

## Minutes

### Parks, Arts & Culture Committee Meeting

Thursday, September 24, 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, Cindi Wight – BPRW, Holli Bushnell – BPRW Staff, Gina Carrera – community member/artist, Myer Dana – owner of 56 Church St, Nancy Ellis, Dr. Millie Eidson, Lea Terhune, Miriam Black

Meeting called to order at 5:37pm by Councilor Paul.

#### Approval of agenda

Councilor Shannon moved to approve the agenda. Councilor Dieng seconded. All were in favor

#### Approval of draft minutes from March 4, 2020

Councilor Shannon moved to approve the minutes. Councilor Dieng seconded. All were in favor

#### Public Forum

Public forum was opened at 5:39pm. As no one wished to speak at this time, public forum was closed at 5:39pm.

#### Agenda Items

##### 1. The final resolved clause of “Everyone Loves a Parade” mural, passed May 18, 2020

ELAP has been taken down and is being stored at the airport. Gina Carrera is currently at work repairing her original mural. All the requirements of the resolution have been met apart from the last clause of the resolution – the permanent relocation of the mural and any final steps.

**2. Communication from City Attorney Eileen Blackwood, on next phase of the resolution, questions from the committee**

Attorney Blackwood informed the committee that the storage of the mural satisfies the permanent relocation clause of the resolution. It does not need to be reinstalled elsewhere, but can remain in storage indefinitely.

Councilor Paul asked for Attorney Blackwood to clarify that the city owns the mural and that nothing else needs to be done with it. Attorney Blackwood confirmed that this was the case, the city decided to store the mural and that satisfies the last clause of the resolution. The only remaining aspect of the resolution is to make decisions on the easement. The committee decided that having Ms. Carrera restore her original mural was the best course of action until the public process for the new mural can begin.

Next steps could include discussing Ms. Carrera replacing her mural, discussing what led to the installation of ELAP in the first place (and the problems surrounding that), and how to address the needs for a welcoming, well lit, alleyway.

Councilor Paul asked Councilor Dieng, the author of the resolution, what he envisioned for the next phase. Councilor Dieng responded that he does not feel the project will be completed until a new mural has been commissioned. He feels it's important to have an agreement with Ms. Carrera with regards to her piece and the amount of time it will remain before the next mural is installed. He suggested that over the course of the next few years BCA works to develop a new mural using the new public art guidelines. He also feels it's important to find out who owns the whole alleyway and if the whole thing can be made into public art.

Councilor Paul reminded the committee that Ms. Carrera has provided a vision for not only the restoration but also a vision for a future mural – suggesting she spends the winter and spring interviewing families from all the different communities in Burlington and designing a new mural. Councilor Paul asked if the committee should consider this proposal moving forward.

Councilor Dieng commented that perhaps it would be better to include as many local artists as possible as inclusivity at every level was a major issue with ELAP. Councilor Shannon commented that she feels there is a lack of process currently and that the some of the same mistakes that caused issues with ELAP are in danger of being repeated. She also pointed out that the city does not own the wall, but rather has an easement. The owner of the building, Myer Dana, could decide to work with one specific artist, but if the city commissions the new mural it needs to be done with a public process.

Attorney Blackwood commented that the easement is rights to the space but does not require the City to be responsible for a mural. The City can decide not to do anything with

the space. She agreed that if the city does decide to commission a new mural it needs to be done through public process. Additionally, Carrera's rights were not vetted when ELAP was commissioned and BCA was not involved in that process; moving forward things need to be done legally.

Myer Dana, the owner of 56 Church Street, commented that the mural has become too political and that too much time and energy has already been spent on the project. He asked if it might be possible to rescind the easement if that would make things easier. He also suggested that perhaps there shouldn't be any people in a future mural.

### **3. Communication from and opportunity for discussion with Ms. Carrera**

Gina Carrera questioned why the community has taken such issue with this specific wall. There are tons of other spaces in the city where public art could be displayed. She asked if it might be possible to commission a new mural on the wall across from her mural, suggesting that murals be added to the city, not removed. She went on to detail the massive amount of work that has gone into repairs to her mural, noting that there is a great deal of damage to the bricks. Councilor Paul List of Liszt Historical Restoration has been making more substantial repairs while Ms. Carrera has been working on smaller damaged areas.

