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***A Developer's Guide
To Public Art***



PUBLIC ART
METRO ARTS / NASHVILLE



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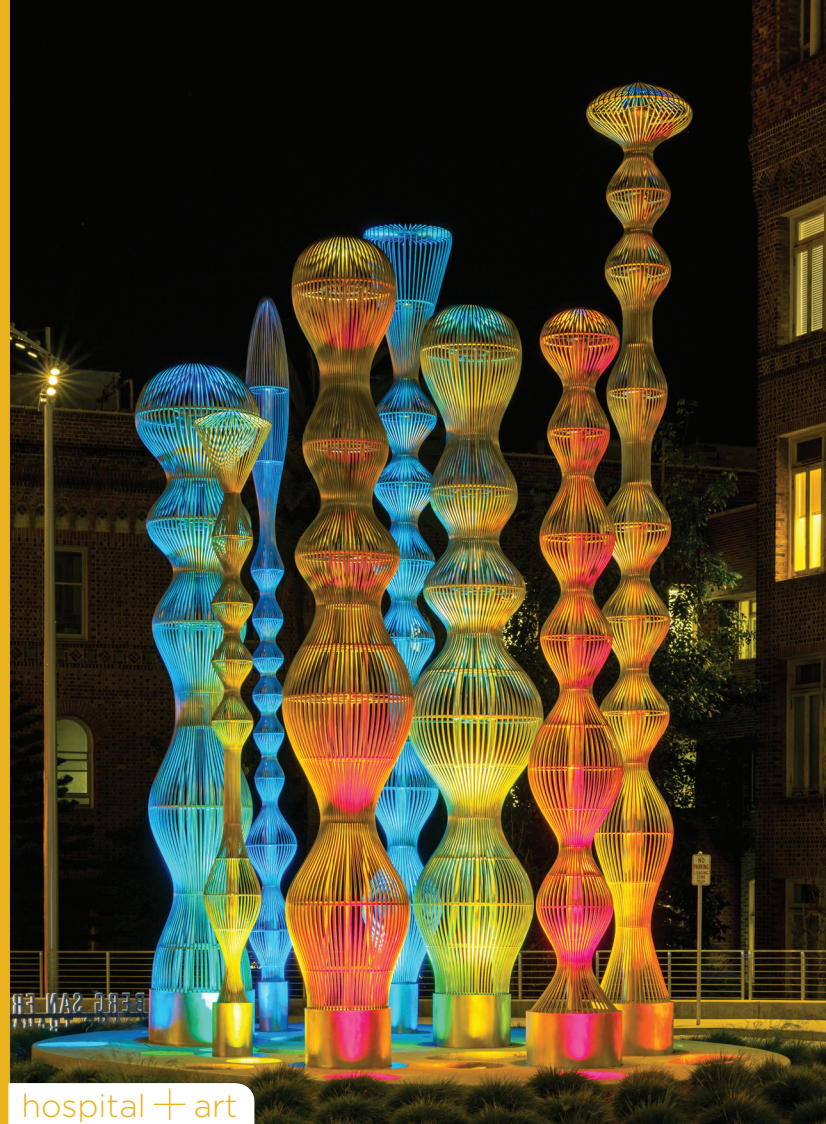
1 INTRODUCTION

What is This Guide and Who is it For?

A Vision for a Growing,
Changing Nashville

Benefits to Your
Development Project

Keys to Success



“Imagine Nashville as a collection of clearly defined neighborhoods, each with its own distinct cultural identity illuminated by public art, informal gathering places, thriving small businesses, and frequent cultural events and festivities. ... Public art plays a major role in neighborhood placemaking.”

What is This Guide and Who is it For?

In 2017, Metro Public Art adopted a groundbreaking *Public Art Community Investment Plan*, which set a vision that *every Nashvillian experiences a creative city*.

This guide is for developers, property owners and business owners who want to be a part of that vision by including public art in their projects. It addresses the questions developers, property owners and business owners most frequently ask about public art. If you have other questions about how public art

projects come together or specific questions about your project, contact Metro Public Art.

If you have questions about murals in particular, consult *Your Wall: A Guide to Murals in Nashville*.

To see the full *Public Art Community Investment Plan* visit the Metro Arts website at www.nashville.gov/Arts-Commission

Metro Public Art's Role

Metro Public Art is Metro Nashville's public art program and is managed by Metro Arts. Metro Public Art implements Metro's percent for art ordinance and works with other Metro agencies to commission artworks in conjunction with Metro's capital projects. Metro Public Art also plays a role catalyzing and supporting the efforts of others — developers, Council members, community members, designers — to bring public art to as many communities in Nashville as possible. It does this by advocating for public art, providing guidance and resources, promoting good practices and fostering connections between the arts and development communities.

While Metro Public Art has no role in the oversight or management of developer art projects, developers can call Metro Public Art's professional staff for further guidance and resources.

