

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE OF THE WHOLE
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

DRAFT

TO: All Councilmembers

FROM: Chairman Phil Mendelson
Committee of the Whole

DATE: November 7, 2017

SUBJECT: Report on PR 22-554, the “Mayor Marion Barry, Jr. Memorial Statue Commemorative Works Approval Resolution of 2017”

The Committee of the Whole, to which PR 22-554, the “Mayor Marion Barry, Jr. Memorial Statue Commemorative Works Approval Resolution of 2017” was referred, reports favorably thereon, with amendments, and recommends approval by the Council.

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I. BACKGROUND AND NEED

On October 16, 2017, PR 22-554, the “Mayor Marion Barry, Jr. Memorial Statue Commemorative Works Approval Resolution of 2017” was introduced by Chairman Mendelson at the request of the Mayor. The stated purpose of PR 22-554 is to approve a commemorative work in the District of Columbia known as the Mayor Marion Barry, Jr. Memorial Statue. The statue is intended to celebrate the life, accomplishments, and contributions of Marion S. Barry, Jr. The statue will be located at the John A. Wilson Building, at the corner of 13½ Street and Pennsylvania Avenue, NW, the seat of the District of Columbia Government.

Background and Need

Marion Barry, Jr. was born in Itta Bena, Mississippi on March 6, 1936.¹ As a youth, Mr. Barry was a boy scout and became one of the first African American Eagle Scouts in Memphis, Tennessee.² Mr. Barry first became involved in the Civil Rights Movement during his undergraduate studies at LeMoyne-Owen College in Memphis where he served as president to the school's NAACP chapter.³ After graduating from LeMoyne-Owen in 1958, Mr. Barry went on to earn a Master's in Science in organic chemistry from Fisk University in Nashville, Tennessee in 1960.⁴ That same year, Mr. Barry was elected as the first chairman of the Student Nonviolent Coordinating Committee ("SNCC"), where he helped develop an organizing project in Macomb, Mississippi. Mr. Barry also began his doctoral chemistry studies at the University of Tennessee in Knoxville as the only African American in the program.⁵ He left the program to pursue his new role at SNCC.⁶

Mr. Barry moved to Washington, DC in 1965 to open a local chapter of SNCC.⁷ In the District, Mr. Barry organized peaceful street demonstrations and a boycott to protest bus fare increases.⁸ Mr. Barry also led the Free D.C. Movement and garnered support for Home Rule in the District. In 1967, he co-founded Pride, Inc., a program that provided job training to unemployed black men and later expanded to provide a variety of services to poor residents of the city.⁹

Mr. Barry went on to hold elected office in the District of Columbia for a total of 35 years, beginning with his first campaign victory as an at-large member of the District of Columbia School Board from 1971 through 1974.¹⁰ He was elected president of the District of Columbia School

¹*Timeline: The Life of Marion Barry*, WASH. POST, <http://apps.washingtonpost.com/g/page/local/timeline-the-life-of-marion-barry/1094/> (last visited Oct. 30, 2017).

²Arthur S. Brisbane, *Marion Barry Just Wants to be Loved*, WASH. POST (Apr. 26, 1987) available at <http://www.washingtonpost.com/wp-srv/local/longterm/library/dc/barry/87prof.htm>.

³Bart Barnes, *Marion Barry dies at 78; 4-Term D.C. mayor was the most powerful local politicians of his generation*, WASH. POST (Nov. 23, 2014) https://www.washingtonpost.com/local/obituaries/marion-barry-dies-4-term-dc-mayor-the-most-powerful-local-politician-of-his-generation/2014/11/23/331ad222-c5da-11df-94e1-c5afa35a9e59_story.html?utm_term=.db23e118e5da.

⁴Barry, Marion Jr., BLACKPAST.ORG, <https://www.biography.com/people/marion-s-barry-jr-9200328> (last visited Oct. 30, 2017).

⁵Arthur S. Brisbane, *Marion Barry Just Wants to be Loved*, WASH. POST (Apr. 26, 1987) available at <http://www.washingtonpost.com/wp-srv/local/longterm/library/dc/barry/87prof.htm>.

⁶Barry, Marion Jr., BLACKPAST.ORG, <https://www.biography.com/people/marion-s-barry-jr-9200328> (last visited Oct. 30, 2017).

⁷Marc Fisher, *In 'Mayor for Life,' D.C.'s Marion Barry takes pride in himself*, WASH. POST (Jun. 15, 2014) https://www.washingtonpost.com/entertainment/books/in-mayor-for-life-dcs-marion-barry-takes-pride-in-himself-but-little-blame-for-problems/2014/06/15/589803ca-f3d6-11e3-914c1fbd0614e2d4_story.html?utm_term=.cd044774531e.

⁸*Timeline: The Life of Marion Barry*, WASH. POST, <http://apps.washingtonpost.com/g/page/local/timeline-the-life-of-marion-barry/1094/> (last visited Oct. 30, 2017).

⁹*Id.*

¹⁰*Id.*

Board in 1972.¹¹ While on the board, Mr. Barry advocated for a larger budget for education and raises for teachers. Following the Congressional enactment of Home Rule in 1974, Mr. Barry was elected as an at-large member of the District's first elected council where he served until 1979.¹² During this time he served as chair of the Committee of Finance and Revenue.¹³

Then, Mr. Barry was elected the second Mayor of the District, serving three consecutive terms (1979-1990) and earning the moniker, "Mayor for Life."¹⁴ During this time, Mr. Barry created the summer youth employment program,¹⁵ "guaranteeing a summer job to every young person who resided in the District regardless of their economic status."¹⁶ An advocate for inclusion, Mr. Barry directed all of his department heads to comply with a 35 percent goal of minority participation and significantly increased the number of contracts awarded to qualified African American and Latino businesses.¹⁷

Mr. Barry returned to the Council, serving the residents of Ward 8 (1993-1995). He then served as the fourth Mayor of the District from 1995 to 1999. After six years out of public office, Mr. Barry returned as Ward 8 Councilmember beginning in 2005 until his death on November 23, 2014. As the Ward 8 Councilmember, Mr. Barry remained dedicated to serving "the last, the lost and the least," taking on affordable housing, wage issues, and ex-offender rights.¹⁸

In March 2015, Mayor Muriel Bowser established the Commission to Commemorate & Recognize the Honorable Marion Barry, Jr. The Barry Commission was charged with advising the Mayor, Council, and public on how to appropriately honor and recognize the late Marion Barry, Jr.'s lifetime of achievements and contributions to the District. Upon the Barry Commission's recommendation of a bronze statue in honor of Mr. Barry, the Mayor's office assigned the District of Columbia Commission on the Arts and Humanities ("CAH") to assist with implementing this effort.

