



# SHAKER HEIGHTS

## CITY OF SHAKER HEIGHTS PUBLIC ART POLICY, 2023

*August 7, 2023*

- A. **Public Art** refers to art that is visually and physically accessible to the public, regardless of whether it is situated on public or private property or whether it has been purchased with public or private money. Public art may include, but is not limited to:
1. Murals /mosaics
  2. Sculptures, monuments, and memorials
  3. Landscape elements
  4. Ornamental or functional decorative elements, such as street furniture or fixtures
  5. Multi-media works
  6. Site-specific light-based or luminal art
  7. Graphic arts, such as signage and banners
  8. Earthworks, environmental installations, and environmental art
  9. Sound art or media
  10. Video and animation projected or displayed on a monitor
- B. **Public Art Task Force**
1. **Establishment and Membership:** The Public Art Task Force was established in 2017 and is a standing task force comprised of nine members appointed by the Mayor for 3-year terms. It is managed and staffed by the Planning Department and is comprised of:
    - a. **One standing task force chair** appointed by the Mayor.
    - b. **Four standing resident members** selected for their professional experience, expertise, or personal merit in art or an art-related discipline.
    - c. **One representative member** of the Architectural Board of Review.
    - d. **Two members appointed per project** selected to provide additional perspective based on neighborhood of residence or special expertise.
    - e. **The Planning Director** or designee.
    - f. **Sponsoring Department Director** or designee will be added to the task force if another department is sponsoring the project.
  2. **Public Art Review Criteria:** The Public Art Task Force will review public art using the following criteria:
    - a. Aesthetic quality and artistic merit
    - b. Fabrication and installation
    - c. Maintenance plan, requirements, and cost, including lighting, mechanical, and/or electrical requirements
    - d. Permanence/Lifespan of the art
    - e. Liability and Safety—including considerations of theft/vandalism/personal safety
    - f. Identity of the neighborhood in which art will be placed
    - g. Accessibility & visibility
    - h. Placement, siting, and context of surrounding area
    - i. Stakeholder engagement; opportunities to involve the public (surveys, suggestions, charrettes, open houses/meetings, etc.)

### C. Publicly Funded or Managed Art Projects

When appropriate conditions exist, the City of Shaker Heights will pursue installation of public art to improve public spaces, establish a unique municipal identity, and facilitate cultural engagement. Many City projects provide opportunities to include compelling art. Art funding may come from specific City allocations, grant awards, private dollars, or fundraising drives. Funding may be part of larger initiatives, like a streetscape project, or may be dedicated to a standalone project.

City departments should follow the procedures and guidelines outlined below to facilitate implementation and ensure consistent delivery of high-quality projects.

1. **Process:** The Planning Department will manage most public art projects. Under certain circumstances, other departments may be the most appropriate project manager. When this is the case, the Planning Department will serve in an advisory role during the project's initiation, engagement, and implementation. In certain circumstances, the City and/or a City partner may contract with an arts-related organization to facilitate art selection and implementation. The process for publicly funded or managed projects includes:
  - a. **Artist Engagement and Art Selection:** Art selection and artist outreach may involve the following methods:
    - (1) **Request for proposals:** Artists submit existing artwork and new concepts in response to a specific offering or location
    - (2) **Request for qualifications / open call:** Artists submit work examples and/or curriculum vitae (CV). The Public Art Task Force will choose an artist to conceive of artwork and/or will work collaboratively with that artist.
    - (3) **Juried competition:** Artists submit detailed concepts for development and/or installation. The art is juried and selected by Public Art Task Force or through a Neighborhood Selection Process.
    - (4) **Direct commission/purchase:** In certain instances, it may be appropriate for the Public Art Task Force to discuss potential projects directly and informally with artists. For small and/or temporary projects, this may result in direct artist/artwork selection. Direct purchase or already created artwork may be considered.
  - b. **Public Engagement:** Public art projects should include at least one public meeting or targeted neighborhood outreach effort to develop the project's aims or initial concepts. Many projects, especially larger projects, may require further public input. Public engagement will also be included through neighborhood representation on the Public Art Task Force.
  - c. **Neighborhood Selection Process:** Where a public art project is initiated by a neighborhood organization, the neighborhood selection process may replace the public engagement process.
  - d. **Administration:** Staffing of Public Art Task Force, contracting with selected artists or arts management organizations, project management, agreements in accordance with the Visual Rights Act of 1990, and other tasks to ensure successful project delivery.
  - e. **Implementation:** Coordination with relevant departments, project partners, grantors, artists, engineers, contractors, and others, as required.

