

SYRACUSE PUBLIC ART PLAN

Syracuse

New York



A COMPONENT OF THE SYRACUSE COMPREHENSIVE PLAN



# ***SYRACUSE PUBLIC ART PLAN***

**Stephanie A. Miner, Mayor**

***Common Council Members***

Hon. Van B. Robinson, President

***At-Large Councilors***

Hon. Lance Denno, Majority Leader

Hon. Helen Hudson

Hon. Kathleen Joy

Hon. Jean Kessner

***District Councilors***

Hon. Jake Barrett – 1st District

Hon. Patrick J. Hogan – 2nd District

Hon. Bob Dougherty – 3rd District

Hon. Khalid Bey – 4th District

Hon. Nader Maroun – 5th District

***Bureau of Planning & Sustainability***

Andrew M. Maxwell, MPA, Director

Owen Kerney, Deputy Director

***Principal Planner***

Kate Elliot Auwaerter

**City Hall**

**233 E. Washington Street**

**Syracuse, NY 13202**

**2012, City of Syracuse**

---

# TABLE OF CONTENTS

---

Executive Summary	4
Public Art Commission	5
Introduction	7
<i>Chapter 1</i>	
The Value of Public Art	11
<i>Chapter 2</i>	
Goals and Recommended Actions	13
<i>Chapter 3</i>	
Administration and Evaluation of the City Public Art Program	22
Appendices	
I. Syracuse Public Art Ordinance (2007)	25
II. Rules of Procedure	29
III. Public Art Application	33
IV. Exhibition Programs	35
V. De-Accession Policy and Procedures	41
VI. Visual Artists Rights Act (VARA)	42

---

# EXECUTIVE SUMMARY

---

The *Public Art Plan* is a component of the Syracuse's *Comprehensive Plan 2040*—an update of *Comprehensive Plan 2025* adopted by Common Council in 2005. The Syracuse Public Art Commission authored the Public Art Plan. In addition, the Commission solicited input from stakeholders from the arts, culture and business communities, the TNT Neighborhood Planning Councils, and the general public.

The *Public Art Plan* outlines the City of Syracuse's principles, policy and procedures for the municipal public art program, including the care, management and expansion of the City's public art collection.

The specific goals and recommendations of the plan include:

Goal 1: Make public art a community priority in Syracuse.

Goal 2: Ensure and celebrate the diversity of public art in the city.

Goal 3: Capitalize on the economic opportunities associated with public art.

Goal 4: Establish Downtown Syracuse as the public art showcase of the region

---

# PUBLIC ART COMMISSION

---

**Public Art Commission, 2012**

Christine Capella-Peters, chair

Karen Convertino

George Curry

Rick Destito

Bob Doucette

Corky Goss

London Ladd

Nancy Keefe Rhodes

Joanna Spitzner

Daniel Franklin Ward, Ph.D.

Bahar Zaker

**Public Art Coordinator**

Kate Elliot Auwaerter



---

# INTRODUCTION

---

What is public art? Monumental sculptural works occupying prominent public squares generally come to mind. Syracuse has significant examples of such large-scale, traditional work, including Clinton Square’s Soldiers and Sailors Monument, Columbus Circle’s Christopher Columbus statue and fountain, and Forman Park’s Lewis Redfield Monument. But public art comes in all forms, styles and media, ranging from those massive permanent works in bronze and stone, to murals in paint, ceramic mosaic and even video, to temporary works in yarn and fabric, and ephemeral public performance pieces. What defines these works as public art is that they occur in the public realm – usually outdoors – are specific and relevant to their site, and seek to engage the public.

Early in the first decade of this century, Syracusans both inside City government and from the community began to look to other cities such as Philadelphia and Cleveland that were in the midst of major revitalization efforts. They saw how powerful public art was in creating engaging and attractive public spaces. Here, organizations such as the 40 Below Public Arts Taskforce and individual artists alike represented a growing local public arts movement. The City administration, wanting to encourage more public art, realized that it had no streamlined and accessible process or procedures for artists to install work on public property. Thanks to the hard work and advocacy of numerous individuals, the Syracuse Mayor and Common Council passed into law the City’s first Public Art Ordinance in 2007, establishing the Syracuse Public Art Commission and the Public Art Coordinator position.

*Quintet of the Astonished, Bill Viola, 2010. (Image courtesy of the Urban Video Project and the Everson Museum of Art)*

Since its adoption, the Public Art Ordinance has served the City well, nurturing the nascent Public Art program. The Ordinance defines public art as “all forms of visual art that do not constitute a sign<sup>1</sup>... located within the City right-of-way, on public land owned by the City of Syracuse...” The single exception is mural work, which falls under the jurisdiction of the Public Art Commission even though murals may be located on private property. Over the past five years, the Commission has reviewed over one hundred applications for artwork ranging from temporary student work, to premier video art and permanent works that the Common Council has adopted into the City’s permanent public art collection. It has used this experience to test its procedures and review criteria, and gained useful perspectives about the future of the City’s program. At the same time, the quality and scope of public art proposals for the City’s public spaces have grown significantly over the past five years and continue to expand in new and exciting ways.

---

<sup>1</sup> Part C, Section VI of the Zoning Rules and Regulations of the City of Syracuse defines a sign as follows: *An emblematic design, including those which are composed of light rays only, calculated to attract public attention to a product, service or undertaking encompassing activities both on and off the property where such designs are situated, including what are commonly termed billboards, posters, symbols, and similar devices, of whatever composition, size, location or color.*

*Variography, Fieldnotes  
Michael Bosworth, 2012.*

---

An important task that the Ordinance set for the Public Art Commission is to develop a Public Art Plan for the City. Based on its experience over the last five years as well as lessons learned and examples set by other communities, the Commission has developed the following plan. Among all those who took time to review the draft versions of this plan and provide comment, the Public Art Commission would like to thank Steven Kern, Executive Director, Everson Museum of Art; Stephen Butler, Executive Director, CNY Arts; Peter A. Dunn, President & CEO, Central New York Community Foundation; Linda Dickerson Hartsock, Director, Syracuse University; Community Engagement and Economic Development; Heidi Holtz, Director of Research and Projects, Gifford Foundation; and Merike Treier, Executive Director, Downtown Committee of Syracuse.

Finally, the Public Art Commission recognizes and thanks fellow Commission members and chief editors of this document, Nancy Keefe Rhodes, Dan Ward, and Bahar Zaker. Thanks to their diligent and careful guidance, this document expresses clearly and concisely the City's road map toward a thriving Public Art program.

*Tectonic Sculpture 01 (a.k.a. The Hand), Brendan Rose, 2008. (Right)*







# THE VALUE OF PUBLIC ART

In his 2009 book, *When Art Worked: The New Deal, Art, and Democracy*, Roger G. Kennedy writes:

The New Deal put art to work for the community. Its success was sufficient to induce Roosevelt to remark to Henry Morgenthau, Jr., his friend, neighbor and Secretary of the Treasury, that “one hundred years from now my administration will be known for its art, not for its relief.” There is nothing in Roosevelt’s life or in his recorded opinions to suggest that he cared much for art for art’s sake. He cared for art for the nation’s sake. That is the import of his speech dedicating the National Gallery of Art in 1941; that is why he put his stress not on the art itself but upon art’s consequences, especially its efficacy in enhancing the nation’s sense of itself:

*Detail of Peace by Piece, Ann Cofer, 2011.*

*A few generations ago, the people of this country were taught by their writers and their critics and their teachers to believe that art was something foreign to America and to themselves – something imported from another continent and from an age that was not theirs – something they had no part in, save to go and see it in a guarded room on holidays and Sundays. But within the last few years, they have discovered that they have a part. They have seen in their own towns, in their own villages, in schoolhouses, in post offices, pictures painted by their sons, their neighbors – people they have known and lived beside and talked to. They have seen rooms full of paintings painted by Americans – some of it good, some of not good, but all of it native, human, eager and alive – all of it painted by their own kind in their own country, and painted about things they know and look at often and touch and love (p.25).*

Public art—whether considering a multi-faceted collection or individual works—has the power to initiate dialogue in a community, to be a catalyst for creative expression, to promote cultural diversity, and to advance artistic form.

The City of Syracuse recognizes that public art is an effective vehicle for engaging people in community and civic concerns. The public art experience generates opportunities for dialogue, from which may come thoughtful observation, critical evaluation and open discourse. Such conversations among citizens and their social and political leaders directly enhance the quality of community life. At the same time, public art gives expression to individual artists in the public realm.

Public art reflects and celebrates the diversity of a specific community and location. It can highlight neighborhoods and generations through expressions both mainstream and avant-garde.

*Spirit of Power, Clayton B. Frye, 1932.*

In addition to museums and galleries, public art enriches public space and expands the possibilities of art's value and uses beyond those traditional and often privately held settings. Public art can and should be executed in a variety of media and scales, in both static and ephemeral conditions, for permanent or temporary exhibit, across the full spectrum of aesthetic expression. The Public Art Ordinance expressly charges the Syracuse Public Art Commission with considering artistic merit and intention, local significance and accessibility to the public, and safety, and durability so that artistic form is of the highest quality and represents the broadest range of expression.

Syracuse's rich, traditional collection of public art strengthens the social and material fabric of the city. A growing collection that embraces new art and expression places the local community in the larger context of American life and brings meaning to every-day places. Public art is a vital component of the city's cultural and physical environment and aids in maintaining a strong sense of place and high quality of life in Syracuse.

