



VIRGINIA BEACH

Public Art Program Guidelines 2023



CITY OF VIRGINIA BEACH
**Cultural
Affairs**



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Sandler Center Art Event

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Cover Photo: "Oyster Bloom" by Ham and Cheese Studio

A person is kneeling on a large, colorful, geometric public art installation made of concrete blocks. The installation features various shades of orange, yellow, and white. The person is wearing a dark shirt and pants, and is focused on their work. The background is a bright, sunny outdoor setting.

A VIBRANT, THRIVING VIRGINIA BEACH THROUGH ART

As Virginia Beach continues to grow in population and visitation, having a vibrant, thriving cultural scene is a necessity and provides well-rounded and diverse options for tourists and residents.

The Virginia Beach Cultural Affairs Department is making a more vibrant Virginia Beach - using art and culture as tools for revitalization, to cultivate community pride and create new landmarks through creativity.

One by one Cultural Affairs' exciting projects are changing the face of our city and establishing Virginia Beach as the leader in the arts and culture in Virginia.

Arts-based, community-led transformation is happening throughout Virginia Beach thanks to the strong partnerships developed between Cultural Affairs and area non-profit organizations, as well as the department-led initiatives that engage residents and visitors in meaningful arts, heritage, and cultural experiences.

The Virginia Beach Public Art & Placemaking Program, a program of the Cultural Affairs Department, has grown over the past 20 years into a regional standard-bearer for excellence in the public art arena.

Since 2000, more than 30 new pieces have been added at sites throughout the City and there has been a growing investment in temporary and permanent public art projects.

ARTS PLAN 2030

In 2015, the City completed its first City-wide strategic plan for the arts entitled Virginia Beach Arts Plan 2030. It was the culmination of a year-long process of listening to our community, assessing our cultural strengths and weaknesses, and analyzing trends and models to provide a blueprint for Virginia Beach's cultural development over the next 15 years.

Over just six months, hundreds of individuals contributed to the plan through meetings, interviews, events, and surveys through the City's website. Based on the public input in 2015, generally, community survey respondents believe that City government should continue to support arts, culture, and creativity. With anywhere from 58% to 70% of community respondents supporting ideas around a percent for art policy, art in private development program, additional space for the arts in public facilities, integrating arts in community planning, including the arts in community development priorities, increased advocacy, and above all, increased funding. Goal 1 identified expanding public art programming as a high priority. See Addendum 2 for more information.

PUBLIC ART HISTORY

It began with a figurehead.

The wooden carving of a woman washed up on the shore of Virginia Beach after a ferocious March 1891 storm dragged the Dictator, a Norwegian boat carrying lumber from Florida to England, to the bottom of the sea. Five of the crew members were lost, along with the captain's wife and 4-year-old son.

The figurehead was erected at the beach with the woman, now called "The Norwegian Lady," looking out to sea. For 62 years, it endured winds and waves as a memorial to the lost lives, until a hurricane in 1953 finished off the battered relic. It was replaced by a bronze statue of a woman, still looking across the waves, in 1962.



That statue was probably the first piece of public art in Virginia Beach, a youngster of a city which only incorporated in 1963.

In the 1980s, the City initiated a percent-for-art program, with a percentage of a development project donated to public art. Several popular installations came from the program, including the kinetic stainless-steel sculpture "Pennant" at the Meyera E. Oberndorf Central Library. By 1990, that program was dormant.

PUBLIC ART INTO THE NEW MILLENNIUM

For most of the City's history, public art was funded in Virginia Beach by donations, organizations, and/or businesses. The towering sculpture of King Neptune at 31st Street was funded by donations, spearheaded by the Neptune Festival organizers, and dedicated in 2005. The Naval Aviation Monument, a collection of bronze figures at 25th Street depicting eras in US Navy flight, was commissioned by the Hampton Roads Squadron of the Association of Naval Aviators.

In 2017, Cultural Affairs developed the City's first public art and placemaking program to work with the community to develop beloved landmarks throughout the City. Since then, the Virginia Beach Public Art and Placemaking Program is responsible for the planning and commissioning of artworks on City property, either through funding in the Cultural Affairs' operating budget, City department partnerships or community driven donations. The program also works in partnership with City departments in the conservation and maintenance of public artwork.

PUBLIC ART PARTNERS

Public Art Virginia Beach Foundation

Public Art Virginia Beach Foundation, Inc. was formed in 2012 to support the Virginia Beach public art program. Modeled after similar non-profit organizations nation-wide, the Foundation's goal is to showcase Virginia Beach as a welcoming, creative city that takes great pride in its public spaces.

The Wave (pictured left) by Jeff Laramore, a 35-foot stainless steel sculpture inside the Laskin Road roundabout was the Foundation's first gift of sculpture to the City in 2012 and creates a strong sense of arrival to the Resort Area.

The Canoes by Donald Lipski, dedicated in 2018 as the Foundation's second gift to the city, is on the new Lesner Bridge on Shore Drive and ushers visitors into the beauty and history of the Chesapeake Bay area. The sculpture consists of 10 full-size aluminum canoes with elaborate filigree lace patterns, a nod to the decorative arts of the early settlers. The canoes are joined at the center in a pinwheel, or stylized sunburst, balanced atop a tall arch.

The historic canoe as a medium for the sculpture creates an indelible tie to the waters surrounding it. It is lit in the evening by LED lights for visibility and features a seating area overlooking spectacular views of the bay, creating a welcoming gateway to the Bayfront area.

The Foundation is working with the Cultural Affairs Department on further artistic endeavors, and the continuing projects are part of the Virginia Beach Arts Plan 2030 for the future of Virginia Beach.



ViBe Creative District

Established in 2015, the ViBe Creative District is both a local nonprofit organization and City Council designated district near the Oceanfront. The organization has worked with more than 200 artists to host over 100 free and open to the public events generating some 350 works of art in the public domain—free and accessible 24 hours a day to anyone. The ViBe has worked with the Cultural Affairs Department and local creative businesses to catalogue all of the artwork (both publicly and privately funded) on Google maps, providing images, artist information, supporting business information, funding information and more.



Virginia Museum of Contemporary Art (Virginia MOCA)

Virginia MOCA actively supports Cultural Affairs initiatives, including joint advertising with Virginia Beach cultural organizations and staff participation on the Virginia Beach Arts & Humanities Commission's Public Art Committee.



