

1 FULTON COUNTY, GA
2 CITY OF EAST POINT

3
4 **AN ORDINANCE**
5 **TO ADOPT THE EAST POINT PUBLIC ART MASTER PLAN**
6 **WHICH INCLUDES THE ESTABLISHMENT OF A PUBLIC ART COMMISSION AND**
7 **IMPLEMENTATION OF A PUBLIC ART PROGRAM**
8

9
10 **WHEREAS** the East Point City Council adopted a *Resolution Supporting the Implementation of a Public Art*
11 *Program* on May 18, 2009; and

12 **WHEREAS** the Department of Planning & Community Development since 2009 actively identified ways to
13 create and encourage public art in the City; and

14 **WHEREAS** the East Point City Council recognizes the importance of establishing a comprehensive public
15 art master plan and program; and

16
17 **WHEREAS** public art is intended for all persons regardless of age, color, creed, gender, sexual orientation
18 or national origin; and

19 **WHEREAS** public art expresses community values, enhances the environment, transforms landscapes,
20 commemorates local history and traditions; and

21
22 **WHEREAS** public art fosters economic opportunities, provides for gathering spaces and creates a sense
23 of civic pride and beauty; and

24 **WHEREAS** the City's *Comprehensive Plan, Zoning Ordinance & Development Regulations* and *East Point*
25 *Trail System Master Plan* support the creation of a public art master plan and implementation of a public art program
26 in the City of East Point.

1 NOW BE IT ORDAINED BY THE EAST POINT CITY COUNCIL AS FOLLOWS:
2

3 **Section 1.** Purpose and Findings

4 ***Purpose.*** The plan and program are enacted for the following purposes:

- 5 1. To enhance the quality of life in the City;
- 6 2. To enhance the built environment in the City;
- 7 3. To revitalize the City's neighborhoods
- 8 4. To expose the City's residents and visitors to high quality art in public spaces;
- 9 5. To prevent the destruction of the natural beauty and environment of the City;
- 10 6. To improve the image of the City, regionally and nationally;
- 11 7. To provide opportunities for local and regional artists; and
- 12 8. To develop policies, guidelines and procedures for the management of the City's public art program.

13 ***Findings.***

- 14 1. Over the past forty years, more than 700 U.S. cities and counties have developed percent for art programs
15 to provide aesthetic enhancement of the built environment.
- 16 2. As part of the development of the City's Public Art Master Plan, residents of East Point were surveyed to
17 determine their views on public art.
- 18 3. Public art can promote a positive image of the City and can instill pride by the residents of East Point.
- 19 4. Public art can promote economic development and improve property values.
- 20 5. Public art can improve the aesthetic environment and the quality of experience of the built environment,
21 enhancing the quality of life for residents and visitors.
- 22 6. Public art can mitigate the undesired sense of uniformity and loss of human scale and orientation.
- 23 7. Public art in private development will mitigate the impacts of private development on East Point's
24 neighborhoods and communities.
- 25 8. A Public Art Commission would be the best structure to advise on the public art program and to advise the
26 City Council on matters relating to public art.

27 **Section 2.** Definitions

28 For the purposes of this plan and program, the following definitions shall apply:

Accessioning: The process of including an artwork into the Public Art Collection, whether by commissioning, purchase or donation.

1 **Annual Public Art Work Plan:** City Staff and Public Art Commission developed plan for the City's public art
2 program for the upcoming year, including eligible capital improvement projects, and approaches, budgets and sites
3 for public art. This Plan will be reviewed and approved annually as part of the City's annual budget process.

4 **Artist Selection Panel:** A committee appointed by the Public Art Commission to select an artist or artists
5 to create a work of public art.

6 **City Art Collection:** The works of art owned and managed by the City of East Point.

7 **Deaccessioning:** The process of permanently removing an artwork from the Public Art Collection,
8 whether by sale, destruction and/or removal from public display.

9 **Eligible Capital Improvement Project:** The Public Art calculation shall apply to City capital improvement
10 projects, including the construction or renovation of any building, decorative or commemorative structure, park,
11 parking lot, roadway or streetscape, bridge, viaduct or pedestrian overpass, above grade utility, waterway or
12 causeway, bikeway, trail and any of numerous other projects that may be designated by the City Council, irrespective
13 of the source(s) of funding. Eligible Capital Construction costs shall mean the total capital project appropriate,
14 including engineering and design, less demolition, real property acquisition and environmental remediation costs.

15 **Eligible Private Development Project:** Any private real estate project within East Point to develop commercial,
16 industrial or multi-family residential property. It shall not include single-family dwellings or multi-family dwellings of
17 four or fewer units.

18 **On-site art:** Artwork intended for inclusion in a private development or redevelopment. On-site art shall be
19 located in publicly visible and accessible locations.

20 **Public Art:** Works of visual art in a variety of media produced by professional visual artists. The public art
21 program, over time, should encompass a broad range of expression, media and materials. Artworks may be
22 permanent, temporary or functional. Artworks may include painting, sculptures, prints, photographs, video or digital
23 media, ceramics, fiber works, craftworks, glass, light projections, functional elements if designed by a professional
24 artist, or such other visual art media as shall be deemed appropriate by the Arts Commission. Public Art shall not
25 include artworks designed by the capital project designers or engineers, mass produced artworks or artworks
26 produced by students as part of educational coursework.

27 **Public Art Collection:** The works of art that have been owned or managed (accessioned) by the City of
28 East Point.

Public Art Commission: A standing commission created by the East Point City Council for the purpose of
advising the City Council on matters relating to arts and culture, public art and aesthetics.

Public Art Fund: An account set up by the City to receive public art monies, whether generated by City
capital improvement projects, contributions by private developers, business/corporate sponsorships, individual
donations, or outside funding or grants.

1 **Request for Qualifications:** A public announcement of an upcoming public art project, inviting artists to
2 submit credentials for consideration for the public art project.

3
4 **Section 3. Public Art Commission**

5 A Public Art Commission is hereby established with duties, responsibilities and qualifications as written below:

- 6 (a) The Public Art Commission operates completely separate and apart from the existing Cultural
7 Enrichment Commission.
- 8 (b) The Public Art Commission shall consist of nine (9) members who are either residents and/or
9 employees (active or retired) of and/or business owners in the City of East Point.
- 10 (c) Public Art Commission members shall be appointed by the City Council through a formal application
11 process.
- 12 1. Applications shall be received by the City Manager and/or designee to verify applicants meet the
13 criteria.
- 14 2. All applications meeting the criteria as required by this ordinance shall be forwarded to Mayor and
15 Council for their review and selection.
- 16 3. The Mayor and each Councilmember shall appoint one (1) member to serve on the Public Art
17 Commission.
- 18 (d) All members shall be either of acknowledged accomplishment in one (1) or more of the following fields
19 and demonstrated a deep interest and appreciation of cultural and artistic activities:
- 20 1. Architecture
- 21 2. Art criticism
- 22 3. Art history
- 23 4. Choreography
- 24 5. Crafts
- 25 6. Drama
- 26 7. Landscape architecture
- 27 8. Literature
- 28 9. Music
10. Painting
11. Photography
12. Sculpture
- (e) The Commission shall have the following nonexclusive functions, powers, and duties:
1. Encourage the full artistic life of the City's culturally diverse community and the beautification of
 the City.

2. Advise the City Manager and City Council on all matters affecting the arts and the beauty of the City, including the development, organization and operation of City arts programs and facilities.
3. Establish an effective liaison between the City and the arts community, assess the needs of the arts community and recommend to the City Council measures to promote the strength and cultural diversity of arts organizations.
4. Develop and periodically update public art program policies and guidelines for City Council review and approval.
5. Advise the City Council on appropriate policies and procedures for the distribution of City funding for the arts and make recommendations to the Council respecting grants and other funding to arts organizations.
6. Advise the City Council in coordination with appropriate boards and commissions on all matters related to public art, including the acquisition and placement of works of art as well as the maintenance, removal, relocation or alteration of existing works of art in the City's possession, and perform all duties with respect to the public art program.
7. Examine every two (2) years the condition of the City's art collection and report to the City Manager recommendations for its care, maintenance and improvement for inclusion in the fiscal year capital budget for adoption by Council.
8. Develop an annual public art work plan for the upcoming year and submit this Plan to the City Manager for review and approval as a part of the fiscal year budget adopted by City Council.
9. Render advice and assistance in the fields of art, aesthetics and beautification to other City boards and commissions.
10. Establish an effective liaison and cooperation between the City's arts program and the programs of adjacent communities, county, region, state and the nation.