¹¹ Ima Moore, *Barry elected to School Board*, WASH. POST (Jan. 25, 1972), available at <http://apps.washingtonpost.com/g/documents/local/school-board-elects-barry-as-president/844/>.

¹² Bart Barnes, *Marion Barry dies at 78; 4-Term D.C. mayor was the most powerful local politicians of his generation*, WASH. POST (Nov. 23, 2014) https://www.washingtonpost.com/local/obituaries/marion-barry-dies-4-term-dc-mayor-the-most-powerful-local-politician-of-his-generation/2014/11/23/331ad222-c5da-11df-94e1-c5afa35a9e59_story.html?utm_term=.db23e118e5da.

¹³ *Marion Barry Biography*, COUNCIL OF THE DISTRICT OF COLUMBIA, <http://dccouncil.us/pages/marion-barry-memorial> (last visited Oct. 30, 2017).

¹⁴ Marc Fisher, *In 'Mayor for Life,' D.C.'s Marion Barry takes pride in himself*, WASH. POST (Jun. 15, 2014) https://www.washingtonpost.com/entertainment/books/in-mayor-for-life-dcs-marion-barry-takes-pride-in-himself-but-little-blame-for-problems/2014/06/15/589803ca-f3d6-11e3-914c1fbd0614e2d4_story.html?utm_term=.cd044774531e.

¹⁵ The Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241(a)(1)).

¹⁶ *Marion Barry Biography*, COUNCIL OF THE DISTRICT OF COLUMBIA, <http://dccouncil.us/pages/marion-barry-memorial> (last visited Oct. 30, 2017). Now known as the "Marion Barry Summer Youth Employment Program."

¹⁷ *Id.*

¹⁸ Michael Neibauer, *Marion Barry: As good a negotiator as D.C. has ever seen*, WASH. BUSINESS JOURNAL (Nov. 24, 2014) https://www.bizjournals.com/washington/breaking_ground/2014/11/marion-barry-as-good-a-dealmaker-as-d-c-has-ever.html.

In March 2016, CAH facilitated a competitive request for proposals to identify an artist to design, fabricate, and install a bronze sculpture in the likeness of Mr. Barry. CAH received 13 submissions that were reviewed by a panel of artists, government officials, and community members. Ultimately, a single artist, Steven Weitzman of Weitzman Studios, was selected. The complete project will include a statue, plinth,¹⁹ and text. The statue will be an eight-foot-tall bronze casting of Mr. Barry with one arm extended in a welcoming way.

The four-sided plinth on which the bronze casting of Mr. Barry will be placed will include three elevations complete with engravings. The front elevation will include Mr. Barry's name, date of birth and death, and the engraving "Mayor for Life" along with the following text: "His fervor for justice, fairness, and equality led him to become a 'champion of the people.'" The right elevation will include the following quotation excerpted from Mr. Barry's autobiography:

Most people don't know me . . . they don't know about all of the fighting I've done to manage a government that was progressive and more oriented to uplift the people rather than suppress them. That's what I want my legacy to be. I was a freedom fighter, and a fighter for the economic livelihood of not only black people but all people.

The left elevation will include a chronological summary of Mr. Barry's 35 years of service to the District. A draft copy of the plinth rendering is attached to this report. Per the recommendation of the Barry Commission, the bronze sculpture will be installed at the John A. Wilson Building at 1350 Pennsylvania Avenue, N.W. within the flowerbed at the northeast corner near the building's entrance at 13 ½ Street.

Legal Background

The Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01 *et seq.*) ("Act") establishes the process for review and approval of proposed commemorative works on public space in the District. A commemorative work includes any statue, monument, sculpture, streetscape or landscape feature that memorializes an individual, group, or event.²⁰ Specifically, the Act requires the Council to approve any commemorative work on a public space in the District.²¹ In February 2001, the Act was amended to codify, for the first time, a process for commemorative works in the District and to establish the District's Commemorative Works Commission ("CWC").²²

The CWC advises the Council on each application to place a commemorative work on public space in the District of Columbia.²³ The CWC is made up of three citizen members, plus nine ex-officio government officials.²⁴ In reviewing each application for a commemorative work,

¹⁹ A "plinth" is the base or platform upon which a statue or monument sits.

²⁰ See D.C. Official Code § 9-204.11(1)(A).

²¹ See D.C. Official Code § 9-204.01 *et seq.*

²² See L13-275, effective from Apr 4, 2001, Published in DC Register Vol 48 and Page 1660.

²³ See D.C. Official Code § 9-204.12(a).

²⁴ See D.C. Official Code § 9-204.12(b). The government officials are: the Director of the Office of Planning (who shall serve as chair); the Director of the Department of Parks and Recreation; the Director of the Department of Public

the CWC considers the following criteria: “the appropriateness of the location, subject matter, and design of the commemorative work, including the aesthetic, environmental, traffic and parking, and financial impacts of the proposal upon the surrounding community and the District; and the sufficiency of the sponsor to fund the construction and maintenance of the commemorative work.”²⁵

Next, the CWC refers each commemorative work application for review and comments by affected advisory neighborhood commissions, affected District agencies and public utilities, and the National Capital Memorial Advisory Commission.²⁶ Once these reviews are complete, the CWC recommends to the Mayor and the Council a disposition of each application for placement of a commemorative work.²⁷

Additionally, Commemorative works in the District are subject to federal review by the U.S. Commission on Fine Arts (“CFA”)²⁸ and the National Capital Planning Commission (“NCPC”).²⁹

Regarding PR 22-554, all of the District and Federal reviews have been completed without objection. On April 20, 2017, the CFA approved the bronze sculpture design and granted concept approval for the entire project with recommendations regarding the plinth, text, and location of the statue within the flowerbed. CAH incorporated CFA’s recommendations, which were presented before other reviewing agencies. On May 16, 2017, the CAH presented the project before the National Capital Memorial Advisory Commission; members of the Commission offered comments and suggestions regarding the placement and design of the Statue and raised no objections.³⁰ On June 12, 2017, CAH presented before Advisory Neighborhood Commission 2C (“ANC 2C”), the ANC in which the proposed statue will be situated. ANC 2C unanimously adopted a motion to support the project.³¹

Works; the Chief Property Management Officer; the Executive Director of the Commission on the Arts and Humanities; the Chairperson of the Historic Preservation Review Board; the Secretary of the District of Columbia; the Director of the Department of Consumer and Regulatory Affairs; and the Director of the Department of Housing and Community Development.

²⁵ See D.C. Official Code § 9-204.13(a)(2).

²⁶ See D.C. Official Code § 9-204.13(a)(3). The National Capital Memorial Advisory Commission advises the Secretary of the Interior and the Administrator, General Services Administration on proposal to establish commemorative works in the District of Columbia. See 40 U.S.C. § 8904 *et seq.*

²⁷ See D.C. Official Code § 9-204.13(a)(4). The CWC’s recommendation shall not be inconsistent with the Comprehensive Plan for the National Capitol (10 DCMR); the District of Columbia Home Rule Act; The Zoning Regulations of the District of Columbia (11 DCMR); and The Public Space and Safety Regulations of the District of Columbia (24 DCMR). See D.C. Official Code § 9-204.13(b)(1)-(4).

²⁸ See 40 U.S.C. § 9102(a)(1). “The Commission of Fine Arts shall advise the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia . . .” *Id.*

²⁹ See 40 U.S.C. § 8722(b)(1). NCPC reviews District plans and programs that affect the plan and development of the National Capital and makes recommendations accordingly. *Id.*

³⁰ Letter from Peter May, Chairman, National Capital Memorial Advisory Commission, to Lauren Glover, Public Art Manager, District of Columbia Commission of the Arts and Humanities (Oct. 26, 2017).

³¹ Letter from John Tinpe, Chairperson, ANC 2C, to Arthur Espinoza, Executive Director, District of Columbia Commission of the Arts and Humanities (Jun. 13, 2017).

On June 15, 2017, the CWC reviewed and supported the project with recommendations that were incorporated into the project design.³² In its review, the CWC considered the subject matter, location, and construction and maintenance of the proposed commemorative work. On July 6, 2017, NCPC staff provided advisory review of the project and found the project is “not inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital, and will not adversely affect any other federal interests.”³³ CFA granted final approval of the complete project that incorporated the recommendations of the aforementioned reviewing agencies on September 20, 2017.

The Act also establishes requirements that must be met prior to the issuance of a permit for the construction of a commemorative work.³⁴ First, the proposal must be approved by the Mayor and Council.³⁵ The proposed commemorative work must also be in compliance with D.C. Official Code § 6-1101.01 *et seq.* (Historic Landmark and Historic District protection) and D.C. Official Code § 8-109.01 *et seq.* (Environmental Impact Statements).³⁶ Knowledgeable persons qualified in the field of preservation and maintenance must be consulted to determine the structural soundness and durability of the proposed work.³⁷ Lastly, the sponsor authorized to construct and maintain the commemorative work must have sufficient funds to complete construction of the project and to provide for its ongoing maintenance.³⁸ At the October 26, 2017 hearing on PR 22-554, Arthur Espinoza, Executive Director of CAH, testified that the budget for the Marion Barry, Jr. statue was \$300,000 and that CAH agency funds were sufficient.³⁹ Mr. Espinoza also expressed CAH’s commitment to obtaining the appropriate permits at the hearing.⁴⁰

After the commemorative work legislation becomes law and all approvals required by the Council and the Act have been satisfied, construction of the commemorative work can begin. The clay model of the Marion Barry, Jr. Statue was completed in October 2017. The artist anticipates final delivery of the complete bronze casting in February 2018 with a target installation deadline of March 6, 2018, Mr. Barry’s birthday.

The Mayor Marion Barry, Jr. Memorial Statue will honor the late Mayor for generations to come and celebrate his life, accomplishments, and contributions to the residents, government, and civic life of the District of Columbia. The memorial is also a statement of the current government of the principles proclaimed by Mr. Barry: to protect freedom, promote equality, uplift people, and celebrate diversity. For these reasons, the Committee of the Whole recommends the

³² Letter from Eric Shaw, Committee Chair, Commemorative Works Committee to Arthur Espinoza, Executive Director, District of Columbia Commission of the Arts and Humanities (Jul. 12, 2017).

³³ *Delegated Action of the Executive Director, National Capital Planning Commission, Re: Marion Barry, Jr. Bronze Statue* (Jul. 6, 2017).

³⁴ See generally D.C. Official Code § 9-204.17.

³⁵ D.C. Official Code § 9-204.17(1),(4).

³⁶ D.C. Official Code § 9-204.17(2).

³⁷ D.C. Official Code § 9-204.17(3).

³⁸ D.C. Official Code § 9-204.17(5).

³⁹ PR 22-554, *Mayor Marion Barry, Jr. Memorial Statue Commemorative Works Approval Resolution of 2017: Public Hearing before the Council of the District of Columbia Committee of the Whole*, Oct. 26, 2017 (oral testimony of Arthur Espinoza, Executive Director, District of Columbia Commission on Arts and Humanities).

⁴⁰ *Id.*

approval of PR 22-554, the “Mayor Marion Barry, Jr. Memorial Statue Commemorative Works Approval Resolution of 2017.”

II. LEGISLATIVE CHRONOLOGY

October 16, 2017 PR 22-554, the “Mayor Marion Barry, Jr. Memorial Statue Commemorative Works Approval Resolution of 2017” is introduced by Chairman Mendelson at the request of the Mayor.

October 17, 2017 PR 22-554 is referred to the Committee of the Whole.

October 26, 2017 A Public Roundtable is held on PR 22-554 by the Committee of the Whole.

October 27, 2017 Notice of Intent to Act on PR 22-554 is published in the *DC Register*.

November 7, 2017 The Committee of the Whole marks up PR 22-554.

III. POSITION OF THE EXECUTIVE

Arthur Espinoza, Executive Director of the Commission on the Arts and Humanities, testified on behalf of the Executive in support of PR 22-554. His testimony is summarized below.

IV. COMMENTS OF ADVISORY NEIGHBORHOOD COMMISSIONS

In a letter dated June 13, 2017, ANC 2C, in which the proposed commemorative work is located, voted 3-0, in support of the proposed plan to install a bronze statue of the late Mayor Marion Barry outside of the John A. Wilson Building.

V. NATIONAL CAPITAL PLANNING COMMISSION REVIEW

In a letter dated July 6, 2017, the Executive Director of the National Capital Planning Commission (NCPC) stated that the proposed Marion Barry, Jr. Statue would not be inconsistent with the Comprehensive Plan for the National Capital.

VI. SUMMARY OF TESTIMONY

The Committee of the Whole held a public hearing on PR 22-554 on Thursday, October 26, 2017. The testimony summarized below is from that hearing. Copies of written testimony are attached to this report.

Arthur Espinoza, Executive Director of the Commission on the Arts and Humanities (“CAH”), testified in support of PR 22-554. Mr. Espinoza described CAH’s role in the

implementation of the Mayor Marion Barry, Jr. Statue and provided an overview of the agency review process. He also provided the Committee with details on the statue design.

The Committee received no testimony in opposition to PR 22-554.

VII. IMPACT ON EXISTING LAW

PR 22-554 has no impact on existing law. D.C. Official Code § 9-204.01⁴¹ authorizes the Council to approve any proposed commemorative work on public space in the District, subject to the required District and federal agency reviews. The proposed bronze-casted statue of Marion Barry, Jr. to be located at the corner of 13½ Street and Pennsylvania Avenue, NW, at the John A. Wilson Building, is a commemorative work located on public space. Further, the proposed commemorative work has met all required agency reviews.