Virginia Beach City Public Schools (VBCPS)

Cultural Affairs and the VBCPS collaborate on projects throughout the year, connecting teaching visual artists and students.



CORPORATE LANDING
ELEMENTARY SCHOOL ARTIST RESIDENCY



MAIN AREAS OF FOCUS

MID-SCALE INSTALLATIONS

Installations that transform public spaces, like parks, into exciting and vibrant places for social interaction within our community, designed to be welcoming to both citizens and visitors.



"WINGS" BY LIN EMERY

LARGE-SCALE GATEWAY PROJECTS

Public art installations that create a sense of arrival and place that are often larger, permanent, site-specific works.



"THE CANOES" BY DONALD LIPSKI

TEMPORARY PUBLIC ART

Developing opportunities for diverse cultural expression in civic spaces, places, and neighborhoods is accomplished through the commission and exhibition of works of temporary public art from a variety of art forms, including art on utility boxes and murals. Temporary art allows emerging artists to gain practical experience with smaller-scale public art projects. Temporary public art is commissioned and placed in the public with the expectation that it has a finite lifespan. This work is not part of the City's Permanent Collection. Examples may include:



Community-Based Public Art Initiatives

Celebrates the spirit and diversity across the City. All works are created for the community, by the community, and with community artists. These initiatives allow artists to immerse themselves within our communities, creating deep connections resulting in collaborative public art projects that reach neighborhoods across the City. This work is not part of the City's Permanent Collection.



Environmentally Responsive Public Art

Are designed to inform and highlight Virginia Beach's natural spaces. Accomplished artists in this field are invited to participate in residencies to create on-site, or site-responsive works of art, using natural materials. This work is not part of the City's Permanent Collection.

PLACEMAKING

Creative placemaking harnesses the power of arts and culture to allow for more genuine public engagement. Done right, creative placemaking can lead to both a better process and a better product. The end results are streets, sidewalks, and public spaces that welcome us, inspire us, and move us in every sense of that word. This work is not part of the City's Permanent Collection.



"BARRELED" BY HIVE PUBLIC SPACE | "BROKEN CURRENT" BY NAVID RAHMAN

PUBLIC ART DEVELOPMENT PROGRAM

Encouraging provision of public art in significant development projects through the urban design and land use planning process. Cultural Affairs staff members may offer advisory assistance to private developers and other public entities in acquisition of public art where needed and as appropriate. (This is not to be misconstrued as an independent consultancy.)



"IFLY INSTALLATION"

LIFESPAN OF ARTWORK



Commissioned or purchased artwork may not have been designed or intended to be maintained in perpetuity. Determining the “life span” of an artwork has become a reasonable and necessary consideration as public art programs evolve to meet the reality of budgets, staff allocation, and other resources.

Not all commissioned works are intended to be permanent. Public art programs across the country have adopted the practice of designating the life span of an artwork when the artwork is commissioned such as:

- Temporary – up to 5 years
- Mid-term – up to 15 years
- Long-term – up to 50 years
- Permanent or site-integrated **(part of site/structure and cannot be removed)**

ROLES AND RESPONSIBILITIES

Cultural Affairs Department

The City's Cultural Affairs Department (CAD) directs all Public Art Program administration, activities, fiscal matters, artist selection processes and project delivery. Cultural Affairs staff approves project plans, concept designs and final designs for public art projects, and provides ongoing management of the Public Art Collection.

The Public Art and Placemaking Manager is the staff member responsible for the day-to-day operations and administration of the program, under the director of the department.

Arts & Humanities Commission

In partnership with the City of Virginia Beach CAD and the arts community, the Virginia Beach Arts and Humanities Commission (AHC) promotes excellence in the arts and humanities by initiating and supporting programs, activities and policies that inspire, nurture, and reflect the cultural diversity of the area.

AHC Commissioners are community volunteers who are knowledgeable and passionate about the arts. As City Council-appointed members, they provide an extremely valuable link between the public, elected officials, and City staff.

Public Art Committee

The Virginia Beach Public Art Committee (PAC) plays the following roles in the development and implementation of the Virginia Beach Public Art Program:

- Review and recommend changes to public art policies and procedures, and/or Administrative Directives pertaining to public art to the Cultural Affairs Department.
- Review CAD's annual public art plan. The plan, which is developed by staff, includes the identification and prioritization of projects to be implemented.
- A representative from the PAC will serve on artist selection panels to make recommendations on artist selection and artist concepts to the PAC and the AHC.

PAC conducts aesthetic reviews of proposed artwork donations, commemorative artworks, and public art provided as optional forms of development and makes recommendations to the Arts & Humanities Commission.

The PAC is dedicated to supporting artists, including people of color and historically marginalized groups, as leaders in the creative process who transform and benefit from the positive change experienced.



"WORLD BELOW THE BRINE"
BY WORK PROGRAM ARCHITECTS

PRIORITIZING SITES AND PUBLIC ART PROJECTS

Annually, Cultural Affairs and appropriate City departments will assess the potential for public art throughout the City and produce a list of recommended priority sites.

This assessment should be based on the criteria below.

The list of selected sites will be included in the Annual Public Art Plan, which is developed with input from the Virginia Beach Arts & Humanities Commission and its Public Art Committee. Cultural Affairs will also create a running list of specific ideal locations for public art that could be funded with City funds or private donations in the future.

SITE AND PROJECT SELECTION CRITERIA

Ideal locations for public art projects should include but not be limited to the following:

Sites

- Locations that are visible and accessible to the general public, including persons with disabilities, and are geographically diverse.
- Locations that enhance public art's role in parks and community development, cultural tourism, creative placemaking, and quality of life.
- Locations where public art might not be expected or can be discovered by the viewer, such as trails, bike paths and unique areas of the City.
- Locations that are secure and can be accessed for routine maintenance and are suitable for beautification with artwork.
- Sites that have special significance or meaning to the community and visitors.
- Locations that create a supportive setting for the artwork and remain relatively free of other visual distractions that compete with the artwork.
- Locations that do not endanger public safety or interfere with pedestrian or vehicular traffic.

Project

- Project is a significant City building, which can contribute to civic pride.
- Project improves a public space or facility that people use daily.
- Project improves a major street, streetscape, or park.
- Project includes landscaping and/or potential public gathering space.

