

## **Preamble**

City of Burlington, Church Street Marketplace Foundation, Private Sponsors: there are fine lines between the private and the public aspects of this project which are now being put on the table with regards to this situation. Let it be known that I maintain great respect for the private sponsors, the CSM, Senator Leahy Office and the City of Burlington. There is, in some form or another and kept at different instances, a mural project dossier which contains many components that are of private matter. I would appreciate, and respectfully direct, that this submission not be broadcasted or distributed electronically, so please make hard copies and distribute to members of your task force only. You are allowed to include un-edited excerpts of my original submission in your final report publication.

## **About Memorandum submitted to city council on March 9, 2018:**

-Statement included in report states: "Efforts by Marketplace staff to contact Hardy have been unsuccessful so far, ..." I have always been reachable via my email. CSM staff, or city officials, or legal representants have never tried to contact me, have never given me reports or information about this situation. I have read in the media that I am not responsive and unavailable, or unreachable = this is false. It is only Ron Redmond himself that has tried contacting me, asking via my email for a telephone conversation to which I replied I preferred email correspondence for obvious reasons, to have it in writing. Mr. Redmond has never written to me the purpose of his contact, nor has he given me any working information about this situation. It is via the media and field concerned ethical journalists that I have followed the events. I have continuous and up to date access to field information as it develops from various sources in Burlington. For obvious reasons as well, I have refrained from commenting at large, extensively, and publicly, and I have chosen a privileged media working relations exclusively with the Vermont Digger for ethical reasons as well.

-In addition to memorandum's legal assessment; may I bring to your attention that my work "Everyone Loves a Parade! ...in Burlington, Vermont." is registered at the Library of Congress, United States Copyright Office. Under the seal of the Copyright Office in accordance with title 17, United States Code. The registration certificate and mural dossier number is VAu 1-197-637, effective October 02, 2012.

-I commend the quality of this memorandum as it, for most of the situation, puts a cap on most issues pertaining to my mural.

## **To respect and enforce respect of the artist knowhow:**

In addition to artist rights and copyrights compliance, I invite you to respect my knowhow and my status. As of 2014, I have officially retired from my 30-year-long muralist career with honors and congratulations from my peers and from my clients. Mr. Redmond is fully aware of my retirement status since 2016. The project dossier contains information that is not of public domain, and / or I am not habilitated to knowingly discern what is private material or public

matter at this time or within this situation, so I am trying here to be as factual and as careful as possible not to violate the rights and privileges of those who commissioned the mural in the process of this presentation.

I am a professional and reknown master muralist, now retired after a 30-year-long career, with over 100 public works to my portfolio. Mural art is a distinct form of art which comes with its own conceptual approaches and technical applications. Last I have verified, there is absolutely no knowledge base of this form of art available in Vermont. I invite you to refer to notable worldwide recognized mural art US based organizations for developing any new mural art projects or for defining policies for public art in your community.

To name a few =

"The Omaha Project",

<http://www.omahabydesign.org/>

"The Venice Murals",

<http://www.venicebeach.com/self-guided-walking-tour-of-the-venice-murals/>

"The Philadelphia Murals", <https://www.facebook.com/MuralArtsPhiladelphia>

Technically speaking ELAP my mural was rendered "unpaintable" with the application of 4 coats of a UV inhibitor and graffiti proof varnish. I repeat "unpaintable".

The mural dossier has a maintenance sheet which includes recommended regular maintenance procedures. The mural major maintenance schedule is set in 5 years cycle where minor touch ups and the application of a fresh coat of protective varnish are recommended. Obviously this maintenance schedule has not been implemented. The current cost for this major maintenance procedure is \$10,000. In regards to what was publically reported, ELAP the mural, has not a 5 years or a 10 years life span. Without any maintenance, ELAP the mural has a 20 years life span and with proper maintenance, ELAP the mural will last for as long as it is taken care of. In the mural art realm, climate change is factored in and represents an issue where current typical paint systems and protective coating formulas need revision in order to keep their expected performance qualities. This is why you will notice that more and more mural painting projects are executed on eastern or northern facing walls, so to improve their life expectancy. A double wall structure is always a better application than direct painting. ELAP the mural is made of specialized panels and a pt wood structure, all properly anchored, sealed, and glued together for a perfect weatherproof fit. The mural work is covering the previous 20-year-old (in 2012) direct painted Banana Republic mural which is still intact underneath with no damage other than 1/2 inch screw divets caused by the installation of ELAP. The double wall method is also a desirable quality where the work can be relocated eventually, not a weekend task, a colossal undertaking where the original mural budget can easily be referred to as far as relocation cost estimates. The mural stone base is painted directly onto the wall and cannot be relocated.

At the time ELAP was conceived, there were considerations made to possible mural extentions. There are 2 mural extentions that were elaborated:

A) The installation of hardware for hanging perpendicular vertical 4 to 6 feet tall banners (flags) double sided atop the painted semi - pillars found all along the mural work.

