

# Town of Wake Forest

"Art is not  
what you see,  
but what you  
make others  
see."  
Edgar Degas

PREPARED BY  
The Public Art Team  
AND  
Percent for Art  
Collaborative LLC

WAKE FOREST ADOPTION DATE  
October 20, 2009

Public Art Vision Plan



Seattle, WA *"Beckoning Cistern"* by Buster Simpson

**Unlike any other investment, a typical public art project  
generates both tourism and community interest.**

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Seattle, WA Benches and paving at Village Square by Norie Sato



Chapel Hill, NC *"Treescapes"* by Arlene Slaven

**Public art creates goodwill and enhances community image—  
two goals that local governments aim to achieve.**

# Town of Wake Forest Public Art Plan

## Introduction

The Town of Wake Forest, in association and collaboration with the Wake Forest Cultural Arts Association, Wake Forest Downtown Revitalization Corporation, Chamber of Commerce, and Garden Club, assembled a 19-person Public Art Team to guide the development of policy recommendations for public art in Wake Forest.

### Wilmington, NC

*"Higher Thoughts"* by Charlie Brouwer



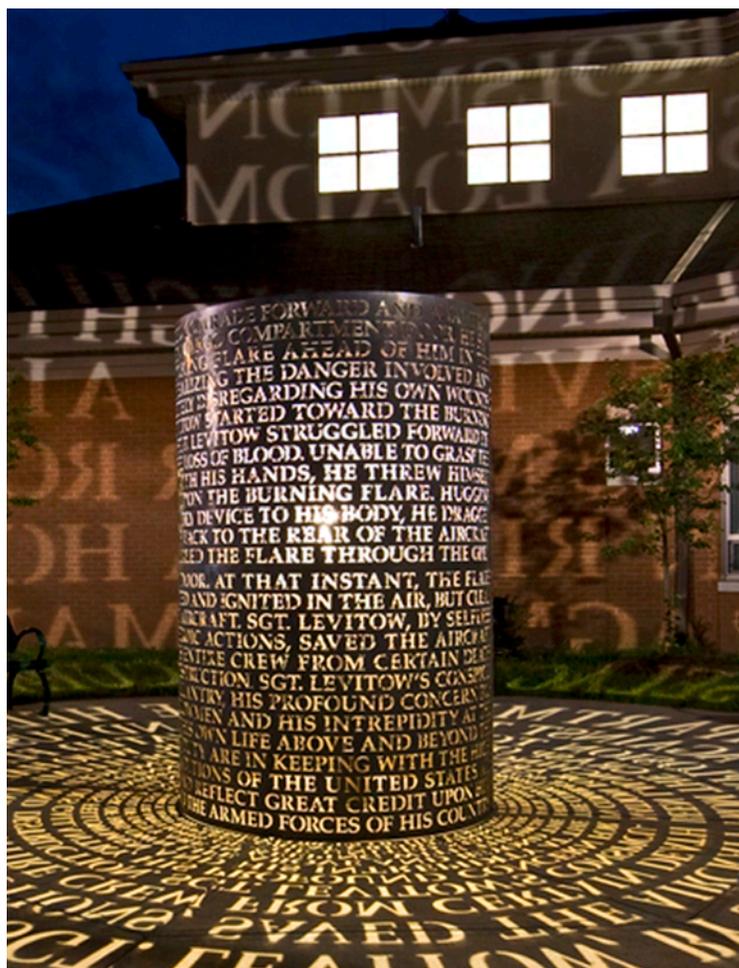
### Tempe, AZ

*"Origami Garden"* by Lorna Jordan



### Rocky Hill, CT

*"Vocal Witness"* by Jim Sanborn





Seattle, WA "Dragonfly Garden" by Lorna Jordan

## Public Art Team Members

**Jeff Adolphsen**—Wake Forest Downtown Revitalization Corporation, State Historic Preservation Office, B. W. Wells Association

**Jan Ammons**—Wake Forest Greenways Advisory Board and Potter

**Laurie Arntsen**—Visual Artist, Creative Arts Network 4 Community Action

**Casey Atwater**—Metal Sculptor, Fidelity Bank

**Ann Ayers**—Assistant Planning Director, Town of Wake Forest

**Nancy Bolts**—Wake Forest Downtown Revitalization Corporation & Communicopia

**Derek Dickens**—Artspace Board, International Focus Board, Associate Parrish, Pulleyn & Young Wealth Management

**Jodi LaFreniere**—Wake Forest Chamber of Commerce

**Barbara Massenburg**—Wake Forest Cultural Arts Association and Garden Club

**Cam McCamy**—Sculptor

**Maggie O'Neill**—Wake Forest Downtown Revitalization Corporation

**John Pelosi**—Wake Forest Urban Forestry Board, B. W. Wells Association, Master Gardener

**Freddy Roman**—Roman Antiques

**Janet Conway Rose**—The Wake Weekly, Visual Artist—Painting & Photography

**Keith Shackelford**—East End Association, Warren Perry Narron Shackelford & Mackay, P.L. L.C., Wake Forest Community Plan Steering Committee

**Darren Smith**—Wake Forest Awards & Engraving

**Jim Wallace**—Wake Forest Cultural Arts Association, Wake Forest Farmers Market

**Theresa Watkins**—East End Association, Wake Forest Cemetery Advisory Board

## Goals

The desire to establish a public art program was initiated by the Town to accomplish five goals:

- » Engage people and capture the essence, personality, and history of Wake Forest
- » Incorporate art into the design Town streetscapes, pedestrian pathways, gateways, parks, lighting, and signage
- » Promote the arts
- » Enhance the quality of life throughout the Town
- » Support economic development activity and attract tourists

The attached Public Art Program Implementation Guidelines, and a Draft Ordinance to establish a Public Art Commission and amend the Code of Ordinances to include One Percent for Public Art, are the direct result of a sustained, deliberate, and dedicated effort by the Public Art Team to advance public art throughout the Town of Wake Forest and to create a participatory and open process for decision-making about public art projects.

## What is Public Art

Public Art is a descriptive term for a broad range of art that exists in the public realm; it may be sited on public land, funded through public resources, or developed through a public process. A simple definition of public art is an artwork or element of design that is either temporarily or permanently located in a public space and which responds to or is informed by its site. The word public indicates community involvement; public art projects thereby create and inspire relationships and communication among constituent interests who are necessary to complete the work. Public art is more than placing a sculpture on a site. Public art demands that works of art be context and site-specific with attention to audience, environmental conditions, cultural history, and urban or natural landscape. Public art and design elements that define public space enhance the aesthetic and visual quality of the community.