Lastly, the Act provides that commemorative works “*shall not generally* be any living person, [nor] any deceased person who has been deceased less than 10 years.”⁴² Mr. Barry passed in 2014, less than ten years ago. However, the Commemorative Works Commission concluded that the proposed commemorative works “application is consistent with the Barry Commission’s recommendation that a bronze statue be erected in honor of Marion Barry,” and thus not subject to the guidance of D.C. Code § 9-204.15(b).⁴³ The Committee follows the time limits in the law regarding works and ceremonial designations, notes that for commemorative works the 10-year waiting period is suggestive but not binding, and notes that this memorial commemorates a unique individual – a founding father of the District’s modern Home Rule, a four-term Mayor, a 16-year Councilmember who remains an icon of our government three years after his death.

VIII. FISCAL IMPACT

IX. SECTION-BY-SECTION ANALYSIS

Section 1 States the short title of PR 22-554.

Section 2 Approves the Mayor Marion Barry, Jr. Memorial Statue, to be located at 13½ Street and Pennsylvania Avenue, Northwest, as a commemorative work designed to celebrate the life, accomplishments, and contributions of Marion Barry, Jr. to the District.

⁴¹ Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201).

⁴² See D.C. Code § 9-204.15(b) (emphasis added).

⁴³ Letter from Eric Shaw, Committee Chair, Commemorative Works Committee to Arthur Espinoza, Executive Director, District of Columbia Commission of the Arts and Humanities (Jul. 12, 2017).

- Section 3 Requires that a copy of the resolution, upon adoption, be transmitted to the Mayor, the District Commission on Arts and Humanities, and the Commission on Fine Arts.
- Section 4 Adopts the Fiscal Impact Statement.
- Section 5 Provides that PR 22-554 shall take effect immediately upon the first date of publication in the District of Columbia Register.

X. COMMITTEE ACTION

XI. ATTACHMENTS

1. PR 22-554 as introduced
2. Director Espinoza's Written Testimony, including pictures of the clay model
3. Draft Plinth Rendering with Quotes
4. Letters from Reviewing Agencies (National Capital Memorial Advisory Commission, ANC 2C, CWC, NCPC, and CFA)
5. Fiscal Impact Statement for PR 22-554
6. Legal Sufficiency Determination for PR 22-554
7. Committee Print for PR 22-554

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington D.C. 20004

Memorandum

To : Members of the Council

From : 
Nyasha Smith, Secretary to the Council

Date : October 18, 2017

Subject : Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Office of the Secretary on Monday, October 16, 2017. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Mayor Marion Barry, Jr. Memorial Statue Commemorative Works Approval Resolution of 2017", PR22-0554

INTRODUCED BY: Chairman Mendelson at the request of the Mayor

The Chairman is referring this legislation to the Committee of the Whole.

Attachment

cc: General Counsel
Budget Director
Legislative Services



1700 16 OCT 9:50
OFF THE

MURIEL BOWSER
MAYOR

OCT 16 2017

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
John A Wilson Building
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20001

Dear Chairman Mendelson:

Enclosed for consideration by the Council of the District of Columbia is the "Mayor Marion Barry, Jr. Memorial Commemorative Works Approval Resolution of 2017."


The Mayor Marion Barry, Jr., Memorial is intended to celebrate the life and many meaningful contributions of "Mayor for Life" Marion Barry, Jr., to the District of Columbia. The memorial will honor Mayor Barry and educate residents and visitors regarding the impact of Mayor Barry on the development of Washington, DC as a world-class city dedicated to the civil and human rights of its residents and visitors from around the world. The memorial will consist of a statue of Mayor Barry's likeness to be located outside of the John A. Wilson Building at 1350 Pennsylvania Avenue, NW.

Should you have questions regarding this resolution, please contact me or Senior Advisor Beverly Perry at 202-724-7173.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel Bowser


Chairman Phil Mendelson
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To approve a commemorative work in the District of Columbia known as the Mayor Marion Barry, Jr. Memorial Statue.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Mayor Marion Barry, Jr. Memorial Statue Commemorative Works Approval Resolution of 2017".

Sec. 2. (a) Pursuant to section 401 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-204.01), the Council approves a commemorative work in the District of Columbia known as the Mayor Marion Barry, Jr. Memorial Statue.

(b) The Mayor Marion Barry, Jr. Memorial Statue is designated to celebrate the life, accomplishments, and contributions of Marion Barry, Jr. to the residents, government, and civic life of the District of Columbia. Born in Itta Bena, Mississippi in 1936, Mr. Barry moved to Washington, DC in 1965 to open a chapter of the Student Non-Violent Coordinating Committee (SNCC), an important civil rights organization that helped to organize residents of the District to demand their civil rights. In addition to his efforts as part of SNCC, Mr. Barry helped to organize Pride, Inc., which helped provide for poor residents in the city. Beyond his efforts as part of the

1 Civil Rights movement, Mr. Barry served as president of the DC Board of Education prior to his
2 election to the Council of the District of Columbia. Mr. Barry was elected to three consecutive
3 terms as Mayor of the District of Columbia, during which he created the summer youth
4 employment program, oversaw substantial economic development, and earned the moniker
5 “Mayor for Life.” Mr. Barry went on to serve additional terms on the Council as the Ward 8
6 member and a fourth term as mayor, during which he remained dedicated to serving “the last, the
7 lost, and the least.” The memorial will honor Barry’s contributions in all of these capacities,
8 serve as an inspiration to District residents, and will consist of a statue of Mr. Barry’s likeness.
9 The statue will be located at the corner of 13 ½ Street and Pennsylvania Avenue, Northwest, at
10 the John A. Wilson Building, seat of the District of Columbia Government.

11 Sec. 3. Fiscal impact statement.

12 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
13 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
14 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

15 Sec. 4. The Secretary of the Council shall transmit a copy of this resolution, upon its
16 adoption, each to the Mayor, the Commission on Arts and Humanities and the Commission on
17 Fine Arts.

18 Sec. 5. This resolution shall take effect immediately.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General

ATTORNEY GENERAL
KARL A. RACINE



Legal Counsel Division

MEMORANDUM

TO: Alana Intrieri
Executive Director
Office on Policy & Legislative Affairs

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: October 11, 2016

SUBJECT: Legal Sufficiency Review of Proposed Resolution to Approve a
Commemorative Work Known as the Mayor Marion Barry, Jr. Memorial
Statue
(AE-17-594)

This is to Certify that this Office has reviewed the above-referenced proposed resolution and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.


