



PUBLIC ART COMMITTEE

September, 2023

GENERAL MEETING MATERIALS

Agenda, Minutes,
Staff Report



Collier County Public Art Committee

AGENDA

Sep. 20, 2023

3:00 PM

Hybrid Virtual Zoom Meeting

Collier Museum at Government Center

3331 Tamiami Trail E, Naples, FL 34112

Chair Erin Wolfe Bell
Vice Chair Paul Gower

Lisa Cataldo-Absher
Ricki Baker
Nora Beyrent
Muffy Clark Gill
Bonny Hawley

Zoom Meeting Registration Information

When: Sep. 2023 03:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

https://us02web.zoom.us/meeting/register/tZwpcumgrj4tHtVmlXqfnC2e9DD44g_uXBS.

After registering, you will receive a confirmation email containing information about joining the meeting.

Two or more members of the Collier County Board of County Commissioners may be present and may participate at the meeting. The subject matter of this meeting may be an item for discussion and action at a future meeting of those boards, councils, or agencies.

All interested parties are invited to attend and to register to speak. All registered public speakers will be limited to three minutes unless changed by the chairman. Collier County Ordinance No. 2004-05 requires that all lobbyists shall, before engaging in any lobbying activities (including, but not limited to, addressing the Board of County Commissioners, an advisory board, or quasi-judicial board), register with the Clerk to the Board at the Board Minutes and Records Department.

Anyone who requires an auxiliary aid or service for effective communication, or other reasonable accommodations to participate in this proceeding, should contact the Collier County Facilities Management Division, located at 3335 Tamiami Trail E., Suite 101, Naples, Florida 34112, or (239) 252-8380, as soon as possible, but no later than 48 hours before the scheduled event. Such reasonable accommodations will be provided at no cost to the individual.

For more information, call John Melleky at (239) 252-6293.

1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Approval of Agenda
4. Approval of Minutes
5. Staff Report
 - a. John Melleky, Arts and Culture Manager
6. Public Comments – 3 minutes
7. New Business
 - a. Weaving Narratives – Nicole Whalen, Director of Education, Naples Art Institute
8. Old Business
 - a. Donation Form – review
 - b. Update on Donation of Public Art – Paradise Coast
 - c. Public Art Plan
 - d. Murals policy
9. Advisory Board Member Discussion
10. Next Meeting
 - a. Nov. 15, 2023, 3:00 pm Location: Collier County Museum at Government Center
11. Adjournment

MINUTES OF THE COLLIER COUNTY PUBLIC ART COMMITTEE

Naples, FL July 26, 2023

LET IT BE REMEMBERED the Collier County Public Art Committee in and for the County of Collier, having conducted business herein, met on this date at 3:00 PM in a REGULAR SESSION in the Collier Museum at Government Center, Naples Florida with the following members present:

Erin Wolfe Bell

Lisa Cataldo-Absher - virtual

Ricki Baker - absent

Nora Beyrent

Muffy Clark Gill

Paul Gower

Bonny Hawley

ALSO PRESENT: John Melleky, Arts and Culture Manager

1. Call to order and Roll Call

Ms. Bell called the meeting to order.

A quorum of five was established by those members present in the room.

Ms. Gill made a motion to allow Ms. Cataldo-Absher to attend the meeting remotely due to extraordinary circumstances. Mr. Gower seconded the motion. The motion was carried unanimously with those present in person, 5-0.

A quorum of six was established by those members present in the room and Ms. Cataldo-Absher.

2. Pledge of Allegiance

The Pledge of Allegiance was recited.

3. Approval of Agenda

Ms. Gill made a motion to approve the agenda. Ms. Hawley seconded the motion. The motion was carried unanimously, 6-0.

4. Approval of Minutes

There was a change to the minutes from May 17, 2023. Under 1. Call to Order and Roll Call, there was information on approval for Ms. Baker to attend the meeting remotely and it was repeated in section 5. The minutes were amended to eliminate this in section 1 and keep it in section 5.

Mr. Gower made a motion to approve the minutes as amended from the May 17, meeting. Ms. Hawley seconded the motion. The motion was carried unanimously, 6-0.

5. Staff Report

Mr. Melleky thanked everyone for their flexibility in moving the meeting from July 19 to July 26 due to the scheduling of the Convention and Visitor Bureau (CVB) Strategic Marketing Summit on July 19. The Marketing Summit included the partner organizations of the CVB including arts and cultural partners. There were various breakout sessions during the day for the organizations to review their thoughts that get incorporated into the final marketing plan for the year.

Mr. Melleky also discussed that ¡ARTE VIVA! organizations met and are finalizing their plans for the 2023-2024 season of activities. The Tourist Development Tax Grant contracts were collected, and the Executive Summary has been submitted to the Board of County Commissioners for approval. He also mentioned to review the time capsules around the room – these are the time capsules that have been created in 1976, 1998, and 2013 for various projects and were opened as part of the Collier County Centennial Celebration.

6. Public Comments

There were no public comments.

7. New Business

a. Public Art Inventory – New Piece Paradise Coast Sports Complex

Mr. Melleky presented a new painting that was donated to the Paradise Coast Sports Complex. After the City of Naples cancelled its Fourth of July event, the Paradise Coast Sports Complex decided to host a Fourth of July Fireworks event. The County Manager of the Complex contacted United Arts Collier to assist with programming for the day to provide some type of artistic display.

United Arts Collier selected Juan Diaz to create a painting on-site during the event. Juan Diaz created the painting, *Fourth of July 2023*. The painting was donated to the Paradise Coast Sports Complex and will hang in their main building.

More information will be obtained to determine the actual organization that commissioned the artist, who made the actual donation, and if there is a form already established for such a donation.

Ms. Gill made a motion to accept the painting by Juan Diaz, "Fourth of July, 2023," subject to clarification of what entity is the donor and the completion of a signed agreement. Ms. Hawley seconded the motion. The motion was carried unanimously, 6-0.

8. Old Business

a. Mural policy

The mural policy was reviewed. It was recommended to take out the information under Signs about signs not specifically permitted. Under Mural, the information should be updated to include the phrase "includes no profanity or images that could incite violence or civil discourse."

Throughout the document, the phrase "aesthetically pleasing" should be replaced with "meeting the scope of the project" or "enhancing the exterior of the building."

The committee also discussed the use of the mural form and this policy. It was the consensus of the group that if a project is up for less than one year, it would fall under the temporary art project section of the plan (which has not been drafted). With this clarification, a mural would then be up for a minimum of one year and the length based on the estimated length of the installation on the application.

It was also recommended to clarify what happens if the mural changes. The committee agreed that a new sketch would need to be approved by the committee and would be an addendum to the application that was already approved. The committee felt that a 60-day approval process would be needed based on current meeting times. Maintenance was also discussed and should be added to the Owner Application that the building owner commits to maintaining the mural, especially if it is damaged or vandalized.

The section of what the Public Art Committee will do was also addressed. The committee would like the application to detail that there are two options: the building owner can choose an artist, or the committee can perform a call to artists and have a screening with a defined rubric with the building owner a part of that process. If a call to artists is going to be performed, then part of the application needs to include that on the application.

The committee will review a draft and requested a copy of the past drafted policies.

b. Florida Association of Public Art Professionals Association (FAPAP) Meeting

Mr. Melleky provided the committee with information from one of the sessions at the FAPAP meeting that discussed temporary art installations. Orange County has 5 concrete slabs outside of their building that are used for a one-year installation of sculptures. These are changed out each year and the organization has a call to artists each year for the installation.

Mr. Melleky reviewed some new public art installations throughout the state.

9. Advisory Board Member Discussion

There were no discussions.

10. Next Meeting- Wednesday, September 20, at 3:00 pm at the Collier County Museum at Government Center

There being no further business for the good of the County, the meeting was adjourned by Ms. Bell at 4:30 P.M.

COLLIER COUNTY PUBLIC ART COMMITTEE



Chair, Erin Bell

These minutes were approved by the Committee on _____, as presented, _____, or as amended _____.

Arts and Culture

John Melleky – Arts and Culture Manager 07/01/2023-07/31/2023

TDT GRANTS AND OTHER GRANT PROGRAMS

Sent out grants contracts to organizations and performed follow-up as needed.
Finalized BCC Executive Summary and Contracts. Sent to the attorney's office for review.
Completed submission of BCC Executive Summary packet.

