



S A V A N N A H - C H A T H A M C O U N T Y
HISTORIC SITE & MONUMENT COMMISSION

Arthur A. Mendonsa Hearing Room
October 13, 2011 4:00 PM
Meeting Minutes

October 13, 2011 Special Called Meeting

I. Call to Order and Welcome

1. Order

Mr. Gordon Smith, Chair, called the Special Called Meeting to order at 4:00 p.m. and welcomed the large group that was in attendance to the meeting. The purpose of today's meeting is to receive public feedback and comments on the proposed Mural Policy for the City of Savannah. The Board will not take a vote on the policy today. The staff will give an overview presentation on the proposed policy and then the meeting will be opened for public comments. Mr. Smith outlined that there were two ways that the comments could be provided. The Board solicits either or both. If someone wants to verbally make a comment, come to the microphone at the podium and address the Board or write their comments on the board that is posted in the back of the hearing room. He added that if the persons come to verbally make their comment, introduce themselves and because of the large crowd present and wanting to be able to hear from everyone, he asked that the comments be limited to two minutes. After this meeting, the staff will compile all the comments. The staff will meet in consultation with the Technical Advisory Committee and then this Board will review the comments at their regular scheduled meeting on November 3, 2011. He invited the public to attend this meeting if they so desired to do so.

II. Approval of Meeting Minutes

III. Regular Agenda

2. Overview of Proposed Mural Policy

Attachment: [O.C.G.A. § 36-60-3 and O.C.G.A. § 16-12-80.pdf](#)

Attachment: [Case Studies.pdf](#)

Attachment: [DRAFT Mural Policy and Guidelines 10-06-11.pdf](#)

Ms. Harris introduced Julie Yost, a historic preservation graduate student at SCAD, who worked as an intern this summer at MPC. Ms. Yost is continuing her internship into the fall helping to research and compile information regarding case studies pertaining to the Mural policy. At the meeting in September, Ms. Yost gave a comprehensive presentation on the Mural policy. Ms. Yost today will give a condensed version of the presentation.

Ms. Yost explained that murals are one of the oldest and most popular art forms dating back to thousands of years. Exterior mural painting were not popularized in the United States until the twentieth (20th) century. The popularity of the Mexican Mural Movement which used the median as a method of spreading ideas and political messages spread to the United States in the late 1920s. Artist such as Degra LaVeris served to challenge traditional notions of access to art by using the median and public spaces that were accessible to everyone regardless of social class. In the 1930s and 1940s, the Works Progress and Administration continued the traditional of murals in the United States by putting them in towns across the nation to spread community pride and portray American's ideas. After suffering a decline in popularity during the mid-century, mural art experienced a resurgence in the 1960s and 1970s as a result of the community mural movement. This movement developed in urban areas such as Chicago and Los Angeles as a response to urban decline and the social on political climate.

Ms. Yost said community murals are a collaboration among artists, neighborhood groups and mural organizations. A singular art form, these large scales insights specific works that reflect the social, cultural and political climate of times in the neighborhoods where they are located. Murals have become an increasingly popular method for displaying the social economic and cultural history of towns and cities. Multiple communities have used heritage murals as part of their downtown revitalization process which were often funded in part by mainstreet organizations or nonprofit programs. These murals help to beautify the city as well as restore interest in areas that have declined.

Initiatives such as the Community and Heritage Mural Programs have proven their significance. They make art accessible to everyone by bringing it into the public sphere. They serve to enhance and beautify otherwise unattractive buildings. In doing so, they contribute to the character of the neighborhood and assist the neighborhood revitalization. Perhaps, most importantly, they are able to provide a median to portray the history, beliefs, and cultural of the community.

The main goal of their research was to determine a method to distinguish between murals, signs and graffiti. Murals differ from signs in that signs use text, graphics and logos to specifically promote a business, product, survey, or political candidate. Murals are singular works of art that utilize similar elements to portray an artistic idea. Murals can contain both graphics and text, but they must further the concept of the artist. There is one major difference between murals and graffiti. Murals are sanctioned by property owners and the appropriate governing bodies. They are considered public art. Graffiti is unsanctioned meaning that it is applied to a building site or object without permission of either the property owner or the appropriate governing body. It is vandalism. Murals have proven their effectiveness in helping to eradicate graffiti. A common solution for property owners or city officials is to paint a mural on a building or structure that is commonly vandalized. According to "Keep America Beautiful," murals are rarely defaced by graffiti and solicits pride among those who live nearby.

