

Town of Leesburg Public Art Guidelines

(Adopted by Town Council on September 23, 2008 with Resolution 2008-148, revised by Town Council on March 27, 2018, with Resolution No. 2018-040)

Public art enhances the Town of Leesburg's ("Town") identity as a community. It can build our sense of Town pride, enrich the quality of our lives, and publicly demonstrate that the Town values art and creativity in the community. Public art fulfills these purposes in a myriad of ways: by improving our experience of public spaces through excellent and harmonious design; by sensitively preserving or highlighting vistas; by introducing surprising, enlivening, or mirthful elements into otherwise ordinary spaces; by engaging us with insightful interpretations of our community's activities, aspirations, and history; by giving individuals, families, and children a shared cultural experience; and finally, by making us smile about, reflect on, or appreciate some aspect of our lives or world.

In sum, public art has the capacity to humanize our urban and suburban environments. In recognition of the importance of integrating public art into the daily lives of the residents of the Town, the Town Council supports a strong public art program. To this end the Town Council hereby establishes the Town of Leesburg Public Art Guidelines ("Guidelines") with the following goals in mind:

- To create exciting, appealing, and harmonious public spaces and buildings by integrating art into architecture, urban design and the planning of infrastructure at the earliest design stage;
- To celebrate our community's heritage, ethnic diversity, commonality, and civic pride. To build a public art collection that contributes to the pride and

enjoyment of citizens, visitors and workers, and creates a positive emotional connection to the community as a special place;

- To enhance the Town's image locally, regionally and nationally by insuring the creation of the highest quality public art;
- To foster the public's understanding and enjoyment of public art;
- To stimulate collaboration between artists and the citizens of the Town; and
- To encourage federal, state and private support for the Town's public art program.

Through these Guidelines, the Town Council seeks to promote opportunities for creating exciting and attractive public spaces that are used and enjoyed by Town residents, workers and visitors.

I. Definitions:

1. **Acquisition** – The addition of a work of art for the Town's permanent art collection, whether by commission, purchase, gift, or other means.
2. **Art Advisory Panel** – The panel convened by the Commission on Public Art to review a specific project, select an artist to be commissioned and/or an artwork to be purchased. A list of qualified art professionals/practitioners is compiled by the Commission on Public Art and referred to when panelists are required.
3. **Artist** – Students of art; professional or academic in nature.
4. **BAR** – Board of Architectural Review.
5. **Commission on Public Art (COPA)** – A Town commission created to support the development of a public art program and the expansion of public access to and participation in the arts in the Town, the members of which are appointed by the Town Council and serve in an advisory capacity to the Town Council.
6. **Friends of Leesburg Public Arts (FOLPA)** – A non-profit membership organization established to preserve, promote and provide funding for public art in the Town, including art projects submitted by the Town's Commission on Public Art.

7. **Privately-Owned Property** – Facilities or grounds which are not the property of the Town or Loudoun County but on which Town art projects may be sited.
8. **Public Art** – Original or limited multiple edition works of art that are accessible on public property and that may possess functional as well as aesthetic qualities (see Work of Art for further clarification).
9. **Public Art Collection** – The entirety of Public Art in municipal places that have been acquired by the Town.
10. **Public Art Guidelines** – These guidelines adopted by the Town Council to establish criteria for the selection of artists and works of art, maintenance of a file of interested artists, payment practices, procedures for artistic competitions, and requirements for the maintenance of art works.
11. **Public Art Program** – the entity and the activities including the Commission on Public Art and appropriate Town Staff, which develop and implement the purpose and goals of the Public Art Program, following Town policies and procedures.
12. **Special Exception Projects** – The Town’s Zoning Ordinance distinguishes between uses permitted “by right” and uses allowed by “special exception”. Site plan approval and use permits are two forms of special exception that require a public review process and include specific conditions of approval imposed by the Town Council.
13. **Town Council** – The Town Council members of the Town of Leesburg.
14. **Town Facility** – Publicly-accessible facilities owned and operated by the Town; this may include buildings, parks, public spaces or public works which are physically or visually accessible to the general public.
15. **Work of Art** – Any work of visual art, including but not limited to, a drawing, painting, mural, fresco, sculpture, mosaic, photograph, work of calligraphy, work of graphic art (including an etching), works in clay, textile, fiber, wood, metal, plastic, glass, and like materials, or mixed media (including a collage, assemblage, or any combination of the foregoing art media). For projects which involve no structure, "Work of Art" may include a combination of landscaping and landscape design (including some natural and manufactured materials such as rock, fountains, reflecting pools, sculpture, screens, benches, and other types of street furniture). Except as provided herein, the term "Work of Art" does not include environmental landscaping or ephemeral arts such as dance, voice, music or poetry unless expressed in a manner defined above.

