

**POLICY ON SELECTION, PLACEMENT, INSTALLATION, AND MAINTENANCE OF PUBLIC  
ART ON CITY-OWNED LAND**

This policy applies to the placement of art on City-owned land. The body of this policy is intended to be binding until revised by the City Council. Its appendices are intended as guidance for the Public Art Committee to refine as its experience may suggest.

1. The Council shall appoint a Public Art Committee (the “Committee”) as a standing committee composed of five or seven voting members. The Committee shall elect a chair, vice-chair, and secretary. The purpose of the Committee shall be to recommend a plan for art on City-owned land and to implement this policy as to specific works of art.
2. The Committee’s membership shall consist of 1) a representative from Art In Bloom or Lewes In Bloom. 2) a local artist or art dealer, 3) a commissioner from the Lewes Parks & Recreation Commission (“PRC”), and 4) members of the public. A representative of the PRC and a Councilperson shall serve as ex-officio members of the Committee.
3. The majority of committee members shall reside within the City of Lewes municipal limits.
4. The Committee shall work in coöperation and concert with the PRC on the selection of a specific location appropriate for any work of art being considered for placement on City-owned land as part of its review of a work of art.
5. To be considered for placement on City-owned land, a work of art (a “Work”) must be consistent with Lewes’s Core Values; and appropriate to the site and setting, and visually.
6. Anyone interested in having a Work placed on City land should contact the City’s Parks and Marina Administrator. Such a request may come from an individual, a private group, or a public body. The Chair will have the request placed on the Committee’s agenda and call a meeting of the Committee.
7. The Committee will use a standard application form. See Appendix 6. The Committee may require additional information and may modify this form as it deems appropriate.
8. All meetings of the Committee shall comply with the Open Meetings provisions of FOIA. Members of the public shall be afforded an opportunity to comment.
9. The Committee will remain responsible for all stages of the process for a Work through any installation.
10. A Work may be considered for acquisition by purchase – either as an existing piece or as a commissioned work --, lease, loan, or donation.
11. The Committee may review a specific Work that has been proposed or, if a specific Work has not been proposed, may recruit artists to propose Works. Appendix 1 contains guidelines for recruitment and selection.

12. In reviewing a Work, the Committee shall consider all criteria it deems appropriate. A draft list of review criteria is attached as Appendix 2.
13. The Committee shall also consider the proposed placement of the Work. A draft list of site criteria is attached as Appendix 3.
14. The Committee shall also consider the proposed installation and maintenance plan for the Work. A draft list of installation and maintenance criteria is attached as Appendix 4.
15. The Committee shall also consider public safety. A draft list of public safety considerations is attached as Appendix 5.
16. The Committee will offer to meet with the applicant. Some potential interview questions are attached as Appendix 7.
17. The Committee may use the “Point System for the Process of Review, Selection and Approval of Public Art” attached as Appendix 8.
18. It is expected that the Committee will complete its review of a specific Work within a reasonable amount of time. Once it has completed its review, the Committee will submit the completed application along with a recommendation to the Parks and Marina-Administrator. If they determine the overall impact of the installation to be minor, they may approve the work or, if major, send the recommendation to Mayor and City Council for action.
19. The City may require an endowment at the time of installation to defray future costs incurred by the City such as utilities, removal, maintenance, and insurance.
20. Once an applicant has incurred substantial costs to implement an approved application, the Council may revoke its approval only if it offers to reimburse the applicant for such costs.

#### Other Considerations

The City will accept only unconditional gifts so as not to be held to requirements that may be untenable in the future.

The City will incur no costs for the installation, unless approved in advance, for the Art Work or the Site preparation with regard to the following:

- a. Professional assessment of the adequacy of the site with reference to the weight and size of the Work and other relevant criteria;
- b. Preparation of the site prior to placement of the Work, including any extension of utilities to the site;
- c. Placement of the Work at the site;
- d. Signage with reference to the site, description of the Work, and any warning signs regarding touching or climbing on the Work (all signage must be approved by City in accordance with its standards to promote consistency).