A Vision for a Growing, Changing Nashville

New commercial, residential and community development projects are reshaping Nashville, neighborhood by neighborhood, raising important questions about public space and public art.

NashvilleNext, the comprehensive plan for Nashville and Davidson County, sets a clear vision for making Music City come alive with a diverse range of arts, from music to visual arts to performance. All of these are integral to Nashville's neighborhood life as well as its broader cultural identity

As a developer, business or community organization, you can help Nashville achieve its broader vision for the future by including public art in your development projects. Specifically, you can support *NashvilleNext's* focus on "community character" — the idea that private development should be sensitive to its context and connect to the local cultural fabric. You can support Nashville's goal of creating a public realm that responds to the human scale and is an interesting, enjoyable and safe place for pedestrians.

Nashville's Public Art Vision: Every Nashvillian Experiences a Creative City

Nashville's public art vision is that people should experience public art every day as they go about their daily lives, and that public art should not only express community identity but also spur people's participation in community activity and civic conversations.

Carefully-planned developer-initiated public art projects can work in tandem with Metro Public Art to achieve several key goals:

Vibrant, Creative Neighborhoods

Neighborhoods should have an expressive identity that reflects their culture, history and spirit; embraces and empowers the creativity of people who live there; and fosters stronger civic connection and social capital.

A Vital Public Realm

The public features of the city should transcend the services they provide. They should be valued for being accessible to everyone and shared by all, for their aesthetics and function in equal measure, and for the meaning they express about a community's identity and purpose.

A Stronger Public Art Ecosystem

There should be a wider variety of artists and residents involved in creating public art projects, and organizations, institutions, developers and individuals should have a stronger capacity to create public art projects.

Deeper Civic and Cultural Participation

Public spaces should foster cultural participation, providing opportunities for people to develop a broader civic awareness and participate more fully in civic conversations.

Benefits to Your Development Project

Developers in Nashville and elsewhere are finding that they can benefit in concrete ways from engaging artists and commissioning public art.

Community Outreach

Public art can help you forge a positive relationship with the community.

Urban Housing Solutions recently teamed with Norf Collective to create a mural dedicated to local civil rights leaders in North Nashville. The mural is displayed on the side of a UHS affordable housing complex at 26th and Clarksville Highway in North Nashville, and was funded by Google Fiber.



Unique Brand

Public art can help set the tone for your project.

The Noelle Hotel is creating a Nashville experience by drawing on the city's artists and artisans, from visual artists to fashion designers to culinary stars. The hotel has directly commissioned artworks and has opened a portrait studio and print shop, and a store stocked with items made by local designers.



Keys To Success

Commissioning a public art project is a unique and exciting journey. No two projects are ever the same, but there are a few key things you should keep in mind to ensure your project is a success.

Go Into It With Your Head ... and Your Heart

Development projects and public art projects both need to work within set budgets, processes and schedules. But public art projects will require your passion as well and, sometimes, your willingness to set aside assumptions about the way things are done. For example, an artist's selection of materials or fabricator might not be the most cost-effective, but might result in an extraordinary outcome that elevates your project above others.

Involve Artists and Arts Professionals

Creativity comes from everywhere, but a professional artist will bring insight that no one else on your design team can. Take the time to get to know the artist as a person and a professional, and to learn how their vision can flow through the opportunity you have. Don't hesitate to hire arts professionals, such as consultants, curators, and project managers, who can help you find the right artist and navigate challenges.

Respond to Plans

Public art should respond to its context. Familiarize yourself with the Character Plan for the area of Nashville in which you are working and understanding the goals the community is trying to achieve.

Attract Business

Public art can be a unique amenity that helps you attract and retain tenants or customers for your project.

Countless Nashville businesses — from design studios to grocery stores to restaurants and coffee shops — are commissioning artworks that help identify their businesses or create a unique atmosphere. For example, Bryce McCloud's murals at Barista Parlor Golden Sound and Pinewood Social have become destinations for art lovers and attracted customers.



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Pride of Place

A public art project truly can give you a unique sense of accomplishment, and it can win recognition from your peers as well as civic, community and arts leaders.

SWH Partners commissioned sculptor John Medwedeff to create an artwork to complement their modern apartment complex in Germantown. The Historic Germantown Nashville Association (HGN), in its "Good Neighbors Partnerships Program," has established guidelines that developers should consider if they want HGN's support; one guideline recommends the inclusion of public art.



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Learn the Cultural Context

Nashville is not only about music; it is burgeoning with all kinds of creative energy. A wide variety of artists have been engaged with development projects — muralists, sculptors, printmakers, photographers, videographers and interactive designers, to name a few; fabric, food and sound can't be far behind. Artist collectives, gallery owners and curatorial organizations can help developers, businesses and others tap into artistic voices that are unique to Nashville.