Equity

- Project and investment contribute to advancing equity across Council Districts.
- Site is appealing and accessible to Virginia Beach's diverse population, including all income levels.



POSSIBLE LOCATIONS
for temporary and
permanent public art
could include and are not
limited to:

- ❶ Parks and open space areas
- ❷ Public buildings to which the public has access:
 - Interior and exterior sites
 - Trails and trailheads
 - Traffic circles/medians
 - Bridges and overpasses
 - Sidewalks
- ❸ Benches that are functional and decorative
- ❹ Street corners or civic plazas
- ❺ Gateways

ANNUAL PUBLIC ART PLAN

The Annual Public Art Plan is an exciting yet achievable plan and clearly identifies the community art projects and public art installations that will be pursued in the future fiscal year.

This plan includes developing, reviewing, and deciding upon a list of temporary and permanent public art projects to be planned and initiated in the next fiscal year (if funded). The plan also may include a narrative describing other planned initiatives by the Public Art Program and its community partners.

After consulting with other departments and stakeholders, Cultural Affairs will develop the Annual Public Art Plan every fall for the future fiscal year and present it to the Public Art Committee for review and comment. The Committee primarily fulfills this duty through its review and discussion of the Annual Public Art Plan, and its vote to endorse the plan. It may help to recommend and develop opportunities for future fiscal years.

The draft Annual Public Art Plan will be reviewed and voted upon by the Public Art Committee and the Virginia Beach Arts & Humanities Commission as a recommendation to the City for consideration of funding. Adoption of this plan does not guarantee the projects recommended will receive funding.

After City Council adoption of the annual operating budget, revisions will be made to the Annual Plan based on funding appropriated.

The plan should include some flexibility. Opportunities will arise over the course of the year, and the City should remain nimble and flexible enough to respond to them – e.g. to respond to the needs and opportunities forwarded by community partners. The development of the plan is the annual opportunity for stakeholders at the City and in the community to have a voice in the projects moving forward, year by year.

ARTIST SELECTION PROCESS

The artist selection process is unique to each project. The following are the different types of Calls for Artists.

General Call for Artists, RFP/RFQ

An open call for artists is posted to local and/or national platforms for a set period of time. All applicants are reviewed through a selection process.

Request for Qualifications (RFQ)

Invites artists to send their qualifications to be reviewed by a selection panel but does not require a specific proposal to be submitted. Artists are chosen based on their past and current art and achievements.

Request for Proposals (RFP)

Call for Artists may include a request for brief comment (rather than a full proposal) on the artist's approach to the project.

ARTIST SELECTION STEPS

- 1** Call for Artists
 - CAD will issue and publicize a "Call for Artists" that describes the project, site, scope, submittal requirements, budget, schedule, selection criteria, and other information.
 - The City will make every effort to achieve cultural and racial equity in providing opportunities for artists for public art commissions. It will include opportunities for both established and emerging artists.
- 2** An artist selection panel will be formed. Panel reviews submissions/ conducts interviews (if necessary).
- 3** Artist selection panel makes recommendation to the City's Purchasing Division, the Public Art Committee, and the Arts & Humanities Commission for approval.
- 4** City's Purchasing Division executes artist contact.



PROMOTION OF CALL TO ARTISTS may be through the following:

- Americans for the Arts Public Art Network List-Serv
- PublicArtist.org
- Codaworx.com
- Social media, with a specific focus on local/ regional artist groups and organizations
- Media outlets
- Invitational emails to local, regional, national and/or short-listed artists



"THE NAKED WARRIOR" DONATED BY THE NATIONAL NAVY UDT-SEAL MUSEUM



HOW SELECTIONS ARE MADE

SELECTION PANEL AND CRITERIA

An artist selection panel will be created by the Cultural Affairs Department. The panel will consist of a minimum of two City representatives, a Public Art Committee member, an arts professional (who may also be a qualified Public Art Committee member), the project's landscape architect or engineer (if applicable), and at least one citizen at-large who represents the community where the project will be located.

Selection Criteria

The following basic criteria should be used to select artists and artworks:

- quality/originality
- demonstrated capabilities of the artist(s) and the merit of the proposed artwork(s)
- suitability: appropriate in scale, material, form, and content for community and physical environment
- durability: demonstrated structural and surface integrity, reasonable maintenance costs and requirements, and resistance to theft and vandalism
- safety/public liability: artwork will not present issues with safety or public liability
- meets any additional specific criteria established in an RFP/RFQ

ARTIST ELIGIBILITY

Local and national professional artists or artist-led teams are eligible to apply.

Applicants must:

- Be at least 18 years of age.
- Have residence in the United States.
- Have successfully managed and completed at least one (1) similar commissioned project with a budget equal to or greater than the proposed project budget.
- Provide previous samples of work to illustrate style, qualifications, and experiences.

There may be rare exceptions for additional criteria based on the scope of the project, such as a more localized residency requirement or additional experience level. Such a Call for Artists would note those exceptions.



ARTIST RESPONSIBILITIES

If selected for a commissioned artwork, artist(s) must:

- be willing to sign and abide by the City of Virginia Beach contract terms.
- execute and complete the work in a timely and professional manner.
- maintain an effective working relationship with the project team and staff.
- advise Cultural Affairs immediately of any significant changes to the scope, materials, or design of the work after contract is signed (all changes must be reviewed and approved prior to completion, in accordance with the City requirements.)
- be responsible for all design and execution of the work, including site preparation and installation, unless otherwise stipulated in the contract.

Ownership/Copyright/Reproduction/Re-siting/Resale

- Artists' works will be the original product of the artist's own creative efforts and do not infringe on any third party's copyrights or other intellectual property rights.
- Work purchased, commissioned, or accepted as a donation shall be the property of the City of Virginia Beach in perpetuity.
- For permanent collection artworks: The City intends that the work shall remain accessible to public viewing for as long as the City owns the work. The City retains the right to transfer work from one City-owned site to another, as it deems necessary, or to place in storage in another facility, or to make a temporary loan to another agency or organization.
- After purchase or commission is awarded, the artist/City relationship will be defined by a standard contract addressing copyright, reproduction, and resale issues.
- After a time period specified in the contract, the City shall be responsible for the proper cleaning, maintenance, and protection of the work, considering any written instructions provided by the artist at the time of delivery of the work.
- Deaccession of any artwork in the City's permanent collection will follow the City's Deaccessioning Policy.

