

City of Foley, AL

407 E. Laurel Avenue
Foley, AL 36535

Signature Copy

Resolution: 20-1181-RES

File Number: 20-0290

Enactment Number: 20-1181-RES

A Resolution to Approve Murals & Street Art Requirements in the Local Downtown
Historic District, National Register Historic District and the Foley Main Street District

WHEREAS, the City of Foley desires to establish requirements for original murals and street art in the Foley Main Street District, Local Downtown Historic District and National Register Historic District to promote the general welfare of community, improve aesthetics, increase business and tourism traffic, and help enhance the façade of a building or specific areas in downtown, and;

WHEREAS, the Foley City Council finds and determines that since murals and street art are considered to be original artwork they are not considered a "sign" and therefore, not governed under the sign ordinance, and;

WHEREAS, installation of original artwork murals and street art shall be limited to the Foley Main Street District, Local Downtown Historic District and National Register Historic District, and;

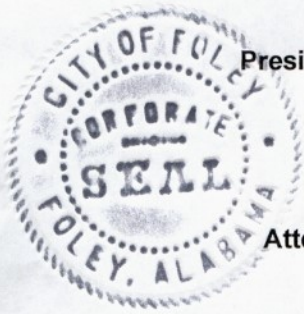
WHEREAS, the City is mindful of the First Amendment to the Constitution, and does not want to judge the content of the mural or street art, including whether a mural or street art is commercial or noncommercial, so all words or letters are prohibited on murals and street art, and to classify murals and street art as art; and establish a permitting process.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Foley, Alabama as follows:

SECTION 1: Approves the Mural and Street Art requirements in the local Downtown Historic District, National Register Historic District and the Foley main Street District.

SECTION 2: This Resolution shall become effective immediately upon its adoption as required by law.

PASSED, APPROVED AND ADOPTED this 6th day of July, 2020.



President's Signature

JW Frank

Date

7-6-2020

Attest By City Clerk

Kathryn Taylor

Date

7-6-2020

Mayor's Signature

[Signature]

Date

7/6/20



Foley Main Street

Downtown Mural & Street Art Project Guidelines and Application

Foley Main Street and the City of Foley seek to promote public art throughout the Main Street district with murals, street art, and Instagramable opportunities throughout the Foley Main Street district. Mural and Street Art projects are an investment in the culture of our community. They improve aesthetics, increase business and tourism traffic, and can help enhance the façade of a building or a specific area in downtown.

General Information

Foley Main Street in collaboration with local businesses and the City of Foley have pre-identified locations throughout the Main Street District for murals or original street art.

Murals and Street Art may be prioritized by Foley Main Street based on monetary contributions by property owners or private donors.

No mural or street art shall contain advertisement for any business or individual and may not contain any licensed, copyrighted, or trademarked characters or likenesses without permission from the holder or owner of the license, copyright or trademark.

Locations, size and themes of murals and street art will be determined by Foley Main Street working with local property owners. Murals cannot cover entire buildings. The size and the scope of the mural will be determined by Foley Main Street working with City officials and property owners to maintain the character of the property and adjacent properties. Street Art will be held to the same standards as above.

All projects on historic buildings must be approved by the City of Foley Historic Preservation Committee.

Subject matter and artwork will be approved by Foley Main Street in collaboration with other partners. All artwork will be all ages appropriate and family friendly.

Foley Main Street may work with an artist to finalize any design concept and may alter materials and colors if deemed necessary for historical purposes, durability and longevity.

All projects will be given a timeline for completion that is mutually agreed upon by all parties.

Artist Requirements

The following must be submitted by the artist or group of artists to be considered:

- One to two conceptual sketches

- A brief statement explaining the artwork and how it is relative to Foley Main Street

- A resume with a photo of the artist(s) for media releases

- A spec list of materials and paints to be used so to determine durability and the ability to withstand outdoor elements.

- Anti-graffiti clear coating must be installed.

- Estimated cost of project including materials, artist time and talent.

Proposals may be submitted to Foley Main Street, Mural & Street Art Projects, 120 South McKenzie Street, Foley, Alabama 36535. For questions, call 251-366-1565 or email foleymainstreet@gmail.com.



Foley Main Street Downtown Mural & Street Art Project Contract and Release

This agreement is made on _____ (date) between Foley Main Street and
_____ (artist) and _____ property owner.

Location of artwork: _____ Address
_____ Location on property

Subject matter: _____

The parties above agree to:

This agreement begins on the effective date and ends five years after the project's completion date. Estimated time of completion: _____.

During the term, the artist will have access to the property at a mutually agreed time and date to the external wall of your business to prepare the wall, paint and install mural and perform any other necessary maintenance.

During the term, the property owner agrees to preserve and maintain the mural, not cover with vegetation or paint over. The wall should be kept clean but the property owner is not required to clean the mural or to repaint. Any maintenance that requires cleaning or repainting should be communicated and approved by Foley Main Street at least three months prior.

Foley Main Street should be immediately notified of any damage to the artwork/mural or adjacent area.

If the property is sold, ownership transferred, leased/rented to a new tenant, current use of building changes or the building is altered where the mural is located, the property owner(s) agrees to give at least six months notice to Foley Main Street. Contract may be transferred to the new owner or tenant if agreed upon by all parties involved agree to terms.

The artist and property owner agree that artwork and building can be photographed and images reproduced of the mural in any media and for any purpose.

Property owner agrees that the mural or street art will made accessible for the general public of all ability levels. Accessibility may require installing sidewalks or ADA compliant materials.

All parties agree to release and hold harmless the other in any case of liability related to the preparation or installation of the mural at the business address. This provision shall remain in effect beyond the expiration of the term.

Foley Main Street

Date

Address: _____

Email: _____ Phone: _____

Artist

_____ Date

Address: _____

Email: _____ Phone: _____

Property Owner

_____ Date

Address: _____

Email: _____ Phone: _____

City of Foley Permit Obtained: Yes No Date: _____

Historic Preservation Required: Yes No Date Approved: _____

Approval of City Council Yes No Date Approved: _____

Completion of Project: Date: _____

NOTES: