

Church Street Marketplace Commission Meeting Minutes  
January 17, 2017

Commissioners present: Jeff Nick, Buddy Singh, Phil Merrick, Marc Sherman, Linda Magoon, Michael Ly, Jed Davis. Staff present: Ron Redmond, Jenny Morse, Maggie Stevens, Mary Haines. Visitors: Jim Lockridge, Maya Ngyuen, Anthea Dexter-Cooper, Justin St. James, Jodi Whalen, Shawn Burke, Adam Roof, Kelly Divine

- I. COME TO ORDER
- II. AGENDA
- III. APPROVAL OF MINUTES – December 2017
  - a. Motion to approve – Linda Magoon; Second – Marc Sherman; Minutes approved
- IV. PUBLIC FORUM
  - a. Jim Lockridge: Hopes the Commission will choose take a leadership role in support of public restrooms. Hopes Commissions will be inclusive of the rest of the community in the discussion of restrooms. Encourages the Commission to contemplate the quality of community engagement when it comes to the Leahy Way mural.
  - b. Burlington resident, Jodi Whalen: Important for the Commission to listen to the community regarding the mural. Blatently excludes people of color and marginalized individuals. Suggests that mural be taken down.
  - c. Phil Merrick: The mural is an advertisement for businesses and is a representation of “third grade history”. Who is that “Everyone” who loves a parade. Didn’t know it when we put it up, but we are hearing it now. Difficult for us to see the problem as it is for other people. Time to take down the mural. Opportunity for the Church Street Marketplace to be a leader.
  - d. Maya Ngyuen, Uncommon Grounds: Locks restrooms but sees the need for public restrooms downtown. Difficult to manage use of their restrooms. Advocating for public restrooms downtown.
  - e. Ron is working with Vermont Partnership for Fairness and Diversity with Curtis Reed for assistance in guiding us on what next steps to take. Looking at 3 options – can we take down the mural? There are rights for public murals.
  - f. Marc Sherman – with respect to the investments made and the businesses involved that they would get something in return. How to get continued advertisement or get a return from the investment. Requests to have a Commissioner section on the agenda. Mural to be an agenda item in February.
- V. First Amendment, Public Spaces & Panhandling
  - a. Joining the Discussion: Anthea Dexter Cooper, City Attorney’s Office
    - i. Background from Justin St. James on why the landscape has changed. Time, place, manner – must be content neutral. Ordinance is addressing speech that is solicitation, it’s already not content neutral. Only addressing the speech that is looking for money. Looking to repeal several city ordinances that may not stand up to a constitutional challenge. Repeal of aggressive panhandling ordinance and loitering prohibited ordinance is forthcoming from the City Council. Permissibility of extending the 9 foot right of way, looking at what can happen

around an ATM – can be tied to a safety concern. Things taking place at night or in an unlit area. May or may not affect street performer licenses. Not changing WHAT can be regulated, it's changing HOW it can be regulated. This is not something specific to Burlington. It is not illegal to lie – panhandlers do not need to tell the truth. “Associated bad behavior” – drinking while panhandling, public urination. You cannot regulate the quality of life violations by regulating panhandling. Why can we regulate the performers but not the panhandlers? This ordinance hasn't been challenged yet.

VI. Safety & Security Discussion

a. Joining the discussion: Deputy Chief Shawn Burke

i. Enforcement of panhandling in Burlington, across the US

1. Disorderly conduct gets challenged often for the police. Two standards – one for govt employees, one for the public. Change to civil tickets to hopefully give them more teeth and regulate those concerns differently. These are Burlington issues, not just Church Street issues. Instead of trying to create regulations, can we create inconveniences for panhandlers. Police will be dispatching five foot patrols this summer, but the police must protect everyone. Suggestion to lease the public space, privately. Difference between public space vs private space. Mental health issues also come into play. Unmet needs, addition issues, nowhere else to go. Bail can only be used to insure future appearance. Unless you have a history of not appearing in court, you will be let go. Conditions of release may apply.

ii. Update on City Council Ordinance Committee: Quality of life violations

iii. Downtown Public Restrooms

1. In order to have public restrooms, they'd have to be properly managed. Who is going to manage it and how will it get paid for? Do not open them for the bar crowd. Attendants must have Narcan, be trained to identify overdose signs. Suggestion to do an exit interview with Panera Bread. Just off of Church Street would be better for a public restroom. Create recommendations for City when they consider options for public restrooms. Can City Hall bathrooms work if attended on weekends?

VII. FY 19 Budget – Redmond and Singh

- a. Mayor needs to have the budget by March to make any changes. Decrease the amount of indirect fees by 50%. What can be discussed is a Charter change for capital improvements. Increase fee charged to City for CSM services. Sidewalk licenses come up in April. Discussion on how to address capital improvements without a capital reserve. Motion to approve the budget with an increase of \$5000– Michael Ly

- b. Second – Buddy. Abstaining – Marc Sherman. Motion passes

VIII. Engaging with Burlington City Council in 2018 and beyond

a. Joining the discussion: City Councilor Adam Roof

- i. Desire from the Commission to engage with City Council. Councilor Roof willing to engage in the discussion about accessing capital dollars for brick repairs etc. What is the most effective way for the Commission to communicate with the

Council? Suggestion to have champions of the Commission to bring things up to Councilors. Public Restrooms, holding people accountable for quality of life concerns. Making phone calls and having relationships is important to getting into the conversations. Everything brought into Council Sessions has to have a sponsor. Prioritizing the top budget requests as part of the budgeting process. Is on the radar to discuss the Marketplace accessing capital dollars for repairs. Engaging with President Knodell, drafting a resolution for the administration to bring forth a budget that will investigate what a charter change will look like. Suggestion not to wait for expansion of BID to ask for charter change? Consultant will be able to talk through the best options for a BID. Opportunity to present to the board of finance about how Church Street is doing. Discussion on mall redevelopment

- b. Next meeting to be February 14<sup>th</sup> from 9-11am with the BID consultant.
  - c. November 2018 could be time when a ballot measure for charter change could be presented.
- IX. Retail Advisory Committee
- X. ADJOURN