In conceiving this Public Art Plan, the Public Art Commission harkens back to a time of unprecedented challenge and difficulty in our national life when public art projects proved to be an extraordinary source of renewal both spiritually and materially for the nation. The Commission recognizes that attracting and retaining an engaged population depends in large part on our success in providing a world-class, vital aesthetic environment.



---

# GOALS & RECOMMENDED ACTIONS

---

In order to create a cohesive and curated municipal public art program, the Public Art Commission has established four goals. The goals are:

Goal 1: Make public art a community priority in Syracuse.

Goal 2: Ensure and celebrate the diversity of public art in the city.

Goal 3: Capitalize on the economic opportunities associated with public art.

Goal 4: Establish Downtown Syracuse as the public art showcase of the region

The following chapter provides a description of each goal, supportive objectives and realistic actions. The appendices provide additional detailed supportive material.

## **GOAL 1: MAKE PUBLIC ART A COMMUNITY PRIORITY IN SYRACUSE**

Making a vibrant public art program a community priority will require proactive steps that demonstrate the role of public art in creating interesting, interactive and enjoyable public spaces. Key steps to broadening the appeal of public art include providing educational opportunities that engage both residents and visitors in the public art program, encouraging strong connections between the works of art and the community, and making public art a regular and expected presence throughout the city.

**1.1 Foster public appreciation of public art through educational opportunities and communication strategies.** The City will strive to increase general awareness of and appreciation for public art through internship programs, community participation and interaction with public art, and publicity and communication. The initiatives arising from these programs will promote public art as a value in the Syracuse cultural and physical landscape.

**1.1.1 Public Art Internship program.** A public art internship program directed by the Public Art Coordinator will provide both learning and research opportunities to advanced students who will generate critical knowledge regarding public art for the City's use, the local arts community, and the general public. Additionally the internships will help refine the skills and abilities of the involved students, who in turn can make contributions to the broader public art constituency.

*Preparation of the  
Community Totem,  
Peter Michel, 2012.*

**1.1.2 Organize presentations, seminars and/or symposia on public art.** Working with established arts and cultural institutions and organizations, and foundations, the City can provide educational opportunities as an effective way of increasing community awareness and generating public support for the public art program. Initiatives that draw on Syracuse artists and experts also recognize local resources and talent. The City can also use programs involving regional, national and international professionals to give Syracuse an even wider public art experience.

1.1.2.1 Secure funding for and host annual public seminars or workshops.

1.1.2.2 Schedule presentations to a variety of organizations and groups including arts-related organizations, business associations, TNT Neighborhood Planning Councils and other neighborhood and citizen groups, school-aged groups, and others, as appropriate.

**1.1.3 Initiate publicity and communication program regarding the City's public art program.** Easy access to quality information is a crucial step in raising awareness of the City's public art program.

1.1.3.1 Enhance the City's public art website as the key portal to the Public Art Program.

1.1.3.2 Create on-line virtual walking tours and make available brochures for downloading and printing.

1.1.3.3 Celebrate and publicize every new installation through press releases and events.

1.1.3.4 Organize community events around new artwork including discussions with the artist, unveiling ceremonies, and other celebrations.

**1.2 Emphasize the importance of public art to community identity and civic pride.** Public art has the power to enhance sense of place and be a strong, positive reflection of the community. Links between public art and the city's social and cultural history can make public art relevant to residents and visitors alike.

**1.2.1 Encourage the creation of neighborhood-based public art organizations and coalitions.** Participation in the planning and creation of public art works will allow citizens of all ages and walks of life to experience the powerful impact public art can have on the community.

**1.2.2 Produce neighborhood-specific brochures and walking tours that highlight works of public art, artists and history.** Make available on City's website as well as other venues including Onondaga County Public Libraries, the Convention and Visitor's Bureau, and provide to neighborhood associations and other interested parties.

**1.3 Integrate public art administration into the City government.** The passage of the Public Art Ordinance confirmed the city's commitment to the creation of a public art program. In order to put the program on solid footing, the City must now take steps to fully adopt, implement and support the goals of the public art plan.

**1.3.1 Adopt the Public Art Plan**

**1.3.2 Maintain staffing for the public art program.** Successfully implementing this plan requires committed municipal staff time. The City should continue to maintain the Public Art Coordinator position into the future.

**1.3.3 Develop ways to maximize collaboration with and seek perspectives from a broad spectrum of participants in Central New York's cultural and artistic landscape.** The Commission will study and make recommendations regarding the possible revision of the Public Art Ordinance to set aside a maximum of two existing seats on the Public Art Commission to individuals who reside outside of the City limits, but otherwise meet the qualifications currently required for membership.

**1.3.4 Articulate clearly the City's public art review and approval process.**

1.3.3.1 Make the public art application a fillable PDF.

1.3.3.2 Create flow chart for applicants explaining submission schedule, review time needed and function of the Public Art Commission.

1.3.3.3 Seek ways to streamline review processes and ensure consistency.

## **GOAL 2: ENSURE AND CELEBRATE THE DIVERSITY OF PUBLIC ART IN THE CITY**

In order to build a rich and notable public art collection that the community can broadly embrace, the Public Art Commission must work with a curatorial vision and clear criteria to ensure that every new work it recommends for adoption into the collection has artistic merit, relevance, and expands the diversity of styles, media and artistic vision of the collection. Additionally, "diversity" may refer to the artists themselves, be they local or national, emerging or recognized, and from diverse communities. Proper care of the existing collection is as important as new acquisition; the City must also include maintenance, conservation and the ability to appropriately de-accession works as part of the overall program.

**2.1 Maintain existing permanent collection.** The care and maintenance of the existing permanent collection is of utmost importance. The City's permanent collection currently includes over 40 works ranging from 19th century bronze statuary to late 20th century murals and sculpture, each with its own conservation needs.

**2.1.1 Expand and maintain a city-wide comprehensive public art inventory.** The City must augment the existing public art inventory, which was established in 2007, as well as make it more accessible.

2.1.1.1 Expand the inventory to include a complete accession record of each work in the permanent collection, including title of work, artist name, acquisition date and provenance.

2.1.1.2 Update the inventory on an annual basis.

2.1.1.3 Make the inventory available on the City public art website.

**2.1.2 Establish a conservation plan for every work of art within the permanent collection.** Routine maintenance, specialized conservation needs, and emergency repairs must be carefully and appropriately detailed for each art work to protect artistic form and materials over time.

2.1.2.1 Establish baseline condition report for every work within the permanent collection with the assistance of the artist (when possible) and the City's Skilled Trades department, as well as consulting with a professional art conservator specializing in a particular medium, as necessary.

2.1.2.2 Develop conservation plan, including consideration of costs, for each work with the assistance of the artist (when possible), a professional art conservator, and members of City Skilled Trades department.

2.1.2.3 Identify departmental responsibilities for the implementation of the conservation plans, including annual inspection schedule for each work and procedures should emergency repairs be necessary.

**2.1.3 Develop guidelines for de-accessioning works from the collection.** Because of deterioration, excessive damage, vandalism or other factors, there will be occasions when de-accessioning is appropriate. Guidelines must clearly establish the policy and procedures for de-accessioning works of art. (See Appendix V)

**2.2 Build a permanent collection that embraces a diversity of style, scale and media.** The expansion of the collection presents exciting opportunities to work with emerging and established artists of local and national prominence. Both



high profile design competitions and direct commission from selected artists are means of expanding the collection and highlighting the public art program. Given the finite amount of available public space, the City must carefully consider how it prioritizes public spaces and selects works.

**2.2.1 Identify opportunities and prioritize locations for public art installations.** From parkland to small greenspaces, formal plazas to roadway islands, libraries to swimming pool bathhouses, the City has a mixed, but limited amount of public property available for public art installation. Important municipally-owned buildings should be included among these priorities, in particular City Hall and Syracuse Hancock International Airport as they serve as major gateways into the community.

2.2.1.1 Proactively and comprehensively identify and map high priority and/or iconic public places, including public lands, buildings and structures.

2.2.1.2 Work with TNT planning councils and other neighborhood groups to identify neighborhood-level priority public spaces.

2.2.1.3 Establish criteria for the Commission's selection and approval of artwork at these locations.

**2.2.2 Develop and implement a comprehensive exhibition program for public art.** The City will realize the tangible advancement of public art through an exhibition program that includes acquisitions through direct commission and competition, donations and loans. (See Appendix IV) The exhibition program will generate projects that ensure that the Syracuse community has access to public art that is diverse in style, scale, media and representing artists of differing background and aesthetic vision.

**2.3 Encourage public art in all its forms.** Public art comes in all forms, styles and media, from permanent installations to ephemeral public performance pieces. Although not all works of public art will come under the jurisdiction of the Public Art Commission, the City's public art program should encourage public art in all its forms.

**2.3.1 Facilitate the installation of public art throughout the city.** Assist arts organizations, neighborhood associations and other stakeholder groups to develop robust programs for temporary exhibitions and permanent installations on private as well as public property.

**2.3.2 Encourage the inclusion of public art activities in City-hosted civic events.** The City hosts numerous community events throughout the year that can be enhanced with the inclusion of public art activities and exhibits.

- 2.3.3 Identify ways to allow for non-traditional and new art forms in the City.** Identify and address potential roadblocks preventing opportunities for different types of art and performance in the City.