Ms. Yost said that during the course of the research, they analyzed mural policies from each of these cities. They found out that while many cities have mural policies in place, other cities are facing problems because they have no policy. In cities where there is no policy, murals are either cited as noncompliance signage or as graffiti. In both cases, this causes issues with the property owners, artists and the public. As is the case in Savannah,

many places across the country are developing policies to better handle this popularity in widely acceptable art form. There are existing murals in Savannah. This policy is not meant to limit or increase the number of murals in the city, but, rather to provide a standard set of guidelines that murals will have to comply with.

Ms. Yost showed the murals at 515 Price Street; 31st and Drayton Streets, Humane Society Building on Sallie Mood Drive; Water Treatment Plant on President Street; DeRenne Avenue, the restaurant supply store on Wheaton Street, and on the Brighter Day Store on East Park Avenue.

Ms. Harris gave the background why the mural policy is forthcoming. In the City of Savannah there are a number of murals already in existence. We have not had a clear process for review and approval of the murals. Sometimes, murals may be considered graffiti and either cited accordingly or painted over. Other times, they are considered signs that were put up without a permit and are, therefore, cited accordingly. Sometimes they are just left alone if they are perceived positively by the community. More recently, the City of Savannah and particularly Property Enforcement asked for information relative to how a decision is made between what's a mural, what's graffiti, when is it considered a sign and who enforces this. Ms. Harris said, therefore, staff wanted to develop some clear measures and put a process in place.

The Historic Site and Monument Commission currently has the authority to review murals under their authority to review public art. However, the standards do not adequately address murals. When the standards were developed, they were geared towards three-dimensional art work. Consequently, staff has been working with the City to develop a better policy and put standards in place. This is a review process that is being created and guidelines and standards for review. This does not necessarily advocate or promote murals. It may well be the case that every single application that comes before the Board could be denied. This simply means that there is a public process and a public hearing in place so citizens have the option of applying.

One of the first tasks that the staff struggled with was making a distinction between what's graffiti, what's a mural and what's signage. Ms. Harris explained that in a nutshell, graffiti is anything that goes up that does not have approval of the property owner and the Historic Site and Monument Commission. Regardless of the artistic integrity or quality if it has not gone through this process, it can be considered graffiti. Now, it will always be the case that a mural goes up it has property owner approval and gets a citations for being graffiti, those persons would still have the opportunity to come before the Board and explain that they did not know there was a process in place. If it is denied by the Board, then it must be removed. A mural, therefore, is defined as a single work of art painted with approval of the property owner as well as from the Historic Site and Monument Commission. Ms. Harris stated that they did not want to change the definition of a sign because it is a zoning related issue and is not something that this Board has purview over as they don't deal with zoning issues. Therefore, in order to make a distinction between a mural and a sign, they have said that a mural does not contain text graphics or symbols which specifically promote a business, product, service, political candidate or party. If it does, it is fine, but it would have a different review process. It would not come to the Historic Site and Monument Commission.

Ms. Harris explained that the last time she presented this policy to the Board based on the

feedback she received from different entities, to create a statement of purpose there has been some concern that to regulate murals is a violation of free speech. In legal consultation with the City Attorney's office, they felt that if a statement of purpose was added concerning what the City is intending to do regarding the policy is not trying to limit free speech, but is trying to ensure a continued visual aesthetic within the community. This what the overriding purpose of the guides seek to do. They felt this would be a defensible stand in order to develop the mural policy.