Listen to Communities

Don't pass up the opportunity to engage with the community in a meaningful, positive way. Talk to the community and be prepared to hear a deeper story. The public art process can build a vision and a sense of a shared outcome that can help you build community capital. This, in turn, can help you navigate challenges the project will face and connect the community with your project once it's done.

PUBLIC ART, DEFINED

What is Public Art?

What is Not Public Art?

Art Spaces

Types of Public Art



Today, public art is more popular than ever as a tool for placemaking and building community. Here's a quick primer on what public art is and some approaches you might consider.

What is Public Art?

Public art is a dynamic field, with new approaches and ideas emerging day by day. However, for the purpose of achieving Nashville's goals for public art, you should consider several key aspects of "what makes public art":

- Public art is created by professional artists, which means someone who has a track record of exhibitions or commissioned visual or public art. Architects, landscape architects and other design professionals are not considered professional artists under this definition, unless they otherwise meet the criteria above.
- Public art is located in a place that is generally accessible to the public, without having to pay.
- Public art is site-specific, created through a process that considers the social and physical context of the place where it is located, or it is acquired with a specific location in mind.

Art Spaces

You may also want to consider including an "art space" in your development. There are many different types of arts-related spaces, such as rehearsal, performance, and/or educational spaces; artist studios, workspaces or housing; and/or galleries or exhibition spaces; and offices. Generally, these types of spaces are created

in collaboration with an existing arts organization, which will be responsible for the management and programming of the space. Developers who wish to explore this idea further should contact Metro Arts.

What is Not Public Art?

The following are not considered public art, under Metro Public Art's definitions or various Nashville ordinances:

- Reproductions or copies of original artwork, unless part of an artist-sanctioned limited edition.
- Artworks that are decorative objects, unless created by an artist, or are mass-produced.
- Features that are decorative, ornamental or functional elements of the architecture or landscape design, unless they have been commissioned from a professional artist as an integral aspect of a structure or a site.
- Features that involve commercial expression related to the business or development where the artwork is located, or that otherwise would be considered a sign under the Nashville zoning code.



Types of Public Art

Public art comes in many forms and styles. These are some of the most common approaches that you might consider for your project.

Freestanding Sculpture

“Freestanding” works can be sited in an open space on the site or suspended over an atrium or lobby. The artwork site must be considered very carefully with regard to the overall site planning, and the artwork’s style and scale should be responsive to its surroundings.

Commissioning or purchasing a freestanding sculpture is a straightforward option, especially when there are no practical opportunities for one of the integrated approaches described below.

Integrated Artwork

Integrated artworks are seamlessly incorporated into the design of the project. Common examples include walls treated with mosaics, reliefs or other materials, artist-designed paving or terrazzo floors, sculptural features such as canopies, and glass interlayers or specialty glass for interior or exterior walls.

For an integrated artwork, an artist or art consultant should be brought into the project early in the design process to maximize opportunities for the artist’s work to be fully integrated into the project’s design.

Functional Art (Building and Site Features)

“Functional art” means projects where artists are commissioned to create an element of the design that ordinarily would be built to standard specifications or ordered from a catalogue.

Nashville is widely known for artist-designed bike racks. Artists can also provide features such as ornamental masonry (planters, architectural features), metalwork (fences, railings, tree guards, light poles), concrete work (plazas, stormwater inlets), seating (benches, seatwalls) and more.

Murals

Most projects have blank walls that are visible to the public and could be enhanced with an artwork. Murals are generally painted, but also can be made of other materials, such as mosaics, tiles and panels, or printed on materials ranging from vinyl to porcelain.

Consider feature walls facing public spaces, concierge desks, grand staircases or elevator banks, as well as party walls, walls facing service areas, retaining walls, and exterior and interior walls in parking garages.

Creative Placemaking / Temporary Art

Creative placemaking is a trend in community and economic development that focuses on the design and activation of public space and infrastructure. Developers are now organizing temporary art programs that help mitigate the disruption the construction of their projects can have on nearby businesses and the neighborhood fabric. Examples include “pop up” installations on vacant sites and artworks designed for the fencing that surrounds a site.

3 GETTING YOUR PROJECT STARTED

Organizing Your Team

Planning for Your Project

Setting a Budget

Making a Schedule

Funding

HYATT PLACE

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Let's get down to nuts and bolts. Here's how to build a team and mobilize your project.

Organizing Your Team

The Public Art Consultant

A public art project requires ongoing coordination between the development team, the design team, the artist and the construction team. Very often, the public art aspect of a project is coordinated by a public art consultant (or a curator experienced in public art) who reports directly to the developer's project manager. Many developers find this well worth the expense, as the experience and expertise of the public art consultant can save considerable time and effort.

Why Hire a Consultant?