II. Goals for the Public Art Program:

In developing the Public Art Collection of the Town, the Commission on Public Art (“COPA”) and the Town Council have established these goals to guide the Public Art Program:

- To create exciting, appealing, and harmonious public spaces by integrating architecture, design and the planning of infrastructure at the earliest design stage.
- To celebrate our community’s heritage, ethnicity, commonality and civic pride by stimulating collaboration and understanding between Artists and the Town’s diverse community.
- To enhance the Town’s image locally, regionally and nationally by insuring the creation of the highest quality of Public Art.
- To foster the public’s understanding and enjoyment of Public Art.
- To encourage federal, state and private support for the Town’s Public Art Program.

III. Eligible Public Art

All Public Art commissioned or acquired under the Public Art Program shall be designed, or the process facilitated, by an Artist or if by a team that includes an Artist. Public Art may include, but is not limited to:

A. Design work provided by an Artist to be incorporated into a public construction project, including but not limited to:

- Interior or exterior surfaces, fixtures and functional elements.
- Outdoor design elements in areas such as plazas, arcades, vehicular or pedestrian passageways, landscape architecture and landscape design elements.
- Artistic design of transportation depots–related features, recreation trails, transit system improvements, public works facilities or other infrastructure.

B. Forms of visual art such as, but not limited to:

- Any of the following forms or types: bas-relief, mobiles, fountains, environmental, kinetic, electronic, etc., in any material or combination of materials;
- Painting in all media, including portable and permanently affixed works such as murals and frescoes;
- Printing and drawing, including media such as photography, film, graphic arts, any print media (e.g. lithography, etching, etc), drawing, and calligraphy;

- Ceramic, fiber and textiles, wood, metal, plastics, glass, stone, mosaics and other materials.
- Technological media that may develop through artistic pursuit or adaptation of digital, audio, video or graphic media; use of lighting, or the internet.
- Mixed media that is any combination of forms and media.

IV. Guidelines for Funding Methods:

Various funding methods will be initiated and evaluated by COPA. The funding recommendation is the responsibility of COPA and will be included in any plans for any Work of Art presented to the Town Council.

Gifts and Donations

Contributions for Public Art received in conjunction with a rezoning project may include funding for a specific art project in a proposed development or a contribution to support the Town's Public Art Program.

Donations/Private Entity

The Town may negotiate for the inclusion of an art amenity as part of the rezoning process. If Public Art is a component of a rezoning, then COPA shall review the Public Art proposal subsequent to the rezoning application.

Community Initiated Projects

As currently exists through other Town funding sources, a Town community group or neighborhood association may propose a Public Art project.

Percentage for Art Fund

With the goal of Public Art in our community, innovative solutions to provide funding and integrating art into capital improvement projects throughout the Town of Leesburg are being sought. It is COPA's goal to be given the opportunity as part of the Town budget approval process to make recommendations to the Town Council regarding funding opportunities for Public Art.

Program projects may be considered by the Town Council for reservation of funding for Public Art. However, the base from which the art fund is calculated shall exclude grant funds for which the Town provides a local match, bond funds which do not allow such a use, and any other funds whose source would prevent their use for Public Art.

