Public Art Policy Discussion

DATE: October 23, 2019

FROM: Corey King, Director
Parks, Recreation & Cultural Resource Department

Background/Issue:
Staff was asked to evaluate previously proposed steps in the public art selection process and also clarify the distinction between art installed with assistance from the Town of Matthews and art done independently by private property owners. A revised outline of the proposed steps for selection of art and expectations at each stage are shown below for each category.

**Town of Matthews Sponsored Public Art Selection Policy (p. 2-3)**
Murals and other public art installed with assistance from the Town of Matthews would follow the process outlined as Town Sponsored Public Art Selection. Public meetings and Town Board involvement is promoted at each stage of art selection/installation. Staff will bring the artist’s original renderings along with feedback/suggestions from the P&R Advisory Committee and other citizens to the Town Board for discussion. This is a change in the process from the previous version.

**Independent Public Art Installation by Private Property Owners (p.4-7)**
Installation of murals, independent of Town resources (murals installed on private property without Town assistance) is outlined in the Unified Development Ordinance (UDO). A property owner within the downtown overlay district must submit an application to receive a permit to install a mural. The application is reviewed by staff and successful applicants are issued a permit.

After consultation with the Town Attorney, staff removed ambiguous/immeasurable terms such as “well integrated”, “substantial”, etc. from the application.

Proposal/Solution: Staff requests approval of the proposed public art policy

Financial Impact: There are no financial impacts related to this decision

Related Town Goal: Destination for Arts & Culture

Recommended Motion: Approve proposed public art policy
Steps outlined below are limited to the following types of projects:
- Public art installed on public property
- Public art installed on private property as a partnership between the Town of Matthews and a private property owner, with an investment of public resources used to complete the project

POLICY OUTLINE

1. Conception of Idea(s)
   a. Ideas could originate from within the P&R Advisory Committee, citizen input, staff, elected officials or other sources
   b. Ideas and potential location(s) will be presented to the P&R Advisory Committee during regularly scheduled monthly meetings
   c. If an idea is recommended by the P&R Advisory Committee, information will be forwarded to the Communication Coordinator, Town Clerk and Town Manager for dissemination to the Town Board for feedback

2. Public Discussion
   a. Recommended ideas will be added the agenda of the next available P&R Advisory Committee meeting; interested citizens and stakeholders will be invited to participate and provide feedback (i.e. local artists, community leaders, downtown business/property owners)
   b. Feedback will be collected by Town Staff. If consensus is reached within the P&R Advisory Committee to proceed, information from the meetings will be forwarded to the Town Clerk and Town Manager for dissemination to the Town Board for additional feedback.

3. Commission of Artist
   a. Call to Artists will be issued to create the recommended idea.
      i. “Call to Artists” will be promoted via Arts & Science Council, Town of Matthews’ social media, contact with local artists, and other venues as needed
      ii. Artists will be asked to submit an application that will include references and examples of previous work. “Call to Artists” will be open for a minimum of 30 days
      iii. Simultaneously, staff will initiate contact with the property owner (if private property) of the proposed location to receive permission to install the art
      iv. After the application period has closed, staff and the PRCRAC will review submitted applications and select an artist to create the commissioned art; staff will work directly with the selected artist, establishing timelines negotiating payment
   b. Individuals/artists may also submit designed/constructed artwork for consideration for selection as public art in lieu of a “Call to Artists” being promoted. Submissions would be evaluated, and continue along the art selection process at Step 4.
4. **Review/Approval**
   a. The selected artist will be asked to submit a minimum of 1 illustrative renderings of the proposed art idea to staff. Review of these renderings will be added to the next available P&R Advisory Committee meeting; when feasible, multiple options will be presented for review
   
   b. P&R Advisory Committee and meeting attendees will review the renderings and form points of feedback to share with the Matthews Town Board of Commissioners
   
   c. Original illustrations, along with feedback from the advisory committee and public comments, will be presented to the Matthews Board of Commissioners for consideration
   i. If revisions are desired by the Matthew Board of Commissioners, the artist will be asked to do so
   
   d. Final approval to install art will be given by the Matthews Board of Commissioners
   i. Artist will be given a notice to proceed
   ii. Staff will serve as project manager during art installation

5. **Maintenance**
   a. Maintenance of art installed on private property will be performed in partnership between the Town of Matthews and the private property owner
   b. Maintenance of art installed on public property will be performed by the Town of Matthews

*All P&R Advisory Committee meetings with public art on the agenda will be promoted through additional venues to encourage public participation. Identified stakeholders will be contacted directly to solicit participation

**Matthews Board of Commissioners will be consistently updated throughout the process, with ability to provide feedback and/or directives at any step within this proposed policy.*
Independent Mural Art Installation
by Private Property Owners

The information below is related to mural art installed on private property within the Downtown Overlay District by the property owner, without support of Town funding or resources.

