

Vacant, Member
Brian Darby, Member
Melissa Diorio, Member
Sharon McTernan, Member
Stephanie Novak, Vice Chairperson



Tracie Merchant-Leatherwood, Chairperson

Vacant, Member
Vacant, Member
Vacant, Member
Alicia Young, Member
Elizabeth Ellenbecker, Member

**ROANOKE ART & HISTORY
TRAIL COMMITTEE AGENDA
APRIL 13, 2023
6:30 PM**

**ROANOKE CITY HALL
FIRST FLOOR - CONFERENCE ROOM #102
500 S. OAK STREET
ROANOKE, TEXAS 76262**

A. CALL TO ORDER

B. PUBLIC INPUT

This item is available for citizens to address the Home Rule Charter Review Commission on any issues that are not the subject of a public hearing. No action by law may be taken on the topic. The presiding officer reserves the right to impose a time limit on this portion of the agenda. In order to provide the highest quality audio, all speakers need to speak at the podium.

C. APPROVAL OF THE MINUTES

1. Consideration and action on approval of the minutes from the regular Art and History Trail Committee meeting held on February 23, 2023.

D. NEW BUSINESS

1. Consideration and action on approval of an amendment to the Art and History Trail Committee bylaws, reducing the number of committee members from 11 to 7.
2. Consideration and action on approval of the Public Art Master Plan Policies and Procedures.

E. ADJOURNMENT

CERTIFICATION



**AGENDA FOR THE ROANOKE
ART & HISTORY TRAIL COMMITTEE
MEETING**

**April 13, 2023
Page 2 of 2**

I certify that the above notice was posted at City Hall, 500 South Oak Street, Roanoke, Texas, on Thursday, April 6, 2023, by 5:00 pm, in accordance with Chapter 551, Texas Government Code.

April S. Hill, City Secretary

*Any person planning to attend this meeting that may require auxiliary aids or services should request accommodations two (2) days prior to the meeting by calling (817) 491-8152. **BRILLE IS NOT AVAILABLE.**

A public wireless network is now available in the Council Chambers for use during meetings. It is available from 7am to 11pm Monday thru Friday. The name of the network is: City Hall Guests



Roanoke Art & History Trail Committee **AGENDA ITEM**

TO: Art & History Trail Committee Members

SUBJECT: 02/23/2023 - AHTC Minutes

MEETING DATE: April 13, 2023

DEPARTMENT: City Secretary

ITEM SUMMARY:

Consideration and action on approval of the minutes from the regular Art and History Trail Committee meeting held on February 23, 2023.

INFORMATION:

STAFF RECOMMENDATION:

SPECIAL CONSIDERATION:

FINANCIAL CONSIDERATION:

ATTACHMENTS:

1. AHTC Min 02-23-2023

Vacant, Member
Vacant, Member
Brian Darby, Member
Melissa Diorio, Member
Stephanie Novak,, Vice Chairperson



Tracie Merchant-Leatherwood, Chairperson

Vacant, Member
Vacant, Member
Alicia Young, Member
Sharon McTernen, Member
Elizabeth Ellenbecker, Member

**ROANOKE ART AND HISTORY TRAIL
COMMITTEE MINUTES
FEBRUARY 23, 2023
6:30 P.M.**

**ROANOKE CITY HALL
1ST FLOOR – COMMUNITY ROOM #132
500 S. OAK STREET
ROANOKE, TEXAS 76262**

Present: Chairperson Tracie Merchant-Leatherwood; Vice Chairperson Stephanie Novak;
Committee Members: Alicia Young, Elizabeth Ellenbecker, Sharon McTernen,
Brian Darby, and Melissa Diorio.

Dept. Staff: Curator of Collections Kelli Thomerson.

Absent: Committee member Ryan Wilhite (resigned seat).

A. CALL MEETING TO ORDER

The meeting was called to order at 6:39 p.m.

Curator of Collections Kelli Thomerson, informed the Art and History Trail Committee Sarah Singer has resigned.

B. PUBLIC INPUT

No one wished to speak.

C. APPROVAL OF THE MINUTES

1. Motion made by Melissa Diorio second by Alicia Young to approve the minutes from the regular Art and History Trail Committee meeting held on January 26, 2023.

Motion carried unanimously.

2. Motion made by Melissa Diorio second by Alicia Young to approve the minutes from the regular Art and History Trail Committee meeting held on February 9, 2023.

Motion carried unanimously.



**AGENDA FOR THE ROANOKE
ART & HISTORY TRAIL COMMITTEE
MEETING**

February 23, 2023
Page 2 of 3

D. OLD BUSINESS

1. Discussion and action on replacing a supplemental request for historical signage along Oak Street.

Curator of Collections Kelli Thomerson gave an overview of the proposal of the walking trail map with available options.

After much discussion, the consensus of the committee is to hold off on the train, to be used later for a pocket park, and move forward on a more simplistic map.

Motion made by Elizabeth Ellenbecker second by Sharon McTernen to approve the use of current funding for the preliminary walking tour signage map.

Motion carried unanimously.

E. NEW BUSINESS

1. Consideration and action on approval of goals for the Art and History Trail Committee.

Goals

1. Provide an opportunity for public art and artistic expression within the community;
2. Allow public art as a vehicle to express the City's history and cultural heritage;
3. Strengthen the community's sense of spirit, pride and community values;
4. Generate cultural tourism and create economic impact;
5. Utilize resources efficiently and provide for sustainability;
6. Enhance community identity and pride;
7. Provide the highest quality artwork available, promoting excellence and demonstrating diversity and variety of media;
8. Increase public exhibition opportunities for artists who live or work in and around Roanoke;
9. Encourage public participation and interactions with public spaces;
10. Enrich the public environment for both residents and visitors through incorporation of the arts; and
11. Strive for diversity, reflecting the social, ethnic and cultural fabric of the city.

Motion made by Melissa Diorio second by Alicia Young to approve the goals for the Art and History Trail Committee.