## Summary of Public Art Team Meetings

The Public Art Team met each month from December 2008 through June 2009 to define public art and the mission of a public art program for the Town; incorporate public participation throughout the process of affirming goals and principles for public art projects; and, create working documents to present to the Board of Commissioners for approval and adoption. Although the Public Art Team began this planning process with the expectation of creating an approach for site-specific installations, it became evident to the planning team that to sustain a successful public art program it would be advantageous and necessary to have a percent-for-art ordinance, which was an exciting and appropriate commitment to public art for the Town. To that end, the Public Art Team pressed for draft language for an ordinance and attendant implementation guidelines for public art. Furthermore, the Town has committed to the future hiring of a cultural arts staff member who will work within the Parks and Recreation Department to implement public art projects and serve as staff for the new Public Art Commission.

### **19 DECEMBER 2008**

The Public Art Team met to review expectations for public art in Wake Forest, introduced individual Team members' areas of interest and strengths, and developed a list of constituent interests whose opinions should be included in any final recommendations. The Team drafted a working definition of "public art" and discussed how this might influence and impact current and proposed public and private capital projects within the context of creating a public art process to accommodate various funding and approvals.

### **15 JANUARY 2009**

Brendan Greaves, Public Art and Community Design Director for the North Carolina Arts Council, presented an overview of public art projects across America to assist the Public Art Team in conceiving the potential scale and scope of art that could be realized in Wake Forest. Project types included monuments/memorials, murals/wall work, transit, freestanding sculpture, earthworks or environmental forms or landart, waterworks or fountains, lighting or media, architectural or design enhancements; temporary or traveling works of art.

### **19 FEBRUARY 2009**

The Public Art Team discussed the mission, role, and authority of a new Public Art Commission in addition to possible organizational structures and sources of sustainable project and program funding. The Team considered the ability to request that private interests match government in their commitment to site, fund, and maintain works of public art, as well as where and how to incorporate public art requirements in municipal



Phoenix, AZ *"Sine Waves"* by Al Price

regulations. The Team resolved that the new Public Art Commission take responsibility and leadership for envisioning public art in Wake Forest and advise the Board of Commissioners regarding how to support public art initiatives for the Town. The Team created a list of organizations with whom to conduct outreach sessions in an effort to inform a broader public about public art and outlined informational materials that would be used at these community meetings.

#### 19 MARCH 2009

Public community meeting response to the proposed public art program was reviewed and analyzed to ensure that the Public Art Team's planning efforts aligned with public expectations about public art. The Team finalized the mission, organization, and funding for public art in Wake Forest. The Public Art Team approved drafting a percent-for-art ordinance to partially fund the new public art program and municipal capital projects.

#### 16 APRIL 2009

The Public Art Team reviewed a working draft of the public art Implementation Guidelines and established a proposed budget for the next fiscal year for public art programming. The Team also examined and assessed how public art was referenced in existing municipal

## A Vision Plan for the Town of Wake Forest

ordinances, specifically:

- The Renaissance Plan for the Heart of Wake Forest
- The Renaissance Plan Urban Code Handbook
- Zoning Ordinance Section 35 Institutional Campus Development District
- Wake Forest Bicycle Plan
- Wake Forest Historic Design Guidelines
- The Land Use Management Plan
- US-1 Corridor Plan
- NC-98 Bypass Corridor Plan
- Parks and Recreation Master Plan
- Wake Forest Pedestrian Plan
- Streetscaping and Trailscaping
- CS-5 Pedestrian Route Network and Greenways

### 21 MAY 2009

Final edits were made to the public art Implementation Guidelines and the draft Percent for Art Ordinance.

### 11 JUNE 2009

Final edits were made to a letter of support from the Public Art Team to the Board in support of the Public Art Vision Plan.

## Ambassador Outreach Program

The Public Art Team served as Ambassadors and Facilitators, utilizing members to take the developing vision plan to the civic and neighborhood groups they associate with to achieve rich public involvement and a vision plan that represents the people of Wake Forest. The Team made formal presentation at six meetings during the month of March, and received informal feedback and survey responses at an additional attended seven events.

**MARCH 9, 2009 URBAN FORESTRY BOARD** (9 present)

**MARCH 9, 2009 WAKE FOREST CULTURAL ARTS ASSOCIATION** (20 present)

**MARCH 10, 2009 GREENWAYS ADVISORY BOARD** (9 present)

**MARCH 10, 2009 GARDEN CLUB** (30 present)

**MARCH 11, 2009 COMMUNITY COUNCIL** (15 present)

**MARCH 11, 2009 HISTORIC PRESERVATION COMMISSION** (10 present)

## Survey Results

The Public Art Team launched a three question survey that was delivered at the Six Sundays in Spring Concerts, the Art Studio Tour, and broadly through the Town's web site and E-News outlets. This is how people responded:



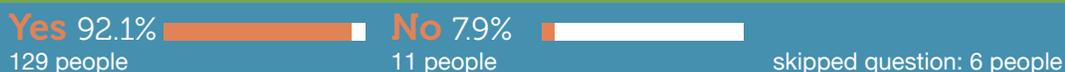
### Do you support the Purpose and Intent of the Public Art Program and Commission?

The Town of Wake Forest establishes a Public Art Commission to facilitate the creation of art for public spaces that evokes social and aesthetic interaction. Public Art Program goals for the Town of Wake Forest are a transparent and directed public process for commissioning and acquiring art for public spaces, which will also contribute to the economic vitality of Wake Forest.



### Do you support the Organizational Structure of the Public Art Commission?

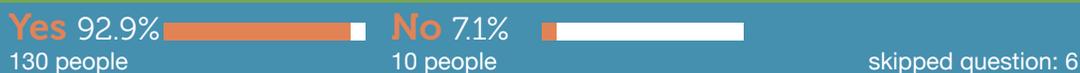
The Public Art Commission is comprised of nine members, a majority of whom are arts professionals with knowledge of the visual arts and/or design (public art administrators, artists, architects, landscape architects, art historians, museum and exhibition curators, art critics, educators) and with representation from the business community, nonprofit arts organizations, and community leaders. Three members may reside outside of Town limits. Members of the Public Art Commission are appointed by the Board of Commissioners and may serve two consecutive three-year terms. The Public Art Commission advises Town residents and its elected officials about public art projects, planning, and program management. Commission members are expected to provide leadership to enhance the experience of public space, be an effective decision-making body to implement approved public art policy and procedures, and to maintain thoughtful public participation, outreach, and communications concerning public art.