Janet M. Robins

MARION BARRY, JR
COMMEMORATIVE BRONZE PUBLIC ART SCULPTURE
Committee of the Whole: Council of the District of Columbia
John H. Wilson Building, 1350 Pennsylvania Avenue
October 26, 2017

- Good morning Chairman Mendelson and distinguished members of the Council of the District of Columbia. My name is Arthur Espinoza, Jr., Executive Director for the DC Commission on the Arts and Humanities. It's a pleasure to be here. I appreciate the opportunity to present to you today.
- In March 2015, Mayor Bowser established the Commission to Commemorate & Recognize the Honorable Marion Barry, Jr. The Barry Commission was charged with advising the Mayor, Council, and public on how to appropriately honor and recognize the late former Mayor Marion Barry, Jr.'s lifetime of achievements and contributions to the District of Columbia.
- Upon the Barry Commission's recommendation of a bronze statue in honor of Mr. Barry, the Mayor's office assigned the Commission on the Arts and Humanities to assist with implementing this effort.
- CAH is honored to participate in a public art project to memorialize Mr. Barry which we undertook in partnership with the Executive Office of the Mayor and the Marion Barry Commission.
- Throughout the world, public artworks are often used to commemorate significant people and events. Such artworks can serve as anchor points, not only recognizing impact and accomplishments, but also inviting us to learn about and reflect on our history. CAH understands and appreciates the intricacies involved in commissioning a piece of public art, particularly commemorative art, and the expertise and experience of our staff has proven to be vital in the management of this project.
- I would now like to give an overview of the project timeline and major milestones. In March 2016, CAH facilitated a competitive Request for

Proposals process to identify an artist to design, fabricate, and install a bronze sculpture in the likeness of the late mayor.

- CAH received a total of 13 submissions, which were then reviewed by a panel of artists, government officials and community members. Ultimately, a single artist, Steven Weitzman of Weitzman Studios, was selected as the panel determined that Weitzman was the artist who could provide the best representation of Barry's likeness and provide the best overall installation.
- As intended by the Barry Commission report and recommendation, the bronze sculpture will be installed at the John A. Wilson Building, at 1350 Pennsylvania Avenue within the flowerbed near the building's entrance at 13 ½ Street.
- The complete project – statue, plinth, text, and concept has been presented to five required review and approval bodies this calendar year:
 - On April 20, CAH presented the complete project to the U.S. Commission on Fine Arts (CFA) for concept approval. While approving the bronze sculpture design, the CFA also granted concept approval for the entire project with recommendations on the design of the plinth and text, as well as the location of the statue within the flowerbed. These recommendations for the plinth and text were incorporated in the project design and were presented to the other required review and approval entities, which we presented over the course of the summer.
 - On May 16, CAH presented the project before the National Capital Memorial Advisory Commission. Upon review, the project design elements were approved.
 - On June 12, CAH presented before the Advisory Neighborhood Commission (ANC-2C), which unanimously passed a motion to support the project.
 - On June 15, CAH presented before the DC Commemorative Works Committee. Upon their review, the project was supported with recommendations, which are incorporated in the project design. (Letter acknowledging approval dated July 12)

- On July 6, the National Capital Planning Commission staff provided advisory review of the project and found that the project is “not inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital, and will not adversely affect any other federal interests.”
- On September 20, CFA gave final approval of the complete project that incorporates the recommendations made by the previously mentioned review and approval entities regarding the plinth, text, and location within the flowerbed.
- Throughout the review and approval process, artist Steven Weitzman has been diligent in incorporating feedback into the design and fabrication of the project. .
- The clay bust was completed and approved in late August, and, along with the full 8’ foot clay model completed last week, was sent to the foundry to create a mold and for bronze casting and patina treatment. This is a 4-1/2 month process. The artist anticipates delivery in February.

I invite you now to take a moment to see the work in progress from Weitzman Studios [SHOW POWERPOINT PRESENTATION]

- We have begun the work to secure the necessary permits to lay the foundation within the flowerbed that will support the plinth and sculpture upon conclusion of this hearing.
- These steps are all in line to meet the target deadline of March 6, 2018.
- Thank you for your time. I am happy to answer your questions.

MARION BARRY, JR. BRONZE SCULPTURE PROJECT

Committee of the Whole
Council of the District of Columbia
October 26, 2017

Marion Barry, Jr. Bronze Statue Project

Clay Model Work in Progress



Marion Barry, Jr.
Bronze Statue Project
Clay Model
Work in Progress



Marion Barry, Jr. Bronze Statue Project

Clay Model Work in Progress



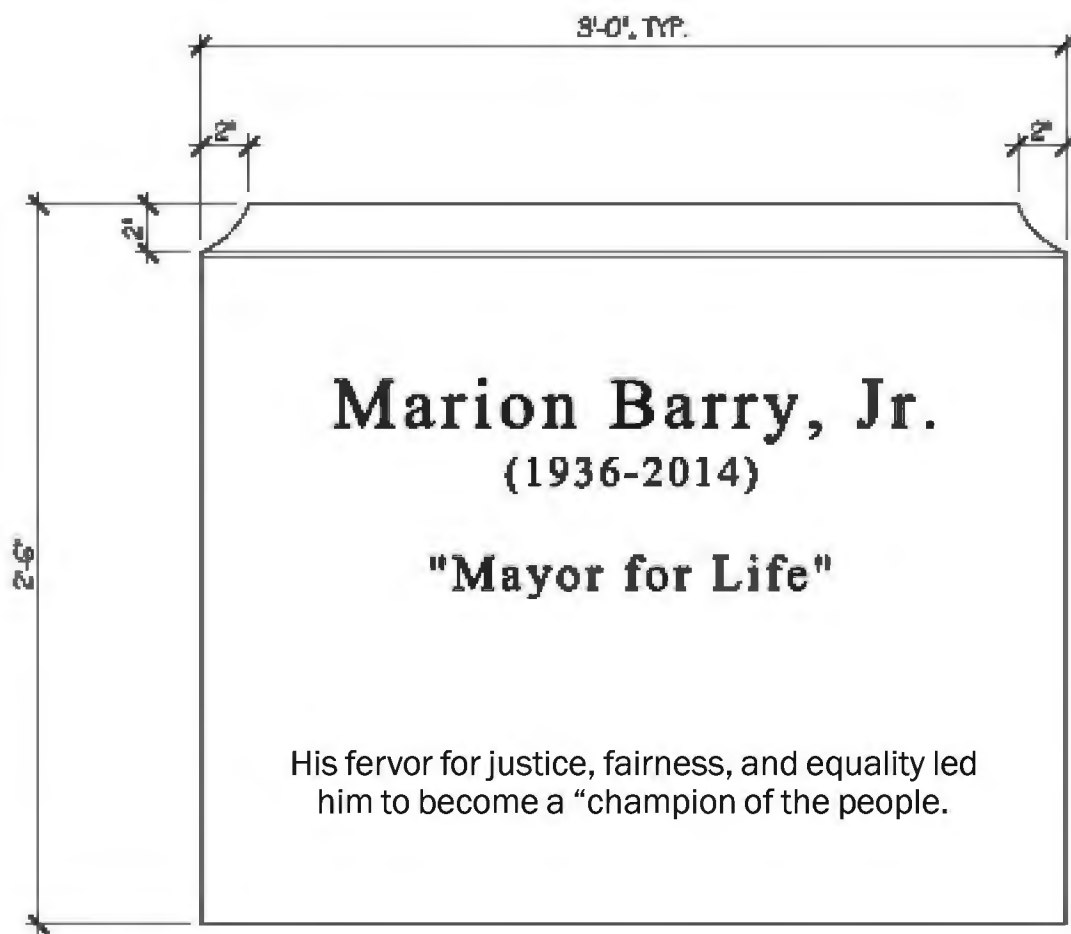
Marion Barry, Jr. Bronze Statue Project Clay Model Work in Progress



