

**CITY OF BURLINGTON
PARKS, ARTS & CULTURE COMMITTEE**

**Councilor Karen Chair, Ward 6
Councilor Ali Dieng, Ward 7
Councilor Joan Shannon, South District**

Staff: Holli Bushnell, Office Assistant
Lakeview Cemetery
hbushnell@burlingtonvt.gov

AGENDA

Parks, Arts and Culture Committee Meeting

Wednesday, August 12, 2020, 5:30 to 7:45pm

MEETING CONDUCTED VIA ZOOM

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/81846558361?pwd=dEU5amVtY0xGVjA2UUE2YXRQTWtNdz09> Passcode: 732401

Or iPhone one-tap : US: +19292056099,,81846558361#,,,,,0#,,732401# or +13017158592,,81846558361#,,,,,0#,,732401#

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Webinar ID: 818 4655 8361 Passcode: 732401

Approval of the Agenda and approval of the draft minutes from May 13, 2020 – 5:30

Public Forum – 5:35 – Members of the public may address the committee

Agenda Items – 5:45

1. Brief review of the resolution regarding the “Everyone Loves a Parade” mural, passed May 18, 2020 (5:45 to 5:50)
2. Communication from City Attorney, Eileen Blackwood, questions from the Committee (5:50 to 6:00)
3. Communication/presentation City staff with a proposed temporary step for the mural to address the August 31 date in the resolution, questions from the Committee (6:00 to 6:45)
4. Communication from and opportunity for discussion with Ms. Carrera and Mr. Dana (6:45 to 7:15) (Note: Ms. Carrera has confirmed attendance)
5. Committee discussion of proposed temporary step (7:15 to 7:45)
6. Wrap up public forum (7:45 to 7:55)

Schedule next meeting – Committee will be queried via email

Adjournment – 8:00

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To: Burlington Parks Arts & Cultural Committee

From: Bob Kiernan / Downtown Burlington

Date: August 10, 2020

Subject: Action Regarding ELAP Mural Modifications in Leahy Way Before August 31, 2020

A recent press conference in downtown Burlington was covered by local WPTZ and NECN as reported by Jim Thurston which brings back into focus a more “balanced” way of thinking about ELAP. Certain hateful rhetoric has been expressed now for quite some time in our community. There is actually a large percentage of Burlingtonians (and Vermonters state-wide) who see this mural in a mostly favorable light and a benefit to our community. To see the more nuanced view now brought forth by Messrs. Cina and Dieng is most welcome. I live in Ward 3 right next to Representative Cina’s (6-4) district and I have supported his positions on many issues. His statement on camera that “public art is evolving” is an important point of view. In the past he has been at times categorized (along with Councilor Dieng) as taking the extreme view that the mural is hateful and racist. Councilor Dieng’s way of stating now that he feels “misrepresented” and “there is no diversity” reaches out to the community in a more positive way than his previous repeated charges of “racism” and “racist.”

Many Burlingtonians do not agree with the “racism” assessment and see the tearing down of the mural as a distinct form of censorship, but still recognize other points of view. It is also gratifying to see Gina Carrera given an opportunity to share her thoughts in the video report. She was not acknowledged properly when the ELAP mural project was in development over ten years ago. It is welcoming that recently the mural critics have stepped-up to support her. This had not been the case during the eight years that ELAP has been on display. The fact that critics of the mural have never presented (for the same eight years) any viable alternative art to the public about ELAP is unfortunate. The focus has been backward, not forward -- mostly centering on “the mural comes down” instead of on a progressive view of what will improve the issue -- via art.

During these years of criticism no artistic proposal (or any funding) has been publicly brought forth by those opposing the ELAP mural -- a comprehensive proposal to bring “evolved” mural art to Leahy Way and Burlington does not yet exist alongside the hasty energy put towards tearing ELAP down ahead of schedule.

