



Date of Council Meeting: October 11, 2016

**TOWN OF LEESBURG
TOWN COUNCIL MEETING**

Subject: Leesburg LOVEwork Sculpture Project

Staff Contact: Anne Geiger, Commission on Public Art Staff Liaison

Council Action Requested: Approval of the LOVEwork sculpture design, installation of the sculpture on Town of Leesburg property at Crescent Place, and acceptance of ownership and maintenance of the sculpture.

Staff Recommendation: Staff recommends that Town Council approve the LOVEwork sculpture design and the installation of the sculpture on Town of Leesburg property at Crescent Place. Staff also recommends that Council approve acceptance of ownership and maintenance of the sculpture.

Commission Recommendation: The Commission on Public Art endorses the LOVEwork sculpture design, the installation of the sculpture on Town of Leesburg property at Crescent Place, and the Town's acceptance of ownership and maintenance of the sculpture.

Fiscal Impact: There is no cost to the Town for design, execution, or installation of the LOVEwork sculpture. There will be minimal costs for the maintenance of the sculpture.

Work Plan Impact: Minimal staff time to obtain all required permits.

Executive Summary: The Commission on Public Art supports the installation of a LOVEwork sculpture in Leesburg. The Friends Of Leesburg Public Arts are working with sculptor Mike Clay on a design that will be low maintenance. The optimal location is on Town of Leesburg property at Crescent Place.

The Town will own and maintain the sculpture, but there will be no cost to the Town for design, execution, or installation of the sculpture. Approval of the sculpture artwork, location, ownership, and maintenance of the sculpture by Town Council is required since it will be located on Town of Leesburg property.

Background: In April 2016, the Commission on Public Art (COPA) began researching LOVEwork sculptures. Due to a large number of cycling businesses in Town, a sculpture theme of bicycles was adopted. The location chosen for the Lovework sculpture is in the southeast corner of the intersection of Harrison Street and W&OD Hike and Bike Trail.

The sculpture idea was turned over to the Friends of Leesburg Public Arts (FOLPA) for execution. FOLPA contacted the Visit Loudoun Office and the "Virginia Is For Lovers" Virginia Tourism Board for funding and sculpture requirements. FOLPA has been awarded a grant from the "Virginia Is For Lovers" Virginia Tourism Board for this LOVEwork. There are at least 48 LOVEwork sculptures around Virginia and more being created, as well as a "Virginia Is For Lovers" traveling LOVEwork.

"Virginia Is For Lovers" Virginia Tourism Board has several requirements for the location of a LOVEwork sculpture. Since the Tourism Board encourages people to take their pictures with the

LOVEworks sculptures and post the pictures on its Facebook page at (www.Facebook.com/VirginiaisforLovers), the sculpture must be large and its site must have adequate parking and be safe to access for pictures. In looking at the locations where the W&OD Hike and Bike Trail intersects with public roads, this site was deemed the safest. The sculpture will be seven feet tall. Also, part of the Virginia Tourism Board grant approval requirements is that the sculpture include several discreet references (hashtags, QR codes, or the like) to “Virginia Is For Lovers” and the Virginia Tourism Board. This information will be included in the sculpture design or on the sculpture foundation.

FOLPA is working with sculptor Mike Clay on the design of the sculpture with a mandate that Mr. Clay incorporate low maintenance materials into the sculpture.

The Town will own and maintain the sculpture as per the Leesburg Public Arts Guidelines which state on page 8, “In general, for Town-initiated and community-initiated permanent works of public art, the Town should own the physical work and copyrights should be retained by the artist with reproduction rights allowed the Town for appropriate promotional and educational purposes.” The Guidelines were approved on September 23, 2008 with Resolution 2008-148. A contract will be executed between the Town and the artist allowing the artist to retain the copyright with reproduction rights allowed to the Town for appropriate promotional and educational purposes.

The funding for the sculpture design, execution, and installation has not yet been finalized, but there will be no cost to the Town of Leesburg.