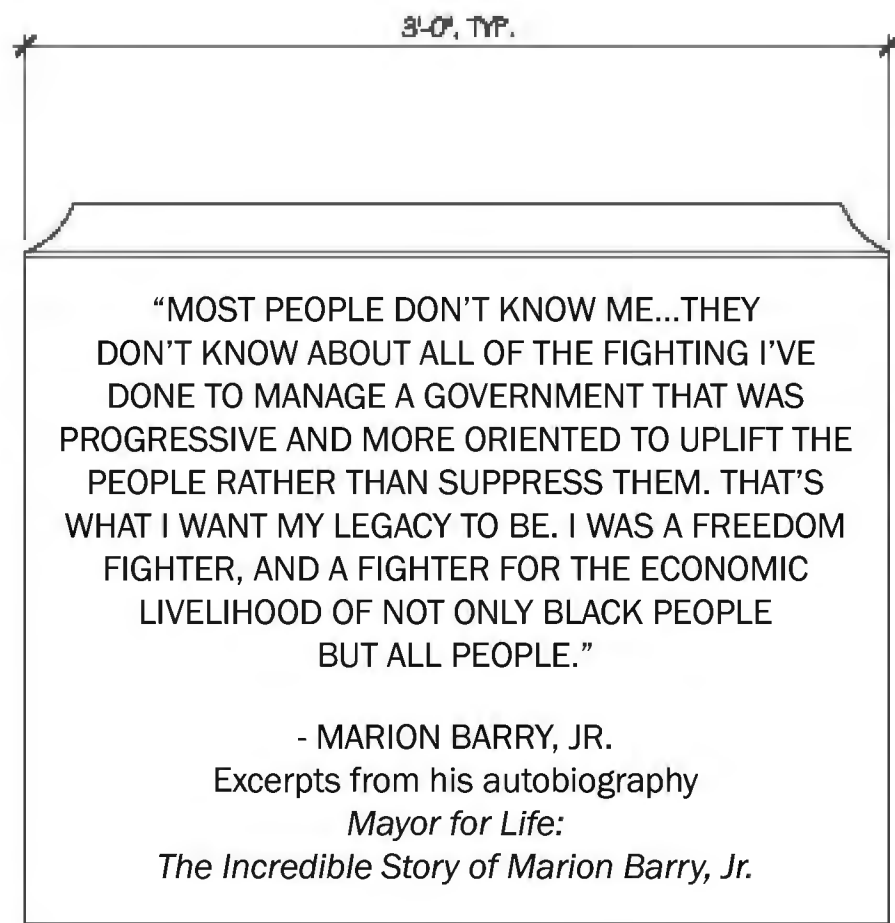
Marion Barry, Jr.
Bronze Statue Project
Clay Model
Work in Progress

Statue at height
assumes flowerbed
height and 3 ft plinth

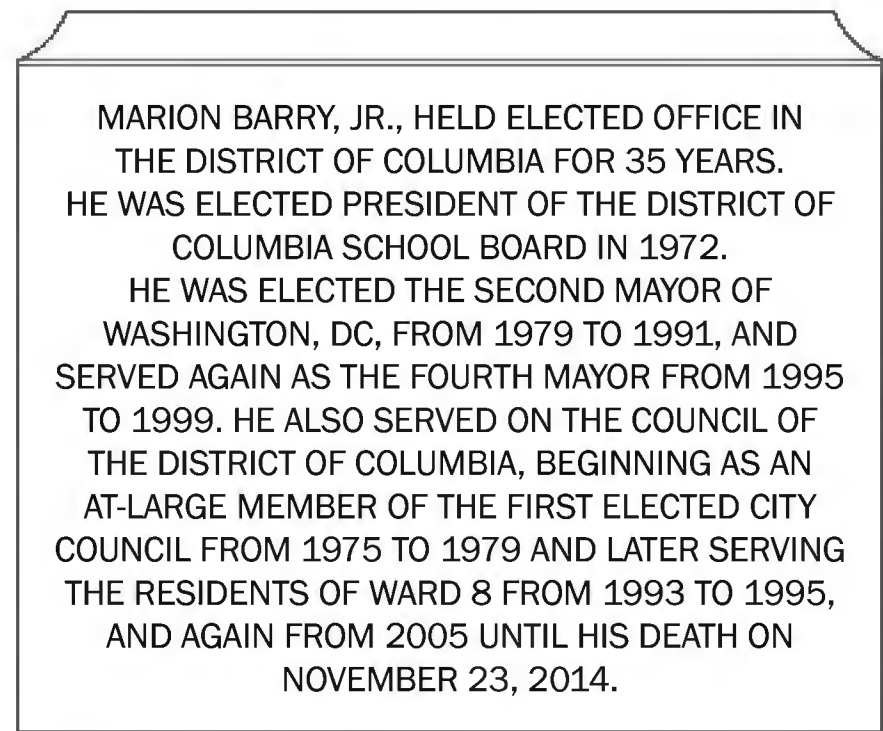




1 FRONT ELEVATION: ENGRAVING
ASK-2 SCALE: 1 1/2" = 1'-0"



2 RIGHT ELEVATION: ENGRAVING
ASK-2 SCALE: 1 1/2" = 1'-0"



3 LEFT ELEVATION: ENGRAVING
ASK-2 SCALE: 1 1/2" = 1'-0"

ELEVATIONS: ENGRAVING
SKETCHES

WEITZMAN
STUDIOS, INC.