In May, this year, our City Council stated that the Council “finds it in the public interest to remove the mural before August 29, 2022 due to the continuing hurt that the mural is causing members of the community” and asking that the City and the DPW cover or remove the mural to storage. Haste in this issue is not in the public interest at this time. This is mostly an ideological goal that may not be timely during the current economic and health challenges of Covid-19 and the budget shortfall for Burlington. The expense of action about the ELAP mural should, in this stage, be directed at utilizing the mural and/or part of the mural space to support bringing Vermonters and visitors back into downtown and the Marketplace. The workers and small businesses downtown and in the district already suffer extensive economic challenges. Positive action would be welcome by all; not negative and costly construction activity to tear down or cover the ELAP mural with no proposed comprehensive artistic plan firmly in place for Leahy Way.

To the Parks Arts Culture Standing Committee of City Council:

Council has voted 11-1 to remove the parade panels by Aug 31. The phrase "or cover up" had been added to the resolution, and now BCA wants to cover the racist parade mural with a billboard map advertising marketplace stores. The building owner wants the parade panels removed, the wall repaired, and the Carrera mural restored.

Enough of covering up racism. Council has admitted harm, now they need to apologize (to our multicultural community), do the work to deconstruct racism (literally the parade panels can be removed and stored, to be displayed in a white supremacy museum someday), and restore the mural of the artist (a woman of color) whose work was covered without her permission. The parade artist agrees, in fact he respected the Carrera mural "underneath" and pointed out in a letter to the City that he did not damage it and his mural was installed to be removable.

Gina Carrera is available to refresh and update her mural, and she is supported by a cadre of local artists. It is a good example of reparative justice* -- this time required of the City, not by the City.

*In Burlington, the concept of restorative and reparative justice is based on the premise that a misdeed represents a debt owed not only to the state, but to the victim, the victim's family and to the community as a whole. In addition, the offender is to acknowledge responsibility for the harm that has been done.

Lea Terhune
63 Appletree Point Lane

ADDENDUM:

Here are links to pertinent information I ask you to consider regarding removal of the parade mural.

The focus of the Press Conference is on Gina's artist rights and voices from the community who urge the City to honor Gina's rights. The focus of the film, recently released, is on vandalism and restorative justice, both very timely in that we are petitioning the City to grant restorative justice to Gina Carrera, a party directly harmed by the City's installation of the parade mural covering her mural.

Press Conference Aug 6. 2020. <https://www.cctv.org/watch-tv/programs/press-conference-removal-everyone-loves-parade-mural>

Film: **Matt Kelly Debuts 'ELAP' Documentary**

First-time documentary filmmaker Matt Kelly has debuted a feature length documentary film on the 'Everyone Loves A Parade' mural painted by Pierre Hardy [**and Mary Angelina***]. The film is available for public viewing on Youtube: <https://youtu.be/u43WoSbHQP4>

Over a year in the making and made possible by a grant from Burlington City Arts and the Vermont Community Foundation, "The Mural" traces the history of the downtown Burlington, VT artwork from its inception to the recent acts of vandalism and calls for its removal amid cries of racism and white supremacy.

Featuring figures at the heart of the controversy, the film explores the subjective nature of art, the history of art vandalism, VARA rights, public vs. private art, how a community heals after acts of violence, and includes a strong focus on the benefits of Restorative Justice.

Ending with what should happen next to the mural, participants contextualize the controversy in their own words. "There is unity and understanding with Restorative Justice, rather than denial and polarization," said behavior expert Dr. Neil Marinello, in responding to the benefit Restorative Justice has to the community. Art Professor Ellery Foutch noted that "Perhaps...this...has...brought people together to have these conversations about community inclusion and arts role in that," while Rabbi Amy Small believes "This is a moment for us to learn about it, just as I learned about it...I think we should add another mural that depicts the complete inclusion of everybody and helps to elevate the message of inclusivity and mutuality in our society."

Plessy v Ferguson aside, the Mural Task Force explicitly rejected a separate mural in lieu of removal of the parade mural.

*Note: The parade mural was painted by Pierre Hardy **and** local artist Mary Angelina. Mary testified before the Mural Task Force that she painted everything but the faces, that she worked long hours (in the livable wage, fair trade city) for "a little more than \$8 an hour," and that although promised that it would advance her reputation as an artist, she never received any public recognition for her work. At the dedication, when Hardy called "his assistant" to the stage, he was referring to a clown prop representing Sam Champlain who proceeded to mimic French Canadiens, make tacky jokes, and pitch the sale of signed mural 'maps' for \$4 each. Mary Angelina looked on, never thanked or even acknowledged. The City can right this wrong as well, with recognition of --and an apology to -- local artist Mary Angelina for her skill.