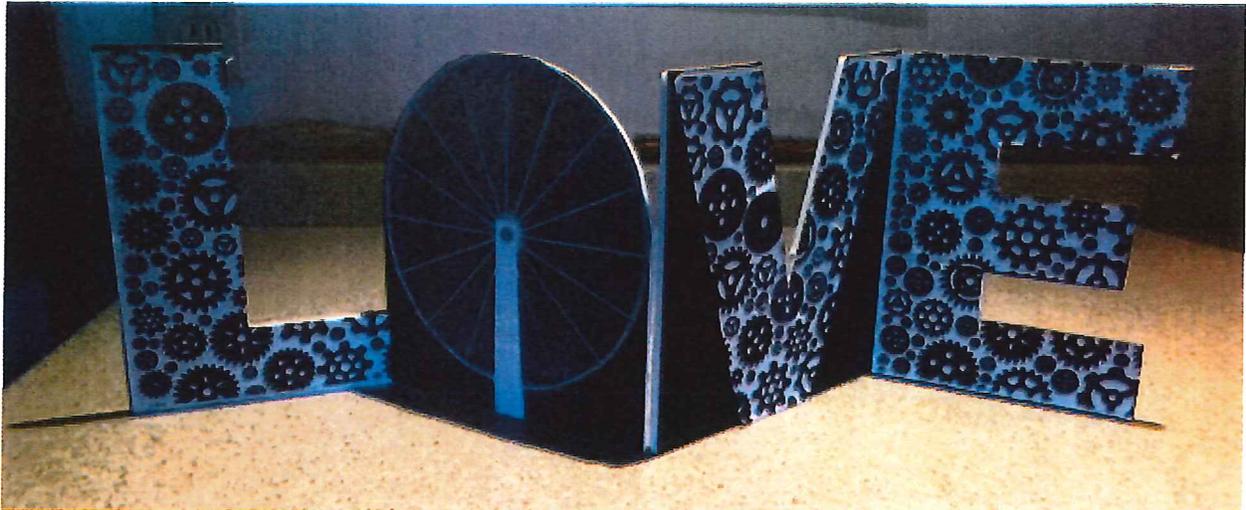
The Town Attorney has reviewed liability of the proposed sculpture on Town property and has approved the work as long as the sculpture has no moving parts.

The criteria for selecting existing art to be displayed on public property are as follows:

- Quality and Originality: The sculpture is original and created by Mike Clay.
- Suitability: The art is suitable for public display.
- Durability: The art is designed for outdoor display.
- Safety and Public Liability: The art will be anchored in place similar to the artwork in Raflo Park and will not present a safety hazard.

The proposed sculpture meets these criteria.

Attachments: LOVEworks sculpture design and location picture
Resolution 2008-148
Approved Leesburg Public Art Guidelines



The Love Sculpture Details:

Dimensions:

Thickness: 4" thick letters

Height: 7' high

Length: 12-17 feet

Weight: 850lbs (approx. 200+ pounds per letter)

Materials:

Cogs, Gears, Bicycle Framing, Wheel and similar bike parts

4" X 1-1/2" channel framing around each letter

The wheel will be mounted so that it ~~spins~~ **DOES NOT**

See through sculpture; Black solid areas are actually open areas

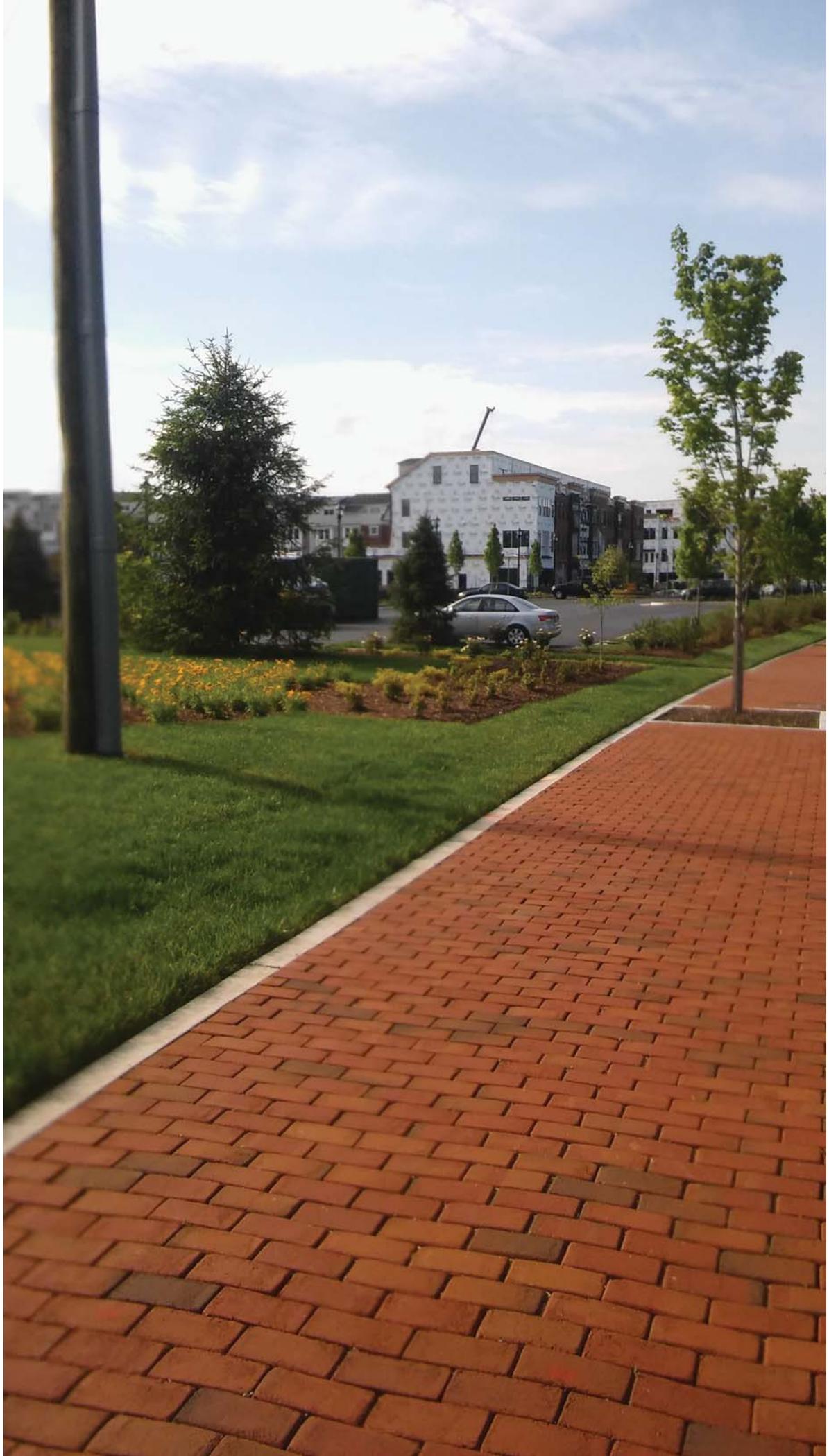
Possible painting of finished product to appear bronzed

Mounting:

Concrete footers. Letters mounted by anchor bolting into footers.

Location:

Adjacent to the W&OD Trail in Leesburg, Virginia. Corner of W&OD Trail and Harrison Street. The LOVE Sculpture would be directly across the street from bathrooms and water fountains.