REVIEW OF CREATIVE/ARTISTIC ENDEAVORS IN THE VIBE CREATIVE DISTRICT

Below is the review process for creative/artistic endeavors within or adjacent to the ViBe Creative District:

- In a request memo to the City Manager via the Cultural Affairs Director, ViBe Creative District provides a concept plan for a creative/artist endeavor proposed on City property in the ViBe District or adjacent to the ViBe, which includes outlining the project, timeline, and specific requests of the City. The ViBe Creative District is encouraged to reach out to other City departments or stakeholders as they craft their proposal.
- Cultural Affairs coordinates the approvals of any City department needed and the approval of the City Manager or his designee.
- Once given approval by the City Manager to proceed, ViBe provides the final artwork designs for review by the Public Art Committee, which would make a final recommendation for approval to the City Manager.
- At times, such as with the parking meter project, identifiers and the Birdhouse project, the City Attorney's Office may deem that a project requires a Use Agreement between the ViBe Creative District and the City to specifically define such elements as maintenance responsibilities, display period, or insurance requirements.
- Cultural Affairs will coordinate with the City Attorney's Office to draft an agreement for the ViBe Creative District's review and approval.



OPPORTUNITIES FOR PARTNERSHIPS IN FUNDING PUBLIC ART

The following outlines the process for partnerships between city departments or organizations and Cultural Affairs in funding and commissioning public art.

- 1** CAD identifies and seeks partnership opportunities for placement of public art.
- 2** CAD contacts and convenes all interested parties to begin working on potential public art projects, such as:
 - a. City departments
 - b. Developer representatives
 - c. Business interests
 - d. Community representatives
 - e. Arts professionals
- 3** Partners explore options for public art in a development or other project area.

Types of art projects that could be considered include:

- One-of-a-kind building features designed by artists such as gates, benches, bicycle racks, or shade structures.
- Mosaics, murals, or wall features.
- Sculpture: freestanding, wall-supported or suspended, kinetic in durable materials suitable for the site; and
- A collection of two-dimensional artwork such as paintings, prints, photographs, fine crafts in durable media and/or electronic media for interior lobbies accessible to the general public.

Types of projects that are not eligible for consideration as public art:

- Reproductions or unlimited editions of original work.
- Mass-produced art objects.
- Architectural rehabilitation or historic preservation.
- Playground equipment that is mass produced; and
- Logos or signage.

- 4** CAD reviews and plans for the public art process selection and approval processes in accordance with the City's Public Art Guidelines by:
 - Identifying members for the public art selection panel for this project.
 - Reviewing options such as commission, direct purchase, selection process and timeline; and
 - Reviewing established criteria for site selection and for artwork selection.
- 5** Partners review and agree on the type(s) of public art and goals desired for this project and funding commitments from each party.
- 6** Partners develop and agree on a budget and management plan for this project by asking:
 - Which department will fund this project?
 - Who will contract with the artist?
 - Who will oversee and monitor the creation, fabrication, and installation of the artwork?
 - Who will monitor and make payments as provided in the contract with the artist?
 - Who will own and maintain the artwork?
 - Who will oversee marketing and public relations responsibilities during installation and at dedication?
 - Who will plan and fund dedication of project?
- 7** CAD conducts the selection process as established in the Public Art Guidelines.
- 8** Selection Panel makes recommendations to the Purchasing Division and the Public Art Committee for review and to the Arts & Humanities Commission for approval.
- 9** Designated party will oversee and monitor the creation, fabrication and installation of the artwork and monitor and make payments as provided in the contract with the artist.
- 10** CAD develops maintenance plans and department responsibilities based on maintenance procedures submitted by the artist.
- 11** Designated party plans for dedication at the completion of the project.

PUBLIC ART MOVING FORWARD

Donations of Artwork to the City

Donations of Artworks and Memorials are welcomed as a useful way of building the City's public art collection and serving the social needs of the community. However, the City must act with the broad public interest in mind when considering such donations, particularly in regard to both the fiscal impact of such donations, the general public's use and enjoyment of public space, and the general aesthetics of the City.

In order to facilitate a fair assessment of proposed donations of Artworks and Memorials, the Virginia Beach Arts & Humanities Commission, working under the auspices of Cultural Affairs and in consultation with other City departments as appropriate, will review all aspects related to the acceptance of Artworks and Memorials, especially considering their quality and their appropriateness in regard to location and use, and serve as the advisory body to the City Council in matters of the acceptance of donated Artworks and Memorials. The review process is outlined in Addendum 3.

Public Art in Private Projects

Public art is an investment in the cultural vitality and economic development of a community. Sculptures, murals, and other forms of public art can become place-makers, landmarks, and foster culturally dynamic, economically vibrant communities by creating memorable urban places where people desire to live, work, play and learn. For those reasons, the provision of public art in lieu of conformity with one or more of the required forms of development in the Town Center area advances the ultimate goals of the Comprehensive Plan. The process for public art on private property under the optional form of development is outlined in Addendum 4.



MAINTENANCE

COLLECTION MAINTENANCE

The Cultural Affairs Department is responsible to oversee the conservation of artwork and conduct an annual survey of the condition of the artwork in the City's collection. The Cultural Affairs Department maintains an inventory of all temporary and permanent artworks in the Public Art Collection. The inventory is conducted annually, with updates reported to the City's Risk Management Division for insurance purposes. Where possible, the inventory of artworks should include estimated values of objects in the collection. Valuations of artworks are established principally for insurance purposes.

The City will withhold final acceptance of the artwork until the artist has provided a maintenance plan or maintenance document. The artist will be required to provide the City with copies of all construction documents, shop drawings, site/architectural plans and drawings, product specifications, warranties, and the names of all subcontractors and vendors, so that it is understood how to maintain the site as conceived by the artist.

Maintenance Procedures

Artworks in the City's Public Art Collection require a wide range of care under the oversight of the Cultural Affairs staff. The staff references a maintenance plan to determine current and future collection needs. A centralized, computerized collections management system (also used by the History Museums Division) will be used to inventory, photograph, document and track all artworks in the Public Art Collection.

Like most City facilities, public art requires maintenance and occasional repairs. Although the City's guidelines encourage artworks requiring "little or no maintenance," artworks will vary in the amount of maintenance required, resistance to vandalism, and ease of repair.

