

Exhibit A

PUBLIC ART GUIDELINES

INTRODUCTION

Thank you for your interest in Public Art in the City of Denison as an investment in cultural capital that goes far beyond tourism, improved aesthetics, increased business traffic and building occupancy, and eradication of blight. Public Art is an investment in a city's unique identity and its cultural cohesiveness.

To effectively implement a successful art program, which will ensure consistency and aesthetic value in the community; it is important that applicants adhere to the following guidelines, as amended, which will ensure the best possible results. The application process and guidelines that follow are intended to provide applicants with a reasonable process that will safeguard the interests of the community, as well as those of the individual property owner. These processes, guidelines, and the resulting public artwork are not intended to create a public forum, traditional, limited, or otherwise.

Allowance of Public Art is intended to extend into commercial areas of the City of Denison in order to enhance the cultural experience of the public.

Applications for Public Art designs within the Historic Overlay District in the City of Denison must be approved by the Denison Main Street Design Committee and Historic Preservation Board through the appropriate Approval Process described below. To begin the approval process, experienced artists can submit the completed Certificate of Appropriateness Application to the Denison Main Street Director at ddow@cityofdenison.com.

PUBLIC ART PROGRAM GUIDELINES

1) Theme / Design Criteria:

In order to be considered appropriate by the Design Committee, the content must be family friendly and have general overall appeal. Any reference to nudity, profanity, racial profiling, sexual innuendoes, implied or otherwise is strictly prohibited.

- a) Sculptures and Murals on privately-owned buildings must reflect the character, culture and history of the area/neighborhood.
- b) The public artwork shall have appropriate thematic content and other relationships to the surrounding environment.
- c) Art must have appropriateness of scale.
- d) No design or subject matter that could be construed as advertising, copy, symbols or references directly promoting any product, business, brand, organization, service, cause, or political message is allowed.

2) Planning / Considerations:

Once artwork is installed in an outdoor location, it becomes public art. There are factors that need to be taken into consideration before a design is started.

- a) The artist and the building/property owner should agree upon the content of the design with an estimate of the cost.

- b) A written contract should be signed between all parties involved (i.e. artist, building owner, tenant, etc.) prior to work beginning.
- c) The contract should designate the lifetime of the design (minimum of five years) that the artwork will be left undisturbed.

3) Mural Specific Process:

When painting a mural, it is important to choose an appropriate wall and location. Protecting the integrity of buildings in Denison is of utmost importance. Previously unpainted surfaces are not eligible to be painted.

- a) Consider the location of the wall for the mural to be displayed. For historic buildings and districts, careful consideration of the historic fabric and historic setting should be considered. Murals should not compromise the character defining features of a historic building or district, as this may compromise its eligibility for the National Register of Historic Places now and / or in the future.
- b) Investigate the different paints available and strive for the most durable.
- c) Determine who will maintain the mural if the work is damaged and / or needs attention. Ultimately, the property owner will be held to minimum property standards.
- d) Take into account the surrounding businesses and residents when planning the mural.
- e) Have a plan for painting the mural that insures the safety of painters and the public.
- f) Murals, which face direct sunlight during the daytime hours fade and peel much faster than those which do not get direct sunlight or are protected by overhanging architecture. Murals located in heavily trafficked areas will be subject to more smog, dirt and chemicals which may change the colors of the original paint.
- g) Before painting, it is highly recommended that the surface be cleaned thoroughly. The cleaner the surface is, the longer the mural will last. After the surface has been cleaned, a coating such as gesso should be applied to create a smooth and consistent surface to which the paint can bond. Surface preparation, materials, paint, and anti-graffiti coating should be compatible with each other as well as with the surface. Consult manufacturers of products for specific information. One type of paint that may be used is mineral paint because it bonds extremely well with the wall and should last many years. Paint should be applied thinly and evenly. Thick layers of paint take longer to dry and tend to peel quickly.
- h) It is recommended that a protective anti-graffiti coating be applied to murals to protect them from graffiti and vandalism. Several products that employ a sacrificial coat to the mural surface are on the market. Some coatings may crack, bubble, fog, yellow or otherwise alter the colors on the mural. Therefore, a layer of varnish may be applied to the finished mural first to isolate and protect the paint layer.
- i) Consistent maintenance is extremely important to the durability of outdoor murals. It is recommended that a regular maintenance plan be devised for each mural.
- j) The muralists and building owners are encouraged to consider protective clear top coatings, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and less expensive repair of the mural if needed. If a mural needs to be repaired, the building owner should contact the artist to make the repairs. If the artist is unavailable or unwilling to make the repairs, the building owner can seek the help of Denison Arts Council to find a suitable artist to do the repairs.

Temporary Murals

Murals purposely not intended to be displayed for a five-year minimum may be allowed with written approval and agreement between building owner, artist, and Main Street Director.