Section 4. Public Art Program

A Public Art Program is hereby established for the City of East Point in accordance with the recommendations, policies and guidelines established in the Public Art Master Plan. Implementation of the Public Art Program shall be under the direction of the City Manager and/or designee.

Section 5. Public Art Funding Sources

(a) Sources of Public Art Funds

1. Appropriations for Eligible Capital Improvement Projects, including eligible bond projects, eligible grant-funded projects and other capital projects funded from other sources, shall include an

1 amount equal to two percent (2%) of the total eligible construction costs, to be used for artist design
2 services and for the selection, acquisition and display of public art, for related education programs,
3 for the maintenance of the City Art Collection, and for the administration of the public art program.
4 Notwithstanding this provision, the City Manager may recommend less than two percent (2%),
5 should budgetary considerations or other circumstances warrant.

- 6 2. Funds appropriated for one (1) capital improvement project, but not deemed necessary or
7 appropriate by the City Council in whole or in part for that project, may be expended on other public
8 art projects approved under the annual Public Art Work Plan, subject to any bond restrictions, legal
9 or grant restrictions.
- 10 3. In the case of any City capital project that involves the use of grant or City bond proceeds issued
11 after the effective date of this ordinance, the amounts for artist design services and artwork shall
12 be used for projects and capital purposed consistent with state and federal laws, the bond
13 resolutions and/or ordinances approved by the City Council, as applicable. All capital improvement
14 bond ordinances, resolutions or grant applications approved after the effective date of this
15 ordinance shall make specific reference to the provisions of this ordinance.
- 16 4. Unless restricted by the City Council, any applicable bond resolution or ordinance, local, state, or
17 federal law, or the conditions of any grant authority, funds generated under this ordinance may be
18 pooled and expended on any City public art project, subject to the approved annual Public Art
19 Work Plan. Pooled monies may be used for seeking money for artists' fees to initiate partnerships
20 with private and other public entities to provide public art and design enhancements in East Point,
21 pursuant to an agreement approved by the City Council.
- 22 5. All City agencies shall, from the effective date of this ordinance, include in all applications (if
23 permissible) for funding for capital improvement to outside granting organizations or governmental
24 agencies, an amount equal to two percent (2%) of eligible construction costs for artist design
25 services and artworks as specified herein.
- 26 6. Any gifts of artwork or gifts of money for artworks shall be utilized in accordance with the approved
27 public art program guidelines.

28 (b) Uses of Public Art Funds

1. Funds appropriated under this ordinance may be used for artist design services, for the development of design concepts and models, for the acquisition, purchase, commissioning, placement, installation, exhibition and display of artworks. Artworks may be temporary or permanent, may be integral to the architecture or may be incorporated into the City's capital construction projects. Integration of the artists' designs into the project architecture should be

1 ensured, insofar as is feasible, by the concurrent selection of the artist(s) with the architect or
2 project designer.

- 3 2. Public art funds may be utilized for artist fees and travel, artwork design and fabrication and
4 installation of public art. Public art funds may not be used for associated utilities and landscaping
5 on or around the public art.
- 6 3. Up to fifteen percent (15%) of the public art funds may be used for costs related to the management
7 and administration of the public art program. These costs may include staffing, supplies, artist(s)
8 selection, community participation, publicity, community education, City Art Collection
9 documentation, and other such uses as may be deemed appropriate.
- 10 4. Ten percent (10%) of the public art funds art are to be reserved in a separate revolving funds
11 dedicated to the maintenance and conservation of the City Art Collection. These funds should not
12 be used for routine maintenance such as cleaning; any maintenance or repair of an artwork shall
13 have the prior approval of the Public Art Commission.

14 **Section 6. Public Art in Private Development Projects**

- 15 (a) A public art in private development program is hereby established.
- 16 (b) Future private development or redevelopment in East Point shall be required to expend at least two percent
17 (2%) of the construction costs for the commissioning or acquisition of public art for the public spaces in or
18 around the development projects. Private development public art projects shall include commercial,
19 industrial and multi-family real estate projects with a construction permit valuation in excess of two million
20 dollars (\$2,000,000). It shall not include single-family dwellings or multi-family residential dwellings of four
21 (4) or fewer units. The public art calculation shall not be applied to tenant improvements.
- 22 (c) The two percent (2%) public art calculation shall apply to the total project permit valuation, less demolition,
23 land acquisition and/or environmental remediation
- 24 (d) Private developers may commission or purchase art for installation on or around the site of the projects or
25 may pay an in-lieu fee of one percent (1%) to the City for the purpose of placing public art around the City.
- 26 (e) Private developers may expend up to fifteen percent (15%) of the public art funds for management of the
27 public art project in their development for artist selection and installation. Alternatively, the developer may
28 contract with the East Point Public Art Commission to manage the public art project artist selection and
installation.
- (f) Public Art commissioned by the private developer shall conform to the definitions and other applicable
elements embodied in this ordinance.
- (g) For public art proposed for on-site installation in a private development, the developer shall present the
proposed public art project to the Public Art Commission for review and approval.

1 (h) The private developer or subsequent owners of the real estate shall be responsible for the ongoing
2 maintenance and conservation of the public art on or around the development.

3 **Section 7.** This ORDINANCE shall be codified in a manner consistent with the laws of the State of Georgia
4 and the City of East Point.

5 **Section 8.** (a) It is hereby declared to be the intention of the Mayor and Council that all Sections, paragraphs,
6 sentences, clauses and phrases of this ORDINANCE are upon, their enactment, believed by the Mayor and Council
7 to be fully valid, enforceable and constitutional.

8 (b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by
9 law, each and every section, paragraph, sentence, clause or phrase of this ORDINANCE, is severable from every
10 other section, paragraph, sentence, clause or phrase of the ORDINANCE. It is hereby further declared to be the
11 intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence,
12 clause or phrase of this ORDINANCE is mutually dependent upon any other section, paragraph, sentence, clause
13 or phrase of this ORDINANCE.

14 (c) In the event that any phrase, clause, sentence, paragraph, or section of this ORDINANCE shall, for any
15 reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree
16 of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity,
17 unconstitutionally or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional
18 or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the
19 ORDINANCE and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs
20 and sections of the ORDINANCE shall remain valid, constitutional, enforceable, and of full force and effect.

21 **Section 9.** ALL ORDINANCES and parts of ORDINANCES in conflict herewith are hereby expressly repealed.

22 **Section 10.** Penalties in effect for violations of Part 1 of the Code of Ordinances, City of East Point, Georgia at
23 the time of the effective date of this ORDINANCE shall be and are hereby made applicable to this ORDINANCE and
24 shall remain in full force and effect.

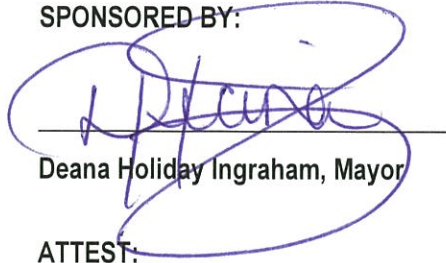
25 **Section 11.** The effective date of this ORDINANCE shall be the date of adoption unless otherwise specified
26 herein.
27
28

waived

1st Reading

SO PASSED AND APPROVED this 17th day of June 2019.

