

ORDINANCE NUMBER: \_\_\_\_\_

AMENDING CHAPTER 15

ORDINANCE AMENDING CHAPTER 15 OF THE CHARLOTTE CITY CODE  
ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS"

Section 1. Chapter 15 of the Charlotte City Code is amended by rewriting Subsection 15.224 to read as follows:

"Section 15.224. Funds for Public Artwork

- (a) All allocations of funds for Eligible Projects shall include an amount equal up to one percent (1%) of the projected Construction Costs at the time the project is included in the city's Capital Improvement Program to be used for the selection, acquisition, commissioning and display of Artwork. No allocation shall be made for Eligible Projects with an estimated expenditure of less than the threshold amount for which formal bidding procedures are required pursuant to G.S. §143-129. If the source of funding, applicable law governing any particular Eligible Project or the expenditure of such funds precludes art as a permissible expenditure, the amount of funds so restricted shall be excluded from the Construction Costs in determining the amount to be allocated as provided herein."

Section 2. This ordinance shall be effective upon adoption.

Approved as to Form:

\_\_\_\_\_  
City Attorney

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CHARLOTTE CITY CODE ENTITLED "OFFENSES AND MISCELLANEOUS PROVISIONS"**

---

**WHEREAS**, pursuant to G.S. 160A-488, the City has the authority to appropriate funds for the establishment and support of arts programs and facilities; and

**WHEREAS**, by resolution dated November 23, 1981, the City Council established the Charlotte-Mecklenburg Art Commission and authorized the allocation of funds for public art; and

**WHEREAS**, by resolution dated May 10, 1993, the City Council restructured the Charlotte-Mecklenburg Public Art Commission and authorized the allocation of funds for public art programs; and

**WHEREAS**, the City Council now desires to adopt an ordinance that restructures the Public Art Commission and authorizes the allocation of funds for public art programs;

**NOW, THEREFORE**, be it ordained by the City Council of the City of Charlotte, that:

**Section 1.** Chapter 15 of the Charlotte City Code is amended by adding a new Article IX to read as follows:

**"ARTICLE IX. Public Art Program**

**Section 15.211 Short Title.**

This Article will be known and may be cited as the "Charlotte Public Art Program."

**Section 15.212. Purpose and Intent**

The City of Charlotte accepts responsibility for expanding the opportunity for its citizens to experience art in public places. The City also recognizes that the inclusion of public art in appropriate capital improvements projects will promote the cultural heritage and artistic development of the City, enhance the City's character and identity, contribute to economic development and tourism, add warmth, dignity, beauty and accessibility to public spaces, and expand the experience and participation of citizens with visual arts. A policy is therefore established to direct that funding for the inclusion of works of art in certain capital improvement projects constructed by the city be allocated through this public art program that supercedes and replaces the joint public art program previously operated by the Charlotte-Mecklenburg Public Art Commission that had been established through resolutions duly adopted by the City of Charlotte and Mecklenburg County.

## Section 15.213. Definitions

As used in this chapter, the following words, terms and phrases will have the meanings indicated in this section:

*Artist* means any professional practitioner in the arts, generally recognized by critics and peers as a professional in the field as evidenced by his/her education, experience and artwork production.

*Artwork* means original works, produced by an Artist pursuant to this chapter and approved by the Public Art Commission, in a variety of media. Artwork may be permanent, temporary, or functional, may stand-alone or be integrated into the architecture or landscaping and should encompass the broadest range of expression, media and materials. Artwork shall not include reproductions of original works of art.

*ASC* means the Arts & Science Council -- Charlotte/Mecklenburg, Inc., or its affiliated designee approved by the City, which assists in the administration of the public art program described herein in accordance with an annual contract with the City and the Public Art Commission.

*Capital Improvement Program* means the City's program for advance planning of capital development.

*Capital Improvement Project* means any capital project paid for wholly or in part by the city for the construction or substantial renovation of any building, facility or open space to which the public is generally invited, including projects in the Business Corridor Program that are funded from the Capital Improvement Program. For purposes of this Article, a substantial renovation project is one that has been included in the Capital Improvement Program.

*Eligible Fund* means a source of funds for a Capital Improvement Project from which City expenditures for public art are not prohibited as an object of expenditure.

*Eligible Project* means any Capital Improvement Project with the exception of (1) those projects that have statutory, contractual or other legal restrictions that prohibit expenditures for Artwork from all portions of the project funds, and (2) those Art in Transit Projects that are governed by the guidelines established by the Metropolitan Transit Commission for CATS' capital programs. City Council reserves the right to exclude certain projects from consideration as an Eligible Projects or to limit the percentage of Construction Costs appropriated for Artwork on an Eligible Project on a case-by-case basis.

*Construction Costs* means the total amount appropriated for a Capital Improvement Project (including funding from outside sources which permit the acquisition of Artwork for the Eligible Project with such funds) less the actual costs of: (1) real property acquisition, (2) demolition of existing structures, (3) environmental

remediation, (4) equipment costs, (5) change orders to Eligible Projects, and (5) legal, design and accounting fees.

*Public Art Account* means a specially designated account or accounts established by the City to fund the public art program as set forth in Section 15.224.

*Public Art Allocation* means the amount of funds identified on a line item in the project budget for an Eligible Project that shall be allocated to the Public Art Account for use in accordance with this Article.

*Public Art Collection* means the entirety of Artwork in city-owned places that have been acquired by the City through the public art program, and its predecessor program as a result of the public art resolutions of November 23, 1981 and May 10, 1993 which preceded this ordinance.

*Public Art Commission* or *Commission* shall mean the Charlotte/Mecklenburg Public Art Commission described in Section 15.214 below.

**Sec. 15-214. Public Art Commission established; function.**

There is hereby established a commission to be known as the Public Art Commission which shall have the powers and duties as set forth in this Article in order to oversee and administer a public art program that will ensure the inclusion of Artwork in appropriate Capital Improvement Projects for the city to enhance the artistic and cultural development of the city. The Public Art Commission also administers a public art program for Mecklenburg County pursuant to an ordinance duly adopted by the Board of County Commissioners of Mecklenburg County on December 17, 2002. This reestablishment of the Public Art Commission shall supercede and replace the Charlotte-Mecklenburg Public Art Commission previously established through resolutions duly adopted by the City of Charlotte and Mecklenburg County.

**Sec. 15-215. Composition; appointment of members.**

The Public Art Commission shall be composed of no less than nine (9) and no more than twelve (12) members, three (3) of which will be appointed by the city, three (3) of which will be appointed by the Board of County Commissioners of Mecklenburg County, and the remainder of which will be appointed by the Board of Directors of the Arts and Science Council. Two of the members appointed by the city shall be appointed by city council and the mayor shall appoint the other member. The members of the Commission shall be appointed as follows:

	City	County	ASC
Visual arts or design professionals			3
Representatives of the business sector			
Representatives of the education field			
Representatives of the community			

**Sec. 15-216. Terms of members; removal, etc.**

(a) Members of the Commission shall serve for three-year terms and may serve a maximum of two consecutive full terms, plus any partial term to which they may have been appointed. Member terms shall be appointed on a staggered basis so that no more than three (3) of the minimum nine (9) appointed seats become vacant at one time.

(b) Any member serving in a position for which the term has expired shall continue to serve until the member's successor in that position is appointed and qualified. Any vacancy in a position shall be filled for the unexpired term.

(c) Any member appointed by the city who fails to attend the requisite number of meetings as set out in the boards and commissions attendance policy adopted by the city council shall be automatically removed from the Commission. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided in this section. The city clerk will notify the mayor and council if a city appointed member is absent the requisite number of the meetings, and appointment will be made by the appointing authority to fill that vacancy.

(d) Current members of the previously established Charlotte-Mecklenburg Public Art Commission shall serve out their remaining term and upon the expiration of such term, replacement members shall be appointed by the same entity that appointed the retiring member according to the fields designated above.

**Sec. 15-217. Compensation of members.**

Members of the Public Art Commission shall serve without compensation from the city or any firm, trust, donation or legacy to or on behalf of the city, provided, however, that a member of the Commission, or the firm, company or corporation with whom the member is associated, shall not be precluded from receiving compensation from the city under any contract for services rendered which have no relation to the member's duties as a member of the Commission.

**Sec. 15-218. Chairman.**

The chairman of the Public Art Commission shall be elected by a majority of the members of the Commission and shall hold such office for one year or until a successor has been elected and qualified. The chairman may serve as a member of the Board of Directors of the Arts and Science Council if so elected.

**Sec. 15-219. Role of ASC.**

The ASC is a non-profit organization that provides services and programs to the City pursuant to an annual agency contract. The Public Art Commission shall utilize the services of the ASC to administer the public art program.

**Sec. 15-220. Administrative procedures.**

The Public Art Commission in conjunction with the city's Finance Department and the ASC shall prepare guidelines and specifications for the administrative procedures that are necessary to accomplish the purposes set forth in this Article.

**Sec. 15-221. Consultation with city officers and department staffs.**

City officers and staffs of city departments may consult and advise with the Public Art Commission from time to time on matters coming within the scope of this Article, and the Commission may consult and advise with such city staffs and officers.

**Sec. 15-222. Solicitation of gifts of art and funds.**

The Public Art Commission shall have the authority to solicit gifts of art on behalf of the city and to encourage public-spirited citizens to contribute funds, as well as permanent works of art, to the city and thereby help to beautify the city and the public buildings and grounds situated therein.