4) Sculpture Specific Process:

Sculptures must reflect the character, culture and history of the area/neighborhood.

a) Access - The site shall be accessible to the general public, with particular attention paid to handicap access;

1) Work displayed in exterior public spaces should be accessible to the public 24 hours per day. If a work is sited in a park or similar setting, it should be accessible during the normal operating hours of that site or facility. Placement should occur in an amenity zone where applicable. An amenity zone is that portion of the public Right-of-Way, adjacent to the sidewalk but outside the pedestrian walking area, which includes streetscape elements, street furniture, landscaping, and/or street trees.

2) Site access should consider Americans with Disabilities Act (ADA) requirements, providing appropriate ingress and egress for the site and ensuring site does not impede movement;

3) Site access should consider vehicular and pedestrian traffic patterns;

4) Site access should consider the impact of public accessibility on the artwork, including potential for damage.

b) Impacts to be considered

1) Operational Functions - Artwork should not block windows or entranceways, nor obstruct normal pedestrian circulation in and out of a building (unless such alteration is specifically a part of the experience or design of the artwork).

2) Adjacent Property Owners - Impact on adjacent property owners' views should be considered as well.

c) Implementation

Design of the art: If the piece will be openly displayed without supervision, the pieces should be constructed with consideration given to the following points:

1) No sharp points, corners or edges that could cut or puncture

2) Absolutely no protrusions or projections that could entangle clothing, possibly causing strangulation

3) The absence of pinch, crush or shearing points that could entrap a body part or clothing

- 4) The artwork design shall not cause hazards that could trap a child's head (Completely bound openings greater than 3.5 inches and less than 9 inches fall into this hazard.)
- 5) Tripping hazards that may cause a fall, or cause injury if fallen upon must be avoided
- 6) Suspended hazards that could injure if capable of entangling or striking a member of the public cannot be a part of the artwork
- 7) The art should be securely anchored to avoid toppling

A review process should take place to evaluate the art piece. Approval committee members should ask the following questions:

- 1) Is it suitable content for public display in accordance with community standards?
- 2) Does it pose any physical hazards, such as those stated above?
- 3) Could it be easily damaged?
- 4) Should it be accessible for the public to touch, or should such access be prohibited?
- 5) Even if such access is prohibited is it likely that people, especially children, would attempt to play on or around the art piece, especially if it is an unmonitored location?

Review the intended display location of each art piece. Approval should consider the following points:

- 1) Avoid situating pieces near playgrounds, which may invite children to play on the art piece, unless the art piece was designed for that purpose.
- 2) Consider the proximity to roadways so that the art piece does not obstruct traffic line of sight or risk being struck by traffic.
- 3) Consider signage that warns of climbing or touching the art
 - a) Not a Play Structure
 - b) Do Not Climb
 - c) Do Not Lean on Case
 - d) Please Keep Off
- 4) Once the art is on display, an inspection checklist and schedule should be in place to ensure ongoing safety. If a piece is damaged, it should be repaired or removed immediately.
- 5) This safety policy should be provided to any artist as part of the public art bid process.
- 6) The artist should sign a Release/Waiver to hold harmless and indemnify the City in order to participate in the art display program, if the art is being loaned to the City.

- 7) If the artist of loaned artwork believes the piece holds a high value, the artist should obtain his/her own appraisal and insurance.

d) Maintenance

Maintenance must be performed according to a scheduled piece-specific plan to clean, repair, and preserve each piece in the public collection. This plan will include measures to assess the ongoing effectiveness of preservation.

e) Sculpture Relocation and Removal

On occasion, circumstances warrant relocation or removal of a work of art in the City's Historical District. The Main Street Design Committee and Historic Preservation Board shall follow a process for relocation or removal to ensure that the integrity of the artwork and the interests of the artists and the public are respected.

Consideration of removal or relocation of artwork must involve the same degree of careful review as the decision to install the artwork. At the beginning of the process, a reasonable effort will be made to notify any living artist whose work is being considered for removal or relocation.

Removal should be considered only after five years have elapsed from the date of installation for permanent works or acceptance of the artwork in the case of portable works (unless otherwise specified in the artist's contract). Removal or relocation may also be considered under special circumstances such as when artwork has been damaged or nearby construction could damage the artwork or inhibit construction.

Relocation of the artwork. If the work was designed for a specific site, relocation must be to a new site consistent with the artist's intention.

CRITERIA FOR RELOCATION/REMOVAL

Removal or relocation of artwork may be considered for one or more of the following reasons:

1. The condition or security of the artwork cannot be reasonably guaranteed.
2. The artwork has been damaged, or has deteriorated, and repair is impractical or unfeasible.
3. The artwork endangers public safety.
4. In the case of site specific artwork, no suitable site is available, or significant changes in the use, character, or design of the site have occurred which affect the integrity of the artwork.
5. The artwork requires excessive maintenance or has faults of design or workmanship and repair is impractical or unfeasible.
6. There has been sustained and overwhelming public objection to the artwork.
7. A written request from the artist has been made.
8. Necessary construction could damage the artwork or inhibit construction.