### Do you support the Proposed Funding for Public Art?

To sustain a permanent public art program it is necessary to identify a dedicated funding source to create works of art. It is recommended that the Town adopt a Percent for Art Ordinance that permits funds to be pooled into a single Public Art Fund for use throughout the Town and, if applicable, to be able to match private contributions for public art. Additional sources of funds for public art may include:

- private development initiatives
- public - private partnerships
- acquisitions program
- grants
- in-kind contributions
- gifts



# Public Art Program

## Mission of the Public Art Program and Commission

### MISSION STATEMENT

The Town of Wake Forest establishes a Public Art Commission to facilitate the creation of art for public spaces that evokes social and aesthetic interaction.

### PURPOSE AND INTENT

It is intended that works of public art will enliven public space, promote community identity and sense of place, and contribute to a vibrant and engaging Town. Public Art Program goals for the Town of Wake Forest are a transparent and directed public process for commissioning and acquiring art for public spaces, which will also contribute to the economic vitality of Wake Forest and be integral to its plans and regulations.



Chapel Hill, NC "Around Town" by Larry Kirkland

## Organizational Structure of the Public Art Commission

The Public Art Commission is comprised of nine members, a majority of whom are arts professionals with knowledge of the visual arts and/or design (public art administrators, artists, architects, landscape architects, art historians, museum and exhibition curators, art critics, educators) and with representation from the business community, nonprofit arts organizations, and community leaders. Three members may reside outside of Town limits. A quorum shall consist of a majority of the members currently appointed.

Members of the Public Art Commission are appointed by the Board of Commissioners and may serve two consecutive three-year terms. During the first year of the Public Art Commission, the Board of Commissioners will stagger appointment terms and request that arts professionals serve longer initial term lengths than other members. Once a member has served two full consecutive terms, the member may only be eligible to again serve on the Commission following a one year absence. If any member fails to attend three (3) consecutive meetings or more than half of the meetings in a calendar year without just cause, then they shall be replaced by the Board of Commissioners. Any vacancy that occurs during a term shall be filled by the Board of Commissioners for the duration of the unexpired term. Any member unable to fulfill their term of service shall submit a formal letter of resignation to the Town Clerk.

A member of the Board of Commissioners and the Director of Planning or Planning Department designee for the Town of Wake Forest will serve on the Public Art Commission as ex-officio.

No member of the Public Art Commission shall receive compensation for their services.

## Roles and Responsibilities of the Public Art Program and Commission

The Public Art Commission advises Town residents and its elected officials about public art projects, planning, and program management. Commission members are expected to provide leadership to enhance the experience of public space, be an effective decision-making body to implement approved public art policy and procedures, and to maintain thoughtful public participation, outreach, and communications concerning public art.

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Charlotte, NC "The Writer's Desk" by Larry Kirkland

The Public Art Commission is charged with creating public art policy and annually submitting a municipal public art plan to the Board of Commissioners, which prioritizes new public art projects and reports on the status of all works in planning, development, and design. Commission members define the scope of each public art project, and approve the selection of all artists recommended to the Mayor and Board of Commissioners for project commissions. As needed, the Public Art Commission assembles artist selection committees to identify the type of calls for artists that will be issued and criteria for artist selection. In addition, Commission members advise on the acquisition, loan, placement, maintenance, display and disposal of public art and artworks contracted for, placed on, erected on property of the Town of Wake Forest, or which may become the property of the Town through acquisition or otherwise or in the custody of the Town by loan or otherwise. No public art or artworks shall be acquired, loaned, or installed nor shall existing public art or artworks be deaccessioned or removed from public places without review by the Public Art Commission.

The Public Art Commission meets monthly in public session. Agendas are posted seven days in advance and public comment is received at the beginning of each meeting.

Town staff, with professional experience in arts administration, manages the public art program and its projects. This position resides within Town government, where it can link and facilitate planning, communications, and projects across municipal departments to achieve design coherence.

## Implementation Guidelines

### LIAISON AND CONSULTATION WITH MUNICIPAL AGENCIES AND DEPARTMENTS

The Public Art Commission will designate liaisons from the Commission to relevant Town advisory boards, including Recreation, Greenways, Planning, and Urban Forestry. Public Art Commission staff will identify their professional colleagues in other municipal departments and coordinate information and together plan for projects with mutual objectives.

### COMMISSIONING ORIGINAL WORKS OF ART

The public art program will follow national standards of best practice for all artist selection processes for projects under consideration. It is standard practice to issue either a Request for Qualifications (RFQ) or a Request for Proposals (RFP) and not to commission works of art using a sequential RFQ – RFP process.

**Request for Qualifications (RFQ)** will be the preferred method of artist selection. RFQs

can be an effective and efficient method to issue a Call for Artists. RFQs require minimal expenditures of time and money from artists. RFQs primarily rely upon examples of an artist's previous work and typically include an artist's vita, selected references, and a statement of interest about the project. When RFQs are written thoughtfully and applicants' materials are subsequently reviewed, considered, and evaluated by arts professionals and the Public Art Commission Artist Selection Committee, a short-list of qualified artists to interview for a proposed project may be easily accomplished. The outcome of this process creates opportunities for in-person interviews or offering a reasonable fee to compensate development of conceptual ideas for the project. The RFQ process does not anticipate that artists prepare or present specific ideas based on limited information provided in the Call; rather, conceptual artistic proposals for the project are developed only after learning more about the project through site visits and interactions with project personnel and constituent interests. It is expected that short-listed artists be compensated for travel expenses when invited to interview. Most artists and many curators/arts administrators prefer RFQs for public sector commissions.

**Request for Proposals (RFP)** can be an effective way to consider and evaluate the appropriateness of an artist when a limited number of artists are invited to participate in a selection process, the criteria for selection is explicit and uniform, and there is an honorarium paid to the artist for each submission. The Public Art Commission will not assume that artists will have sufficient time and information to develop site specific proposals that are informed by substantial client interaction unless the proposals and/or competition affords at least four to six weeks of preparation time. Proposals will only be requested when the Town or Commission is prepared to consider the proposal only as a conceptual approach to the project and not the final design. All proposal materials will be returned to those artists not selected for the project, and the Town and the Commission will assume that all ideas presented for the project, including copyright, belong to the artist.