The Town of
**Leesburg,
Virginia**

PRESENTED September 23, 2008

RESOLUTION NO. 2008-148

ADOPTED September 23, 2008

A RESOLUTION: ADOPTING THE COMMISSION ON PUBLIC ART GUIDELINES

WHEREAS, the Leesburg Town Council supports the Commission on Public Art, established in 2006 (COPA Article XII Section 2-100 of the Leesburg Town Code); and

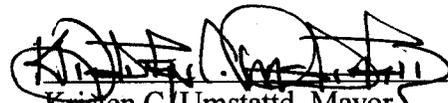
WHEREAS, the work of the Commission on Public Art encourages and supports art to enhance Leesburg's identity as a community and to demonstrate that Leesburg values art and creativity within the community; and

WHEREAS, after more than twelve months of work, at their July 2008 meeting, the Commission on Public Art voted unanimously in support of the Leesburg Public Art Guidelines; and

WHEREAS, staff recommends endorsement of the guidelines.

THEREFORE, RESOLVED that the Council of the Town of Leesburg in Virginia adopts the Leesburg Public Art Guidelines dated July 24, 2008.

PASSED this 23rd day of September, 2008.


Kristen C. Umstattd, Mayor
Town of Leesburg

ATTEST:


Clerk of Council

Leesburg Public Art Guidelines

Public art enhances Leesburg's identity as a community. It can build our sense of Town pride, enrich the quality of our lives, and publicly demonstrate that Leesburg values art and creativity in the community. Public art fulfills these purposes in a myriad of ways: by improving our experience of public spaces through excellent and harmonious design; by sensitively preserving or highlighting vistas; by introducing surprising, enlivening, or mirthful elements into otherwise ordinary spaces; and by engaging us with insightful interpretations of our community's activities, aspirations, and history; by giving individuals, families, and children a shared cultural experience; and finally by making us smile about, reflect on, or appreciate some aspect of our lives or world.

In sum, public art has the capacity to humanize our urban and suburban environments. In recognition of the importance of integrating public art into the daily lives of the residents of the Town of Leesburg, Virginia, the Town Council supports a strong public art program. To this end the Town Council hereby establishes the Town of Leesburg Public Art Guidelines ("Guidelines") with the following goals in mind:

- To create exciting, appealing, and harmonious public spaces and buildings by integrating art into architecture, urban design and the planning of infrastructure at the earliest design stage;
- To celebrate our community's heritage, ethnic diversity, commonality, and civic pride. To build a public art collection that contributes to the pride and enjoyment of citizens, visitors and workers and creates a positive emotional connection to the community as a special place;

- To enhance Town of Leesburg's image locally, regionally and nationally by insuring the creation of the highest quality public art;
- To foster the public's understanding and enjoyment of public art;
- To stimulate collaboration between artists and the citizens of Leesburg; and
- To encourage federal, state and private support for Town of Leesburg's public art program.

Through these Guidelines the Town Council seeks to promote opportunities for creating exciting and attractive public spaces that are used and enjoyed by Town residents, workers and visitors. A Leesburg Town Council Member may serve as a liaison to the Council for public art in all areas outlined in said document, Leesburg Public Art Guidelines V.1, dated February 25, 2008.

I. Definitions

1. **Acquisition** – the addition of a work of art for Leesburg, Virginia's permanent art collection, whether by commission, purchase, gift, or other means.
2. **Art Advisory Panel**- the panel convened by the Commission on Public Art to review a specific project, select an artist to be commissioned and/or an artwork to be purchased. A list of qualified art professionals/practioners is compiled by the Commission on Public Art and referred to when panelists are required.
3. **Artist** – Students of art; professional or academic in nature.
4. **Public Art Commission**- shall mean the Leesburg Commission on Public Art.
5. **Town Council**- the elected Town Council members of the Town of Leesburg.
6. **Capital Improvements Program (CIP)** - all capital projects of the Town.
7. **Work of Art** - means any work of visual art, including but not limited to, a drawing, painting, mural, fresco, sculpture, mosaic, photograph, work of calligraphy, work of graphic art (including an etching), works in clay, textile, fiber, wood, metal, plastic, glass, and like materials, or mixed media (including a collage, assemblage, or any combination of the foregoing art media). For projects which involve no structure,

"Work of Art" may include a combination of landscaping and landscape design (including some natural and manufactured materials such as rock, fountains, reflecting pools, sculpture, screens, benches, and other types of street furniture). Except as provided herein, the term "Work of Art" does not include environmental landscaping or ephemeral arts such as dance, voice, music or poetry unless expressed in a manner defined above.

