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## Minutes

### Parks, Arts & Culture Committee Meeting

Wednesday, September 11, 2019, 5:30 pm

**Contois Auditorium, 149 Church Street, City Hall**

#### Attendance:

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

Luke McGowan - CEDO, Jesse Freedman – CEDO, Kirsten Merriman-Shapiro – CEDO, Cindi Wight – BPRW, Doreen Kraft – BCA Holli Bushnell – BPRW/Clerk’s Office

Meeting called to order at 5:39pm by Councilor Shannon

#### 1. Approval of agenda

Councilor Dieng moved to approve the agenda. Councilor Paul seconded, all were in favor.

#### 2. Approval of draft minutes from August 23, 2018

Paul moved to approve the minutes, Dieng seconded, all were in favor

#### 3. Public Forum

Public forum was opened at 5:43pm.

Norm Fischer spoke about the importance of first amendment rights in reference to the “Everyone Loves a Parade” mural. He feels the removal of ELAP violates freedom of speech and has spoken before the full city council on several occasions to that effect.

A woman who did not state her name for the record spoke next, rebutting the details Mr. Fischer presented in his speech. She gave several examples of the original ELAP design being “whitewashed,” and expressed concern that the city is attempting to appease those who oppose the mural or find it offensive in an effort to keep them silent without actually changing anything. She called the mural a representation of “institutionalized white supremacy” and feels it has no place in public space.

Former City Councilor Dave Harnett spoke of his support of the original resolution concerning ELAP. He believes the city should keep to the timeline they committed to and relocate the mural by 2022 at the latest. His suggestion is to move the mural to Bank Street and that Brookfield, the company responsible for the CityPlace project, should pay for the relocation, as they have been unable to follow through with their other commitments. If they are not going to complete their massive construction project, the least they can do is help the city move art that will cover up the large hole in the middle of downtown.

As no one else wished to speak, the public forum was closed at 5:55pm

#### **4. Old Business**

##### **a. Everyone Loves A Parade**

Doreen Kraft provided the council with an update as to the status of the mural, citing several incidents of vandalism that significantly delayed the work that needed to be completed. The placards detailing the history of the mural and the individuals depicted are on schedule to be completed by 10/15 – 10/20. These will include a new key with corrects/updates and an explanation of the mural's history. Panels will be in both English and French.

In terms of the replacement of the mural, BCA will not take on the responsibility of being the sole fundraisers. Kraft explained the history of the development of ELAP, sighting former funding sources and the lack of connection to BCA. To replace the mural, BCA has partnered with DPW and they are hoping to create several public art pieces concerning transportation, both in the current ELAP location and inside the parking garage that ELAP abuts. They are applying for a grant that has an April 2020 deadline and will know more after funding has been secured.

Dieng expressed his extreme disappointment at BCAs lack of response to the deadlines outlined in the resolution. He asked if the vandalism was the only reason for the delay in work such as the new placard. Kraft explained that repairing the mural was a far more complicated process than initially anticipated. Additionally, BCA had not included ELAP on their work plan for the year, and work on it has consequently moved far slower than anyone expected or hoped. Dieng then asked why the city council had not been informed as to the delays and issues of repair. Shannon reminded the group that PACC acts as the "ears" of the council and this report by Kraft is the update the council anticipated and required. Kraft apologized for any perceived lack of communication. She reminded the councilors that BCA did not commission, design, approve of, or provide funds for ELAP. It was created entirely outside their selection process. In stepping in to repair and remove it BCA is helping to solve a problem they did not create.

Dieng next asked about the new policies and guidelines that BCA is developing for public art projects. Kraft confirmed that, while the guidelines are still in draft form the spirit of them is being implemented in any public art that BCA commissions. To assuage Dieng's concerns, Kraft will send a draft of the working guidelines, including updates that have yet to receive their final language, to PACC members.