Peer panel review and processes shall govern decisions about artist selection and contracts. The selection of an artist for a public art project requires both curatorial expertise and sound judgment regarding the ability to sustain positive and open interactions among artist, agency, constituent interests, and the public. For these reasons, arts professionals who have knowledge of the visual arts and/or design (public art administrators, artists, architects, landscape architects, art historians, museum and exhibition curators, art critics, educators) will actively participate in the selection process of artists and/or artist teams.

Arts professionals will always be invited to be an integral part of each phase of public art project identification, artist selection, design reviews, and interim approvals of project deliverables from conceptual design through fabrication and installation.

**ACQUISITION OF PUBLIC ART**

Staff will present the Commission’s recommendation for acquisition, commission, deaccession, and/or acceptance of a loan or donation, at a regularly scheduled meeting of the Town Board of Commissioners. The Board of Commissioners will vote to accept or decline the recommendation of the Public Art Commission. To override a recommendation of the Public Art Commission requires a supermajority vote (4:5) by the Board of Commissioners.

**DOCUMENTATION OF ART**

Staff will provide complete records of accession, deaccession, loan, or donation including, but not limited to, a signed deed of gift, acknowledgment of receipt, registration information, location card, exhibition record, photographs or slides, and independent appraisal; verification that the work is unique and an edition of one (unless stated to the



Charlotte, NC Rosa Parks Place Community Transit Center by Chandra Cox

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contrary in the contract and accepted by the Town); that there is an endowment fund for the artwork in the event that the Town's maintenance budget is not sufficient or if potential maintenance is deemed excessive; and, understanding that works of art will be acquired without legal restrictions as to future use and disposition, except with respect to the State or Federal laws on preservation, copyright, and/or resale of works of art.

Documents required for transaction of art include:

- Completed application form
- Photographs, drawings, models, or designs of proposed artwork
- Description and samples of materials
- Appraisal by professional art appraiser
- Maintenance manual including details on preservation and maintenance of artwork
- Budget for installation and maintenance of artwork
- Resume and examples of artist's previous work
- Proof of insurance sufficient to meet requirements of the Town's Risk Manager, if necessary

### TECHNICAL FEASIBILITY

The Public Art Commission, its staff, and, when necessary, professional consultants, will review materials submitted by the artist to determine the technical feasibility and needs of the work. A written report will include:

- Technical feasibility
- Budget
- Maintenance needs
- Durability and anticipated life span of the work
- Safety hazards and potential for vandalism
- Artistic quality
- Site
- Context within the Town collection
- Professional credentials of the artist
- Collection diversity

### OWNERSHIP OF PUBLIC ART

All artwork commissioned and/or acquired by the Town of Wake Forest will be owned by the Town of Wake Forest. Art loaned to the Town will be covered by the Town's fine arts



Redmond, WA “Standing Leaves, Falling Light” by Barbara Gyrgutis

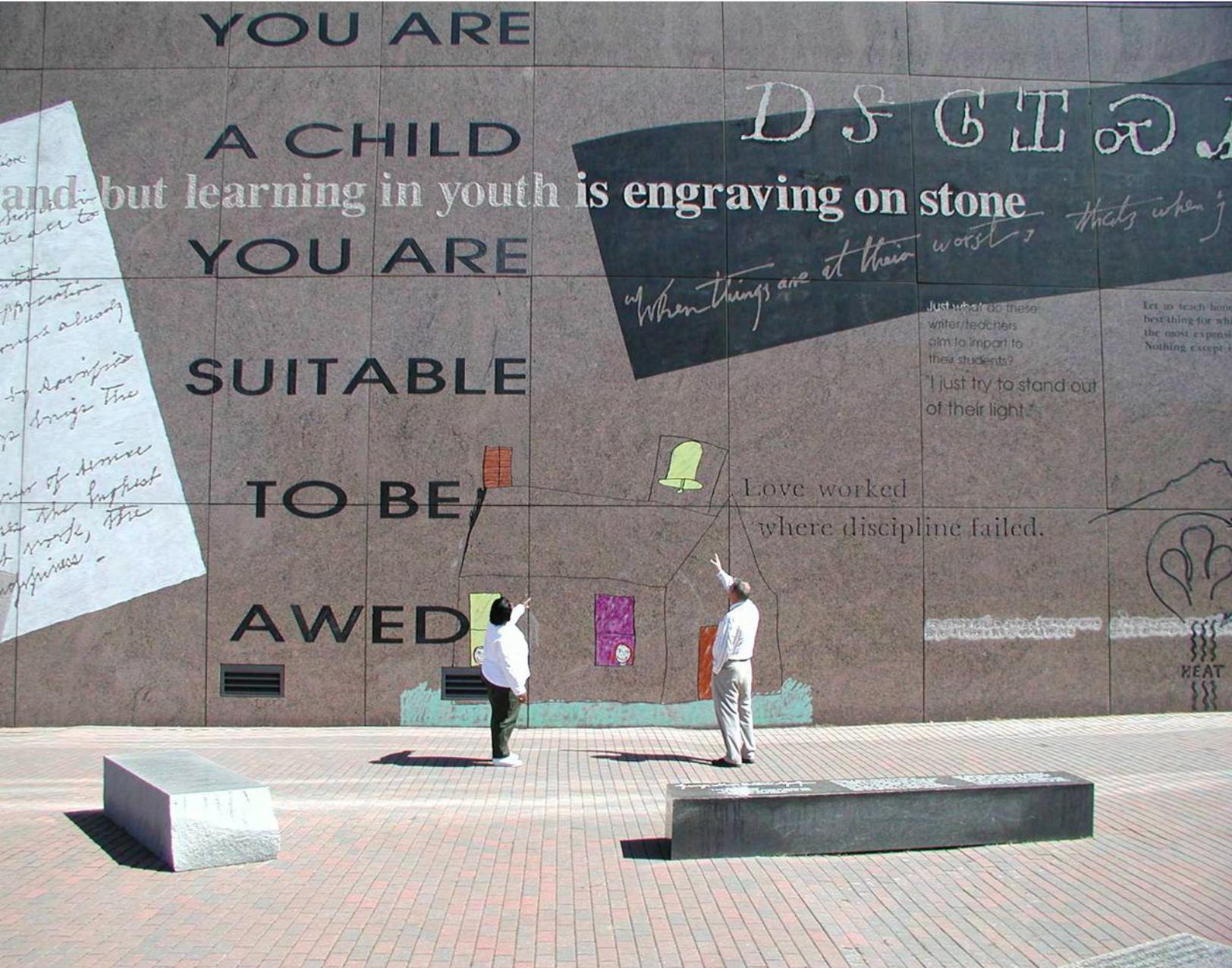
insurance for the duration of the loan. Acceptance of a gift or loan of artwork by the Town of Wake Forest means a commitment to its preservation, protection, and display for public benefit. All materials used in the creation of the work must last in a public, non-archival setting. Each donor should be encouraged to provide funding for the ongoing maintenance costs of their gift and be encouraged to make their gift without restrictions or stipulations.