Commissioning an artist to create an original artwork is different from working with architects, landscape architects, engineers and contractors. It is also different from acquiring artworks to be displayed inside a building. An experienced public art consultant brings a unique set of skills, professional experience and insight to the process. This includes an understanding of the challenges and opportunities in creating a site-specific work of public art, knowledge of art and artists, an understanding of the building construction process as it relates to the needs of artwork, and experience working with communities and the dynamics of city politics.

How are Consultants Paid?

The public art consultant is paid by the developer. The fee is negotiated between the two parties, with payment usually based either on an hourly fee with an upper limit or a set fee based on a percentage of the overall budget.

How to Involve Your Team

Your design team, especially architects and landscape architects, plays a critical role in formulating and implementing the public art project. Their scope of work should include time to consider, plan for and facilitate the integration of public art into the design. These are some of the roles your design team might play, depending on the capacity of the artist's studio:

- Assisting in the identification and evaluation of site options and public art approaches.
- Providing technical guidance on specifications for acceptable materials and on the details of integrating the artwork.
- Coordinating the documentation drawings for the artwork with the documentation of the overall project.
- Determining lines of responsibility between the artist and the construction contractor.

How to Involve an Artist

Most experienced artists will want to be involved with the earliest discussions about the scope and nature of the public art opportunity. For many of them, an important part of the professional expertise they bring to a project is their own perception and understanding of a site, which might be very different from that of the other members of the design team. Bringing an artist onto your design team early in the design phase allows for his or her vision to be optimally realized.

A public art consultant can assist you in a range of ways.

- Identifying goals for public art,
- Identifying opportunities for public art within the development and anticipating coordination and implementation issues,
- Helping establish a realistic project budget,
- Identifying potential artists for a project and working with the development and design teams to select the best choice,
- Negotiating and helping to prepare a contract between the artist and the developer,
- Working closely with the artist to develop a concept that meets the goals of the project and is achievable within the allocated budget and timeframe,
- Monitoring design development, design review and, if necessary, permitting,
- Inspecting work before it is installed,
- Coordinating installation,
- Helping to manage budget and deadline issues,
- Planning a community engagement process,
- Assuring that communication among the various participants is clear, and that all stages of the process are anticipated and discussed well in advance, and
- Overseeing closeout tasks, such as transfer of title, documentation of the project and delivery of a maintenance protocol.

What Should I Ask a Consultant?

Public art consultants are not licensed or accredited. You should select a consultant on the basis of strong references and an interview. These are some questions you should ask a prospective consultant:

- Do you have experience in overseeing a range of public art projects for developers or public agencies? What is the range of budgets, locations and sites you've worked with?
- How do you see this art process interacting with the community where the project is located?
- What are your initial thoughts about possible ways to achieve my goals for this project?
- Can you provide references from developers or city administrators with whom you have worked?
- What process would you recommend that we follow for finding an artist and why?
- How do you go about researching and finding artists for a project?

Planning for Your Project

Your project and your artwork will become an important part of Nashville's landscape and the neighborhood where it is located.

Each development project and site is unique. Early in your project planning, you should set clear goals for your project, and determine an approach to public art that both enhances the development project and supports the community's broader goals.

Setting Goals

Every successful public art project starts with a clearly articulated set of goals, which serve as guideposts for decisions that are made along the way. The goals can

address how the artwork should relate to the site, what kind of artist would be best, and how the community should be involved. These goals are shaped by the values of the development company, the needs of the project, the official plans for the area where the project is located and input from the surrounding community.

Looking at Plans

Metro Nashville has approved a hierarchy of plans that set out the community's expectations for new development. These not only establish the framework for what you are going to develop, but can also help you set your goals for public art and identify specific opportunities on your site.

Looking at the Context (Physical, Social, Cultural)

The goals and opportunities you identify for your project should take into account the wider context. This can be learned from both site observation and engagement with community leaders and stakeholders.

The *physical context* focuses on the way the site is seen and accessed from surrounding areas.

The *social context* includes the social and economic makeup of the surrounding community, including its assets and challenges.

The *cultural context* includes an understanding of the community's history, its current makeup and its cultural infrastructure. Find out about local artists, special civic or cultural events, cultural facilities and organizations in the area, and other organizations that can help foster connections between artists and the community.

NashvilleNext, the comprehensive plan, outlines desired policy directions for Metro Nashville overall.

Nashville has been divided into fourteen planning areas. Each has an adopted Community Plan that balances overall policies for growth with policies that preserve, reinforce and enhance the uniqueness of the neighborhoods, corridors and districts in each planning area. Each plan is guided by a "Community Character Manual" that provides specific guidance for zoning and development decisions.

In some areas, Urban Design Overlays (UDO) provide specific design standards for development. A UDO seeks to protect the existing character of an area or to create a character that would not result from the base zoning district.

Looking at Your Site

The opportunities you identify for public art should take into account how the development will be seen and how it will be used.

What to Look For

Site lines to the development site and within the development site.

Major entries, circulation routes and gathering areas.

Locations where an artistic concept can be coordinated with architectural and site designs.