The Cultural Affairs staff oversees the assessment, treatment, maintenance, and relocation of artwork. Cultural Affairs staff, in collaboration with the City's Public Works/Building Maintenance Division, coordinates routine inspection and care of artwork, such as cleaning and applying protective surface coatings, with the involvement of art conservators or independent contractors, as needed. Reasonable efforts are made to notify artists of repairs made to their works. Maintenance and conservation standards are outlined in the "Virginia Beach Maintenance and Conservation Standards."

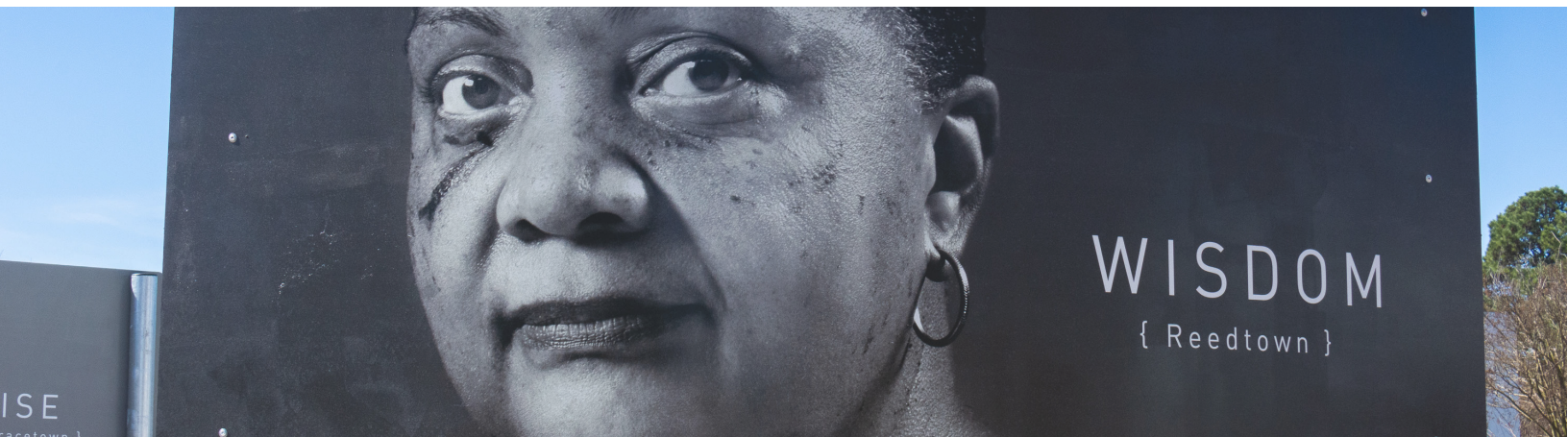
RELOCATION OF PUBLIC ART

From time to time, artworks need to be re-sited due to renovation, construction, or sale of property, or because the context of the original site has changed. In the event of the need to remove an artwork, the CAD staff will work with City agencies and facilities to find an appropriate new location for the artwork where feasible.

The artist will be notified of such a need and shall have the opportunity to comment on the proposed new locations, but the City will make the final determination. Cultural Affairs staff will prepare a recommendation on the new location of the artwork for a review by the Public Art Committee, Arts & Humanities Commission and the affected department or agency (if applicable).

Any financial costs incurred to relocate an artwork will be funded by maintenance funds provided by the City.

"PORTRAITS FROM A PLACE OF GRACE" BY RICHARD HOLLANT



ADDENDUM

"WINGS" BY LIN EMERY

ADDENDUM 1

Percent for the Arts Program: A History Overview

The City of Virginia Beach Arts & Humanities Commission passed a Resolution for the Percent for the Arts Program on June 16, 1986, following examples of arts programs in cities such as Atlanta, Charlotte, and Baltimore.

The City aimed to:

- Encourage the development of programs affiliated with the arts and humanities
- Provide quality art in public spaces to expand citizens' understanding of the City's culture
- Attract businesses and professionals to the City
- Provide a sense of value to the community while preserving its cultural history
- Promote the talents of professional artists
- Improve the city's quality of life and boost the local economy

The program set aside 1% (max \$150,000 annually) of the total estimated cost of Buildings and Parks and Recreation to be put aside into a Capital Projects Fund. This account would be used to commission or to purchase artwork for incorporation into any public buildings, facilities, and spaces.

The Arts & Humanities Commission administered and marketed the program. Their duties included:

- Identifying and prioritizing projects to be funded, submitting recommendations to City Council for approval
- Establishing an Art/Artist Selection Committee to maintain a registry of potential contributing artists and their work and ultimately recommend art/artists to be considered
- Establishing a Site Advisory Committee to guarantee each site enabled full public access
- Creating an annual report updating the Council of the program's performance at year end

- Submitting a list of projects to be funded for the upcoming fiscal year

In a second resolution, the City Council approved the first three sites to be included in the Percent for the Arts Program – the Central Library, the Pavilion Convention Center, and the City Hall Building (timelines for each project can be found below).

Criteria for selecting sites included:

- Easily accessible to the public
- Provides a safe and suitable site for artwork
- Considers the facility visitors and users
- Considers the facility's engineering requirements that could benefit or constrain artwork
- Considers any other criteria deemed by the City Council

The City Hall site was ultimately ruled out and replaced by the Virginia Beach Center for the Arts, however, as public officials were concerned about the compatibility of a contemporary public sculpture with the Georgian Architecture of the complex.

Criteria for selecting the art/artists for each site included:

- Ensures that the style, nature, and diversity of the proposed artwork is appropriate to the specific site
- Ensures that the highest quality of work is selected
- Considers all visual forms, including permanent and portable work
- Considers the longevity of artwork with regards to structural soundness, theft protection, vandalism, etc.
- Considers the residence of each artist and give preference to those artists residing within the City, region, or state
- Ensures that selected art is not extreme or contrasting to community standards

The Commission received slides and background materials from over 30 artists by September 29, 1986, through the International Sculpture Center. The Percent for the Arts Program moved forward with two successful installations at the Central Library and the Pavilion Convention Center. Each contract was estimated to be \$100,000. Though the City set aside an additional \$100,000 to award the third sculpture contract outside of the Center for the Arts, that project was actually put on hold in August 1990.

The Percent for the Arts program was officially deactivated in 1990, but the Virginia Beach Arts & Humanities Commission continued to request that the City reinstate the program in each successive budget year. They formally submitted a reinstatement of the program in 1997, proposing the Old Coast Guard Station, the new Department of Social Services, a sculpture park at one of the City's parks, and a sculpture garden at the proposed Farmer's Market. They also wanted to consider artwork at the Municipal Center and the Amphitheater. There has not been a formal request to reinstate the program since 1997.

ADDENDUM 2

Excerpt from Arts Plan 2030 on Public Art

To date, public art in Virginia Beach has been relatively focused on sculpture and static installations. The City and various partners should work together to imagine a new public art program that moves beyond these traditional objects and creates events, spaces and public places that animate the proposed cultural districts and strategic growth areas and bring the community together for unique public experiences centered around the arts, culture, and creativity.

As previous work has suggested, there are plentiful ideas, opportunities, and partners to develop public art in Virginia Beach. These projects have potential to support community goals and plans expressed in the Sustainability Plan and Envision 2040 plan, building community, sense of place, quality of life, neighborhoods, community pride and otherwise. However, as previous plans and studies suggest, there is a lack of infrastructure and resources to support these projects. As a result, there is a need for increased investment in programming and administration to support public art in Virginia Beach.

There is also a need for a funding stream that allows the City to inspire key projects.

In an effort to better support community goals and priorities, there is a need for public art programming to move beyond traditional boundaries, including temporary projects, signature projects, encouraging artists to integrate with the community and incorporating projects and events that support community gathering and connection.

Virginia Beach Arts Plan 2030

Goal 1: Expand Public Art Program

Priority: High

What: Expand the City's public art programming, moving beyond traditional objects to create events, spaces and public places that animate the City and bring the community together for unique public experiences.

- Why:**
1. The Virginia Beach Arts Commission has already established public art as a priority.
 2. To date, public art in Virginia Beach has been relatively focused on sculpture and static installations.
 3. Public art has potential to build community pride and sense of place.
 4. Public art has potential to bring regional distinction and build visitation around particular installations or events.
 5. Public art can be effectively integrated into new development plans and priorities.

How: The Office of Cultural Affairs, Public Art Committee and Public Art Virginia Beach Foundation should work to reimagine and better define the public art program, expressing the goals, priorities and activities that will achieve those objectives. Programming should include both temporary (event-based) and permanent installations that address community beautification and are integrated into redevelopment and new construction projects. The City should require that a percentage of expenditures on public development projects be devoted to public art. Endeavor to partner with the Virginia Beach City Public Schools to work towards accomplishing this goal. The City should also negotiate with private developers to require inclusion of public art or a donation to a public art fund.

Financial Implications: The City Council should allocate additional funds for public art and the Office of Cultural Affairs should work to diversify programming to include a wider variety of installations and events (both long and short term.) While City funds could be used to produce public art, they could also be used by the Office of Cultural Affairs to develop a program that incentivizes (grants funds to) artists and arts organizations to develop their own public art projects, thereby reducing the City's role as producer.

A revived percent for art program will collect a percentage of new public development expenditures to support activities. The City may also incentivize private developers to contribute to a public art fund under certain conditions. As the program grows it will be necessary for Cultural Affairs to hire a Public Art staff person that will oversee the program and administer projects.

ADDENDUM 3

Donations of Artwork to the City

Donations of Artworks and Memorials are welcomed as a useful way of building the City's public art collection and serving the social needs of the community. However, the City must act with the broad public interest in mind when considering such donations, particularly in regard to both the fiscal impact of such donations, the general public's use and enjoyment of public space, and the general aesthetics of the City.

In order to facilitate a fair assessment of proposed donations of Artworks and Memorials, the Virginia Beach Arts & Humanities Commission (AHC), working under the auspices of the CAD and in consultation with other City departments as appropriate, will review all aspects related to the acceptance of Artworks and Memorials, especially considering their quality and their appropriateness in regard to location and use, and serve as the advisory body to the City Council in matters of the acceptance of donated Artworks and Memorials.

Proposed donations will be evaluated to determine whether they are in keeping with the City's overall goals and expectations and adopted plans and policies, if they are placed in appropriate locations and integrated appropriately with their sites, and whether proper advance planning and preparation has taken place.

In the case of the donation of an artwork commissioned through the Optional Forms of Development process, the review for conformity with the City's land use, visual and urban design goals will occur through the process set out in the section of the Zoning Code pertaining to the Optional Forms of Development process.

Criteria for Acceptance

Acceptance criteria include, but are not limited to quality, site availability, safety, and maintenance concerns. Not all art may be found acceptable.

Review Period

The PAC requests at least six months to thoroughly review all site options and/or research safety and maintenance concerns.

Final Approval

The CAD with consultation from the Public Art Committee and other City departments will make the final recommendation to City Council to accept or decline the offer.

Tax Deduction

If a value is to be placed on the donated artwork(s) for tax purposes, it is the donor's responsibility to establish that value.

Donation Review Process

All persons interested in donating artwork(s) to the City will be required to submit the following information in writing to the CAD:

1. An explanation of why the Artwork should be displayed on public property and how the display of such serves a purpose appropriate to the interests of the public.
2. Background on the Artist.
3. A description of the proposed location for the Artwork and required site improvements.
4. A statement describing how the placement of the Artwork is consistent with the use and visual character of the proposed site.
5. Drawings, photos, and written descriptions of the Artwork proposed for donation.
6. Drawings and other materials that describe any plaques that will be installed for interpretation, donor recognition and/or other purpose.
7. Condition report and conservation and maintenance recommendations, prepared by a professional fine art conservator.
8. Completed Donation of Artworks and Memorials Project Budget and Checklist Form.
9. A schedule for installing the item(s) for public display.
10. Written explanation of legal issues, including but not limited to, certifying the current legal owner of the Artwork and, the existence of any copyrights, patents, or other title rights in or to the Artwork; and an explanation of any conditions or limitations on the donation of the Artwork, such as any interests to remain with the Artist.
11. A statement of the estimated fair market value of the Artwork. For donations of artworks valued at more than \$10,000, an appraisal is required.
12. Anticipated life of the Artwork(s), if temporary in nature.
13. A warranty of originality (if applicable).
14. Evidence of community outreach and support for the donation.