- e. Safety barriers when necessary.
- f. Insurance for installation of Work and utilities, with coverages determined by the City in its reasonable discretion; the applicant will provide a certificate of insurance to the City showing the City as an additional insured, and a release from liability of the City to the applicant in connection with the installation.
- g. Removal of a Work not owned by the City, in the case of (i) a temporary exhibit at the end of its term, (ii) irreparable damage to the Work or the site not caused by the City, or (iii) risks to public safety caused by the Work.
- h. Remediation of the site; and
- i. Damage to the site or the Work during preparation, placement, and display.

The City may defray costs for:

- j. its own legal review of an application;
- k. the cost of any inspection required by the City;
- l. utilities provided to the site and Work including any required lighting, water, and electricity;
- m. relocating or removing a Work if the City unilaterally determines on such relocation or removal for reasons other than specified above as the applicant's responsibility; before removal, the City will provide reasonable prior notice to the applicant and the public;
- n. liability insurance coverage for claims arising from or relating to the Work, for which reason the Work and site should be reviewed for consistency with the City's liability coverage.

The City will dictate any plaque design, size and layout. The Applicant will submit information for the plaque, and the City will put it in order

Plaques may include the Name of Artist Title of Art (year created): Date of Installation: Art Description / Short Narrative: Donors Name

Adopted by the Mayor and City Council on February 13, 2017.

Revised by the Mayor & City Council on August 13, 2018.

Revised by the Mayor & City Council on August 19, 2021.

## Appendix 1: Recruitment Guidelines

**Recruitment methods may include the following:**

**1. A Call to Artists**

When a “Call to Artists” is used for selecting a Work of Art, the Public Art Committee (the “Committee”) will develop a list of both general and site-specific criteria to be included in specifications before a Call is issued.

**A. An open competition** is a “Call to Artists” for a specific project in which artists are asked to submit evidence of their past work. Any artist may submit credentials and/or proposals, subject to any limitations established by the Committee. Calls for entries for open competition will be sufficiently detailed to permit artists to determine whether their work is appropriate for the project under consideration. (Request for Qualifications or Request for Proposals.)

**B. An Invitational competition** is a “Call to Artists” where a limited number of artists are invited by the Committee to submit credentials and/or proposals for a specific project. Artists shall be invited based on their past work and exhibited abilities to meet situations posed by particular project requirements or based on other public art program goals.

Invited artists shall be selected directly by the Committee through an initial slide review process. Artists shall be included in the slide review process based on their ability to meet the situation presented by the given project.

The Committee retains the right to make no selection if, in its opinion, there is insufficient merit among the submissions following a “Call to Artists.”

**2. Direct Selection**

At times, the Committee may elect to make a direct selection in which they contact a specific artist for a particular project.

## Appendix 2: Review Criteria

### I. Before Issuing an Invitational Call for a Specific Project or After Issuing a General Call:

- a. Artistic merit of body of work
- b. Strong conceptual skills with innovative and effective approaches demonstrated in other creative projects
- c. Ability to design artwork that is sensitive to social, environmental, historical, and/or other relevant concepts
- d. Ability to translate artistic concepts into materials that are appropriate for public space, taking into consideration maintenance, safety, and longevity
- e. Potential for work to enrich and diversify the collection
- f. Ability and willingness to collaborate with staff, design, and engineering professionals, stakeholders, and contractors
- g. Probability of successful execution and completion of project
- h. Appropriateness of qualifications for the project
- i. Effective communication and organization skills
- j. Completeness of application

### II. When reviewing a specific Work:

1. Artistic Quality
  - a. Work demonstrates conceptual, aesthetic, and technical mastery
  - b. Work shows a clear translation of artistic concept to art form
2. Originality – stimulates the imagination
3. Range: A Work may Include fine art, folk art, or craft.
4. Appropriateness to Context
  - a. scale, media, style, and content are appropriate to the project and the environment to which the work relates; and
  - b. the theme or concept is compatible with the Lewes Core Values.
5. Design and Construction
  - a. suitable for outdoor installation and, if free-standing, sculpture is able to be structurally secured;
  - b. durable materials are appropriate to the location and (adverse) weather conditions
  - c. Feasibility - Budget ,Timeline ,Site, engineering, and maintenance
6. Support from the public
  - a. encourages public participation and interaction
  - b. sight lines and approaches encourage public access
  - c. enhances public space
7. Public Safety – free of unsafe conditions
8. The period of time, or term, for which the work is intended to be displayed

### Appendix 3: Site Criteria

#### ***Choice of Site:***

In evaluating the choice of site the Public Art Committee may incorporate the following into the application procedure.