#### DEACCESSION OF PUBLIC ART

The process for permanently removing works from the public art collection must be cautious, deliberate, and scrupulous with standards as stringent as those applied to acquiring works of art.

The Public Art Commission shall review all proposals for deaccession, which should be a seldom-used action that operates with a strong presumption against removing works from the collection. Adverse public reaction should be carefully weighed and, in general, not be the cause for deaccession of works of public art. Review for deaccessioning purposes shall include consideration of the following:

- Condition or security of the work
- Need for excessive and cost-prohibitive maintenance or repair
- Flaws in design or construction making repair unfeasible
- The work's physical or structural condition endangers public safety



Raleigh, NC "Education Wall" by Vernon Pratt and Georgann Eubanks

If, after careful review and the pursuit of all alternative options, deaccession of a work of art is recommended by the Commission, options for its disposition must be considered: sale; trade; transfer to another suitable institution; or destruction, only when the work is so compromised as to no longer represents its original state.

#### SITING PUBLIC ART

The Public Art Program emphasizes the significance of public art place-making. Site selection will be reviewed with the following criteria, which may include, but are not limited to:

**Safety and Security:** Any site recommended for the placement of artwork must not pose any hazard or threat to public safety and must meet the safety standards of the Town's Risk Management Department and the Office of the Town Attorney.

**Maintenance:** Any site recommended for the placement of artwork should be easily maintainable by Town staff in a routine manner and with standardized equipment.

**Accessibility:** Any site recommended for the placement of artwork must comply with the Americans with Disabilities Act. When artworks are proposed to be publicly sited, they should be visible to a broad, public audience.

**Context:** Any site recommended for the placement of artwork must be socially, culturally, historically, ecologically, physically, and/or functionally appropriate. Both existing and planned contexts may be considered.

**Departmental Support:** Any site recommended for the placement of an artwork must have the support of the Town department that is responsible for operating and maintaining the site, as well as any officially recognized advisory bodies which are responsible for making recommendations concerning the use of Town-owned property.

**Community Support:** Support from the community who interacts with the recommended site for the placement of an artwork is an important consideration in site selection.

#### ARTIST ENGAGEMENT

Capital projects undertaken by the Town of Wake Forest will engage an artist. Private development projects requiring Town approval and/or planning review will be encouraged to include either an artist on the design team or works of art with public access within the development.

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### INCENTIVES

Proposals and recommendations for the siting of public artworks are reviewed and considered by the Public Art Commission. The Commission, in consultation with the Town of Wake Forest, may choose to offer any of the following incentives to private interests:

- Tax credits
- Maintenance of the art for the duration of its placement on the site
- Opportunities for payment in lieu to locate artwork on an alternative site

### EASEMENTS

The Public Art Commission, in consultation with the Town of Wake Forest, may elect to site works of art in public space through creation of public easements should the site(s) be of significant public benefit and visibility.

### MAINTENANCE AND CONSERVATION

A significant investment is made to create a public art collection. To ensure that works in the collection have adequate long-term care, funds will be set-aside for this purpose and exist

for the life of the work. Approximately ten percent (10%) of public art funds will be reserved in a separate account for the maintenance and conservation of the public art collection.

### CONFLICTS OF INTERESTS

Any conduct that creates an appearance of impropriety or may otherwise impair a Commission-Committee member's judgment in the selection of a project site, finalist, or artist is prohibited. It is understood that the Board of Commissioners requires anyone in a position to receive financial gain from the selection of artists to be ineligible to serve on a selection panel. Furthermore, panelists must declare any conflict of interest and recuse themselves if a conflict of interest arises.

Charlotte, NC "Trajectory" by Thomas Sayre



## Funding of Public Art

Most public art projects require between three to seven years to complete artist selection, site identification, concept and design approvals, fabrication/construction, and installation. It is vital that the public art program have the resources to also implement tasks such as public education about public art, facilitating and training artists about public art processes, and management of artists' contracts.

There are three primary sources of revenue for public art projects: government, business, and individuals/non-profit organizations. Currently, public art projects in Wake Forest result from public-private partnerships on a case-by-case basis. Of the 450 public art programs across America; on average, 80% of these programs reside within municipal government while the balance function as nonprofit organizations or are associated with larger cultural arts entities. Half of the public art programs operate with a percent for art ordinance—a legislative act that allocates a percentage of a project's capital budget to commission art. Others programs have policies for public art projects in public spaces or in private development.

To sustain a permanent public art program for the Town, it is necessary to identify a dedicated funding source to create works of art. It is recommended that the Town's Percent for Art Ordinance, in addition to allocating one percent of capital project contingency budgets for art, also provide for a Public Art Fund through which to pool matching funds and contributions for works for art and their long-term conservation.

## Percent for Art Ordinance

There is established a special account within each eligible fund designated the "municipal arts account" into which funds are appropriated. Each disbursement from such account(s) or from other appropriations for works of art shall be approved by the Public Art Commission as authorized by the Board of Commissioners.

All allocations of funds for eligible projects shall include an amount equal to one percent of the projected construction costs at the time the project is included in the capital improvement program to be used for the selection, acquisition, and commissioning of artists and works of public art.

The Town's finance director shall hold all funds and provide current fund balances on a

## A Vision Plan for the Town of Wake Forest

quarterly basis to the Public Art Commission. For the budget year that the Town Board of Commissioners appropriates funding for the eligible project(s) and that the eligible project is instituted, the public art allocations shall be deposited into the municipal arts account.