3413 Hindman Road
Baltimore, MD 21222
Phone: 301-669-0873

ISSUE DATE 10/20/2017

SHEET ASK-2



United States Department of the Interior

NATIONAL CAPITAL MEMORIAL ADVISORY COMMISSION

1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO:

October 26, 2017

7.A.2 (NCR-LP)

Ms. Lauren Glover
Public Art Manager
District of Columbia Commission on the Arts and Humanities
200 I Street SE, Suite 1400
Washington, D.C. 20003

Dear Ms. Glover:

The Commemorative Works Act of 1986 (40 U.S.C. 89 et. seq) established the National Capital Memorial Advisory Commission (Commission) and requires the Commission to consult with sponsors of memorials on matters relating to site and design of memorials to be established on federal lands. The Government of the District of Columbia (District) has its own law regarding commemorative works – the Commemorative Works on Public Space Amendment Act of 2000 (DC Law 13-275). This act requires the District of Columbia Commemorative Works Committee to refer each application for a commemorative work on public space in the District for review and comment by the Commission. The consultation is advisory in nature, and the Commission does not hold approval authority over any commemorative work located on lands under the control of the District.

On May 16, 2017, District representatives made a presentation regarding proposed statue honoring former Mayor Marion Barry to be placed on public land under the control of the District. Members of the Commission offered comments and suggestions regarding the placement and design of the Barry statue and raised no objections.

Thank you for the opportunity to review this proposed memorial. Please do not hesitate to contact me if you have further questions.

Sincerely,

Peter May, Chairman
National Capital Memorial Advisory Commission



Government of the District of Columbia
Advisory Neighborhood Commission 2C

June 13, 2017

Mr. Arthur Espinoza, Jr.
Executive Director
District of Columbia Commission on Arts and Humanities
200 I Street SE #1400
Washington, DC 20003

Ref: Proposed Plan to Install Bronze Statue of the late Mayor Marion Barry,
Outside John A. Wilson Building, 13 ½ Street and Pennsylvania Avenue NW.

Dear Sir,

On June 12, 2017, at the regularly scheduled, duly noticed meeting of the Advisory Neighborhood Commission 2C (ANC2C) with a quorum of 3 of 3 Commissioners and the public present, the above-mentioned Proposal for Art Work came before us.

Ms. Lauren Dugas Glover, Public Art Manager, from the District of Columbia Commission on Arts and Humanities, presented the plan for the installation of the bronze statue outside 1350 Pennsylvania Avenue NW.

The Commissioners voted 3:0:0, to support this proposal for art installation.
Thank you for giving "Great Weight" to the recommendations of ANC 2C.

On behalf of ANC 2C,

John Tinpe,
Chairperson

Please reply to ANC 2C at P.O. Box 51181, Washington, D.C. 20091- Tel. (202)230-8538

District of Columbia Office of Planning



Office of the Director

July 12, 2017

Arthur Espinoza
DC Commission on the Arts and Humanities
200 I Street SE
Washington, DC 20003

Dear Director Espinoza,

The Commemorative Works Committee (Committee) held a special meeting on June 15, 2017, to review DC Commission on the Arts and Humanities' (CAH) application for a commemorative work recognizing the Honorable Marion Barry, Jr., to be placed on the grounds of the John A. Wilson Building, 1350 Pennsylvania Avenue NW. The Committee is responsible for reviewing any commemorative work proposals for appropriateness of subject matter, location, and design; including the aesthetic, environmental, traffic and parking, and financial impacts of the proposal upon the surrounding community and the District. It is also tasked with ensuring the sufficiency of the sponsor to fund the construction and maintenance of the commemorative work. Based on the application and information shared at the meeting, the Committee voted 9-0 to support the application and recommend it be approved by the Mayor and DC Council.

After reviewing the application and considering information presented at our meeting, the Committee came to the following conclusions:

Subject Matter

The Committee agrees with the recommendation of the "DC Commission to Commemorate and Recognize the Honorable Marion S. Barry, Jr." (Barry Commission) to locate a statue of Marion Barry at the John A. Wilson Building. The Barry Commission determined that Marion S. Barry, Jr. was an influential figure in Washington, D.C., who began his career as an elected official on the DC Board of Education, chairing the school board from 1971 to 1974. His public service went on to include serving as an at-large member of the DC Council from 1975 to 1979, the Mayor of the District of Columbia from 1979 to 1991 and from 1995 to 1999, and as the Ward 8 Councilmember from 1993 to 1995 and from 2005 until his passing in November 2014.

Location

The Committee supports the proposed location of the statue on the grounds of the John A. Wilson Building, an appropriate location since it is home to the offices of the Mayor and the DC Council, where Marion Barry spent much of his career in public service. Its location at the



northeast corner of the building, near the entrance he regularly used, supports its location at the site.

Construction and Maintenance

The Committee finds that the applicant has demonstrated that they have the funds to construct the statue and a plan for its maintenance. CAH has budgeted \$250,000 to design, fabricate, and install the statue. Maintenance of the statue will be covered under the yearly operating expenses of the Department of General Services.

During the meeting the Committee discussed the design of the statue and provided guidance on five issues that warrant further study:

1. Affectation of African American male features for Marion Barry needs to be captured correctly and requested the artist complete additional study of bronze sculptures to identify a technique that will capture this correctly;
2. Typography used for the inscription text on the base needs to be finalized and should reflect who Marion Barry was as a person;
3. Location of the statue needs be finalized to ensure maximum visibility of the statue and text on the plinth;
4. Lighting alternatives will be impacted by the location of the statue and should be determined as part of the site selection, not under a separate study; and,
5. Shape of the plinth that the statue is on should relate to the shape of the raised planter that the statue is placed within.

The Committee acknowledges that “Commemorative Works on Public Space Amendment Act of 2000” states that subjects of a commemorative work generally not be a person who has been deceased for less than 10 years. However, Mayor Muriel Bowser established the Barry Commission in March 2015 to commemorate and recognize former Mayor Marion Barry, Jr. It was tasked to advise the Mayor, Council and public on how to appropriately honor and recognize his lifetime of achievement and contributions to the District of Columbia. This application is consistent with the Barry Commission’s recommendation that a bronze statue be erected in honor of Marion Barry, and the Executive Office of the Mayor directed CAH to assist with implementing this recommendation.

Thank you for the opportunity to recommend the creation of a commemorative work to recognize the Honorable Marion Barry, Jr.’s decades of service to the District of Columbia. The proposed statue will provide District residents and visitors an appropriate memorial to remember the man who dedicated much of his life to improving the District of Columbia.

If you have any questions about the Committee’s recommendation, please contact me directly at (202) 442-7636.