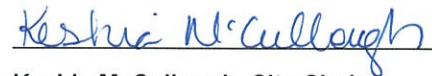
SPONSORED BY:


Deana Holiday Ingraham, Mayor

APPROVED AS TO FORM:


Brad Bowman, City Attorney

ATTEST:


Keshia McCullough, City Clerk

EAST POINT

GEORGIA

City of East Point Public Art Master Plan

June 2019

Table of Contents

Table of Contents	1
Introduction	3
Overview	3
The Changing Landscape of Public Art	3
Plan Alignment with other East Point Plans and Studies	4
The Community Engagement Process	6
What We Heard: East Point the Place	6
Locations for Public Art	7
The Plan	14
Vision	14
Objectives	14
Plan Recommendations	14
Recommendations for Funding Public Art in East Point	14
Recommendations for Managing the Public Art Program.....	15
Recommendations for Community Outreach and Education.....	16
Recommendations for Support for Artists	16
Public Art Program Guidelines and Policies	16
Purpose	16
Goals	17
Definitions.....	17
Funding	18
Responsibilities.....	20
Artist Selection Process	24
Gifts or Loans of Works of Art.....	27

Conservation and Maintenance of the Public Art Collection 28

Public-Private Development Projects..... 30

Program Policies..... 30

Public Art Project Milestones 33

Project Identification..... 33

Artist Selection..... 34

Public Art Design Phase..... 34

Artwork Fabrication Phase 35

Artwork Installation 35

Introduction



vibrancy in the downtown area and the neighborhoods. The community survey revealed the residents' preferences for a new public art program. Fifty-five percent (55%) of respondents want the public art program to make the City more attractive to residents and visitors; eighty-three percent (83%) want more art in public spaces and pedestrian areas; and seventy-five percent (75%) want to see art welcoming people to East Point at gateways and City entry landmarks.

The key goal of this Master Plan is to create a highly visible program aligned with City policy and the residents' vision for their communities. This plan provides recommendations for a new public art program for East Point – inclusive of policies, management of the public art programs, addressing public art collection maintenance and conservation, and turnkey guidelines for the City.

The Changing Landscape of Public Art

“Public art has many functions: it expresses community values, enhances the environment, transforms a landscape, heightens awareness of community concerns, and questions assumptions. Public art commemorates local history and traditions. Placed in public sites, the art is intended for everyone, a form of collective community expression. Public art reflects how we see the world – the artist's response to our time and place combined with our own sense of who we are.”¹

Since the creation of the first percent-for-art program in Philadelphia in 1959, hundreds of cities, counties and states have followed suit. In their earliest efforts, public art programs took the form of collecting or a “Museum without Walls.” The works collected were gallery art blown up to a larger scale and placed in public spaces. Later, in the 1970s, artists began to create site-specific art works that were designed for particular places. During that same period, artists began working with architects and engineers as a part of the project design teams. This allowed for greater integration of the art into buildings and public spaces. Public artists in the 1980s and 1990s became increasingly interested in direct engagement of the community in the development of their projects. Most

¹ This definition of public art was developed by The Cultural Planning Group and the Americans for the Arts (AFTA), a national arts service organization, for a public art research project sponsored by AFTA.

Overview

This Public Art Master Plan provides a foundation for the City of East Point to address community vision and aspirations and to fulfill its promise to residents to create sustainable, vibrant communities within the City. During the planning process, East Point residents expressed their desire to see more public art integrated into the everyday lives of the community, creating

recently, public art has become an essential element in placemaking; the creation of vibrant and economically successful communities. Since its advent, a new trend in public art – *social practice public art* – has emerged, seeking to address social and political issues in the local, national and global arenas (e.g., global warming, gang intervention, and immigration).

In fact, the field of public art evolves continuously. In recent years, it has gained a much more sophisticated and varied toolkit of approaches to enrich the community. For example, public art has become a powerful tool or partner in achieving other civic goals such as: Economic development, city identity, community engagement, equity, revitalization and placemaking.

As the field evolves, so do city public art programs. This plan provides a foundation for the City of East Point to shift the boundaries of its current policies to address community vision and aspirations and to fulfill the original intent of its policies.

Plan Alignment with other East Point Plans and Studies

Alignments and opportunities exist between the East Point Public Art Master Plan and other East Point City Plans. For example, the *East Point Trail System Master Plan* offers opportunity for alignment in placing public art along the trails and greenways in the form of a linear art gallery, fitness stations, place markers and more. Most notably, alignments exist with the *2017 East Point Comprehensive Plan Update*. As with the community engagement for the Public Art Master Plan, the Comprehensive Plan Update's community engagement section revealed residents want more public art as part of East Point's future and want to see aesthetic improvements in many areas of East Point. It is anticipated that this Public Art Master Plan has the potential to address some of the issues and opportunities identified in the Comprehensive Plan including:

Land Use & Economic Development Opportunities:

- Enhancement of Washington Road to serve as a connection between downtown East Point and Camp Creek Marketplace
- Live/work spaces in East Point
- Pocket parks
- Cultural and small retail space
- Conversion of the Willingham Drive Industrial Corridor to less of an industrial district to a more mixed-use district focused on diverse housing options and the arts

Natural and Cultural Resources Opportunities:

- The addition of public art as a cultural resource, especially in the downtown area.
- Parks and greenspace and public art to naturally retain and treat storm water.

Transportation opportunities:

- MARTA Station streetscape enhancements to attract residents and visitors to downtown.
- Enhancement of the pedestrian bridge across the MARTA and rail tracks as an asset

Public Art Opportunities:

- Willingham Warehouse District: Urban lofts, artist studio space, warehouse live/work.
- Corridors and Gateways: Establish gateways as city markers that express identity so that visitors experience a definite sense of arrival.

Community Work Program Opportunities:

- Public Art Program, Planning & Community Development, Parks & Recreation Cultural Enrichment Commission, Economic Development.

Population and Housing Opportunities:

- Attract young families and first-time homeowners to the city in order to build a stable, diversified community.

Additionally, the *East Point Public Art Master Plan* has the potential to help accomplish the Community Goals outlined in the Comprehensive Plan, including:

Economic Development Goal 4: Improve East Point's Business Environment - Create a business climate that is supportive to existing businesses and attractive for business recruitment.

Economic Development Goal 5: Enhance East Point's Quality of Life— Increase East Point's attractiveness to retain existing businesses and residents and to attract new residents and businesses. Increase property values and tax base.

Natural and Cultural Resources Goal 1: Preserve existing park and greenspace and incorporate the connection, maintenance and enhancement of greenspace into all new development.

Natural and Cultural Resources Goal 7: Support cultural and historic assets through designation and asset expansion

Natural and Cultural Resources Goal 8: Incorporate the protection and conservation of resources into the decision-making process.

Community Facilities and Services Goal 3: Invest in parks and open space to provide quality of life for community members and to encourage private investment in urban centers.

Land Use and Design Goal 8: Commit to redeveloping and enhancing existing commercial and industrial areas.

Land Use and Design Goal 13: Establish gateway markers and improved corridor aesthetics to create a “sense of place” for the community.

Land Use and Design Goal 16: Employ innovative planning concepts to achieve desirable and well-designed neighborhoods, protect the environment, preserve meaningful open space, improve traffic flow, and enhance the quality of life.

The Community Engagement Process

The *East Point Public Art Master Plan* engagement spanned from October 2018 through December 2018. The process provided multiple entry points for residents, communities, and sectors of East Point to participate through community-based conversations, meetings, and interviews facilitated by the Cultural Planning Group (CPG) team and a community survey. The goals were to:

1. Bring together multiple points of view to inform the planning process
2. Create legitimacy and a sense of shared responsibility for the Public Art Master Plan
3. Stimulate broad awareness and momentum for the plan

The CPG team conducted interviews with key community stakeholders, City leadership, and other arts stakeholders. Four (4) open community meetings were held across the City, collecting valuable input from residents and artists.

As a complement to the other forms of community engagement, the East Point Community Survey provided an opportunity for residents to lend their voice to the planning process. The survey sought residents’ opinions, attitudes and preferences about public art in the East Point community.

The online survey was open to residents of the City of East Point from October through December 2018. A total of 325 respondents completed surveys with 208 partially completed surveys for a total of 533 responses. The analysis is based on answered questions. Data is weighted to census demographics where appropriate. Significant differences are noted in the survey summary.