The intent is to maintain the process as similar as possible to the current process that is already in place for markers, monuments and other types of public art. Presently, they review the theme, location, design, artist qualifications and funding. This has been broken into the same categories so that it fits with the existing process. One noticeable aspect is that some of the standards are broad and may appear to be open-ended. For example, it says that a mural should be respectful of the greater context of the community including historic and socio-cultural context. As they review the policy, they will see that there are similar standards in all these different categories. This is intentional that some are broad standards and some specific standards. In the Landmark Historic District, there are specific design standards which regulate the design of new construction, alterations and also have the visual compatibility criteria. A project at some time might come before the Board that meets all of the specific standards and, yet, may still not be compatible. Therefore, this why there are broader standards which show that it is out of scale, out of character and is not respectful of the greater community. This allows the Board a little flexibility in making the more common sense kind of decisions. She pointed out that a change has been added to the previous presentation she gave the Board. It was added that murals are not permitted on unpainted historic materials; however, if a mural is proposed on historic painted material, same brick wall that has already been painted, it still must comply with all the relevant preservations briefs for the particular material that is published by the National Park Service. This is done in order to protect the historic fabric. This was added based on the feedback received. Ms. Harris also pointed out that as previously, if it is exclusively in a residential area, neighborhood support is required. This would be in the form of a neighborhood association endorsement. If there is no neighborhood association, everyone on the current blockface on both sides of the street would need to give their support.

Ms. Harris said the design would probably be the most difficult areas to regulate. It should be appropriate to the building, to the site and the context of the surrounding neighborhood. If the design is to be permanent, the artist needs to take steps to ensure that it is permanent such as weather resistance and coding. They would still need to comply with the artist qualifications that is used to evaluate other works of art. She explained that the review process would follow the current review process with two exceptions. The City is interested in expanding the mural policy to be city-wide and not exclusive to local historic districts. Therefore, staff is working with the City Attorney's office on how to exactly do this.

A process that would be different from murals, is a concept called a "rotating mural." This is where a wall has been dedicated to murals and it is anticipated that they will change periodically on the wall. This could be monthly, quarterly and so forth, in order to alleviate the review process of burden that it comeback to the Board every time the mural would be changed, they propose that it come before the Board initially to see if it is an appropriately

location, whether the organization is qualified to do this, what are the artist qualifications, what is the theme and what are they trying to do. The Board could approve basically the location and the overall theme of it with the individual submission as it changes, there will be a posting on the site notifying the public that the mural will be changed. If a member of the public requests a public hearing to come before the Board, the public hearing will be held. If no request is received, then it could be reviewed and approved at staff level. On all proposed murals, it is being proposed that the site be posted ten (10) days in advance. This is different than the current posting requirements.

Ms. Harris explained that regarding enforcement, as she mentioned, if the request has not gone through this process, it could be enforced as graffiti which this process is currently in place under the existing property maintenance ordinances. In order to assist the inspectors who are in the field to know whether or not a mural has been approved, a notice will be sent of the hearing. They have added that an approved mural will include the approval date and application number in the bottom right-hand corner. This also assist the public as they could get the application number and call the MPC office for information. As has been discussed, some times there will be gray areas between when does a mural becomes a sign, when does it advertise a business product or service. When this gray area surfaces, the zoning administrator has the authority to make the determination as to whether it is a mural or a sign. Therefore, it will come to the Board or go through the separate sign review process for the approval. The zoning administrator's decision can be appealed to the Zoning Board of Appeals. This is presently the process that is in place for any zoning administrator's decision.

Ms. Harris reported that regarding maintenance, language has been added to include that maintenance is the responsibility of the property owner. If the property owner wants to delegate the responsibility to the muralist or artist who painted it is fine as it would be between them, but ultimately as a city, the property owner is held responsible. Language has been added that the mural must be properly maintained against material failure and that vandalism is removed promptly. This falls under the existing property maintenance enforcement rules and regulations.

Ms. Harris stated in conclusion, Ms. Yost has developed ten different scenarios to test some proposals and develop "what if" scenarios. She has chosen some murals that already exist in other cities. She also superimposes murals on existing buildings.

Ms. Yost reviewed different scenarios.

Ms. Harris stated that one member (Adrienn Mendonca) of the Historic Sites and Monument Commission was unable to attend the meeting today. But, she sent her written questions about the process which will become a part of the public records.

- Should the definition should be more specific in distinguishing between permanent and temporary murals. Ms. Harris stated that regarding this question, they want to leave it to the discretion of the petitioner in terms of what is their proposal. If it is a temporary mural, there has to be a plan for its removal. If it is a permanent mural, the petitioner has to plan accordingly.
- **Ms. Mendonca** recommended that even with a revolving (rotating mural wall) mural that there be some kind of review committee made up of the members of the Historic Sites and Monument Commission and/or the Technical Advisory Committee

so that not only staff would be making the recommendation.