Donation Review Procedure

Acceptance of donations will be decided by the PAC based on the following criteria:

- a. Artistic Merit: The inherent quality and excellence of a proposed artwork(s). Other artistic credentials to consider include training and critical or other professional recognition.
- b. Context: Artwork(s) must be compatible in scale, material, form, and content with its surroundings. Consideration should also be given to the architectural, historical, geographical, and social/cultural context of the site or community, as well as the way people may interact with the artwork(s).
- c. Relevant Experience of Artist (if applicable): The artist's experience and professional record should provide convincing evidence of ability to successfully complete the project as proposed.
- d. Permanence/Maintenance: Due consideration will be given to the structural and surface soundness, operational costs and inherent resistance to theft, vandalism, weathering, and excessive maintenance.
- e. Technical feasibility and installation method.
- f. Budget for installation if not provided by the donor.
- g. Cost to accept, insure and maintain the artwork(s).
- h. Diversity, in relation to the Collection.
- i. The artwork(s) is of a nature and quality as to be consistent and to further the aims of CAD's mission.
- j. Accessioning the artwork(s) will result in an improvement of the Collection as a whole with particular attention to ease of public access, geographic distribution, and variety of medium, scale and dimension.
- k. Artwork Type and Expected Duration

Placement and Site Considerations

If a donor has specified a site, the artwork(s) should significantly contribute to the setting from a functional or design standpoint and significantly enhance the chosen location in a way meaningful to the public.

The following factors will be considered:

- i. visibility
- ii. traffic patterns (both interior and exterior)
- iii. public safety
- iv. relationship to existing or planned architectural and natural features
- v. users of the site
- vi. future development plans for the area (if known)
- vii. landscape design
- viii. existing artwork(s) within the proposed site vicinity
- ix. environmental concerns
- x. public accessibility to the artwork(s), including ADA requirements
- xi. social context (intended use of the work if any)
- xii. significance to the proposed artwork(s).

ADDENDUM 4

Process for Public Art on Private Property under the Optional Form of Development

When a developer indicates an intention to provide public art on private property as an Optional Form of Development, the developer should be referred to the staff of the Cultural Affairs Department (CAD), for a review of the public art expectations and review process.

- a. The provision of public art should be included in the Proposed Site Plan. The site plan submission should include a description of the goals, location, media, and process for providing and installing the public art project.
 1. The public art submission should be reviewed by CAD staff and the Public Art Committee at their next regularly scheduled meeting. The public art submission should include:
 - 1) Proposed Artist Resume
 - 2) Artist's concept/rendering with artwork's dimensions and materials
 - 3) Proposed Site Plan with address and photos and landscaping plan
 - 4) Proposed process for providing and installing the public art project
 - 5) Project architect, landscape architect and engineering firm
 - 6) Contact name, email, phone number for questions
- b. Once the artwork concept has been reviewed by the Public Art Committee, the Public Art Committee shall submit comments to the Department of Planning and Community Development. The Department of Planning and Community Development shall include, in its review letter, a condition about public art that records the goals, location, media and process for providing and installing for the public art project; the process for approving the artist and the concept; and any special considerations.
- c. The developer shall be required to identify an artist, and the artist shall be required to develop an artistic concept, for approval by the Public Art Committee. Approval of the artist and of the artistic concept shall be obtained before the Final Site Plan is approved.
- d. The developer shall provide and install the artwork. The artwork shall be provided and installed before the certificate of occupancy is awarded. The developer is encouraged to include a small sign adjacent to the artwork but not on it, indicating the title of the work and the artist's name.

The following items are not to be considered artworks:

- a. Directional elements such as super graphics, signage, or color coding except where these elements are integral parts of the original artwork.
- b. Art objects which are mass produced from a standard design such as playground equipment, fountains, flags, or banners.
- c. Reproductions, by mechanical or other means of original fine artworks.
- d. Landscape architecture and landscape gardening except where these elements are designed by the artist and are an integral part of the artwork by the artist.

Special rules for public art as an optional form of development.

(a) Definition. Public art, as used in this Article, means works of art in any media, whether located on public or private property, that are visible to members of the general public or that have been planned and executed with the specific intention of being sited or staged on or within publicly-owned property.

(b) Purpose. Public art is an investment in the cultural vitality and economic development of a community. Sculptures, murals, and other forms of public art can become place-makers, landmarks, and foster culturally dynamic, economically vibrant communities by creating memorable urban places where people desire to live, work, play and learn. For those reasons, the provision of public art in lieu of conformity with one or more of the required forms of development prescribed in this Article accords with the City Council's vision of the Town Center area as a future Arts and Cultural District, the recommendations of the Pembroke SGA Plan, and advances the ultimate goals of the Comprehensive Plan.

(c) Applicability. Public art may be utilized as an Optional Form of Development in place of conformity with one or more of the following provisions regarding a prescribed development standard set forth in section 2204:

- 1) Build-to zone;
- 2) Front or side street setbacks;
- 3) Transparency;
- 4) Blank wall; or
- 5) Outdoor amenity space.

(d) Location. Subject to the provisions of subsection (f), public art shall be located:

- 1) Outdoors so as to be readily visible and accessible to pedestrians, and no further than fifty (50) feet from the nearest point on a public sidewalk, except under exceptional circumstances as approved by the Public Art Committee;

- 2) Away from signage, transit stop structures or benches, utility boxes, utility poles, mailboxes, bicycle racks or other items, either on or off the property, that may impair the public's view or diminish the aesthetic value of the artwork;
- 3) In such manner as not to interfere with or impede the flow of pedestrian traffic on a public sidewalk; and
- 4) On the same zoning lot as the development for which the artwork serves as an Optional Form of Development and, to the extent possible consistent with the foregoing criteria, in such location as to maximize the degree to which the work of art offsets noncompliance with the prescribed development standard.

(e) Public art provided as an Optional Form of Development shall serve as a direct replacement for each prescribed development standard or standards from which the subject development deviates and, if located on the same zoning lot as the subject development, shall serve the same purpose or purposes as the prescribed development standard.

