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SECTION 1: PURPOSE

From time to time, requests may be received from individuals and organizations for permission to place commemorative objects such as monuments, memorials, or artwork on County facilities or property or public easements on private property. The purpose of this policy is to provide the Sampson County Board of Commissioners, County staff and the general public with a process and guidelines for consideration of such requests.

This policy will serve also as a guide to the County for any commemorative item it may wish to place in County facilities, parks or public areas within its jurisdiction.

This policy does not address the naming of facilities or streets or the placement of facility or directional signage or commemorative road signage.

SECTION 2: GOALS, OBJECTIVES AND CONSIDERATIONS

The County of Sampson, as the steward of public land, is committed to protecting its parks, open spaces, public buildings and other public areas of the County while providing opportunities for appropriately designed monuments, memorials, or works of art that honor individuals, organizations or events which are beneficial to the greater good of our communities.

The Sampson County Board of Commissioners recognizes that monuments, memorials or artwork may serve to enliven communities, to express important community values and to highlight the common heritage of our citizens. It is further recognized that a formal policy as to the proper assessment, placement and maintenance of monuments, memorials and artwork ensures that this "cultural infrastructure" represents the community's diverse and collective heritage, that it is appropriately integrated into the public landscape, and that it maintains its aesthetic value.

SECTION 3: RESPONSIBILITY AND AUTHORITY

In order to facilitate a fair assessment of requests for the placement of monuments, memorials and artwork, the Sampson County Historical and Cultural Preservation Committee (HCPC) shall be established to review, evaluate and make recommendations to the Sampson County Board of Commissioners regarding applications for the placement of monuments, memorials and artwork. The HCPC shall be comprised of 9 voting members which represent the diversity of Sampson County's citizens and include the following:

- One representative of the Sampson County Historical Society or similar organization
- One representative of the Sampson County Arts Council or similar organization
- One representative with an affiliation to arts or design (may include architect, landscape architect, visual artist, sculptor, curator, arts administrator, etc.)

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- One representative of the Clinton-Sampson Chamber of Commerce (board or membership)
 or the Sampson County Convention and Visitors Bureau
- Five community representatives (one from each commissioner district)

The County Manager or his/her designee shall be a non-voting ex-officio member of the Committee to facilitate the work of the committee. See Addendum A for additional information on terms and appointments.

The HCPC shall be assisted by a Staff Review Team (SRT) which shall be comprised of the County Manager or his/her designee; the Public Works Director, the Planning and Zoning Director, the Inspections Director and the Finance Officer/Risk Manager.

SECTION 4: BASIC CRITERIA FOR EVALUATION OF PROPOSALS

Requests for the placement of memorials, monuments or artwork will be evaluated regarding the quality, validity and significance of the requested piece. The basic criteria are:

1. Use of Public Space/Location

Donors of monuments, memorials, or artwork shall consider the primary uses of public open space in their request for a location or suitable site. While appropriate memorials may enrich an area, public open space is also a precious commodity. Therefore, memorials, monuments, and artwork will be carefully reviewed to balance these two public benefits to protect the greater good.

The proposed location shall be an appropriate setting for the memorial. In general, there should be some geographic justification for the memorial being located at its proposed site. It should be considered that a particular location may reach a saturation point, and it would be appropriate to limit future memorial installations at a particular location or area.

The location of a memorial should complement and enhance existing and proposed circulation and use patterns and pose no danger to public safety.

The location should be supported by any existing public art master plan, neighborhood or community plans, and area design guidelines and should comply with any County or municipal ordinances.

2. Timelessness

The quality of timelessness shall be considered in the significance of the individual, community or event to be memorialized. Memorial proposals should represent the values and principles of the community that will be relevant to future generations.

3. Community Significance

Proposed projects must serve to commemorate or to identify a particularly significant historic event or person. Projects which seek to honor particular individuals or events by placing them into the

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public realm should appeal to the broader interests of the community. Individuals or organizations to be commemorated must have contributed significantly and particularly to the County of Sampson. Places or events to be commemorated should be of national or local significance. To assure that the significance of an event or person has withstood the test of time, a project may only commemorate an event 1 year or older and a person 1 year or more posthumously. The Board of Commissioners may waive this requirement for those individuals with exceptional community significance in cases of unusual and compelling circumstances.