- Where does the intended imagery in the design come in. She did not see this as a part of this policy. Ms. Harris explained that it is not a part of the policy, but a part of the application process. All these kinds of submission such as the photographs of the site and all the things that falls under the application process.
- What about a proposed financial penalties for unsanctioned murals. Ms. Harris suggested that the existing process be adhere to in accordance through the Property Maintenance Ordinance using the channels that are already in place.
- Make it clearer in this document that the final approved mural is not subjected to a complaint resolution. Ms. Harris explained that this means if it goes to the Historic Site and Monument Commission and then someone does not like it; if it meets the Board's approval and meets the design that was approved by them that there was not a complaint resolution process in place. However, all decisions are appealable to City Council.
- **Ms. Mendonca** recommended adding language on landscape maintenance that the landscape around the mural should be properly maintained. Ms. Harris said, however, this should be done in accordance with the Property Maintenance Ordinance which addresses landscape issues.
- How the 25% of the facade would be measured. Would the voids such as windows and doors be a part of this percentage or would it be taken out? Ms. Harris explained that it would be a part of the 25 percentage because it could be integrated into a window or door frame. Therefore, it is important that these things be considered.
- How different percentages were chosen. Ms. Harris explained that they were mainly based on the case studies where they looked at the other communities and what were successful there.

Ms. Harris reported that: Dr. Peggy Blood of the Technical Advisory Committee had a question, but upon receiving an answer, Dr. Blood stated that she is supportive of the proposed policy.

Ms. Harris stated she gave a presentation to the Historic District Board of Review at their annual retreat to get their feedback. She did not know if any of the members are present today. Some concerns were that we did not want to become a city similar to Philadelphia who has a lot of murals. The Historic District Board Review said carefully consideration should be done when deciding particularly where murals would go in the Landmark District.

Ms. Harris also met with the Historic Savannah Foundation Architectural Review Committee's members and received two comments from them. One comment was that we reconsider disallowing murals on unpainted historic materials with the idea that buildings evolve and paint should be a part of this. Another suggestion was that it be made clear that approval is on a case-by-case basis.

Ms. Harris said she received one comment from a member of the general public who felt that murals were appropriate in certain context and could really enhance neighborhood character.

Mr. Eli Karatassos stated that he had some questions he wanted to get on the records. In the Statement of Purpose, he does not like using "political expressive content." His

understanding is that there will not be a place for any political content. But, if this is read correctly, it says "with minimal intrusion into expressive content." He does not believe that this sentence should be here. Secondly, in theme and location three references are made to "neighborhood," "community," "strictly residential" without any definition. But, if they go to the page where it talks about notifications, they are specifically qualified what each of these words mean. Mr. Karatassos believes this should be done in both places so that there will not be any confusion about what a community is, etc. The examples that Ms. Yost showed in the case studies, many of them were over the 25%. He believes the 25% speaks against the entire concept of expression. Why do they need to have this? If someone comes in with an entire side wall that meets all the criteria, why have a limiting factor. Ms. Harris explained that the 25% only applies when it is on the primary facade. If it was on a secondary facade, the 25% would not apply.

Mr. Karatassos said there is to be one building per blockface; but, what is the difference, there may be two. The proposed policy states a posting of ten (10) days in advance and a required and public hearing "shall be held" if requested. He dislikes this. If one person decides that they are going to object to every mural that is going to be put up in Savannah, a hearing will be held on all of them. Consequently, he believes that some discretion is needed in terms of whether the objection is valid or just chronic objections. At some other point may be they can have a discussion regarding the statement "appropriate within the context of the surrounding neighborhoods." Otherwise he likes the policy. He thought the case studies were good. However, he wishes there was a better distinction between graffiti and murals. Some good examples were in the other cities such as Charleston and Denver. They don't speak specifically to what happens if someone consents to have their house with a mural and then sells the house. Does the consent with the Historic Sites and Monument Commission ends with that sale? May be the attorneys need to look at this aspect.

