



A POLICY ON THE USE OF VILLAGE PROPERTY FOR VARIOUS TYPES OF ART

I. Purpose of Public Art

The Village of Yellow Springs has a unique history of creative activity, and people choose to live in and visit Yellow Springs because of its art and culture. The Yellow Springs Village Council intends for art in public places to achieve one or more of the following objectives:

- Encourage the artistic endeavors of Village residents of all ages and abilities.
- Attract people to the Village to enhance economic activity.
- Promote art that communicates important human values.
- Commemorate important events, institutions and people in the Village in a way that communicates their important contributions to our community.
- Facilitate conversations that strengthen our community and contribute to the enduring nature of public art.
- Convey the creative and welcoming nature of Yellow Springs.
- Increase community collaboration and inclusion as well as promote participation and contribution.
- Celebrate the highly valued natural environment of Yellow Springs.
- Enhance the value, aesthetics and functionality of public buildings, facilities and gateways.

Section II of this policy provides **Background** about the use of public property, Section III reviews **Types of Art** and related public space considerations as well as procedures to obtain Village approval for the use of public property, and Section IV explains the role of the **Arts & Culture Commission**. Relevant policy and procedure is provided in the Appendices:

Appendix A – Review Process to Approve Art Display or Installation on Public Property

Appendix B – Conceptual Proposal Form

Appendix C – Types of Art and Procedures Related to Public Places

Appendix D – Public Spaces in the Village of Yellow Springs

II. Background

The Village of Yellow Springs appreciates the value and importance of public art and recognizes that public property should be used to add value to the



lives of citizens and visitors. Village government is responsible for public property, and the level of responsibility depends on whether the public property is a right-of-way (e.g. street, sidewalk or trail), building, park or other public land.

Village policies regarding the use of public property for visual and performing arts will differ depending on the type of property being used. Other Village policies, such as the Bryan Center Use Policy, also provide guidance that ensures fair and proper decision making. **Appendix D** outlines the Village's public spaces and any existing laws or policies covering those are noted.

III. Types of Art

Village government recognizes that public spaces belong to everyone, and one use of public property may exclude another use. An exclusive use may be short- or long-term, and the rights of all citizens must be considered in granting a permit, license or lease for the use of any public property. If a longer term art installation is envisioned, for example, the impact on future generations must be considered. **Appendix C** highlights common scenarios and related considerations and procedures.

IV. Arts & Culture Commission

The Village Council of Yellow Springs has established a standing Arts & Culture Commission (see Chapter 288 of the Administrative Code) to advise Council regarding the merits of any art concept, proposed art exhibit or installation. One role of the Arts & Culture Commission is to review Conceptual Proposals to determine if they are in line with the Purpose of Public Art statement and to make recommendations to Council.

The Arts & Culture Commission advises Village Council on issues that affect use, appearance and experience of Village property. The Commission takes into consideration the respect for all users of public space to promote and support improvement, beautification, growth and creativity of our community. If a Project Representative for a Conceptual Proposal does not have a group to perform the jury function, upon request of Council, the Arts & Culture Commission can function as the jury with regards to the artistic quality and merit of submissions for the proposed display or installation.



APPENDIX A

Review Process to Approve Art Display or Installation on Public Property

Step 1: Conceptual Proposal Review

- a. Attend Arts & Culture Commission Meeting to Present Idea/Project
- b. Submit Conceptual Proposal Form (see **Appendix B**) to Village Manager
- c. Village Manager Reviews and Forwards to Arts & Culture Commission
- d. Public Space Commission Makes Recommendation to Village Council
- e. Village Council Makes Decision on Conceptual Proposal

Key principles guiding decisions by Council about uses of public places include:

- Determining the best use of public property, representing and balancing the interests of all citizens.
- Respecting the desire of other citizens to use the same spaces, which could require putting time limits on installations or displays.
- Respecting the need for variety in uses of spaces, including sports & recreation and designated open space, as well as prioritizing public access issues related to rights-of-way and public service needs.

Step 2: Project Agreement Negotiation (if Council approves Conceptual Proposal)

The Village Manager will negotiate a Project Agreement with the Representative(s) for the approved Conceptual Proposal. Subsequently, the Project Agreement will be presented to Council for review and approval before the art is installed or displayed on public property.



APPENDIX B

Conceptual Proposal Form

Project Name: _____

Project Type: _____ 2D Display

_____ 3D Installation

_____ Other – Describe: _____

Representative(s) (include name and/or organization, phone & email):

Project Description (attach relevant images, funding/installation/maintenance details, proposed display/installation period, etc.): _____

How does this project fulfill the Village's Purpose of Public Art statement?

Attach any other project-related documents (e.g. budget, letters of support, proof of insurance, diagrams, plans, schedules, bios/resumes).

Will this art be donated or leased to the Village? _____

Please describe any assistance that you will need from Village staff, including support with installation and maintenance: _____

NOTE: The Village of Yellow Springs is not responsible for theft or damage to the display/installation. Issues re: installation, maintenance, restoration, insurance, etc. will be addressed in the Project Agreement if Council approves project.

Please submit your completed Conceptual Proposal Form and attachments to the Village Manager's Office. Contact via 937-767-7202 with any questions.