**Sec. 15-223. Powers and duties.**

(a) Subject to the provisions of this Article, the Public Art Commission shall be responsible for administering the city's public art program with the assistance of ASC, including the establishment of policies and guidelines, the designation of appropriate sites for Artwork, the determination of an art budget for Eligible Projects, the selection of artists and commissioning works of art, review of the design, execution and placement of Artwork and the removal of Artwork from the city collection.

(b) The Public Art Commission, with the assistance of ASC, shall prepare an annual fiscal year work plan for approval by the city council which shall include at least the following: (1) a description of the Artwork completed, obtained or commenced in the previous year; (2) a description of the Capital Improvement Projects designated for inclusion of public art in the upcoming year and of the funding source; (3) a budget for the income and expenditures for such projects; and (4) a general description of the public art plan for the upcoming year. The city council shall have final approval of the annual work plan and budget for the public art program. The annual work plan shall be contingent upon the availability of funds for capital projects.

(c) The Public Art Commission shall work together with the city and the ASC to examine all Artwork or a design or model of same which are proposed for permanent or long-term placement on city property or are to become the property of the city by purchase, gift or otherwise, except for those works to be placed in a museum or gallery, to determine an appropriate space for the placement of such Artwork. In any case in which the city and the Commission cannot agree on the location of placement of such works, the city's determination shall be final.

(d) Prior to moving or removing any Artwork placed in, on or about city property pursuant to the public art program, the city shall submit such proposed change to the Public Art Commission for a report and recommendation about a new space for the Artwork or alternatives to moving it. In any case in which the city and the Commission cannot agree on issues related to the relocation or removal of the Artwork, the city's determination shall be final. The Commission shall not be required to make recommendations regarding the temporary placement of Artwork on city property.

(e) To encourage broad community participation in the public art program and to ensure Artwork of the highest quality, the Public Art Commission may solicit the participation of community representatives and professionals in the visual arts and design fields as part of the artist and art work selection process for particular public art projects in accordance with the size and complexity of the projects. These advisors may assist the Commission in the selection of artists, project oversight and other related purposes, but shall have no vote on matters coming before the Public Art Commission.

(f) During the design phase of the Artwork, the Public Art Commission shall advise the appropriate city departments through the city manager concerning the maintenance requirements of every Artwork, recommend to the responsible department the type, frequency and extent of maintenance required to preserve the quality and value of every Artwork, and inspect such maintenance work for the guidance of the city departments concerned. It is the responsibility of the site manager or appropriate department head to provide for the maintenance of Artwork in their routine site maintenance program. Any proposed Artwork which is determined by the Commission or demonstrated by an appropriate city department head to require extraordinary operations or maintenance expense shall be reviewed with the city manager and approved by city council prior to proceeding with the fabrication and construction of the Artwork.

#### **Section 15.224. Funds for Public Artwork**

(a) All allocations of funds for Eligible Projects shall include an amount equal to one percent (1%) of the projected Construction Costs at the time the project is included in the city's Capital Improvement Program to be used for the selection, acquisition, commissioning and display of Artwork. No allocation shall be made for Eligible Projects with an estimated expenditure of less than the threshold amount for which formal bidding procedures are required pursuant to G.S. §143-129. If the source of funding, applicable law governing any particular Eligible Project or the expenditure of such funds precludes art as a permissible expenditure, the amount of funds so restricted shall be excluded from the Construction Costs in determining the amount to be allocated as provided herein.

(b) The City's Finance Director shall establish a special fund designated the "Public Art Account" into which funds appropriated as set out above (the "Public Art Allocations") or derived from gifts or donations to the city for public art shall be deposited. For the budget year that the city council appropriates funding for the Eligible Project and that the Eligible Project is instituted, the Public Art Allocations shall be

deposited into the Public Art Account in accordance with procedures established by the City's Finance Director.

(c) Monies collected in the Public Art Account shall be budgeted and expended in the same manner as other city revenues and used for projects commissioned pursuant to this Article. Each disbursement from such account or from other appropriations for Artwork shall be recommended by the Public Art Commission and authorized in accordance with applicable law and accounting principles governing expenditures from the city's budget. Separate accounts shall be established whenever funds are required to be used at a designated Capital Improvement Project.

(d) From the effective date of this section, applications for Capital Improvement Projects to granting authorities shall include amounts for Artwork as specified herein, insofar as permissible by the granting authority.

#### **Section 15.225. Uses of funds.**

Funds allocated in accordance with this Article may be used for the selection, acquisition, purchase, commissioning, fabrication, placement, installation, exhibition or display of Artwork. To the extent practical, artist selection should be concurrent with selection of the architect or designer to ensure integration of the Artwork into the project architecture. In the event a particular Eligible Project is deemed inappropriate for the placement of Artwork by the Public Art Commission or by city council, if not otherwise prohibited by law, the funds appropriated for Artwork may be used at other more appropriate public sites.