Motion carried unanimously.

2. Discussion on possible selfie stations.

After much discussion, the consensus of the Art and History Trail Committee is to move forward with selfie stations as a short-term project.



**AGENDA FOR THE ROANOKE
ART & HISTORY TRAIL COMMITTEE
MEETING**

**February 23, 2023
Page 3 of 3**

3. Discussion on possible city entrance signage.

After much discussion, the consensus of the Art and History Trail Committee on the possible city entrance signage will be a medium to long-term project.

F. ADJOURNMENT

Motion made by Melissa Diorio second by Elizabeth Ellenbecker to adjourn the meeting at 7:58 p.m.

Motion carried unanimously.

Tracie Merchant-Leatherwood, Chairperson

_____, Secretary



Roanoke Art & History Trail Committee **AGENDA ITEM**

TO: Art & History Trail Committee Members

SUBJECT: Amending AHTC Bylaws

MEETING DATE: April 13, 2023

DEPARTMENT: Visitor Center/Museum

ITEM SUMMARY:

Consideration and action on approval of an amendment to the Art and History Trail Committee bylaws, reducing the number of committee members from 11 to 7.

INFORMATION:

On August 23, 2022, the Roanoke City Council approved Resolution No. 2022-114R, establishing a City of Roanoke Art and History Trail Committee. Originally, 11 members were appointed to the committee, meaning six (6) members had to attend to create a quorum. There have been four (4) members leave the board, which has created an issue with obtaining a quorum. It is requested that the number of board members be reduced to seven (7) to help alleviate this issue.

STAFF RECOMMENDATION:

Approval of amended bylaws.

SPECIAL CONSIDERATION:

FINANCIAL CONSIDERATION:

ATTACHMENTS:

1. Roanoke - Bylaws - Art History Trail Committee - jlm rev redline - 032323
2. Roanoke - Bylaws - Art History Trail Committee - jlm rev clean - 032323

AMENDED
BYLAWS OF THE
ART & HISTORY TRAIL COMMITTEE

ARTICLE I PURPOSE AND
MEMBERS

SECTION 1. NUMBER OF TERMS OF OFFICE

- A. The Art & History Trail Committee (the “Committee”) shall consist of ~~up to seven (7)~~ eleven (11) members, each of whom shall be appointed by the City Council. A majority of the committee must be residents of the City of Roanoke, Texas (the “City”).
- B. The members of the Committee shall serve terms of three (3) years. Thereafter, each successive member of the Committee shall be appointed and serve for three (3) years or until a successor is appointed as hereinafter provided. All affected terms begin and expire in August of the applicable year. Not more than three (3) City council members may serve on the Committee at any one time.
- C. Any member may be removed from office by the City Council at will. A vacancy of any member’s position, which occurs by reason of death, resignation, disqualification, removal, or otherwise, shall be filled by the City Council.
- D. Board members are considered City officers for the purposes of the Texas Open Meetings Act, chapter 551 of the Texas Government Code, as amended

SECTION 2. VACANCIES AND RESIGNATIONS

A vacancy in any position of the Committee, which occurs by reason of death, resignation, disqualification, removal, or otherwise, shall be filled by the City Council. A vacancy in the office of Chairman or Vice Chairman which occurs by reason of death, resignation, disqualification, removal, or otherwise, shall be filled by election by the Committee from the remaining members, for the unexpired portion of the term of that office.

Any member may resign at any time. Such resignation shall be made in writing, addressed to the Chairman or Vice Chairman, and shall take effect at the time specified therein, or if no time is specified, at the time of its receipt by the Chairman or Vice Chairman.

SECTION 3. MEETINGS OF MEMBERS

For meetings of the Committee, notice thereof shall be provided and set forth in accordance with the Texas Open Meetings Act, Chapter 551 of the Texas Government Code. Any member of the Art & History Trail Committee may have an item placed on the agenda by delivering the same in writing to the City Staff liaison or City Secretary no less than five (5) calendar days prior to the date of the next meeting. Each agenda of the Committee meeting shall contain an item, titled “Public Input,” to allow public comment to be made by the general public concerning matters related to Art & History Trail. However, no official or formal action or vote may be taken on any comment made by citizens during Public Input.

The Committee shall hold regular and special meetings, in the corporate limits of the City, at such place or places as the Committee may from time to time determined, and in conformance with the Texas Open Meetings Act.

Amended Bylaws – Art & History Trail Board
City of Roanoke, Texas
Revised on ~~February 28~~ September 9, 2023

SECTION 4. QUORUM

A quorum is ~~four (4)~~^{six (6)} members of the Committee for the conduct of official business. The Act of a majority of the Committee or more at a meeting at which a quorum is in attendance shall constitute the act of the Committee, unless the act of a greater number is required by these Bylaws, policies/procedures of the Committee, City Council resolution/ordinance, or state law.

SECTION 5. CONDUCT OF BUSINESS

- A. At the meetings of the Committee, matters pertaining to the business of the Art & History Trail Committee shall be considered in accordance with the rules of procedure as from time to time prescribed by the Committee. Unless otherwise adopted by the Committee, the rules of procedures of the City Council shall be the rules of procedures for the Committee.
- B. At all meetings of the Committee, the Chairman shall preside, and in the absence of the Chairman, the Vice Chairman shall exercise the powers of the Chairman.
- C. The Secretary of the Board shall act as Secretary of all meetings of the Committee, but in the absence of the Secretary, the presiding officer may appoint any person to act as Secretary of the meeting. The Secretary shall keep minutes of the transactions of the Committee and Committee meetings and shall cause such official minutes to be recorded in books kept for that purpose in the principal office of the City. The unofficial minutes shall be submitted to the City Secretary within seven (7) days following the Committee meeting. This will enable the unofficial minutes to be distributed to the Committee members for their approval at a future Committee meeting.