## 2. **Criteria to be Considered**

In addition to the Public Art Review Criteria (in Section B.2), when considering potential public art and artists for City-funded and managed projects, the following items should be considered in advance of a potential commission:

- a. Artist's geographic location and availability for necessary meetings and site visits
- b. Representation of historically underrepresented groups

## 3. **Expected Deliverables**

Artists selected for publicly funded or managed public art projects should provide:

- a. Completed artwork
- b. Construction documents in both pdf and CAD (or similar) format
- c. High-resolution digital renderings, if created in the design process
- d. Title of work with short description or artist's statement
- e. Maintenance plan, which shall describe the lifespan of the art, yearly maintenance plan and actions, and expected yearly maintenance costs.

## D. **Public Art Review Process for all projects**

Permanent art is artwork that will be in place for greater than one year.

Temporary art is artwork this is of an informal and/or impermanent nature and is expected to remain in place for less than one (1) year. In the case of temporary art, a clear deadline and reasonable method for removing the art must be established and approved by the Public Art Task Force and property owner prior to installation.

The Public Art Task Force shall review public art as described below.

1. **All permanent and temporary works on City right-of-way, City property, or City lands.** All artworks on public land will also be reviewed by the appropriate regulatory body or bodies.
  - a. Public Art Task Force approval required
  - b. Architectural Board of Review, City Planning Commission, and/or Landmark Commission approval may be required. Relevant City departments may also review.
2. **All permanent and temporary works on the exterior of commercial and institutional buildings or commercial and institutional property** (ex: building murals, sculpture in commercial district, school, library, etc).
  - a. Public Art Task Force recommendation to appropriate board/commission(s) described in D.2.b If no other board/commission approval is required, the Public Art Task Force's approval is required.
  - b. Architectural Board of Review, Landmark Commission, and/or City Planning Commission approval may be required. Relevant City departments may also review. Please see [www.shakeronline.com](http://www.shakeronline.com) or contact the Planning Department for specific zoning and Architectural Board of Review requirements.
3. **Temporary artworks** shall be reviewed as described in D.1 and D.2. On a case-by-case basis, the Planning Director may approve temporary art that meets Review Criteria and does not constitute a public safety risk.

## E. **Donations and Loans of Public Art**

1. **Public Art Task Force recommendation:** Donations and loans of art for location on City property will be considered by the Public Art Task Force. The Public Art Task Force will make a recommendation to City administration as to whether to accept the art.

2. **City accepting donation/loan:** If the City accepts the art, it shall do so in accordance with Section 141.15 of the Codified Ordinances. Excessive and/or unfunded maintenance costs may be grounds for rejection of the gift. The Public Art Task Force's approval shall be required in accordance with D.1. Terms of the donation and its maintenance shall be executed in a contract prior to installation.
3. **Maintenance:** The donor shall provide a maintenance plan as described in C.3.e. In the case of permanent art on City property, ongoing maintenance costs and obligations must be adequately arranged for, including a required monetary donation to the Public Art Fund and in accordance with Section 141.15 of the Codified Ordinances. The amount of the maintenance donation shall be negotiated with the donor on a project-by-project basis, typically ranging from 5% - 10% of the value of the piece. Scale, material, location, expected longevity, value of the work, and potential for vandalism will be considered in calculating the required donation.
4. **Ownership:** Donated art will become the property of the City.

#### F. **Donations to the Public Art Fund**

The City of Shaker Heights accepts donations to its Public Art Fund which is established for the commission/purchase of public artworks and for the long-term maintenance of artwork sited on public land. The Public Art Task Force may lead fundraising drives for this fund. These actions must be approved by the City administration, following City purchasing guidelines.

#### G. **Deaccessioning or relocation**

Under certain circumstances, the City may need to relocate or remove a public artwork from its collection. Reasons for this may include, but are not limited to, situations in which: the artwork has become a threat to public safety; the artwork has outlived its useful life; the artwork's maintenance cost is deemed excessive; the artwork has been damaged beyond reasonable repair; the artwork requires extensive conservation or restoration that is cost-prohibitive; the use of the site has changed and the artwork is no longer appropriate; the location of the artwork is in conflict with other proposed improvements; the artwork is determined to be a forgery or duplicate; and/or the artwork was commissioned or accepted with the provision or understanding that it was to have a limited lifecycle or installation period.

If deaccessioning or relocating artwork is desired or necessary, the Public Art Task Force will make a recommendation to City administration and help facilitate the deaccessioning/relocation process in collaboration with the Planning Department and Law Department. This will include, but may not be limited to, notification of the artist, donor, and/or heirs, as well as determination of the relocation/removal process (i.e. return to artist, sale of artwork, destruction, or trade). Deaccessioning and relocation shall be undertaken in accordance with the Visual Artists Rights Act of 1990 (H.R. 2690—101<sup>st</sup> Congress) and any City or State regulations.