#### **Section 15.226. Public Art Acquisition**

Disbursement of funds from the Public Art Account to pay for Artwork acquired pursuant to this Article shall be made in accordance with procedures established by the City's Finance Director, but shall at least include the submission from the Public Art Commission of an accurate and complete invoice resulting from a contract with an Artist. The invoice for such Artwork may include a commission fee of fifteen percent (15%) of the cost of the Artwork for services rendered in connection with the acquisition and installation of the Artwork.

#### **Section 15.227. Ownership of Artwork**

All Artwork acquired pursuant to this Article shall be acquired in the name of the City of Charlotte, and title shall vest in the City of Charlotte.

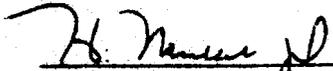
#### **Section 15.228. Decriminalization**

A violation of this Article shall not constitute an infraction or misdemeanor punishable under G.S. 14-4."

Section 2. The previous Resolution restructuring the Public Art Commission approved by the City Council on May 10, 1993 in Resolution Book 31 Page 62 shall be repealed as of the effective date of this ordinance. As of the effective date of this ordinance, all existing and unspent funds appropriated for the works of art shall be transferred to the appropriate Public Art Account.

Section 3. This ordinance shall become effective on July , 2003

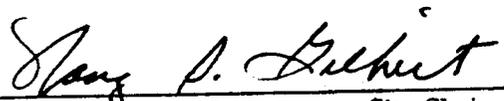
Approved as to Form:

  
\_\_\_\_\_  
Dr. Deg. City Attorney

**CERTIFICATION**

I, Nancy S. Gilbert, Deputy City Clerk of the City of Charlotte, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 27<sup>th</sup> day of May, 2003, the reference having been made in Minute Book 119, and recorded in full in Ordinance Book 52, Page 289-296.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28<sup>th</sup> day of May, 2003.

  
\_\_\_\_\_  
Nancy S. Gilbert, CMC, Deputy City Clerk

## Public Art Commission Procedures

**Artist Selection Process**

**Community Outreach, Design Development & Approval**

**Approval of Capital Funds by City Council**  
 City Council approves the capital budget allocations for artwork for the coming year.  
 Time: May – June

**Communication point:**  
 The Public Art Commission presents the Annual Work Plan to City Council according to guidelines in the ordinance.  
 Time: May - June

**New Projects**  
 Public Art Commission reviews new projects and authorizes staff to advertise to artists. Artist Selection Panel members are identified for projects to review applications.  
 Time: July - October

**Communication point:**  
 Public Art Commission meets on the last Wednesday of each month, except December and July. Meetings are listed monthly with City Corporate Communications  
 Location: ASC, 227 W Trade St., Ste. 250

**Artist Selection Review Panels**  
 Panel usually meet 3 times: orientation, review of written/visual materials, and interviews of finalists. Selection panels recommend artists and alternates to the Public Art Commission.  
 Time: Ongoing

**Approval of Artists**  
 The Public Art Commission reviews and approves the decisions of the Artist Selection Panels. The selections are then forwarded to the ASC Board of Directors for approval. Artists are placed under contract.

**Communication point:**  
 ASC issues press releases with information on projects & the artists. ASC features new and current projects in quarterly newsletters and electronic updates.

**Community Interaction**  
 Community outreach by artists is a contract requirement. Formats may include neighborhood meetings and focus groups with questionnaires for participants and panel discussions. Independent research, stakeholder meetings and site visits are required.

**Communication point:**  
 News alerts are sent and invitations to meetings/special events are mailed to community residents, based upon artwork location. All elected officials and board members receive these notifications. ASC has made it a policy to contact council members to introduce artists at these meetings.

**Design Development and Approval**  
 Based upon community outreach, research and design team meetings, artists create preliminary design concepts. ASC staff reviews designs with City staff and the design team to seek their input. Once internal approvals are certain, concepts are presented to the Public Art Commission for comment; members may approve or send the artist back to continue the design process.  
 Time: 4 mos. to 1 yr.

**Communication point**  
 For larger projects, press releases with visuals are released to the media and covered in the ASC newsletter.