### **GOAL 3: CAPITALIZE UPON THE ECONOMIC OPPORTUNITIES ASSOCIATED WITH PUBLIC ART**

An exciting and dynamic public art program is tangible asset that is of value in any attempt to market the community's appeal for cultural tourism as well as general economic development. Public art must be viewed as an essential investment that, unlike most capital improvements, grows in value over time and does not depreciate.

- 3.1 Promote the public art program as a valuable investment.** Investment in public art and public spaces directly influences quality of life, community perception, and property values. As the municipal public art collection grows, so too the city's reputation as the region's cultural center.
- 3.1.1 Document the value of a quality public art program.** National organizations such as *Americans for the Arts* and *People for Public Spaces* have demonstrated that public art is a solid investment for municipalities, private investors and developers. The City should document the impact of the local public art program to share with all stakeholders.
- 3.1.1.1 Make available relevant data and evidence of the economic impact of public art programs nationally through the website and publications.
- 3.1.1.2 Partner with CNY Arts and other non-governmental organizations, such as the Downtown Committee of Syracuse, area academic institutions and area foundations, to track and publicize the impact of the local public art program.
- 3.2 Create opportunities for businesses and investors to participate in the public art program.** A vibrant public art program will drive tourism and foot traffic to the community, which in turn supports retail and other businesses. A vibrant cultural life also helps employers to attract and retain a skilled workforce.
- 3.2.1 Create a voluntary initiative allowing interested individuals and companies to donate artworks to the public art collection or contribute financially to the public art program or to specific projects.** A program that allows for the private sector to participate in the public art program will provide maximum flexibility to those willing to invest in public art.
- 3.2.1.1 Promote the inclusion of public art on private property as part of major new developments. Working through its Department of Neighborhood and Business Development, the City can

encourage private individuals and businesses to incorporate public art into their projects.

- 3.2.1.2 Develop other mechanisms for investing in public art across the city. The City should work with arts organizations and the business community to identify other methods for obtaining additional resources to support the public art program.

**3.3 Maximize the value of public art as a component of cultural tourism.** The City's public art program adds to the rich diversity of artistic and cultural attractions within the community. Collaborative events, such as *The Other New York (TONY 2012)* community-wide exhibition, have the power and benefit of mutual promotion between arts and culture-related venues. In partnership with arts, culture and heritage organizations and agencies, the City should promote the public art program to help increase visibility and participation in the cultural life of the city.

**3.3.1 Market the public art program to new audiences.** Use electronic and social media outlets as well as traditional materials (brochures, maps and walking tours, for example) to publicize the public art program to the widest possible audience.

**3.3.2 Promote the public art program collaboratively with other arts, culture and heritage partners.** Collaborative marketing will maximize visitation and participation in the public art program.

**3.4 Make Syracuse a destination for creative talent.** Many studies have shown the value and potential impact of the "creative class" on local economies. The public art program can play an important role in attracting creative talent to the city and is itself a visible expression of the burgeoning art and cultural community in Syracuse.

**3.4.1 Ensure that the City of Syracuse's business practices are supportive of artists who participate in the public art program.**

3.4.1.1 Institute best practices for the administration of the public art program.

3.4.1.2 Ensure that the public art acquisitions are transparent and fair.

3.4.1.3 Engage artists in fair, accessible and understandable contracts.

3.4.1.4 Recognize the intellectual property rights of artists under the Visual Arts Rights Act (Appendix VI).

**3.4.2 Facilitate a welcoming environment for artists in Syracuse.** Through the Department of Neighborhood and Business Development and Bureau of Planning and Sustainability, the City will assist local initiatives,

arts organizations and agencies, providing the infrastructure necessary to support a strong artists community.

3.3.2.1 Consider artist live/work opportunities in the upcoming Zoning Ordinance revisions.

#### **GOAL 4: ESTABLISH DOWNTOWN SYRACUSE AS THE PUBLIC ART SHOWCASE OF THE REGION**

As home to many major arts and cultural institutions, Downtown Syracuse is already the center of arts and culture in the region. Downtown, defined as the boundaries of the Business Improvement District<sup>1</sup>, also contains the greatest concentration of public places that literally and figuratively embody the community's collective cultural heritage. This status must be reinforced by identifying Downtown as a principal focus for the public art program.

**4.1 Develop policies and procedures for permanent works of art in downtown public spaces.** Downtown contains some of the city's most important and iconic public spaces, including Clinton Square, Hanover Square and Columbus Circle. In addition, there are gateways, corridors and underdeveloped public lands that are key to how people experience the city. The City will establish policies and procedures for selecting artists and permanent artwork to ensure these remain or become high quality public spaces.

**4.1.1 Identify and map important Downtown public spaces, gateways, corridors and public-rights-of-way.** All downtown public properties must be verified, mapped and evaluated for their suitability for major permanent works of art or as sites more suited for temporary exhibitions.

**4.1.2 Create site-specific guidelines for permanent works of art for each identified Downtown location.** Each property is unique in design and purpose, and therefore requires its own criteria for selecting or commissioning both artists and art works.

**4.2 Develop an annual public art exhibition program specific to Downtown Syracuse.** Communities across the nation have created successful exhibition programs featuring temporary and permanent installations that turn their downtowns into exciting outdoor galleries. Such a program for Downtown Syracuse can highlight contemporary public art, attract new downtown visitors, and increase participation in arts and cultural offerings in the city center.

**4.2.1 Identify and create stakeholder committee to develop Downtown exhibition program.** Partners should include the Downtown Committee of Syracuse, CNY Arts, downtown arts and cultural organizations, foundations, and others who have a stake in creating a world-class Downtown exhibition program.

<sup>1</sup> The boundaries of the Downtown Business Improvement District are defined as I-81 to the east, Adams Street to the south, Onondaga Creek to the west, and I-690 to the north.

- 4.2.2 Research other downtown art exhibition programs that can help guide the local program.** Successful exhibition programs will provide useful reference for creating a unique and sustainable program specific to Downtown Syracuse and that sets a new standard for excellence.

---

# ADMINISTRATION AND EVALUATION OF THE CITY PUBLIC ART PROGRAM

---

## 1 Administration

The Public Art Ordinance established the basic administrative structure of the City's Public Art Program, including the role and duties of the Public Art Coordinator and the Public Art Commission. The Mayor's Office, Common Council and City departments also have important roles in the successful implementation of the program.

### 1.1 Public Art Coordinator

By Ordinance, the Mayor designates a City employee to the position of Public Art. As established by the Ordinance, the Coordinator:

- supervises and oversees the approval process for Public Art, including coordinating all the necessary consultations between and among the Commission, the neighborhood planning councils and the various City and State departments, boards and agencies.
- advises and assists the Commission in the fulfillment of its duties, including the development and implementation of a Public Art Plan.
- maintains an inventory of all Public Art in the City of Syracuse, including all Public Art owned or loaned to the City.
- promotes and facilitates Public Art city-wide and assists artists and organizations in preparing applications for approval.
- provides the opportunity for public comment through the neighborhood planning councils.

### 1.2 Public Art Commission

The Public Art Ordinance also established the Public Art Commission as a board of eleven voting members, consisting of four artists from the field of design, visual arts, architecture or landscape architecture; four members of the public who are not artists; one art administrator/ curator; and two representatives from the neighborhood planning councils. The Mayor appoints eight of the voting members: three artists, two members of the public who are not artists, one art administrator/ curator and two representatives from the neighborhood planning councils. The Common Council appoints three of the voting members: one artist and two members of the public who are not artists. All voting members of the Commission must be residents of the City of Syracuse.

In addition, the Public Art Coordinator, the Commissioner of Parks, Recreation and Youth Programs and the Commissioner of Public Works shall be ex-officio members of the Commission.

As defined by the Ordinance, the Commission:

- approves all Public Art applications, which is necessary prior to the installation of Public Art in the City of Syracuse.
- creates and implements a Public Art Plan, the purpose of which is to enrich the visual and aesthetic environment of spaces within the City of Syracuse.
- initiates and develops proposals to receive recommendations and to solicit contributions

for additions to the existing collection of public art.

- reviews and advises the City on the installation of City-owned public art and whether proposed donations or loans of public art to the City should be accepted.
- reports on a regular basis to the Mayor and submits an annual report to the Common Council on its activities.

### 1.3 Mayor

The Mayor's responsibilities include:

- Appointment of the Public Art Coordinator. The mayor should aspire to fill this position with someone who has relevant training and/or experience in public art management, fine art, art history or related fields.
- Selection and approval of eight appointments to the Public Art Commission as noted above.

### 1.4 Common Council

Common Council responsibilities are as follows:

- Selection and approval of three appointments to the Public Art Commission as noted above.
- Final approval of all acquisitions, commissions, and donations into the permanent art collection.