What We Heard: East Point the Place

When asked what defines East Point as a place, most residents and artists agree ample opportunity exists for a public art plan to make a difference in the City. East Point is defined by some as “a tale of two cities” – divided by the rail line and MARTA line. Unique Craftsman homes and industrial areas populate the eastern side; the western side features homes on more spacious lots and the tax allocation district with the downtown area positioned in the middle. Natural opportunities for public art exist in all communities and neighborhoods. These include:

- 1) Elevating the importance of the arts in the City
- 2) Creating vibrancy in the downtown area and the neighborhoods

- 3) Establishing identity and community pride with City gateways and public art identifiers for neighborhoods
- 4) Developing temporary and interactive art programs for space activation
- 5) Connecting places with art and creating gathering places
- 6) Engaging youth in new participatory opportunities and arts exposure
- 7) Ongoing engagement with community in terms of artmaking and implementation

Throughout the engagement, residents expressed a distinct pride for the City and envision a vibrant future. The residents want the public art program to:

- 1) Create a solid identity for East Point
- 2) Create gateways to the City
- 3) Create connections between youth and artists
- 4) Create gathering places augmented by art
- 5) Be a problem solver for downtown issues (sanitation, beautification, connecting businesses)
- 6) Beautify the roads, bridges and underpasses
- 7) Be an economic driver and attract visitors to East Point by creating walkable, connected spaces downtown

Community and stakeholder feedback revealed many opportunities for The Plan to address the vision of the community, including:

- 1) Creating vibrancy in the downtown area and the neighborhoods
- 2) Establishing identity and community pride through art elements such as iconic gateways at the City's main entry points and public art identifiers for neighborhoods
- 3) Developing temporary and interactive art projects to activate public spaces
- 4) Connecting places with art and creating gathering places
- 5) Engaging school-age children with the existing public art collection and new participatory opportunities

Locations for Public Art

The primary desired locations identified in the planning process include, but are not limited to:

- ✓ Public spaces and pedestrian areas
- ✓ Parks and open spaces
- ✓ Bridges and over/underpasses

- ✓ Gateways and city entry landmarks
- ✓ Along major corridors
- ✓ Downtown area
- ✓ Neighborhood crosswalks
- ✓ Public art city projects such as:
 - Sanitation trucks
 - Manhole covers
 - Water towers
 - Switchbox location

The Plan

Vision

The arts are integral to the fabric of the City of East Point. The arts are part of our vibrant downtown, creating inclusive community gathering places, revitalizing and creating identity for our neighborhoods, providing creative opportunities for our youth, strengthening our economy, and enriching the lives of our residents.

Objectives

The recommendations presented in this plan are based on the following objectives:

- 1) To align with proven national public art practices, standards, and procedures
- 2) To beautify and activate public spaces throughout East Point
- 3) To contribute to the economic and social success of new development in the City

Plan Recommendations

The following recommendations will collectively contribute to the successful implementation and fulfillment of The Plan. Detail is provided for each recommendation in the subsequent section.

Recommendations for Funding Public Art in East Point

Adopt an ordinance setting aside two percent (2%) of City's Capital Improvement Project budget for the purchase or commissioning of public art.

1. Pool public art funds and deposit in a separate account, the Public Art Fund, to the extent permitted by law.
2. Allocate funds to commission public art at the new City Hall and the Civic Auditorium, given their importance and visibility, with the understanding that the public art requirement will apply to all future City capital improvement projects.
3. Adopt an ordinance requiring that two percent (2%) of the permit valuation of private development and redevelopment projects be utilized for the inclusion of public art within those projects.
4. Create a private development ordinance permitting private developers to commission public art on the site of their project, or to opt out of the on-site public art requirement by depositing with the City an amount equal to one percent (1%) of the project permit valuation for the City's Public Art fund.
5. Require approval of on-site public art proposals in private development by the Arts Commission in accordance to the art selection standards outlined in their approved public art program guidelines and policies.

6. Adopt a public art ordinance to permit up to fifteen percent (15%) of the public art funds to be spent on administration of the public art program, including but not limited to artist selection, community outreach, program publicity, and education.
7. Set aside ten percent (10%) of the public art funds in a separate account dedicated to the ongoing maintenance and conservation of the public art collection.

Recommendations for Managing the Public Art Program

Public Art Program Staff

1. Hire a full-time art professional and/or assign a current employee selected by the City Manager to manage the public art program and work with the Public Art Commission. Additional staff may be hired as the program demands.
2. Provide professional development for public art program staff, such as the *Americans for the Arts* public art conference and/or *ArtPlace America* summit.

Public Art Commission

1. Appoint a Public Art Commission to advise the Mayor and Council and the City Manager on all matters relating to the public art program. The Commission shall be advisory only and shall have no independent authority.
2. Place the City Council in charge of selecting members of the Public Art Commission through an application process open to all residents and/or employees (active and retired) of and/or business owners East Point, with priority given to artists, educators, design professionals and other persons knowledgeable in visual arts.
3. Empower the Public Art Commission to adopt public art policies and guidelines for review and adoption by the City Council.
4. Entrust the Public Art Commission, in coordination with City staff, with the following duties:
 - a) Adopting public art program policies and guidelines and submitting them to the City Council for approval
 - b) Developing an annual public art work plan outlining status of existing projects and defining upcoming projects
 - c) Developing a Request for Qualification for each proposed project
 - d) Appointing an Artist Selection Panel to recommend artists for each project; this panel will make a recommendation to the Public Art Commission
 - e) Approving artists recommended by the artist selection panels and submitting the recommendations to the City Council

- f) Ensuring appropriate community outreach and community involvement in the artist selection processes
 - g) Ensuring that, over time, the public arts commissioned by the City represent a variety of art forms and media, and the cultural diversity of the City
 - h) Reviewing and updating public art policies and guidelines periodically
5. Conduct a maintenance and conservation study of the entire City art collection at least once every five years

Recommendations for Community Outreach and Education

1. Sponsor periodic community presentations and workshops to acquaint citizens with the public art program.
2. Conduct appropriate community outreach for each proposed public art project, including at least one (1) community meeting in the area of the City where the public art will be sited.
3. Include one (1) community representative from the area where the art will be sited on each public art selection panel.
4. Promote collaboration among public art program staff, local schools and other educational entities on projects involving the arts.
5. Increase visibility and ownership by publicizing, under the purview of the public art program staff, each public art project and appropriate identifying information with each public art installation, including artist's name, art medium, date commissioned, etc.
6. Consider temporary public art projects in addition to the commissioning of permanent public art projects for downtown East Point.

Recommendations for Support for Artists

1. Include local, regional and national artists as the City's public art collection expands.
2. Provide training workshops – conducted, organized, or implemented by City staff – to prepare local and regional artists to successfully compete for public art opportunities.

Public Art Program Guidelines and Policies

Purpose

The purpose of these guidelines is to establish procedures for the implementation of the *East Point Public Art Master Plan* completed in 2019.

Goals

The *East Point Public Art Program* is further committed to expanding the opportunities for its citizens to experience public art, thereby creating more pleasing and humane environments, which will improve the quality of life.

The public art program is committed to the highest aesthetic standards and the broadest involvement of artists. Specifically, the program seeks to:

- 1) Promote awareness of and educate the public about public art and the public art program and to provide opportunities for individuals to identify with and feel ownership of commissioned artworks;
- 2) Utilize public art as a vehicle to educate children and provide avenues for their unique expressions to enrich the community;
- 3) Build opportunities for public/private partnerships that will enhance existing program potentials and create dialogues for new and innovative expressions;
- 4) Utilize public art as a tool to strengthen economic development;
- 5) Revitalize East Point's neighborhoods;
- 6) Involve artists in the planning and urban design of the community and its infrastructure;
- 7) Explore new relationships between art and architecture by commissioning artists to create works that are integral to the design and systems of a building or place;
- 8) Commission artists to create works that are directly responsive to the site for which they are commissioned and to create possibilities for collaboration between artists and design professionals, including architects, landscape architects, planners, engineers, and City officials;
- 9) Create opportunities for artists of the region to create new works, extend the scope of their previous work into the public realm, reach new audiences, and present their work side-by-side with the work of other nationally recognized public artists;
- 10) Enable East Point to attain recognition as a community committed to art through the creation of innovative public art; and
- 11) Recognize the individual spirit and pride of the residents of East Point by commissioning artists to create works that respond to the vitality of the region and its diverse cultural heritage and history.

Definitions

Accessioning: The process of including an artwork into the Public Art Collection, whether by commissioning, purchase or donation.

Artist Selection Panel: A committee appointed by the Public Art Commission to select an artist or artists to create a work of public art.