Shannon asked how BCA might avoid issues like the ones the city has seen with ELAP in the future. Kraft confirmed that BCAs operating policies would never send out an RFP without secure funding (as happened with ELAP), and guidelines for artists are extremely clear from the first step. A board of diverse individuals from all strata of the community convenes to select public art projects, and if a project is taking place in a particular area of the city the city councilor from that ward as well as PACC members are involved in the development process. Shannon also asked if the original artist, Pierre Hardy, was contacted by the City Attorney's office concerning the removal of the mural. Holli Bushnell will contact the attorney's office for that information.

Dieng asked about a grant provided by BCA to a documentarian who plans to produce a film on ELAP entitled "Not Everyone Loves a Parade." He expressed concern that more city funds were being spent to bring attention to the mural while none of the deadlines for removal or updates have been met. Kraft assured Dieng that the individual in question received a grant as recommended by an independent committee and that BCA simply provided the promised funds. They had nothing to do with the selection of the project.

Paul asked if there is a firm deadline for the installation of the new placards. Kraft once again confirmed that they would be ready between 10/15 and 10/20. It is unclear how long they will take to install, but Kraft does not anticipate a long wait time.

**b. CEDO –Moran Update**

Luke McGowan informed the committee that the Moran project is on track. It has been fully permitted, and it passed DRB in July. Moving forward CEDO is in the process of hiring construction firms and developing and finalizing plans for phase 1 (partial demo and site stabilization). The environmental review of the site is ongoing currently and the plan is on target to be fully bonded by the 12/31/2019 deadline.

Paul expressed her happiness at the progress of the project. Shannon congratulated the team on meeting deadlines and thanked them for doing a great job. Kirsten Merriman-Shapiro promised to provide PACC with updates as the process continues.

**c. CEDO – Memorial Auditorium Update**

Jesse Freedman provided the committee with a process and timeline update. At this point, CEDO has put together an RFP draft seeking potential operators for Memorial. Initially, CEDO was hoping to have Memorial on the March 2020 ballot; however, they have now pushed their timeline out further and are aiming to have everything in place for the November 2020 election. This will allow them to have the RFP out for longer and get a better idea of all the potential options. The RFP should be complete in the next couple of weeks, and it will be available for bid for roughly six to eight weeks following its release. CEDO then plans to come back to PACC in late 2019 or early 2020 with the results of the RFP. They also anticipate having another large-scale town hall meeting with the community.

Jeffrey Glassberg next presented updated financial information on the project. He took the committee through what was previously presented and provided them with 4 different financing scenarios. Each scenario considered different development possibilities, tax credits, construction cost reductions, and other techniques to reduce the payment gap to varying degrees. At best, one scenario did reduce the gap to \$0, and 2 other scenarios left the gap at approximately \$1million and \$3 million respectively. Currently thinking is that the redevelopment of the Y building will provide enough in TIF Proceeds to narrow the gap to just over \$3 million. Once information on the RFP comes back, CEDO will refine their plan to secure funding, look for new financing opportunities, and revisit old strategies that may have changed due to new working numbers and goals.

Paul asked if Glassberg could please provide the committee with information at least a week ahead of the meeting giving the complexity of the project. Glassberg agreed to do so in the future and apologized for the lack of advance information. He promised to follow up with any additional questions that might come from reviewing his presentation.

Paul also asked if New Market Tax Credits might be available as a possible funding source. Glassberg explained that that New Market Tax Credits could be risky as they are a competitive process with multiple allocations. That said, the application of federal funding does not preclude the use of New Market Tax Credits and CEDO will certainly consider applying for them. Paul expressed concern that the operator, whoever they may be, will want something significant in return for their investment, stating that the financial burden will be significant under the current plan. Glassberg agreed, but also pointed out that if the city does not ask for what they consider an ideal scenario in the RFP it is unlikely that someone will suggest it.