Other Funding Sources

COPA will be active in applying for non-Town public, private funds, and grants to support Public Art projects as appropriate. Individuals, businesses and organizations will also be encouraged to make contributions to the Town for Public Art projects.

V. Procedures for Selection and Acquisition of Works of Art:

Town-Initiated Projects

In general, Town-Initiated Projects will be located on sites identified as part of a Town planning document such as, but not limited to, the Town Plan, Business Development Strategy, Transportation Plan, Parks and Recreation Master Plan, and the Urban Forestry Master Plan.

COPA, working with Town staff, will identify the highest priority projects and recommend those projects for implementation as funding allows. As much as possible, these projects should correspond with new construction or renovation projects planned by the Town for that year.

VI. Criteria for Selection of Artists, or Artworks:

Eligibility requirements for each project will be established by the Art Advisory Panel and consideration and collaboration with staff, and other relevant commissions.

Artist or extant Works of Art will be selected on the basis of qualifications or quality as demonstrated by past work, appropriateness of the proposal to the particular project, and probability of successful completion. Selection will be based on the criteria set in the guidelines below.

Criteria for selection of Artist or existing Works of Art:

- Quality/originality: demonstrated capabilities of the Artist and merit of the proposed Works of Art;
- Suitability: appropriate in scale, material, form, and content for community and physical environment;
- Durability: demonstrates structural and surface integrity, reasonable maintenance cost and requirements;
- Safety/Public Liability: The Work of Art should not present issues in these areas. The Work of Art should be reviewed by appropriate departments or offices to ensure that the Work of Art does not present safety hazards.

Methods of selecting Artists, existing Work of Art or Artist proposals:

- Open Competition/Request for Qualification or Proposals/Call to Artists: Any Artist may apply, subject to any limitations established by the Art Advisory Panel;
- Limited Competition: Artist invited by the Art Advisory Panel to submit proposals;
- Hybrid Selection: Artist selected through a combination of the above.

Non-Discrimination Clause: Neither the Town nor COPA shall discriminate against any Artist on the basis of race, religion, color, sex (including pregnancy, gender identity, and sexual orientation), national origin, parental status, age, disability, family medical history

or genetic information, political affiliation, military service, or other non-merit based factors.

Proposals for Works of Art that include inappropriate subject matter, in the sole opinion of the Town Council, shall not be approved.

COPA shall not approve the selection of any Artist or Work of Art that has not been developed according to the procedures described in these Guidelines.

The Town Council has the final authority for Work of Art approval.

The Composition of the Art Advisory Panel

The Art Advisory Panel is an ad hoc group of a minimum of three (3) that may be convened by COPA to review a specific project, or recommend an Artist to be commissioned and/or an artwork to be purchased. The Art Advisory Panel is populated from a list of qualified art professionals / practitioners, (“The List”), which is compiled by COPA and referred to when panelists are required.

The List shall consist of a minimum of twelve [12] volunteer representatives each qualified as an Artist, engineer or other interested party with appropriate technical background to evaluate relevant Artists and proposals (“List Members”). COPA will maintain and update the List Members to be called upon during the process of developing/creating Works of Art.

COPA can populate The List through a call for Artists, recommendations and/or volunteers. COPA is responsible for reviewing the List Members at least annually; maintaining communication with the List Members; educating the List Members on guidelines and responsibilities; and selecting the List Members and the Art Advisory Panel.

The List Members can be added at any time and will serve a two-year term. There is no limit to the number of terms a List Member can serve.

VII. The Process of Creating the Work of Art

Upon determining Public Art projects, COPA will review proposals submitted. Projects approved in concept by COPA will be submitted to Friends of Leesburg Public Arts (“FOLPA”) for review to determine capacity, interest of funding, and amount of funding. If approved for funding by FOLPA, COPA will create a “Call to Artists”, outlining the scope, criteria, timeline and agreed upon monetary compensation. Artists will be required to submit a budget for the project, along with design and other requested information.