SECTION 6. COMMITTEES OF THE BOARD

An official sub-committee of the Committee shall consist of not more than ~~three (3)~~^{five (5)} members. It is provided, however, that all final official actions may be exercised only by the Committee. Each sub-committee so designated shall keep regular minutes of the transactions of its meetings and shall cause such minutes to be recorded in books kept for that purpose in the principal office of the City.

SECTION 7. COMPENSATION OF DIRECTORS

The members, including the Chairman and Vice Chairman, shall not receive any salary or compensation for their services. However, members may be reimbursed for their actual expenses incurred in the performance of their duties hereunder, including but not limited to the cost of travel, lodging and incidental expenses reasonably related to the corporate duties of the Committee and approved by City Council. Travel expenses incurred by members for both regular and special meetings are not eligible for reimbursement.

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ARTICLE II
OFFICERS

SECTION 1. TITLES AND TERM OF OFFICE

The Chairman and Vice Chairman shall be elected by the Committee and shall serve a term of one (1) year. The respective terms of the initial Chairman and Vice Chairman shall be determined by the City Council. The Chairman and Vice Chairman shall continue to serve until their successors are appointed.

SECTION 2. POWERS AND DUTIES OF THE CHAIRMAN

The Chairman shall be the chief executive officer of the Committee, and shall, subject to the authority of the Committee and paramount authority and approval of the City Council, preside at all meetings of the Committee. In addition, the Chairman shall:

- A. call both regular and special meetings of the Committee and establish the agenda for such;
- B. have the right to vote on all matters coming before the Committee;
- C. have the authority to appoint standing or study committees to aid and assist the Committee in its business undertaking or other matters incidental to the operation and functions of the Committee;
- D. perform all duties incident to the office, and such other duties as shall be prescribed from time to time by the Committee, subject to approval by the City Council;
- E. appear before the City Council on a periodic basis, when requested, to give a report on the status of activities of the Committee; and
- F. appear before the City Council, or be represented by his designee, regarding any item being considered by the City Council concerning the Committee, when requested to be present.

SECTION 3. VICE CHAIRMAN

The Vice Chairman shall exercise the powers of the Chairman during that officer's absence or inability to act. The Vice Chairman shall also perform other duties as from time to time may be assigned by the Chairman or the Committee.

SECTION 4. ATTENDANCE

Members must be present in order to vote at any meeting. Regular attendance at the Committee meetings is required of all members. The following number of absences shall constitute the basis for replacement of a member. Absences greater than 25% from regularly scheduled meetings during any one year term (January 1st to December 31st) shall be considered vacant.

SECTION 5. CONFLICT OF INTEREST

In the event that a member is aware that he has a conflict of interest or potential conflict of interest, with regard to any particular matter or vote coming before the Committee, the member shall bring the same to the attention of the Committee and shall abstain from discussion and voting thereof.

Any member shall bring to the attention of the Committee any apparent conflict of interest or potential conflict of interest of any other member, in which case the Committee shall determine whether a true conflict of interest exists before any further discussion or vote shall be conducted regarding that particular matter. The member about whom a conflict of interest question has been raised shall refrain from voting with regard to the determination as to whether a true conflict exists. Failure to conform to these requirements herein and policies as may be adopted by the Committee is cause for dismissal from the Committee by action of the City Council.

SECTION 6. PARTICIPATION IN COMMITTEE MEETINGS

The City Manager, City Secretary, Mayor and Councilmembers, shall have the right to take part in any discussion of the Committee, or sub-committees thereof, including attendance of executive sessions, but shall not have the power to vote in any meetings attended.

ARTICLE III
MISCELLANEOUS PROVISIONS

SECTION 1. APPROVAL OR ADVICE AND CONSENT OF THE CITY COUNCIL

To the extent that these bylaws refer to any action, approval, advise, or consent by the City to refer to action, approval, advice or consent by the City Council, such action, approval, advice, or consent shall be evidenced by a motion, resolution, or ordinance duly passed by the City Council and reflected in the minutes of the City Council.

SECTION 2. GIFTS

The Committee may accept on behalf of the Committee any contribution, gift, bequest, or device for the general purpose or for any special purposes of the Committee.

SECTION 3. CODE OF ETHICS

Each member, including the President and Vice President, its officers, employees, and agents shall abide by and be subject to the City Code of Ethics consistent with the state guidelines regarding gifts.

SECTION 4. AMENDMENTS TO BYLAWS

These Bylaws may be amended or repealed and new Bylaws may be adopted by an affirmative vote of not less than seventy-five percent (75%) of the authorized members serving on the Committee, subject to approval by the City Council. The City Council may amend these Bylaws at any time. Such amendments by the City Council will be duly passed, and adopted by motion, resolution or ordinance duly reflected in the minutes of the City Council, and thereafter, duly noted to the committee. These bylaws may not be amended more often than once a year.

AMENDED
BYLAWS OF THE
ART & HISTORY TRAIL COMMITTEE

ARTICLE I PURPOSE AND
MEMBERS

SECTION 1. NUMBER OF TERMS OF OFFICE

- A. The Art & History Trail Committee (the “Committee”) shall consist of seven (7) members, each of whom shall be appointed by the City Council. A majority of the committee must be residents of the City of Roanoke, Texas (the “City”).
- B. The members of the Committee shall serve terms of three (3) years. Thereafter, each successive member of the Committee shall be appointed and serve for three (3) years or until a successor is appointed as hereinafter provided. All affected terms begin and expire in August of the applicable year. Not more than three (3) City council members may serve on the Committee at any one time.
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- D. perform all duties incident to the office, and such other duties as shall be prescribed from time to time by the Committee, subject to approval by the City Council;
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Any member shall bring to the attention of the Committee any apparent conflict of interest or potential conflict of interest of any other member, in which case the Committee shall determine whether a true conflict of interest exists before any further discussion or vote shall be conducted regarding that particular matter. The member about whom a conflict of interest question has been raised shall refrain from voting with regard to the determination as to whether a true conflict exists. Failure to conform to these requirements herein and policies as may be adopted by the Committee is cause for dismissal from the Committee by action of the City Council.

