

# John Crawford

February 8, 2010

TO: Crestwood Neighbors

**RE: Rockhill Tennis Club proposed relocation; Board relations**

When I first heard about the Rockhill relocation proposal just a few months ago and went to the meeting at the Stevenson's house in early November, I was surprised and concerned by the tension voiced even then. But one of my well-intentioned neighbors asked me if I would consider serving on the Board, and so I thought I would. This week, as the Board's new *Vice President for Planning/Municipal Affairs*, I have been asked by the Crestwood Board to represent the Board in any and all matters pertaining to Rockhill's proposed relocation — including contacts with RTC, the City, and with Crestwood neighbors. That is the reason I write to you today.

As I am sure you are all aware, the Rockhill proposal has given rise to both support for the proposed relocation, and also to concern that such relocation may cause damaging impacts on some homesteads within Crestwood. That there should be divergent opinions regarding the Rockhill proposal is not surprising; but I think few would have predicted the type of neighborhood tension that has now arisen. My primary purpose in accepting Board responsibility at this point for any and all Rockhill matters is that I believe that the neighborliness — the civility — that Crestwood has been known for is something we all value and wish to keep.

To that end, I hope this letter to do a few important things

- Convey what the Board knows about Rockhill's plan, and its current status
- Describe the Crestwood Board's commitment that it is the neighborhood as a whole, not the Board, that should and will decide Crestwood's response to the Rockhill plan
- Clarify the intent of the Board to providing better access to information as it is received by the Board
- Clarify the *Open Meetings Policy*
- Ask that we all extend to our neighbors some measure of "the benefit of the doubt" when judging each other's motives

## **Rockhill's plan, current status**

On January 15th, Rockhill Tennis Club (RTC) filed with KCMO's City Plan Commission two related applications, a Development Plan Amendment and an Area Land Use Plan

Amendment. These applications had been scheduled for the public hearing originally scheduled for March 2<sup>nd</sup>, but are now to be postponed by RTC's request until early April so as to provide additional time for dialogue with Crestwood. The most significant element of RTC's filing is the proposal to change the land use for this particular property in the South Central Area Land Use Plan from Residential, as it is now, to Public/Semi-Public.

Until any City plan review/approval process has occurred, RTC's representatives have said that it will agree to be limited to the activities laid out in the current *Declaration of Restriction* originally negotiated with the Graves (which were for the B&B and limited capacity banquet facility). They have also said if there is to be tennis/pool/club complex along the lines proposed, that RTC will work to negotiate a new set of restrictions with the neighborhood. For this project, RTC's legal counsel is with the Polsinelli Shughart law firm.

In any case, the Board believes there should be a full Crestwood Neighborhood meeting for a detailed briefing from RTC — to include discussion of possible use/operating restrictions, parking, and phasing if any. Most important, we strongly feel that such a briefing must occur at least two weeks prior to any CPC hearing. RTC is in agreement with this position. As such, I have contacted RTC project representatives to discuss arrangements for at least one meeting as soon as possible. And I welcome any suggestions that any Crestwood neighbor may have toward that end.

The CHA Board understand that Crestwood neighbors need to obtain a great deal more information about the RTC plan details; and it is the our commitment to get that information fully out to you in a timely way. To that end, one of our neighbors, Ken Spare (who has long well-served as a Crestwood liaison to UMKC), has been working to upgrade our neighborhood website — **CrestwoodKC.org** — for this purpose.

### **Crestwood's Decision Process**

The Board is of course aware that a number of our neighbors have suggested that there is at least the appearance of conflicts of interest on the part of a few Board members. Over the last week or more, as these concerns have become more manifest, the Board has taken these concerns very much to heart.

The Board believes that the particular opinions/preferences of individual Board members, and of the Board as a whole, are not nearly so important as is maintaining community good-will and trust. So the Board without hesitation has unequivocally decided the following:

- It is the neighborhood as a whole, not the Board, that should and will decide Crestwood's response to the Rockhill plan (as was stated at the CHA Annual meeting at *Eggtc*)
- How the neighborhood makes this determination is also for the neighborhood itself to decide

- For the purpose of Board involvement in discussions/communication with RTC's project representatives, the City, and other institutional stakeholders (e.g., UMKC), I will be the designated CHA Board member involved. With respect to any official Crestwood meetings called to address the RTC matter, again, I will be the only Board member involved. And the responsibility of the Board to communicate information relevant to the proposed RTC project to our neighbors will be my responsibility.

### **Access to Information, Open Meetings Policy**

There cannot be any serious question that the timing, and amount of information provided to date regarding the RTC proposal, has been inadequate. Some of this has been due to less information from RTC than the Board would have wished — RTC continues to work on alternate approaches to important matters such as parking, and the location/orientation of site facilities, such as the pool for instance. But the Board acknowledges that it would have been helpful to get more information out sooner, rather than wait until RTC's plan was further along.