Areas that are physically or visually accessible to the public, including people of different ages and backgrounds.

What to Avoid

Certain areas and project features are generally not conducive to public art, such as:

Areas that are cut off from general public access and from pedestrian activity.

Areas where an artwork will be difficult to maintain.

Areas that are primarily used for servicing or storage.

Features that are related to the project's branding.

Setting a Budget

How Do I Know How Much to Budget?

Setting the right budget is one of the most important decisions in developing a successful public art project.

The overall project budget should encompass the cost of the artwork (design, fabrication and installation) as well as other costs, outlined below.

To get to an appropriate budget for the artwork itself, the best method is to look at budgets for recent art projects of similar scale, with similar materials, and/or with a similar artistic approach. This can easily be done with the assistance of an experienced public art consultant or curator.

What is Included in the Artist's Budget?

The artist's budget generally encompasses all phases of design, fabrication and installation. The artist will develop a budget breakdown as part of their design development process.

The budget's breakdown between design, fabrication and installation will depend on many factors, including the design's complexity, the media, the project's scale and the demands of the site.





Artist design fees generally range from 10 to 20 percent of the overall artist's budget, but can be more if the design is particularly complex, requiring computer modeling or complex engineering, if the time line is tighter if the artist is in high demand. The artist may also budget time for themselves or their studio to manage the project, to fabricate all or part of the work and to participate in installation.

Some artists fabricate their own work, and others work with outside fabricators. In most cases the artist will work with a fabricator of their choosing and hold the contract with the fabricator. The fabricator's cost estimate is incorporated into the budget breakdown that the artist develops. Most artists typically hold the contract for installation as well. In some cases, it may be easier for you to hold that contract, especially if some or all of that work is happening in coordination with other contractors on the site. The artist or their representative should always be present for installation.

What Other Costs Should You Budget For?

There are some additional costs you should be prepared for that are typically handled outside of the artist's budget.

Site Preparation

You may need to set aside funding for work that is necessary to prepare the site for the artist to install their artwork. For murals this might include cleaning and priming the surface (or repair and tuck-pointing an existing masonry surface). For sculpture or other installations this may mean grading or foundation

work, bringing electrical or other utilities to the site, and more. There may be instances where you want the artist to take responsibility for some elements of site preparation. These conversations should happen as the artist is developing their design and budget and should be memorialized in a contract or letter of agreement.

Coordination with Your Design Team

If you are commissioning an artist to create an artwork as part of new construction or renovation, you will likely need the artist to coordinate their work with members of your design team. The design team's role may include participating in artist selection, sharing architectural drawings, plans and project briefs with the artist, participating in work sessions with the artist during the design development process, reviewing and providing aesthetic and technical feedback on artist designs, and incorporating elements of the artist's work, as needed, into architectural plans and bid documents. These expectations should be communicated up front to the design team and an appropriate budget should be set aside to compensate the design team for their time.

Signage

Set aside funds for a durable plaque or sign to be placed near the artwork. It should indicate, at a minimum, the artist, title, year, media and who commissioned the artwork.

Communications and Dedication

Budget time and funds for preparing press releases, marketing materials and, if desired, a dedication and/or celebration for the work.



Maintenance and Conservation

Public art requires both regular maintenance and occasional conservation. While these costs may not be part of your overall project budget, you should anticipate these annual budget items.

Contingency

Every budget should start with a contingency. Depending on your and the artist's uncertainties about different budget items, a contingency should start between five and twenty percent of your overall project budget. You can narrow your contingency as the project evolves and your costs become more clear.

Creating a Schedule

Your schedule will depend on a variety of factors, particularly the nature and complexity of your project and the degree of integration into the design and construction that is necessary.

Overall, you should be sure to allocate sufficient time for:

Finding an appropriate artist. This includes the time you will need to research artists, collect and review their qualifications and interview candidates. Be aware that the artists you are interested in might have other commitments that prevent them from starting right away. Building in buffer time for getting the artist on board will allow some flexibility for scheduling your kickoff.

Finalizing the contract. Expect that this will take twice as long as it should.

Design development. There are typically several steps in the design development process (see below). Depending on the nature and complexity of the project, the artist may need four to eight weeks for developing an initial concept design and then up to four months to prepare design documents, especially if there is complex engineering involved.

Fabrication and installation. This also depends on the nature of the project. For a small mural an artist may require a few weeks to mobilize and paint. For a complex sculpture or integrated installation, this stage could be a minimum of six months to a year.

Funding

Funding for public art requires foresight and creativity. Include public art in your earliest project budgets, either as a lump sum or a percentage of your costs.

In some cases, you can stretch your funding by commissioning an artist to create an element that is already in your project budget, such as a seating area, fencing, wall treatments, lighting and landmark features. In these cases, you would assign your base-line budget to the artist, and add incremental funds for the artist's fees, coordination and special design, fabrication and installation conditions.