### 1.5 City Departments

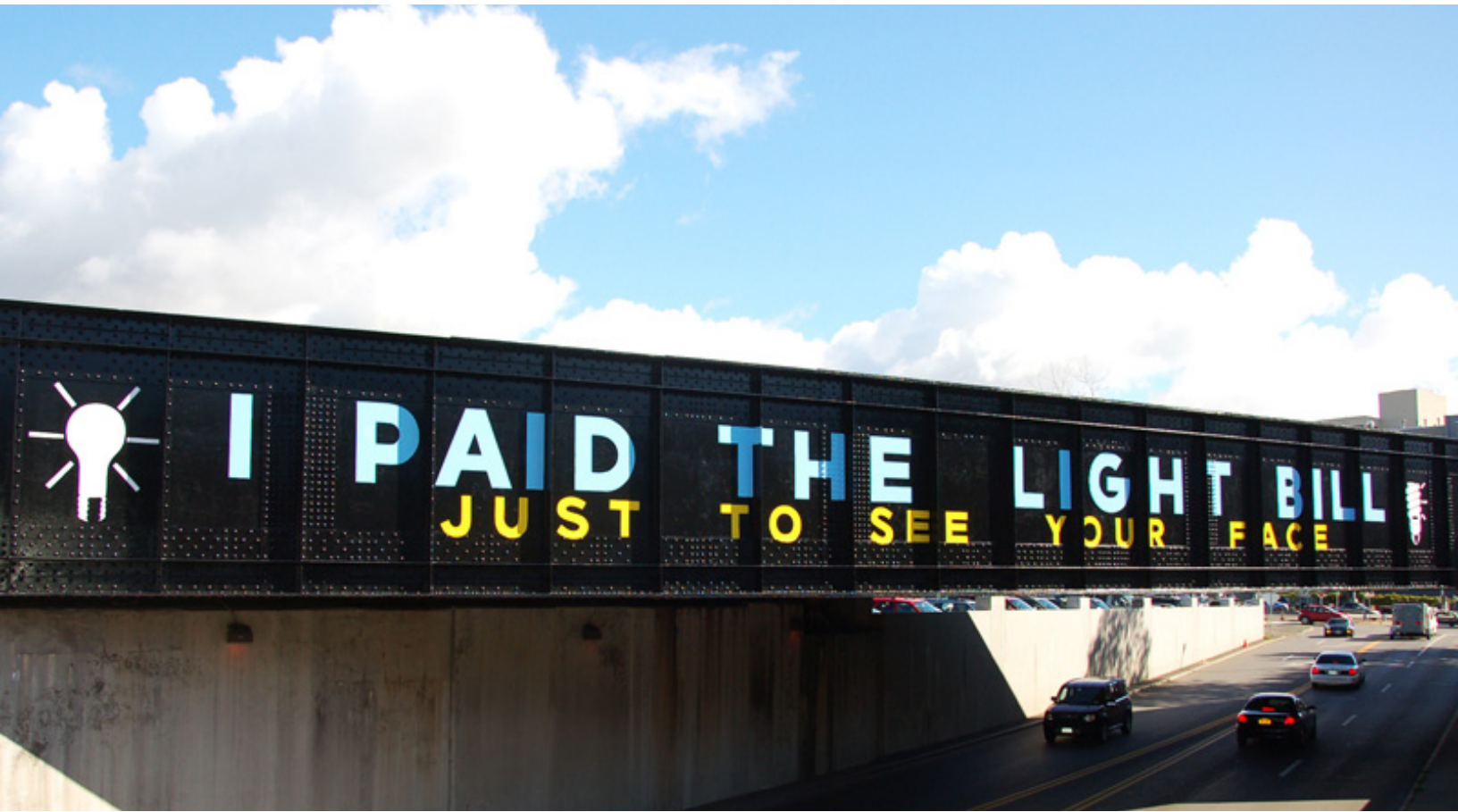
The Department of Public Works, Department of Parks, Recreation and Youth Programs, and Department of Engineering all assist the Coordinator and Commission in various stages of artwork selection and design, in particular in regard to issues of location, maintenance, safety and durability.

## 2 Program Evaluation

Periodic evaluations and updates are important to maintaining the relevance of the Public Art Plan and overall Public Art program.

- **Annual Review:** In December of every year, the Coordinator and Commission evaluate the program activities for the year and how the program met its goals and objectives.
- **Annual Work Plan:** Also in December of every year, the Coordinator and Commission will establish the work plan for the coming year, identifying annual objectives and related activities.
- **Annual Report:** In January, the Coordinator and Commission will submit an Annual Report to the Mayor and Common Council, including a description of the year's objectives and outcomes, voting action, membership, and any conflicts of interest and appeals.
- **Periodic Review:** Every three years, the Coordinator and Commission will conduct a review of the public art plan goals, objectives and actions. This review may include review and comment from outside stakeholder groups. Any updates to the public art plan will be detailed in a report to the Mayor, Common Council and made public.

*Love Letter to Syracuse, Stephen Powers, 2010.  
Image courtesy of Syracuse University, Community Engagement & Economic Development  
Syracuse ArtErie, 40 Below Public Art Taskforce, 2011.*





# SYRACUSE PUBLIC ART ORDINANCE (2007)

## Chapter 51 of the Revised General Ordinances of the City of Syracuse: Public Art

### Sec. 51-1. - Title.

This chapter shall be known as the "Public Art Ordinance".

### Sec. 51-2. - Purpose.

The purpose of this chapter is to facilitate and encourage public art in the city of Syracuse by creating a streamlined application and review process.

### Sec. 51-3. - Definitions.

For the purposes of this chapter, the following terms are defined as follows:

*Commission* shall mean the public art commission for the city of Syracuse.

*Coordinator* shall mean the public art coordinator for the city of Syracuse.

*Public art* shall mean either of the following:

- (1) All forms of visual art that do not constitute a sign as defined and regulated by Part C, Section VI of the zoning ordinance of the city of Syracuse, and are located within the city right-of-way, on public land owned by the city of Syracuse or on vacant land owned by the Syracuse Urban Renewal Agency or Syracuse Industrial Development Agency with the permission of SURA or SIDA, respectively. The aforesaid forms of visual art include but are not limited to the following mediums of art:
  - a. Paintings of all media, including both portable and permanently affixed works such as frescoes and murals;
  - b. Sculpture of any form and in any material or combination of materials, including statues, monuments, fountains, arches, structures intended for ornamentation or commemoration, reliefs, mobiles, kinetic, electronic and neon sculptures;
  - c. Other works of visual art, including inscriptions, stained glass, fiber works, carvings, mosaics, photographs, drawings, collages, textile works, prints and crafts, both decorative and utilitarian, in clay, fiber, wood, metal, glass, stone, plastic and other materials;
  - d. Artist-designed landscapes and earthworks, including the artistic placement of natural materials or other functional art objects.
- (2) All murals that do not constitute a sign as defined and regulated by Part C, Section VI of the zoning ordinance of the city of Syracuse, and are located on premises that do not have a one-family or two-family dwelling.

### Sec. 51-4. - Display of public art.

A person, partnership, corporation, limited liability company or other entity must complete a public art application, submit the public art application to the public art coordinator, and have the public art application approved by the

public art commission before installing public art in the city of Syracuse.

Sec. 51-5. - Public art on state, county, public authority land.

The provisions of this chapter do not apply to land located within the city of Syracuse that is owned by the state of New York, county of Onondaga or a public authority. Any public art being installed on land located within the city of Syracuse that is owned by the state of New York, county of Onondaga or a public authority is subject to the requirements of the state of New York, county of Onondaga or the applicable public authority.

Sec. 51-6. - Applicability of chapter to the city.

The provisions of this chapter are applicable to the city and the city of Syracuse must satisfy the requirements of section 51-4 before the city can install public art on city property, including the city right-of-way.

Sec. 51-7. - Public art coordinator.

(a) *Appointment and term.* There shall be established the position of public art coordinator for the city of Syracuse. The public art coordinator must be an employee of the city or SURA. The mayor shall designate an employee of the city or SURA to this position. The employee designated public art coordinator shall serve in the position of public art coordinator at the pleasure of the mayor and can be replaced by the mayor at any time by the mayor's designating a new public art coordinator in accordance with this chapter. In the event that the position of public art coordinator shall be become vacant, the mayor shall designate a new coordinator.

(b) *Duties.*

- (1) The coordinator shall supervise and oversee the approval process for public art. This will include coordinating all the necessary consultations between and among the commission, the neighborhood planning councils and the various city and state departments, boards and agencies.
- (2) The coordinator shall advise the commission and assist the commission and advisory board in the fulfillment of their duties, including the development and implementation of a public art master plan.
- (3) The coordinator shall be responsible for keeping an inventory of all public art in the city of Syracuse, including all public art owned or loaned to the city.
- (4) The coordinator shall promote and facilitate public art citywide and assist artists and organizations in preparing applications for approval.
- (5) The coordinator shall provide for the opportunity for public comments through the neighborhood planning councils established by chapter 48A of the Revised General Ordinances of the city of Syracuse, as amended.

Sec. 51.8. - Public art commission.

(a) *Composition.*

- (1) There shall be established a public art commission to create a public art plan, to approve public art and to perform such other duties as set forth in this chapter. The Commission shall consist of eleven (11) voting members as provided herein.
- (2) The eleven (11) voting members of the commission shall consist of four (4) artists from the field of design, visual arts, architecture or landscape architecture; four (4) members of the public who are not artists; one art administrator/curator; and two (2) representatives from the neighborhood planning councils established by chapter 48A of the Revised General Ordinances of the city of Syracuse, as amended. The mayor shall appoint eight (8) of the voting members as follows:  
three (3) artists, two (2) members of the public who are not artists, one art administrator/curator, and two (2) representatives from the neighborhood planning councils. The

common council shall appoint three (3) of the voting members as follows: one artist and two (2) members of the public who are not artists.

