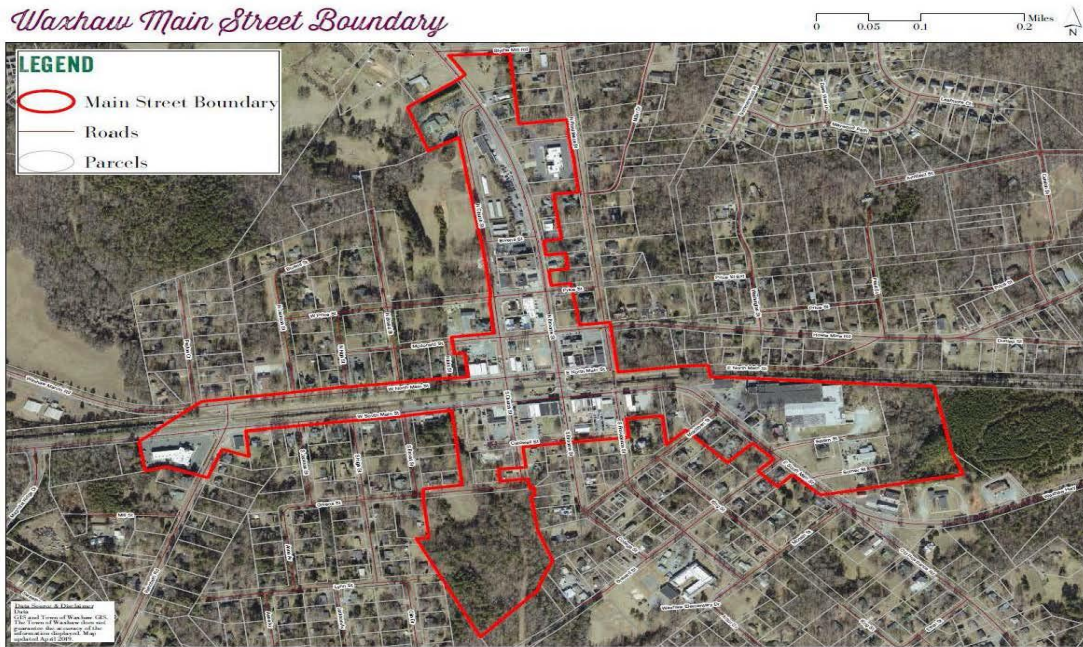
Please submit the following documents (applicable to your Art Project) to the Town of Waxhaw, Parks & Recreation Department.

- Completed Public Art Application
- Site plan of the development, which includes the following:
  - o Proposed placement of the Public Art
  - o Orientation of the Public Art
  - o Distance in measurement between the Public Art and public streets
- Sample, model, photograph, or drawings of the proposed Public Art
- Sample materials or finishes of the proposed Public Art
- Landscape plan, which includes the following:
  - o Location(s) of trees and shrubbery
  - o Type(s) of trees and shrubbery

- Resume of the proposed artist
- Slides and/or photographs of the proposed artist's past work, including Public Art, which includes the following:
  - o The manner in which the Public Art will be displayed and is visible from public right-of-way or public property
  - o If an on-site cultural program, art space, or cultural facility, the manner in which the public will gain access to such programs, spaces, or facilities
- Written statement by the artist declaring the valuation of the Public Art
- Maintenance plan, which includes the following:
  - o Instructions for routine preservation
  - o Instructions for long-term preservation
- Budget breakdown, which includes the following:
  - o Artist fees for design concept of Public Art
  - o Materials, fabrication, transportation, and installation of Public Art
  - o Art Consultant fees and funding source, if applicable

# Appendix B: Waxhaw Downtown Main Street Boundaries

## *Waxhaw Main Street Boundary*



<http://waxhaw.com/DocumentCenter/View/3941/Main-Street-Boundary-Revision-2019>[7/15/2019 11:50:29 AM]