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Introduction

The City of Mount Holly is emerging as a place where art and creative places are becoming distinctive components of the community’s character. The 2019 Strategic Vision Plan Update, adopted January 2019, set various initiatives centered around arts and placemaking. Some major themes of the Plan involve exploring opportunities for creative spaces, continuing partnerships with local artists, creating a public art commission and drafting public art and mural guidelines. The City believes that this document fits well within the objectives of the Vision Plan by providing citizens and stakeholders the opportunity to participate in placemaking and the public art process throughout Mount Holly (City).

Recently, the City Council and associated art initiatives have expressed interest in incorporating art into our crosswalks to celebrate unique aspects of the City and strengthen community bonds. In response, the City created this manual to guide neighbors, who want to come together to install a “Crosswalk Creations” project within the City maintained right-of-way, which includes designing and painting a crosswalk, sidewalk, neighborhood entrance, or another area within the City right-of-way. This manual explains the process and requirements and provides all of the necessary forms.

It is important to keep in mind that all Crosswalk Creations projects in the public right-of-way become City property. The City has the right to modify, replace, remove, and/or restore any project elements located within City right-of-way. The maintenance and repair of Crosswalk Creations projects is the responsibility of the applicant, per the completed Temporary Infrastructure Agreement between the applicant and the City. The rest of the manual explains this in more detail. Questions regarding this manual should be directed to contactus@mountholly.us

Eligible Applicants

Eligible applicants include neighborhood associations, community organizations, business associations, local schools, non-profits OR individuals sponsored by those listed previously. A primary contact (hereinafter referred to as the applicant) shall be designated as part of the application package. The applicant is responsible for submitting the forms identified in the Application Checklist.

Eligible Project Types & Locations

There are generally five types of eligible Crosswalk Creations projects. If your project idea does not fall within one of the five categories below, please contact city staff at contactus@mountholly.us to discuss your idea. We will give you some helpful tips about appropriate locations for Crosswalk Creations projects.

1. **Crosswalk Murals** – Crosswalk Creations projects may be used to enliven existing marked crosswalks. The most important requirement for this type of Crosswalk Creations project is that the painting CANNOT obscure the crosswalk striping (including any green markings used to denote shared/bicycle crossings). The crosswalk striping is a regulatory traffic control device that is essential to the safe operation of street intersections. Crosswalk murals must “stay within the lines” of the crosswalk to avoid creating confusion for pedestrians and motorists. City staff can help provide more guidance.
2. **Sidewalk Murals** – Sidewalks also make great candidates for the Crosswalk Creations projects within the public right-of-way. Certain special sidewalks (like the stamped sidewalks along North and South Main Street) may not be an appropriate location because of the specific streetscape design requirements for those corridors.
3. **Intersection Murals** – Murals painted in the middle of street intersections have been the most common and popular type of Crosswalk Creations projects in other cities. Low volume residential streets tend to be the best candidates for these. Intersections with traffic signals and/or marked crosswalks are not eligible for this kind of Crosswalk Creations project because such projects may obscure important traffic control markings, potentially confusing motorists.
4. **Midblock Murals** – Crosswalk Creations projects may also be installed in midblock locations. Generally midblock murals are most successful when they are tied to a significant adjacent land use, like a museum, library, park, or other neighborhood-serving land use. Midblock locations involving bike lanes, on-street parking spaces, two-way center turn lanes, etc. may be acceptable locations, but these proposed locations will require additional scrutiny to ensure that the Crosswalk Creations project does not obscure, mimic, or confuse any traffic control device. Midblock murals cannot be used near approaches to signalized intersections (within 200 feet) or in street segments with more than three total vehicular lanes (including center turn lanes) because they may obscure important traffic control markings.
5. **“Live-Ends”** – These are projects that use cul-de-sacs or dead-end streets as a canvas for Crosswalk Creations installations, transforming them into “Live-Ends!” Dead-ends typically make great candidates for Crosswalk Creations projects due to low traffic volumes and the opportunity to enliven infrequently used rights-of-way.

Prohibited Locations

There are places where Crosswalk Creations projects are not a good fit because they may obscure, mimic, or confuse traffic control markings. The following types of locations are not permitted for Crosswalk Creations

projects:

- Portions of the roadway that include school zone markings or railroad markings;
- Approaches to signalized intersections (within 200 feet) as these typically include turn lane arrows, stop bars, etc.;
- Shared-use crosswalks, which are installed with a green color in between the white crosswalk markings to denote a shared pedestrian and bicycle crosswalk, and
- Any other portions of the roadway, in which a Crosswalk Creations project may obscure, mimic, or confuse pavement markings or regulatory devices.
- Any locations, which involve NCDOT right-of-way.

The City shall have the final authority to screen and identify eligible locations and may deny any Crosswalk Creations request for any reason.

Approval Process

To install a Crosswalk Creations project you will need two things; 1) a Temporary Infrastructure Agreement (*this is the approval of your design concept*), and 2) a Special Events Permit (*this is your approval to close down the street to install your project*). Below are the steps to get there:

- **STEP 1: Pre-application Conversation with City Staff**
 - Contact City staff via contactus@mountholly.us before you get started on your application. Your email should include the location(s) you have in mind for your project with a corresponding map. This will allow the City staff to assess the request and put together some helpful guidance. The City will also provide some preliminary guidance on a traffic control plan at this stage.
 - City will normally contact you within 15 business days and, if necessary, will arrange a date/time for an in-person pre-application meeting.
 - Street closures or events that are larger or more complex may also require a Special Event Permit.
- **STEP 2: Gather Neighborhood Support**
 - Because Crosswalk Creations projects create a semi-permanent change to the neighborhood, obtaining community support is an essential part of the process and should be included with your Crosswalk Creations application in Step #3. Applications that do not include documentation of community outreach will not be considered. Full support from every property on the block is not a requirement for a proposal to move forward, but it is important to demonstrate adequate community outreach.
 - **Fronting Businesses & Property Owners:** At a minimum, applicants must demonstrate the support of any businesses and property owners, which front a proposed Crosswalk Creations project.
 - **Neighborhood Organizations:** Applicants must also notify any adjacent neighborhood association, merchants' association or businesses of the proposed Crosswalk Creations location and preliminary design. No formal approval from a neighborhood organization is required, although it is welcomed.
 - **Signatures of Support:** Applicants are also encouraged to obtain signatures of support from nearby property owners, businesses and tenants that are not immediately adjacent to the proposed project. Petitions shall include the name, address and phone number of all those who sign it.
- **STEP 3: Prepare and Submit Your Crosswalk Creations Application**
 - See the Application Checklist and Forms in the Appendix of this manual for more information.

- When developing projects, consider the scale and timeline to ensure the project is within your (or your organization's) capacity. Include a realistic timeline for installation and cleanup, including paint drying time. You will need to have traffic controls in place long enough for your project to dry.
- **STEP 4: Review and Revisions**
 - Upon receipt of a complete application packet (see the Application Checklist and Appendix for application forms), the City will begin its review process. The review may take 30 or more business days to approve, deny, or request revisions to the design concept and application.
 - As part of the review, the project design and content will be evaluated through the City's Public Art Committee. The Public Art Committee is comprised of one (1) City Council liaison, (1) City Staff, (1) City Engineer, (1) Community Development Foundation – Arts Mount Holly member and (1) Citizen.
 - The Public Art Committee will review to approve, deny or request revisions to the design concept and application.
 - The Public Art Committee will present the application and their recommendation to approve or deny to the full City Council during a regularly scheduled meeting.
 - You will also want to start thinking about a date for the installation of your project and submit a Special Events Permit application. Set the installation date out far enough (at least 45 days) to allow plenty of time for the review and revisions of your Crosswalk Creations scheme. That will also give you time to recruit some neighbors to help you complete the project.
- **STEP 5: Get Your Permit and Start Painting!**
 - The City will provide written approval of the application. The applicant is advised to wait for this written approval before any material acquisition or other commitment of any funds to the endeavor.
 - Once your Temporary Infrastructure Agreement and Special Event Permit are approved, you will have everything you need. Gather your materials and your volunteers and get ready for your installation date.
 - Have fun and get the whole neighborhood involved! See "Installation Process & Closing the Street" for more on how to execute your project.
 - All materials and equipment shall be removed from the site after installation is complete.
 - The City will inspect the project, after installation, to ensure compliance with the Temporary Infrastructure Agreement and to ensure the site has been cleaned in an appropriate manner.
 - The City will own the work after inspection and acceptance of the final installation, however maintenance and repair of the painting is the responsibility of the applicant. See "Maintenance & Repair" below.
 - Keep in mind, the City may revoke your Temporary Infrastructure Agreement for any reason at any time.

Design Requirements

- No words, logos, commercial speech, religious message, political message or advertising are allowed.
- The applicant is advised that the visual images are not intended to create a forum for public expression. The City right-of-way is a closed public forum. The City reserves the right to control what is depicted in the City's right-of-way.
- Crosswalks are demarcated by white parallel lines called "stop bars" and must remain intact in the artist's design. The design must be rendered within those white stop bars. The amount of space between the stop bars is a minimum of eight (8) feet in width. The area between the stop bars is the artist's canvas. The selected artist(s) will be free to create simple graphic designs that can be easily produced using a stenciled outline.
- If no crosswalk is present, please discuss with the City the option to place a crosswalk, prior to application

submittal. If approved, the white stop bars will need to be incorporated into the design and painted by the applicant.