Respectfully submitted,

Lea Terhune
63 Appletree Point Lane
Burlington, VT 05408

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Minutes

Parks, Arts & Culture Committee Meeting

Wednesday, August 12, 2020, 5:30 pm

MEETING CONDUCTED VIA ZOOM

Attendance:

Committee Members: Chair Karen Paul, Councilor Ali Dieng, Councilor Joan Shannon

Eileen Blackwood – City Attorney, Doreen Kraft – BCA, Sara Katz – BCA, Holli Bushnell – BPRW Staff, Gina Carrera – community member/artist, Myer Dana – owner of 56 Church St, Mary Lacy – community member, Estefania Puerta – community member, Lydia Kern – community member, Norman Fischer- community member, Emma Levy – community member, Robert Kiernan – community member, Herb Sinkinson – community member, Corrine Yonce – community member, Tim Heaghney – community member, Haley – community member

Meeting called to order at 5:40pm by Councilor Paul.

Approval of agenda

Councilor Dieng moved to approve the agenda. Councilor Paul seconded. Councilors Paul and Dieng were in favor of the motion.

Approval of draft minutes from March 4, 2020

Councilor Dieng moved to approve the minutes. Councilor Paul seconded. Councilors Paul and Dieng were in favor. (Councilor Shannon joined the meeting immediately following this vote.)

Public Forum

Public forum was opened at 5:42pm.

Mary Lacy, Estefania Puerta, and Lydia Kern, members of the community, all voiced their respect and support for Ms. Gina Carrera. They cited her influence on the Burlington artistic community over the decades as well as the personal impact that her work has had on them. All expressed a desire to see her either recreate her old mural or create a new mural once ELAP is removed.

Norman Fischer expressed his concern that the removal of the mural is a violation of the first amendment. He expressed his desire to have ELAP remain where it is and as it with the understanding that it depicts a specific, if unpopular, viewpoint.

The first public forum was closed at 5:51pm

Agenda Items

1. Brief review of the resolution regarding the “Everyone Loves a Parade” mural, passed May 18, 2020

Councilor Paul read the resolution, clearly stating the required actions and the dates those actions were required to be completed by (see resolution in supporting documents).

2. Communication from City Attorney Eileen Blackwood, Questions from the committee

Councilor Paul asked Attorney Blackwood if she could update the Committee on the first directive of the May 18 resolution, namely a communication to Mr. Pierre Hardy advising him of the City Council’s action given the agreement with Mr. Hardy and the 90 notice period. Attorney Blackwood shared a communication sent to Mr. Hardy on May 27, 2020 and stated that the City has not received a response from Mr. Hardy. Additionally, they do not anticipate receiving a response and her office feels that it will be fine to move forward with the removal of the mural.

Councilor Dieng asked if this letter was the first communication between the City and Mr. Hardy. Attorney Blackwood confirmed that this was the first communication from her office, however other City departments such as BCA were in contact with him prior to the 5/27 letter.

Councilor Dieng asked if the letter from the 27th satisfied the requirements of the resolution. Attorney Blackwood confirmed that it did. An additional communication pursuant to the most recent resolutions was sent prior to 5/27 as well.

3. Communication/presentation City staff with a proposed temporary step for the mural to address the August 31 date in the resolution, questions from the Committee

BCA Director Doreen Kraft began by explaining the work that went into identifying solutions to comply with the resolutions. It was a collaboration between many different City employees spread across multiple departments. The cost, impact, and results of each potential solution were carefully examined over the course of several months – all possibilities were explored. After much discussion BCA recommends respectfully removing the mural and safely storing it until its future is determined.