TDT GRANT PROGRAM MEETINGS AND FINANCIAL REPORT REVIEWS

DATES	ORGANIZATION
07/13/2023	Everglades Seafood Festival, Naples Opera
07/14/2023	Naples Art District, Golisano Children's Museum of Naples, Naples Art Institute
07/19/2023	Marco Island Center for the Arts
07/31/2023	Marco Island Center for the Arts, Everglades Seafood Festival

TDT GRANT PROGRAM TIMELINE FY 2023-2024 CYCLE

DATE	ORGANIZATION
01/23/23	Grant application portal opened at 9:00 AM.
03/03/23	Organizations can submit a draft application for review prior to the grant application deadline. Draft submission due by 5:00 PM. 4 organizations submitted.
03/06/23	Draft application reviews finalized – completed earlier than originally planned.
03/24/23	Grant Application Deadline – 5:00 PM. 13 applications received.
04/03/23 – 04/06/23	Grant applications were reviewed, and economic impact was measured for each grant application through the module.
04/07/23 - 04/21/23	Panel reviewed grants.
04/24/23 – 04/26/23	Panel reports created for the panel meeting.
04/26/23	Panel met and determined final awards.
06/19/23	Grants were approved by Tourism Development Council.
07/18/23	Grant contracts completed by organizations.
08/08/23	Grant contracts to be approved by the Board of County Commissioners. ITEM WAS TABLED ON 8/8 NO DECISION ON NEXT STEPS

GENERAL CVB PROJECTS

Database project

- Updated arts and culture partners.

Strategic Marketing Summit

- Participated in planning calls with hotel and attended hotel walk-through.
- Assisted as needed with the preparation of the summit.
- Attended the summit on July 19.

PUBLIC ART COMMITTEE

Prepared agenda, board materials, minutes, and public notice for the July 26 Public Art Committee meeting.

Held meeting.

Prepared May meeting materials for upload into the minute tracking system.

GENERAL ARTS AND CULTURE PROJECTS

Collier County is Culture Ad Series

- Sent materials for second batch of ads to agency.

¡ARTE VIVA! - HISPANIC ART FESTIVAL

Completed ordering of merchandise materials.

Prepared agenda and slides for ¡ARTE VIVA meeting.

Sent reminders about the meeting date to boost registration.

Met with Nicole Whalen to review her presentation for the virtual meeting.

Held ¡ARTE VIVA! meeting on July 25. 18 participants attended.

OUTREACH TO ARTS AND CULTURE ORGANIZATIONS

Outreach to organizations includes meetings, introductions, and attendance at various arts and cultural activities throughout the month.

DATE	ORGANIZATION
07/06/2023	Meeting with MauRich Productions about Marco Island Fine Arts Show
07/06/2023	Meeting with Lee County CVB on Capital Projects and the grant system
07/07/2023	Attended County Time Capsule Media Event and Time Traveler Picnic
07/08/2023	Naples Art Institute- Naples Invitational Exhibition Opening
07/11/2023	International Festival and Events Zoom Affinity Group – CVBs and Cities
07/11/2023	Marco Island Center for the Arts – Exhibition opening
07/18/2023	Collier County Crowd Management Certification Training

DATE	ORGANIZATION
07/18/2023	Paradise Coast Sports Complex – Attended exchange of art from Juan Diaz
07/19/2023	Marco Island Center for the Arts – Time Capsule ceremony
07/24/2023	Michelle Tricca – Face of Immokalee
07/27/2023	United Arts Collier – update meeting

UPCOMING STRATEGIC INITIATIVES

Database project – assist staff with updates, add film commission records to my list, complete individual artist survey.

Tracking of arts organization information from current grant projects running.

Implement financial reporting in the grant system.

Complete press rollout for ¡ARTE VIVA! in September.

Arts and Culture

John Melleky – Arts and Culture Manager 08/01/2023-08/31/2023

TDT GRANTS AND OTHER GRANT PROGRAMS

BCC Executive Summary and background Information (contracts) included in the Aug. 8 BCC packet. Item was tabled by the BCC.

- Prepared various versions of presentations for the BCC to answer questions. Completed the final version and turned in for review on Aug. 14.
- Item is scheduled for the Sep. 12 BCC meeting.

Sent reminders to FY2022-2023 grant organizations about final deadlines for reimbursement submissions and final reports to properly close out the fiscal year.

TDT GRANT PROGRAM MEETINGS AND FINANCIAL REPORT REVIEWS

DATES	ORGANIZATION
08/01/2023	Marco Island Center for the Arts
08/02/2023	Marco Island Center for the Arts, Everglades Seafood Festival
08/03/2023	Everglades Seafood Festival, Gulfshore Opera, Naples Art District
08/07/2023	Naples Art District, Everglades Seafood Festival, Golisano Children’s Museum of Naples, Naples Art Institute
08/14/2023	Golisano Children’s Museum of Naples
08/28/2023	Everglades Seafood Festival, Naples Art Institute, Marco Island Center for the Arts
08/31/2023	Marco Island Center for the Arts

TDT GRANT PROGRAM TIMELINE FY 2023-2024 CYCLE

DATE	ORGANIZATION
01/23/23	Grant application portal opened at 9:00 AM.
03/03/23	Organizations can submit a draft application for review prior to the grant application deadline. Draft submission due by 5:00 PM. 4 organizations submitted.
03/06/23	Draft application reviews finalized – completed earlier than originally planned.
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04/07/23 - 04/21/23	Panel reviewed grants.
04/24/23 – 04/26/23	Panel reports created for the panel meeting.
04/26/23	Panel met and determined final awards.

DATE	ORGANIZATION
06/19/23	Grants were approved by Tourism Development Council.
07/18/23	Grant contracts completed by organizations.
08/08/23	Grant contracts to be approved by the Board of County Commissioners. ITEM WAS TABLED ON 8/8
09/12/2023	Item to be presented with new presentation on the grant program at the BCC meeting.

GENERAL CVB PROJECTS

Database project

- o Updated arts and culture partners.

Tourism Star Awards

- o Reviewed materials and attended planning meetings for the 2023 Tourism Star Awards.

PUBLIC ART COMMITTEE

Prepared board minutes from the July 26 meeting.

Confirmed speaker for Sep. meeting.

GENERAL ARTS AND CULTURE PROJECTS

Collier County is Culture Ad Series (sample shown- Gulfshore Playhouse)

- o Completed design and distribution of ads for the organizations.
- o Ads will be displayed in print or onsite at the following organizations: Artis—Naples, Collier Museums, Golisano Children’s Museum of Naples, Grand Piano Series, Gulfshore Opera, Gulfshore Playhouse, Marco Island Center for the Arts/Marco Island Center Theatre, Marco Island Historical Society, Naples Art Institute, Naples Art District, Naples Botanical Garden, Naples Historical Society, Naples Zoo, Opera Naples, SW FL Arts Council/CoCo Gallery, The Holocaust Museum, The Naples Players, The Studio Players, United Arts Collier.



Naples International Film Festival (NIFF)

- o Reviewed updated article for our website on NIFF

New Theatres in 2024

- o Obtained statistics on new theatres and sent to LHG to pitch these for possible public

relations.

Met with intern to explain various arts and culture projects.

¡ARTE VIVA! - HISPANIC ART FESTIVAL

Obtained merchandise materials – inventoried and counted orders.

Finalized minutes from the July meeting and sent out information to the organizations.

Finalized images for the Commissioners Chambers installation in Sep. Completed text for the tombstones. Sent images to agency and reviewed final images for approval.

Accepted two awards for ¡ARTE VIVA! at Florida Festivals and Events Conference – 1st place PR/Media Campaign and 3rd Place – Website.

Started initial planning for press conference including finding and securing a location and setting up a walkthrough of the location. The team decided to cancel the press conference portion and send out a press release.

OUTREACH TO ARTS AND CULTURE ORGANIZATIONS

Outreach to organizations includes meetings, introductions, and attending various arts and cultural activities throughout the month.

