The City of Brevard North Carolina



Public Art Policy and Application Process

Version: February 2021
Adopted by City Council

Disclaimer

The City reserves the right to deny applications based upon City of Brevard's policies and the qualifications stated herein. The materials available are for informational purposes only and not for providing legal advice. You should contact your attorney to obtain advice with respect to any issue or problem.

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SECTION I. PURPOSE OF PUBLIC ART POLICY AND APPLICATION PROCESS

In order to beautify public areas, enhance the quality of life for Brevard citizens, attract tourism, promote arts and culture, and encourage businesses to locate within the city, thus expanding Brevard's economic base, it is the policy of the City of Brevard to promote public art, where appropriate, through the implementation of a clarified process and design guidelines.

SECTION II. WHAT IS PUBLIC ART?

Simply put, public art is art in public spaces. The term "public art" may conjure images of historic bronze statues of a soldier on horseback in a park. Today, public art can take a wide range of forms, sizes, and scales—and can be temporary or permanent. It often interprets the history of the place, its people, and may address a social or environmental issue. What distinguishes public art is the unique association of how it is made, where it is, and what it means. Public art can express community values, enhance our environment, transform a landscape, heighten our awareness, or question our assumptions. Placed in publicly-visible sites, this art is there for everyone, a form of collective community expression. Publicly-visible sites include both publicly- or privately-owned, non-residential spaces that are visible from public streets and pedestrian walkways.

Public art may include murals, sculpture, memorials, integrated architectural or landscape architectural work, community art, public fixtures, furniture, or other functional elements that are designed and/or built by an artist. Public art may be attached to a building or be a free-standing installation. In addition, it cannot be interpreted to be signage by the Planning Director or their designee. Public art that contains any business names, brand names, product names, letters of the alphabet, logos, symbols, trademarks, trade names, or other messages are considered signs and must meet the requirements of the City of Brevard's Unified Development Ordinance (UDO).

The Brevard UDO regulates signs in such a way to ensure public safety and to support and complement land use objectives decided on by City Council. Applicants looking to execute a mural are exempt from acquiring a sign permit if the combination of any logos, symbols, and text within the mural do not exceed eight percent of the surface area. While murals do not require a permit, there is a review process where the Planning Department Staff will review mural designs to ensure compliance with sign regulations prior to the Downtown Master Plan Committee's review and recommendation. See the City of Brevard's UDO Sec. 12.7.G.

SECTION III. GOALS OF PUBLIC ART

Public art is an investment in cultural capital that goes far beyond tourism, improved aesthetics, better business traffic, increase in building occupancy, or eradication of blight. Public artworks contribute to a town's unique identity, its cultural cohesiveness, and sense of place.

The City of Brevard has appointed the Downtown Master Plan Committee (DMPC) with the responsibility of reviewing and recommending approval of public art requests on privately- and publicly-owned, non-residential property in the Heart of Brevard Downtown District using the criteria and processes set forth below. *

Applications for public art on privately- and publicly-owned, non-residential properties in the Heart of Brevard Downtown District must be reviewed through the City of Brevard Public Art Policy and Application Process and approved by City Council.

When adding public art to the landscape, Brevard's DMPC will consider the following goals as guides to the review process and recommendation of public artwork to City Council:

- Public art should create an image of Brevard, North Carolina as a vibrant hub for the arts.
- In keeping with Brevard's history of creativity and exploration, public art should be considered a vehicle to educate citizens about local culture and history, and a means to expand the boundaries of artistic endeavor.
- Public art projects should reflect and express the core community values including geography, age, cultural and other diversities, community heritage, and history.
- Public art should be integrated into all aspects of the community.
- Public art should include thoughtful and inclusive community participation.
- Public art should showcase local, regional, national, and international artists.
- Public art should strive for the integration of Brevard's many design professionals and artists into the planning, design, and development of the community to ensure the highest standard of design.
- Public art should be considered a vehicle in the creation of distinct places, spaces, and objects, and in furthering Brevard's unique sense of place.
- Public art should be considered as a cultural and economic asset.
- Public art should be for all people. Without people to engage with it, experience it, and interact with it, art would not be public.

*Requests for public art installations outside of the Downtown Development Overlay District shall be sent to the Brevard Planning Department, reviewed for completeness, and brought before the City Council for approval.

SECTION IV. GUIDELINES

City of Brevard Planning Staff will assess applications based on adherence to the City of Brevard UDO, at which point the application will go before the Downtown Master Plan Committee to be reviewed based on the guidelines listed below.

Eligibility

- The applicant must be the owner/tenant of a building/property located within the boundaries of the Public Art and Mural program, which is identified as the Downtown Development Overlay District.

- If the applicant is the tenant, the artist, or the sponsoring nonprofit or organization, they must have the owner's written permission with the application.

Criteria

- Improvements shall conform to the City of Brevard's Unified Development Ordinance (UDO), and other applicable plans and policies of the City of Brevard.