BCA has received a quote from Paul Liszt of Liszt Historical Restoration. He handled the repair when the mural was vandalized and Director Kraft, as well as BCA staff, feel he has the best possible understanding of the mural's construction. He provided a bid of \$12,500 to remove all 60 panels and transport them to the designated storage facility provided by Gene Richards (Director of Aviation) at the Airport (there will be no cost for the storage space). Unfortunately, Liszt was not able to provide a bid for repair of the wall/mural underneath ELAP due to the fact that there is no way to know what is under the panels until they are removed.

Councilor Dieng asked where the original cost estimate of \$30,000 to \$40,000 came from and if there have been any other bids for the work. Director Kraft explained that the original estimate was to remove the mural and restore it elsewhere. Now that the panels will be moved storage at no cost, the cost for this phase is significantly less. Sara Katz commented that she has been in touch with other historical restoration firms, however none responded to her queries.

Councilor Dieng asked if an RFP was issued for the removal. Director Kraft responded that an RFP was not issued for this project. Attorney Blackwood explained that the City is not always required to do an RFP depending on the circumstances. In this case, there are limited experts in the field of historical restoration, so only research is required. She also clarified that the \$12,500 is an estimate only for phase 1, the removal. Phase 2 is the restoration which will also likely cost around \$12,500 bringing the total cost to roughly \$25,000. These funds will be requested as part of a contingency bond at the next council meeting. Though phase 2 is not finalized BCA and the City Attorney's office are prepared to discuss next steps. Councilor Dieng questioned why the repair and restore phases would go separately before the council. Blackwood explained that a plan for both phases will go before the council at the next meeting, however the restore phase will not have a final cost estimate. The goal is to have phase 1 approved to meeting the 8/31 removal deadline. Councilor Dieng asked if Attorney Blackwood's office could provide a memo with estimates for the next council meeting. Attorney Blackwood confirmed that this was possible.

Councilor Paul asked if Liszt is available to work in the very short timeframe required to complete the removal. Director Kraft confirmed that Liszt is available to do the work. Her goal is to ensure that all the requirements of the resolution are met. Councilor Paul responded that this should complete the resolution requirements and that the next step will be determined between 8/31 and 9/30.

4. Communication from and opportunity for discussion with Ms. Carrera and Mr. Dana

Ms. Gina Carrera spoke about the mural she created decades ago that still exists under the ELAP panels. When ELAP is removed there will not be a blank wall underneath but a beautiful, vibrant piece of art that the community loved/loves. That piece, with some refreshing, will protect the wall through the seasons until a new mural is decided upon. She expressed her desire to be part of the repair of her original mural and her hope for guidance as to where she could fit into the process as previously outlined by Kraft. At

this time Blackwood interjected that the second phase will focus on determining the roles of those involved with restoration and the cost of that work.

Ms. Carrera went on to explain that her original piece was painted with love as a gift to the community. She did and does feel slighted by the experience of having her work covered. She feels it would honor her to have the opportunity repair what she originally created. Ms. Carrera also expressed her long-held desire to refresh her original mural and to be the person who paints the new one. Her work is multicultural and inclusive and always has been. She feels she is the right fit to create the new piece that will be there. Her original mural was the first she ever painted, and should she have the opportunity to create the new piece that would be her last mural.

Councilor Paul commented that Ms. Carrera is obviously passionate about her work and this piece in particular. She asked if Mr. Myer Dana would share his thoughts and concerns as well.

Mr. Dana, the owner of the building, shared his concerns that removal will damage his building and make it less attractive to tenants. His major concern is that removal not cause any structural issues. He also requested that, whatever the new piece is, it be non-political and non-controversial. His major question is what happens during the next six months to a year before a new mural is put into place. He hopes that the project will move forward promptly.

Councilor Paul asked if Liszt had provided any information on possible structural issues. Ms. Katz responded that, based on his experience, Liszt does not believe there will be any structural problems. Most of the work will be labor intensive but not damaging, and while a quick repair is important it's not an impossible task.

5. Committee discussion of proposed temporary step

Councilor Shannon thanked all those involved for the informative discussion, stating she looked forward to continuing the conversation as the next steps are determined.

Councilor Dieng asked if the original mural can be restored. Ms. Carrera confirmed that she could easily give her old mural a facelift. The original piece took 65 hours total to complete, and repair work could be done quickly, even if the original work is expanded higher onto the building. She can work quickly and would be willing to provide sketches for her update upon request.