3. [Public Comments on the Proposed Mural Policy](#)

PUBLIC COMMENTS

Ms. Pamela Howard Oglesby, resident of West Savannah neighborhood, stated that she lives in West Savannah, but her family has property in Cuyler-Brownsville. They have gotten permission she believes from Ms. Beth Reiter and Ms. Sarah Ward to paint a mural in Cuyler-Brownsville. She is aware that Ms. Reiter has retired, but they have not painted the mural yet. The mural will be on a block fence that runs the length of the parking lot. They want to teach the young people about the history of the Cuyler-Brownsville neighborhood. On the mural, they will have "Welcome to Historic Cuyler-Brownsville." They want to have the faces of some people painted on the mural that actually lived in Cuyler-Brownsville years ago. They anticipate that on the mural also will be painted such places as the Florance Street School and the Charity Hospital. They have a licensed artist actually looking now at the pictures of these places. Ms. Oglesby asked since they already have permission to put up their mural, do they need to have the mural up before this process goes into effect or are they okay with the prior permission they were given. The Historic Savannah Foundation thought it was a good idea. Ms. Harris said if a mural has already gone through an existing City process and has gotten approval, it would be grandfathered in under that process. Ms. Harris assumed a Certificate of Appropriateness

was issued.

Mr. Matt Hebermehl, artist, thanked everyone who has been a part of this process. They all have taken this very seriously as they want to do it the right way. This is an important part of our community.

Ms. Ardis Wood was hopeful as they go forward with this that they don't encourage people to ask for forgiveness instead of permission. Often people do not know the law; even considering the fact that Ms. Harris has discussed the Property Maintenance Officers. They only have a few Property Maintenance Offices to cover this entire city just to take care of what they know is illegal – parking on sidewalks and it is totally impossible for these officers to get to. Therefore, they need to consider the practicality of enforcement. Ms. Wood believes it is wonderful that this being done and that they have this public forum to talk about it rather or not they are for or against murals. Ms. Wood thanked the persons who are responsible for this public forum. She said it appears that America likes stuff, the more stuff the better and we want stuff out there. Ms. Wood said she was thinking of the Asian gardens that are a little softer, less cluttered and more natural. She believes Savannah could use a little dose of this. Finally, she wanted to accent what we are and what we are not. We talk about context and city design. We talk about a sense of place. To have digital billboards and great big murals and all these sort of things for Time Square and Los Vegas are wonderful. But, she believes that Savannah's sense of place comes from the natural world -- trees, parks and wonderful architecture. It seems to be a little disconcerted to try and cover up this or say because it is not in good condition, we will put a mural up. Let's talk about beautification in terms of restoration and prevention of decay of architecture and beautifying with the natural. She thought the safety aspect was incredibly scary when she saw all the pictures in one of the cities. If she was driving along the road and saw about 12 different pictures on the wall, she would be totally distracted. This along would be a good reason to be concerned about it. Ms. Wood said if we are going to have this outdoor art (to her art should be indoor) let's make it temporary and use a period of a year to exhibit just as they did in Forysth Park with the maple saplings and the wonderful displays of sculpting. Let's not create this outdoor art that does not seem to be right. There was a valentine she read that was written to Savannah. She thought the last two lines said it all - "We come to you Savannah lady of exquisite taste and enduring charm." Ms. Wood said anything that deviates from this, let's not allow it.

Mr. Smith stated that in attendance was a large number of City employees who are involved in this process. The Historic Site and Monument Commission is happy to have them in attendance. He invited them to make comments or ask questions if they so desired. He knows the difficulty these employees face with the graffiti. The employees made no comments nor asked questions.

Mr. Daniel Carey was present representing Historic Savannah Foundation (HSF) and the Technical Advisory Committee (TAC). Mr. Carey said he has taken advantage to put his comments in writing and in person with Ms. Harris. He thanked Ms. Harris for the outreach. Mr. Carey wanted to underscore the new ideas that has come to him since listening to the presentations. He appreciates the staff recognizing the input from the HSF Architecture Review Committee. However, he wanted to clarify that it was only one member of this committee that made the recommendation that we should allow murals on unpainted surfaces. Mr. Carey said the ten "what if" scenarios were good. He knew the staff has met in consultation with the City Attorney's office and believes it was helpful, but they might want to go outside of the City Attorney's office and approach an attorney who is