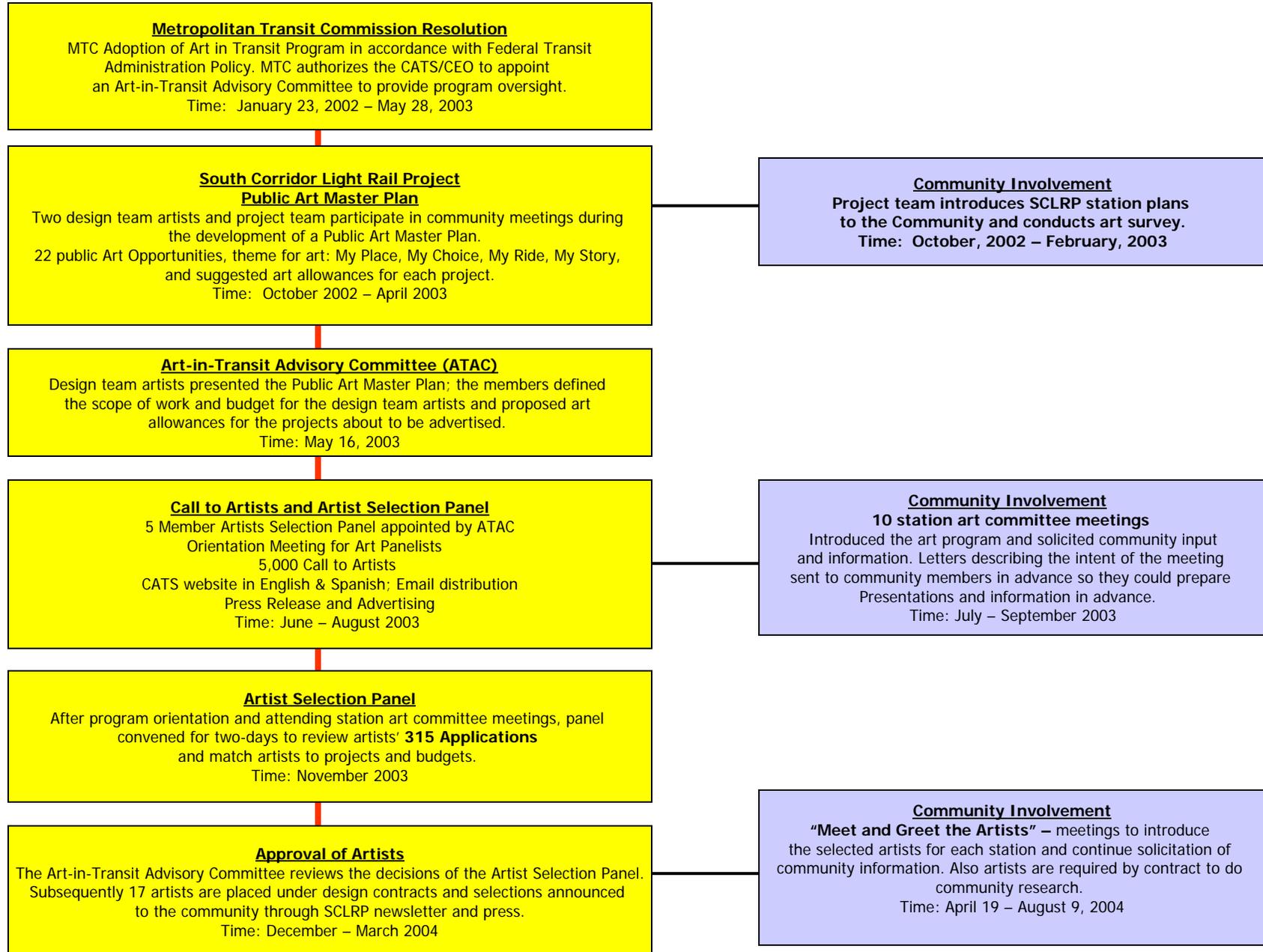
**Fabrication of Artwork**  
 Once final design documents are approved by the City and the Public Art Commission, the artist begins fabricating the artwork.  
 Time: 4 mos. to 18 mos.

**Communication point**  
 ASC Public Art submits progress report and previous year's audit to City.  
 Time: by November 30

**Completion and Dedication of Artwork**  
 Before completion, the ASC staff begins planning for the dedication of the artwork. The program and speakers are arranged with the City agency.

**Communication point**  
 Elected officials are invited to speak on behalf of the facility and the artwork.

**SCLRP**  
**Art-in-Transit Procedures**



**Design Development and Approval**  
Based upon community outreach, research, and design team meetings, artists create preliminary design proposals. CATS staff review designs with City staff and project design team to address technical aspects of proposals. The Art-in-Transit Advisory Committee reviews each proposal and budget. Members either approve or request artist to redo a proposal.  
Time: April – August 2004

**Community Education & Outreach**  
**Exhibition of SCLRP Artists' Proposals** (Attendance to date: 1187)  
**4,000 Invitations** to SCLR community  
**4,200 Invitations** to Art Program Mailing Lists  
**Catalogue** (2000)  
**Comment Cards**  
**Publicity – Press, Web Site, Gov't Channel "Inside Charlotte"**  
Time: September – October 2004

**Final Design**  
**Community response to proposals shared with artists**  
**Art-in-Transit Advisory Committee Review Art Fabrication & Installation Budgets & Uptown Station Art**  
Time: October – December 2004

**Community Involvement**  
Stakeholder Meetings with Uptown Artists  
Time: October – November, 2004

**Fabrication of Artwork**  
Once CATS completes its final design and construction bid document approval process, fabrication and installation contracts will be awarded to artists.  
Time: 2005 - 2006

**Community Outreach & Education**  
During construction, CATS will continue to reach out to the Corridor community to educate them about the art and to mitigate the negative impact of construction through a temporary art program.  
Time: Spring 2005 – Fall 2006

