

# **Mural Task Force**

## **Report to City Council and Mayor**

**August 2018**

Chair: Weiwei Wang  
Members: Jen Berger  
Patrick Brown  
Thomas Carroll  
Gary De Carolis  
Terri Melincoff  
Brian Sullivan

## I. Background

On March 12, 2018 the City Council created, through resolution, the Mural Task Force (MTF) and resolved as follows:

[T]hat the City Council and the Administration shall:

1. *Create a Seven-Member Mural Task Force.* This diverse panel should include individuals who have a wide array of perspectives, including that of the New American, Abenaki and other diverse communities, the Church Street Marketplace Commission, mural donors, and the arts community.
2. *Provide Staff Support to the Task Force:* In addition to the seven voting community members, the panel should include two City employees selected by the Administration to staff the task force and advise it on financial, legal, and other municipal details.
3. *Complete an Open Application Process:* City staff, at the direction of the Mayor, should run an open application process that is well-advertised and allows applicants to submit applications by April 16, 2018 for review and appointment by the City Council with the Mayor Presiding, consistent with past practice of a Council sub-committee proposing a slate of names for Council vote (the Council's typical process for appointing boards in which the Mayor has one of the 13 appointment votes).

And further resolved:

[T]hat the Council and Mayor charge the Mural Task Force, while respecting the principles of public art, property rights, artist rights, and limits on government power, to review and consider a wide range of options that leads to a more inclusive outcome, respects Burlington's and Vermont's diverse history, and educates our residents and visitors; the options should include consideration of amending the current mural, removing it, and/or creating a new or additional work of art that better represents Burlington's diversity, or other options not yet discussed.

The City received 16 applications and a City Council sub-committee reviewed the applications and made its recommendations of who to put forth for appointment on May 10, 2018. City Council appointed Jen Berger; Patrick Brown; Thomas Carroll; Gary De Carolis; Terri Melincoff; Brian Sullivan; and Weiwei Wang to serve on the MTF on

May 14, 2018. Weiwei Wang was elected to Chair the MTF; and Doreen Kraft, Executive Director of Burlington City Arts, and Anthea Dexter-Cooper, Assistant City Attorney, staffed the MTF.

## **II. Process**

The MTF met nine times from late May 2018 until late July 2018. Over the course of approximately two months the MTF reviewed numerous documents related to Everyone Loves a Parade (ELAP); spoke with a number of individuals involved with ELAP; and held a specific, and publicized, forum on what members of the public think should happen with ELAP, in addition to allowing for public comment at every single meeting.

### *A. Materials Reviewed*

The MTF requested, and reviewed, the following materials:

- March 9, 2018 memorandum from City Attorney Eileen Blackwood and Assistant City Attorney Anthea Dexter-Cooper;
- March 13, 2018 resolution establishing the MTF;
- Sam Ankerson's article in Seven Days titled "Up Against The Walls;"
- Church Street Marketplace Commission minutes;
- An April 16, 2012 letter to Myer Dana, the owner of the building that ELAP is on, from Ron Redmond, Executive Director of the Church Street Marketplace, explaining how ELAP would be installed;
- A list of donors/sponsors of ELAP;
- The Request for Qualifications (RFQ) that went out for the Leahy Way mural project;
- The Request for Proposals (RFP) that went out to the three finalists selected based on the submissions to the RFQ;
- A side-by-side comparison of the "Thematic Considerations" sections of the second pages of the RFQ and RFP;
- The unsigned Letter of Agreement between Church Street Marketplace Foundation, Ltd. and Pierre Hardy regarding the Marketplace Alleyway Mural, a Church Street Marketplace Public Art Project;
- Burlington City Arts, Art in Public Places Guidelines, Adopted July 1999;