Deaccessioning: The process of permanently removing an artwork from the Public Art Collection, whether by sale, destruction and/or removal from public display.

On-site art: Artwork intended for inclusion in a private development or redevelopment. On-site art shall be located in publicly visible and accessible locations.

Public Art Collection: The works of art that been accessioned by the City of East Point.

Public Art Commission: A City board created by the East Point City Council for the purpose of (a) advising the City Council on matters relating to the arts and (b) overseeing the implementation and management of the public art program.

Public Art Fund: An account set up by the City to receive public art monies, whether generated by City capital improvement projects, contributions by private developers, business/corporate sponsorships, individual donations, or outside funding or grants.

Public Art Work Plan: A plan for public art in the upcoming year, identifying the proposed projects, project budgets and sites. This plan is to be submitted to the City Council for approval in conjunction with the annual City capital budgeting process.

Request for Qualifications: A public announcement of an upcoming public art project, inviting artists to submit credentials for consideration for the public art project.

Funding

Proposed City Funding

The overall budget for the public art program will be funded through a combination of government and private funds. Government funds will be appropriated as outlined in the City's Public Art Ordinance. Private funds will be generated through implementation of the City's Public Art in Private Development Ordinance.

Grant funds are also sought for special projects and to augment the budget of existing projects. The public art ordinance will provide two percent (2%) of the total construction costs of the City's Capital Improvement Projects budget to be allocated for public art but may be less dependent upon budgetary constraints each fiscal year. Construction costs are the total actual costs associated with a construction project, excluding land acquisition, demolition, environmental remediation, legal fees and interest costs.

The public art requirement will apply generally to all capital improvement projects of the City, including buildings and renovations, open spaces, business corridor improvements and streetscapes, parks and greenways, and utilities.

As part of the presentation of an annual Public Art Work Plan, the City's Capital Improvement Program will be reviewed annually by the Public Art Commission and City staff, in conjunction with applicable City departments and the Finance Department, for recommendations for public art allocations to the City Council. The work plan shall include the proposed public art projects for the upcoming year with budgets and conceptual approaches. The work plan presentation shall take place on a schedule that coincides with the adoption of the City's capital budget each year. It shall also provide a report of the status of all ongoing public art projects. The Public Art Commission may, during the course of the year, modify the annual work plan. The City Council shall review any significant changes that are proposed.

Private Development Funding

Public art in private development and redevelopment will be generated by the City's public art in private development ordinance, which will mandate that two percent (2%) of private development's permit valuation be expended on on-site public art. This requirement shall apply to all commercial, industrial and multi-family residential developments with a permit valuation in excess of two million dollars (\$2,000,000). The private developer shall have the option of paying a one percent (1%) in-lieu fee to the City's Public Art Fund. Proposals for on-site public art projects shall be reviewed and approved by the Public Art Commission in accordance with the art selection standards set out in the Commission's approved policies and guidelines.

Business/Corporate Partnerships: The City will seek sponsorships from the business/corporate sector to enrich existing public art in the community. This may take the form of directly providing funding support for individual public art projects or for the public art program generally.

Donations of Public Art: The Public Art Commission shall welcome donations from private sector groups (either non- or for-profit) and individuals as a means of broadening the existing public art program, subject to the review process outlined in the policies on gifts and donations.

Grants: The City shall seek grants and/or matching grants from national and local foundations, arts organizations, corporations and others to develop innovative programs and enhance existing programs. Funding requests to outside governmental or private sector sources for City capital projects shall, to the extent allowable by the funding sources, include a request to fund the public art in the capital project.

Uses of Public Art Funds

Inclusions: Monies in the Public Art Fund can be used for artist design services and the acquisition or commissioning of artworks for the City Public Art Collection. Monies in this category may be expended for artist design fees; proposals; artist travel and expenses; artwork purchases and commissions; artwork fabrication or materials; shipping and crating; insurance; the preparation, architect or other designer fees if the project is a collaboration (artwork-related expenses only); engineering fees; installation or placement of artworks; or any purpose deemed necessary by the Arts Commission for the implementation of the program.

Up to fifteen percent (15%) of the dollars allocated for public art monies may be utilized for direct administration and community participation, artist selection processes, community outreach and publicity, project documentation and other appropriate related purposes deemed necessary by the Public Art Commission.

Eligible Artworks

In general, all forms of artistic expression created by professional artists, in a wide variety of styles, media and genres, are eligible for inclusion in the public art program. Examples may include free-standing works or works that have been integrated into the underlying architecture or landscape; temporary or permanently installed works, as long as such projects contribute to community understanding and participation; artist-designed infrastructure elements, such as sound walls, overpasses, City gateways and utility structures; artist-designed street furniture such as benches, bus stops, or tree grates; and any other art form or expression relevant to the goals of the City's public art plan.

Ineligible Artworks

The public art projects are not intended to substitute for functional elements that would normally be a part of City projects. Unless they are specifically designed by professional artists, the following will not be considered as part of the art program:

- 1) Directional elements such as supergraphics, signage or color coding except where these elements are integral parts of an overall design created by a professional visual artist;
- 2) "Art objects" which are mass produced or of standard manufacture, such as playground equipment, fountains or statuary elements, unless incorporated into an artwork by a project artist;
- 3) Reproductions, by mechanical or other means, of original works of art, except in the cases of film, video, photography, printmaking or other media arts;
- 4) Decorative, ornamental, architectural or functional elements that are designed by the building architect, as opposed to elements created by an artist commissioned for that purpose;
- 5) Landscape architecture and gardening except where these elements are designed by a professional visual artist and/or are an integral part of the artwork by the artist; and
- 6) Service or utilities necessary to operate and maintain an artwork.

Responsibilities

City Staff shall:

- 1) Be responsible for the day-to-day management of the public art program;
- 2) Draft the annual Public Art Work Plan for review and recommendation by the Public Art Commission to the City Council;
- 3) Work with the City Manager's Office and Finance Department to identify capital projects eligible for public art;
- 4) Work with the capital project architect to identify possible approaches to integrate public art into the project;
- 5) Propose public art project parameters for Arts Commission review (site, budget, artwork medium, artwork approach, etc.);
- 6) Develop a project Request for Qualifications for distribution to artists;
- 7) Maintain a pool of potential artist selection panel members and recommend a panel for each project to the Arts Commission for approval;
- 8) Conduct the artist selection panel meetings;
- 9) Review artist submittals and present them to the artist selection panel;
- 10) Notify artists who are selected as finalists for the public art project;
- 11) Arrange for artist finalists to be interviewed by the selection panel;

- 12) Conduct selection panel meeting to select artist for the project;
- 13) Work with the City Attorney to negotiate and execute a contract with the artist;
- 14) Provide the artist with necessary background documentation (capital project designs, site plans, etc.);
- 15) Monitor the progress of the public art fabrication, making artist studio visits as required;
- 16) Report any changes in the design, scope, or siting of the public art project to the Arts Commission for review and approval;
- 17) Authorize progress payments to the artist;
- 18) Coordinate the installation of the public art;
- 19) Accession the public art into the City's Public Art Collection;
- 20) Secure documentation and maintenance requirements from the project artist;
- 21) Arrange for plaque or other identification to be installed; and
- 22) Coordinate and publicize a public unveiling of the art.

The City Council shall:

- 1) Review and approve the annual Public Art Work Plan recommended and presented by the City Manager, Staff and the Public Art Commission, which shall include identification of eligible capital improvement projects and public art funding.
- 2) Appropriate the budget monies for individual capital improvement projects that shall be transferred into the Public Art Fund as part of the annual capital budgeting process.
- 3) Approve contracts with artists for public art projects.

