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To: [Ebinger, Matthew J. - PDR](#); [Robertson, Ellen F. - City Council](#); lawmanchem@yahoo.com; Rodney@thewiltonco.com
Subject: Planning Commission - ORD 2020-217
Date: Monday, October 19, 2020 11:29:49 AM
Attachments: [Sec8_280.PNG](#)

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Planning Commission Members,

I have many concerns about ORD 2020-217, which would remove medians adjacent to the Lee Circle (also known as Marcus-David Peters Circle) from the public right of way and convert them into city parks, and ask that you recommend that Council strikes this Ordinance. My primary concern is that public access to city parks is much more restricted than public access to the right of way, and that the conversion of these very specific medians to city parks will be used to criminalize and target certain members of the Richmond community.

Attached is Section 8-280 from the Richmond City Code which highlights just a few of the ways access to parks is restricted. As you can see is subsection (g), violation of this section is a Class 4 misdemeanor. I live one block from Monument Ave and have, for years taken evening strolls down the median. If this ordinance is passed, that would now be a criminal act. Please ask yourselves if turning an evening stroll down an Avenue into a Class 4 misdemeanor is a good planning decision.

As a member of the American Institute of Certified Planners (AICP), I'm held to a standard of ethics which I hope you all will hold yourselves to as well. Section A.1, the very first section of the AICP Code of Ethics, outlines planners' overall responsibility to the public (<https://planning-org-uploaded-media.s3.amazonaws.com/document/AICP-Ethics-Revised-AICP-Code-Professional-Conduct-2016-04-01.pdf>). All the principles under Section A.1 are important, but the very first principle reads "We shall always be conscious of the rights of others." Please be conscious of the rights of others when weighing your recommendation for this ordinance.

Thank you,
Doug Allen, AICP
3110 Park Ave

Sec. 8-280. - Hours of operation; occupancy at other than authorized times.

- (a) Unless otherwise provided in this section, all public parks, playgrounds and recreation areas in the City shall open at sunrise and shall close at sunset each day of the year.
- (b) All lighted recreational facilities, including, by way of illustration, but not limited to, seasonal recreation centers, playgrounds, ball diamonds, tennis courts, park houses and other lighted recreational areas, shall open at sunrise and shall close at sunset, except during the period of April 1 to October 31 each year when they shall open at sunrise and close at 10:30 p.m.
- (c) The recreational grounds including and immediately adjacent to the Byrd Park Fountain Lake shall open at 5:00 a.m. and close at 12:00 midnight each day of the year. The limits of such grounds shall be clearly posted to indicate the area to which these particular opening and closing times apply.
- (d) The Director of Parks, Recreation and Community Facilities may, by permit or other written authorization, allow the use of any site of the Department of Parks, Recreation and Community Facilities at a time other than would ordinarily be allowed. The Director may also close any recreational site at any time when necessary to ensure the safety of the public or to protect and preserve the recreational facility, provided that reasonable notice of the fact and duration of the closing shall be given to the public.
- (e) It shall be unlawful for any person other than a police officer of the City or State, an employee of the Department of Parks, Recreation and Community Facilities acting in the scope of employment, or any other employee of the City acting in the scope of employment and having authorization from the Director of Parks, Recreation and Community Facilities to go on, to go into or to occupy a public park, playground or recreation facility or area during hours other than as set out in this section.
- (f) This section shall not prohibit a motorist nor a pedestrian using the traveled portion of a street, sidewalk or highway from traversing such street, sidewalk or highway in order to reach a destination that is elsewhere other than the public park, playground or recreation area.
- (g) Violation of this section shall constitute a Class 4 misdemeanor.

(Code 1993, § 8-218; Code 2004, § 26-397)