- (3) The eleven (11) voting members of the commission are to be residents of the city of Syracuse.
  - (4) The coordinator, the commissioner of parks, recreation and youth programs and the commissioner of public works shall be ex officio members of the commission.
  - (5) The mayor shall select the chairperson and secretary from the voting members of the commission to serve for a two-year term.
- (b) *Quorum of the commission.* Six (6) voting members of the commission shall constitute a quorum and the votes of a majority of all voting members shall be necessary for any official action. In the event that the chairperson is not present at a meeting, an acting chairperson will be selected from among those members of the commission present at such meeting.
- (c) *Term.*
- (1) The voting members of the commission shall serve for four-year terms, or until their successors are appointed, except that four (4) of the members first appointed by the mayor shall serve for a two-year term and all three (3) of the members first appointed by the common council shall serve for a three-year term.
  - (2) When the four (4) members first appointed by the mayor to a two-year term and all three (3) members first appointed by the common council to a three-year term are reappointed or their successors are appointed, they shall serve four-year terms.
  - (3) The coordinator, the commissioner of parks, recreation and youth programs, and commissioner of public works may serve on the commission as long as they are employed in that position with the city of Syracuse.
- (d) *Powers and duties.*
- (1) The commission shall approve all public art applications and said approval shall be necessary prior to the installation of public art in the city of Syracuse unless exempted by the terms of this chapter.
  - (2) The commission shall create and implement a public art master plan, the purpose of which is to enrich the visual and aesthetic environment of spaces within the city of Syracuse that are in some way accessible to the public.
  - (3) The commission shall initiate and develop proposals, to receive recommendations and to solicit contributions for additions to the existing collection of public art.
  - (4) The commission shall review and advise the city on the installation of public art owned by the city and whether proposed donations or loans of public art to the city should be accepted.
  - (5) The commission shall submit an annual report to the common council on its activities and to report on a regular basis to the mayor.
- (e) *Meetings.* The commission shall meet six (6) times a year. Additional meetings may be called at the discretion of the chairperson, or at the written request of five (5) commission members, provided that such written notice is delivered to the chairperson at least five (5) working days in advance of such special meeting. Such special meetings shall be held within ten (10) working days of receipt of said request. A quorum of six (6) voting members must be present in order to conduct any regular or special meeting. All meetings of the commission must be open to the public as is required by the New York Open Meetings Law. Executive Sessions may be called in conformance with applicable law.
- (f) *Rules and regulations.* The commission shall establish and publish rules and regulations governing the conduct of its meetings, the procedure and criteria to be utilized in approving or denying public art applications and any

other matters that are within its powers and duties, provided that the rules and regulations are not contrary to the terms and intent of this chapter.

Sec. 51-9. - Review of commission's decisions.

Any person, partnership, corporation, limited liability company or other entity aggrieved by a decision of the commission concerning the approval or denial of a public art application may apply to the Supreme Court for relief by a proceeding under article 78 of the Civil Practice Law and Rules. Such proceeding shall be governed by the provisions of article 78 of the Civil Practice Law and Rules.

Sec. 51-10. - Public art application.

A public art application shall be made on forms provided by the coordinator and shall contain the following information:

- (1) The full name, address and telephone number of the applicant.
- (2) A description of the public art installation being proposed, including detailed sketches of the proposed public art, the material the public art will be made of, the term of the installation, the cost of maintaining the installation and the source of financing for the proposed public art.
- (3) The names, addresses and telephone numbers of the persons who will install the public art and be responsible for its maintenance during the entire term of the installation.
- (4) The site or location of the proposed public art installation, and if the site or location is owned by SURA or SIDA, written permission from SURA or SIDA for the public art installation.
- (5) Any other information that the coordinator determines will assist in deciding whether to grant or deny an application.
- (6) The signature of the applicant.

Sec. 51-11. - Approval or denial of a public art application.

- (a) Upon receipt of a public art application, the coordinator shall submit the application to the applicable state and city departments, boards and agencies for approval of the public art installation's proposed site or location. Once the required approvals from the applicable state and city departments, boards and agencies have been obtained, the coordinator will forward the application to the commission. If the proposed site or location is not approved, the reasons for denial of the proposed site or location shall be provided to the applicant in writing. The applicant has the right to change the proposed site or location of the public art installation and have the application reconsidered by the applicable state and city departments, boards and agencies. No application can be forwarded to the commission before the proposed site or location is approved.
- (b) After the application is forwarded to the commission, the commission shall review the application at its next regularly scheduled meeting. The commission may have the application presented and commented on at a meeting of the neighborhood planning council that represents the geographical area of the city where the installation is proposed to be installed. Comments on the application from the neighborhood planning council to the commission shall be in writing.
- (c) The commission shall either approve or deny the application. An application may only be denied based upon objective criteria that shall be set forth in the commission's rules and regulations. If the commission denies the application, the commission shall provide the applicant with written reasons as to why the application was denied within ten (10) business days of its decision.

Sec. 51-12. - Severability.

In the event that any section, paragraph, sentence, clause or phrase of this chapter is held invalid or unconstitutional by any court of competent jurisdiction, the invalid or unconstitutional portions of the chapter shall be deemed severable from the chapter and shall in no way affect the validity of the rest of the chapter.

---

# RULES OF PROCEDURE

---

## SYRACUSE PUBLIC ART COMMISSION Rules of Procedure

### ARTICLE 1. GENERAL GOVERNING RULES

The City Public Art Commission shall be governed by the provisions of all applicable State statutes, local laws, ordinances and these rules.

### ARTICLE 2. OFFICERS AND DUTIES

#### 2.1 Chairperson

The Chairperson shall be appointed by the Mayor from the voting members of the Commission and shall serve for a two-year term. The Chairperson shall decide on all points of order or procedure. The Chairperson shall call special meetings of the Commission.

#### 2.2 Vice-Chairperson

The Commission shall elect from its members by a majority vote a Vice-Chairperson who shall serve for a two-year term and who may be elected to successive terms. The Vice-Chairperson shall serve in the absence or incapacity of the Chairperson.

#### 2.3 Secretary

The Secretary shall be appointed by the Mayor from the voting members of the Commission and shall serve for a two-year term. The Secretary shall oversee all records, correspondence and clerical work prepared by the Public Art Coordinator on behalf the Commission, including minutes of the proceedings of each meeting and each hearing.

### ARTICLE 3. PUBLIC ART COORDINATOR

3.1 The Public Art Coordinator [Coordinator] shall be appointed by the Mayor from employees of the City of Syracuse or Syracuse Urban Renewal Agency and shall serve at the pleasure of the Mayor.

3.2 The Public Art Coordinator shall coordinate all necessary consultation between and among the Commission, neighborhood planning councils and the various City and State departments, boards and agencies.

- 3.3 The Public Art Coordinator shall advise the Commission in the fulfillment of its duties, including development and implementation of a Public Art Master Plan.
- 3.4 The Public Art Coordinator shall compile all records, correspondence and clerical work of the Commission. The Coordinator shall prepare minutes of the procedures of each meeting and each hearing of the Commission, which shall include the names and addresses of all witnesses, a summary of facts on which decisions are based, the decisions rendered by the Commission and all other official actions of the Commission. The Coordinator shall maintain an inventory of all public art in the City.
- 3.5 The Public Art Coordinator shall assist individuals and organizations in preparing applications for public art. The Coordinator shall present completed applications to all applicable State and City departments, boards and agencies within five [5] working days of receipt. Following approval by all applicable entities, the Coordinator shall present the application, including any comments or conditions set by said entities, to the Commission at its next regular and/or special meeting.
- 3.6 At the direction of the Commission the Public Art Coordinator may provide for the opportunity for public comments on actions before the Commission through the Tomorrow's Neighborhoods Today [TNT] planning councils. In such cases the Coordinator shall obtain a written record of said comments from the TNT planning councils, and/or Department of Neighborhood and Business Development for the Commission for consideration in its deliberations.

#### **ARTICLE 4. MEETINGS**

##### **4.1 Quorum**

A quorum shall consist of a six [6] voting members of the Commission.

##### **4.2 Schedule of Meetings**

4.2.1 Regular meetings shall be held six [6] times a year on a bi-monthly schedule and at such hour and day as scheduled by the members of the Commission.

4.2.2 Special meetings shall be held the discretion of the Chairperson, or at the written request of five [5] Commission members, provided that such written notice is delivered to the Chairperson at least five [5] working days in advance of such special meeting and that such special meeting is held within ten [10] working days of receipt of the request.

##### **4.3 Cancellation of Meetings**

Whenever there is no pertinent business to be considered at a regular meeting, the Chairperson may dispense with such meeting by notifying each member of the Commission at least 48 hours prior to the time set for the meeting or hearing.

##### **4.4 Voting**

4.4.1 All matters shall be decided by roll call vote, except as hereinafter provided. The votes of a majority of all voting members shall be necessary for any official action of the Commission.

- 4.4.2 No member of the Commission shall vote on any matter in which the member shall be financially interested or have a conflict of interest.
- 4.4.3 No member of the Commission shall vote on any matter presented at meeting unless he/she shall have attended the meeting thereon or shall have been thoroughly acquainted with the evidence and testimony presented at such meeting.

#### 4.5 Order of Meetings

The Chairperson shall call the meeting to order and the Secretary will take attendance. The Public Art Coordinator shall distribute minutes of the past regular and/or special meeting and the Chairperson shall ask for approval of the minutes by Commission.