- **The Artistic Appropriateness of the Site**
  - The Work and site should be visible to the public
  - The Work and site should enhance the overall public environment and pedestrian streetscape experience.
  - The site should be compatible with the work of art in terms of scale, context, and sight lines
- **Appropriateness of the Site with reference to the Public and the use of a Public Space**
  - The site should be safe and open to the public
  - The site should provide adequate access to those with disabilities
  - The site should not interfere with the general day to day use of the public space
  - The site should not interfere with expected special uses of the public space
  - The site should not cause significant impediment to current pedestrian, cycling or automobile traffic patterns.
  - The site should have minimal ecological impact on the public space (e.g., percent of impervious cover or risk to tree root zone).
  - What is the site's vulnerability to flooding, severe weather, vehicular damage?
  - The Work and site should be consistent with the City's general liability insurance.
- **Timeline and Structural Considerations**
  - The application should present a detailed timeline for the use of the site
    - The time for preparation
    - Expected date of placement of the Work
    - Length of time for the Work to be in place.
  - The application should include detailed information as to the location, and dimension of the site and the Work as placed within the public space.
  - Such information should include architectural quality drawings detailing the location of the site, preparation required at the site including construction required at the site and the relationship of the art to the site and the surrounding public space.

#### Appendix 4: Installation and Maintenance Criteria

Approximate date for proposed installation?

Description and drawings of footing, base or pedestal, as well as any accessory structures (include dimensions)?

Has an engineering study been conducted for installation of this Work at this proposed site? If not, is such a study deemed to be necessary prior to final approval to proceed?

Who will perform installations?

Footing:

Pedestal:

Art:

Will the artist, applicant or their designated representative be present to coordinate installation during normal City business hours (9:00 a.m.-4:00 p.m., M-F)?

Will utilities be needed for the Work?

Electric (e.g., for up-lighting)

Water (e.g., fountain)

Has the Board of Public Works agreed that (above-listed) utilities are feasible at the proposed site?

Who will install utilities?

What is the Artist's recommended maintenance plan for the Work?

What is susceptibility of Work to salt air corrosion?

Who will conduct or contract any routine cleaning, maintenance, or repairs for the life of the Work?

For temporary Work, give contact information for who will remove the Work at the end of its loan / lease period?

For Permanent (City-owned) Work, give information on who (if anyone) should be contacted for disposition of Work at the end of its useful life span?

## Appendix 5: Public Safety Considerations

- There should be good quality photographs or drawings (from several angles, and showing scale) of the Work and its proposed location;
- Thorough review and discussion of the proposal should include the opportunity to talk with (as needed or as available) the artist, the proposed installer, any other knowledgeable experts.
- Could a piece of the Work break off and cause personal injury?
- What is susceptibility of the Work to flood or wind damage, that could cause Art to create a public hazard?
- Does the Work contain any moving parts (e.g., kinetic sculpture) that are within reach of the public?
- Could the Work become an attractive nuisance, perhaps tempting people to climb on it? (e.g., a horse sculpture)
- Are any toxic chemicals required for routine cleaning of the Work?
- What is the maintenance plan for the Work, as recommended by artist?
- Who will conduct or contract any repairs for the life of the Work? At what frequency will inspections be made, and by whom?
- Does the Work contain any moving parts (e.g. kinetic sculpture) that could become detached and cause a hazard? If so, what is the recommended preventive inspection schedule, and who would be qualified to make such an inspection?
- Tripping hazard?
- Tipping hazard?



## Appendix 6: Draft Application Materials

The applicant should submit:

**1. Letter of Interest:**

Thoughtful consideration of the human usage of the site;  
Respectful and imaginative regard for the thematic and physical requirements.

**2. Resume of Artist**

**3. A Proposal that Includes:**

- a. Strong artistic vision
- b. Proposed materials and construction for questions of durability, maintenance, public access, appropriateness, safety, and security
- c. Estimated budget
- d. Description of methodology
- e. Site considerations: thoughtful consideration of the environment, surrounding architecture, light, approaches to, and human usage of the site
- f. Adequate reference to both the general and site-specific criteria included in the “Call to Artists” specifications.