(f) Public art located on publicly-owned property. Public art may be located on publicly-owned property within the Pembroke Strategic Growth Area, including, without limitation, public streets and sidewalks, Town Center gateways, street corners, the Fountain Plaza, the Sandler Center Plaza, public parking garages and future transit stations, with the approval of the City Council, provided that:

- 1) There is no feasible location on the subject property from which the work of art can be plainly and wholly seen by the public;
- 2) The present or any planned land use of the subject property is such that placement of a work of art, in any media, on the property would be destructive to the work of art due to the activities related to the land use;
- 3) The property is already fully developed in such a way that there is no location on the site for a work of art, and the work of art is approved as an Optional Form for renovation of the building necessitating use of a blank wall or reduction in transparency; or
- 4) The location of the work of art cannot physically meet the criteria specified in subsection (d)(1);

(g) Approval by Public Art Committee. Public art, and any alteration or removal thereof, must be approved by the Public Art Committee of the Virginia Beach Arts & Humanities Commission.

(h) Ownership, maintenance, contractual provisions. Except in cases in which public art is dedicated to the City, the ownership of public art works shall be bound in perpetuity by written covenant, approved by the City Attorney, to the property for which they serve as an Optional Form of Development and, unless otherwise approved by the City, shall be maintained by the owner of the property for which it serves as an Optional Form of Development. Where a work of art is to be dedicated to the City, there shall be a written agreement between the City, the owner of the work of art and, if applicable, the artist, which agreement shall include, at a minimum, terms regarding the ownership, maintenance, insurance and intellectual property rights pertaining to the work of art. Such agreement shall be subject to the approval of the City Council.

(i) Signage. No lettering, symbols, or signage shall be permitted upon public art works except as intended by the artist as an integral part of the work. Paintings or murals may be signed by the artist, and the name of the work displayed. For sculptures, the artist shall designate the plaque location, which shall be permanently installed, using theft-resistant techniques, in a ground location near the sculpture or on the base and list only the sculpture's title, the artist's name the date of installation and the name of the donor, if applicable.

(j) Planting/landscaping. Sculptures and their bases shall be well integrated with the surrounding softscape and hardscape. Long-term maintenance should be considered when selecting plant material. Native and drought-resistant plants are encouraged.

(k) Unacceptable art. Decorative or ornamental pieces that are not conceptualized, designed, and fabricated by a qualified artist, such as "off-the-shelf" decorative items such as garden sculpture; historical markers or bells; bell towers; obelisks; architectural ornamentation or enhancements; art as advertisements or commercial signage mixed with imagery; and busts or statuary memorials, or mass produced reproductions or replicas of original works of art shall not be accepted as an Optional Form of Development.

(l) Artists' qualifications. Artists creating public art, or supervising students creating public art, shall be selected by the property owner or developer, subject to approval by the Public Art Committee, and shall have the following qualifications:

(1) Artists shall be recognized by critics and peers as a professional practitioner of the visual arts. To assess the qualifications of an artist the Committee will consider factors such as the artist's body of work, educational background, formal training, past and current large scale outdoor public art commissions,

sales of work, exhibition records, publications, and any other factors the Committee reasonably deems relevant;

(2) Artists shall also have experience in successfully collaborating with design teams, architects, art consultants, developers, engineers, fabricators, and landscape architects; meeting scheduled deadlines; negotiating and contracting their work responsibly; and conceptualizing, designing, fabricating, and installing large-scale outdoor sculpture similar in scope to the proposed sculpture; and

(3) Artists shall have the experience and expertise to create site specific public art after consideration of contextual issues related to the development site, including architectural style, the future use and users of the development project, and community input.

(m) Applications. Applications and supporting materials shall be submitted to the Director of the Cultural Affairs Department, who shall provide the Arts and Humanities Commission members with copies thereof. The form of such application and requirements for supporting materials shall be determined by the Director.

(n) Conflicting provisions. The procedures set forth in this section shall exclusively govern the selection, placement and other provisions pertaining to public art as an Optional Form of Development, such that in the event of a conflict with any other ordinance, directive, or other provision concerning public art as an Optional Form of Development, the provisions of this section shall control.

(Ord. No. 3327, 2-25-14)

ADDENDUM 5

Intellectual Property

Copyright

The artist retains all rights under the Copyright Act of 1976 (17 USC Section 101) as the sole author of the work for the duration of the copyright. The duration of copyright in the United States is currently the life of the author plus seventy (70) years. Title to the artwork passes to the client or commissioning agency/organization upon their written acceptance of and payment for the work; copyright belongs to and remains with the artist.

Although the City may "own" the work of art, the artist who created the work owns the copyright to the work of art, including all ways in which the work is represented, other than in situ. Artists may wish to register their copyright with the Federal government. The City will not request that artists waive or share any of their legal copyright privileges as defined and awarded by the Federal government. The City may, however, as part of their contractual agreement with the Artist, require that the Artist

grant the City license to use the image of the Artwork for purposes of publicity, promotion, educational and other City purposes (See Right to Reproduce the Work).

Rights to Reproduce the Work

The artist and the City must each agree to the right to reproduce the artwork in any and all forms. Typically, artists will be asked to grant the City or commissioning agency/organization license to make two-dimensional reproductions of the work for non-commercial and educational purposes. The City or commissioning agency/organization in turns agrees to include a credit to the artist and a notice of copyright on all such reproductions.

Visual Artists Rights Act (VARA)

The Visual Artists Rights Act of 1990, known as VARA, (17 USC Section 106A) assures an artist's protection of his/her "visual art" especially as it affects post-sale rights, including all drawings, sketches, and prototypes. Under VARA, artists have the right to prevent any intentional distortion, mutilation, or other modification to their work. In some cases where the art is integrated, (building, landscape, infrastructure, etc.) the City may ask the artist to waive their VARA rights in favor of a negotiated agreement.

It is standard professional practice that agencies agree not to intentionally alter, modify, change, destroy, or damage the work of art without first obtaining permission from the artist. However, the Commission recognizes that due to the ever-changing nature of cities, it may be impossible to guarantee that any work of art will remain where originally installed and may need to be relocated. Necessary changes to buildings and other infrastructure may require that artwork that cannot be removed may be altered, damaged, or even destroyed. Artist's contracts with the City must address this possibility as part of their agreement with the City by waiving VARA rights in favor of a negotiated agreement. If the artist's work is accidentally damaged or altered, the artist has the right to request that the work not be attributed to the artist until such time as the work is fully restored.