The Chairperson shall introduce business from previous meetings and the Public Art Coordinator shall distribute materials related to such business. When all previous business has been addressed to the satisfaction of the Commission, the Chairperson shall introduce new business and the Public Art Coordinator shall distribute materials related to such business.

At its discretion, the Commission may solicit comments from interested members of the public in attendance for consideration during deliberations. A record of appearance, written statements or verbal testimony by members of the public during any meeting shall be kept as specified by the Commission.

#### 4.6 Applications for Public Art

- 4.6.1 The Public Art Coordinator shall present completed applications to the Commission, after all required approvals have been secured from applicable State and City departments, boards and agencies.
- 4.6.2 The Commission at its discretion may solicit public comment through the TNT neighborhood planning council representing the city area where the proposed installation would occur. In such cases, the Public Art Coordinator shall seek such input at the next regularly scheduled meeting of the applicable body. The Coordinator shall obtain such comments in writing and include them in the application file for consideration by the Commission.
- 4.6.3 At its discretion, the Commission may solicit comments regarding an application from interested members of the public in attendance. A record of appearance, written statements or verbal testimony by members of the public during any meeting shall be kept as specified by the Commission.
- 4.6.4 In its deliberations of any application the Commission shall consider:
- Artistic merit and quality, as evidenced by an artist's past history of exhibitions or sales, awards or other recognition, or an outstanding first work, as well as the inherent quality in terms of timelessness of vision, design, aesthetics and excellence;
  - Intentionality of the artist, concerning the meaning and proposed or desired effect of the work as Public Art upon the viewing public, as the artist will articulate in the project description;
  - Local significance, creating a sense of excitement in public spaces and presenting fresh ways of seeing the community and city;

- Representation of styles and tastes within the public art collection, acknowledging existing works in the public art collection and striving for diversity of style, scale and media;
- Safety and durability, including the ability of the artwork to withstand weather conditions, as well as structural and surface integrity;
- Unrestricted public viewing, primarily the opportunity for public access, but also suitability for public participation, social and political attitudes, and functional considerations; and
- Installation and maintenance of the work, from practicality of fabrication and transport, to installation and long-term maintenance and associated costs.

4.6.5 Additionally the Commission shall consider applications with regard to specific criteria developed for each program included in City Public Art Plan.

## **ARTICLE 5. DECISIONS**

All official decisions of the Commission with respect to matters on which action is required shall be by resolution. The basis for each decision and a detailed summary of the facts upon which the determination is made shall be recorded in the resolution and shall constitute a part of the record. When an application is denied, the Commission shall notify the applicant by mail. All applicants will be notified within ten [10] business days of decisions.



# PUBLIC ART APPLICATION

SPAC \_\_\_\_\_



## CITY OF SYRACUSE PUBLIC ART APPLICATION

All applications for the installation of public art will be evaluated based on the seven (7) criteria enumerated below. It is understood that some criteria will have more relevance than others depending on the proposed artwork. This will be taken into account and the criteria weighted accordingly.

- Artistic merit and quality, as substantiated by an artist's past history of exhibitions or sales, awards or other recognition, or an outstanding first work, as well as the inherent quality in terms of timelessness of vision, design, aesthetics and excellence;
- Intentionality of the artist, concerning the meaning and proposed or desired effect of the work as Public Art upon the viewing public, as rationalized and elaborated upon in the project description;
- Local significance, creating a sense of excitement in public spaces and presenting fresh ways of seeing the community and city reflected;
- Representation of styles and tastes within the public art collection, acknowledging existing works in the public art collection and striving for diversity of style, scale and media;
- Safety and durability, including the ability of the artwork to withstand weather conditions, as well as structural and surface integrity;
- Unrestricted public viewing, primarily the opportunity for public access, but also suitability for public participation, social and political attitudes, and functional considerations; and
- Installation and maintenance of the work, from practicality of fabrication and transport, to installation and long-term care.

**Project Name:** \_\_\_\_\_

**Installation Type:**

\_\_\_\_\_ Donation to permanent art collection

\_\_\_\_\_ Temporary installation

\_\_\_\_\_ Term of installation [e.g., 6 months] \_\_\_\_\_

\_\_\_\_\_ Liability Insurance Provider \_\_\_\_\_

\_\_\_\_\_ Mural on private property

**Installation Location**

**Property Name:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**Location Description [e.g., 15 ft. from building entrance]:** \_\_\_\_\_

**Artwork Type [e.g., sculpture, mural, video]:** \_\_\_\_\_

**Artwork Description [include title; fabrication date; current location; medium, dimensions, materials and finishes; installation method; life expectancy]:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Public Art Commission, 500 City Hall Commons, 201 E. Washington St., Syracuse, NY 13202/315-448-8108/315-448-8036(fax)

SPAC \_\_\_\_\_

**Artist**

**Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_  
**Email:** \_\_\_\_\_

**Current Owner**

**Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_  
**Email:** \_\_\_\_\_

**Applicant**

**Name:** \_\_\_\_\_  
**Address:** \_\_\_\_\_  
**Phone:** \_\_\_\_\_  
**Email:** \_\_\_\_\_

**Signature:** \_\_\_\_\_ **Date** \_\_\_\_\_

**The following materials MUST be provided with the completed application form:**

- Project description, including purpose, artist’s rationale and/or intention for the proposed work; history and provenance of artwork; relationship of project to other community interests and activities; involved individuals and organizations
- Illustrative and/or construction drawings of proposed work; scale model of proposed sculptural work strongly recommended.
- Scaled site plan and color images of proposed installation location and its context
- Scaled illustrative drawings or model showing artwork in relation to proposed site
- Description of short- and long-term maintenance requirements and costs
- Artist resume, annotated exhibition list, and CD Rom and/or hard copy color images of other works
- Letter of support from property owner, only for proposed murals on non-1 or 2-family dwelling properties
- Project timeline, including (as applicable) fabrication, delivery, installation and removal
- Project budget, including both committed and anticipated funding sources

*Applicants are encouraged to include support letters, particularly from neighborhood groups such as TNT*

**SPAC meets the second Tuesday of every month, 5:30 p.m., City Hall Rm 215.  
Applications must be received 10 days prior to the next scheduled meeting.**

**Applications may be submitted electronically, by mail or hand delivered to:**

Kate Auwaerter, Public Art Coordinator  
Bureau of Planning & Sustainability  
City Hall Commons, Room 500  
201 E. Washington Street  
Syracuse, NY 13202  
[kauwaerter@ci.syracuse.ny.us](mailto:kauwaerter@ci.syracuse.ny.us)

**For technical assistance please contact:**

Kate Auwaerter, Public Art Coordinator, 315-448-8108, [kauwaerter@ci.syracuse.ny.us](mailto:kauwaerter@ci.syracuse.ny.us)  
Public Art Commission, 500 City Hall Commons, 201 E. Washington St., Syracuse, NY 13202/315-448-8108/315-448-8036(fax)

---

# EXHIBITION PROGRAMS

---

## PURPOSE

**Acquisitions:** This exhibition program is the most active and visible means of promoting and enhancing the public art collection. By purposefully acquiring individual works, the Commission can make a broad variety of art available and distribute installation locations across the city. Attending to site-specific themes will enhance sense of place and strengthen community character, and citizen involvement will advance a greater appreciation for public art and a high quality physical environment.

**Donations:** Art gifted to the municipality also will increase the overall permanent collection. Through this program, the Commission can obtain pieces that the City administration requests as well as unsolicited offers. Gifts that artists or owners offer must conform to the Public Art Plan goals and objectives, and public participation will help achieve community acceptance of a proffered piece.

**Loans:** Displaying works that an artist or owner has loaned is an effective way to temporarily expand public art in the community. This exhibition program allows the City administration to complement or supplement the permanent pieces in the collection for a limited time. It provides opportunities to display well-known works and those that are new or unfamiliar. And it offers the chance to highlight aspiring artists and experienced masters alike.

## ARTWORK SELECTION CRITERIA

The Public Art Ordinance provides seven primary selection criteria for the Exhibition Programs. The Commission recognizes that some criteria will have more relevance than others depending on the proposed artwork and weighs the criteria accordingly:

- Artistic merit and quality, as evidenced by an artist's past history of exhibitions or sales, awards or other recognition, or an outstanding first work, as well as the inherent quality in terms of timelessness of vision, design, aesthetics and excellence;
- Intentionality of the artist, concerning the meaning and proposed or desired effect of the work as Public Art upon the viewing public, as the artist will articulate in the project description;
- Local significance, creating a sense of excitement in public spaces and presenting fresh ways of seeing the community and city;
- Representation of styles and tastes within the public art collection, acknowledging existing works in the public art collection and striving for diversity of style, scale and media;
- Safety and durability, including the ability of the artwork to withstand weather conditions, as well as structural and surface integrity;
- Unrestricted public viewing, primarily the opportunity for public access, but also suitability for public participation, social and political attitudes, and functional considerations; and
- Installation and maintenance of the work, from practicality of fabrication and transport, to installation and long-term maintenance and associated costs.

## **LOCATION SELECTION**

With one exception, the Syracuse Public Art Commission has review authority over sites that the City of Syracuse owns or controls. The exception is all mural artwork, which may be located on private property, but over which the Commission has jurisdiction.