Some developers also stretch their funding by assigning marketing or community engagement budget lines to public art projects that serve those purposes.

HIRING 4 ARTIST

Searching for an Artist

Selection Process

Artists Contracts

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Selecting an artist just might be the most important decision you make. Here's how to find the artist that is the best match for your project.

Searching for an Artist

Who's an Artist?

The Metro Arts Public Art Guidelines are a good starting point for answering this question. Metro Arts considers a professional artist to be:

At least 18 years of age with a minimum of two years of commissioned public art or visual art exhibition history, not including work created during or for undergraduate education. Architects, landscape architects and other design professionals are not considered professional artists, unless they meet the criteria.

Sources for Artist Recommendations

Your public art consultant will be your most important resource in identifying an appropriate artist. These professionals will have vast knowledge of artists who could be appropriate for your project, research capabilities, and networks and connections that will help you get a response from artists you are interested in.

There are also public networks for distributing calls to artists, which are listed in the appendix.

Selection Process

The Selection Team

An important first step in selecting an artist is deciding who will facilitate your process and who will be involved in decision-making.

Your public art consultant will play a key role in facilitating the section, by ensuring appropriate information is collected from artists and by facilitating your team's review of artist qualifications, its selection of candidates, and its review of artist proposals.

Usually a selection panel is created to advise the sponsor of the project. The panel would have a representative of the sponsor, as well as one or more members of the design team, one or more community stakeholders, and independent arts professionals. This group will advise on both the selection of the artist and the review of the concept design. You may also want to pull in an engineer, a conservator or individuals with other types of technical expertise for technical reviews of the artist's designs.



Qualifications

The next step is to solicit qualifications from artists. Typically, artists are asked to provide images of completed projects (their portfolio) with an annotated description of each project including the location, media, dimensions, client and budget; a resume; references; and a letter of interest.

Upon review of qualifications, you may know which artist you want to work with, or you may decide you want to interview and/or solicit proposals from more than one artist.

Interview

Once you have narrowed your list down to one or more candidates, you may want to interview these candidates in-person or over the phone to discuss how they would approach your project, where they get their inspiration, how they work with a client and design team, their research and community engagement process, etc.

Competitive Proposal

In addition to the interview, you may decide that you want one or more artists to develop specific concepts for your consideration prior to selecting them as the artist for the project. If this is the case, artists should be offered a stipend to cover the time spent developing the proposal and any expenses incurred, such as travel. Many experienced artists will not prepare proposals without being compensated, as crafting a proposal is a core aspect of the services that an artist provides.

For the proposal phase, you should develop a brief letter of agreement with the artists. According to copyright law, the artists will own concepts they develop, and you will not be able to give the concept to another artist or a fabricator to execute, unless you obtain the artist's permission.



Artist Contracts

Once you have selected an artist for the project you will need to draft and negotiate a contract to confirm your agreement with the artist or their studio. The contract should outline the various rights and responsibilities of each party. The contract typically includes:

- Budget, timeline, fee and payment schedule.
- Design review, revision and approval process.
- Responsibility for design, fabrication and installation of the artwork.
- Responsibility for improvements to the site where the artwork will be located, including foundations, structural support, lighting, landscaping and signage.
- Responsibility for permits and approvals.
- Warranties made by the artist regarding the artwork's originality, soundness and durability.
- Insurance requirements for design, fabrication, transportation, installation and warranty phases.
- Artist moral rights, copyright, rights of reproduction and licensing.
- Protocols for involving artist in conservation, repair, relocation, de-accession and changes to the site.

Intellectual Property and Moral Rights

When you commission an artist to create an artwork, you should be aware that the artist will own the copyright to the work and also have moral rights in the work, according to federal law. Artworks are generally not considered to be works for hire.

Copyright is a property right that allows the artist (or the person or entity to whom he or she transfers the copyright) to prevent unauthorized copying, publishing or other use of his or her copyrighted work. According to copyright law, the creator automatically retains the copyright of the completed artwork and of any designs developed during the design development process. Many experienced artists will not enter into a contract that requires them to give up their copyright. And developers experienced with commissioning public art do not want to be responsible for enforcing copyrights.

Moral rights provide for the proper attribution and integrity of an artwork, in order to protect the reputation of the artist. Generally, if you wish to alter or relocate an artwork you have commissioned, you must obtain the artist's permission in writing. Moral rights exist for as long as the artist is alive.

If you would like to use images of the artwork in the marketing of your project, you should negotiate those permissions and terms when you are negotiating your contract with the artist.



Warranties

There are two types of warranties that a public art contract generally outlines.

A warranty of title recognizes that the artist is responsible for assuring that the work is original and does not infringe any copyright.