The procedure for this type of art installation is captured within Unified Development Ordinance section 155.608.14 – Signs in Downtown Overlay District, Section I – MURALS

BRIEF SYNOPSIS

- Individuals / Organizations may apply for a permit to install a mural on private property in Downtown Matthews
  - Size, location, description and visual illustration, and color palette of the mural must be included on the application
  - Permit application is submitted to the Planning Department, then forwarded to the designated committee for review and approval
- Property owner is responsible for maintenance of the mural

Language from Town of Matthews Unified Development Ordinance (UDO)

155.608.14 Signs in Downtown Overlay District

I. MURALS. Murals may or may not be classified as signs based on whether they incorporate any advertising message for contemporary establishments and/or contemporary merchandise/services. Even though not technically signs, they are highly visible in the public realm. The Town Board of Commissioners has determined it is advantageous to the community to establish the following design requirements for non-sign mural placement within the downtown area.

1. PURPOSE. To increase community identity and foster a unique sense of place in downtown Matthews, murals are encouraged on buildings located within the Downtown Overlay District. For the purpose of these requirements, murals are purely artistic forms of expression that do not incorporate any advertisement for products, services or businesses. These forms of expression are generally regulated on a content-neutral basis and no mural will be permitted that contains language or design elements deemed offensive to the community.

2. REQUIREMENTS. No person shall paint a wall mural on the exterior of any structure or change any existing mural on the exterior of any structure prior to the issuance of a wall mural permit. The following design criteria shall apply to any mural artwork commissioned in the Downtown Overlay.

   a. The proposed wall mural shall be integrated with the building and neighboring structures and be harmonious with the surrounding environment.

   b. The proposed wall mural shall enhance the overall development and appearance of both the site and Downtown Matthews. The paint and/or materials to be used and applied on the structure shall be designed for use in an outdoor locale for an artistic rendition and shall be of a permanent or long lasting variety.
3. **MAINTENANCE.** Maintenance of the wall mural is the responsibility of the property owner. It shall be the property owner's responsibility to remove the wall mural if it is not maintained as required. Graffiti shall be removed in accordance with the Graffiti Abatement Ordinance requirements for graffiti removal in Chapter 94A. While natural aging is acceptable, murals that are not maintained sufficiently may be considered a public nuisance.

4. **ANTI-GRAFFITI COATING REQUIRED.** An anti-graffiti coating shall be applied to all murals at the time of installation and reapplied at intervals determined by the manufacturer.

5. **PERMIT REQUIRED.** A mural permit application shall be completed by the applicant and submitted to the Town Planning office to be referred to the designated committee for review and approval. The application shall include at a minimum the intended location of the mural, size, subject matter, medium and a summary of the general color palette to be used. A visual representation shall also be included in the application. The responsible Town representative shall issue a permit upon finding that all standards have been met. (Am. Ord. 2279, passed 2-12-18)
MURAL PERMIT APPLICATION

PROPERTY OWNER’S NAME:

_____________________________________________________

PROJECT PROPERTY ADDRESS:

_____________________________________________________

PROJECT PARCEL ID:

_____________________________________________________

APPLICANT’S NAME AND MAILING ADDRESS:

_____________________________________________________

_____________________________________________________

APPLICANT’S PHONE #:

_____________________________________________________

APPLICANT’S EMAIL ADDRESS:

_____________________________________________________

Please attach the following with this application:

1. Color photograph clearly showing the area of the building on which the mural will be located.

2. The approximate size of the mural.

3. A description of the subject matter, medium and general color palette proposed.

4. A visual representation of the proposed mural.

Applicant’s signature: _______________________________ Date: ____________

Signature of building owner, if different: _______________________ Date: ____________
1. Mural Design Requirements

(a) Purpose. To increase community identity and foster a unique sense of place in Downtown Matthews, murals are encouraged on buildings located within the Downtown Overlay District. For the purpose of these requirements, murals are purely artistic forms of expression that do not incorporate any advertisement for products, services or businesses. These forms of expression are generally regulated on a content-neutral basis and no mural will be permitted that contains language or design elements deemed offensive to the community.

(b) Requirements. No person shall paint a wall mural on the exterior of any structure or change any existing mural on the exterior of any structure prior to the issuance of a wall mural permit by the Planning and Development Department. The following design criteria shall apply to any mural artwork commissioned in the Downtown Overlay:

(1) The proposed wall mural shall be integrated with the building and neighboring structures and be harmonious with the surrounding environment

(2) The proposed wall mural shall enhance the overall development and appearance of both the site and Downtown Matthews. The paint and/or materials to be used and applied on the structure shall be designed for use in an outdoor locale for an artistic rendition and shall be of a permanent or long lasting variety.

(c) Ownership/Maintenance. Maintenance of the wall mural is the responsibility of the property owner. It shall be the property owner's responsibility to remove the wall mural if it is not maintained as required. Graffiti shall be removed in accordance with the Graffiti Abatement Ordinance requirements for graffiti removal in Chapter 94A. Murals that are not maintained in a fashion similar to their original appearance may be considered a public nuisance.

(1) Anti-Graffiti coating required. An anti-graffiti coating shall be applied to all murals at the time of installation and reapplied at intervals determined by the manufacturer.

(d) Permit Required. A mural permit application shall be completed by the applicant and submitted to Town Staff for review and approval. The application should include at a minimum the intended location of the mural, size, subject matter, medium and a summary of the general color palette to be used. A visual representation should also be included in the application. Town Staff shall issue a permit upon finding that all standards have been met.

I have read the above requirements for the placement of murals in Downtown Matthews and will install the proposed mural in conformance with these standards

Signature: ___________________________ Date: ____________