The Public Art Commission shall:

- 1) Approve all public art selections
- 2) Develop guidelines, policies and procedures for the selection, implementation and conservation of public art, subject to City Council approval;
- 3) Monitor the overall development of the Public Art Collection, including ensuring that local and regional artists are represented in the Public Art Collection and ensuring that the Public Art Collection is reasonably balanced over time with respect to ethnicity and gender of artists selected and with respect to styles of expression, media and genre;
- 4) Make recommendations regarding the care and maintenance of the Public Art Collection to appropriate parties or site agencies, and oversee a periodic maintenance survey of the entire Public Art Collection;
- 5) Review and recommend the annual Public Art Work Plan to the City Council;

- 6) Identify and approve a pool of potential members of Artist Selection Panels;
- 7) Act as liaisons to the individual Artist Selection Panels;
- 8) Review and approve individual Artist Selection Panel recommendations;
- 9) Ensure community outreach and citizen participation in the public art program;
- 10) Review and approve individual project budgets as brought forward by artists;
- 11) Review and recommend proposed gifts of public art to the City, as well as loans and long-term exhibitions of public art on City-owned property;
- 12) Review and recommend accessioning and deaccessioning of artworks from the Public Art Collection; and
- 13) Review and approve changes to the public art program guidelines, policies, and procedures.

Artist Selection Panels shall:

- 1) Be ad-hoc panels formed for a limited period of time and charged by the Arts Commission with recommending artists for individual projects or groups of projects;
- 2) Review the credentials, prior work, qualifications, proposals and other materials submitted by artists for particular projects;
- 3) Recommend to the Public Art Commission an artist or artists to be commissioned for a project, or who will be engaged to join the design team for projects;
- 4) Follow instructions outlined in the project's Request for Qualifications and Project Guidelines regarding the requirements and concerns addressed within the particular project;
- 5) Be sensitive to the public nature of the project and the necessity for cultural diversity in the public art program;
- 6) Maintain confidentiality on the proceedings of all panel meetings; and
- 7) Meet as appropriate and/or necessary to review the selected artist's design concepts.

Artists shall:

- 1) Submit qualifications, visuals, proposals and/or project materials as directed for consideration by Artist Selection Panels;
- 2) Conduct necessary research, including attending project orientation meetings and touring project sites, when possible;
- 3) Execute and complete any selected artwork or design work, or transfer title of an existing work, in a timely and professional manner;

- 4) Work closely with the public art staff, design architect, and/or other design professionals associated with the project;
- 5) Make presentations to the Public Art Commission and other reviewing bodies at project milestones as required by contract; and
- 6) Make a public presentation, conduct a community education workshop, or complete a residency at an appropriate time and forum in the community where the artwork will be placed, as required by contract.

Site agencies shall:

- 1) Determine, in consultation with the public art staff, which projects are eligible for public art inclusion, the amount of public art money available and whether the project is appropriate for a design collaboration;
- 2) Provide the public art staff with information on the capital improvement program, budgets and schedules;
- 3) Invite public art staff to participate in interviews with architects/engineers of major City capital projects;
- 4) Designate a departmental representative to participate in the artist selection process;
- 5) Review the maintenance needs for artworks located at the site agency;
- 6) Inform the project architect of artist involvement in the capital improvement project and the method of artist selection; and
- 7) Designate, in consultation with the appropriate leadership, a City representative or project manager for the capital improvement project to act as the City's agent for all coordination issues related to public art and the overall project.

Advising agencies (legal counsel, budget office, planning & zoning commission, etc.) shall:

- 1) Review contracts of selected artists and make recommendations regarding liability and insurance requirements;
- 2) Provide consultation and information regarding particular needs and concerns of the public art program, such as legal issues or insurance requirements; and
- 3) Coordinate with the public art staff toward determining program success.

Construction Managers shall:

- 1) Collaborate with the public art staff on the development of public art projects;

- 2) Coordinate with the public art staff on all issues related to the public art and the overall project, including safety, liability, timeline, code requirements, and installation deadlines, etc.; and
- 3) Provide the public art staff and the artist with the appropriate documentation necessary for project compatibility and completion (e.g., architectural design drawings and specifications, as-built drawings, structural drawings, mechanical drawings, electrical drawings, and materials to support public outreach efforts).

Artist Selection Process

Selecting the "right" artist – one whose experience, artistic style, commitment to collaboration, and community facilitations skills match the needs of the project – is critical to the success of any project. Specifically, the goals of the selection process are to:

- ✓ Implement the goals of the overall capital improvement program or private development project through an appropriate artist selection;
- ✓ Further the mission and goals of the public art program;
- ✓ Select an artist or artists whose existing public artworks or past collaborative efforts have maintained a level of quality and integrity;
- ✓ Identify an optimal approach to public art that is suitable to the demands of a particular capital project;
- ✓ Select an artist or artists who will best respond to the distinctive characteristics of the site and the community it serves;
- ✓ Select an artist or artists who can work successfully as members of an overall project design team; and
- ✓ Ensure that the selection process represents and considers the interests of all parties concerned, including the public, the arts community, and the City department involved.

Methods of Selecting Artists

The public art staff, in consultation with the Public Art Commission, shall determine the method of selection for individual projects. Any of the following methods may be used, depending upon the requirements of a particular project.

Open Competition: An open competition is a call to artists for a specific project in which artists are asked to submit evidence of their past work. Any artist may submit credentials and/or proposals, subject to any limitations established by the Artist Selection Panel or the Commission. Calls for entries for open competitions will be sufficiently detailed to permit artists to determine whether their work is appropriate to the project under consideration.

Limited or Invitational Competition: The Artist Selection Panel shall invite a limited number of artists to submit credentials and/or proposals for a specific project. Invitations shall be based on evaluation of an artist's past work and demonstrated abilities to successfully respond to the conditions posed by the particular project (i.e., water features, light works, paintings, sound works, landscape works, design team efforts, etc.) or on other non-aesthetic public art program goals (e.g., artists who reside in a particular community or neighborhood where a project is occurring, local artists or regional artists).

Direct Selection: At times the Public Art Commission may elect to make a direct selection in which they contract with a specific artist for a particular project. Such an election may occur for any reason but will generally occur when circumstances surrounding the project render an open or invitational competition unfeasible (e.g., project timeline, community or social considerations, client demand).

Mixed Process: A mixed process may include any combination of the above approaches.

Criteria for Selection of Artists or Artworks

Qualifications: Artists shall be selected based on their qualifications as demonstrated by past work, the appropriateness of their concepts to the particular project and their ability to communicate.

Quality: Highest priority are the design capabilities of the artist and the inherent excellence of artwork.

Media: All forms of visual arts shall be considered, subject to any requirements set forth by the project prospectus.

Style: Artists whose artworks are representative of all schools, styles and tastes shall be considered.

Appropriateness to Site: Artwork designs shall be appropriate in scale, material, form and content for the immediate social and physical environments with which they relate.

Permanence: Consideration shall be given to structural and surface integrity, permanence and protection of the proposed artwork against theft, vandalism, weathering, excessive maintenance and repair costs.

Elements of Design: Consideration shall be given to the fact that public art is a genre that is created in a public context and must be judged by standards that include factors in addition to the aesthetic. Public art may also serve to establish focal points; terminate areas; modify, enhance or define specific spaces; establish identity; or address specific issues of urban design.

Community Values: While free artistic expression shall be encouraged, consideration must be given to the appropriateness of works of art in the context of local community and social values.

Public Liability: Safety conditions or factors that may bear on public liability should be considered in selecting an artist or artwork.

Diversity: The public art program shall strive for diversity of style, scale, media and artists, including ethnicity and gender of artists selected. The program shall also strive for an equitable distribution of artworks throughout the City.

Collection Review

The Public Art Commission or other independent agency should evaluate the Public Art Collection at least once every five (5) years for the purposes of collection management and in order to assess the collection's future. The City, with the advice of the Commission, shall retain the right to deaccession any work of art in the Collection, regardless of the source of funding for the particular artwork.

Objectives:

- 1) To establish a regular procedure for evaluating artworks in the Public Art Collection
- 2) To establish standards for the acquisition of artworks by the Public Art Commission
- 3) To ensure that deaccessioning is governed by careful procedures
- 4) To insulate the deaccessioning process from fluctuations in taste – whether on the part of the Public Art Commission, the City, or the public

Acquisition Review Standards:

- 1) Acquisitions should be directed toward artworks of the highest quality.
- 2) Acquisition of artworks into the Public Art Collection implies a commitment to the ongoing preservation, protection, maintenance, and display of the artworks for the public benefit.
- 3) Acquisition of artworks, whatever the source of funding, should imply permanency within the Public Art Collection, so long as physical integrity, identity, and authenticity are retained, and so long as the physical sites for the artworks remain intact.
- 4) In general, artworks should be acquired without legal or ethical restrictions as to future use and disposition, except with respect to the Artist's Rights policy.