The Commission will identify high priority locations for public art in the city and consider factors such as whether the sites are high profile, high-traffic, of significant size, function as gateways, are Downtown or in other significant public spaces. There are, however, numerous sites on the neighborhood-level that hold equal significance to the local residents. The Commission expects further public comment and participation will reveal and clarify neighborhood-priority sites.

## **INSTALLATION**

Installation of individual works will be through the combined efforts of the artist and City staff. Artists are responsible for installation, with the appropriate City department[s] providing oversight. The artist will provide the City with detailed drawings of the piece and descriptions of transportation, unpacking and/or handling methods and scheduling. He/she must be on-site during delivery and installation. If the artist is not able to direct the installation (for example, if the artist is deceased), then City staff shall consult with an expert in art handling and maintenance to assist in the installation.

The City Police, Fire and/or Public Works Departments will address, on a case-by-case basis, and oversee – if not perform – installation. The Commission will encourage donors to cover security costs associated with proposed gifts. In all cases, artists must provide sufficient information to generate accurate estimates of such costs.

The City will assume primary responsibility for publicity of installations.

## **MAINTENANCE AND CONSERVATION**

The municipality will be responsible for routine maintenance and emergency repair of permanent pieces in the public art collection generally. The subject artist, however, will define techniques, methods, materials, schedules and costs for regular repairs, and will provide this information at or before installation. Unsolicited donations and/or loans of public art must include sufficient funding to adequately cover maintenance.

In some circumstances the artist might elect to engage a particular technician for repairs, and therefore must include special provisions allowing the technical access to the piece in contracts between the artist and the City. The City can also require that the artist [and/or donor or owner] assume all costs for such specialized maintenance.

When emergency repair of artworks is necessary the City will contact the artist regarding proposed remedies. Absent such advice, the recommendations for routine maintenance will serve as the principal guide for addressing emergency conditions.

## **RELOCATION CRITERIA**

Permanent pieces of the public art collection typically should remain in their original location and orientation. The Commission can consider relocation, however, according to the following criteria:

1. Representation of styles and tastes at or near the new location, acknowledging existing nearby works and striving for

diversity of style, scale and media;

2. Unrestricted public viewing, primarily the opportunity for continued public access at the new location, but also the ability to maintain public participation; and
3. Safety, durability and maintenance, specifically the ability of the piece to withstand removal and transport in terms of structural and surface integrity, as well as the feasibility of long-term care at the new site.

Whenever possible and practical, the Commission will inform the involved artist and/or donor in advance of relocation. The Commission will invite the artist to offer comment and advice regarding removal, transport and re-installation. The Commission will also seek community input regarding the new location before the move is initiated.

## PROGRAM SPECIFIC DETAILS

### Acquisitions Program

The Acquisitions Program affords the community an opportunity to obtain artworks that consider specific site, artist, and artwork. As the only arm of City government established specifically to address public art, the Commission is the primary municipal entity to pursue acquisitions on behalf of the City.

The Commission will identify potential locations for public art work across the city and from this list the Commission and community will identify the highest priority sites. As resources become available, individual acquisition efforts will focus on these sites.

### Artist Selection

Once specific site selection occurs, the Commission will select an artist using one of the following methods.

*Open Request for Qualifications:* Artists submit proposals in response to a public advertisement, which includes a detailed project description and budget, explanation of honorarium, and application requirements. Submissions will include, at a minimum, the artist's resume and slides of his/her work. After reviewing the responses the Commission will extend interview invitations to a number of the artists, ultimately selecting one for the commission.

*Limited Invitational/Curated Pool of Artists:* A select group of artists submits proposals in response to a direct invitation, which includes a detailed project description and budget, explanation of honorarium, and application requirements. Submissions will include the artist's resume, slides of his/her work, and a written narrative of his/her proposal. After reviewing the responses the Commission will extend interview invitations to a small number of the artists, ultimately selecting one for the commission.

*Blind Request for Proposals:* Artists submit proposals in response to a public advertisement, which includes a detailed project description and budget, explanation of honorarium, and application requirements. Submissions will include narrative and 2-dimensional depictions of the proposed concept, but not contain any artist information; each submission will have an identification number for evaluation purposes. After reviewing the responses the Commission will extend interview invitations to a number of the artists, ultimately selecting one for the commission.

*Direct Invitation:* A single artist submits a proposal in response to an invitation, which includes a detailed project description and budget, explanation of honorarium, and proposal requirements. The Commission will interview the artist, who will present his/her concept using both 2- and 3-dimensional portrayals.

After the Commission agrees on the artist selection method, the Public Arts Coordinator will prepare materials for advertisement and, with approval by the Commission, distribute them as required. The Coordinator will review each submission to determine if it is complete and responsive to the request. The Coordinator will return incomplete submissions will be returned to the artist, noting why the proposal is ineligible.

The Commission will review complete submissions and, except when using Direct Invitation, select artists for interviews. Given the scope of some projects as well as the number of respondents, the Commission can first develop a short list for consideration and subsequently identify those to be interviewed. The Commission may ask interviewees—including those of a Direct Invitation—in addition to a formal meeting with the Commission, to make a public presentation regarding their body of work and initial concepts for the commission. Following the interviews and consideration of public comment, the Commission will make a recommendation to the Common Council.

The Commission can seek assistance in this process by an advisory panel for the subject acquisition. The Commission will select and invite members of such panels from the Syracuse community; they can include residents, business people, property owners, artists, design professionals, educators, municipal staff, and elected officials.

#### Artwork Evaluation

Following approval by the Common Council, the selected artist will enter into a contract with the City and, working with City staff, will refine the project timeline and budget. The Commission, with the assistance of the Public Art Coordinator, will help the artist obtain community input for the design.

The artist will present his/her design concept[s] to the Commission and, as noted above, an advisory panel. In addition to the overall selection criteria for all Exhibition Programs, evaluation of acquisition commissions will include consideration of their compatibility with:

- Natural and built features of the selected site
- Current and anticipated use patterns of the site
- Larger environmental and cultural context
- Community comments

The Commission will forward an acceptable proposal to necessary City agencies for review. The Commission may ask the artist to present the concept to the public or community stakeholder groups. Subsequently the Commission will recommend the proposal to the Common Council for approval. A contract between the artist and the City will facilitate acquisition, and will clearly stipulate the rights and responsibilities of both parties.

When the artist and the City have satisfied contractual requirements, fabrication and installation can begin immediately. The appropriate City agency will monitor all work. The Commission will initiate any related Education Programs and encourage community dialogue regarding the commissioned artwork.

#### **Donations Program**

The Donations Program can expand the overall collection by requesting gifts of art from specific artists or owners, as well as by accepting unsolicited contributions.

#### Requested Donations

By intentionally seeking donation of an existing artwork, the City through the Commission can assist individual neighborhoods or city sectors in realizing identified goals without incurring costs for artist honoraria or fabrication of

a commission. Therefore, because it requires fewer financial resources than the Acquisition Program, the Donations Program offers the potential to readily realize tangible increases in the number of permanent public artworks across the community.

The Commission and/or community-based organizations can identify and choose pieces to solicit for donation. In addition to the overall selection criteria for all Exhibition Programs, the Commission will evaluate such artworks for their compatibility with:

- Natural and built features of the proposed installation site
- Current and anticipated use patterns of that site
- Larger environmental and cultural context
- Community comments

The Commission can choose to seek assistance from an advisory panel in evaluating the subject donation. The Commission will invite and select members of such panels from the Syracuse community; they can include residents, business people, property owners, artists, design professionals, educators, municipal staff, and elected officials.

The Commission will forward an acceptable proposal to necessary City agencies for review. The Commission may invite the artist and/or donor to present the artwork to the public. Subsequently the Commission will recommend the proposal to the Common Council for approval.

As with acquisition, a contract between the artist and/or donor and the City will facilitate the donation, and will clearly stipulate the rights and responsibilities of both. Additionally, contracts for donations will include a provision for de-accessioning; specifically, that the City will offer to return the piece, at donor expense, to the donor. If City cannot contact the original donor after reasonable efforts, or he/she chooses not to accept the return of the piece, the City reserves the right to sell or convey the piece.

After the City and the artist and/or donor meet contractual requirements, the appropriate City agency will monitor delivery and installation, which will begin as soon as possible. The Commission will initiate related Education Programs during the entire donations process.

#### Unsolicited Donations

The City can accept artworks offered by individual artists or owners if those pieces are consistent with the goals of this Public Art Plan. The Commission will evaluate such proposed gifts using the Application for Public Art [see Appendix III].

The Public Art Coordinator will review submitted applications and forward complete applications to all applicable agencies for review of the proposed installation site. Following approval, the Coordinator will forward the application to the Commission. The Public Art Coordinator will return incomplete submissions or denied applications to the applicant with an explanation why the proposed application was not forwarded or approved.

In addition to using the selection criteria for all Exhibition Programs, the Commission will also evaluate the proposed donation for:

- Physical condition
- History and provenance, including current ownership and location
- Compatibility with natural and built features of the proposed installation site
- Compatibility with current and anticipated use patterns of that site
- Compatibility with larger environmental and cultural context
- Donor underwriting of routine maintenance
- Community comments

As with requested donations, the Commission can choose to seek assistance from an advisory panel [see Acquisitions Program above] in evaluating unsolicited gifts. The Commission will forward an acceptable proposal to necessary City agencies for review and the artist and/or donor will present the artwork to the public. The Commission then will recommend the artwork to the Common Council for approval. Contracts for unsolicited donations will include the same provisions as those for requested donations. The appropriate City agency will monitor delivery and/or fabrication and installation after the execution of all contracts, and the Commission will initiate related education programs.