- It is important to ensure that Crosswalk Creations projects do not create areas that become slippery when wet. As such, designs must include sufficient blank space (non-painted areas) to ensure adequate roadway grip. Alternatively, the paint may be mixed with walnut shells or “shark grip” grit (chewed up plastic pieces) to add grit and prevent a slip hazard. These materials are readily available, and City staff can help guide applicants seeking to use them.
- The painting may not mimic traffic control devices such as crosswalks or street signage. Yellow and white paint shall be minimized to avoid looking like traffic control devices.
- Applicants must obtain permission for all artwork and imagery to be used. This includes permission to use photos of people and images of artwork and a waiver from each designer/artist to the Visual Artist’s Rights Act (VARA). Applicants must also obtain permission from each designer/artist for the City to use images of their artwork in brochures, on websites, etc.
- Paint must be low toxicity latex paint and must be lead-free. Proposed paint materials must be submitted to the City for review and approval.
- All materials must be used in compliance with all State and Federal regulations and according to manufacturer’s specifications.
- Applicants should have a plan for material and equipment use as well as safe procedures when working with youth. A good resource is the Art and Craft Safety Guide of the U.S. Consumer Product Safety Commission: <https://www.cpsc.gov/s3fs-public/5015.pdf>
- Applicant must clean up and dispose of paint in an appropriate manner. Paint may not be disposed of in the City storm drains, City sewers or waste containers.
- Paint shall be applied in a precise, high quality manner. Accidental spills, paint drips and messy edges must be cleaned up.
- Avoid creating a distraction to motorists. (High reflectivity, kinetic parts, etc.)
- Placement must not obstruct sight distance in accordance with City of Mount Holly’s Engineer.
- Maintain adequate separation/clearance from the street depending on the specific conditions at the proposed location. More separation is generally required at intersections.
- Placement must not impede pedestrian accessible routes in accordance with ADA.
- Installations may not have an appearance that is similar to any traffic control devices or signs including, but not limited to those found in the MUTCD.
- Consistent with City ordinance, no advertisement is allowed. (Signs, logos, sponsorship plaques, etc.)
- Installations must not conflict with any applicable law, ordinance or policy.

Installation Process & Closing the Street

Bringing the neighborhood together to install a Crosswalk Creations project should be a fun community-building experience. That process is just as important as the design of the project and the final result. These requirements help ensure that the installation of Crosswalk Creations projects are fun, safe, and engaging for the neighborhood.

- At a minimum, applicants are encouraged to notify the adjacent property owners and any adjacent neighborhood associations, community organizations, and business associations of the planned installation date and invite them to participate in installing the project.

- Except for projects on sidewalks only, streets must be closed around the Crosswalk Creations project area to provide safe working conditions. Applicants must submit a plan for closing the street. City staff will provide guidance for street closures in accordance with MUTCD, which can be found at <https://mutcd.fhwa.dot.gov/>. No street shall be closed or blocked until specifically approved by the City.
- Crosswalk Creations projects can be accomplished as part of a Special Events permit. Information on requesting closure of the street or intersection under the Block Party Permit process can be found at <https://www.mtholly.us/parks-recreation.php?Parks-Recreation-Special-Events-8>. Please note that Special Events Applications must be submitted a minimum of 30 days in advance of the requested date.
- Keep in mind, on busier streets (thoroughfares) and at signalized intersections you may be required to hire an off-duty police officer(s) to provide traffic control during the installation of your project. That can create additional expense for the applicant.
- The applicant is not authorized to do any excavation or modification to existing signage or pavement markings. The applicant shall be responsible for protecting all public and private facilities placed in the public right-of-way.
- We want to see your great work. Applicants must thoroughly document the installation and final product through photographs and provide those images to the City upon completion.

Maintenance & Repair

- Paintings in the public right-of-way become City property immediately upon completion; however, the maintenance and repair of the painting is the responsibility of the applicant per the completed Temporary Infrastructure Agreement between the applicant and the City. See attached Temporary Infrastructure Agreement for more information.
- The applicant is responsible for all ongoing maintenance of the painted work, including touch-ups, graffiti removal and repainting due to street maintenance or utility cuts.
- The applicant is responsible for repainting after significant wear or completely removing the paint at the end of the permit period using a method to be approved by the City.
- The applicant will bear the cost of all maintenance, repair and removal.
- The City bears no responsibility to repair or replace the project, however the City has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport or restore the project elements located within the City right-of-way in whole or in part, in the City's sole discretion.
- Prior to maintenance and repair, the applicant is required to coordinate with the City through the Special Events Application and related Permit for approval.