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Roanoke Art & History Trail Committee **AGENDA ITEM**

TO: Art & History Trail Committee Members

SUBJECT: Public Art Master Plan Policies and Procedures

MEETING DATE: April 13, 2023

DEPARTMENT: Visitor Center/Museum

ITEM SUMMARY:

Consideration and action on approval of the Public Art Master Plan Policies and Procedures.

INFORMATION:

The Art and History Trail Committee conducted several meetings to give input into the creation of Public Art Master Plan Policies and Procedures. Utilizing this information, the city staff has created a proposal for the Public Art Master Plan Policies and Procedures for your consideration.

STAFF RECOMMENDATION:

Approval of the Public Art Master Plan Policies and Procedures

SPECIAL CONSIDERATION:

FINANCIAL CONSIDERATION:

ATTACHMENTS:

1. ATHC Policies and Guidelines 2023



City of Roanoke, Texas

Public Art Master Plan Policies and Procedures

Mission

The mission of the Roanoke Art & History Trail Committee (AHTC) is to cultivate and develop a comprehensive culture of art while honoring the history and enriching the community of Roanoke and visitors.

Vision

For Roanoke to be experienced as a community that celebrates the arts. The AHTC will provide thoughtfully planned art that creates welcoming gathering spaces, drives the expansion of tourism and economic development all with a nod to the historical significance of the City of Roanoke.

I. Goals

(Goals are statements of what needs to be accomplished for the mission and vision.

Objectives are specific actions and timelines for achieving the goal [i.e. 5-year plan].)

1. Provide an opportunity for public art and artistic expression within the community;
2. Allow public art as a vehicle to express the City's history and cultural heritage;
3. Strengthen the community's sense of spirit, pride and community values;
4. Generate cultural tourism and create economic impact;
5. Utilize resources efficiently and provide for sustainability;
6. Enhance community identity and pride;
7. Provide the highest quality artwork available, promoting excellence and demonstrating diversity and variety of media;
8. Increase public exhibition opportunities for artists who live or work in and around Roanoke;
9. Encourage public participation and interactions with public spaces;
10. Enrich the public environment for both residents and visitors through incorporation of the arts; and
11. Strive for diversity, reflecting the social, ethnic and cultural fabric of the city.

II. Objectives—Public Art Action Plan

A. 5-year Project Plan

1. Short term (1-2 years)
 - a. Community art show space
 - b. Selfie stations
2. Medium term (3-5 years)
 - a. Pocket parks/interactive kids parks
 - b. Art benches
 - c. Sidewalk/crosswalks
 - d. Roundabout statues

B. Long term Project Plan (5+ years)

1. Entrance signage
2. Civic center

III. Administration

The AHTC shall administer the Roanoke Public Art Program, coordinating with other City departments and committees as necessary. AHTC will:



- a) Participate in identifying and developing possible public art sites for City Council approval;
 - b) Draft and distribute Calls for Artists, stating project goals and site plan;
 - c) Convene Art Selection Panels as needed;
 - d) Participate in all City Council meetings where public art is discussed;
 - e) Prepare and monitor all tracking documents, including artist records, art inventories and contracts;
 - f) Coordinate all physical and logistical components of artwork installations;
 - g) Coordinate preparation of all necessary signage, including identification labels and/or plaques;
 - h) Coordinate publicity and media attention for artwork installations;
 - i) Serve as a conduit between artists, project and building managers, City staff and others as necessary to ensure a trouble-free flow;
 - j) Serve as resource, guide and counsel to the City Council and City staff regarding all issues related to the Roanoke Public Art Program;
 - k) Present an annual report to the City Council on the Roanoke Public Art Program
 1. Program accomplishments of the prior year and plans for the coming year; and
 2. Conduct a bi-annual review during odd years of all holdings in the art collections.
 3. During this review AHTC will:
 - a. Inventory the collection;
 - b. Examine the condition of each piece to determine any restoration or preservation needs;
 - c. Examine the display or storage conditions of each piece.
- A. *Funding:* The City Council and AHTC will actively pursue public and private sources to fund public art initiatives, which can be deposited into a Public Arts Fund. Individuals, businesses and organizations also will be encouraged to make contributions. Public art projects may be funded through a variety of sources approved by the City Council, including:
1. Public funds. The AHTC will have responsibility for making recommendations for allowable uses of these funds with final approval by the City Council.
 - a. The City Council acknowledges that the AHTC is an advisory commission of the City and the City Council has the responsibility, right and authority to expend the funds as for their intended purpose and is possible and in accordance with the laws of the State of Texas. Additionally, funds donated for a specific project will be restricted for such project to the extent that state law allows. Donations toward a specific cultural or art project will be treated as a donation under federal laws.
 - b. *The City has made no future allocation of public funds to AHTC. However, the City Council may review such policy and may amend it to make an allocation of public funds as determined by the Council. Any further allocation of public funds, approved by the City Council, shall be made in compliance with all local, state and federal laws.
 2. Grants from the Roanoke Economic and Industrial Development Corporation Type A board (City-funded at the rate of ½ of 1 percent of sales tax) for economic development.
 3. Private contributions;
 4. Grants;
 5. Corporate sponsorships;
 6. Matching gifts;
 7. Development fees;



8. Gifts of art; and
9. Fundraising

*Options include public art fees assessed from certain development projects (i.e. .25% of construction value of applicable projects); capital improvement projects (CIP) exceeding a certain amount in total costs, where funding in amount of a certain percentage may be allocated by the City Council for the incorporation of public art; and/or funding from a certain percentage of the HOT (Hotel and Occupancy Tax).

B. *Maintenance, Protection, and Display of Artwork:* Art accepted by the City Council shall become the property of the City.