DATE	ORGANIZATION
08/01/2023	International Festivals and Events Association Zoom meeting – Arts Organizations
08/03/2023	Opera Naples – meeting about next season
08/07/2023	United Arts Collier – event and spoke about ¡ARTE VIVA!
08/16/2023	CoCo Gallery – opening of exhibition and new space
08/17/2023	Global Works – introductory meeting in office
08/22/2023 – 08/24/2023	Attended Florida Festivals and Events Conference
08/29/2023	Naples Concert Band – introductory meeting
08/31/2023	United Arts Collier – monthly meeting

UPCOMING STRATEGIC INITIATIVES

Database project – assist staff with updates, add film commission records to my list, complete individual artist survey.

Tracking of arts organization information from current grant projects running – been on hold until grants are approved.

Implement financial reporting in the grant system – been on hold until grants are approved.

Complete press release for ¡ARTE VIVA! in September.

NEW BUSINESS



IMAGE: RACHEL HAYES, PIECEWORK COLLECTIVE

WEAVING NARRATIVES FOR A COLLECTIVE COLLIER

A CREATIVE PLACEMAKING PROJECT





WEAVING NARRATIVES

Weaving Narratives for a Collective Collier is a creative placemaking project that sets out to celebrate the diversity which makes up our community through visual art exhibitions and collaborative art making sessions culminating in an unveiling event this Spring.

Our primary goal: Recognize and celebrate the active cultural and arts groups of Collier County promoting cross-cultural exchange and cultural tourism, while spotlighting all members of our diverse community.

Every place has a story. What is ours? and who is writing it?

CREATIVE PLACEMAKING

"...use of arts and culture by diverse partners to strategically shape the physical and social character of a place in order to spur economic development, promote enduring social change, and improve the physical environment." -Americans for the Arts



Rachel Hayes, Site Specific Installation



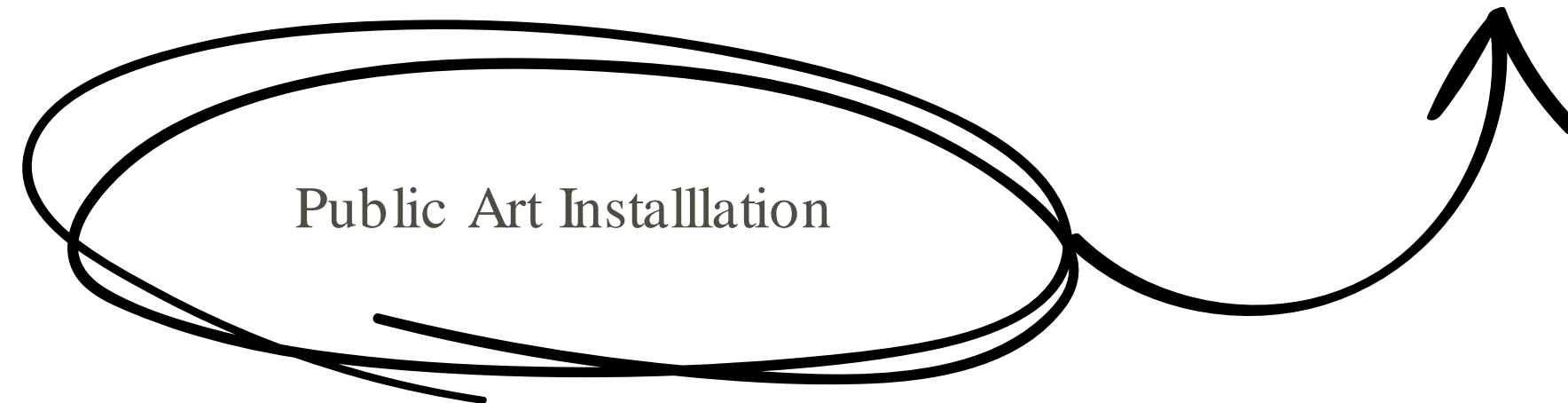
Mi Casa, Your Casa, High Museum of Art

OUR VISION

In totality, the Weaving Narratives for a Collective Collier initiative has been distilled to focus on the primary message...intertwining the diverse members of our community through the joint support and participation of the arts and culture organizations in our County. This multifaceted endeavor will combine written narratives from community members, a collaborative art mural from local artists, and an exterior fabric installation adorning the front and back of Naples Art Institute's exterior. These public, collaborative art displays will be unveiled in a culminating event occurring on Saturday, March 2nd at Naples Art Institute and will remain on view for the entirety of the month.



University of Buffalo, Placemaking





The Writing on The Wall, High Line NY

Written Narratives Wall

Naples is...

Marco Island is...

Immokalee is...

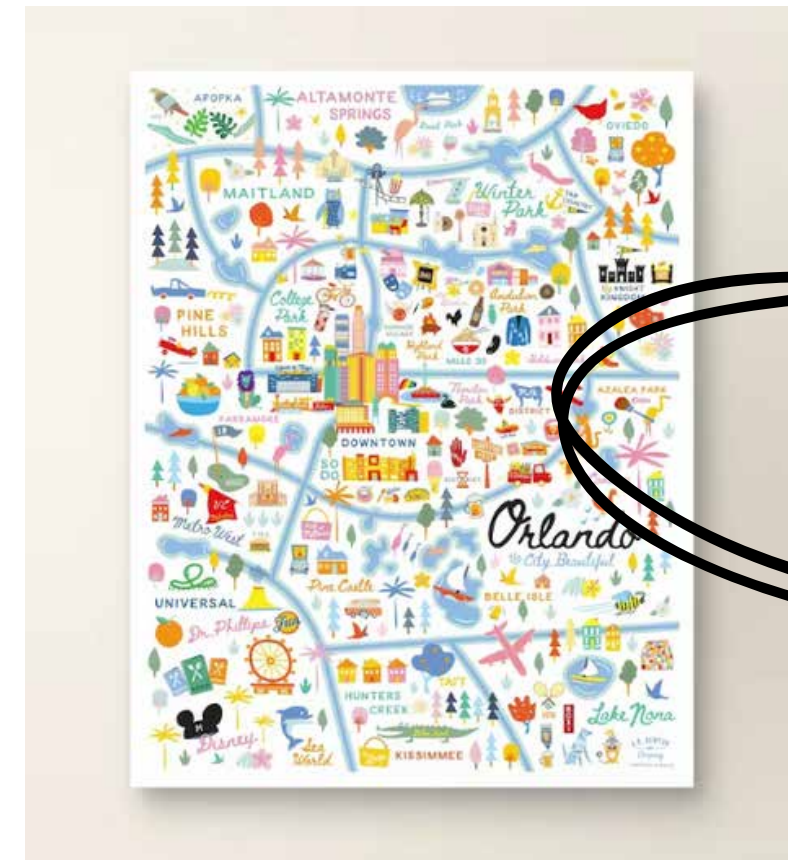
Collier County is...

The Paradise Coast is...

Collaborative Mural



TH School, UK



Cultural Map



OUR CALL TO ACTION...

... YOUR COLLABORATION .

THE SPECIFICS



Narrative Wall

Agree to house two panels at your facility. One with site specific prompt and one with "Paradise Coast is..." prompt. All materials will be provided and delivered to your organization.

Deadline to confirm participation:
09/01/2023

Delivery: Organization Specific
Requested 3 month exposure timeline

Fabric Collection Stations

Set up a donation station at your facility where patrons, staff, and constituents can donate a piece of fabric or clothing in your organization's designated "color".

Deadline to confirm participation:
09/01/2023

Color Assigned to organization:
10/01/2023

*Collection to follow color assignment

Fabric Pickup:
01/15/2024

Cultural Map Inclusion

Simple yes or no. I would encourage everyone to say yes. Printed maps and a digital copy would be provided to each organization. Both an art piece and resource.

Deadline to confirm participation:
09/01/2023



LET'S STAY IN TOUCH

Please visit the Survey Link below or scan the QR code to be directed to a survey indicating your level of desired participation in Naples Art Institute's Weaving Narrative's Initiative.

<https://forms.gle/lyw9ocskR5P7hARo6>

Additionally, feel free to contact me with any questions or concerns at nicole.whalen@naplesart.org or 239.262.6517.



REQUEST TO ACCEPT DONATION

Requester

Location:

Donation Information

Item:

Value

Item Description:

Is Item Consumable (life span of 2 years or less)?

YES

NO

Is Item a Capital Donation (more than \$5000) ?

YES

NO

Fiscal Impact

Will donation reduce Division expenses?