A monument will <u>not</u> be considered if the HCPC or Board of Commissioners believes it would be considered offensive to members of the community. A monument or memorial will <u>not</u> be considered if the intended purpose is to promote a political cause, issue or event. A monument, memorial or artwork will <u>not</u> be considered for placement if it conveys a message that religion or a particular religious belief is favored or preferred or if it promotes a particular religious cause.

An appropriate level of community support must be demonstrated for a memorial including approval/endorsement by local civic/neighborhood associations, citizen petitions, and endorsement by municipal, community or civic organizations.

4. Past Honors/Existing Memorials, Monuments or Artwork

The County shall inventory all publicly owned fine artworks, public art, design enhancement, in addition to all commemorative monuments, memorials, markers and plaques in order to enable the County to effectively evaluate proposed memorials. It is recognized that specific individuals, organizations or events may have been sufficiently honored in the past.

5. Design

All memorial proposals will be judged for appropriateness of design. The quality, scale, and character of the memorial should be at a level commensurate with the particular location or setting. The memorial should contribute to the location from a function or design standpoint. The memorial should be designed by a qualified professional in the field appropriate to the size, scale, and complexity of the proposal.

6. Maintenance Planning

Maintenance concerns should be a primary consideration, with adequate financial provision made for continued future maintenance. In all cases, permanent memorials should be made from durable materials that will stand up over time. Memorials which include moveable parts or technological elements will require additional consideration and review.

7. Financial Responsibility

The donors of the proposed memorial are required to pay for the complete design, manufacturing, and installation, and a maintenance endowment to ensure adequate quality of care for the memorial.

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8. Ownership

Improvements made on County owned lands or facilities become the property of the County of Sampson.

9. Size

It is recognized that memorials exceeding certain heights may be subject to specific design and engineering requirements because of existing state and local building codes. Certain memorials may be required to have an engineer's letter.

10. Special Site Considerations

There are certain areas of the county which shall be considered special resources because of their natural, cultural or historical character, and as such deserve special protection. Certain restrictions or standards may be developed for such areas, which may include, but are not limited to: waterways, areas of tribal significance, historic districts, downtown districts, or courthouse grounds. Addendum B shall contain an overview of those areas with special standards.

SECTION 5: PROCESS OF REVIEW

1. Project Introduction Letter

Applicants desiring to place a monument, memorial, or artwork should submit a letter to the Office of the County Manager that outlines in sufficient detail the main purpose and concept of their proposal and how the project meets the basic criteria set forth in Section 4. Staff will then schedule a feasibility consultation with the applicant and advise him/her of the content of this policy, the appropriateness of the proposed memorial, monument or artwork, and the necessary courses of action required to complete the application.

2. Preliminary Proposal Review by Staff Review Team

Once the feasibility consultation has been conducted, the applicant will be requested to submit a written proposal for review by the Staff Review Team (SRT) of the Historical and Cultural Preservation Committee (HCPC). The written proposal must contain the following:

- <u>Proposed design</u>. This should include size, material types, coatings or patina, sketch and/or rendering of the monument, memorial or artwork at the site.
- <u>Proposed sites</u>. All proposed monuments, memorials or artwork must relate to and support
 their proposed site and/or community. Any party proposing to install a monument, memorial or
 artwork must propose three feasible sites, public or private, for their project along with an
 explanation of the significance and relationship to each site. Proposal should include site plans
 and schematic drawings. The County reserves the right to modify or change the proposed site.
- <u>Proposed wording.</u> Individuals or groups may be recognized for their contributions to a memorial project. All text and design must be approved by the HCPC prior to the fabrication of

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the plaque. Corporate logos (symbols or trademarks designed for easy and definite recognition) are prohibited.

- Proposed maintenance plan. All monuments, memorials, and artwork require insurance, surety bond, or an endowment fund (as appropriate), and a maintenance schedule by the memorial donor adequate to ensure its care so that it remains in a condition satisfactory to the donor and the County. The posted insurance or bond should also cover costs of installation and/or removal. If an adequate level of maintenance is not continued, the County reserves the right to remove or modify the memorial or any portion thereof.
- Proposed costs, all inclusive. The cost of design, fabrication, plaques, transportation, installation, site preparation work, foundation, lighting, electrical, permit, etc. must be financed by the requesting party. The memorial proposal shall include all-inclusive costs and any requested exclusion shall be clearly stated in the proposal. Additionally, any party hired or employed by the requesting party must provide proof of insurance approved by the County that may include and not be limited to: general liability, automobile insurance, professional liability insurance, performance insurance bonds, workman's compensation coverage, and others required by the County.
- <u>Artwork.</u> All proposed public art memorials shall complete the public art review procedures as set forth in Addendum C.

Before the written proposal is forwarded to the HCPC, the requesting party must:

- Prepare any additional submission requests by SRT.
- Address any engineering, structural or site impact questions raised by SRT.
- Provide evidence of funding availability, financing or fund-raising activities.
- Submit proof of insurance requirements.
- Submit comments, feedback, support letters from appropriate neighboring communities,
 organizations, or business associations that may be affected by the location of the memorial,
 monument, plaque or artwork. If placement is proposed within municipal boundaries or special
 downtown district, supporting documentation must be included from the respective
 municipality and/or downtown merchant's association/board.

3. Project Review by HCPC for Recommendation to Board of Commissioners

The SRT will forward their assessment/recommendation regarding the application to the HCPC. The HCPC will hear a presentation by the applicant and consider all information, including staff recommendations, the written and oral proposal, and public testimony in its decision making process. The HCPC may then (1) recommend approval of the proposal; (2) request additional information on the proposal; (3) modify the proposal; or (4) recommend denial of the proposal. Proposals made for placement within municipal boundaries may not be forwarded for consideration by the Board of Commissioners without a recommendation from the respective municipality.

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4. Final Approvals / Contractual Agreement with County of Sampson

For simple plaques, and site accessories and amenities, the recommendation of the HCPC is forwarded to the County Manager for final approval. The County Manager may forward the application to the Board of Commissioners for approval if he/she deems it appropriate.

For all other types of monuments, memorials and artwork, the recommendation of the HCPC is forwarded to the Sampson County Board of Commissioners for consideration at its next regular Board meeting for final approval. Public comments/testimony shall be entertained (pursuant to the Board standing policy for public comments) as part of the Board's consideration of the proposal.

If the County Manager or the Board approves the placement of a commemorative item, the requesting party will be required to enter into a contractual agreement with the County prior to the commencement of any work or transfer of items to the County. The County Attorney shall draft/review acceptable documents. No work shall begin unless the applicant can provide evidence of funding sufficient to cover 100% of the total cost of the memorial. The applicant must also provide evidence of funding of a maintenance endowment equal to 10% of the total costs of the memorial. All final construction documents must be reviewed by the appropriate SRT before commencement of construction.

5. County Projects

At times, the County itself may construct public buildings and parks or themselves initiate the display of monuments, memorials or artwork. If the County initiates a project involving the placement of a memorial, monument, or artwork, the full application process is not required. The County Manager or his designee(s) will develop a proposal to demonstrate how the project meets the basic criteria of Section 4, and such proposal will undergo a review by the SRT for comments prior to consideration by the Board of Commissioners. The Board will seek public comments/testimony on the proposal prior to its approval. It is not intended for this provision to be used by citizens petitioning the Board's sponsorship of a project to avoid following the review process as outlined above.

6. Donated Art Without Request for Placement

In the event that a work of art is offered or bequeathed to the County without request for particular placement, the County has no obligation to accept, display or maintain such item. The Board of Commissioners has the right, in its sole and absolute discretion, what item(s) offered to it for public display will be accepted, displayed or maintained by the County. Once the item is accepted by the Board of Commissioners, the County shall be the sole owner of the donated item(s) and will have the right, in its sole and absolute discretion, except as limited by written agreement with donor(s), to deaccession any donated item, pursuant to Section 6, without notice to or obtaining the consent of the donor.