**Completion and Dedication of Artwork**  
Before completion of construction, staff plan for the dedication of the art and continued community education to ensure the community's understanding and appreciation of the art integrated throughout the South Corridor.  
Time: Summer 2006

**Public Opening**  
SCLRP and Art Dedication  
Time: Fall 2006

## Art in Transit Program Summary

A separate public art program for Public Transit was established in January 2002 for the following reasons:

- Transit art projects will occur at facilities located outside of the City in rapid transit stations, park and ride lots and community transit centers.
- The Metropolitan Transit Commission (MTC) is charged with the responsibility for overseeing the use of the transit sales tax under the Transit Governance Interlocal Agreement.
- The size of the Transit Capital Program and the number of facilities and resulting opportunities for incorporating art would overwhelm the Public Art Commission in the years ahead and as a result the ASC declined to assume responsibility for the transit art program.
- Federal funding will be used for most of the transit facilities being built in the years ahead and the FTA has its own requirements for incorporating public art in federally-funded transit facilities.

As a result, the MTC adopted Resolution 2002-01 in January 2002 establishing the Art in Transit Program. The key characteristics of this Program are as follows:

- 1% of the design and construction budgets for transit capital facilities (stations, transit centers parking lots and operating facilities) is allocated for public art. Transit vehicles (buses, trains) are excluded from the Program.
- Public art proposals are developed during the design phase of transit projects to insure they are integrated into the functional aspects of the facility; minimize project development and art program costs; and meet requirements for safety and long-term maintainability.
- CATS staff facilitates an extensive community participation process to involve neighborhood residents and businesses with selected artists during the development of art projects to be incorporated into transit facilities serving the neighborhood.
- A seven member Art in Transit Advisory Committee, appointed by CATS CEO to oversee the Program, approves budgets for transit art commissions and performs certain tasks in the artist selection process as described below.
- The Art in Transit Committee has created and maintains a roster of artists to be solicited for specific art proposals. The selection of artists for the roster cannot involve geographic preferences (such as specifically using only local artists) because of the use of federal funding for transit capital facilities.
- The Art in Transit Committee appoints artist selection panels consisting of qualified art professionals to review proposals from artists on the roster and then interview and select artists for individual art elements. Panel selections are subject to the review and approval of the Committee. For major transit projects (i.e. the South Corridor Light Rail Project) the Committee selected lead artists to work with the project design team to identify and develop opportunities for incorporating art into the project. These opportunities form the basis for the solicitation of proposals from artists on the roster for review by the artist selection panel for the project.

- CATS employs an experienced public art program manager to staff the Committee and selection panels and to administer the Program in accordance with FTA requirements.

Under the above-described Program, the Art in Transit projects approved and programmed for FY2004-2006 by the Committee are as follows:

<u>Transit Project/Program</u>	<u>Allocated Budget</u>
<b>South Corridor Light Rail Project</b>	<b>\$2,500,000</b>
• Design work by 19 artists (includes 15 stations, 7 parking lots, bridges, retaining walls and maintenance facility with +/-130 separate art elements along the corridor)	650,000
• Fabrication and installation	1,850,000
<b>Passenger Facilities Program</b>	<b>\$98,250</b>
• Huntersville Gateway Park and Ride Lot (installed)	12,750
• Matthews Independence Park and Ride Lot (under construction)	15,500
• J.N. Pease Park and Ride Lot (planned)	15,000
• Huntersville Northcross Park and Ride Lot (in design)	15,000
• South Park Community Transit Center (under construction)	20,000
• Eastland Community Transit Center (in design)	20,000
<b>S. Tryon Bus Maintenance Facility (under construction)</b>	<b>\$327,500</b>

In pursuing the above described Art in Transit projects, the following community outreach and education efforts have been undertaken to date:

- Held 6 community meetings in the South Corridor to introduce the Art in Transit Program.
- South Corridor Project public art master plan prepared by two lead artists in cooperation with Project design team.
- Call to Artists issued and 315 applications received.
- A 5-person Selection Panel for the South Corridor Project was appointed and selected 17 artists for various art opportunities per the public art master plan for the Project.
- Held 7 community meetings in the South Corridor to introduce the artists to the community and receive community feedback on the artists' ideas and proposals. Artists refined their ideas and proposals based upon this feedback.
- Produced a catalog and organized a public exhibition of the artists refined proposals at Spirit Square running thru Oct. 23<sup>rd</sup> to receive additional public input. Thru Sept. 30<sup>th</sup>, 1,187 people had visited the exhibit. So far, 72 survey responses have been received from visitors providing feedback on the exhibit and individual art pieces.

**RESOLUTION  
No. 2002-01**

**ADOPTION OF ART IN TRANSIT PROGRAM**

A motion was made by Mayor Myers and seconded by Pam Syfert for the adoption of the following resolution, and upon being put to a vote was duly adopted.