YES

NO

Is additional funding required to make use of donation?

YES

NO

If yes, provide cost & description.

Is ongoing funding required for annual maintenance?

YES

NO

If yes, approximate annual cost.

Use/Mission

How will donation be used and how will it support the County & Division's Mission?

APPROVAL

Division Director

Administrative Department Head



Collier County Parks and Recreation Donation Form

Park Location: _____

Donating Entity/Individual Name: _____

Description of Donation: _____

Value of Donation: _____

Date of Donation: _____

(Internal Use only)

Operations Checklist:

- Check Resolution 2009-48. If item varies from those identified in the Resolution; submit for review with the following Divisions.
- County Attorney's Office
- Risk Management

COLLIER COUNTY PUBLIC ART PLAN

Locations

COLLIER COUNTY
PUBLIC ART
PLAN



- Mission
- Vision
- Goals



- General Guidelines
- Policies



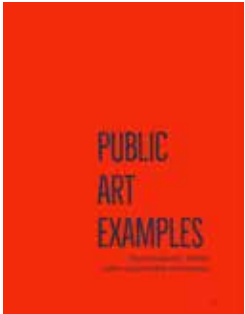
- Artist policies
- RFP process



- Mural Policies
- Permanent Installation Policies



- Temporary Installation Policies



- Current Inventory
- Possible Locations
- Timeline

POLICIES AND PROCEDURES

General Policies

DRAFT COLLIER COUNTY PUBLIC ART

Sec. VII-701. Public art required.

It is the intent and purpose of the Public Art Committee to further the commitment of the county to the aesthetic enrichment of the community through the private and public acquisition of works of art so that citizens and visitors will be afforded an opportunity to enjoy and appreciate works of art. The requirements shall be construed to promote the aesthetic values of the entire community and to encourage the preservation and protection of public art.

Any property owner or developer who applies to the county for a building permit to construct or make improvements that exceed \$1,000,000.00 in construction value to a multi-dwelling structure, mixed use development or commercial building or non-residential portion of a mixed use building located in the county, shall be required to do one of the following:

- (1) Contribute an amount equal to **one percent** of the construction cost for the project to the county public art fund established by section VII-704 of this division. The word "project," as used herein, shall mean the improvements that are authorized by the issuance of a single building permit.
- (2) Provide public art on the development site provided that:
 - a. The value of such public art shall be equal to or greater than one percent of the construction costs for the project. The word "project," as used herein, shall mean the improvements that are authorized by the issuance of a single building permit.
 - b. Such public art is approved by the public art committee hereinafter established prior to the placement on the site. The public art committee shall be authorized to approve proposed public art prior to its fabrication or acquisition. Nothing herein shall be construed to require that public art be in existence and subject to examination at the time of its approval by the public art committee.
 - c. *Provided however, that buildings or portions of buildings (based on square footage) that include dwelling units designated for households with an income at or below 120 percent of the Area Median Income (AMI) in the North Port-Sarasota-Bradenton MSA for a period of at least 30 years shall not be required to conform to the requirements of this section.*

As a condition of the exemption from conformity to the requirements of this section VII-701 pursuant to this subsection c, an agreement between the developer/landowner and the County of Sarasota shall be recorded in the Official Records of Sarasota County. The agreement shall provide that a buyer or a renter of a dwelling unit designated for households with an income at or below 120 percent of the Area Median Income (AMI) shall not have a household income greater than the income range designated for the unit that is specified in the agreement. The agreement shall further provide that a dwelling unit designated for households with an income at or below 120 percent of AMI shall have an appreciation limit applicable upon resale and that a rental unit designated for households with an income at or below 120 percent of the AMI shall be monitored for rent levels for 30 years. The agreement shall also provide for monitoring of occupant income levels for a period of 30 years.
 - d. *Provided however, that building permits for individual condominium units shall not be required to conform to the requirements of this section.*
 - e. *Provided however, that the county shall not be required to conform to the requirements of this section so long as the county provides public art upon the construction of its public buildings in conformity with the county public art program and so long as the public art proposed by the*

Commented [M1]: Determine structure of policies and numbering

Commented [M2]: NEED TO CONFIRM

Commented [M3]: Need to confirm percent and how to manage that approval. City of Naples \$1 per sq. ft.

county is approved by the board of county commissioners after receiving and considering the comments of the county public art committee.

- f. *Provided however, that the county shall not be required to conform to the requirements of this section so long as the county provides public art upon the construction of its public buildings in conformity with the county public art program and so long as the public art proposed by the county is approved by the county commission after receiving and considering comments and recommendations of the county public art committee.*
 - g. All works of art located on private parcels shall be installed outside of any and all buildings and shall be completely visible from the adjacent public right-of-way.
- (3) To provide public art in a public place on property other than the zoning lot proposed for development provided that:
- a. The value of such public art shall be equal to or greater than one percent of the construction costs for the project. The word "project", as used herein, shall mean the improvements that are authorized by the issuance of a single building permit.
 - b. *Such public art is approved by the county commission after receiving the recommendation of the public art committee prior to the placement on the site approved by the county commission pursuant to paragraph c. below. The county commission shall be authorized to approve proposed public art prior to its fabrication or acquisition. Nothing herein shall be construed to require that public art be in existence and subject to examination at the time of its approval by the public art committee.*
 - c. *Such public art is located in a public place off the development site which is approved by the county commission after receiving the recommendation of the public art committee.*

All works of art provided in accordance with subsection (2) above or provided in accordance with subsection (3) above and located on private property shall be and remain the sole property of the private land owner. The private property owner shall have the sole responsibility for maintenance and insurance of such works of art. All works of art provided in accordance with subsection (3) above shall be and remain the sole property of the county.

Sec. VII-702. Removal or replacement of public art prohibited.

After a work of art has been approved by the public art committee or county commission in accordance with section VII-701, such work of art shall be retained on site in its approved location and shall not be removed without prior approval of the public art committee and county commission of a reasonably equivalent replacement work of art.

(Ord. No. 02-4357, 4-29-02; Ord. No. 17-5208, § 1, 8-21-17)

Sec. VII-703. Additional work of public art permitted.

After public art which meets the requirements of this division has been installed on a development site, nothing herein shall be construed to prohibit the installation and placement of additional works of art on site.

Sec. VII-704. Public art fund.

There is hereby created a public art fund which shall consist of all contributions received pursuant to section VII-701(1), cash grants to the county for public art projects from governmental or private sources, and all other funds donated to the county for the provision of public art by private parties. The public art fund shall be used

solely for the selection, acquisition, transportation, installation, maintenance, and promotion of works of art to be displayed in the county. All expenditures from the fund shall be approved by the county commission after the recommendation of the public art committee. Any works of art purchased with such funds shall be and remain the sole property of the county. The public art fund shall be kept in an interest-bearing account, separate from general revenues and all accrued interest shall be deposited in the public art fund. The cost of insurance for public art located on public property shall be paid from the county's general fund.

Sec. VII-705. Application for building permits.

Developments required to provide public art in accordance with this article shall:

- (1) If a contribution to the public art fund is to be made, then, prior to the issuance of a building permit, the property owner or developer shall make the contribution as provided for in section VII-701(1).
- (2) If the public art has not been created, produced or rendered, then at the same time as the application for a permit is submitted to the director of development services, the property owner or developer shall submit to the public art committee:
 - a. A description, in writing, of the process by which the artist(s) will be selected;
 - b. A proposed schedule for the creation, completion and installation of the approved public art at the development site;
 - c. The location where the public art is to be installed;
 - d. Written evidence of a deposit with the county finance department in the form of cash or cashier's check the amount of 115 percent of the value of the public art, as required in section VII-701(2) or (3).

The application for a building permit shall certify that such submittal to the public art committee and the required deposit has been made.

Either prior to or subsequent to the issuance of the building permit, the public art committee will review all documentation submitted by the property owner or developer, including photographic examples of existing work of the proposed artist and such other documentary material as may be requested by the public art committee. The public art committee shall approve, approve with conditions or disapprove the installation of the public art according to the standards set forth in section VII-706 and shall so advise the director of development services in writing.

Upon installation, the director of development services will certify that the art work is properly installed according to the plans and specifications previously submitted and approved.