- *Theme and Design.* Public art projects must reflect:
  - The character, culture, and/or history of Downtown and the City of Brevard.
  - Appropriate themes and other relationships to the surrounding environment.
  - Readability and appropriateness of scale.
  - Harsh and sharp edges should be avoided.

- *Site Guidelines.* Selection of a specific site for public art shall consider the following factors:
  - Visibility and accessibility of the site by the general public, including universal design and accessibility for people with disabilities.
  - Ability of the artwork location and size to engage and encourage pedestrian interaction.
  - Public safety.
  - Interior and exterior vehicular and pedestrian patterns and sight lines.
  - Relationship of the proposed site to existing or future architectural, landscaping, and natural features.
  - Context should not have a negative impact to the backdrop of significant historical institutions (refer to the Historic Buildings section below).
  - Future development plans for the area.
  - Environmental impact such as noise or light associated with the artwork or obstruction of views of adjacent property owners.
  - Impact on City operational functions such as maintenance or snow removal.

Mural-Specific Guidelines

The context of the building and the surrounding area is a critical component to the evaluation of an appropriate location for a mural. Each building is unique, and it is recommended the applicant reach out to the Brevard DMPC to discuss potential locations prior to planning the mural project. Mural projects may not detract from the architectural integrity and historic character of the primary facades of the building.

Below are general guidelines, as recommended by the Brevard Downtown Master Plan Committee, to help direct location selection for murals:

- Blank firewalls are the preferred location for murals and should be utilized whenever possible.
- Alley and non-street facing walls may be afforded more leeway in regard to location guidelines than street-facing walls, depending on street visibility.
- Murals should not compete with or overwhelm existing architectural features such as windows with trim, moldings, entryways, or similar detailing. Do not engulf key architectural features within murals.

Historic Buildings

Any public art projects proposed for properties designated as Local Historic Landmarks shall receive approval and Certificate of Appropriateness from Transylvania County Joint Historic Preservation Commission (JHPC). The Secretary of the Interior's Standards for Rehabilitation as interpreted by the Preservation Briefs are the recommended guidelines for public art projects impacting historic buildings and historic districts:

- https://www.nps.gov/tps/how-to-preserve/briefs.htm
- https://www.nps.gov/tps/standards/rehabilitation.htm

In addition to the above guidelines, historic buildings may have more restrictions regarding location and how the mural is attached to the structure. The historic context of the structure shall be maintained. Drilling into or otherwise altering the historic façades must be avoided. Painting murals or installing public art directly to the building's exterior is the preferred method of media and installation. However, considerations to materials and condition of historic building facades (such as brick or stucco) will further influence whether a mural and/or public art is appropriate for the proposed location. Consider locating murals and public art on non-historic buildings, non-contributing buildings in the National Register Historic District, or on less prominent locations of the building to minimize impact to historic integrity of building materials and character.

SECTION V. CONDITIONS

- The property owner must agree to complete the work within one calendar year from the date of approval and that all work is completed according to state and local building codes and ordinances, and approved, when necessary, by the proper authorities.
- The building owner must sign a contractual agreement with the City of Brevard agreeing to accept the responsibilities of maintenance during the lifetime of the artwork and authorizing the City to perform such maintenance if these responsibilities are not fulfilled by the property owner. Maintenance shall include, but is not limited to, re-painting/touch-up painting to keep the art looking current and not faded, as determined by the DMPC and abating graffiti, or

other forms of vandalism, within 48 hours from the time the property owner has been notified. Owner maintenance may also include painting over the mural effectively ending its lifetime if no public funds were used in its creation and if there is no prior, conflicting agreement between the City and the property owner unless both parties are in agreement.

- In the case of publicly funded art or art on City property, a contract shall be used to clearly establish the project's parameters and outline responsibilities while establishing the expectations of both parties involved, including but not limited to the lifetime of the public art and its maintenance.

- Once a project is complete, an anti-graffiti coating should be applied to protect its surface if determined by the DMPC to be feasible.

- Existing public art projects prior to February 15, 2021 are grandfathered for a period of three years from the adoption of this policy. After three years grandfathered projects, which the owner desires to retain, will be evaluated for compliance with this policy and subject to the rules and requirements stated within.

- The building owner agrees to allow images and video of the completed installation to be placed on the City of Brevard's web pages, social media, publications/videos, and local media.

SECTION VI. APPLICATION PROCESS

1. Applicant shall complete the application, including plans/sketches, cost estimate and project timeline, along with any public funding source if applicable. The property owner must also submit a signed maintenance agreement provided by the City. Applications shall be submitted to the City of Brevard Planning Department at 95 W. Main Street or ***planning@cityofbrevard.com***. Planning Department will submit and present the application to the Downtown Master Plan Committee for review and approval recommendation.