- Documents compiled by the City in response to Albert Petrarca's public records request for correspondence between the City and Pierre Hardy;
- Thomas Carroll's distillation of documents compiled by the City in response to Albert Petrarca's public records request for correspondence between the City and Pierre Hardy;
- A video of Titus Kaphar's 2017 TED Talk;
- Lisa Lord's video regarding ELAP;
- Heather Stewart's article in The Guardian titled "Corbyn in antisemitism row after backing artist behind 'offensive' mural;"
- The City of Elgin, IL's Public Art webpage;
- The City of Elgin, IL's Public Art Plan dated June 5, 2017;
- April 9, 2009 memorandum to Public Art Review Panel Members from Ron Redmond, Executive Director of Church Street Marketplace;
- Collection of Muralists responding to Request for Qualifications;
- Muralist evaluation sheet with listing of artists who responded to the RFQ;
- Collection of Final Mural Proposals dated June 5, 2009;
- Sketch of ELAP included in Pierre Hardy's submission to the RFP;
- ELAP promotional materials soliciting sponsors/donors;
- February 13, 2012 letter to Billy Mauer, Grandview Farms, Inc. from Robert Fuller, Leunig's Bistro thanking him for his donation for ELAP;
- Video of Church Street Marketplace 30<sup>th</sup> Anniversary Celebration;
- Emails from Sarah-Lee Terrat regarding "Remarkable Vermonters;"
- Written comments made at the public forum on July 18, 2018 in response to the question: "If you were to create any additional or new works of art that better represent Burlington's diversity . . .;"
- July 2018 correspondence from Pierre Hardy;
- Article in The Conversation titled "Martin Luther King Jr. had a much more radical message than a dream of racial brotherhood;"

- Letter from Robert Fuller;
- July 19, 2018 email from Kimberly Townsend;
- ELAP brochure created by Pierre Hardy;
- Photographs of ELAP;
- Vicki Garrison's video response to July 2018 correspondence from Pierre Hardy; and
- Wikipedia page on Tilted Arc.

Members of the MTF also did their own research; reviewed documents and other materials on their own; and made independent visits to ELAP, which were then discussed as a group in public meetings, with each member of the MTF noting what they liked and disliked about ELAP and providing other comments.

### *B. Individuals Contacted*

The MTF, through City staff support, also reached out to a contact person for each donor/sponsor of ELAP and asked the following questions:

- (1) As a donor, what is your recollection of any conversations you had with Ron Redmond or other representative of Church Street Marketplace regarding the mural in Leahy Way? Specifically, with regards to intent; length of display; and motivation.
- (2) Would you be willing to come to a meeting of the Mural Task Force?
- (3) Anything else you want the Mural Task Force to know?

John Killacky responded via telephone and said that his organization, The Flynn, was not actually a donor/sponsor; and another individual, Joe Carton, Westport Hospitality, responded via email and provided commentary on his experience with ELAP and Pierre Hardy. All of this was conveyed to the MTF.

Marian Fritz (donor), Grandview Farms, and Robert Fuller (donor/sponsor and member of the Church Street Marketplace Commission when a mural project was considered), Leunig's Bistro both attended meetings of the MTF in person to answer questions from the MTF and provide commentary on their involvement with the creation and development of the Leahy Way mural project, ELAP, Pierre Hardy, and the Church Street Marketplace in general.

Ron Redmond, Executive Director of the Church Street Marketplace attended a meeting of the MTF to answer questions from the MTF and provide commentary on his involvement with the creation and development of the Leahy Way mural project, ELAP,

Pierre Hardy, and the Church Street Marketplace in general. Ron was the Executive Director of the Church Street Marketplace for the entirety of the Leahy Way mural project.

Mary Angelina, Pierre Hardy's apprentice for the creation of ELAP, attended a meeting of the MTF to answer questions from the MTF and provide commentary on her experiences with Pierre and other individuals involved with ELAP, the Leahy Way mural project, and her thoughts on ELAP and public art in general.

Gina Carrera, artist of the mural beneath ELAP, attended a meeting of the MTF to answer questions from the MTF and provide commentary on her experiences as an artist in Burlington, conversations with Ron Redmond, the Leahy Way mural project, and her thoughts on ELAP and public art in general.

The MTF also directed Terri Melincoff to reach out to Pierre Hardy via email to ask him if there was anything he wanted the MTF to know. In response, Pierre provided several pages of comments along with hard copies of the ELAP brochure he had created.

One of the materials independently reviewed by a member of the MTF was a series of articles about "American Nocturne," a mural that was displayed, and subsequently removed, in Elgin, IL. In response to these articles, the MTF asked City staff support to contact Elgin's City Attorney Office. That email was not responded to, but a subsequent email to Amanda Harris, Art Showcase Coordinator and Cultural Arts Commission Staff Liaison, was responded to. Amanda explained over the phone her subsequent involvement with the controversy surrounding "American Nocturne" and how Elgin responded, including how the development of an already planned "Public Art Plan" was used to respond to some of the concerns surrounding "American Nocturne." Amanda also provided a copy of Elgin's Public Art Plan. All of this was conveyed/provided to the MTF.