A warranty of quality and condition outlines the artist's responsibility for fabricating the artwork in quality materials, in accordance with professional standards and with a sensitivity to the nature and long-term behavior of materials and methods used and the conditions of the installation site (including weather, temperature, type and density of audience and other environmental and architectural features of the site). The artist's warranties relating to the condition and quality of the work are generally limited to a year. If there are elements of the artwork that are covered by a manufacturer's warranty, the owner should work with the artist to get the longest possible warranty on covered items.

Insurance

If the artist is going to be working on your site or driving a vehicle in the course of their work, you may want to request that they provide you with a certificate for commercial general liability insurance and that the artist's subcontractors have named the artist as additional insured. Artists typically are not able to

acquire professional liability insurance because "artist" is not a licensed profession. If the artist is working with an architect, engineer or similar licensed professional, you may want to request that those professionals provide an endorsement on their insurance.

Project Documentation and Maintenance Protocols

It is customary for a contract to require an artist to provide project documentation and maintenance protocols as a deliverable. This would include:

- an inventory of materials used in the artwork,
- the sources of the materials and any product information that is available from the manufacturer,
- contact information for fabricators and other subcontractors who may have worked on the project,
- instructions from the artist about how to clean and perform routine maintenance on the artwork, and
- a report from a conservator on how to perform preventative maintenance and flagging potential conservation issues.

DEVELOPING THE PROJECT




The Standard Public Art Project Development Process

Working with the Community

What Approvals Will I Need

Marketing and Communications

Many developers are understandably unfamiliar with the process of commissioning and supervising the construction of a work of public art. One of the most common questions developers ask is, “How can I make sure this happens?”



The Standard Public Art Development Process

The design phase of the project development process for public art projects is in many ways similar to an architectural design process, with concept, schematic and final design documentation phases.

Concept Design

In the concept design phase, the artist develops and presents to the selection team a physical rendering of the artwork (drawings, digital renderings, models, etc., depending on the working method of the artist), a list of the materials, a narrative description of the work, specifics on siting, a description of special considerations regarding site work and installation, a preliminary budget breakdown and a preliminary schedule. The artist may want to conduct site visits, meet with the design team, meet with project stakeholders and/or engage in other research to help inform their concept design.

Schematic Design

Once you have signed off on the concept design, there may be a need to develop the design further in a schematic design phase. In this phase the artist provides more specific information regarding siting, fabrication methods, materials, budget, timeline, project coordination and approvals.

Final Design Documentation

The final design phase includes drawings that detail every physical feature of the construction of the artwork and its integration with the site. Where appropriate, the artist should be responsible for having a qualified, licensed engineer certify that the artwork will be of adequate structural integrity and provide signed and stamped drawings. In some cases, the owner may request that the artist present the final design to a qualified conservator to make recommendations about the maintenance and conservation of the work. In addition, the final design documentation should include an updated narrative description of the artwork, a final budget and a final timeline for fabrication and installation.

Fabrication and Installation

Once you have accepted the final documentation, you should give the artist notice to proceed with fabrication. Regular check-ins, photographic documentation and physical site visits will help ensure that the fabrication is on schedule and in substantial conformity with the approved design.

In most cases the artist is contractually responsible for the installation. The installation should be closely coordinated with the owner to ensure that the site is ready to accept the work, that there is appropriate room to stage the installation, that all permits have been pulled, that proper equipment and workers are available, and other relevant details are in order.

Working with the Community

At the outset of your project, it is a good idea to map out your goals and strategies for working with the community where your development is located. The community is likely to take a great interest in your public art project. Some developers find that including public art in their projects is a way of creating additional community goodwill.

At a minimum, it is a good idea to keep your neighbors informed about your plans. Consider announcing the artist selection and artist concept as you would other important milestones in your project.

Some developers see public art as a way to highlight, celebrate or reflect on something unique about the site and/or the surrounding community. Consider asking your artist to meet with community leaders as a way of collecting information that would inform their project.

Depending on the circumstances, you may consider engaging the community more directly. Developers have worked with artists and arts organizations that are experienced at participatory practices, such as community paint days or workshops.

Your public art consultant can help you map out goals and a strategy for working with the community.

What Approvals Will I Need?

Depending on the location of your project, you may need to discuss your plan for public art with Metro Planning. Check their web site for more information on Urban Design Overlays and the Downtown Code, which have specific architectural standards. There may also be specific design guidelines for Metropolitan Development and Housing Authority redevelopment districts. Your public art should not be a commercial advertisement. If it is, you will need to follow the Sign Permit Process with Metro Codes. If your project encroaches into the Metro Right of Way, contact Metro Public Works for a Right of Way permit.

Marketing and Communications

Also at the outset of your project, it is a good idea to map your goals and strategies for communications about your public art project.

You may consider a range of goals, from attracting positive attention to your project to ensuring that the community resource you are providing can be enjoyed by as many people in the community as possible. To accomplish this, you can consider a range of strategies, such as press releases, presentations at community meetings, on-site signage and Internet-based resources.