Deaccessioning Review Standards:

Any proposal for deaccessioning – the destruction or removal of a work of art in the collection – or relocation of an artwork shall be reviewed by the Public Art Commission according to the policies and procedures contained in this document and shall be as deliberate as those practiced during the initial selection. This process should operate independently from short-term public pressures and fluctuations in artistic or community taste. During the review process, the work of art shall remain accessible to the public in its original location.

Deaccessioning should be a seldom-employed action that operates with a strong presumption against removing works from the Collection. Artwork may be considered for review toward deaccessioning from the Public Art Collection if one or more of the following conditions apply:

- 1) The condition or security of the artwork cannot be reasonably guaranteed;
- 2) The artwork requires excessive maintenance or has flaws in design or workmanship and repair or remedy is impractical or unfeasible;

- 3) The artwork has been damaged, and repair is impractical or unfeasible;
- 4) The artwork's physical or structural condition poses a threat to public safety;
- 5) No suitable site is available, or significant changes in the use, character, or design of the site have occurred that affect the physical or aesthetic integrity of the work;
- 6) Significant adverse public reaction has continued unabated over an extended period of time (at least five (5) years);
- 7) Deaccessioning is requested by the artist; or
- 8) The site and/or agency housing the work are undergoing privatization.

Gifts or Loans of Works of Art

Works of art proposed for donation or long-term (six (6) months or longer) loan to the City shall be carefully reviewed by the Public Art Commission or by an ad hoc review committee in order to meet the following objectives:

- 1) To provide uniform procedures for the review and acceptance of gifts or loans of artworks to the City;
- 2) To vest in a single agency the responsibility of ensuring the management and long-term care of the donated works of art;
- 3) To facilitate planning for the placement of artworks on City-owned property;
- 4) To maintain high artistic standards for artworks displayed in City facilities; and
- 5) To provide appropriate recognition for donors of artworks to the City.

Review Criteria for Gifts or Loans of Works of Art

Aesthetic considerations: To ensure artworks of the highest quality, proposed gifts or long-term loans of works of arts should be accompanied by a detailed written proposal and concept drawings of the proposal, and/or photographs of an existing artwork, documentation of the artist's professional qualifications and, if needed, a current certified appraisal of the worth of the artwork.

Financial considerations: Based on the cost of installation, the proposal should identify sources of funding for the project, and the estimated cost of maintenance and repair over the expected life of the artwork. A legal instrument of conveyance of the work of art should be executed between the City or the County and donor.

Liability: The proposal should discuss susceptibility of the artwork to damage and vandalism, any potential danger to the public, and any special insurance requirements.

Environmental considerations: The proposal should address appropriateness of the artwork to the site and the scale of the artwork in relation to its immediate context.

Maintenance: Where appropriate, the City should request that the donor provide an endowment for the long-term maintenance and conservation of the donated art.

Proposed artwork donations shall be reviewed by the Public Art Commission. Donation proposals shall be accompanied by the following information:

- 1) Slides, photos, or a model of the proposed work;
- 2) Biography of the artist;
- 3) Proposed site and installation plans;
- 4) Cost of the artwork and budget for installation;
- 5) Information for giving acknowledgement of the donor; and
- 6) Maintenance requirements for the artwork.

Exceptions to the Review Process for Gifts or Loans of Works of Art

Gifts of state presented to the City by foreign governments or by other political jurisdictions of the United States – municipal, state or national – which may be accepted by the City Council and/or City administration on behalf of the City shall be reviewed as follows:

- 1) Permanent placement of artworks of substantial scale, suitable and accessible for public display, shall be determined jointly by the appropriate City department and the Public Art Commission.
- 2) Appropriate recognition and publicity shall be the responsibility of the City site agency or department with jurisdiction over the site of permanent placement of the artwork(s), with advance notification of the Public Art Commission.
- 3) If not provided by the donor, maintenance of the artwork(s) shall be the responsibility of the site agency or department with jurisdiction over the site, in consultation with the Commission.

Artworks proposed for long-term loan (one (1) year or more) to the City shall be subject to the same considerations outlined above. Artworks proposed for placement in private offices or in non-public areas of City facilities shall not be subject to Public Art Commission review.

Conservation and Maintenance of the Public Art Collection

The Public Art Commission shall regularly survey the entire Public Art Collection in order to meet the following objectives:

- 1) To provide for the regular inspection of public works of art
- 2) To establish a regular procedure for effecting necessary repairs to public works of art
- 3) To ensure regular maintenance of public works of art
- 4) To ensure that all maintenance of public works of art are completed with the highest standards of professional conservation

Responsibilities

The *Artist* shall:

- 1) Guarantee and maintain the work of art against all defects of material or workmanship for a period of one year following installation, subject to the terms of the artist's contract;
- 2) Provide the public art program with drawings of the installation and with detailed instructions regarding routine maintenance of the artwork; and
- 3) Be given the opportunity to comment on, and participate in, all repairs and restorations that are made during his or her lifetime.

The *Site Agency* shall:

- 1) Be responsible for routine maintenance of artwork, upon the advice of the public art staff, and shall perform all maintenance work in a manner that is consistent with conservation requirements supplied by the artist;
- 2) Be responsible for reporting to the Commission any damage to a work of art at a site over which it has jurisdiction;
- 3) Not intentionally destroy, modify, relocate or remove from display any work of art without prior consultation with the Commission; and
- 4) Not effect any non-routine maintenance or repairs to artworks without prior consultation with the Commission.

The Public Art Commission shall:

- 1) Be responsible for conducting a comprehensive maintenance survey of the public art collection at least once every five years. This survey shall include a report on the location and condition of each work, prioritized recommendations for the restoration or repair or maintenance of works of art, and estimated costs.
- 2) Recommend, for those works designated in need of attention/restoration on the condition report, that
 - a) No action be taken;
 - b) Staff work with the site agency to ensure the work is properly restored;
 - c) The site agency makes the necessary repairs, in whole or in part, or suggest means of accomplishing restoration;
 - d) A professional conservator be engaged to evaluate the condition of the work further, or effect repairs to the work;
 - e) The artist be asked to repair the work for a fair market value fee; or
 - f) The work of art be considered for deaccessioning.

Public-Private Development Projects

Development and redevelopment projects by a private developer shall be administered under the same guidelines as public sector projects.

Program Policies

Artist Rights

The Public Art Commission is committed to a climate wherein artists will thrive and receive the economic benefits of, and recognition for, their work. For that reason, it is important that artists retain reasonable control of the integrity of their artworks and that artists receive equitable compensation for their creative endeavors.

Policy: The Arts Commission seeks to assure the following rights to artists, which shall be embodied in artist contracts for the commissioning or purchase of works of art.

- 1) Recognizing that successful public art is generally inseparable from the site for which it is created, the Public Art Commission shall endeavor to ensure that City departments or site agencies do not move or remove an artwork unless its site has been destroyed, the use of the space has changed, or compelling circumstances arise that require relocation of the work of art. Any such actions should be reviewed by the Commission prior to being undertaken. Should it become necessary to move or remove an artwork, the Commission shall make reasonable efforts to consult with the artist before effecting any removal or relocation. However, the Arts Commission and the City reserve the right to move or remove the artwork without notification in emergency situations where an immediate threat to property or public safety is present. In all instances, the Commission will act within the provisions of the federal Visual Artists Rights Act.
- 2) Recognizing the importance of preserving the integrity of an artwork, the Public Art Commission shall seek to ensure that City/County departments or site agencies do not intentionally alter, modify or destroy an artwork. Nevertheless, if an artwork is significantly altered, modified or destroyed, whether intentionally or unintentionally, the artist shall have the right to disclaim authorship of the artwork. Should an artist choose to exercise this disclaimer, the Commission shall, upon request by the artist, officially request that the City department or agency remove any plaques, labels or other identifying materials that associate the work with the artist.
- 3) The integrity of an artwork depends upon regular conservation and maintenance. The Public Art Commission is committed to the periodic inspection of the artworks in the Collection and to make reasonable efforts to ensure that each artwork is properly and professionally maintained.
- 4) The Public Art Commission agrees to make its best effort to ensure that all maintenance and repairs to works of art are accomplished in accordance with any maintenance and repair instructions the artist has provided to the Commission at the time of accession and that all such maintenance and repairs adhere to the highest professional standards of artwork conservation. The Commission shall make reasonable efforts to notify the artist before City/County departments or site agencies undertake repairs or restorations to the artwork during the lifetime of the artist. Where practical, the Commission shall seek to ensure that the artist be consulted and given an opportunity to accomplish the repairs or restorations at a reasonable fee. The

Commission and the City department or site agency reserve the right to make emergency repairs without prior notification to the artist.

