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2 RESOLUTION ESTABLISHING A PUBLIC ART POLICY
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4 WHEREAS, the City Council finds a public art program is important to a city, because it
5 brings social, cultural and economic benefits to the public and visitors to the city;
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7 WHEREAS, the City Council wishes to create and establish a program which will
8 enhance the recreational and cultural environment in the city by incorporating the work of artists
9 into the city’s capital improvements;
10

11 WHEREAS, the Durham Cultural Master Plan, within its Economic Development Goal,
12 places a high priority on the establishment of a percent-for-art program in Durham;
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14 WHEREAS, approximately five hundred state, county and municipal public art programs
15 have been adopted in the United States, including programs in Raleigh, Cary, Chapel Hill and
16 other North Carolina cities and towns;
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18 WHEREAS, the Resolution Authorizing the Establishment of the Cultural Advisory
19 Board as “an advisory committee to the City Manager and City Council” defines one of the
20 board’s functions as “the implementation of a public art program”;
21

22 WHEREAS, the Downtown Master Plan establishes a goal of “activating the street-level
23 and the storefronts with interesting shops and venues; and continuing streetscape improvements
24 including public art, throughout downtown”; and
25

26 Whereas, the Citywide Strategic Plan goals of “a strong and diverse economy”, “thriving
27 livable neighborhoods” and “stewardship of the City’s physical assets” are supported by a public
28 art program; and
29

30 WHEREAS, the Durham Comprehensive Plan establishes a goal “to encourage the
31 incorporation of public art in new development projects, particularly in Downtown and Compact
32 Neighborhood Tiers”; and
33

34 WHEREAS, a stable and predictable source of funding for public art projects and a
35 transparent system for administering a public art process in the selection of works can support the
36 goal of increasing the quantity of diverse public art throughout the city.
37

38 NOW, THEREFORE, BE IT RESOLVED that the City of Durham hereby adopts the
39 following Public Art Policy:
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41 1. Definitions.
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- 43 a. Public Art is hereby defined as
44 i. Original visual art including, but not limited to, sculptures, murals,
45 photographic renderings, mosaics and electronic art installations installed
46 on a permanent basis in spaces which are visible from public streets and
47 pedestrian walkways, free of any admission fee, through a public process
48 providing opportunities for community input;
49 ii. Original visual art installed on a temporary basis, for a period of not less
50 than 90 days, in public spaces designated as public art exhibition areas
51 for temporary installations;
52
53 b. Designated spaces for temporary free public art exhibitions are hereby defined as
54 CCB Plaza, Central Park, Five Points, the Civic Center Plaza, the grounds of the

55 Durham Performing Arts Center, City Hall, the Hayti Heritage Center, the Durham
56 Arts Council, the Carolina Theatre, Durham Athletic Park, and such other public
57 spaces as may be designated by the City Council. For some temporary projects an
58 indoor location might be necessary based on the design of the work or as an indoor
59 inclement weather location.
60

- 61 c. Permanent is hereby defined as the expected useful life of the structure at the
62 designated project location. In the event that the site shall not have a structure,
63 permanent shall mean at least twenty-five years.
64

65 2. Program Administration. The Cultural Advisory Board (“CAB”) shall provide advice to the
66 City Council and the City Manager by appointing a Public Art Committee (“Committee”) whose
67 two primary purposes shall be to advise on commissioned public art works and to advise on
68 whether works offered for donation should be accepted by the City.
69

70 The Committee shall consist of at least three members of the Cultural Advisory Board,
71 including the committee chair, with no fewer than six additional members. The CAB will
72 advertise vacancies on the Committee to encourage diversity and broad community participation.
73 The Committee members shall include professional artists or professionals in related fields,
74 including but not limited to architecture and landscape architecture and members of the general
75 public with knowledge or experience in public art projects or related activities. Committee
76 members shall live or work in Durham, with priority in the appointment of members given to City
77 residents.
78

79 Committee members shall be appointed by the Cultural Advisory Board. The Committee shall
80 advise the Cultural Advisory Board and Durham City Council on matters including:

81 the acceptance by the City of public art works offered to the City by donors, and
82

83 the commissioning of public art projects by the City.
84

85 3. Percent-for-Art Program. The City Council hereby establishes a percent-for-art program to
86 encourage and fund public art projects in Durham.
87

- 88 a. Funding: Each fiscal year, the City Manager shall recommend an amount, up to one
89 percent of the proposed General Capital Improvement Project (CIP) budget, to be set
90 aside in the Project Fund for Public Art, for the installation of public art at the sites of
91 major capital projects included in the CIP, for projects in the priority areas for public
92 art or for such other locations as the City Council may determine.

- 93 b. Project Fund for Public Art: The Project Fund for Public Art shall be used to
94 commission works of art for permanent installation at sites approved by the City
95 Council, to fund maintenance and repair of existing public art works, or to fund
96 temporary installation of works of art at designated public art temporary exhibition
97 areas. Funds may be used for direct costs and for the costs of administration of
98 projects.
99

100 4. Geographical Priorities: For projects funded from the Project Fund for Public Art, priority
101 shall be given to projects in the Downtown Development Tier including the Parrish Street Project
102 Area, the Community Development Area outside Downtown and designated gateways to the city.
103 This priority does not preclude projects in other areas of the City.
104

105 5. Design Criteria: The commissioning of public art, or the acceptance by the City of donated
106 works of public art, shall be subject to review by the Cultural Advisory Board which shall make a
107 recommendation to the City Council as to the appropriateness of the work to be created, accepted
108 for donation or purchased. The review shall consider artistic quality, appropriateness of artistic

109 content to the location, maintenance, risk and safety issues and conformity with relevant city
110 policies and ordinances.
111

112 6. Public Input: In reviewing public art proposals, the Cultural Advisory Board shall provide
113 opportunities for public input, including input from neighborhoods, businesses and other
114 institutions in the area in which the work will be installed. In reviewing a proposed project, the
115 Cultural Advisory Board shall give consideration to educational components of the project.
116

117 7. Administrative Structure: The City Manager, or the Manager’s designee, shall develop
118 detailed procedures, informational material and application documents for the administration of
119 the public art process.
120

121 8. Project Management: Projects commissioned through the Project Fund for Public Art shall be
122 administered by the Office of Economic and Workforce Development (OEWD) in conjunction
123 with the department with primary responsibility for the location to be used.
124

125 9. Private Development: The City shall make efforts to encourage voluntary participation in the
126 Public Art process by developers of properties on private land. The evaluation process for the
127 awarding of grants or incentives for capital projects under the Economic Development Financial
128 Assistance and Incentive Policy shall use the grant scoring process to encourage voluntary
129 participation. Developers may satisfy this goal through on-site installations, through contributions
130 to the Public Art Project Fund, or through the contractual commitment, in the interior decoration
131 of the spaces subject to the incentive agreement, to purchase original art by artists residing or
132 working in the City of Durham.
133

134 10. Effective Date: The percent-for-art process in this Resolution shall take effect beginning with
135 the 2012-2013 fiscal year budget. The administrative process for public art project review shall
136 take effect upon the approval of this Resolution.
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