Your public art consultant can help you map out goals and appropriate strategies for marketing and communications.

AFTER COMPLETION

Close Out



Congratulations, your project is complete!

Close Out

There are a few final things to do to ensure the artwork remains a valuable part of your development project and is enjoyed by the community for years to come.

Transfer of Title

The title to the artwork generally passes to the owner upon final acceptance of the artwork. This step should be outlined in the contract. You may also want to consider a “Transfer of Title” exhibit in the contract that is signed by both the owner and the artist once the work is completed and accepted by the owner.

Project Documentation and Maintenance Protocols

The artist should provide the project documentation

and maintenance protocols described in the section on Artist Contracts in Chapter 3.

Dedication and Celebration

A dedication is a great way to acknowledge the artist and all of the people who helped make the project possible, as well as to get broader attention for the project. Dedications can be small, invitation-only celebrations or larger community events, depending on your goals and budget.

Maintenance and Conservation

Once you have accepted the artwork, you are the owner of the artwork and you are responsible for both its maintenance and conservation.

Maintenance is the routine care and repair of works of public art that does not require specialized expertise (i.e.: dusting, washing, changing light bulbs, lubrication of moving parts, etc.). Property maintenance staff should be informed, and if necessary, trained on any special requirements for maintenance, and materials needed for maintenance should be kept in stock.

Conservation is the regularly scheduled examination, documentation, treatment and preventative care of an artwork conducted by a professional art conservator. The owner should have the work inspected by a professional conservator every two years, or as recommended by the artist, to document and treat any conservation needs.

Maintenance and conservation should be guided by the instructions provided by the artist.

Selling the Property

As the property owner, you also own the artwork and can determine how to handle the artwork if the property is sold.

There are several practical issues to consider.

If the artwork is integrated, it would likely be difficult to remove, and would remain on the property after the sale.

If the artwork is not integrated, you should consider the intentions of the artist and the concerns of the community. Most likely, the community will consider the artwork to be part of the place where it is located, and the removal of the artwork could become a public issue.

If you would like to remove and relocate the work, and the artwork was created specifically for that site, you must consider the artist’s moral rights in the artwork, under the Visual Artists Rights Act, discussed in the section on Artist Contracts in Chapter 3.

If the artwork is included in the overall sale of the property, you should transfer the title to the artwork and ensure that the new owner has all records pertaining to the artwork, including the maintenance and conservation instructions and history.



RESOURCES

lobby+art

General

Metro Arts

<http://www.nashville.gov/Arts-Commission/Programs/Metro-Public-Art>

Arts and Business Council of Greater Nashville

<https://www.abcnashville.org/>

Americans for the Arts, Public Art Network

<https://www.americansforthearts.org/by-program/networks-and-councils/public-art-network>

NashvilleNext

<http://nashville.gov/government/NashvilleNext>

Distributing a Call To Artists

Public Art Network, *Artist Selection Process Resource Guide* (2013)

Public Art Network, *Call for Artists Resource Guide* (2004)

Public Art Network, *Best Practices for Public Art Projects* (2016)

For resources specifically for murals, see the Metro Nashville Arts Commission's guide, *Art for (W)all, a guide to making murals in Nashville*

Photo Credits

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Laura Haddad and Tom Drugan, *Light Meander*, Photo: MetroArts

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Beverly Pepper, *Nuova Twist*
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Cliff Garten, *Ethereal Bodies 8*
Photo: Copyright Cliff Garten Studio,
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Norf Collective, *Family Matters*
Photo: Keith3

Isle of Printing, commissioned by
Hotel Noelle Photo: Courtesy of Noelle

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Pinewood Social Can Wall,
Isle of Printing, commissioned by
Pinewood Social Club
Photo: Isle of Printing

John Medwedeff, *Confluence*,
commissioned by SWH Residential
Partners Photo: S&ME, Inc.

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SOFTlab, *Ventricle*, Photo: Alan Tansey

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Artist Lonnie Holley leading a youth
workshop in the process of developing
new sculptures for Edmonson Park.
Photo: MetroArts

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Vivian Beer, *Dressed Up and Pinned*
Photo: Vivian Beer

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Randy Purcell, *Bee Cycle*
Photo: MetroArts

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Rob Ley, *May-September*
Photo: Serge Hoeltschi

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Guido van Helten, commissioned by
Nashville Walls Project
Photo: Those Drones,
courtesy Nashville Walls Project

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Ball-Nogues Studio, *Corner Glory*
Photo: Scott Mayoral/Central Meridian

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Envision Nolensville Pike workshop
Photo: Transportation for America

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Leah Tumerman,
Deeply Dimensional Women
Courtesy Leah Tumerman

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David Dahlquist, *Thread*
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Roberto Behar & Rosario Marquardt,
Rhode Island Intermodal Station
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Whitney Cowing, *Glashaus Awning*
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Ellie Balk, *Sister Cities: Cortex
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