1. Acceptable level of maintenance for the entire display shall be the responsibility of the City unless otherwise determined by agreement with a separate organization. Consideration shall be given to specific recommendations from the commissioned artists when appropriate. Maintenance levels shall be consistent with that of the location where the art is located.
2. The City will be responsible for artwork that it accepts for the Program. It will be responsible for the proper maintenance, protection and display. These activities will be conducted in accordance with any written instructions provided by the artist/donor at the time of delivery of the work to the extent feasible. In fulfilling these duties, the City will:
 - a) Exert reasonable efforts to protect the artwork from theft, vandalism and other damages;
 - b) Maintain insurance policies providing coverage for theft vandalism or other damages to the artwork;
 - c) Exert reasonable efforts to ensure that acquired artwork is available for public viewing—and when available for public viewing, displayed in an appropriate and respectful manner; and
 - d) Provide official acknowledgement of receipt of artwork to artist or donor.
 - i. The City will not intentionally destroy, damage, alter, modify or otherwise change a piece of artwork accepted by the City as part of the Public Art Program. If any alteration occurs after receipt of the work by the City, the artist has the right to request that the work no longer be represented to be the work of the artist.
 - ii. Restoration or replacement may become necessary if a piece of art is affected by the environment, storm damage or vandalism. The City shall be responsible for the restoration of public artworks unless otherwise determined by agreement with a separate organization. If available, funding for the restoration of public art may come from the current AHTC budget, insurance, operating funds or other sources as may be identified and/or applicable.
 - iii. Storage may be necessary if the work of art is delivered prior to site preparations being complete.

A. *Removal and Deaccessioning*

1. ***Removal of Public Art:*** The City shall remove and dispose of works of art when it finds such action to be in the public interest based on the following:
 - a) The artwork has no relevance to the collection or serves no exhibition function.
 - b) The artwork has been vandalized and is unable to be repaired for any reason, including physical, structural or financial reasons.



- c) The artwork no longer meets the current standards for public art.
 - d) The artwork is no longer repairable or is in a seriously deteriorated condition.
 - e) Due to the concerns for public safety if an artwork becomes a hazard or a public liability.
 - f) Removal should not be based on current fashion or taste.
- Recommendations for removal of public art shall be directed to the City Council. If the City Council determines a review is appropriate, it shall follow the same procedures as outlined for the application for new artwork.

2. *Deaccession of City-owned Artwork:* The City of Roanoke recognizes that the deaccession of artwork must be handled with great care, as concern that public art might be disposed of to pay operating expenses or satisfy changing desires of the City could discourage potential donors or artists. Moreover, haphazard deaccession could cause irreparable harm to the City's collection. The City of Roanoke has a fiduciary obligation to maintain the collection for the benefit of its citizens. AHTC may recommend that an artwork should be permanently removed from the City's collection according to the procedures that follow:

- a) **CRITERIA FOR SELECTING WORKS FOR DEACCESSIONING.** A work may be deaccessioned if at least one of the following applies:
 - i. The city cannot properly care for or store the work;
 - ii. Security of the artwork can no longer be reasonably guaranteed;
 - iii. There is no suitable site for relocation of a work that must be moved;
 - iv. Maintenance costs are higher than can reasonably be absorbed by the City;
 - v. The artwork requires repairs that are unfeasible;
 - vi. The artwork's condition requires restoration in excess of its aesthetic value;
 - vii. The work is so deteriorated that restoration would prove unfeasible or misleading;
 - viii. It, as erected, the artwork poses risks to public safety not identified in the selection process;
 - ix. It is determined that the work lacks significant aesthetic, historical and/or cultural value;
 - x. The City's collection contains a large quantity of work by a single artist of minor stature (in such case, AHTC may find it sufficient to retain only a representative collection);
 - xi. The work is determined to be a duplicate (e.g. prints or multiples) of lesser quality than other works in the collection;
 - xii. The work is determined to be a copy or pastiche without significant historical, documentary or aesthetic value; or
 - xiii. The work is determined to be a forgery or fake. AHTC is responsible for ensuring that any such forgery or fake is identified as such when it leaves the City's collection.
- b) **DEACCESSIONING METHODS.** Upon recommendation of the AHTC, the City Council may, at their discretion, consider any of the following courses of action to deaccession City-owned artworks:
 - i. Sell or trade the artwork (secure professional appraisal, advertise the sale and seek competitive bids through surplus property procedures)



with proceeds to be deposited in the AHTC budget unless specified otherwise in a related contract.

- ii. Remove from display and store the artwork.
- iii. Remove from display and dispose of the artwork. Options might include returning the artwork to the artist or donor, dispose of the piece through a donation to charity or by means of an agreement with another governmental entity.
- iv. Discard the artwork or recycle materials if no other reasonable option exists.
- v. It is understood that, based on prevailing circumstances, other methods of deaccession may be considered in the future.
- vi. All methods must meet all applicable policies, procedures and laws.

IV. Acquisitions

A. Ownership

- 1. Artwork purchased, commissioned or accepted as a donation will be the property of the City of Roanoke.
- 2. Title for each work will be transferred to the City as necessary. Upon acquisition of an artwork, the relationship between the City and the artist will be defined by a contract addressing the terms of the acquisition, any instructions for proper care and maintenance of the work, and any special agreements regarding copyright, reproduction and resale issues, and/or manner in which the work may be deaccessioned.