- 5) The artist retains all copyrights associated with works of art accessioned by the Public Art Commission, including those acquired for the City. The Public Art Commission agrees that it will not copy or reproduce the artwork in any way, or permit third parties to do so, without prior written permission of the artist. Notwithstanding this policy, the Commission and the City reserve the right to make photographs or other two-dimensional representations of the artwork for public, noncommercial purposes such as catalogues, brochures and guides.

Artistic Freedom of Expression

The Public Art Commission recognizes that free expression is crucial to the making of works of art of enduring quality. At the same time, public art must be responsive to its immediate site in community settings, its relatively permanent nature and the sources of its funding.

Policy: It is the policy of the Public Art Commission to encourage free expression by artists participating in the public art program, consistent with due consideration of the values and aspirations of the citizens of East Point. Community representatives will be invited to serve on artist selection panels to ensure discussion of community sensibilities. Artists selected to participate in the program will be encouraged to engage the community directly in the process of developing their artistic concepts and designs.

Community Participation and Outreach

The purpose of the public art program is to serve the citizens of East Point. By building a regular program of education and promotional activities, a sense of community ownership can be instilled and cultivated. Such activities can generate broader community appreciation of public art and recognition of the role of public art in reflecting the community's values.

Policy: The Public Art Commission shall make community participation a part of each public art project, as well as the program as a whole. To meet this goal, the commission will activate community-based advisory committees, community representation on artist selection panels and artist interaction with the community. The Commission will develop a comprehensive approach to educational outreach concerning the public art program. Elements of this ongoing educational policy shall include programs in the public schools and special events, such as exhibitions, public art tours, artist-in-residence programs, education and/or school programs, publications, brochures, films and videos, and public meetings. In addition, avenues such as print/broadcast media and social media will be cultivated in order to give access to the widest possible audience.

Conflicts of Interest

The Public Art Commission recognizes that it is essential for local artists and other related professionals to serve as members of the Arts Commission, its subcommittees, and selection panels. It further recognizes that artists and other related professionals may have a real or perceived conflict of interest when serving in such a capacity while competing for projects. In general, a conflict of interest may arise whenever a Commission, advisory

committee or panel member has a financial, familial or romantic relationship that would make it difficult to render an objective decision or create the perception that a decision might be problematic. A conflict may also arise whenever a Commission or artist selection panel member possesses inside information or has a role in the decision-making process that could influence the outcome of a public art process or project. Therefore, the Public Art Commission has established policies to govern service on the Commission and its panels.

Policy:

Members of the Public Art Commission:

- 1) Must disclose any real or potential conflict of interest;
- 2) Are not eligible for any competition, commission, or project during his or her tenure on the Commission;
- 3) Must withdraw from participating or voting on any competition, commission, or project for which any family member or any business associate has any financial interest or personal gain;
- 4) Are ineligible for participation in any competition, commission or project of the Commission for a period of one (1) year following the end of an individual's term on the Commission; and
- 5) Are ineligible for any competition, commission, or project on which he/she voted during service on the Commission, regardless of the length of time elapsed following Commission service.

Members of Artist Selection Panels:

- 1) Must disclose any real or potential conflict of interest;
- 2) Must withdraw from participation, discussion and voting on any artist who is a family member or business associate, or with whom the panel member has a gallery affiliation; and
- 3) May not enter any competition, commission or project on which he or she is serving as a panelist or advisory committee member.

Liability Insurance and Performance Bonds

The Public Art Commission recognizes that the cost of insurance, particularly liability insurance and performance bonds, is prohibitively expensive for professional visual artists. Inevitably, any insurance requirement to artists creating public artworks means that these costs would be passed on to the City in the form of increased fees for the artwork or a smaller portion of the project budget allocated to the art.

Policy: *The Public Art Commission shall endeavor to seek alternatives to liability insurance and performance bonds, which are often difficult or unreasonably expensive for an artist to obtain. Whenever possible, arrangements shall be sought to cover the artist's liability under the underlying capital project's umbrella insurance programs, which generally cover all work being performed by contractors and subcontractors on the project site, or to arrange coverage for the artist and artwork under the insurance of the general*

contractors for the project. The artists shall be liable, in every instance, for their own negligent acts or omissions. Artists may be required to have their drawings, plans, specifications, fabrication techniques and installation methods reviewed by licensed Georgia engineers for structural and/or mechanical integrity. The Arts Commission will, if warranted by a particular project, engage engineers to verify project designs and installations.

Local Versus Non-Local Artists

The Public Art Commission recognizes that, while the primary objectives of the public art program are the enhancement of public spaces in the City for the general benefit of its citizenry, a public art program can also be an important tool in developing the community of artists who reside and/or work in the city, county and region.

Policy: The Public Art Commission shall endeavor to maintain a balance, over time, in the number of contracts awarded to local, regional and national artists for art projects. Factors such as the size of the public art project, the level of visibility of the public site and the availability of outside funding all may influence the decision on the part of the Arts Commission to seek artists from a local, regional or national pool of artists. The long term goal of the Arts Commission is to ensure that a share of public art projects be awarded to local and regional artists.

Collection Diversity

The Public Art Commission desires to create a public art collection that is diverse and includes artworks of numerous styles and media. Therefore, it is important that many artists have an opportunity to participate in the program.

Policy: Artists who have received a commission or purchase for over \$25,000 cannot be considered for another commission or purchase for three (3) years after the date of a signed contract or letter of agreement. Commission members and their immediate families are not eligible for this program.

Non-discrimination

The Public Art Commission recognizes the extraordinary diversity of residents of East Point and seeks to be inclusive in all aspects of the public art program.

Policy: The Public Art Commission will not discriminate against any artist or other program participant based on race, creed, religion, gender, sexual orientation, national origin, or disability status.

Public Art Project Milestones

Project Identification

1. Meet with the Finance Department to determine available public art funds for the project
2. Meet with the Finance Department to receive information about the capital improvement project

3. Present proposed project to the Public Art Commission, recommending siting, budget, theme and other parameters
4. Identify and confirm members of the Artist Selection Panel
5. Convene Art Selection Panel meeting #1 in a community setting in the vicinity of the proposed project to receive community input

Artist Selection

1. Develop and distribute the Request for Qualifications, requiring:
 - a. Description of the capital improvement projects
 - b. Media, theme, budget, etc.
 - c. Project timeline/schedule
 - d. Artist qualifications
 - e. Relevant information – images of past work, etc.
2. Receive/screen artist submittals of qualifications
3. Art Selection Panel meeting #2
 - a. Review and discuss artist submissions
 - b. Select artist finalists for interview
4. Notification of artists regarding Panel decisions
5. Artist Selection Panel #3 to interview artist finalists and choose project artist
6. Present selected artist to Public Art Commission for review and approval
7. Negotiate contract with artist

Public Art Design Phase

1. Issue notice to proceed for artwork design
2. Artist meeting with City staff, project architect, etc.
3. Artist community meeting, if appropriate
4. Artist develops preliminary design
5. Art Selection Panel meeting #4 to review/approve design
6. Artist design presented to Public Art Commission for approval

Artwork Fabrication Phase

1. Issue notice to proceed for artwork fabrication
2. Schedule project milestones and progress payments
3. Make artist studio visits, as appropriate

Artwork Installation

1. Work with artist to prepare artwork installation plans
2. Coordinate with City project manager for site preparation and installation schedule
3. Prepare plaque or other identifying information
4. Coordinate installation of artwork
5. Receive from artist as-built drawing, information on artwork materials and fabrication methods, and maintenance instructions
6. Accession the artwork into the City Art Collection
7. Coordinate ribbon-cutting or community celebration