The director of development services will not issue a certificate of occupancy until the public art is properly installed or an extension of time for the installation has been granted by the public art committee or the funds deposited with the finance department have been forfeited to the county, as provide for in this section.

- (3) If the public art has been created, produced or rendered, then at the same time as the application for a building permit is submitted to the director of development services, the property owner or developer shall submit:
 - a. Graphic, photographic or architectural renderings;
 - b. A description of the proposed public art which is to be installed at the development site or other public place;
 - c. The location where the public art is to be installed;

-
- d. An independent appraisal of the value of the art work to the public art committee or other evidence of value;

The application for a building permit shall certify that such submittal to the public art committee has been made. The cost of the appraisal shall be the sole responsibility of the property owner or the developer.

Prior to the issuance of the building permit, the public art committee will review all documentation submitted by the property owner or developer. The public art committee shall approve, approve with conditions or disapprove the installation of the public art according to the standards set forth in section VII-706 and shall so advise the director of development services in writing. No building permit shall be issued prior to the approval of the public art by the public art committee.

Upon installation, the director of development services will certify that the art work is properly installed according to the plans and specifications previously submitted and approved. The director of development services will not issue a certificate of occupancy until the public art is properly installed or an extension of time up to one year for the installation has been granted by the public art committee. Any such extension shall be conditioned upon the property owner or developer depositing with the county finance department, in the form of cash or cashier's check, the amount of 115 percent of the value of the public art, as required in section VII-701(2) or (3).

- (4) Funds of the property owner or developer deposited with the finance department, as provided for in subsection (2) or (3), shall be released when the director of development services certifies to the finance director that the public art has been installed as required.
- (5) If the public art has not been installed as required herein and any extensions for such installation have elapsed, the director of development services shall petition the county commission for authorization to forfeit all monies deposited with the finance department. Such deposit shall be ordered forfeited by the county commission if it determines, after notice to the property owner or developer, that the public art was not installed as required by this section.
- (6) All decisions of the public art committee made pursuant to this section shall be appealable to the county commission within 30 days of the oral rendering of such decision.

Sec. VII-706. Standards for approval or disapproval of public art.

The public art committee shall be governed by the following mandatory and non-mandatory criteria in the exercise of its discretion to approve, approve with conditions or disapprove the proposed installation of public art as required by this division. The public art committee must find that each element of the mandatory criteria has been satisfied. In addition, the public art committee shall determine whether or not the proposed installation of the public art, on balance, comports generally with the elements of the non-mandatory criteria.

(1) *Mandatory criteria.*

- a. Whether the proposed public art conforms to the definition of public art set forth in section II-201;
- b. Whether the proposed public art meets or exceeds the value requirements of section VII-701;
- c. Whether the proposed public art is compatible with the neighborhood and not injurious to the neighborhood or otherwise detrimental to the public welfare;
- d. Whether the proposed public art presents a safety hazard to the public;
- e. Whether signs or other encroachments are or should be set back a certain distance from the proposed public art.

(2) *Non-mandatory criteria.*

-
- a. Whether the proposed public art is of exceptional quality and enduring value;
 - b. Whether the proposed public art serves to further the county's goal of promoting cultural diversity;
 - c. Whether the proposed public art serves to further the county's goal of promoting a broad range of artistic styles and media from traditional to contemporary works of art in order to maintain overall balance within the county;
 - d. Whether the proposed public art is supportive of the county's vision and goals;
 - e. Whether the proposed public art is appropriate to the site;
 - f. Whether the proposed public art should be installed at the proposed location on a site or at a different location;
 - g. Whether the proposed public art requires extraordinary maintenance, such as any special servicing due to periodic adjustment, repainting, or repair or replacement of moving parts.

Sec. VII-707. Acquisition of required public art by combining private and public funds.

Any property owner or developer who exercises the option to provide required public art in accordance with section VII-701(3) may request a contribution from the public art fund to be combined with the property owner or developer's private funds to provide public art, provided that:

- (1) The property owner or developer contributes the maximum amount required by section VII-701(3)(a) so that the private contribution is at least equal to the minimum value of public art required by this section.
- (2) The contribution from the public art fund is approved by the county commission after receiving the recommendation of the public art committee.
- (3) The public art to be provided satisfies the requirements of section VII-701(3)(b) and is located on either on county-owned property or on property in which the county has an easement allowing public access to the art which has been approved and accepted by the county commission.
- (4) The county commission and the developer execute a written agreement setting forth the rights and obligations of the county and the developer as to the ownership maintenance and location of the public art and the provision of insurance for the public art.

(Ord. No. 17-5208, § 1, 8-21-17)

Sec. VII-708. Acquisition of required public art by combining required private contributions.

Two property owners or developers who are developing two separate projects or a single property owner or developer who is developing more than one project may request to be allowed to provide a single work of public art for both projects to be displayed at one of the two project sites or at a public location, provided that:

- (1) The value of such public art shall be an amount which is at least equal to the required minimum value of the public art for the first project combined with the required minimum value of the public art for the second project.
- (2) The proposal to combine the public art requirement for the two projects is approved by the public art committee.
- (3) The public art to be provided satisfies the requirements of section VII-701(2) (b) and (g) or alternatively satisfies the requirements of section VII-701(3)(b) and (c).

DRAFT COLLIER COUNTY PUBLIC ART CALL FOR ARTIST POLICIES

Sec. XXX. Calls for artists.

For any art project that involves creating work that is of artistic and civic work, the following process should be followed.

- (1) An Open Call for Artists would be done for a Request for Qualifications (RFQ). This call for Qualifications will allow the Public Art Committee to review the work of artists and select up to three top selections with one alternate. This consists of an interview with the top candidates that includes a site visit to the location of the artwork, along with reimbursement of the finalists' time for a presentation to determine who is the best fit for the project. Community and stakeholder input is valuable for this phase.
- (2) A Contract with the artist is developed and should adhere to the Visual Artists Rights Act (VARA).
 - a. Copyrights will allow the artist to reproduce images of the work in all media with proper credits to Collier County and Collier County will reproduce images of the work with a copyright to the artist in the credits. Any merchandising of the artwork needs to be developed in a licensing agreement.
 - b. Collier County will notify the artist when the work is to be altered, relocated, or removed to allow the first right to regain ownership or disclaim authorship.
 - c. Collier County will request insurance from the artist and any subcontractors.
- (3) Conceptual Design phase. After a finalist is chosen, this phase should also include conceptual time with the design team, public art committee, community, and other stakeholders. Pay for the Artist's time needs to include the conceptual work, changes to the design, and implementation of the project must be included in the project budget.
- (4) Stakeholder Review. Before a design is finalized, all stakeholders should review the work to allow for community input.

Commented [M1]: This needs legal review

Policies should also include a standard contract to start

COLLIER COUNTY

DRAFT May 2023, Update ~~July 2023~~ August 2023

MURAL POLICIES

Signs

Section 5.06.00 of the Collier County Land Development Code (LDC) defines "mural sign" as "A sign that is a painting or an artistic work compressed of photographs or arrangements of color that displays a commercial or noncommercial message, relies solely on the side of the building for rigid structural support, and is painted on the building or depicted on vinyl, fabric, or other similarly flexible materials that is held in place flush or flat against the surface of a building."

Section 5.06.06 of the LDC states that "Any sign not specifically permitted by this sign code shall be permitted."

Mural

A mural is an original, one of a kind unique mosaic, painting, or graphic art or combination thereof (including collage effects) that is professionally applied to ~~aesthetically~~ enhance the exterior of a building or accessory structure such as a dumpster enclosure, fence, or site wall, that does not contain any ~~current~~ brand ~~or name~~, product name, letters of the alphabet, spelling, or abbreviating the same of any ~~current~~ product, company, profession, or business; or any ~~current~~ logo, trademark, trade name, or another commercial message as the main component of the artwork. Past business names, logos, or trademarks could be used if it is in a historical context in relation to the culture of the community/location of the mural.

The mural image should be appropriate for any age to view (i.e. family-friendly) which includes no profanity or images that could incite violence or civil discord.