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SECTION 6: REMOVAL/RELOCATION OR DEACCESSION

The County may remove/relocate or deaccession a memorial, monument or artwork, pursuant to the following guidelines. Recommendations and comments from the HCPC with regard to such action will be considered, but the final decision for such action remains with the Board of Commissioners.

1. Removal and/or Relocation

The County reserves the right to remove and/or relocate donated monuments, memorials or artwork, when certain conditions apply, including, but not limited to:

- the memorial, monument or artwork interferes with site safety, maintenance or construction activities or an appropriate site is no longer available for placement;
- the memorial, monument or artwork becomes unsightly due to vandalism, exposure to the elements, or lack of maintenance and repair, or the ability to cost-effectively preserve, maintain or store the item no longer exists;
- the memorial, monument or artwork no longer continues to be relevant, authentic, original or useful to the purposes or activities of the County;
- the memorial, monument or artwork creates an adverse environmental effect;
- the law changes such that the memorial, monument or artwork would be treated solely as the speech of a private person rather than the governmental speech of the County

If such conditions exist, the County will notify each identifiable donor by registered mail of any action related to the disposition of the donation. In certain circumstances, such as safety or emergency situations, the notification may be made after an action is taken.

Generally, if the memorial, monument or artwork becomes damaged or destroyed, the donor shall repair or replace it within six months. If the donor lacks the necessary funds or resources to repair or replace the memorial, monument or artwork in that period, the donor shall remove the memorial, monument or artwork within 30 days after receipt of notice from the County. If the memorial, monument or artwork is not removed within 60 days of notice, the County may dispose of the memorial, monument, or artwork based upon current policies and procedures.

In the event a memorial, monument or artwork must be permanently removed for other reasons, the County will seek an alternate location consistent with this policy. If no location can be found, the County may endeavor to place a memorial plaque with the information contained on the memorial, monument or artwork at a designated location.

2. Deaccession

Deaccession of donated item(s), typically artwork, may be considered when:

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- such item(s) has deteriorated beyond a reasonable means of conservation or in its deterioration, has lost its usefulness;
- the authenticity, attribution or genuineness of such item(s) is determined to be false or fraudulent;
- such item(s) is redundant, duplicative, and has no value as part of a series;
- such item(s) is located in an area where jurisdiction will be transferred to another entity or is made inaccessible to the public.

The County will comply with all applicable laws pertaining to deaccession of art items, including notifying the donor and artist, if known. If the contractual agreements with the County provide for deaccessioning, such documents will determine the method and manner of deaccessioning. Otherwise, the County may choose a method. Generally, preference will be given to public sale, unless the County's analysis determines another method would yield advantages or better serve the interests of the public or the County. In appropriate circumstances, appraisals of the item(s) to be deaccessioned will be sought from outside sources. Deaccessioned item(s) may be disposed of by means of private sale; exchange for another work; gifting the item(s) to a tax-exempt public institution; donating the item for recycling or destruction. Destruction may be considered when the physical condition of the work is severely deteriorated or will be irreparably damaged by the deaccessioning process. In each case, applicable laws will be followed before an item is deaccessioned.

SECTION 7: DEFINITIONS

Often the words monument and memorial are used interchangeably as commemorative devices. However, distinctions as to types of memorials, monuments and other commemorative devices are made for purposes of this policy:

<u>Monuments</u> are large scale and venerated for their enduring historic significance or association with a notable past person or event.

<u>Memorials</u> are medium scale and serve as a remembrance of a person or event, and may include adorned or simple plaques or markers.

Markers are small scale, conspicuous objects used to distinguish or mark something.

<u>Adorned plaques</u> are those installed as part of a larger, more intrusive setting. These plaques include installations such as those that are pedestal mounted or affixed to a boulder, wall or vertical element.