Initial submissions shall be reviewed by the Art Advisory Panel, prior to fabrication, for safety concerns, structural or engineering requirements, durability, longevity, routine

maintenance, and conservation of all materials and components. That recommendation, including a complete design and budget, will be presented to COPA for its consideration.

Before, after or during COPA meetings called for the consideration of the recommendation of the Art Advisory Panel, members from the, Department of Public Works and Capital Projects, and other Town commissions as required will be asked to provide their feedback and recommendations on a project. For projects within the H-1 District, COPA will present the project to the Board of Architectural Review (BAR) for their review and non-binding recommendation prior to taking the project to the Town Council for approval.

COPA will determine if a project is acceptable and will present it to the Town Council for its consideration at a work session. Following feedback and direction from the Town Council, the project will be submitted to the Town Council for approval with a resolution. Once a project has been approved by both COPA and the Town Council, a contract for the required services of the Artist(s) shall be developed by the Town Staff and COPA.

An Artist may create/fabricate a selected Work of Art independently, collaboratively, or with subcontractors and may install the Work of Art at the site, or may create the Work of Art on site. The Public Art Program may acquire a selected design from an Artist and execute the Work of Art under a separate contract with a consultant or contractor other than the Artist.

If the initial design, created under contract, for the Work of Art is not acceptable, the Artist shall have two additional opportunities to satisfy COPA and the Town Council. If not approved, another Artist may be selected (and the Artists will be paid for their time in accordance with their contract terms). The following is a summary of procedures to be followed under these Guidelines:

1. Need, opportunity, funding for Public Art identified
2. Art Advisory panel convened
3. Art Advisory Panel recommends Artist, design and budget to COPA
4. COPA reviews recommendation with input from other commissions and staff members
5. COPA votes to endorse Art Advisory Panel recommendation
6. Town Council presentation – the Town Council endorses proposed Public Art
7. Artist is contracted
8. Work of Art created / installed

VIII. Collection Maintenance and Conservation

A. The Town shall have responsibility to document, maintain, conserve, and when appropriate, restore Works of Art in the Public Art Collection, as approved by the Town Council. The Town shall protect the value, integrity and authenticity of the Work of Art, and shall comply with the Visual Artists Rights Act of 1990, Title 17, United States Code, as amended.

In general, for Town-initiated and community-initiated permanent Works of Art, the Town should own the physical work and copyrights should be retained by the Artist, with reproduction rights allowed the Town for appropriate promotional and educational purposes. Legal title and copyrights in any Work of Art funded in whole or in part by direct Town funding and/or outside funding, or donations or loans of Work of Art that are accepted by the Town, shall be spelled out in a mutually agreeable contract between the Town and the Artist and the owner. Ownership of art obtained through Special Exception Projects will be negotiated on a case-by-case basis. Insurance for value and liability for Works of Art will be considered on a case-by-case basis. The details of the insurance recommendation will be included in any plans for Works of Art presented to the Town Council.

B. Maintenance and conservation are to be carried out by qualified consultants, who may also review proposals by Artists. During planning for a Public Art Project, maintenance issues will be identified and addressed regarding the use of materials, fabrication techniques, structural engineering, foundation and site design, and any other considerations related to longevity and durability. The conservation effort includes condition assessment reports of every Work of Art in the Public Art Collection, integrated with the Public Art Program data base and updated periodically.

C. Deaccession of a Work of Art – Deaccession is the complete removal of a Work of Art from the Public Art Collection and from public display. A Work of Art may require deaccessioning for the following reasons:

- Destruction, either by deterioration, vandalism, or accident, to such an extent that repairs or restoration are impractical or unfeasible.
- On-going maintenance has become impossible or is prohibitively expensive.
- Required changes by the Town to the site, will destroy the integrity of the Work of Art because of its relationship to the site.

D. The procedures to deaccession a Work of Art will include the following:

- Assessment to identify the problems and determine possible solutions. Review by COPA with a recommendation as to the action to be taken and subsequent approval by the Town Council.
- Prior to the deaccessioning of a Work of Art, appropriate public notification will be made.