Each disbursement from such accounts or from other appropriations for public art shall be recommended by the Public Art Commission and authorized in accordance with applicable law and accounting principles governing expenditures from the Town's budget. Separate accounts shall be established whenever funds are required to be used at a designated capital improvement project.

# Glossary

**Accession**—the formal process used to accept and record an artwork as a public asset.

**Acquisition**—the transfer of title to the Town of valuable property including artwork by purchase, donation, bequest, transfer, or exchange.

**Artist**—an individual generally recognized by critics and peers as a professional practitioner of the visual, performing, or language arts, or a combination thereof, as judged by the quality of that professional practitioner’s body of work, educational background, experience, past commissions, exhibition/performance record, publications, and production of artworks.

**Arts Professional**—an individual having outstanding knowledge in the visual arts field, and is generally, but not limited to, an art historian, curator, arts administrator, critic, artist, or design professional such as an architect or landscape architect.

**Artwork** must be specified or designed by an artist and includes:

*Sculpture*: may be made of any material or combination of materials; may be free standing, wall-supported, suspended, mounted, installed, kinetic, electronic or mechanical.

*Murals or paintings*: may be made of any material or combination of materials; may be made with traditional or non-traditional means.

*Earthworks, neon, glass, organic materials (ie: fiber, clay, wood, etc.), mosaics, photographs, prints, linguistic expressions, calligraphy, ephemera, textiles, found objects, and any media or combination of media, including audio, video, film, holographic or computer generated technologies, or other art genres currently known or which may come to be known.*

*Tangible manifestations (ie: CDs, DVDs, scripts, photographs, videos, films, scores, etc.) of choreography, theatrical performances, performance art, happenings, music, television and film or other performing or language art genres currently known or which may come to be known.*

Artworks may be permanent, temporary, fixed, or portable, may be an integral part of a building, facility, or structure, and may be integrated with the work of other design professionals. The following, unless specified or designed by an artist, are **not** considered artworks:

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Reproductions, by mechanical or other means, of original artworks. However, limited editions controlled by the artist or original prints, cast sculpture, or photographs, may be considered artworks.

Decorative, ornamental or functional elements that are not specified or designed by an artist.

Elements generally considered as being components of architecture or landscape design such as vegetative materials, pools, paths, benches, receptacles, fixtures, planters, etc.

Art objects that are mass-produced, ordered from a catalog, or of standard design (such as benches or fountains); wayfinding or other functional elements such as graphics, signage, advertising or maps.

**Call for Artist**—electronic and/or printed information that defines a project and asks artists to respond with a statement of interest or qualifications.

**Capital Improvements Program Project**—any permanent public improvement project paid for wholly by monies appropriated by the Town to construct, improve, or renovate a building, including its appurtenant facilities, a decorative or commemorative structure, a park, a sidewalk, a parking facility, a utility, or any portion thereof, within Town limits or under the jurisdiction of the Town.

**Command of Medium**—a demonstrated expertise with specific material(s).

**Composition**—the combining of parts to create a unique whole.

**Construction Credits**—the transfer of construction costs to public artworks that are designed to replace specific building components (ie: flooring, roofing, seating, etc)

**Contextually Appropriate**—artwork that is relevant and sensitive to its placement, site, or organizational theme.

**Contract**—a written, legal document specifying terms and conditions between or among parties with mutual interest.

**Cultural Use**—open and accessible programming for the presentation of visual, performing and/or language arts.

**Deaccession**—the formal process used to permanently remove an artwork owned by the Town from the public art collection, usually through sale or exchange or any other transaction by which title of the outgoing artwork is transferred from the Town to an individual, institution, agency, gallery, vendor or dealer. Under certain conditions, it may also include disposal by intentional destruction.

**Deed of Gift**—a formal, legal agreement that transfers ownership of and legal rights in the property to be donated.

**Donation**—a charitable contribution to the Town, during lifetime or testamentary transfer, whether whole or fractional interest, including, but not limited to, cash and cash equivalents, real property, personal tangible property, publicly traded equity and debt securities, closely held securities, restricted securities, life insurance policies, intellectual property, artifacts and/or artworks which would serve a useful purpose in the fulfillment of Town priorities.

**Design**—response to a site or idea as defined programmatically.

**Design Competition**—when two or more artists prepare formal responses to a design problem. Competitions are usually compensated (fee and expenses) and may provide the client with an understanding of the artist's thoughts and skills.

**Disposal**—a term related to deaccession and means the permanent exchange, sale, destruction or loss of an artwork in the Public Art Collection.

**Extraordinary Artwork Maintenance**—any non-routine repair, restoration or conservation to the sound condition of artworks that requires specialized services.

**Fixed Artworks**—artworks that cannot be easily transported or require a permanent or nearly permanent site, such as integrated Artworks and large scale artworks.

**Form/Formal Response**—the application of artistic and/or design elements and principles, used to convey meaning in an artwork.

**Innovative Design**—a work that exemplifies a new method or synthesis.

**Integration**—the organization of various materials or ideas to create a whole.

**Interpretation**—a personal conception or expression of a work of art.

**Materials**—what something is made of; its constituent parts.

**Memorial**—a monument to preserve the memory of a person or an event. A memorial can be an artifact.

**Methodology**—the logic or order used to make a hypothesis or reach a conclusion.

**Open and Accessible**—available for use by the general public during normal hours of business operation consistent with the operation and use of the premises.

**Ordinary Artwork Maintenance**—any routine cleaning of artworks undertaken on a regular basis.

**Permanent Artwork**—artworks exhibited with expectation of indefinite duration.

**Portable Artwork**—artwork that can be easily transported or does not require a permanent or nearly permanent site. Paintings, works on paper, photographs and small sculptures are examples of Portable Artworks.

**Prime Consultant**—the firm, usually architecture, landscape architecture, or engineering, that is responsible for the design of the overall project that the artwork is connected to. In cases where there is no prime consultant, the Town Manager will assume the

## A Vision Plan for the Town of Wake Forest

prime consultant's responsibilities as outlined in these Percent for Art Program Implementation Procedures.

**Process**—the operational steps to make something.

**Public Art**—artworks that are located in public places and/or created using Town funds. Usually all forms of visual art conceived in any medium, material or combination thereof, which are placed in areas accessible or visible to the public. Works may be permanent, temporary, or functional. Public art does not include any architectural or landscape design, except when commissioned and designed by an artist.