8. **Public Art-** Original or limited multiple edition works of art that are accessible on public property and which may possess functional as well as aesthetic qualities (see Work of Art for further clarification.)
9. **Public Art Program-** the entity and the activities including the Public Arts Commission and appropriate Town Staff, which develop and implement the purpose and goals of the Public Art Policy, following Town policies and procedures.
10. **Public Art Collection-** means the entirety of Works of Art in municipal places which have been acquired by the Town of Leesburg.
11. **Guidelines-** is the term used to describe these regulations adopted by the Town Council to establish procedures necessary to carry out the purpose of the ordinance (pursuant to Town Code Article XII, Sec. 2-100). These guidelines shall include but not be limited to criteria for the selection of artists and art works, maintenance of a file of interested artists, payment practices, procedures for artistic competitions, and requirements for the maintenance of art works.
12. **Town Facility -** for the purposes of the Public Art Program refers to publicly-accessible facilities owned and operated by the Town of Leesburg; this may include buildings, parks, public spaces or public works which are physically or visually accessible to the general public.
13. **Privately Owned- Property-** refers to facilities or grounds which are not the property of the Town of Leesburg or Loudoun County but on which Town of Leesburg art projects may be sited.
14. **Special Exception Projects-** the Town's Zoning Ordinance distinguishes between uses permitted "by right" and uses allowed by "special exception". Site plan approval and use permits are two forms of special exception that require a public review process and include specific conditions of approval imposed by the Town Council.
15. **Work of Art-** all forms of art conceived in any discipline or medium.

II. Goals for the Public Art Program

In developing the Public Art Collection of the Town of Leesburg, the Leesburg Public Art Commission and the Town Council have established these goals to guide the Public Art Program:

- To create exciting, appealing, and harmonious public spaces by integrating architecture, design and the planning of infrastructure at the earliest design stage.
- To celebrate our community's heritage, ethnicity, commonality and civic pride by stimulating collaboration and understanding between artists and Leesburg's diverse community.
- To enhance Leesburg's image locally, regionally and nationally by insuring the creation of the highest quality of public art.
- To foster the public's understanding and enjoyment of public art.
- To encourage federal, state and private support for Leesburg's public art program.

III. Eligible Public Art

All public art commissioned or acquired under the Public Art Policy shall be designed, or the process facilitated by an artist or if by a team, an artist is on the team. Public art may include, but is not limited to:

A. Design work provided by an artist to be incorporated into a public construction project, including but not limited to:

- Interior or exterior surfaces, fixtures and functional elements.
- Outdoor design elements in areas such as plazas, arcades, vehicular or pedestrian passageways, landscape architecture and landscape design elements.
- Artistic design of transportation depots-related features, recreation trails, transit system improvements, public works facilities or other infrastructure.

B. Forms of visual art such as, but not limited to:

- Any of the following forms or types: bas-relief, mobiles, fountains, environmental, kinetic, electronic, etc., in any material or combination of materials;
- Painting in all media, including portable and permanently affixed works such as murals and frescoes;
- Printing and drawing, including media such as photography, film, graphic arts, any print media (e.g. lithography, etching, etc), drawing, and calligraphy;

- Ceramic, fiber and textiles, wood, metal, plastics, glass, stone, mosaics and other materials.
- Technological media that may develop through artistic pursuit or adaptation of digital, audio, video or graphic media; use of lighting, or the internet.
- Mixed media that is any combination of forms and media.

IV. Guidelines For Funding Sources

Various funding methods will be initiated and evaluated by the Leesburg Commission on Public Art. The funding recommendation is the responsibility of the Commission and will be included in any plans for Works of Art presented to the Town Council.