Councilor Dieng asked if it would be possible to just let Mr. Dana and Ms. Carrera decide what the new mural would be. Attorney Blackwood commented that it is possible, but as the City has an easement in that area they would want to sign off on the new mural. That said, Mr. Dana and Ms. Carrera would be welcome to make a plan and bring it before the council. Mr. Dana commented that he would be happy to work with Carrera to restore her mural as well as eliminate the City's easement.

Councilor Dieng asked if there is any specific language in the current resolution regarding the new mural. Councilor Paul commented that there is nothing in the resolution concerning what happens after the mural is removed other than that a plan needs to go before the council before 9/30/2020. Councilor Paul asked if, once all the removal and structural repair work is completed, the restoration cost will be borne by the City. Attorney Blackwood explained that the City would cover the restoration cost but that the next step will involve identifying sources for funding the restoration. Councilor Paul stated that she felt Ms. Carrera is the only person who should repair her own work and that she should be compensated for that work. Director Kraft added that City policy is for artists to repair their own work and be fairly compensated for their time and effort.

Councilor Paul asked if PACC can make a recommendation/show of support for this specific proposal, including having Ms. Carrera do the repair work, when the proposal goes before the council. Councilor Shannon was in favor of this action. Attorney Blackwood proposed to draft a resolution to lay out the plan moving forward including the use of the contingency bond to cover the cost of the removal (Liszt) and repair (Carrera). All were in favor of this proposition. Attorney Blackwood will draft a resolution concerning the removal and restoration phases of the project in the next week so it can go before the council at the next meeting.

Councilor Dieng requested that there is a timeline provided when the project moves forward (and for any future projects). He expressed his desire for further input from the community as well as local artists on the next phase of the project. Additionally he requested a cost estimate, including compensation for Ms. Carrera's restoration work, be provided at the 8/24 council meeting. Both Councilors Dieng and Paul questioned whether the proposed \$25,000 would be enough to cover all the work that needs to be done. Director Kraft commented that an estimate for the repair/restore cost can be made as soon as the panels are removed. That is the best possible option unless the council decides to increase the contingency bond without estimates. The proposal will move to council for the 8/24 meeting with the resolution drafted by the City Attorney and the recommendations of the committee.

6. Wrap up public forum

Emma Levy voiced her support for Ms. Carrera and the restoration of her original work.

Robert Kiernan thanked the committee, staff and community members for paying attention. He feels that actions have been taken regarding this issue without any sort of planning. He hopes to see more planning as things progress. He is concerned that there is still not a fully formed plan to move forward, fears that this lack of planning will cause delays, and asks that a plan be made as soon as possible.

Herb Sinkinson spoke up for Pierre Hardy. He feels that not only has Mr. Hardy's work (which was designed as commissioned) been maligned, but also his character. Mr. Sinkinson knows Hardy and is aware that he has taken this hard. Mr. Sinkinson defended Mr. Hardy's character and values, stating clearly that Hardy is neither a racist nor a white supremacist, and neither is his work.

Corrine Yonce appreciated the in-depth discussion from the committee. She supports Carrera and feels allowing Ms. Carrera to do this work will help to heal the community.

Tim Heagheny thanked Ms. Carrera for her work and supports her in repairing her original mural. He feels that an RFP for the repair work would be akin to salt in a wound. He also suggested that, if funds are not available, the community organize a fundraiser to pay Ms. Carrera for her work.

Haley echoed previous statements of support for Carrera. She feels that allowing Ms. Carrera to be the new muralist in addition to refreshing her old mural would be a healing gesture.

Adjournment

Councilor Paul summarized the next actions to be taken – Attorney Blackwood will draft a resolution and send to the Committee members. The question of whether another meeting needs to be held to move the resolution to Council was put forth. Attorney Blackwood explained that a motion to request that the City Attorney prepare a resolution to seek council approval for the fund and lays out elements of the plan going forward is all that is needed. Councilor Shannon moved the motion, Councilor Dieng seconded, and all were in favor.

The meeting adjourned at 7:33pm. The next meeting will be scheduled as needed.