Councilor Dieng addressed Ms. Carrera's question regarding this specific wall, commenting that the original easement was about safety in the alleyway. He stated that in his opinion it might be a good idea to create art throughout the whole alleyway. He also reiterated the importance of having a written agreement with Ms. Carrera with regards to the amount of time her mural will remain uncovered/in place.

BCA Director Doreen Kraft reminded the committee that a proposal for new public art throughout the alleyway and into the parking garage was created by DPW and BCA. Unfortunately that proposal was not funded by the National Endowment of the Arts. The funding needs to be in place before new art can be commissioned, and that was part of the problem with ELAP in the first place. Ms. Kraft agreed with Councilor Dieng that an agreement with Ms. Carrera is extremely important moving forward. She also asked that PACC take a tour of the new murals around the city and then revisit the next steps for a new project in place of ELAP/Carrera's repaired mural. Ms. Kraft also mentioned that BCA has been approached by someone who wishes to purchase the ELAP panels.

Mr. Dana asked if there was information on the depth of the city's easement, wondering if there was an information of about the depth (if the easement extended into the brick). He also noted his concern about the large amount of damage done to the brick. Attorney Blackwood confirmed that she would investigate the depth of the easement. She also confirmed that the city will hire someone to do further structural repairs if necessary.

**4. Recommendations that the committee wishes to bring forward to the council as per the resolution**

Councilor Paul suggested that the discussion of next steps be tabled for a future meeting. No decisions need to be made as the requirements of the resolution had been satisfied. She asked of Ms. Carrera could estimate the amount of work remaining. Ms. Carrera reported that work is going well and, though tired, she anticipates being able to complete her repairs by the end of the month.

Councilor Shannon agreed with Mr. Dana and Ms. Carrera that the wall is “hot” at the moment, especially in the hands of the City. She pondered if the City should continue to put art in the alleyway and perhaps consider leaving it as is or even consider giving up the easement. Attorney Blackwood commented that as long as the building is there the city has an easement and that time is not an issue when deciding next steps.

Councilor Paul asked Attorney Blackwood to provide a memo to the committee concerning what the city’s options are moving forward, including the City rescinding the easement. Attorney Blackwood confirmed that she would.

**5. Update on City Hall Park and concerns about the splash pad given COVID**

BPRW Director Cindi Wight provided the committee with an update on the work being completed at City Hall Park. The construction team has made good progress and the plan is to open in the next month. An exact date will be provided following a BPRW meeting 9/27 and will likely be the second or third weekend in October. She detailed information on the new water feature, making sure to explain that it is not a spray park or splash pad but a vertical fountain. Water features such as this have been opened safely over the course of the summer in low COVID positive areas of the country. Ms. Wight confirmed that if the weather was warm enough the fountain will open along with the park. No matter what the fountain will be turned on at the opening of the park, even if it’s just to test.

Councilor Shannon commented that the park looks beautiful. She admitted that she did not initially like the plans for the park, but thinks what has developed is beautiful with plenty of access and beautiful rain gardens. Ms. Wight expressed particular gratitude to City Arborist VJ Comai who has been personally watering the newly planted trees and project manager Laura Wheelock of DPW. Their work was instrumental in making the project a success.

Councilor Dieng commented that he thinks the park will be beautiful. He remembered Mr. Comai commenting during the approval and design process that everything about the park would change with the repairs and design, mentioning that the city would even smell better. Councilor Dieng reported that Mr. Comai had been right, it does smell

better. He asked about security for park, wanting to insure that it remains in the same, beautiful, high quality condition. Councilor Dieng also asked if there was video or pictures of the construction process. Ms. Wight commented that security will be the same as any city park with additional support from two specially trained BPRW employees for the fountain upkeep. She also mentioned that Jon Adams-Kolitz is putting something together to show the development of the park.

