

Minutes of the December 2004 Meeting of the Cleveland Park Citizens Association

Meeting Date: Tuesday, December 7, 2004
Location: Cleveland Park Library
3310 Connecticut Avenue, NW; Washington, DC

Cleveland Park Citizens Association (CPCA) President George Idelson called the meeting to order at 6:35 p.m. 52 persons are listed on the attendance sheet, of which 26 were members. The following individuals represented the DC government:

Robert Bobb	City Administrator		
Jerome Duval	Mayor's Office		jerome.duval@dc.gov
Mary Ann Floto	Mayor's Office	727-9820	
Toya Bello	Zoning Division of DCRA	442-9554	
Ellen McCarthy	Office of Planning	442-7600	
Cindy Petkac	Office of Planning	442-7617	cindy.petkac@dc.gov
John Bullock	Dept. of Transportation		john.bullock@dc.gov

I. Approval of November 2004 Minutes

The minutes of the November 6, 2004 meeting of the CPCA were circulated and approved as submitted. .

II. Resolution of the First Amendment Rights and Police Standards

Barbara Beelar introduced a resolution in support of Kathy Patterson's Bill 15-968, "The First Amendment Rights and Police Standards Act of 2004." She noted that recent protest events in Washington and New York seemed to repeat events of the 70s. The Police Department opposes the bill, although it essentially codifies basic law and common sense. Police would be required to charge specific persons with specific acts before taking them into custody. Sally MacDonald noted that some recent demonstrators had refused to seek permits and declared their aim to disrupt city life. Noting the fine dividing line between security and politics, Mr. Idelson wondered if security must always trump all other issues.

After further discussion, it was unanimously resolved that **CPCA (1) Supports the expeditious approval of Bill 15-968 as reported by the Committee on the Judiciary, and (2) urges the Committee on the Judiciary to resist any effort to weaken First Amendment protections in its directions to the Metropolitan Police Department.** (See section V for a friendly amendment to the resolution and the full text of the resolution that is appended to these Minutes.)

III. Main Program: Robert Bobb, City Administrator

Mr. Idelson invited city officials in the audience to introduce themselves. (List above.)

Robert Bobb replied to a few of the questions posed to him in advance and turned to officials in the audience for further answers. Questioned about the "pro-development" nature of Board of Zoning Adjustment, he said he had had only limited contact with the Board, but that the Mayor and Council members sought to achieve balance between developer and community interests. Someone observed that Mayor Williams had appointed a community person to the BZA in his first term, but when time came to re-appoint, the policy of community representation was no longer operative.

As to progress on the text amendment on the Neighborhood Commercial Overlay submitted by CPCA, Deputy Director Office of Planning Ellen McCarthy said it had been forwarded to the Zoning Commission and awaited a decision by the Attorney General as to whether it could be adopted directly or needed new legislation. Mr. Bobb added that the text amendment also had the

support of the Department of Regulatory and Consumer Affairs. On the small area plans for Wisconsin Avenue, he noted that the Mayor had put a hold on the proposal in light of community opposition and said he might return with DDOT Director, Dan Tangherlini to address the issue.

Gregory New noted community frustration with late additions to Boards and Commissions, sometimes without public notice. Mr. Bobb conceded the political nature of the process and that it was not uncommon for appointments to be parachuted in at the last minute.

As to why the Mayor did not appoint a planning commission, Mr Bobb said that the Mayor lacked the authority to do so. The questioner challenged the answer and cited a supporting memorandum by Covington and Burling. Someone else added that the Office of Planning had accepted the position. Mr. Bobb said he would look into the issue.

Peter Espenschied pointed to the BZA and the Metro Board as agencies that are essentially unaccountable to the citizenry. Joint Federal/District Boards (such as the National Capital Planning Commission) are even worse, he said. On such boards, he said, the Mayor could appoint District members who would put the interests of residents first. To Mr. Bobb's comment that the community is often not of one mind, Mr. Espenschied responded that even when it is, it is often overruled, and there is a perception that large developers always win. Someone cited a case where a developer in Forest Hills tapped a fire hydrant for the water needed during a large construction project.

Ms. Loikow commended *The Current* for its coverage of the WW I toxic residue problem in Spring Valley. Mr. Bobb said he was not happy with DC's response to the problem. He chairs a committee of DC agencies to formulate higher environmental standards that will report to the Mayor in January. It will propose an environmental agency with power to address issues across the board and become an advocate for the community. Responding to Ms. Loikow's charge that she had seen little action from DC, Mr. Bobb urged contact with the new Director of Public Health.

Dr. Jeffrey Kraskin, the Mayor's appointee to the group investigating the toxic issue, blamed the Corps of Engineers for submitting bad data. The Corps uses current security concerns to withhold information on chemicals used in the war. Mr. Bobb dismissed this argument and urged citizen pressure on officials.

Pete MacDonald made a passionate plea for action to improve the school system. Mr. Bobb said the Mayor agrees, but lacks authority over schools. He urged CPCA to invite School Superintendent Janey to speak. Mr. Idelson said an invitation was outstanding. Mr. Bobb offered to meet with the community on other issues.

Mr. Bobb said the city is reviewing the Comprehensive Plan with the guidance of a Task Force appointed by the Mayor, Council Members and other groups. Questions were raised as to how representative the appointees were.

Matt Cary made a pitch for the value of amateur baseball, and spoke of the need for more fields on which amateurs and young people could play.

IV. Continuation on First Amendment Rights and Police Standards

Arthur Spitzer of the ACLU brought some good news on the Kathy Patterson's First Amendment Bill. The 37-page bill passed its first reading today. The issues for the second reading scheduled December 21 are:

1. Do people whose rights are violated have the right to sue?
2. Should the police wear riot gear when without obvious cause.?
3. Should permits be required?

Ms. Loikow and Ms. Beelar suggested that a third point be added to the resolution stating that the Cleveland Park Citizens Association “**3. Urges the Council to reinsert the section on "Private Right of Action" contained in the bill as reported by the Judiciary Committee.**” The friendly amendment was adopted without objection. (See the full text of the resolution below.)

VI. Adjournment

Mr. Idelson adjourned the meeting at 8:25 p.m.

041207R Resolution Regarding Bill No. 15-986, “The First Amendment Rights and Police Standards Act of 2004”

WHEREAS, the District of Columbia, as the nation's capital, is the site of many demonstrations and public assemblies in which people exercise their First Amendment right to freedom of speech, to peacefully assemble, and to petition the Government for redress of grievances; and

WHEREAS, the Judiciary Committee of the Council of the District of Columbia (“Committee”), having conducted an extensive investigation into the Metropolitan Police Department's (MPD) policies and practices in handling demonstrations as well as police surveillance of political organizations between 2000 and 2002, has determined that it is necessary to establish statutory policies and requirements for police practices regarding first amendment assemblies; and

WHEREAS, the Committee has reported Bill No.15-968, the "First Amendment Rights and Police Standards Act," and the full Council has approved it on first reading:

BE IT THEREFORE RESOLVED THAT THE CLEVELAND PARK CITIZENS ASSOCIATION OF THE DISTRICT OF COLUMBIA

1. Supports expeditious approval of Bill 15-968, "The First Amendment Rights and Police Standards Act of 2004." as reported by the Committee on the Judiciary;
2. Urges the Council to resist any efforts to weaken the bill's First Amendment protections and its directions to the Metropolitan Police Department; and
3. Urges the Council to reinsert the section on "Private Right of Action" contained in the bill as reported by the Judiciary Committee.

Respectfully submitted,
Gregory R. New and George Idelson