APPLICATION OF RELOCATION/REMOVAL CRITERIA

1. Upon receipt of a relocation/removal request, the Main Street Design Committee will review the request and forward to Historic Preservation Board for approval.
2. If possible, the artist will be advised of the circumstances prompting the review. The artist's contract, along with any other agreements or pertinent documents, will be reviewed.
3. If reasonable efforts to resolve the concern have gone as far as they can go and have failed to resolve the concern, relocation or removal should be pursued.
4. Upon final decision, the Main Street Director's Office will coordinate the relocation or removal activities including notifying the appropriate departments of the decision.

5) Approval Criteria

Public Art in the Downtown Denison Historic Overlay District will be approved based on the following criteria:

- a) Completed Certificate of Appropriateness application has been submitted to the Main Street Director for consideration by the Design Committee and the Historic Preservation Board.



- b) The applicant has provided signed permission from the building or property owner who must commit to keep the art unchanged for a minimum of 5 years and to help maintain the art piece to comply with minimum property standards.
- c) Artistic quality shall be conveyed in the application including: artist's concept, technical skills, and experience.
- d) Context will be considered determining if the design is appropriate to the architecture, geographic, socio-cultural and historic setting in scale and expression of the building.
- e) The feasibility of the project should be demonstrated showing a reasonable budget, timeline, and qualifications of participants.
- f) Originality and unique expression will be considered.
- g) Permanence of the project must be demonstrated. The artist should use high quality materials that will last a minimum of five years, and are resistant to weather and ultraviolet deterioration.

6) Public Art Approval Process

The following steps are to be followed to request approval for any Public Art:

- a) Applicant submits a Certificate of Appropriateness Application which includes:
 - 1) Concept drawing of proposed artwork with colors and dimensions
 - 2) Photographs of site and physical surroundings
 - 3) Written description of the proposed art, site, preparation, specific processes and materials to be used and protective coating if necessary
 - 4) Written description of individuals and groups involved and how they will participate
 - 5) Evidence of support such as letters from the building owner, adjacent neighbors, and

Businesses

- 6) Project timeline
 - 7) A plan that addresses safety of the artists and the public during painting, construction, and installation
 - 8) Contact person for the project
 - 9) A portfolio of samples (minimum of 6 for murals) of the artist's previous work. (Note: Emerging artists are encouraged to develop their portfolio of outdoor public art and large-scale projects so they may submit their proposal.)
- b) The Denison Main Street Director or designee will bring the proposal to the Denison Main Street Design Committee.
 - c) The Denison Main Street Design Committee will confirm that there are no outstanding issues and will forward approved Certificate of Appropriateness Application to Historic Preservation Board.
 - d) The Certificate of Appropriateness Application will be reviewed by the Historic Preservation Board at its next scheduled meeting.
 - 1) If the proposal is approved, the Main Street Director or designee will work with the Historic Preservation Officer to send the artist a Notice of Approval and a Notice to Proceed
 - 2) In the case that a design is not approved, the Main Street Director or designee will communicate to the applicant in writing the reasons for the decision. The applicant is encouraged to address the concerns and submit a revised proposal.
 - e) The building or property owner must commit to keep the artwork unchanged for a minimum of 5 years and to maintain the artwork during that time.
 - f) The artist begins painting/construction/installation of the artwork.
 - g) The applicant contacts the Main Street Director or designee when the work is completed in accordance with the approved project timeline or on a mutually agreed upon modification of the timeline.
 - h) The applicant will provide digital images of completed work for the Denison Arts Council's and Main Street Design Committee's public art collection records.
 - h) Alterations to or removal of the artwork must be approved by the Main Street Design Committee and Historic Preservation Board.
 - i) At the conclusion of the 5-year agreement, the applicant and the Main Street Design Committee will review the condition of the artwork and, based on the condition, either allow it remain or make plans to remove or modify the artwork.

PLEASE NOTE: Once the Main Street Design Committee and Historic Preservation Board have approved the proposed design, the artist may not make additional changes to the design without returning to the Design Committee for recommendation of Board approval of the changes prior to implementation of the artwork.

During the review process, Board/Committee members may make recommendations to meet the intent of the Public Art guidelines and better assist the applicant.

The City's minimum property standards will be used to ensure Public Art is maintained.

CHECKLIST OF REQUIRED MATERIALS

- Completed Certificate of Appropriateness Application Form.
- Portfolio of each artist involved in the project with six (6) digital images of the artist's original work that shows artistic ability. (E-mailed or provided on CD or flash drive).
- Signature of artist(s).
- Artist's rendering of the proposed artwork with dimensions.

- History of the sponsoring organization or commitment of the property owner to cover all costs (including a brief narrative, date established, community served and contact information).
- If working on the project involves blocking a public right of way such as a sidewalk or street, or the use of scaffolding or ladders, include a plan for insuring the access and safety of the public and the artists.
- Consistent maintenance is extremely important to the durability of outdoor artwork. It is recommended that a regular maintenance plan be devised for each art item.
- The building/property owner commits to keep the artwork unchanged for a minimum of 5 years and to maintain the artwork during that time.
- Signature of building or property owner.