**Public Art Program**—all responsibilities and activities of the Commission in accordance with (cite Resolution Number and Ordinance Date once adopted)

**Public Places**—land and buildings owned by the Town of Wake Forest.

**Request for Proposal (RFP)**—a process in which artists are asked to submit a detailed proposal for a specific site or project.

**Request for Qualification (RFQ)**—a process in which artists are asked to submit slides and/or examples of their previous work and professional history.

**Style**—a manner or mode of expression distinct from the ideas expressed and descriptive of construction, design and execution.

**Temporary Artwork**—artworks exhibited for a limited duration.

# Appendix

## Public Art Funding

Public art in America has a wonderful history. As an outcome of western expansion, a spirit of manifest destiny, and the advent of the industrial revolution, between 1880-1910, cities with populations of approximately 2,500 are developed across America. Typically, these cities began as commercial settlements with little or no planning. As people settled in for the long-term and built homes, there grew an interest in beautification programs to increase attractiveness both for property value and to promote safety in urban environments. By 1910, there were over 3,000 village improvement associations.

At the height of the Great Depression, the Roosevelt administration developed the most innovative program for government art patronage in American history: the Works Progress Administration (1935-1943). Federal tax dollars employed artists, musicians, actors, writers, photographers, and dancers. The WPA Federal Art Project created over 5,000 jobs for artists and produced almost a quarter of a million works of art, many of which are still located in Federal buildings across the country.

In 1959, Philadelphia became the first city in the Country to pass formal percent for art legislation, which is still in effect today and requires a set-aside for public artwork on capital projects.

The National Endowment for the Arts was established as a Federal agency in 1965, and in the 1980's and early 1990's it had a very active grant-making program for art-in-public-places projects. The projects were proposed and administered by private non-profit organizations.

Another federal government agency, the General Services Administration (GSA), administers and manages the Federal Art-in-Architecture Program, which commissions American artists to create major artworks for Federal buildings. Art in Architecture traces its origins to the 1962 "Guiding Principles for Architecture," which established a mandate for fine art in Federal buildings; the current policy was established as a formal program in 1972.

Today there are well over 450 public art programs across the United States including federal, state, city, county, transit, and aviation programs. In North Carolina, there are five municipal percent for art ordinances: Asheville, Charlotte, Charlotte Area Transit System, Chapel Hill,

## A Vision Plan for the Town of Wake Forest

and the Triangle Transit Authority. The Raleigh-Durham International Airport Authority has voluntarily commissioned public art equal to one percent of its capital expenditures. In addition, 22 communities have voluntary programs to sponsor public art projects or are planning public art programs, including Clayton, Durham, Greensboro, Orange County, Raleigh, and Winston-Salem.

In 2008, Americans for the Arts conducted a national economic impact study, which indicated that for every \$1 invested in art, there are both direct and indirect economic impacts of the expenditure. One dollar invested in the arts yields approximately a 75% return as a result of additional spending behavior. Direct expenditures include design fees to the artists and the team; design materials; and, fees for site preparation, fabrication of the work, installation labor, and other project related expenses and costs. Indirect effects include tax revenues generated from these transactions; wages paid by businesses where the expenditure was made; visitors' meals, lodging, transportation, and souvenirs; etc. The total economic impact of these transactions represent the number of times a dollar is re-spent in a community.

There are two significant returns on investments made in public art. First, unlike any other investment, a typical public art project simultaneously generates both tourism and community interest, which can positively affect earned income for area businesses as well as municipal tax revenues. Second, public art projects engender goodwill and enhance community image—two intangible qualities that local and state governments aim to achieve. Visitors spend more than residents by twice as much, indicating that the arts draw tourists to a location that is artful and that their needs benefit the local economy.

# Public Art Resolution

## RESOLUTION OF THE BOARD OF COMMISSIONERS REGARDING A PUBLIC ART PROGRAM

WHEREAS, the Town of Wake Forest deems it in the public interest to establish a policy to integrate public art in public places and facilities; and

WHEREAS, a vital component of such policy is to bring art into the public realm and therefore make art more accessible to the general public which the municipality serves; and to enhance the collective environment of particular sites, making the community a more desirable place to live and do business; and

WHEREAS, through public art this Board of Commissioners wishes to attract and focus the attention of visitors, creating an atmosphere that celebrates the community's culture, thoughtful expression and enhanced environment; and

WHEREAS, this Board of Commissioners desires to establish a program that will secure funding for the arts in order that a public arts policy may be implemented for the cultural, aesthetic, and economic benefit of the Town, its citizens, and its vision for the future; and

WHEREAS, the Board of Commissioners desires to implement a funding mechanism which will cause funds to be included in the budgets of capital projects undertaken in the Town; and

WHEREAS, this Board of Commissioners, by its example, intends to encourage private developers to coordinate and implement public art projects in connection with their own developments, further enriching Wake Forest's artistic and cultural environment, in keeping with the policy and practices set forth herein in furtherance of the important public interests described;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Town of Wake Forest, North Carolina:

That the Board of Commissioners of the Town of Wake Forest supports and desires the development of a funded Public Art Program, as set forth in the attached "Public Art" Ordinance.

This the \_\_\_ day of \_\_\_\_\_ 2009.

Moved by: \_\_\_\_\_

Seconded: \_\_\_\_\_

Mayor: \_\_\_\_\_

ATTEST: \_\_\_\_\_

Town Clerk

# Public Art Ordinance

AN ORDINANCE AMENDING PART II OF THE MUNICIPAL CODE OF THE TOWN OF WAKE FOREST ENTITLED CHAPTER 37 "PUBLIC ART COMMISSISON" TO ESTABLISH A ONE PERCENT ALLOCATION FOR PUBLIC ART

The Legislative Section of the Municipal Code of the Town of Wake Forest is hereby amended to read as follows:

## Chapter 37. Public Art Commission

- A) The Town of Wake Forest establishes a Public Art Commission to facilitate the creation of art for public spaces that evokes social and aesthetic interaction. It is intended that works of public art will enliven public space, promote community identity and sense of place, and contribute to a vibrant and engaging Town. Public Art Program goals for the Town of Wake Forest are a transparent and directed public process for commissioning and acquiring art for public spaces, which will be integral to its plans and regulations and also contributes to the economic vitality of Wake Forest.
- B) There is established a special account within each eligible fund designated the "municipal arts account" into which funds are appropriated. Each disbursement from such account(s) or from other appropriations for works of art shall be approved by the Public Art Commission as authorized by the Board of Commissioners.