Gifts and Donations

Contributions for public art received in conjunction with a rezoning project may include funding for a specific art project in a proposed development, funds for a project included in the Public Art Master Plan, or a contribution to support the Town's public art program.

Donations/Private Entity

The Town may negotiate for the inclusion of an art amenity as part of the rezoning process. If public art is a component of a rezoning, then the Public Art Commission shall review the public art proposal subsequent to the rezoning application.

Community Initiated Projects

As currently exists through other Town funding sources, a Town of Leesburg community group or neighborhood association may propose a public art project for a site that may or may not be on the Public Art Master Plan.

Percentage for Art Fund

With the goal of public art in our community, innovative solutions to provide funding and integrating art into capital projects throughout the Town of Leesburg are being sought. It is the Leesburg Public Art Commission's goal to be given the opportunity as part of the Town Budget approval process to make recommendations to the Town Council regarding funding opportunities for public art.

Program projects may be considered by the Council for reservation of funding for public art. However, the base from which the art fund is calculated shall exclude grant funds for which the Town provides a local match, bond funds which do not allow such a use, and any other funds whose source would prevent their use for public art.

Other Funding Sources

The Commission will be active in applying for non-Town public, private funds, and grants to support public art projects as appropriate. Individuals, businesses and organizations will also be encouraged to make contributions to the Town for public art projects.

VI. Procedures for Selection and Acquisition of Works of Art

Town Initiated Projects

In general, Town Initiated Projects will be located on sites identified as part of a Town planning document such as but not limited to the Town Plan, Business Development Strategy, Transportation Plan, Parks and Recreation Master Plan, the Urban Forestry Master Plan and the Public Art Master Plan. The plan may also be revised at such other times as a proposal for inclusion of a project on a site not identified in the Plan is received by the Town, if the Town finds such proposal to be consistent with laws and regulations and the Town's general policies on public art.

The Public Art Commission, working with Town staff, will identify the highest priority projects and recommend those projects for implementation as funding allows. As much as possible, these projects should correspond with new construction or renovation projects planned by the Town for that year.

V. Criteria for Selection of Artists, or Artworks

Eligibility requirements for each project will be established by the Art Advisory Panel and consideration and collaboration with staff and other relevant commissions.

Artist or extant works of art will be selected on the basis of qualifications or quality as demonstrated by past work, appropriateness of the proposal to the particular project, and probability of successful completion. Selection will be based on the criteria set in the guidelines below.

Criteria for selection of artist or existing works of art:

- Quality / originality: demonstrated capabilities of the artist and merit of the proposed works of art;
- Suitability: appropriate in scale, material, form, and content for community and physical environment;
- Durability: demonstrates structural and surface integrity, reasonable maintenance cost and requirements;
- Safety / Public Liability: Work of art should not present issues in these areas. Work of art should be reviewed by appropriate departments or offices to ensure that the work of art does not present safety hazards.

Methods of selecting artists, existing work of art or artist proposals:

- Open Competition / request for Qualification or Proposals: Any artist may apply, subject to any limitations established by the panel;
- Limited competition: Artist invited by the panel to submit proposals;
- Hybrid selection: Artist selected through a combination of the above.

Non-Discrimination Clause: Neither the Town of Leesburg nor the Public Art Commission shall discriminate against any artists on the basis of race, color, religion, national origin or ancestry, disability, age, or gender

Proposals for Works of Art that include inappropriate subject matter, in the sole opinion of the Town Council, shall not be approved.

The Art Advisory Panel shall not approve the selection of any Artist or Work of Art which has not been developed according to the procedures described in these Guidelines.

The Leesburg Town council has the final authority for Work of Art approval.

The Composition of the Art Advisory Panel

The Art Advisory Panel is an ad hoc group of a minimum of three [3] that may be convened by the Commission on Public Art to review a specific project, or recommend an artist to be commissioned and/or an artwork to be purchased. The Panel is populated from "The List of Qualified Art Professionals / Practioners" which is compiled by the Commission on Public Art and referred to when panelists are required.