Paul next asked if Glassberg had a proforma for the first five years of revenue and if the return would be respectful. Glassberg confirmed that he had and the return is comparable for the managing company (Memorial Auditorium LLC). It does not

factor expenses or revenue that would fall on the operator. Paul asked about the possibility of a an extremely long term lease with the operator, and Glassberg confirmed that a long term lease is a possibility and may be a fair trade for a consistent, solid partner.

Shannon asked if the Glassberg could provide the committee with the size of the new performance space at the Burton facility compared to Memorial (66,000sqft). At the time of the meeting, Glassberg did not have this information.

Dieng asked if the Superblock concept was still under consideration. Freedman reported that, while the Superblock is still in consideration it is not CEDOs primary focus or goal currently. They did apply for a grant based on the Superblock concept, but they did not receive it. Shannon expressed concern that the Superblock, the most desirable option from the town hall meeting, has been put on the back burner. Freedman confirmed that CEDO is exploring other opportunities and may work towards developing the Superblock after the plan for Memorial itself is approved. The current approach is to find an operator for Memorial. They would issue an RFP for the adjoining lot once the operator is in place.

Dieng inquired as to the next steps for the project. Freeman reiterated that the current goal is for the proposal to be on the ballot for November 2020 for a vote on both the GO bond and the TIF funds. These bonds are dependent upon one another.

At this point Jeff Nick, one of the current owners of the Midtown Motel and adjoining lot joined the conversation. He made it clear that he and his partner are interested in working with the city, particularly on the issue of parking associated with an open and operating Memorial Auditorium. He did not go into further details.

All councilors as well as former councilor Harnett expressed concern that the Superblock was not CEDOs current focus. They felt CEDO is looking for an operator for an incomplete project. Nick confirmed that he would like to cooperate with the city, as the plan for the superblock is far more attractive to voters than Memorial alone. He feels strongly that the current parking lot as well as the lot he owns should be turned into parking for the new Memorial building. Shannon asked Nick if CEDO has communicated with him. Nick confirmed that any communication has been minimal.

Glassberg reiterated that the Superblock concept has not been abandoned. CEDO is currently looking at the fastest, easiest way to secure funding. The Superblock is complicated with lots of unknowns. Because the city does not own the inn lot they

cannot represent it in an RFP. The owners of the lot have not sold their property to the city and it is unclear if they would do so in the future. Because of these issues, CEDO has chosen to focus on finding an operator first and will continue to explore the Superblock once an operator is selected.

Paul asked if Glassberg and CEDO could provide the committee with a schedule and timeline for the next meeting. Shannon added that she would like an update that includes RFP responses in addition to a timeline to review ahead of time. Glassberg and Freedman confirmed that CEDO will do so.

## **5. New Business**

### **a. Off-Leash Dog Area Ordinance/Off-Leash Policy**

Due to the extended discussion on Memorial Cindi Wight agreed to provide the committee with a brief overview of the work that has been done over the last decade on the off-leash dog area ordinances and the city's off-leash dog policy. She the request to present first at the next meeting, and that the committee will review materials ahead of time and be prepared to vote to move the topic to the full council. Shannon agreed.

Wight is the 4<sup>th</sup> BPRW director to work on this project. She provided the committee with a large packet detailing the work that was completed by previous directors, including deep research and public input. Her current understanding is that the ordinance change will be separate from the off-leash policy change. The process was nearly completed under Jesse Bridges' tenure, but was halted in favor of completing the master plan. Now that the master plan is in place, she would like PACCs support to bring the ordinance change forward to the full council in addition to helping move the proposal forward to the ordinance committee. She also asked for guidance in this process as she has never attempted to change an ordinance before. Shannon provided Wight with a breakdown of the steps needed to update an ordinance and requested specific information on the history of the work that has been done, how the current recommendation was arrived upon, the current ordinance, and the proposed change. Wight agreed to provide that before the next meeting.

## **6. Adjournment**

The meeting adjourned at 7:45pm. The next meeting will be held on October 23<sup>th</sup>, 2019 at 5:30pm, in Room 12 of City Hall.