The life span of the mural should be estimated on the application. The mural should have a life span of at least one year. A life span of less than one year is considered a temporary art installation and that application should be completed as opposed to the mural process application.
~~A mural can have a signature block. This is a section that includes the artist signature, text on the artwork or business, including a hashtag at the bottom of the mural. This signature block cannot be any larger than six inches in height and one foot in length. This block cannot be in the main portion of the original artwork. If this information is larger or a part of the artwork, the artwork is considered a sign.~~

Process

1. A mural permit application must be completed.

(1) No person, firm, corporation or other entity may authorize, erect, construct, maintain, move, alter, change, place, suspend, or attach any Original Artwork Mural within the County prior to obtaining a permit as set forth herein. Such permit shall be known as a mural permit.

(2) An application for a mural permit shall be filed jointly by a building owner and an artist with the planning department by way of a form prepared by the planning department and shall include the following:

- a. Name of the artist and the owner. Street address and location of the proposed mural.
- b. Examples of previous work done by the artist, with references.
- c. Description of the materials to comprise the proposed mural and manner of application.
- d. Statement regarding durability of the materials considering the location and positioning of the proposed mural.
- e. Plans and specifications for the proposed mural including an exact picture graphic and other description. The application should include clear and legible drawings with description showing the location of the mural. Drawings should show the dimensions and materials. Color photos of the building must accompany the mural sketch, showing the wall to be painted in relation to adjacent streets and buildings.
- f. Any changes to the picture graphic and mural design must go through the approval process again. This process is considered an addendum to the approved application.
- fg. Statement that the proposed mural will remain in place ~~for at least two years~~for at least one year, with a life span specified on the application.
- gh. Statement that no compensation will be given or received for the right to display the mural or the right to place the mural on the property. The artist may be compensated for the completion of the mural, however.
- hj. Artist and building owner shall pay all costs associated with public hearing notifications.
- ij. Artist must waive and release, in favor of the CityCounty and the building owner, the right of attribution or integrity which Artist has in the mural under 17 U.S.C. §§ 106A and 113(d)(Visual Artist Rights Act).
- kj. Artist's agreement to allow the CityCounty or the building owner to remove the mural with 90 days' notice to the Artist at the address provided in the application and building owner if the mural is not maintained, or if it becomes a safety hazard.
- kl. Signed ~~acknowledgement~~acknowledgment by artist and business owner to abide by all mural requirements and execute all necessary documents.

2. Review of Mural permit application.

- (1) The mural permit application shall be submitted to the Collier County Public Art Committee for review.
 - a. The Public Art Committee will review the artwork and approve the applications.
 - b. This review shall be completed within ~~45~~60 days.
- (2) The mural permit application shall be submitted to the to the Collier County Planning Department for Collier County [2] Mural Application Package

review.

- a. The Planning Department review shall be completed ~~within~~ 30 days.

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3. Board of County Commissioners approval of Mural permit application.

- (3) Board of County Commissioners? – is this review needed

Review Criteria.

The Collier County Public Art Committee shall review the Mural Application for the following criteria:

- a. The mural must be durable, ~~permanent~~ permanent, and easily protected from vandalism and weathering; consideration shall be given to the structural and surface integrity and stability of the building façade, the permanence and durability of the mural, and the mural's resistance to weathering, theft, and vandalism.
- b. The mural must not have any unsafe features or conditions that may affect public safety.
- c. The mural shall not violate or depict violation of federal, state, or local law.
- d. The mural must not disrupt traffic nor create any unsafe conditions or distractions to motorists or pedestrians.
- e. The mural surface must be prepared with an outdoor primer to ensure good adhesion for the artwork.
- f. Clear, anti-graffiti coating must be applied over the completed artwork.
- g. The mural must not extend more than six inches from the plane of the wall to which it is attached.
- h. The mural should enhance the ~~aesthetic beauty of the~~ area of its proposed location and meet the scope of the project.
- i. The painted mural should match the drawing presented. Any changes would need approval by the Collier County Public Art Committee.
- j. ~~The mural must be located on only one façade of a building.~~ The mural may not be placed only on the primary façade of the structure (as it could then be declared signage). Exceptions can reviewed, when the nature of the business is creative, artistic or some other special circumstance is presented.
- k. The mural must be compatible with the character of the surrounding area (particularly when near residential areas) in terms of its size, style, colors, materials, general appearance, and location.
- l. Any licensed, copyrighted, or trademarked characters or likenesses used on murals must have permission from the holder or owner of the license, copyright or trademark.
- m. No approval shall be issued for mural installation if there are outstanding code enforcement violations charged by the City/County on the property where the mural is to be located. Outstanding debts to the County must be paid in full prior to the issuance of the mural permit.

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Mural Application Package

Permit expiration and extension.

Except as provided in subsection (2). below, if the installation of the permitted original artwork mural has not taken place within twelve (12) months of the date of issuance of the mural permit, the permit is void and no further work on the mural may be done at the site until a new permit has be approved and new fee paid.

An approved mural permit may be extended by the planning department for an additional period of no more than twelve (12) months upon the planning department finding that the applicant was unable to begin or continue the installation of the approved mural for reasons beyond his or her control. A request for permit extension must be in writing and must be received by the Planning Department before the original permit expiration date.

Maintenance

The property owner is responsible for ensuring that a permitted original artwork mural is maintained in good condition and fully repaired in the case of vandalism or accidental destruction.

Failure to maintain the Original Artwork Mural is declared to be a public nuisance and may be summarily abated or repaired by the CityCounty. The CityCounty may pursue additional remedies to obtain compliance with this section as appropriate, including removal of the mural.

In addition to other remedies provided by law, in the event the property owner fails to maintain the mural, the CityCounty may perform all necessary repairs or removal of the mural, and all costs incurred by the CityCounty shall become a lien against the property.

Mural alterations.

In order to make alterations to an original artwork mural, the artist and building owner must obtain a new mural permit.

Removal or replacement of murals; violations; enforcement

Murals installed in accordance with this section shall remain on site in the approved location and cannot be altered, replaced or removed except as provided in this section, or when deemed to be unsafe by the cityCounty building official, or when the CityCounty determines replacement is necessary due to damage from natural disasters. The seller of a property containing a mural installed in compliance with this article shall include restrictions by deed or other instrument that requires the buyer to agree to retain and maintain the mural in compliance with this article.

~~Removal of murals; violations; enforcement.~~ This section (determine numbering system) Section 3-72 may be enforced in accordance with the special magistrate code enforcement system in Article VII, Chapter 2 [find Collier County code] of the Code of Ordinances. Should an approved mural become deteriorated, or otherwise no longer satisfy the terms of the permit, enforcement shall include the CityCounty's right to

Collier County

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Mural Application Package

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enter upon the property and abate by such reasonable action as necessary to remove or restore the mural, in the CityCounty's discretion.

Costs of abatement by the CityCounty. Upon the CityCounty's abatement of the mural, the costs, including the administrative costs incurred by the CityCounty, shall be assessed by the Special Magistrate against the real property from which the mural was removed, together with any fine imposed by the Special Magistrate, all of which shall become a lien against the real property in accordance with section 2 - 258 of the Code of Ordinances.

Alternative remedies. Nothing in this section shall in any way limit the CityCounty to the remedy listed above. This remedy shall be in addition to any other remedy which the CityCounty can legally pursue, including, but not limited to, code enforcement measures under Article VII, Chapter 2 of the Code of Ordinances.

Recording requirements. The mural permit and the determination of removal shall be recorded in the records of the CityCounty, and may be recorded in the official records of Volusia County, and shall be binding upon the heirs, personal representatives, grantees, heirs and successors of the parties.

The replacement mural shall meet all of the requirements of this section. A replacement mural must be approved by the CityCounty Commission.

MURAL APPLICATION FORMS

SECTION 1
Collier County Mural Program
Overview

Commented [M3]: Structure forms according to county guidelines (if any)

The Mural Program was approved on (date) by the Board of County ~~Commissions~~ Commissioners in coordination with the Collier County Public Art Committee to bring murals to the ~~downtown area~~ Collier County. Below is an overview of the Mural program.

Develop some type of graphic when the process flow is completed

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WHO MAY PARTICIPATE?

Anyone who owns a building in the ~~Ormond Beach Downtown Overlay District~~ Collier County, or any merchant within that area with permission from the building owner to paint the building may commission a mural. The ~~Ormond Beach Downtown Overlay District includes the length of Granada Blvd from A1A to Orchard Street. The District extends east/west from Tomoka Avenue to Lincoln Avenue.~~

A MURAL IS NOT A SIGN.