Application Checklist

- Application form
- Map of the location(s)
- A color graphical representation of the proposed painting in 8.5" x 11" format. The image shall include dimensions, the imagery, names of the streets, and the name of the designer
- Resumes of the participating designer(s)/artist(s)
- Letter of support from neighborhood organization(s)
- Petition indicating the percentage of abutting property owners support, with as close to 100 % support as possible.
- Visual Artist's Rights Act Waiver signed by each designer/artist
- Completed Temporary Infrastructure Agreement
- Temporary traffic control plan

- Special Events Permit application (necessary to close down the street for most types of Crosswalk Creations projects) – City staff will guide you to the appropriate process during your pre-application conversation.

Frequently Asked Questions (FAQs)

Q: *Who owns the Crosswalk Creations final product?*

A: Paintings in the public right-of-way become City property. The City has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport or restore the artwork located within the City right-of-way in whole or in part, in City's sole discretion. The maintenance and repair of the painting is the responsibility of the applicant per the completed Temporary Infrastructure Agreement between the applicant and the City.

Q: *What if the Crosswalk Creations project becomes faded or is damaged (i.e. graffiti or a utility cut)?*

A: The maintenance and repair of the painting is the responsibility of the applicant per the completed Temporary Infrastructure Agreement between the applicant and the City. The applicant is responsible for all ongoing maintenance of the painted work, including touch-ups, graffiti removal and repainting due to street maintenance or utility cuts. The applicant is responsible for repainting after significant wear or completely removing the paint at the end of the permit period using a method to be approved by the City. The applicant will bear the cost of all maintenance, repair and removal.

Q: *What if we just want to paint the sidewalk instead of the roadway?*

A: The same application process, criteria and approvals apply.

Q: *Is using a professional artist(s)/designer(s) required?*

A: No. Although it is recommended to ensure a high quality finished product, this is not a requirement. Even if a professional is not involved, the same information regarding who will be doing the work and the proposed design is required. The artist/designer does not have to be a citizen of Mount Holly, only the applicant has to be a citizen or associated with the City.

Additional Information

For additional information or questions, please contact contactus@mountholly.us

Appendix A - Forms

CROSSWALK CREATIONS APPLICATION FORM

Date Submitted _____

Title of Project _____

Applicant Name _____

Address _____

City/State/Zip _____

Phone (day) _____

Phone (eve) _____

Email address _____

Project Type & Description

A. **Proposed Location (Intersection, Street Segment, or Sidewalk):** Where/what are you proposing to paint? (Include streets that form the intersection and/or adjacent address(es).) Why were these chosen?

B. **Designer/Artist Selection:** How was/were the designer(s)/artist(s) selected for your project? What criteria did you use for this selection and who was involved in the selection of the designer(s)/artist(s)?

- C. **Design Development:** What was the process for developing the design? Was the community involved? If the process involves youth working with the artist(s) to develop the design, how have they been trained or educated? What are the themes and ideas represented in the design? How do these themes relate to the site, design of adjacent sites and the community?
- D. **Community Involvement:** What was the process for notifying and engaging the community, both in planning the project and, if appropriate, creating the artwork?

- E. **Who will be doing the painting?** Include information on who will be working with the designer/artist to paint the project (e.g., youth—including ages, neighborhood residents, etc.). How are these participants being identified and selected? What materials will you be using? Include information about why these materials were selected, safety precautions that will be taken and method(s) of safely disposing of materials.
- F. **Materials:** What materials will you be using? (Note: only latex paint is allowed for pavement painting.) Include information about why these materials were selected, safety precautions that will be taken and method of safely disposing of materials.

G. **Timeline:** What is your timeline? Include milestones for designer/artist selection, design, fabrication, community engagement, publicity, approvals, installation and celebration.

H. **Maintenance:** What are your plans for ongoing maintenance and final removal? What is needed for maintenance? Who have you consulted in estimating these needs (i.e. art conservator, fabricator, artist)? Who will be conducting maintenance and graffiti removal? How often do you estimate that maintenance will need to occur? How quickly can you respond to requests for graffiti removal? (If you have a maintenance plan, please attach it. The City does not fund ongoing maintenance or removal for such projects).

K. **Public Education:** How will the public be informed about the project? Will there be a plaque-like acknowledgement near the site? Is their information on your website?

