

FOIA comments to City Council, April 24, 2017

I am here tonight to thank you again for your recent resolution asking the city to study the potential negative effects that the Canopy at Ginter Park development will have on the Westwood Tract, adjacent neighborhood and the city. The city administration has not acted on your resolution yet because they are trying to find funding to study what we maintain they should have looked into before they approved the Plan of Development. Since your resolution, the Department of Planning and Review has approved building permits for the project.

I am here to tell you about another action that the city has taken that seems counter to open government, and almost funny.

Our neighbors are trying to understand how a request by Union Presbyterian Seminary for educational zoning on the Westwood Tract in 1953 has morphed into commercial, multi-family housing. So on Tuesday, April 11, I went to the city's zoning office at City Hall to look at an old zoning code.

A zoning employee handed me a binder that holds reference copies of old zoning codes. I asked if I could photograph the code I was looking for with my phone, and he said sure. As I sat down to do it another employee came up beside me and took the binder out of my hands. She told me that I couldn't have it, that if I wanted it I would have to fill out a FOIA (Freedom of Information Act) request for it. I replied that I thought FOIA was generally used to request records that had to be researched and sought out, but that this information was right there, and a moment ago I had held it in my hands. She quietly asked the other employee, "What is this about?" He replied, "You know." Then she told me that, no, I would have to FOIA it. She was helpful in figuring out what I would want, and polite the whole time, but it just seemed so absurd and contrary. I asked when I would get the information and she said it would not be until the 5-day deadline, particularly because the zoning administrator was on vacation and he would have to approve whether I got it or not.

The next day I got a phone call from PDR's FOIA officer. I thought he was going to apologize and say that I could come get the information. He said he didn't think they had the information, and that I needed to call the city clerk. I explained that I had been holding the information when it was taken from me, and where it was. He had not known the circumstances, and thanked me and said he'd go look for it.

On the fifth day deadline, I received an email stating that PDR did NOT have the information I had requested. I responded with an email stating that I knew they had it, and explained again what it looked like and who had it.

On Friday, two days after the FOIA deadline, the FOIA official called to tell me that he had found what I was looking for and I could come down and get it. He was very helpful, and allowed me to look through the binder for anything else I might need. I submitted some more requests, and he has found some of them and is looking for others. I want to be clear that the FOIA officer has

been very helpful and everyone was polite. However, I thought I should explain exactly how helpful Planning and Development Review has been to our neighborhood in general, and why we are relying on City Council for help.

Sarah Driggs