~~Mural designs may not include the following elements:~~

- ~~• Words, numbers or lettering; and~~
- ~~• Symbols.~~

~~Murals must be appropriate to the neighborhood setting.~~

~~Murals may have a small signature placement that can include a hashtag, business name, and artist signature. This placement must be at the bottom and not exceed 6" high by 12" long.~~

~~Mural designs must fit within the definition of a mural as decided by Collier County. (insert here when complete from Mural policy)~~

WHO SUPERVISES THE MURAL PROGRAM?

Applications are submitted to the Collier County Public Art Committee and The Collier County Planning Department. Applications are accepted from building owners/merchants.

The Public Art Committee will:

Collier County

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Mural Application Package

- Put out a call for artists, if requested by applicant.
- Screen and select each mural artist if requested. This screening will have an established rubric as part of the call to artists. The building owner will be a part of the screening and selection process.
- Work with the building owner or retail merchant to obtain all required approvals and permits from ~~the~~ Collier County.
- Work with and assist the artist in planning and finalizing the mural design, including securing any volunteers needed to assist with the mural execution.
- Promote the mural during and after completion and provide signage for all murals.

WHAT IS REQUIRED OF THE BUILDING OWNER/RETAIL MERCHANT?

- Contract with the artist and pay his/her fee.
- Complete any required CityCounty permitting.
- Appear before the Collier County Public Art Committee and Board of County Commissioners in support of the mural application.
- Finalize a contract between owner/merchant, Collier County, and Artist.
- Post permits prior to starting mural work.
- Notify Collier County Public Art Committee and Collier County Planning staff when work is completed.
- Maintain the artwork for a minimum of two years while it remains on site. the lifespan of the artwork as noted on the application.
- Failure to maintain the art piece will require the owner to remove it either upon notice by the County.

ARTIST SELECTION

Artists in the Muralists Registry are selected with four criteria in mind:

Appropriateness: Artists are selected based on the appropriateness of their proposal to the project.

Professionalism: Does the artist have a history of professional mural work?

Communication: The artist must have the ability to clearly communicate concepts both visually and through clearly written materials.

Performance: Does the artist have a good professional history of being able to work cooperatively and finish projects on time?

Owners may supply their own artists for projects, but all artists must meet these criteria. The Public Art Committee will do its best to connect owners who wish to have a mural on their property with appropriate professional artists.

All artists must submit a portfolio of past work for Mural Committee review, as well as their sketches for proposed murals.

PROCESS STEPS:

1. Application packet submitted to Collier County Planning Department.

Collier County

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Mural Application Package

Commented [M4]: Review steps with Planning Department

2. ~~Ormond Beach Arts District Mural Committee~~Collier County Public Art Committee reviews application.
3. Final proposal for mural presented to ~~Ormond Beach Arts District Mural Committee~~Collier County Public Art Committee.
4. Based on Mural Committee approval, the project will be finalized and forwarded to the City/County Commission for review.
5. Payment of advertising fees associated with the public meetings required by the mural ordinance.
6. Mural work begins.

For further information contact:

~~Contact information~~Enter Contact Information

Collier County
Application for Mural Project

PROJECT LOCATION:

Address:

Parcel ID:

APPLICANT/OWNER INFORMATION:

Applicant Name/Title

Owner Name/Title

Company

Company

Street Address

Street Address

City/County / State / Zip

City/County / State / Zip

Telephone

Telephone

Email

Email

PROJECT TITLE:

PROJECT DESCRIPTION:

Estimated Start Date:

Estimated Completion Date:

Estimated Life Span of Mural:

(minimum of at least one year)

Collier County

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Mural Application Package

ARTIST INFORMATION:

Name: _____

Business Name (if different) _____

Address: _____

Telephone: _____

Email: _____

PLEASE SUBMIT THE FOLLOWING MATERIALS AS PART OF YOUR APPLICATION:

- 1. Site Plan** – Indicating the placement of the proposed mural at the site, including measurements and a photo of the existing structure.
- 2. Completed Sketch of Proposed Mural** – Must include dimensions, all thematic proposals, and colors and as much detail as possible. A finished version of the design must be presented during the design review process.
- 3. Description of Proposed Materials and Colors** – Including any manufacturer’s specifications. Actual colors and materials must be presented during the design review process.
- 4. Detailed Maintenance/Conservation Plan** – Describe required maintenance, including frequency of maintenance and projected costs. Indicate material to be used for final protective coating.
- 5. Choice of Artist Process (on application form).**
5-6. Artist’s Resume, Portfolio and References – or a link to available online materials.
- 6,7. Owner’s Application.**
- 7-8. Lessee’s Application** – if applicable.
- 8-9. Mural Ownership Agreement.**
- 9-10. Waiver of Rights Pursuant to Visual Artists Rights Act.**

All materials should be submitted to: Collier County, Planning Department, contact and address.

When the CityCounty has received all the above materials, the review committee may request additional materials prior to scheduling a final committee review.

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Mural Project Building Owner Application

I, _____, own the building located at _____ and would like a mural on my property. Attached to this application is proof of ownership.

(Signature)

(Date)

(Print name)

(Preferred phone number)

Email address: _____

ARTIST SELECTION (CHOOSE ONE):

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[r Owner Chooses Artist](#)

[r Call for Artists Managed by Public Art Committee](#)

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OWNER HEREBY AGREES TO:

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- 1) Finalize an application between owner/lessee, CityCounty and /artist;
- 2) Complete any permitting required by the Collier County;
- 3) Pay any applicable fees to the CityCounty or provide proof of payment by lessee/other; and
- 4) Remove mural from building, if the work fails to meet CityCounty upkeep requirements.

PLEASE COMPLETE FORM AND RETURN TO:

Collier County Planning
Department
address
Email: @colliercountyfl.gov
Telephone: 289-

Commented [M5]: Need to confirm process within county. This should be made easy for applicant to not have to run to various buildings.

Can this be completed online.

Mural Project Building Lessee Application

I, _____, am the lessee in the building located at _____ and would like a mural on my property. Attached to this application is proof of ownership.

(Signature)

(Date)

(Print name)

(Preferred phone number)

Email address: _____

ARTIST SELECTION (CHOOSE ONE):

Owner Chooses Artist

Call for Artists Managed by Public Art Committee

BUILDING LESSEE HEREBY AGREES TO:

- 1) Finalize a contract between owner/lessee, CityCounty, and artist;
- 2) Complete any required permit from Collier County;
- 3) Pay any applicable permit fee to the CityCounty or provide proof of payment by owner/other; and
- 4) Maintain mural to artist's and CityCounty's specifications.

PLEASE COMPLETE FORM AND RETURN TO:

Collier County Planning
Department
address
Email: @colliercountyfl.gov
Telephone: 289-

Collier County

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Mural Application Package

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Mural Ownership Agreement

This Agreement is made this _____ day of _____, 20____, between

("Artist"), the Collier County,
Florida ("CityCounty") and _____

("Building Owner") for the purpose of stipulating ownership and responsibility for all details pertaining to the installation of a mural ~~according to Collier County Mural guidelines in the Ormond Beach Downtown Mural Program.~~ (Section 3-72, Land Development Code).

Artist is the creator of a mural painting currently titled: _____

Building Owner is the owner of the building on which the mural will be exhibited. The Building Owner will be responsible for surface preparation on the building for painting prior to the creation of the mural as well as preserving and maintaining the mural for the period set out below. Failure to maintain the art piece may require the owner of the wall on which the mural is located to remove it, either upon notice by the CityCounty or upon order by the Special Magistrate.

Location of Mural: _____

LICENSING: Artist warrants and represents that the mural painting and rendering(s) assigned by this Agreement have never been published or copied and that Artist is the sole owner of all rights herein, including and not limited to, the right to prevent the making and dissemination of copies, and the right to obtain statutory copyright extending to the Artist the exclusive right to manufacture and sell copies for a fully statutory term and renewal thereof.

TERM: Building Owner hereby agrees to the mural painting being maintained in place for a minimum of two (2) years from the date of the mural completion. The owner retains the right to remove the mural or repaint the wall after this period of time.

EACH PARTY HEREBY CONSENTS TO VENUE OF COLLIER COUNTY AND THE MIDDLE DISTRICT OF FLORIDA.