All allocations of funds for eligible projects shall include an amount equal to one percent of the projected cost at the time the project is included in the capital improvement program to be used for the selection, acquisition, or commissioning of artists and works of public art.

The Town's finance director shall hold all funds and provide current fund balances on a quarterly basis to the Public Art Commission. For the budget year that the Town Board of Commissioners appropriates funding for the eligible project(s) and that the eligible project is instituted, the public art allocations shall be deposited in full into the municipal arts account.

Each disbursement from such accounts or from other appropriations for public art shall be recommended by the Public Art Commission and authorized in accordance with applicable law and accounting principles governing expenditures from the Town's budget. Separate accounts shall be established whenever funds are required

to be used at a designated capital improvement project.

- C) “Work of Art” means any application of skill and taste to the production of tangible objects according to aesthetic principles, including but not limited to paintings, sculptures, engravings, carvings, frescoes, mobiles, murals, collages, mosaics, statues, bas-reliefs, tapestries, photographs, drawings and ceramics, but excluding purely structural or supportive elements or those required by applicable law, code, rule or regulation.

“Public Art” means any Work of Art integrated into the design of, or placed or performed in, on or about the site of a capital project in a place generally accessible or visible to the general public.

“Capital Cost of the Project” includes architectural and engineering fees, site work and contingency allowances for a project, but shall exclude land or building acquisitions, taxes, legal fees, insurance costs, costs of compliance with regulatory requirements, and other costs unrelated to actual construction; and shall also exclude the cost of subsequent changes to the project unless such subsequent changes exceed fifteen (15%) percent of the initial budgeted cost of the project.

“Commission” is the Town of Wake Forest Public Art Commission.

“Town” shall mean the Town of Wake Forest unless otherwise stated.

- D) Capital Projects, whether funded by capital funds or grant funds, shall include the appropriation and expenditure by the owner, developer and/or sponsor or a person or entity acting on their behalf with reference to the subject Capital Project, of such funds equal to one percent of the capital cost of the project as defined herein, said funds to be paid to the Municipal Public Art Account or otherwise credited as defined herein, except where unlawful in connection with a bond resolution or other law or contractual requirement; provided, however, that, where applicable, such amount shall be reduced to the extent that state or federal government funds or other grant award are not authorized to be used for such purpose. The funds to be appropriated for public art for a particular capital project as described above shall be referred to as the “Capital Project Art Appropriation.”

- E) The Finance Director shall establish a non-general fund account to be designated the Municipal Public Art Account. The capital project art appropriation for each capital project, as well as such other funds as the Board of Commissioners may from time to time appropriate for expenditures related to public art, and any gifts or grants received by the Town for purposes of public art as may be allowed by the terms of such grant, gift, or award shall be deposited into the Municipal Public Art Account. Funds in the Municipal Public Art Account shall be appropriated or disbursed by the

Board of Commissioners upon the approval of same by the Town Manager with the advice and recommendation of the Public Art Commission as may be specifically approved in connection with the subject project, and as required by applicable law.

- F) Prior to or at the same time as seeking municipal approvals for architectural and building plans for an intended capital project, the project manager for such capital project shall send a written notice to the Town Manager, to the corporation counsel, and to the Public Art Commission setting forth the following information:

The name and address of the owner of the property which is the site of the intended capital project;

The specific location and description of the project site;

A description of the intended capital project;

The cost of the capital project, including an accurate summary or a copy of the budget of the capital project;

The calculation of the amount of the capital project art appropriation for the intended capital project.

- G) Within thirty (30) days after receipt of such Notice, the Town Manager, a representative of the Public Art Commission, and the project representative for such capital project shall consult for the purpose of determining how public art might be incorporated into the intended capital project. At the request of the Public Art Commission, the project manager shall include a consulting artist, mutually agreeable to the project manager, the Town Manager, and the Public Art Commission, in the design team for the intended capital project. The reasonable cost to the owner, sponsor, or project representative of engaging such consulting artist may be deducted from the project art appropriation for the capital project.

- H) Within thirty (30) days after approval of the Town's Annual Budget by the Board of Commissioners, the Finance Director shall submit to the Public Art Commission the authorized annual budget for capital projects, specifying the total appropriations dedicated to and available in the Municipal Public Art Account for the current fiscal year. The Public Art Commission shall be prepared to approve their "Annual Public Art Plan," at their next Public Art Commission meeting, not more than thirty (30) days after adoption of the Town's Annual Budget and shall provide the "Annual Public Art Plan," to be placed on the next meeting of Board of Commissioners for review and approval. The Annual Plan shall reflect the policies established by the Board of Commissioners, its laws and policies, and shall take into consideration the recommendations of the Public Art Commission.

- I) All public art acquired by the Town of Wake Forest shall be owned by and vested in the name of the Town of Wake Forest, and title therein shall be and remain vested in the Town of Wake Forest. Notwithstanding the foregoing, all copyrights to the work therein shall be retained by the artist of the work unless specifically acquired by the Town of Wake Forest.
  
- J) Specifications, procedures, standard forms and guidelines for program implementation may hereafter be developed and adopted by the Town, taking into consideration the advice and recommendations of the Public Art Commission, and subject to the approval of the Board of Commissioners and/or Town Manager, as the case may be, as required by applicable law.
  
- K) It shall be a requirement of this Ordinance that any site plan approvals by the Board of Commissioners and that the issuance of a building permit by the Town official and agency with jurisdiction thereover be conditioned on the prior approval of the Public Art Commission of the aesthetic and artistic components of the final certified plans for any project subject to the provisions of this Ordinance, unless otherwise provided herein.

This the \_\_\_ day of \_\_\_\_ 2009.

Moved by: \_\_\_\_\_

Seconded: \_\_\_\_\_

Mayor: \_\_\_\_\_

APPROVED AS TO FORM:

Eric A. Vernon  
Town Attorney

ATTEST:

\_\_\_\_\_  
Town Clerk



Town of Wake Forest  
401 Elm Avenue, Wake Forest, NC 27587 | 919.554.6100 | [wakeforestnc.gov](http://wakeforestnc.gov)

**Percent for Art Collaborative LLC**

**Janet Kagan MBA, MA**

**Principal**

**Chapel Hill, North Carolina**