B. Acquisition Methods: Artwork may be acquired by purchase, commission, donation or long-term loan.

- 1. PURCHASE: When an existing artwork satisfies the selection criteria of the Roanoke Public Art Program or a specific public art project, AHTC may recommend that the City Council authorize direct purchase of the artwork.
- 2. COMMISSION: Based on a recommendation from AHTC, the City Council may award commissions by competition or invitation. The selected artist would be commissioned to create original work consistent with the artist's proposal.
- 3. DONATION: AHTC may recommend that the City Council accept artwork offered as a contribution to the City by a citizen if the work satisfies Roanoke Public Art Program selection criteria and an appropriate site exists to exhibit the work.
 - a) All donations shall be reviewed by the City Council and approved
 - b) A Public Arts Deed of Gift must be completed by contributors and submitted to the AHTC and the City Council for consideration.
 - c) As part of the approval process, the owner or owner's representative of the project will be required to enter into an Art Display Agreement. This agreement shall outline the length of the loan or statement of donation, location, maintenance requirements, cost responsibility, insurance, value of artwork, installation and removal responsibility, and other items not specifically mentioned. If ongoing maintenance requirements, cost responsibility or other obligations are the burden of the owner or owner's representative, then the sustainability of the owner or owner's representative shall be added as a condition of review.
 - d) All siting decisions shall be made by the City Council, with input from the AHTC.
 - e) Donors of public arts may suggest to the City alternative locations for placement of arts. The AHTC may consider these suggestions when



making their recommendation to the City Council regarding acceptance and placement.

- f) If the artwork is not publically displayed or installed within 1 year of acceptance, then it shall be re-reviewed by the AHTC and the City Council for re-approval or denial.
- g) All donated works become part of the City's art collection and, as such, may be relocated or removed from display at any time.
- 4. LOAN: When an existing artwork satisfies Roanoke Public Art Program selection criteria and is suited to a particular purpose or is well-suited to a particular site, AHTC may recommend that the City Council authorize the City to borrow the work from the artist or owner.
 - a) All loans shall be reviewed by the City Council and approved
 - b) The terms of the loan, including the periods for which the work is loaned, any instructions for proper care and maintenance of the work and all relevant insurance arrangements shall be specified in a Loan Agreement.
 - c) The City shall control the location and arrangement of all temporary exhibitions, and reserves the right to reject any part of an exhibition or to change the manner of display if the items to be exhibited are deemed offensive in nature or lacking in artistic or cultural merit.

V. Process for Submission and Review

A. *Review/Approval Process:* Applications for public review must meet the submission requirements outlined below. Once an application is received by the City, it will be scheduled for an upcoming AHTC meeting when agenda time is available. Then if approved, it will be scheduled for an upcoming City Council meeting when agenda time is available. It is anticipated that this process should take between 31-60 days, but may take longer as needed. The review process shall be as follows:

- 1. The application and its contents shall be forwarded to the AHTC.
- 2. The AHTC Committee shall convene a meeting and provide a recommendation regarding the application to the City Council. The recommendation shall include all of the comments received during the review period and a summary of the recommendations.
- 3. Acceptance of the application by the AHTC. The AHTC shall review the application and direct staff to proceed with the review procedures.
- 4. Each permanent Public Arts Project proposal submitted to or initiated by the AHTC shall be submitted with a recommendation from the AHTC to the City Council for final consideration. The City Council may, in its sole discretion, (1) request revisions and resubmission, (2) reject the proposal or (3) accept the proposal.
- 5. Conflict of Interest Statement: In no event shall the application or representative of the applicant be part of the AHTC committee.

B. *Submission Requirements:* Applications will not be deemed acceptable unless accompanied with the following information:

- 1. A photo, drawing or sketch of the art piece.
- 2. Estimated cost of construction and design and proposed funding sources.
- 3. Description of the materials used to create structure including materials needed to display/secure the structure.
- 4. Dimension of the structure including appropriate base materials needed.
- 5. Description, including materials, dimensions and location of interpretive signage for the structure.



6. Statement of regarding relationship to proposed site including aesthetic, cultural or historic ties.
7. An estimate of design lifespan of the structure and potential annual maintenance needed to maintain structural integrity.
8. Statement as to whether the work is unique or duplicates other work.
9. Proposed construction methods.

C. *Guidelines for Review:* The AHTC Committee and City Council will consider the following criteria in its review of all art on public parks and open spaces:

1. The City's overall collection shall strive for diversity in style, scale, media and artists.
2. If the structure is to be erected outdoors, the physical condition of the structure should be considered in terms of durability in an outdoor setting. Any requirements for immediate or future conservation should be noted.
3. The structure must add interest and meaning to the environment in which it is placed.
4. It must be compatible in scale, material, form and content with its surrounding and for an overall relationship with the site. Structure must conform to any existing Master Plan for the site.
5. The structure must have social, cultural, historical or physical context to the site and/or community, either existing or planned.
6. Structures who messages are exclusively religious in nature will not be accepted.
7. Structures whose messages are exclusively political in nature will only be considered if the political message is of historical context.
8. Structures that will provide burdensome maintenance costs on the City, according to its discretion, will not be accepted.
9. Structure shall provide overall artistic merit, creativity and vision (originality, ambition, connection with people and region, technical competence and craftsmanship).
10. Message and content shall be judged by generally accepted community standards.
11. Preference given to work created by local and regional artists.
12. Artist's background and ability.
13. Pertinence to local people, history, events and cultural and ethnic heritage or related to location.
14. Support and collaboration for the project.
15. No conflict of interest with funding sources.
16. Clear title of ownership.
17. Must meet City Codes and Ordinances.
18. Avoid over-representation by any one artist.
19. Prioritized list of sites and localities.
20. Public Safety.
21. Artworks should not block windows or entranceways, nor obstruct normal pedestrian circulation in and out of a building, on a sidewalk or path.
22. Art should not be placed in a given site if the landscaping and maintenance requirements of that site cannot be met on a long-term basis.

D. *Criteria for Artwork Placement:* When identifying the proposed location of artwork, AHTC shall consider the following:

1. Public Safety;



2. Visibility;
3. Lighting;
4. Traffic patterns, interior, exterior, foot and auto;
5. Function of the existing facility or site;
6. Relationship of the proposed artwork to pre-existing artworks on the site;
7. Future development plans for the area;
8. Landscape design;
9. Environmental assessment;
10. Public accessibility;
11. Appropriateness of the physical characteristics of the site; and
12. Relationship of the social and cultural identity of the immediate local community.

VI. Selection Process

A. *Artwork Selection Criteria*: Artistic integrity and highest quality of aesthetic experience will be the primary considerations in the selection of public art. The following criteria shall be applied by AHTC in the selection process:

1. MEDIA: All visual art forms and materials consistent with the purpose of acquisition will be considered.
2. QUALITY: Artwork shall be of lasting value and artistic merit that will enhance the City's collection.
3. AUDIENCE: The artwork will be suitable for display to a diverse audience including children. It should enhance its setting and help create a sense of place. The City may not acquire public art that would, when displayed, create a hostile work environment for public employees.
4. STYLE: The artwork should be suitable in scale materials and form for its surroundings, or capable of being suited in a variety of public areas. Artwork selected for the City's collection should advance the purpose specified by AHTC at the time an acquisition project is undertaken
5. RANGE: Artwork may be functional or non-functional; conceptual or tangible; portable or site-specific; folk art, craft or fine arts; temporarily or permanently installed
6. CONDITION AND PERMANENCE: The artwork will be of materials and method of construction suitable to the setting. Artwork for outdoor exhibition will be resistant to theft, vandalism, weathering and constructed to avoid extensive maintenance and repair. At the time of acquisition, the artwork will be in good condition or worthy of restoration.
7. TECHNICAL FEASIBILITY: The City will consider only such artwork for commissions those artwork proposals it finds likely to be completed according to design. The City will only select artworks for which it has an immediate location or storage capacity.
8. FISCAL FEASIBILITY: The City will consider only such artworks for which it poses adequate funding for appropriate display, maintenance, insurance and safeguarding.
 - a) Prior to acceptance of a work, an estimate based upon past experience or knowledge of maintenance expenses associated with the proposed artwork shall be presented to the City Council by AHTC in its Acquisition Recommendation.
 - b) PUBLIC SAFETY: The City will not consider works that the City determines may pose a threat to public safety.



- B. *Responsibilities of Artists/Donors:* When an artwork has been selected for inclusion in the Roanoke Public Art Program, the artist or donor must agree to:
1. Sign and abide by the terms stated within the Acquisition Contract;
 2. Execute, complete and deliver the work at agreed upon date and time;
 3. Maintain an effective working relationship with the project team and City staff;
 4. Advise AHTC 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);
 5. Personally design and execute the work, working with City staff in connection with site preparation and installation, unless otherwise stipulated in the contract;
 6. Warrant that the work is the original product of the designated artist's creative efforts and does not infringe on any third party's copyrights or other intellectual property rights; and
 7. Correct or allow correction of any safety issues not foreseen in the installation of the artwork, or that develop after the artwork has been on public view.

C. *Artist Selection Process*

1. The AHTC serves as the preliminary review, advisory and recommending body for a Public Art project. The City Staff assists the AHTC chair in presiding over meetings and overseeing the artist selection process. The AHTC interviews and selects an artist to recommend for the project.
2. AHTC reviews are scheduled in advance and open to observers who wish to attend. The AHTC chair or City Staff instructs committee members on the duties and responsibilities relating to the project.
3. Committee members should verify that they have no conflict of interest relative to the project. If the AHTC cannot reach a consensus on an artist, it takes a vote, with the majority carrying the decision. Each Committee members has one vote, and no Committee members has the right of veto.
4. The City Council has final authority to approve the artist and can accept or reject the AHTC's recommendation.
5. Whenever possible, the selection process should begin at the conceptual stage of the project so the artist(s) will be able to integrate arts concepts and artworks with the design of the specific projects and or sites. Early participation also allows for dialogue between the artist(s) and architect or designer to discuss the design processes and the inclusion of specifications for the artworks site preparation that are subject to zoning, design and construction codes. The selection of artists or artworks should meet the following criteria:
 - a) The design capabilities of the artist(s) and the inherent quality of the artworks.
 - b) All media forms of visual arts may be considered, subject to any requirements set by the City Council, AHTC or the Administration Department.
 - c) Artworks of all schools, styles and tastes should be considered for the Public Arts Program.
 - d) Artwork should be appropriate in scale, materials and form for the immediate, general, social and physical environments in which they are related.
 - e) Consideration should be given to the artist's previously demonstrated ability to create works of structural and surface integrity, permanence and protection against theft, vandalism, weathering, excessive maintenance and repair costs.



- f) Consideration should be given to the fact that public arts is a genre that is created in a public context and that must be judged by standards that embrace factors other than aesthetic, including public participation and functional considerations. Public arts may also serve to establish focal points and terminate areas, modify, enhance or define specific spaces, establish identity or address specific issues of urban design.
- g) The artist selection process shall ensure that the interests of all concerned parties are represented, including the public, arts community and the City.

D. *Methods of Selecting Artists:* The AHTC shall determine the appropriate method of artist selection:

1. Design Team Selection – The design team for a project may directly select an artist following the criteria set forth by this Policy. This method of selection is appropriate for those city projects which have been selected to have an art-enhanced design component.
2. Limited Competition – The AHTC may invite a limited number of artists to submit credentials or proposals according to criteria established by AHTC or the City Council. Such criteria will reasonably expedite the goals of the competition without unduly excluding qualified participation.
3. Open Competition – Any artist may submit credentials or proposals, subject to any requirements established by the AHTC or the Administration Department. Call for entries for open competitions shall be sufficiently detailed to permit artist to determine whether their work is appropriate to the project under consideration. The AHTC shall review all applications and select a predetermined number of finalists. The limited competition process would then follow.
4. Invitation – In special circumstances, the AHTC may decide on commissioning one artist to work on a project. The AHTC may directly select an artist or artists. Generally, direct selection will not be employed except on those projects where an open or limited competition would be inappropriate or impractical, such as a very urgent timeline or very specific project requirements. Artists chosen by AHTC or a duly authorized Art Selection Panel on the basis of their qualifications, as demonstrated by past work, past experience with public art and successful completion of previous projects similar in scope and demand will be asked or paid to develop a proposal.
5. The AHTC shall select a predetermined number of finalists to be interviewed. Depending on the scope of work and timeline of the project, the selected finalists may be requested to submit their qualifications or a project proposal to the AHTC. If the finalists are to submit a project proposal, finalist shall be presented with information pertaining to the selection process and the project, including a site and community profile. The project architect may set a meeting with the finalists to discuss the site and/or project.
6. Final Recommendations – The AHTC has the responsibility of recommending an artist's proposal or artwork for a project to the City Council for final approval.
7. The City shall request a formal proposal from the final artist(s) selected, specifying the time frame for proposal development, payment schedule, ownership, exclusivity and copyrights. Ownership of all materials related to the proposal including model, drawings, etc., will be negotiated between the artist and the City and the City shall have the right to exhibit and use them for educational and promotional purposes.