WHEREAS, the visual and aesthetic quality of a transit system has a profound impact on transit riders and the larger community, and

WHEREAS, transit systems should be positive symbols for cities, attracting local riders, tourists and organizers of national and international events, and

WHEREAS, excellence in design and art can improve and enhance the appearance and safety of facilities, help create vibrant public spaces and make patrons feel welcome, and

WHEREAS, art in transit can play a large part in contributing to the goal that transit facilities help create livable communities, and

WHEREAS, the Federal Transit Administration encourages incorporating public art in transit facilities,

NOW, THEREFORE, be it resolved by the Metropolitan Transit Commission that:

1. The Art in Transit Program for the Charlotte Area Transit System shown in Attachment A is hereby adopted.
2. That the Chief Executive Officer is hereby authorized to take the steps necessary to implement the Art in Transit Program.
3. That this resolution will take effect upon its adoption.

ATTACHMENT A – Art in Transit Program Summary

---

I, H. Parks Helms, MTC Chairman do hereby certify that the above is a true and correct copy of an excerpt from the minutes of a meeting of the Metropolitan Transit Commission, duly held on January 23, 2002.

ORIGINAL WITH SIGNATURE on FILE

---

Signature of MTC Chairman

#### **IV. Transit Services Advisory Committee Chairman's Report**

Mr. Blank reported that at its January meeting, the TSAC had discussed CATS service during the recent snow emergency, in which there were no accidents involving buses. He noted that the TSAC concurred in a proposal by CATS to develop a written Snow Plan, detailing alternate routes, for the use of riders during snow emergencies. He told the members that TSAC also discussed a recent public meeting in Huntersville regarding elimination of the North Meck Connector service; and specific bus stop and shelter maintenance concerns.

#### **V. Public Comment on Agenda Items**

None

#### **VI. Action Items**

***a. Vice Chair Selection:*** In accordance with a procedural policy established in December 2000, the MTC elected to begin a new Vice-Chairman term of office concurrent with the Chairmanship rotation, and Mayor Kincaid of Davidson was selected by acclamation to retain his Vice-Chairman position for another one year term.

***b. Art in Transit Program:*** Mr. David Feltman of CATS provided a presentation on the proposed Art in Transit Program. He explained that the scope of the Program would be to encourage and include quality design and public art in all types of transit projects, such as bus stops and facilities, light and commuter rail stations and facilities, maintenance facilities, etc. Mr. Feltman told the members that the proposed program would be managed by a Program Manager, who would work with CATS project managers and manage the integration of artwork into transit projects. He noted that the Program Manager would also work with an art selection panel and participating artists; and that a Public Art Oversight Committee, comprised of artists, art professionals, designers, and design professionals, would provide guidance and oversight of the Program. Mr. Feltman further explained that one percent of the design and construction budget for CATS capital projects (excluding real property and rolling stock budgets) would be devoted to the Program, and that those funds would be pooled and used to incorporate art into the design of areas with which the public comes in contact.

***Discussion:*** Mayor Myers asked whether the provision to devote one percent of CATS Capital Budget to the Program would be consistent with City of Charlotte policy, and Ms. Syfert told him that it would be. Chairman Helms noted that it was also consistent with County policy. Chairman Helms added that, although Mayor McCrory had previously expressed concern with regard to this Program, he was now in favor of it. Mayor Myers asked whether the policy called for dedication of up to one percent, or a full one percent, of the budget, and Mr. Tober clarified that a full one percent would be devoted to the Program.

Mr. Tober stressed the importance of the proposed program in making the transit system friendly and attractive, both to riders and non-riders. He noted that the proposed Program was very similar to programs in other cities, and that such programs are encouraged by the FTA. Mayor Myers moved that the Program be approved, and Ms. Syfert seconded the motion.

**Resolution:** The MTC voted unanimously to approve Resolution 2002-01

## VII. Information Items

**a. FY2003 Transit Program:** Ms. Pereira provided the members with a detailed presentation on the Capital portion of the FY2003 Transit Program. She noted that Capital Expenditures over the life of the Five Year Capital Program (FY03-FY07) amounted to \$673.3 million, 16% of which will go toward bus procurement and amenities, and 84% of which will be for Corridor rapid transit development. Included in the bus procurement and amenities program are an increase in the bus fleet (to 400 buses); a second bus garage; two new transit centers; two park-and-ride lots; new bus shelters and benches; and maintenance and repair at the current bus garage. Corridor rapid transit development will include the beginning of Final Design on the South Corridor in FY03; the beginning of Preliminary Engineering on the North Corridor in FY03; the beginning of Preliminary Engineering on a third Corridor in FY04; downtown improvements engineering; and right-of-way purchases. Ms. Pereira explained that the line item for downtown improvements included estimated figures which will serve as placeholder amounts until the LPA decisions have been made and planning for the downtown can be more exact.