<u>Simple plaques</u> are those that are mounted flush with the ground. The size should be appropriately designed per the limitations and consideration of the setting.

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<u>Artwork Memorials</u> include, but are not limited to, representational, non-objective, contemporary, and abstract pieces in a wide variety of artistic mediums such as metal, glass, bronze, ceramic, wood, etc. Artwork that is integrated into a placement or setting will be strongly encouraged.

<u>Fountains</u> may be fairly simple or large and complex. These will require additional consideration and review because of the infrastructure required (plumbing and electrical), additional maintenance implied and environmental issues.

Memorial gardens and plazas may include of the objects listed above, but include a spatial experience.

<u>Basic site accessories and amenities</u> include landscaping, site furnishings, benches, seating, picnic tables, drinking fountains, sun dials, shade structures, mosaics, unique pathways, etc.

<u>Other memorials</u> is a category to cover proposals that may not fit into any of the categories previously described.

SECTION 8: RECORD KEEPING

The County will be responsible for maintaining a database in the Clerk's Office of all "cultural infrastructure" as provided for in this policy. The database and/or files will include the following information:

- Copies of all correspondence and submittals from the donor(s);
- Copies of all correspondence and submittals to the donor(s) from the City;
- Copies of all executed title documents;
- Copies of all other documentation associated with a particular item(s), including but not limited to: drawings, photos, written descriptions, estimates of costs associated with acquiring, maintaining, providing security and legal expenses, etc.; any agreements between the City and donor(s) regarding the item(s); all estimates of value and appraisals, any public comment on the item(s); environmental impact reports or studies, if applicable; all written descriptions of the background/historical information associated with the item, including, information about the creation of the item(s) and the artist (if applicable) who created it; any warrant of originality; and any other information acquired by the City pertaining to the item(s);
- Copies of the Title Transfer Documents and any other written agreements;
- Records of maintenance; and
- Records of any deaccessioning.

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ADDENDUM A: HERITAGE AND CULTURAL PRESERVATION COMMITTEE

MEMBERSHIP

The Heritage and Cultural Preservation Committee shall consist of nine (9) voting members who are appointed by the Sampson County Board of Commissioners. Members should be eminent in their professions or associations and known advocates for the preservation of history, culture, art and design.

The composition of the Commissioner should represent the diversity of Sampson County's citizens and include the following members:

- One representative of the Sampson County Historical Society or similar organization
- One representative of the Sampson County Arts Council or similar organization
- One representative with an affiliation to arts or design (may include architect, landscape architect, visual artist, sculptor, curator, arts administrator, etc.)
- One representative of the Clinton-Sampson Chamber of Commerce (board or membership)
 or the Sampson County Convention and Visitors Bureau
- Five community representatives (one from each commissioner district)

In addition, the County Manager or his/her designee will serve as an ex-officio, non-voting member to facilitate the activities of the Committee.

QUALIFICATIONS

All members of the Committee shall either be residents of Sampson County or have their primary place of business in Sampson County; however at no time should less than eight members be residents of Sampson County. All members should have an interest in and concern for the preservation of the heritage and culture and the aesthetic development of the County.

Should one of the representative community organizations cease to exist, it is the responsibility of the Board of Commissioners to designate an alternate organization/entity with a similar purpose.

COMPENSATION

All Committee members shall serve without pay, but may be reimbursed for expenses previously authorized by the Board of Commissioners from funds which may be budgeted annually for such purpose.

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TERMS

In order to assure a continuity of membership, the terms of the Committee shall be staggered as follows:

Three members shall serve an initial term of three years, those being the representative of the Sampson County Historical Society or similar organization, the representative of the Sampson County Arts Council or similar organization, and the representative with an affiliation to arts or design.

Five members shall serve an initial term of two years, those being the community representatives.

One member shall serve an initial term of one year that being the representative of either the Sampson County Chamber of Commerce or the Sampson County Convention and Visitors Bureau.

After the initial terms, all subsequent terms shall be for three years. Members may serve consecutive terms pursuant to any existing policy of the Board of Commissioners at the time of their first term expiration. Vacancies will be filled for the unexpired term.