### *C. Public Comment*

Many members of the public attended meetings of the MTF, and the following individuals provided public comment on one or more occasions:

- Mary Angelina;
- Jack Daggit;
- Ranjii Eddins;
- Norm Fischer;
- Vicki Garrison;
- James Lockridge;
- Lisa Lord;
- Karen S. Mittleman (statement read by Doreen Kraft);
- Albert Petrarca;
- Marianne Ward; and
- Sadie Williams.

Individuals who attended the July 18, 2018 public forum were also invited to provide written comments in response to the following statement: “If you were to create any additional or new works of art that better represent Burlington’s diversity . . .”

### **III. Recommendations**

The Mural Task Force makes the following recommendations:

1. That as part of the City of Burlington’s efforts to update its “Art in Public Places Guidelines” the City:
  - a. Defines “public art” and “public funding;”
  - b. Strengthens guidelines to ensure that no requests for qualifications or requests for proposals for public art projects are commenced without sufficient funding including the proposal for one percent for public art;
  - c. Includes processes that ensure the wide dissemination throughout Vermont of requests for qualifications, and requests for proposals for public art projects, including outreach to individuals who have a wide array of perspectives, including that of the New American, African-American, Abenaki, Asian, Latino, and other diverse communities, and Wards and Neighborhood Planning Associations;
  - d. Identifies and thoroughly investigates at least two other successful public art/mural programs elsewhere in the country in towns/cities that are similar to Burlington in scale to help develop best practices;
  - e. Ensures Burlington City Arts (BCA) oversight; and
  - f. Reviews and refines its “Art in Public Places Guidelines” as needed.
2. That the City of Burlington commits to filling all Public Art Review Panels (PARPs) or any similar panel or task force with members of the public who accurately represent the City of Burlington’s diverse community, with recruitment efforts targeted to individuals who have a wide array of perspectives, including that of the New American, African-American, Abenaki, Asian, Latino, and other diverse communities, the business community, and the arts community; and that, if necessary, vacancies in the pool of people who comprise the PARPs or any similar panel or task force be maintained, until representatives having those perspectives can be found, so as to strive for accurate community representation on all PARPs or any similar panel or task force on an ongoing basis.
3. The City adopts and secures funding for a “History of Burlington” public art project to be managed by BCA in accordance with the “Art in Public Places Guidelines,” which shall (a) utilize community engagement practices; (b) include

no less than four additional murals and other public art projects within the next five years, that address different aspects of the cultural, racial, ethnic, and other diversity of Burlington, and that these public art projects be placed throughout the City and not just in the Downtown Improvement District or any single neighborhood; and (c) that part of this “History of Burlington” public art project include a new mural to go in the space currently occupied by Everyone Loves a Parade (ELAP) on Leahy Way as further described in these recommendations.

4. That the City of Burlington replaces the placards next to ELAP with new placards that (i) better identify all of the individuals in ELAP and their contributions to the community; (ii) explain that ELAP is not a comprehensive representation of Burlington’s history from 1609 to 2009, but rather a whimsical representation and celebration of Church Street Marketplace with historical references, and the reasons why the City Council has reached that conclusion; (iii) appropriately credit all artists who were involved in the creation of ELAP; (iv) acknowledge all donors/sponsors; (v) explain that ELAP will be relocated by August 29, 2022; and (vi) state the City of Burlington’s commitments with respect to the commission of a new mural to be erected in the space currently occupied by ELAP on Leahy Way by December 1, 2022.
5. That ELAP be removed from its current location by August 29, 2022. ELAP may remain in its current location and in its current form until that time, and that after that time ELAP be relocated within the City of Burlington and new placards be created that continue to (i) better identify all of the individuals in ELAP and their contributions to the community; (ii) explain that ELAP is not a comprehensive representation of Burlington’s history from 1609 to 2009, but rather a whimsical representation and celebration of Church Street Marketplace with historical references, and the reasons why the City Council has reached that conclusion; (iii) appropriately credit all artists who were involved in the creation of ELAP; and (iv) acknowledge all donors/sponsors.
6. That by August 29, 2020 the City of Burlington secures funding to commission a new mural in the space currently occupied by ELAP on Leahy Way; and that upon securing funding the City of Burlington issues an RFQ and RFP for a new and inclusive mural that shows Burlington as a diverse and welcoming place to live, work, and visit to be painted by an artist residing in Vermont; and that this new mural be erected in the space currently occupied by ELAP on Leahy Way no later than December 1, 2022.
7. That the City of Burlington, if possible, secure all necessary rights to place the new mural described above in the space currently occupied by ELAP on Leahy Way no later than when the RFQ or RFP is issued for the new mural.
8. That the City Council commit to supporting an ongoing and inclusive public arts initiative.