Ms. Pereira then discussed the FY03 Capital Revenue portion of the Program. She pointed out that the amount of projected Federal revenue had increased by \$13.7 million from the original FY03 Program, because certain Corridor projects had been deferred from FY02 into FY03. At the same time, projected capital revenue from the State had decreased from the original Program due to a more realistic assessment of projected matching funds for the West, Southeast, and East Corridors.

Ms. Pereira told the members that the Transit Program was predicated upon certain assumptions: 50% Federal match and 25% State match funding for the South and North Corridor projects; and long- and short-term financing for the second bus garage and bus procurement. Ms. Pereira explained that all transit agencies receive a limited amount of Federal funding in the form of formula grants, for use in funding bus procurement and amenities. She told the members that using these Federal formula grant funds to finance procurement and construction over a period of years allows them to be used to greater advantage while expediting bus procurement.

Ms. Pereira briefed the members that the revised FY03 Program differs from the original Program in that it reduces the amount of expenditure for bus procurement and amenities by \$23.7 million, since it assumes financing; and increases the amount of

will be asked to approve the recommended Locally Preferred Alternative for each Corridor; and in March it will be asked to approve the Implementation Plan. Finally, Mr. Muth noted that the LPA's and Implementation Plan will be presented to the MUMPO for its action in April 2002.

**Discussion:** Mayor McCrory suggested that the December MTC meeting, at which the LPA's and Implementation Plan will be presented, be televised for the benefit of the general public.

Mr. Tober reminded the members of the proposed Intercity Trip designed to give the members the opportunity to see the various modes of rapid transit on which they will be voting. He noted that a memo setting out proposed dates of November 17-20 had gone to all the members, and asked whether the proposed dates were satisfactory. The members concurred in the dates.

Mayor McCrory briefed the members that he and Mr. Tober had had a very successful series of meetings in Washington DC during the summer, and that the proposed Senate transportation appropriation for the South Corridor added \$5 million to the \$5 million in the House appropriation.

**c. CATS Public Art Policy and Program:** Mr. Tober introduced consultant Jack Mackey, and explained that Mr. Mackey would present and discuss some examples of the ways in which art can be integrated into a public transit system. He noted that the proposed Public Art Program is designed to integrate art into public transit facilities in order to enhance their attractiveness to riders, neighborhoods adjacent to the facilities, and the general public, thus enhancing quality of life and building ridership. Mr. Mackey discussed the scope and organization of the proposed program, as well as the process for artist selection and recommended funding (one percent of CATS design and construction budget for transit development). He then showed the members a series of photographs of the ways in which artwork has been integrated into the actual design and construction of transit facilities in other cities. Mr. Tober briefed the members that the MTC will be asked to vote on approval of the Public Art Program in September or October, in order to be able to begin to incorporate elements of public art into the detailed design process now beginning in the South Corridor.

**d. Fare Policy:** Mr. Parker briefed the members on the proposed new CATS Fare Policy, which he explained would be another element of the Countywide Transit Services Study approved earlier in the meeting. He pointed out the five objectives of the draft policy, and described the provisions of the policy, explaining that all fares are based upon the base fare, which is currently \$1.00. He explained that express and bus rapid transit service fares will be 40% higher, because they involve longer trips; and that fares for regional express service, which reaches outside Mecklenburg County, will be 100% higher than the base fare. Mr. Parker told the members that CATS will also institute reverse commute fares, which are designed to encourage return ridership on express routes. He told them these reverse commute fares will equal the base fare,

**South Corridor Light Rail Project  
Summary of Artist Design Fees**

Artist	Project	Design
Behar & Marquardt	Archdale Site/ Waiting Area	\$35,000
Blum, N.	Drinking fountain Basin	10,000
Carpenter, E.	VMF Light Work	85,000
Cassidy, S.	Fencing - 10 Stations	9,000
Cheng, C.	Marker/ Sky Observatory	10,000
Elliott, R.	Elevator - Archdale Station	10,000
Fischer, RM	QP Tower Marker	20,000
Haley, H.	Seating/sculpture	9,000
Huerta, L.	Residency	
	11 Platform Pavers/Column Cladding	70,000
Jayaswal, N.	Marker/ Arrowood	10,000
Leicester, A.	CTC Station	40,000
Oppenheim, D.	Tyvola Plaza Sculpture	40,000
	7th Street Station	
Pinto, J.	I-485	10,000
	3rd St. Station	40,000
Sayre, T.	Scaleybark Station Median Sculpture	20,000
Thoune, T.	300+ft. wall - East/west Station	10,000
Yamaguchi, Y.	5 small sculptures - 5 stations tbd	9,000
Adams, A.	Design Team Artist - Landscape	91,000
Ranis, M.	Design Team Artist - Bridges & Walls	96,500
	TOTAL	\$624,500
	Design Budget	\$650,000