## **6. Wrap up public forum**

Nancy Ellis, a Ward 4 resident, commented that she is concerned about the health risks with sprayed water especially during COVID-19. She asked for clarifications in regards to the risks of sprayed water as well as the precautions (filtration, disinfection) being taken by BPRW.

Dr. Millie Eidson explained that she is an epidemiologist who previous worked for the state of New York. She explained the inherent issues with splash fountains concerning the spread of bacteria and viruses, stating that it is difficult to properly filter and disinfect water that's sprayed straight up into the air. She also mentioned that wild animals, mink in particular, could spread viruses and bacteria from the fountain (mink are susceptible to COVID and disease in the mink population can spillover to humans). She mentioned several ways of diminishing the dangers of infection such as fencing off the area surrounding the water feature, requiring screening before entering the fenced area, and preventing children in diapers from playing in the fountain (COVID-19 can be contracted via fecal-oral transmission). She suggested the fountain remain dormant until there is a vaccine for COVID and that signage specific to the dangers of the fountain be placed in the park. She suggested that the guidelines in place for fountain/spray parks/splash pads from New York State be adopted by the city for safety reasons.

Ms. Wight reiterated that BPRW has taken all necessary precautions and has gone the extra mile by having two BPRW employees get pool certifications to properly care for the fountain (even though BRWP staff already maintains multiple fountains throughout the city). The park is too small for fencing to be effective and signage detailing safety procedures and encouraging those with symptoms to stay home are already in place.

Lea Terhune, a Ward 4 resident, commented that other splash pads in the city (such as the one at the Y) are closed. She feels that opening the fountain in City Hall Park is nuts.

Councilor Paul asked what the plan is for the fountain when opening the park. Ms. Wight stated that the plan is dependent on the timing. Likely staff will turn the fountain on to test it and then close it down for the winter, but if the weather is good they will leave it in operation until it becomes too cold to operate. BRWP does not plan to close or fence the fountain off. Parks, playgrounds, tennis courts, and dog parks are all open with signage in use, and the fountain will be too if possible. There is even a bathroom on site at City Hall Park for visitors to wash their hands. Ms. Wight explained that the old fountain in City Hall

Park was never fenced and that other fountains throughout the city are also open. This new fountain will have even better care than any of the existing ones.

Councilor Dieng asked Dr. Eidson about illness associated with fountains. Dr. Eidson explained that the concern is about aerosolized water spraying up. Councilor Dieng asked if this had been an issue elsewhere and if it would be possible to get a list of potential bacteria or viruses. Dr. Eidson confirmed that outbreaks in other cities were traced to the common source of fountains and that the list Councilor Dieng requested does exist and could be provided to the committee. UVM may also be able to assist in identifying contagions.

Councilor Shannon commented that it is unlikely that the fountain will be in operation long enough this year to cause an issue. When it opens again in the spring we may have a vaccine. At the very least we'll have a lot more information on COVID-19. It's reasonable to evaluate the situation over the coming months.

Councilor Dieng suggested that security or BPRW staff do temperature checks at the fountain. Ms. Wight reiterated that City Hall Park will be another park in the park system. No other park is requiring temperature checks and neither will City Hall Park.

Miriam Black, a NNE resident, shared that in her opinion the fountain should not be opened until it is completely safe to do so in the spring. Ms. Ellis interjected that it could be used as a visual feature and people could enjoy it from a distance. She asked about the filtration system and placing signage that states all of the risks associated with a vertical fountain.

Ms. Wight reiterated that there are fountains and pools across the country using the safe filtration/disinfection systems and the same kind of treated water that are totally safe. The filtration system is the most advanced we could acquire from an extremely reputable well known company.

Councilor Shannon asked if the committee or BPRW should contact Health Commissioner Dr. Mark Levine for guidelines.

## **Adjournment**

Councilor Dieng moved to adjourn the meeting, Councilor Paul seconded, all were in favor. The meeting was adjourned at 7:33pm. Councilor Paul noted that when Attorney Blackwood was present at the meeting, a report back date had not been discussed. She will reach out to the City Attorney to confirm when the report concerning mural and easement options will be completed. The next meeting will be at a date and time to be determined.