The List of Qualified Art Professionals / Practioners shall consist of a minimum of twelve [12] volunteer representatives each qualified as an artist with appropriate technical background to evaluate relevant artists and proposals. The Public Art Commission will maintain and update this List of volunteers to be called upon during the process of developing / creating Works of Public Art.

The Commission on Public Art can populate The List through a call for artists, recommendations and / or volunteers. The Commission is responsible for reviewing The List members at least annually; maintaining communication with The List members; educating The List members on guidelines and responsibilities; and selecting the members of The List and the Art Advisory Panel.

List members can be added at any time and will serve a two-year term. There is no limit to the number of terms a List member can serve.

VI. The Process of Creating the Work of Art

Upon determining the need, funding and/or requirement for a specific public art installation, The Commission for Public Art will convene an Art Advisory Panel. The Art Advisory Panel will develop a recommendation through either an RFP process or commission.

Preliminary recommendations, concepts and designs shall be reviewed by the Art Advisory Panel, prior to fabrication, for safety concerns, structural or engineering requirements, durability, longevity, routine maintenance and conservation of all materials and components.

That recommendation, including a complete design and budget, will be presented to the Commission on Public Art for their consideration.

During C.O.P.A. meetings called for the consideration of the recommendation of the Art Advisory Panel, members from the BAR, Engineering and Public Works, Capital Projects Management, and Economic Development Commission will be asked to attend to provide their feedback and recommendations on a project.

The Commission on Public Art will determine if a project is acceptable and will present it to Council for their consideration. Once a project has been approved by both the Commission on Public Art and the Council a contract for the required services of the Artist(s) shall be developed by the Town Staff and the Public Art Commission.

An Artist may create/fabricate a selected Work of Art independently, collaboratively, or with subcontractors and may install the Work at the site, or may create the Work on site. The Program may acquire a selected design from an Artist and execute the Work of Art under a separate contract with a consultant or contractor other than the Artist.

If the initial design, created under contract, for the Work of Art is not acceptable, the Artist shall have two additional opportunities to satisfy the Public Art Commission and the Town Council. If not approved, another artist may be selected (and the artists will be paid for their time in accordance with their contract terms.

1. Need, opportunity, funding for public art identified
2. Art Advisory panel convened
3. Art Advisory Panel recommends artist, design and budget to Commission
4. Commission reviews recommendation with input from other Commission and staff members
5. Commission votes to endorse Panel recommendation
6. Council presentation – Council endorses proposed Public Art
7. Artist is contracted
8. Work created / installed

COPA = Commission on Public Art

VII. Collection Maintenance and Conservation

A. The Town of Leesburg shall have responsibility to document, maintain, conserve, and when appropriate, restore Works of Art in the Public Art Collection. When Notice of Acceptance is issued and ownership of the Work of Art is transferred to the Town, the Town shall protect the value, integrity and authenticity of the Work of Art, and shall comply with the Visual Artists Rights Act of 1990, Title 17, United States Code, as amended.

In general, for Town-initiated and community-initiated permanent works of public art, the Town should own the physical work and copyrights should be retained by the artist, with reproduction rights allowed the Town for appropriate promotional and educational purposes. Legal title and copyrights in any Work of Art funded in whole or in part by direct Town funding and/or the Public Art Fund, or donations or loans of Work of Art that are accepted by the Town, shall be spelled out in a mutually agreeable contract

between the Town and the artist and the owner. Ownership of art obtained through special exception projects will be negotiated on a case by case basis. Insurance for value and liability for Works of Art will be considered on a case-by-case basis. The details of the insurance recommendation will be included in any plans for Works of Art presented to the Town Council.