IN WITNESS WHEREOF, the parties have executed this Agreement and Memorandum of Understanding in Collier County, Florida, the day and year first written above.

ARTIST (initial each line and sign below):

_____ I verify that the mural submitted is an original work of art and has not been previously used or seen.

_____ I verify that the mural will be painted/installed by me, or under my supervision if done as a community mural.

_____ I understand that the finished mural must match the submitted mural rendering/proposal. If the completed mural does not match the approved mural attached to the mural permit, I understand and agree that the ~~City~~COUNTY may require the removal of the completed mural.

_____ I have read and agree to fully abide by the Collier County Mural Code, ~~Sec. 3-72, Land Development~~ Code ("Mural Code").

_____ I have read this Agreement and Memorandum of Understanding and understand the process and my responsibilities.

_____ I have signed the attached waiver of VARA rights.

_____ I may be compensated for the completion of the mural; however, I understand and agree that I may not receive compensation for the right to display the mural on the property.

_____ I understand and agree that I will have the right to use an image of the mural as part of my artist portfolio, but I will not have the right to recreate the mural anywhere else.

_____ I hereby give my consent to the Collier County and the Arts District to use an image of the mural for promotional purposes, such including but not limited to promoting the ~~City~~County, the Downtown Overlay District, or the Mural Program.

_____ I understand that the property owner shall own the completed mural, and as such is responsible for maintaining the condition of the mural in accordance with the Mural Code.

Commented [JM6]: Determine mural code

_____ I understand that the mural must be maintained in accordance with the requirements provided in the Mural Code; and I hereby give my consent to the CityCounty and/or building owner to remove the mural, with ninety (90) days' notice being provided to me, if the mural is not maintained in accordance with the requirements of the Mural Code or if it becomes a safety hazard.

ARTIST:

Artist signature

Witness signature

Artist print name

Witness print name

Date: _____

BUILDING OWNER (initial each line and sign below):

_____ I am the property owner of the subject property.

_____ All statements in this Agreement are true and correct.

_____ I have read and agree to fully abide by the Collier County Mural Code, Sec. 3-72, Land Development Code ("Mural Code").

_____ A copy of the proposed mural is attached.

_____ The property owner and business owner agree to allow the approved mural on the subject building.

_____ Prior to painting of the mural, the property owner must obtain a mural permit from the CityCounty.

_____ The completed mural must match the approved rendering attached to the permit or the mural will fail final inspection. Painting a mural different than the approved mural design is a violation of the CityCounty Code which may result in the assessment of fines and the imposition of a lien against the subject property and all property in Volusia County owned by the property owner.

_____ I hereby give my consent to the Collier County and the Arts District to use an image of the mural for promotional purposes, such including but not limited to promoting the CityCounty, the Downtown Overlay District, or the Mural Program.

_____ I understand that I will be responsible for maintaining the condition of the mural in accordance with the Mural Code.

_____ I understand that the mural must be maintained in accordance with the requirements provided in the Mural Code; and I hereby give my consent to the CityCounty to cause the removal of the mural if it is not maintained in accordance with the requirements of the Mural Code.

BUILDING OWNER:

Building Owner signature

Witness signature

Building Owner print name

Witness print name

Date: _____

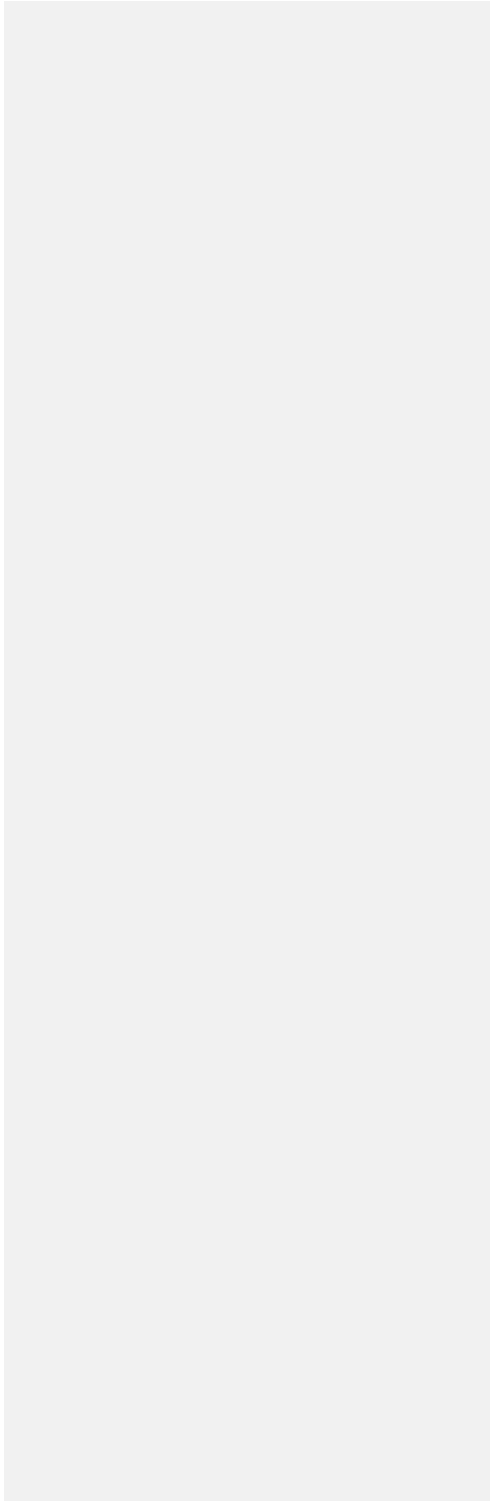
COLLIER COUNTY, FLORIDA

By: _____
x
x

Date: _____

Attest: _____
x
x

Date: _____



Waiver of Rights Pursuant to the Visual Artists Rights Act

I, _____, have prepared designs for the following art work:

(Specifically identify the work)

The above-described work may be considered to be a "work of visual art" subject to the provisions of the federal Visual Artists Rights Act of 1990, specifically the rights of certain authors to attribution and integrity, as codified at 17 U.S.C. §106A(a). I am an author of the work(s) described herein, and am authorized to waive the rights conferred by §106A(a), in accordance with the waiver provision of 17 U.S.C. §106A(e)(1).

STATUTORY PROVISIONS

17 U.S.C. §106A - Rights of certain authors to attribution and integrity.

(a) Rights of Attribution and Integrity. -

Subject to section 107 and independent of the exclusive rights provided in section 106, the author of a work of visual art –

(1) shall have the right –

(A) to claim authorship of that work, and

(B) to prevent the use of his or her name as the author of any work of visual art which he or she did not create;

(2) shall have the right to prevent the use of his or her name as the author of the work of visual art in the event of a distortion, mutilation, or other modification of the work which would be prejudicial to his or her honor or reputation; and

(3) subject to the limitations set forth in section 113(d), shall have the right

(A) to prevent any intentional distortion, mutilation, or other modification of that work which would be prejudicial to his or her honor or reputation, and any intentional distortion, mutilation, or modification of that work is a violation of that right, and

(B) to prevent any destruction of a work of recognized stature, and any intentional or grossly negligent destruction of that work is a violation of that right.

17 U.S.C. §106A(e)(1) -Transfer and waiver.

The rights conferred by subsection (a) may not be transferred, but those rights may be waived if the author expressly agrees to such waiver in a written instrument signed by the author. Such instrument shall specifically identify the work, and uses of that work, to which the waiver applies, and the waiver shall apply only to the work and uses so identified. In the case of a joint work prepared by two or more authors, a waiver of rights under this paragraph made by one such author waives such rights for all such authors.

WAIVER

As author of the above-described work, I hereby permanently waive my rights pursuant to 17 U.S.C. §106A(a)(3) to prevent any distortion, mutilation, modification or destruction of that work, for whatever reason and for whatever use of the work such distortion, mutilation, modification or destruction of the work is undertaken. This waiver does not extend to the rights of attribution conferred by 17.U.S.C. §106A(a)(1) or §106A(a)(2).

Artist Signature

Artist Print Name

Date

STATE OF FLORIDA COUNTY OF ____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____, as artist, who () provided _____ as identification, or () who is personally known to me.

Notary Public, State of Florida My
Commission Expires:

Commented [M7]: Do we need to have this notarized?