L. **Project Budget:** What is your project budget? (Note: Although the City does not fund such projects, the City does require a budget submittal as a demonstration that the applicant has the capacity to implement the project, has raised the necessary funds and has budgeted for designer/artist fees, insurance and ongoing maintenance.) Include the following information, and include in-kind contributions for key required items.

Artist Fees: _____

Materials/Fabrication: _____

Installation: _____

Liability Insurance: _____

Maintenance: _____

Other: _____

M. **Attachments:** Do not forget to include the other required forms and attachments with your application, and to combine them in one PDF document.

- Images of the final design
- Resumes of participating designer(s)/artist(s), if applicable
- Letter of support from neighborhood organization(s).
- VARA Waiver signed by each designer/artist
- Temporary Infrastructure Agreement

I/We understand that the materials we submit are public information under North Carolina Public Records General Statute 132 and may be shared by the City with members of the public or the media for informational purposes or as otherwise required by the statute. Accordingly, I/we hereby grant a non-exclusive license to the City to make and distribute a limited number of copies of the submitted materials for the purposes of information and/or evaluation of the Project, or as required by North Carolina Public Records General Statute 132.

Signature of Applicant

Date

Waiver of Rights for Artwork Placed upon City Right-of-Way

The provisions of this paragraph shall apply to modify Artist's rights of attribution and integrity as set out in the Visual Artists Rights Act, 17 U.S.C. 106A and 113(d) ("VARA"), and any rights arising under United States federal or state law or under the laws of another country that convey rights of the same nature as those conveyed under VARA, as against the City of Mount Holly ("City") and its agents.

The City has absolute right to change, modify, destroy, remove, relocate, move, replace, transport, repair or restore the artwork located within the City right-of-way in whole or in part, in City's sole discretion.

Project Title: _____

Designer/Artist Signature

Date

Appendix B – Temporary Infrastructure Agreement

Temporary Infrastructure Agreement***Crosswalk Creations*****Owner:** City of Mount Holly**Applicant:** _____

CITY OF MOUNT HOLLY (City) is responsible for, and has authority over, all of the Right-of-Way (R/W) in the City. Anyone wishing to construct or install items within the public R/W must obtain approval and abide by guidelines/specifications developed by the City. Each request is considered on a case-by-case basis to ensure that there is no adverse impact to the public safety or future roadway construction needs.

This agreement was developed to assist with Crosswalk Creations installations to be placed in the rights-of-way that would be installed by the Applicant.

NOW THEREFORE, IT IS AGREED that the City hereby grants to the Applicant, its successors, and assigns, the right and privilege to make this agreement upon the following conditions, to wit:

1. That the City reserves the right to determine all issues related to the review, installation, maintenance, removal and replacement of the said item. If the said item becomes damaged or becomes a safety hazard to the public, the City has the absolute right to change, modify, destroy, remove, relocate, move, replace, transport or restore the project elements located within the City right-of-way in whole or in part, in City's sole discretion.
2. That the said Applicant agrees to comply with the provisions of the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, published by the USDOT Federal Highway Administration, should any roadway or walkway, or portion thereof, need to be blocked or closed during installation.
3. The Applicant agrees to maintain the approved Crosswalk Creations installation in accordance with all requirements and guidelines as outlined in the Crosswalk Creations Manual.
4. That the Applicant, its successors and assigns, agree to indemnify and hold harmless the City, its officers and employees, from and against all damage, including injury to persons or damages to property, expenses or other liability which may result from, arise out of, or be brought by reason of the Crosswalk Creations installation. In case any suit or cause of action shall be brought against the City on account of any act, action, neglect, omission or default on the part of the Applicant, its agents, subcontractors, employees and/or patrons, the Applicant hereby agrees and covenants to assume the defense thereof and to pay any and all costs, charges,

attorney fees and other expenses and any and all judgments that may be incurred or obtained against the City.

- 5. That if the Applicant contracts for installation of this Crosswalk Creations installation, the Contractor must provide General Liability and Auto Liability in the amount of \$1 million per occurrence and Workers' Compensation with Employers' Liability limits of \$100,000 per accident limit, \$500,000 disease per policy limit, and \$100,000 disease each employee limit must be provided by the primary contractor and all subcontractors. Certificates of insurance shall be furnished the City Manager showing the City as an additional insured.

THIS AGREEMENT, made and entered into this the _____ day of _____, 20____, by and between the City of Mount Holly, North Carolina, (hereinafter "City"), and _____, Applicant,

By:

 City of Mount Holly

APPLICANT: _____
 (Organization Name)

Name: _____
 (Print Applicant Name)

Address: _____

Address: _____

Name: _____
 (Applicant Signature)