frequently at the MPC, the Historic District Board of Review or somebody who does a lot of land use cases who are representing petitioners who will look at the existing policy to see if there is any weakness to get through or around. He believes that having that sort of devil's advocate upfront by help strengthen the policy in the long term. He wanted to pick up on what Mr. Karatassos said about politics and trying to avoid this and context. Both of these are tricky. Politics is more than elections; there are issues that are political and are important to our community that can be expressed in murals. Mr. Carey believes this is something that needs to be allowed in some way. He was thinking about a lot of his time spent in Miami and other cities were migrant issues, etc. These are beautifully done, yet, make political statements that he believes are important, but are more issues oriented rather than political. The context is also difficult because if they allow more than one mural in a block, there could be one mural, two murals, red mural, and a blue mural. What is the context? The context would change all the time. Mr. Carey believes that sometime we hem ourselves in. He believes the Historic Preservation Ordinance to a degree hems them in to a degree when they become too contextual and don't allow for a little greater interpretation, creativity and flexibility. Because we cannot create the perfect policy, we need to make sure that we allow a good amount of discretion to the Historic Sites and Monument Commission. Mr. Carey said this is a great burden on this Board. He realizes that ordinances and policies are created to protect the Board or protect us at times. There is a pro and a con, but in the end he guesses he would have more faith in the fact that they are making good appointments in getting people to serve on these boards who are concerned and educated in the areas who can make good discrete decisions. By allowing a little more latitude for the people who will be reviewing the applications on a case-by-case basis is good. In doing so, they will not be shackled by a policy; although it is good, but might sometimes defeat the entire point. Whatever is decided on, they ought to have a strong, educational outreach component not just to the public, but in particular to our youth and the more arts oriented schools about what murals are and what is graffiti. This will enable these groups to be a contributing part of City. Their ideas and creativity will be valuable and we will be educating and training them in a way. Also provide training our zoning and code enforcement officers. He was pleased to see the enforcement team here today because they are on the streets and can be very proactive in addressing these issues before they become problems.

Ms. Audrey Platt said she lives downtown and loves it. She does not understand why they are considering murals. They are trying to protect the most beautiful city in the country. They are short-staffed everywhere. The idea of introducing something as dangerous or possibly dangerous aesthetically to this community makes no sense to her. We have great art here, inside and outside. But, anything has to be contained. We cannot maintain this, so why are we trying to do this when we need to look elsewhere. We need to protect our city; its beauty and forget about putting murals on every wall. We do not need to express ourselves politically or otherwise on the walls of downtown or any other buildings. We want to improve our Historic Districts and improve the rest of our city. This is not the way to do it.

Mr. Smith added that from the examples already shown, we have a number of murals here in Savannah; these murals exist. We will have to deal with murals in a rational manner.

Ms. Virginia Mobley showed the Historic Site and Monument Commission a picture of a mural in the 100 block of East 54th Street. She said there is a tire in the middle of the mural. If they look at the house and what is surrounding it, it is in perfect content of what

surrounds it. There are circles and sculptures surrounding this house which all have circular motion. Would this be a permitted use in the middle of Ardsley Park? Ms. Mobley believes her biggest concern is a five percent (5%) signature areas has been proposed to be on a mural. She said use would use Mr. Matt Hebermehl proposed mural as an example as it is a viable discussion before the Historic Sites and Monuments Commission. On the building that Mr. Hebermehl is proposing to put up a mural, he can have a signature that is ten feet-by-ten feet. This is the size of a bedroom in a lot of houses. He can have a logo, his name and a variety of individual things that are not in content with the mural. When the property is sold, how is the responsibility transferred. The proposed property that Mr. Hebermehl is proposing to use is up for sale. Will the future property owner take responsibility or does the process start over again?

Mr. Smith stated this situation exists and has existed in Savannah for many years. This is why they are here today trying to address these issues in a calm, rational fashion, be fair to everyone and explain to all what the guidelines are, and try to arrive at a consensus. Mr. Smith told the audience that the Board values all of the comments. There has been many times since he has been a part of this Board that the public showed no interest, but he was pleased to see today that a large number of persons are interested and came out to voice their concerns. All the concerns will be take in consideration.

IV. Other Business

V. Adjournment

4. [Adjourned](#)

There being no further business to come before the Historic Site and Monument Commission, Mr. Smith adjourned the Special Called Meeting at 5:00 p.m.

The Board's next regularly scheduled meeting is **Thursday, November 3, 2011 at 4:00 p.m.**

Respectfully Submitted,

Ellen Harris,
Cultural Resource and Urban Planning Manager

EH:mem