E. Responsibilities of the Artist(s)

1. Submit credentials, visuals, proposals and/or project materials as directed for consideration by the AHTC.
2. Guarantee that the Artwork or art concept is the result of the artist's personal creative efforts except in the case of design collaboration.
3. Ensure that the art is unique and original and does not infringe upon any copyright. The artist must agree to hold the City harmless against any claims of copyright infringement.
4. Guarantee that the artwork or the duplicate has not been accepted for sale within 500 miles of the city limits and that the art is free and clear of any liens.
5. Conduct necessary research, including attending project orientations and touring project sites, when possible.
6. Design, execute, complete and transfer ownership of the artwork in a timely and professional manner.
7. Work closely with the project manager and/or other design professionals associated with the project.
8. Submit to the Administration Department and the AHTC any significant changes in the scope of the project, color, material, or design of the approved Artwork.
9. Make public presentations, conduct community education workshops or a residency as may be required by the contract with the City.
10. Provide a maintenance plan that includes a list of materials, diagrams, names of fabricators describing processes used in fabricating the artwork, and the descriptions and drawings of installations, specifications and details of connecting methods.

F. Contractual Agreements: Upon final approval of the artist by the AHTC, the City Staff negotiates with the artist using the City contract developed specifically for this purpose.

1. Contracts will be negotiated between the City, the City Attorney, the artists and with other consultants, if necessary. If applicable, as determined by the City, the artist must prepare a budget that includes costs for fabrication, materials, labor, transportation, site preparation and installation, insurance, artist fee and a contingency fund. Contracts will require the artist to develop a Maintenance Plan for the artwork, which must be submitted to the Administration Department before final acceptance of the artwork is issued by the City. Contracts will be executed by the City Manager, or designee, and administered by the Administration Department.

G. Design Development and Review: The following process guides the design development and review of a public art project:

1. After selection but prior to design development, the artist meets with the AHTC or the City Staff to discuss the scope of the project.
2. The artist gathers information and conducts research, solicits community input if appropriate and begins preliminary designs.
3. The AHTC or City Staff responds to the artist's draft designs and provides feedback.
4. After the artist has created a fully developed design for the artwork, it may be shared with the public.
5. The artist's final design is brought before the City Council prior to the execution of any agreements for fabrication of the design. The City Council is the final authority in the design review stage.



6. The City Staff may hold a final meeting of the AHTC to obtain feedback on the process and interview members about lessons learned.

H. *Fabrication and Installation*

1. Fabrication of the artwork will be by the artist or under the artist's direct supervision.
2. Installations shall be coordinated between the Administration Department through the Public Arts Program and the appropriate representatives of the City. Whenever possible, the installation of artworks will become part of the final project's construction contract, and will be executed by the contractor under the artist's supervision.
3. The Administration Department shall document the selection process and critical stages of specific projects such as fabrication and installation. All records relating to all projects such as contracts, correspondence, memoranda, proposals, models, and billings will be kept by the Administration Department.

I. *Project Completion:* At the completion of a project, the following procedures apply to the transfer of project responsibility to the Public Art Collection:

1. Within 15 days following the completion of the artwork installation, the artist provides a transfer of title document.
2. As a condition of final payment to the artist, the artist must send a letter documenting fabrication methods, artistic intent and routine and cyclical maintenance requirements.
3. Upon project completion, the City Council recommends to the citizens final acceptance of the artwork into the Public Art Collection.

J. *Identification of Artwork:*

1. Signage must include relevant information such as the name or theme of the artwork, the name of the artist(s), who the artwork is presented from, and the date the artwork was dedicated. Signage may also include a brief description of the art and who it was presented to (i.e. City of Roanoke). The signage should blend with the artwork and not distract from it.
2. Purchase prices of artwork shall not be posted at the placement site in which the artwork is displayed, nor shall they be listed in any exhibit brochures.

K. *Public Safety:* No artwork will be displayed before the City has inspected it and ascertained that it poses no threat to public safety. Through evaluation by qualified staff, the City will ascertain that no aspect of the installed artwork creates a substantial risk of injury when the work and any adjacent property are used with due care and in a reasonably foreseeable manner. The City will further ascertain that installation of the work will not pose a substantial or unreasonable risk of serious bodily harm to persons near the work or on adjacent property with due care appropriate to their age in a reasonably foreseeable manner. After an artwork has been installed, the City will monitor the installation as needed to ensure that no such risks are created due to changed circumstances.

VII. **Monitor and measure**

For its annual report to the City Council, the AHTC will monitor, measure and review the Public Art Program's progress through various metrics, including:

- a) Number of public artwork pieces installed within a year



- b) Amount of diversity added to the collection by the number of each type of artwork installed (i.e., sculpture, mosaic) and the number of non-traditional pieces installed (i.e., art incorporated into infrastructure)
- c) Number of temporary exhibits held within the year
- d) Percentage of pieces contributed by previously commissioned artists
- e) Number of grants applied for within the year
- f) Number of grants received in the year
- g) Total amount of funds spent on public art
- h) Attendance at temporary exhibits
- i) Percentage of pieces provided by local artists