APPENDIX C

Types of Art and Procedures Related to Public Property

Type of Art:	Performance – Transient
Examples:	Spontaneous art – busking, flash mobs, other performances of short duration, usually outdoors in public rights-of-way, public parks, Bryan Center Lawn, etc.
Principles:	Public safety & nuisance, generally no use issues (e.g. conflicts with other uses). Rights-of-way need to be passable, and the activity should not disturb the peace.
Policy:	No government involvement absent complaint of law violation. This type of art should conform to the Village of Yellow Springs Street Musician/Performer Agreement.
Council Proposal?	No, usually spontaneous.
Event Permit?	No.
Contract?	No.
Type of Art:	Performance – Public (longer duration or event)
Examples:	Planned performance, usually longer than 2 hours in duration from set up to take down, and typically planned in advance as an event, e.g. Cyclops Fest, concerts on the Bryan Center Lawn.
Principles:	For events that the public is invited, issues arise – excluding an area from use by others (coordination), safety, area to be used, parking, clean up, use of personnel, streets, logistics that need to be managed, etc.
Policy:	Follow Bryan Center Use Policy or relevant policies for park or site. Village staff approvals/notifications needed. Fees may be charged per policy.
Council Proposal?	No, need an event permit, which is a form that is available at the Village Manager's office and on www.ysso.com . This form is used for many types of events such as runs/walks, concerts and art shows that close rights-of-ways or exclusively use Village property.
Event Permit?	Yes.
Contract?	No.
Type of Art:	Visual Art Installation in Public Building
Examples:	Exhibit/Show in second floor hallway of the Bryan Center
Principles:	This is a limited public forum. Other uses in this space include employee ingress and egress, Village Manager's office, Mayor's Court, Council business and public restrooms. This area is open to the public, with individuals attending meetings and classes in various rooms, including unaccompanied youth. The Village must own the art, lease the art or approve the installation. Coordination is needed.
Policy:	Follow the two-step procedure in Appendix A .
Council Proposal?	Yes. A conceptual proposal will be reviewed by the Arts & Culture



Commission, which will make a recommendation to Council. If Council approves the conceptual proposal, the Village Manager and the representative(s) for the visual art installation will finalize the details and formalize the agreement with a contract. Council may review this agreement.

Event Permit?
Contract?

No.

Yes, an agreement with the Village would cover issues such as ownership of the art, security, insurance, installation, duration, transfer or disposal of the art at the end of the installation, maintenance, and mutual rights and responsibilities.

Type of Art:

Installation Requiring Cement Bases or Other Foundation Located on Public Property

Examples:

Sculpture, artistic sign or other type of more permanently installed art, e.g. Flock of Hands Sculpture, Springs Sign, Bronze Sculptures on Dayton Street

Principles:

This type of art has a more significant impact on public property, occupying public space for a longer period of time and excluding other uses. Utilities and right-of-way issues could be involved. Village staff are also more likely to be involved with maintenance, mowing, etc. Costs are likely to be higher. The art will be owned or leased by the Village. The artist or owner of the art will need to donate the art or its use. This type of installation is likely to be time limited to allow future citizens the opportunity to use the space. Coordination and approval of sites by Council after review and recommendation from the Arts & Culture Commission is required. Maintenance should be carefully considered. If the Village owns the art, the art may be sold after the installation is taken down, and proceeds can be used to fund other public art projects or nonprofit arts organizations.

Policy:

Follow the two-step procedure in **Appendix A**.

Council Proposal?

Yes. A conceptual proposal will be reviewed by the Arts & Culture Commission, which will make a recommendation to Council. If Council approves the conceptual proposal, the Village Manager and the representative(s) for the visual art installation will finalize the details and formalize the agreement with a contract. Council may review this agreement.

Event Permit?
Contract?

No.

Yes, an agreement with the Village would cover issues such as ownership of the art, security, insurance, installation, duration, transfer or disposal of the art at the end of the installation, maintenance, and mutual rights and responsibilities.



APPENDIX D

Public Spaces in the Village of Yellow Springs

Rights-of-Way (Streets, Sidewalks, Trails)

The Codified Ordinances of the Village of Yellow Springs, Ohio contain several provisions about the use and management of rights-of-way. These rules are set forth primarily in Chapter 1021. Rights-of-way in the Village include state highways (SR 68 & 343), Village streets and sidewalks, some Village bike trails and the regional Little Miami Trail, which is managed by Greene County Parks & Trails Department in cooperation with the Village.

Public Property

Here is a summary of Village of Yellow Springs property:

- John Bryan Community Center Building
 - o Youth Center
 - o Basketball Court
 - o Public Lobby – 1st Floor (outside YSPD)
 - o Public Lobby – 2nd Floor (outside Council Chambers)
 - o Public Hallway – 1st Floor
 - o Public Hallway – 2nd Floor
 - o Council Chambers
 - o Dance Room
 - o Arts Room
 - o Rooms A&B
 - o Public Stairwell (includes bulletin board)
- John Bryan Community Center Grounds
 - o Front Lawn
 - o Parking Lot
 - o Pottery Building (semi-public, leased)
 - o Basketball & Tennis Courts
 - o Skate Park
 - o Playground
 - o Woods near Yellow Springs Creek (including amphitheater)
- Public Parks
- Other
 - o Offices in John Bryan Community Center
 - o Police Station
 - o Public Service Land (Water & Waste Water Treatment Plants, Sutton Farm Service Center, etc.)
 - o Glass Farm (currently leased for farming)
 - o YS Schools Administration Office (Walnut & Short, leased)