B) Mural work onto the wall across ELAP. Note that some mural models are looking or waving directly at the blind wall. A perfect setting for an interactive environmental concept.

Back to when I was working in Vermont, the CSM came up with a survey of potential mural friendly walls located in the downtown core for future considerations. ELAP was to become the starting point of an outdoor mural collection.

Conceptually speaking, ELAP was born in the spirit of the 2009 Quadricentennial Celebrations, a 1609 to 2009 timeline on a 124 feet long wall. A celebration of 400 years that would be equivalent to literally 4 inches of wall space per year, 44 inches per decade. Quite the challenge that I was duly awarded in 2010 the privilege to realize.

I could have produced ELAP in a state-of-the-art, efficient, well-resourced studio space in Quebec; using my regular suppliers and working with my life long painting crew. But in view of this significant project and unique concept, I opted to execute ELAP in Vermont so I could share its birth in the community and get real field inspiration for completing its concept base. This has caused an almost 2 years delay from the time the project was awarded to the time I was finally able to start work in Vermont. I had to obtain a US work Visa and the process was calling for the mural sponsors to prove that no US citizen was able to produce ELAP. CSM staff, Senator Leahy Office, and Vermont US Homeland Security have worked on this visa application for 2 years.

The road ahead was not an easy one you can imagine: I had not only to organize my project in foreign territory, I had to identify in Vermont a studio space, accommodations, studio help, supplies and such. A large part of the project money went back to Vermont community this way. All mural components were purchased in Vermont; panels, structure, paints, varnishes. A studio space was rented in Vermont. I ate in restaurants and did my groceries everyday in Vermont. I went to the doctor in Vermont. I had my banking done in Vermont. Local aides and services were hired. A local artist was hired. A local transport, local contractor, and so on... I also had the privilege to have parts of ELAP mural done by 80, grade 2 to grade 4 kids from Edmonds Elementary School who have gracefully and joyfully created the snowflakes for the mural, all of which are signed individually. Thanks to teacher Anne Lamont who has allowed the cream of Vermont artistic community to take part in ELAP.

And now for this very sad situation. One day, you probably will conclude that it is not ELAP that is or was controversial. What is sad and controversial is that ELAP has been used as a platform for raising issues by those who feel oppressed, alienated, and silenced in your community. ELAP finally gave those members of your community, a voice, a platform for expressing their concerns. I feel that they should at least acknowledge that, if it wasn't for ELAP, they would not have that voice, and that, in the end, things are improving thanks to ELAP. But although it is very wrong to use ELAP in this way, it shows the lack of forums, resources, and communication channels between community members and their decision makers. It also shows that ELAP is not clearly defined, not supported with proper education, information material, and is

therefore very vulnerable to anyone's interpretation, but interpretations are exactly what ELAP intentions are. I want ELAP to be a source for discussions, expressions, debates. It is a healthy thing. What's not healthy is to keep people in the dark, manipulate information, put personal agendas and personal quarrels in front of the public interest. It is also a fact that the voices of those opposed, offended has been rendered louder than the majority's by the sensational media and forums. ELAP is in fact very well loved, every day, by hundreds of visitors and citizens of Vermont as well as via thousands of social media exchanges. It is a great ambassador for Vermont and a major attraction for downtown Burlington. ELAP is a destination, an experience to which you are invited to take part in, mentally and physically. It triggers remembrance, for the ones who are portrayed in it and the ones absent as well, especially the ones who are absent because you can actually hear their name pronounced out loud in the alley. One's state of mind is fuelled up by the mural's visual complexity and its lack of supportive information as well. ELAP is a world class public art manifestation.

### Specific issues

#### Vermont First Nation

This is not an issue as Vermont First Nation is actually not portrayed in the mural. The native person portrayed in the mural is a Huron or Algonquin from Quebec, and is dressed up in a UNESCO recognized festive vestment. There has never been any consideration for relating any aspects of Vermont First Nation in ELAP. Champlain arrived, may I repeat the word, arrived, in Vermont accompanied by his own crew, scouts, which included much needed and appreciated Hurons and Algonquins, all from Quebec. Champlain might be one of the most documented explorer of the time with numerous diaries and maps he has produced in very detailed content. There are no mention of any Champlain interaction with Vermont First Nation. Champlain's arrival is the timeline starting point of the mural. Vermont First Nation was recognized by the State of Vermont only in 2011, which is also outside of the mural timeline. Recent events are showing a real effort from Vermont decision makers to help promote Vermont First Nation with a festival, exposition space, and education. All this is thanks to ELAP which again here was used as a platform for the recognition of Vermont First Nation. A nice acknowledgement and a simple thank you would be much appreciated from Nulhegan Abenaki Chief Don Stevens for finally getting noteworthy platforms from the controversy he has raised about a non-issue using my mural for leverage. As a final note, I haven't verified this myself, but could you just go for a short walk and take a close look at the mural's interpretative panel where the native person is identified... the source of this misinformation could be that the interpretative panel designed by CSM is wrongfully identifying the Indian as a Vermont Abenaki??? Also, if it is the case, I think that impersonators should not be named on the interpretive panel. It looks like some of my recommendations in the design and content of this panel were not respected by those who did the final edit for production.