It is also a fair point that has recently been made that all relevant information should be made available. For example, when a UMKC student's letter was sent out, some of our neighbors pointed out the inconsistency in the fact that a relevant letter from UMKC's Chancellor is at least as likely to have weight in this matter. Please note that January 14<sup>th</sup> is being made available for review on Crestwood's website, along with other relevant documents.

The Board has acknowledged that a better job of communicating simply has to be done, particularly regarding Rockhill; and has asked me to be sure that all such documents are made available now, and in a timely way in the future. To that end, our Crestwood neighbor, Ken Spare, has volunteered to maintain for the Crestwood website and include a portfolio of documents that Crestwood neighbors may wish to bookmark for ready access. Among the documents that will be available in the next few days are:

- The document currently in effect, *Declarations and Restriction* (restrictive covenant) that regulates operations now of a B&B at 5236 Cherry
- RTC's Plan documents filed with the City, including site plans
- Summary of the RTC plan: *Rockhill Proposal Information... as of Feb 7, 2010*
- Ken Spare's January 31<sup>st</sup> analysis: *Rockhill Tennis Club Parking Facts*
- Letters to and from UMKC Chancellor Leo Morton, regarding the RTC's proposed Club relocation
- The revised Crestwood *Open Meetings Policy*, as well as the Board's initial website plan: *Crestwood Homes Association website: 2010 upgrade program*

Also, the questions that have been asked regarding why the *Open Meetings Policy* (which is now somewhat revised) was adopted by the Board warrant an answer, if for no other reason than the fact they have been asked. But a response is all the more needed when there have been concerns about the appearance of conflicts of interest — concerns which are heightened when there is incomplete information being provided.

So, let me say at the outset, that the reason the Board determined that it should establish such a Policy is that I asked them to. While I understand the initial puzzled, even skeptical response (given conflicts appearance and incomplete communication), there are reasons why such a Policy is needed:

***So Neighbors are without question allowed to attend any meeting as a matter of right.***

At one point some weeks ago, a neighbor indicated a wish to attend a very short, limited Board meeting close to Christmas (they are all at Board members' houses), and someone expressed the view that Board meetings might actually be assumed to be closed, unless the Board decided otherwise. When referring to Crestwood's existing Bylaws (which are in your CHA Directory), it was noted that there is no guidance on this matter. It seemed to me then and still does that Crestwood residents had, like me, come to assume that attending meetings was a clearly defined right — and if not, then it was something that should be fixed.

***The City's new 2009 Ordinance requires that all meetings be open to the public.***

On May 21, 2009, our City Council passed Ordinance 081033, approving its revised Zoning and Development Code. *Section 88-505-11 Registered Neighborhood and Civic Organizations*, provides that for groups such as Crestwood to be eligible for such City registration, all meetings must be open to the public.

Crestwood, like most if not all neighborhood/homes associations, have initially been treated as “registered”, because the Ordinance was recently passed. But as it happens, I personally know the woman who managed the modification to the City's ordinance. She explained to me that the City has been working toward a means to assure greater transparency and openness for neighborhoods, and is now formulating a registration process — and registration is what will allow neighborhoods to receive notices for zoning/land-use matters, and to be eligible for a variety of City grants.

***Provision for Limited Closed Sessions.***

It may seem that such a provision is unnecessary. And in fact, it is likely that it such Closed Sessions will be so few and far between that we could go years between such sessions. But in fact, it is not unusual for organizations that have every intent to be as open as possible to nonetheless incorporate such provisions (*Missouri's Sunshine Law* for example provides for this), and the reason is that such Closed Sessions are sometimes essential.

If this point seems “far-fetched” consider just one such occasion: if at some point, Crestwood may need to enforce the existing B&B restrictive covenant, it would likely be necessary for the Board to have discussions with legal counsel on matters of litigation strategy, etc. Having that discussion in public, open session (with hostile parties ...even opposing attorneys present) could well be damaging to the very people who fear the adverse impact of inappropriate business activity at 5236 Cherry.

**Extending to one another “the benefit of the doubt” when judging motives.**

In the very brief period of time that I have been on the Board, I have had people on both sides of the RTC call to ask if they can meet with me or talk with me to share their concerns. I have always agreed to do so. I always tell everyone that I have and will extend the same courtesy to “the other side”. In fact, I give my best helpful advice to everyone I talk to on this matter.

As it happens, people on both sides often say they fear “the other side” will not treat them fairly. It is striking how often we infer unattractive character flaws to people we barely know, if at all. I of course realize that there are craven, dishonorable people, but we could probably stand to allow for the fact that others — including our neighbors — might not be so different from us. And when judging each other, we might take to heart some advice I found the other day:

***Bend the truth to be kind ... it's easier to know what is kind than what is true.***

In closing, if any of our Crestwood neighbors should wish to talk to me about the RTC matter, please feel free to call me, preferably on my land-line 816-523-5854, but also on my slightly less reliable Sprint cellphone 816-739-4321. Thank you!

Sincerely,



John Crawford