**4. An Application addressing (see application form below):**

- 1) Material/Medium of the Work;
- 2) Anticipated life expectancy of the Work;

Date Received. \_\_\_\_\_

**Application for the Installation of Public Art on Lewes City Property**

**APPLICANT INFORMATION**

Name: \_\_\_\_\_ Individual? \_\_\_\_ Institution? \_\_\_\_  
Contact Information

Principal person for City to contact regarding this Proposal : \_\_\_\_\_

Email: \_\_\_\_\_ Phone \_\_\_\_\_ / \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Do you have a website? \_\_\_\_ (Y/N). Website address : \_\_\_\_\_

Is this piece to be gifted to the City of Lewes? \_\_\_\_\_ (Y/N)

**Location Information** – can be answered on a separate sheet

Proposed installation location/site: \_\_\_\_\_

Attach a Map of its precise location and description with photos of the proposed site,

Why is this the best place for your installation?

What do you hope your sculpture will accomplish by being placed there?

Are there any alternative sites you wish us to consider? \_\_\_\_ (Y/N)

If so, list here:

Present a detailed timeline for the use of the site. \_\_\_\_\_

\_\_\_\_\_

**Application for an Installation**

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**Artwork Information** – can be answered on a separate sheet

Supply a Brief Description of Artwork

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Medium \_\_\_\_\_

Dimensions \_\_\_\_\_

Materials. \_\_\_\_\_

Utilities needed? \_\_\_\_\_

Life expectancy? \_\_\_\_\_

Submit conceptual design drawings, sketches and/or maquettes, sufficient to communicate the artist concept. It should include a budget and describe the specifications for the artwork related to materials, size, weight, installation requirements and maintenance guidelines.

Answer the following:

Why is this the best sculpture for your chosen spot? \_\_\_\_\_

\_\_\_\_\_

How does it fit in? and How does it stand out?

\_\_\_\_\_

\_\_\_\_\_

**ARTIST INFORMATION**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone \_\_\_\_\_

Email: \_\_\_\_\_ Website: \_\_\_\_\_

Submit an Artist's Statement, no more than 200 words in length, describing their work

Attach a Brief Description of Artist's biographical data.

Include a web link to imagery sufficient to display mastery of their medium

Supply a list of at least three professional references familiar with their work and working methods.

For more information, please contact: Parks and Recreation Administrator  
City of Lewes  
P O Box 227  
Lewes, DE 19958

302-645-7777 ext. 100. or email through [www.ci.lewes.de.us](http://www.ci.lewes.de.us)

### Appendix 7: Interview Questions

Is a visit to an existing similar installation feasible? For an existing Work, what is its current location? For a new Work, what are the nearest location(s) of artist's other works of similar design?

Does the proposed installation ensure a reasonable level of protection against theft?

Is Artist willing to participate in unveiling ceremony?

What is susceptibility of Work to flood or wind damage?

What is susceptibility of Work to salt air corrosion?

Is the artist is willing to do any programming such as a lecture, maybe to coincide with the unveiling?

Appendix 8: Point System

**POINT SYSTEM FOR THE PROCESS OF REVIEW, SELECTION AND APPROVAL OF PUBLIC ART**

Artistic quality	Demonstrated skill or craftsmanship	15	
Originality	The strength, originality and creativity of the artist's concept.	15	
Context	The appropriateness of the concept within the proposed architectural, geographical, socio-culture, historic context. Enhancement of the public space. Style and media of the Work within the context	20	
Lewes' Core Values	Consistency with Lewes' Core Values.	10	
Design and Construction	The use of appropriate scale and materials for the site. Issues related to fabrication of the installations, its durability, resistance to vandalism, long-term maintenance and weather permanence	10	
Feasibility	Budget, timeline, site, engineering, and maintenance	10	
Support	Demonstrated community agreement/support for the project. Enhances community identity and pride.	10	
Other Criteria	Criteria specific to the site, the project and/or the intent. Such criteria are clearly and completely stated in any Request for Proposal	10	
Public Safety	Meets any and all applicable building codes for public projects. Artwork and installation are free of unsafe conditions.	Yes	No
	<b>TOTAL</b>	100	

Any piece must have earned a minimum average of 70 points from the Public Art Committee in order to be recommended, but that score does not guarantee selection. The Committee will vote to make the final selection.