



CITY COUNCIL AGENDA FORM

REQUESTED COUNCIL MEETING DATE: 10/24/06

**SUBJECT: REQUEST TO PAINT MURAL ON LEASED PREMISES -
ARTHAUS, 3840 Ridgewood Avenue**

DEPARTMENT: CITY MANAGER/Redevelopment

RECOMMENDED MOTION:

To allow Arthaus to paint a mural on the north side of the building at 3840 Ridgewood Avenue, subject to final design approval by the City.

SUMMARY:

Arthaus has requested approval to paint a mural on the north side of the building they lease from the City at 3840 Ridgewood Avenue. The mural would potentially encompass the entire north wall, which spans approximately 60 feet in length. City staff has determined that such a mural, so long as it is purely a work of art and does not contain any advertising, is allowed by the Land Development Code. Pursuant to Article IV of the lease agreement between the City and Arthaus, no alterations may be made to the leased premises or building without prior written approval of the City. Due to the visual impact of such a large mural and potential public sensitivity to artistic expressions, this item is being presented to the City Council for its consideration.

ATTACHMENTS: Ordinance Resolution Budget Resolution

Other Support Documents/Contracts Available for Review in Manager's Office

**PROJECT MANAGER
CITY MANAGER**

Donna J. Steinebach
Approved Agenda Item For:

Date: 10-13-06
10-24-06

COUNCIL ACTION: Approved as Recommended Disapproved
 Tabled Indefinitely Continued to Date Certain Approved with Modification



www.arthaus.org

3840 Ridgewood Ave.
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Port Orange, FL 32129
Tel. 386-767-0076
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Mission Statement

*To support schools in Volusia
and Flagler Counties by
showcasing student
exhibitions, providing arts
education programs and
promoting cultural enrichment.*

Donna J. Steinebach, AICP
Assistant to the City Manager
Port Orange, Florida 32129

Dear Donna:

I am writing to tell you briefly about our new volunteer group, the Youth ArtHaus Committee and to ask your permission to mural the wall on the north side of the building.

This group was started three months ago to provide a safe, drug and alcohol-free activity for high school age students. It is designed to encourage self-realization and personal growth through positive experiences, implementing visual arts as the central theme. The Youth ArtHaus Committee for ArtHaus will serve to promote the betterment of our organization by providing assistance in fundraising efforts, special events, exhibitions and community projects, thus providing cultural enrichment for community youth of all ages.

We have monthly meeting for this group where we discuss the group's process and assist them in creating art work. ArtHaus will schedule an exhibition of artworks by members of YAK at the ArtHaus facility annually. Student members will assist in the planning, jurying, publicity and hanging of the entire project. YAK members will have occasional opportunities for large-scale installation projects under the guidance of the ArtHaus Board Advisor. These projects will be conceived, planned and implemented with input from the entire committee. The purpose of projects of this nature will be to expand the students' conception of his/her limited spatial capabilities and to exercise the creative process by thinking through ideas on a large scale working in collaboration with a group of like-minded creative peers.

We would like our first project to be a mural painting on the north side of our building. We would like the opportunity to utilize the entire space which spans about 60 feet. Some of this space will not be used but we would like the freedom to use it if we find we need to.

"Instilling the Spirit of Creativity and Beauty in our Youth"

ArtHaus would plan a mural contest amongst the YAK members. We plan to recruit judges to decide the winner and at that time, bring the draft to the city for further permission. We would like the members to have a hand in this to learn the entire approval process.

We do not have a strict timeline on this, but would like to start as soon as possible.

ArtHaus board, staff and YAK members feel as though the exterior of the building could exemplify the fun, colorful atmosphere we feel from the inside. We will of course stay within the parameters given to us, but would like you to consider this possibility of artistic expression for the exterior. This would also be wonderful for drivers and walkers who pass by our building.

I will look forward to hearing from you regarding this matter.

Warmest Regards,

A handwritten signature in black ink, appearing to read 'Steph Merryman', written in a cursive style.

Stephanie Merryman

ARTICLE IV

ALTERATIONS AND IMPROVEMENTS

1. No alterations, addition or improvements shall be made to the Premises or building without the prior written approval of the City. No structures, additions or improvements shall be constructed or installed on the roof of the building without the prior written approval of the City.

2. Any alterations, structures, additions or improvements made to or installed on the Premises or building shall become the property of the City and remain part of the Premises or building, unless said alterations, structures, additions or improvements can be removed without damage to the Premises and building and the Lessee receives written approval from the City for such removal. In such event, the Lessee shall, at its sole cost and expense, remove only those alterations, structures, additions or improvements approved by the City and restore the Premises and building to the original condition.

ARTICLE V

PAYMENTS

1. The Lessee shall pay to the City the sum of Eight Hundred Thirty-Three and 33/100 Dollars (\$833.33) per month as rent for the Premises. Such rental payments shall be due monthly in advance on the first day of each month, commencing on July 1, 2006 and shall continue to be due and payable on the 1st day of each and every month thereafter throughout the duration of this lease agreement and any subsequent extensions hereof.

2. The Lessee shall pay all bills, fees and charges for electricity, gas, water, sewage, garbage, telephone and other utilities furnished to the Premises during the initial term of this Lease Agreement and throughout the duration of any extensions of terms hereof.

3. The Lessee shall promptly pay and discharge all taxes, assessments, duties, levies, fees and charges imposed or assessed by any governmental agency or authority during the initial term and any extension terms of this Lease Agreement for any reason connected with this Lease Agreement or the Premises, including, but not limited to, the following:

- a. Rent paid under this Lease Agreement;
- b. Utilities furnished to the Premises;
- c. Use or occupancy of the Premises;
- d. Real or personal property located at the Premises or building;
- e. Alterations, structures, additions or improvements made to or installed on the Premises or building;
- f. Public works or facilities constructed for or upon the Premises;
- g. Permits, licenses or franchises issued to the Lessee or for the Premises; and
- h. Leasehold interest or any other interest of the Lessee in the Premises.