#### Representaion of race

I have this message in mind from Martin Luther King Jr. where he basically invites all Americans to work toward a nation with no race or something like that. In my culture, my whole social background and comprehension, I have never had to deal with race as a key factor for communication, sharing, learning, do's and don't's, everyday activities. Race to me is not an issue, I don't see one's skin color before I engage or not with the individual. Back home, language is the issue really. But race is a real issue though I see in USA, and Vermont. To racialize ELAP is just plain wrong. ELAP is not based on race. ELAP is based on cultural diversity, cultural, not racial. Again here's another example of using ELAP to voice concerns; racial this time. ELAP is an inclusive expression of Vermont's cultural diversity and a tribute to Vermont builders, achievers, champions, entrepreneurs, etc. again within a defined 1609 to 2009 timeline. And so many were not included in the final painting as it is simply physically impossible to maintain the timeline content progression or for lack of painting space, unless I make them flying angels. The mural has made place as well for parade whimsical models as well, American icons impersonators, and close Vermont friends I made while painting the festive scenery, making a place for the imaginary, the whimsical, frivolous expressions, theme reinforcement, a celebration of life like no other, and again you are invited to literally physically to take part in the mural with so many photo ops... This is so hard to write about, just like some editorials and comments are so hard to read. Ok let's say for the purpose of this situation, race is an issue or a matter of interest. There are 4 instances of African Americans in ELAP, they are:

- 1) Abraham Lincoln, Vermont was the first state to abolish slavery and you know the story, the guy died for this, oh gosh he's white.

- 2) A mural actor, model, an African American ribbon dancer atop a pillar.

- 3) Alexander Twillight portrayal, first African-American to earn a Bachelor's degree.

- 4) Michael Thomas, portrayed by the Phish band as a trombone player, Marriot Hotel employee at the time and rising stand up comedian.

And if racial representation is a concern, these should put a cap on the issue within ELAP's purposes and limitations. The mural also includes portrayals of Latinos, East Europeans, Asians, LBGTQ, etc., etc., etc., just an awful feeling sick to the stomach to have to justify my work based on race and sexual orientation, it is barbaric, ridicule, and grotesque.

### **Positive outlook, constructive continuation.**

Final installation of ELAP the mural was conducted in a war-zone-like environment. My crew and myself have had a real hard time dealing with unexpected agressions coming directly from the street regulars as well as from the state regulators almost every day. It was clear that there was a gross lack of coordination, planning, and communication between the mural sponsors, the community, and the State Authorities. This is where my 30 years of site experience came at the rescue, I took the bullets and we actually were able to enjoy ourselves and interactions with onlookers for the last couple of days we were on location, but I was looking forward to a way more pleasant site experience, like a reward for months and months of intense work in a secluded studio in the Vermont back-country with no toilets for the most part of my stay, and up to 94 degrees Farenheit temperature in studio space for the last month. The "finale" of this project was just a disaster in all aspects and has left the most deserving with much hurt and long term consequences. I sincerely do not know of anyone of my peers or any active

professional that would take any of the turmoils I had to go through in order to bring this project to completion.

The acceptance at street level of my murals always was a concern to me. I have been working in the most hostile environments including in Lebanon on a Catholic Church in the middle of a Muslim community where you could hear gun shots at night. While in Burlington, I had the pleasure to meet and work with Mr. Bruce Wilson, then director of the Chill Out Center. The plan was to create positive extensions from ELAP the mural in the form of a fund raising mural map brochure. It would serve 2 purposes, raise money to fund Service Rendered programs, make the center users stakeholders of ELAP, like a street brigade; protectors and promoters of ELAP and give them a sense of belonging. The second purpose was to make available a mural map as a unified and accessible piece of information so that, not only Burlington and Vermont citizens get informed properly and respectfully, but also its visitors. A great powerful tool for education, promotion, and information, in the form of a \$4 fund raising tool. I personally designed and financed the production of the mural maps. Joe Carter also helped out financially. 5000 copies were printed, 1,000 made it out on the streets, the rest were tossed away, as CSM notified Bruce Wilson not to sell the maps on Church Street property in violation of their solicitation regulations. The effort was crushed in the egg right on ELAP unveiling ceremony day. This is love in Burlington. "Let them get mad" was CSM official response to the media the day the mural was vandalized and "No, the mural is not inclusive" was the other public comment right on your local TV from the same official. Beyond the controversy, if this is the kind of feedback you get from your community leaders, no wonder not everyone loves a parade in Burlington.