QUORUM

A quorum shall consist of five (5) members of the Committee. At times when all seats on the Committee are not appointed, a quorum shall consist of a majority of appointed members as long as that majority consists of at least three members.

ORGANIZATION, RECORDS AND MEETINGS

The Committee shall elected a Chairperson, Vice Chairperson and Secretary and other officers as they deem necessary. The Committee shall meet with whatever frequency they consider necessary to accomplish the work at hand.

Meetings of the Committee are subject to the Open Meetings Law and shall be open to the public. Minutes shall be kept of all meetings and made available pursuant to the Public Records Laws.

The Committee shall work with County administrative staff to ensure that the community is aware of its meeting schedule and when projects are to be reviewed by the Committee. The Committee shall notify the public of pending applications by public notice. Residents and businesses which are located within a 500 foot radius of a proposed project location shall be sent written notice by the Committee that includes a summary of the proposed project, the dates when the proposed project will be reviewed by the Committee and the Committee meeting location/time. Written notice and public notice will also

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include information about how citizens can give in-person or written testimony to the Committee regarding a proposed project.

RESPONSIBILITIES AND ACTIVITIES

The primary function of the Sampson County Historical and Cultural Preservation Committee is to fairly and judiciously review, evaluate and make recommendations to the Sampson County Board of Commissioners regarding applications for the placement of monuments, memorials and artwork pursuant to the guidelines found in the Board's Policy for the Placement of Monuments, Memorials and Artwork. The HCPC will hear a presentation by the applicant and consider all information, including staff recommendations, the written and oral proposal, and public testimony in its decision making process. The HCPC may then (1) recommend approval of the proposal; (2) request additional information on the proposal; (3) modify the proposal; or (4) recommend denial of the proposal.

As a secondary function, the Committee may engage in research and planning efforts related to historic and cultural preservation and art and design issues in the County. Examples of planning efforts include, but are not limited to, an inventory of structures, landscapes, works of art, monuments and memorials; development of proposed public arts plans, historical and cultural preservation initiatives, design guidelines and standards recommendations, and the development of art and cultural resources.

The Committee may organize educational programs, materials and resources with regard to historical or cultural preservation, and community arts and design development for the benefit of its members, citizens and business owners in the County.

FUND-RAISING

With approval of the Board of Commissioners, the Committee may solicit grants and contributions, provided that such grants and contributions are made to underwrite the legitimate activities of the Committee as outlined in this Addendum or as specifically approved by the Board. Funds so obtained will be expended with the specific purpose(s) and/or stipulations set by the grantor or the Committee with the specific approval of the Board.

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ADDENDUM B: SPECIAL SITE CONSIDERATIONS

Conservation Easements/Waterways

Reserved for future use.

County Owned Community Parks

The placement of monuments, memorials and artwork within county owned community parks shall respect the natural environment of the park or public space in which it will be located. The erection or location of a monument, memorial or artwork should not impede the use of the park facility for recreation and wellness activities.

Sampson County Courthouse (Grounds)

The Sampson County Courthouse, Courthouse Annex and Courthouse Extension are located in the City of Clinton's Downtown Commercial Historic District. The district is deemed to be of special significance in terms of historical, architectural and cultural importance. Therefore, any application for placement of a monument, memorial or artwork would require approval from the City of Clinton's Historic Preservation Commission, following the provisions set forth in the City of Clinton's Historic District Ordinance and other applicable regulations.

It is further noted that the Courthouse grounds are nearing saturation with regard to the placement of additional monuments, memorials or artwork; therefore placement of additional monuments, memorials or artwork is discouraged. The monuments and memorials currently in existence on these grounds are those recognizing Sampsonians who held national office and tributes to those Sampsonians who served in time of armed conflict; only those monuments or memorials of similar design and purpose may be considered.

This policy does not provide guidelines for placement of monument, memorials or artwork inside Courthouse facilities. A separate policy will provide guidance for such requests.

Tribal Significant Property

Reserved for future use.