2. A public notice may be issued to obtain community feedback as determined by the DMPC. This may be important for determining buy-in and support for the applicant's public art project. The public notice may take the form of, but is not limited to, a posted notice at the artwork location, a public meeting (notice for which should be provided at least 7 days beforehand), and/or mailed notification letters to property owners adjacent to the proposed public artwork.

3. A recommendation from Downtown Master Plan Committee will be presented to Brevard City Council for approval.

4. A notification letter will be sent to applicants concerning the approval or denial of the application within 90 days of receipt of a completed application.

5. Planning Staff and DMPC representatives will perform a preliminary inspection of the location to verify installation is in accordance with the approval and program guidelines. An approval

letter referencing a City Council Resolution must be received BEFORE the public art is installed, at which time Planning Staff and DMPC representatives will inspect completed work to verify installation is in accordance with the approval and program guidelines.

SECTION VII. MEDIA AND OTHER COMPONENTS

Colors of the public artwork are not restricted but should complement the surrounding area. Throughout the duration of the installation, the artwork shall be well maintained through: repainting, graffiti removal, application of sealants, component replacement, and other means not specifically noted.

If the proposed public art project is anything other than paint applied directly to the wall surface, the Downtown Master Plan Committee shall be provided details on all materials, hardware, and installation processes for approval. If using brackets or other structural or electrical components, contact the Brevard Planning Department with questions pertaining to building permits.

Supplemental components, such as lighting, shall meet all standards as found in the City of Brevard UDO. Installations that contain changing images, electrical components, or mechanical components do not qualify for the Public Art Policy program.

SECTION VIII. MAINTENANCE

The applicant is responsible for ensuring that a public art project is maintained in good condition and is repaired in the case of vandalism or accidental destruction. The party providing maintenance to the public artwork is encouraged to establish measures that will discourage vandalism or facilitate an easier, less costly repair of the artwork in the future.

In particular, there are many maintenance best practices to prolong a mural's lifespan, reduce deterioration, and increase the likelihood of a successful installation. Such best practices may include, but are not limited to: proper engineering of armatures or panels that may be installed; preliminary wall prep or pre-cleaning, priming, curing; the use of proper paints, enamels or materials that best match the surface; top coats, sacrificial layers, graffiti coats that do not compromise the painting by yellowing or trapping moisture; consideration of drip edges, gutters or sprinkler overspray as water may degrade the mural over time; environmental considerations such as exposure to direct sun, bird nesting cavities, the potential industrial trash cans to damage the surface; and considering the height and line of sight in relation to how repairable the design is.

In the case of excessive deterioration due to the elements and/or the natural aging process, the artwork should be considered for removal.

SECTION IX. ARTIST SELECTION AND ARTWORK AQUISITION

Public art projects that are **publicly-funded** or **publicly-owned** are required to follow an open selection process. In order to promote professional, high quality public art and murals while ensuring a greater level of communication for ease of process, a competitive selection process may be utilized but is not required for **privately-funded** projects.

The DMPC may elect to use, but are not limited to, any of the following potential methods or a combination of methods depending on funding sources:

- **Open Competition:** An open competition is a "Call to Artists" for a specific project in which artists are asked to submit evidence of their past work. Any artist may submit credentials and/or proposal subject to any limitations established by the Downtown Master Plan Committee. Calls for entries for open competitions will be sufficiently detailed to permit the artist(s) to determine whether their work is appropriate to the project under consideration.

- **Limited Competition:** A limited number of artists shall be invited by the DMPC to submit credentials and/or proposals for a specific project. Artists shall be invited based on their past work and exhibited abilities to meet situations posed by particular project requirements or based on other project goals.

- **Invitational Competition:** In an invitational competition, a very small number of artists (usually between three and five) are invited to submit credentials and/or proposals for a specific project. Invited artists shall be selected directly by staff or identified by the DMPC in an initial slide review process. Artists shall be included based on their ability to meet situations presented by the given project.

- **Direct Selection:** At times, the DMPC may elect to make a direct selection in which they contract a specific artist for a particular project. An ongoing list of eligible artists shall be gathered by the committee for use in direct selection projects.

- **Direct Purchase:** The DMPC may elect to select an existing piece of artwork to install and recommend purchase to City Council.

- **Donations:** The DMPC may recommend acceptance of the artwork along with a proposed site to City Council.

ACQUISITION

If existing artwork is purchased by the City or donated to the City, the artist shall be responsible for transportation of the work to the site and installation of the work. Artist will provide the City with specifications for routine maintenance of artwork.

If artwork is to be commissioned, a contract between the City and the selected artist shall be executed outlining the purchase process, responsibilities of the artist, responsibilities of the City, timeline and deadline for installation of the work. The artist shall be responsible for all expenses associated with design, labor, materials, contracted services, operations and travel required to complete the work, as well as transportation of the work to the site. Installation of the work shall be done by the City Public Works Department under the advisement of the artist. The artist shall provide specifications for routine maintenance of artwork.