B. Maintenance and conservation are to be carried out by qualified consultants, who may also review proposals by Artists. During planning for a public art project, maintenance issues will be identified and addressed regarding the use of materials, fabrication techniques, structural engineering, foundation and site design, and any other considerations related to longevity and durability. The conservation effort includes condition assessment reports of every Work of Art in the Collection, integrated with the Program data base and updated periodically.

C. Deaccession of a Work of Art - Deaccession is the complete removal of a Work of Art from the Collection and from public display. A Work of Art may require deaccessioning for the following reasons:

- Destruction, either by deterioration, vandalism, or accident, to such an extent that repairs or restoration are impractical or unfeasible.
- On-going maintenance has become impossible or is prohibitively expensive.
- Required changes by the Town the site, will destroy the integrity of the Work because of its relationship to the site.

D. The procedures to deaccession a Work of Art will entail the following:

- Assessment to identify the problems and determine possible solutions. Review by the Public Art Commission with a recommendation as to the action to be taken and subsequent approval by appropriate administration officials.
- Prior to the deaccessioning of a Work of Art, appropriate public notification will be made.

VIII. Effective Date and Filing.

These Public Art Policy Guidelines shall become effective on: September 23, 2008

PRESENTED October 11, 2016

RESOLUTION NO. _____

ADOPTED _____

A RESOLUTION: APPROVAL OF LOVEWORK SCULPTURE ON TOWN OF
LEESBURG PROPERTY AT CRESCENT PLACE

WHEREAS, the Leesburg Town Council supports the Commission on Public Art, established in 2006 (COPA Article XII Section 2-100 of the Leesburg Town Code); and

WHEREAS, the work of the Commission on Public Art encourages and supports art to enhance Leesburg's identity as a community and to demonstrate that Leesburg values art and creativity within the community; and

WHEREAS, a LOVEwork sculpture design has been proposed for the Town of Leesburg property at Crescent Place on PIN 231-18-7370-000; and

WHEREAS, no public funds will be spent for the design, execution, or installation of the sculpture; and

WHEREAS, the developer of Crescent Place has proffered to maintain the property on PIN 231-18-7373-000 and has agreed to the placement of the LOVEwork sculpture on the property; and

WHEREAS, the Friends of Leesburg Public Arts have received a grant from the Virginia Tourism Board, and a part of the grant requirements is to have references to "Virginia Is For Lovers" and the Virginia Tourism Board placed on the sculpture; and

WHEREAS, the Commission on Public Art endorses the LOVEwork sculpture art; and

WHEREAS, the Town Council must endorse all art displayed on public property; and

WHEREAS, the Town Council must also endorse the location of art on public property.

WHEREAS, the Leesburg Public Art Guidelines, approved with resolution 2008-148, call for the Town to own and maintain the LOVEwork sculpture; and

WHEREAS, the copyright for the sculpture will be retained by the artist with reproduction rights given to the Town for appropriate promotional and educational purposes and a contract that

A RESOLUTION: APPROVAL OF LOVEWORK SCULPTURE ON TOWN OF
LEESBURG PROPERTY AT CRESCENT PLACE

is mutually agreeable to the Town and the artist stating such will be prepared by the Town Attorney and signed by the Town Manager.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia as follows:

SECTION I: The Town Council hereby endorses the LOVEwork sculpture by Michael Clay for installation on Town of Leesburg property PIN 231-18-7370-000 at Crescent Place.

SECTION II: The sculpture will have discreet references in the form of #hashtags, QR codes or similar references to “Virginia Is For Lovers” and the Virginia Tourism Board placed on the sculpture.

Section III: The Town of Leesburg will own and maintain the physical LOVEwork sculpture.

Section IV: The Town Manager is authorized to execute a contract with the artist, in a form approved by the Town Attorney, with the LOVEwork sculpture copyright being retained by the artist with reproduction rights given to the Town for appropriate promotional and educational purposes.

PASSED the ____ day of _____, 2016.

David S. Butler, Mayor
Town of Leesburg

ATTEST:

Clerk of Council