### **Loans Program**

The Loans Program allows for temporary expansion of the public art collection by requesting artists or owners to lend the community specific artworks; unsolicited loans can add even more pieces on a short-term basis.

#### Requested Loans

Neighborhood organizations and groups can identify specific artworks as important vehicles for meeting community goals. When the City cannot obtain such pieces as permanent additions to the public art collection, the Commission can ask for a loan of the artwork from the artist or owner. In such cases, the Commission will use the same criteria and processes as those for requested donations [see Donations Program above].

#### Unsolicited Loans

The City can accept an unrequested artwork on loan if the subject piece is consistent with the goals of the Public Art Plan. The Commission will evaluate such proposed loans using the same criteria and processes as those for the unsolicited donations, beginning with submission of an Application for Public Art [see Donations Program above].

Contracts for both requested and unsolicited loans will include the same provisions as noted for the Donations Program, plus require the loaning artist or owner to provide liability insurance for the piece



---

# DE-ACCESSION POLICY AND PROCEDURES

---

In general, the City will not de-accession permanent works from the public art collection, whether acquired by direct purchase or through donation. The Commission can recommend such action, however, in cases that meet one or more of the following criteria:

1. The artwork is fraudulent or not authentic.
2. The piece possesses substantial demonstrated faults in original design or workmanship.
3. Current condition of the artwork presents a public or environmental hazard and repair/restoration is not feasible due to physical conditions and/or the expense would be disproportionate to the value of the work;
4. The property housing the piece or other support system for the piece is slated for substantial alteration or demolition and relocation of the artwork is not feasible.
5. The piece encumbers the use of public property; and/or
6. Public use and/or ownership of the site have or will change, rendering the artwork incompatible with the property.

Should the Commission justify de-accessioning, it will seek opinions on the disposition of the subject piece from the artist community and general public. The Commission will give priority consideration to returning works to the artist or their heirs, or in the case of donations, to the donor or their heirs. The City will store de-accessioned pieces as time and space allow. The Commission will disclose both the de-accession criteria and possible disposition of such artwork to the artist and/or donor before finalizing any contractual agreements. In the case the City chooses to sell a work of art, all proceeds from the sale will be placed in a City account for acquisition of new works of public art or maintenance of the existing collection.

# VISUAL ARTISTS RIGHTS ACT (VARA)

*17 USC 106A*

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

## TITLE 17 - COPYRIGHTS

### CHAPTER 1 - SUBJECT MATTER AND SCOPE OF COPYRIGHT

#### § 106A. Rights of certain authors to attribution and integrity

(a) **Rights of Attribution and Integrity.**— Subject to section 107 and independent of the exclusive rights provided in section 106, the author of a work of visual art—

- (1) shall have the right—
  - (A) to claim authorship of that work, and
  - (B) to prevent the use of his or her name as the author of any work of visual art which he or she did not create;
- (2) shall have the right to prevent the use of his or her name as the author of the work of visual art in the event of a distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation; and
- (3) subject to the limitations set forth in section 113 (d), shall have the right—
  - (A) to prevent any intentional distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation, and any intentional distortion, mutilation, or modification of that work is a violation of that right, and
  - (B) to prevent any destruction of a work of recognized stature, and any intentional or grossly negligent destruction of that work is a violation of that right.

(b) **Scope and Exercise of Rights.**— Only the author of a work of visual art has the rights conferred by subsection (a) in that work, whether or not the author is the copyright owner. The authors of a joint work of visual art are coowners of the rights conferred by subsection (a) in that work.

(c) **Exceptions.**—

- (1) The modification of a work of visual art which is a result of the passage of time or the inherent nature of the materials is not a distortion, mutilation, or other modification described in subsection (a)(3)(A).
- (2) The modification of a work of visual art which is the result of conservation, or of the public presentation, including lighting and placement, of the work is not a destruction, distortion, mutilation, or other modification described in subsection (a)(3) unless the modification is caused by gross negligence.
- (3) The rights described in paragraphs (1) and (2) of subsection (a) shall not apply to any reproduction, depiction, portrayal, or other use of a work in, upon, or in any connection with any item described in subparagraph (A) or (B) of the definition of “work of visual art” in section 101, and any such reproduction, depiction, portrayal, or other use of a work is not a destruction, distortion, mutilation, or other modification described in paragraph (3) of subsection (a).

(d) **Duration of Rights.**—

- (1) With respect to works of visual art created on or after the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, the rights conferred by subsection (a) shall endure for a term consisting of the life of the author.
- (2) With respect to works of visual art created before the effective date set forth in section 610(a) of the Visual Artists Rights Act of 1990, but title to which has not, as of such effective date, been transferred from the author, the rights conferred by subsection (a) shall be coextensive with, and shall expire at the same time as, the rights conferred by section 106.
- (3) In the case of a joint work prepared by two or more authors, the rights conferred by subsection (a) shall endure for a term consisting of the life of the last surviving author.
- (4) All terms of the rights conferred by subsection (a) run to the end of the calendar year in which they would otherwise expire.

(e) **Transfer and Waiver.**—

*17 USC 106A*

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscodeprint.html>).*

(1) The rights conferred by subsection (a) may not be transferred, but those rights may be waived if the author expressly agrees to such waiver in a written instrument signed by the author. Such instrument shall specifically identify the work, and uses of that work, to which the waiver applies, and the waiver shall apply only to the work and uses so identified. In the case of a joint work prepared by two or more authors, a waiver of rights under this paragraph made by one such author waives such rights for all such authors.

(2) Ownership of the rights conferred by subsection (a) with respect to a work of visual art is distinct from ownership of any copy of that work, or of a copyright or any exclusive right under a copyright in that work. Transfer of ownership of any copy of a work of visual art, or of a copyright or any exclusive right under a copyright, shall not constitute a waiver of the rights conferred by subsection (a). Except as may otherwise be agreed by the author in a written instrument signed by the author, a waiver of the rights conferred by subsection (a) with respect to a work of visual art shall not constitute a transfer of ownership of any copy of that work, or of ownership of a copyright or of any exclusive right under a copyright in that work.

(Added Pub. L. 101–650, title VI, § 603(a), Dec. 1, 1990, 104 Stat. 5128.)

### References in Text

Section 610(a) of the Visual Artists Rights Act of 1990 [Pub. L. 101–650], referred to in subsec. (d), is set out as an Effective Date note below.

### Effective Date

Section 610 of title VI of Pub. L. 101–650 provided that:

“(a) In General.—Subject to subsection (b) and except as provided in subsection (c), this title [enacting this section, amending sections 101, 107, 113, 301, 411, 412, 501, and 506 of this title, and enacting provisions set out as notes under this section and section 101 of this title] and the amendments made by this title take effect 6 months after the date of the enactment of this Act [Dec. 1, 1990].

“(b) Applicability.—The rights created by section 106A of title 17, United States Code, shall apply to—

“(1) works created before the effective date set forth in subsection (a) but title to which has not, as of such effective date, been transferred from the author, and

“(2) works created on or after such effective date, but shall not apply to any destruction, distortion, mutilation, or other modification (as described in section 106A(a)(3) of such title) of any work which occurred before such effective date.

“(c) Section 608.—Section 608 [set out below] takes effect on the date of the enactment of this Act.”

### Studies by Copyright Office

Section 608 of Pub. L. 101–650 provided that:

“(a) Study on Waiver of Rights Provision.—

“(1) Study.—The Register of Copyrights shall conduct a study on the extent to which rights conferred by subsection (a) of section 106A of title 17, United States Code, have been waived under subsection (e)(1) of such section.

“(2) Report to congress.—Not later than 2 years after the date of the enactment of this Act [Dec. 1, 1990], the Register of Copyrights shall submit to the Congress a report on the progress of the study conducted under paragraph (1). Not later than 5 years after such date of enactment, the Register of Copyrights shall submit to the Congress a final report on the results of the study conducted under paragraph (1), and any recommendations that the Register may have as a result of the study.

“(b) Study on Resale Royalties.—

“(1) Nature of study.—The Register of Copyrights, in consultation with the Chair of the National Endowment for the Arts, shall conduct a study on the feasibility of implementing—

“(A) a requirement that, after the first sale of a work of art, a royalty on any resale of the work, consisting of a percentage of the price, be paid to the author of the work; and

“(B) other possible requirements that would achieve the objective of allowing an author of a work of art to share monetarily in the enhanced value of that work.

*17 USC 106A*

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

“(2) Groups to be consulted.—The study under paragraph (1) shall be conducted in consultation with other appropriate departments and agencies of the United States, foreign governments, and groups involved in the creation, exhibition, dissemination, and preservation of works of art, including artists, art dealers, collectors of fine art, and curators of art museums.

“(3) Report to congress.—Not later than 18 months after the date of the enactment of this Act [Dec. 1, 1990], the Register of Copyrights shall submit to the Congress a report containing the results of the study conducted under this subsection.”

*Back Cover:*

*Clinton Serenade, Corky Goss and Chip Miller, 2009.*

*Detail of Hamilton White Memorial, Gail Sherman Corbett, 1905.*