Sincerely,



Eric D. Shaw
Committee Chair

Voting Commemorative Works Committee Members

Sandy Allen
Department of Housing and Community
Development

Yohance Fuller
Department of General Services

Lauren Glover
Commission on the Arts and Humanities

Marnique Heath
Historic Preservation Review Board

Kristina Savoy
Department of Consumer and Regulatory
Affairs

Brent Sisco
Department of Parks and Recreation

Laurent Vaughan
Secretary of the District of Columbia

Sam Zimbabwe
Department of Transportation



Delegated Action of the Executive Director

PROJECT Marion Barry, Jr. Bronze Statue 1350 Pennsylvania Avenue, NW Washington, DC	NCPC FILE NUMBER 7891 NCPC MAP FILE NUMBER 1.23(38.00)44571
SUBMITTED BY DC Commission on the Arts and Humanities	ACTION TAKEN Approve preliminary and final site development plans as requested REVIEW AUTHORITY Advisory Per 40 U.S.C. § 8722(b)(1)

Project Summary

The District of Columbia Commission on the Arts and Humanities (CAH) has submitted plans for the placement of a sculpture to honor former District of Columbia (DC) mayor Marion Barry, Jr. in front of the John A. Wilson Building at 1350 Pennsylvania Avenue NW in Washington, DC. The artwork was commissioned by the Executive Office of the Mayor in partnership with CAH and the Marion Barry Commission. It is being developed in recognition of Marion Barry, Jr.'s tenure as the second mayor of DC, serving from 1978 to 1990, and again from 1994 to 1999; and, serving three tenures on the Council of the District of Columbia from 1975 to 1979 (at large), from 1993 to 1995, and from 2005 until his death on November 23, 2014 (Ward 8).

The 8-foot bronze sculpture will feature Mr. Barry outside, in the streets, welcoming people to the city, with a raised arm in greeting that will extend slightly higher than the body of the sculpture itself. It will be placed on a 2.5-foot concrete plinth that will include a marker, quote, and summary of his elected career in DC. Its placement will not require the removal of any existing trees, nor will it require modification of the building itself.

While the exact location of the statue has not been determined, it will sit somewhere within the planter on the east side of the building, fronting Pennsylvania Avenue (see Figure 1). This site is within the boundary of Pennsylvania Avenue National Historic Site, but the planters are outside of the Pennsylvania Avenue Development Corporation maintenance boundary that is administered by National Park Service.

NCPC staff has reviewed the materials and finds that the project is not inconsistent with the Federal Elements of the *Comprehensive Plan for the National Capital*, and will not adversely affect any other federal interests. Since the Commission is advisory in its review of this project, compliance with the National Environmental Policy Act and National Historic Preservation Act is not required. The Government of the District of Columbia serves as the lead agency in local environmental and historic preservation compliance.



Figure 1. Proposed Statue Placement

The Coordinating Committee reviewed the proposed preliminary and final site and building plans at its June 21, 2017 meeting. The Committee forwarded the proposal to the Commission with the statement that it has been coordinated with all participating agencies. The Coordinating Committee agencies included NCPC; the US General Services Administration; the Washington Metropolitan Area Transit Authority; the National Park Service; the District of Columbia Office of Planning; the District Department of Transportation; the State Historic Preservation Office; and the District Department of Energy and Environment.

Pursuant to delegations of authority adopted by the Commission on October 3, 1996 and per 40 U.S.C. § 8722(b)(1), I approve the preliminary and final site development plans for the Marion Barry, Jr. Bronze Statue at 1350 Pennsylvania Avenue NW, Washington, DC.

Marcel Acosta
Executive Director

Date

U.S. COMMISSION OF FINE ARTS

ESTABLISHED BY CONGRESS 17 MAY 1910

401 F STREET NW SUITE 312 WASHINGTON DC 20001-2728 202-504-2200 FAX 202-504-2195 WWW.CFA.GOV

21 September 2017

Dear Mr. Espinoza:

In its meeting of 20 September 2017, the Commission of Fine Arts reviewed and approved the following project on the Consent Calendar, with accompanying staff recommendation:

CFA 20/SEP/17-f

D.C. Commission on the Arts and Humanities (DCCA)

John A. Wilson Building

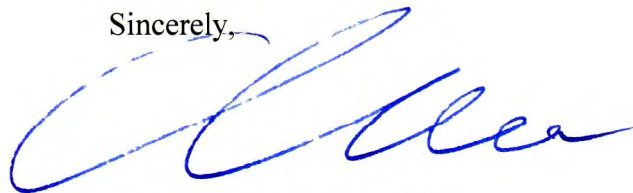
1350 Pennsylvania Ave, NW

Installation of a bronze statue of Marion S. Barry by Steven Weitzman

Final

RECOMMENDATION: No objection to the final plans for the installation of a bronze statue of Marion S. Barry, by artist Steven Weitzman, at the northeast corner of the John A. Wilson Building, as shown in materials received and dated 7 September 2017. Refer to DC Historic Preservation Office. (Previous: CFA 20/APR/17-4)

Sincerely,



Thomas E. Luebke, FAIA
Secretary

Arthur Espinoza, Executive Director
D.C. Commission on the Arts and Humanities
200 I (Eye) Street, SE
Suite 1400
Washington, DC 20003

cc: Steven Weitzman, Weitzman Studios, Inc
Lauren Glover, D.C. Commission on the Arts and Humanities

1 **COMMITTEE PRINT DRAFT**

2 **Committee of the Whole**

3 **November 7, 2017**

4
5
6
7
8 **A RESOLUTION**

9
10
11 22-554

12
13
14 **IN THE COUNCIL OF THE DISTRICT OF COLUMBIA**

15
16
17
18
19 To approve a commemorative work in the District of Columbia known as the Mayor Marion
20 Barry, Jr. Memorial Statue.

21
22 **RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this**
23 resolution may be cited as the “Mayor Marion Barry, Jr. Memorial Statue Commemorative
24 Works Approval Resolution of 2017”.

25 **Sec. 2. (a)** Pursuant to section 401 et seq. of the Street and Alley Closing and Acquisition
26 Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Official Code § 9-
27 204.01 et seq.), the Council approves a commemorative work in the District of Columbia known
28 as the Mayor Marion Barry, Jr. Memorial Statue.

29 **(b)** The Mayor Marion Barry, Jr. Memorial Statue is commissioned to celebrate the life,
30 accomplishments, and contributions of Marion Barry, Jr. to the residents, government, and civic
31 life of the District of Columbia. Born in Itta Bena, Mississippi in 1936, Mr. Barry moved to
32 Washington, DC in 1965 to open a chapter of the Student Non-Violent Coordinating Committee
33 (SNCC), a pivotal civil rights organization that helped lead District residents in their fight for
34 civil rights. In addition to his efforts as part of SNCC, Mr. Barry co-founded Pride, Inc., which

1 provided services for poor residents in the city. Beyond his efforts as part of the Civil Rights
2 movement, Mr. Barry served as president of the DC Board of Education prior to his election to
3 the Council of the District of Columbia. Mr. Barry was elected to three consecutive terms as
4 Mayor of the District of Columbia, during which he created the summer youth employment
5 program, oversaw substantial economic development, and earned the moniker “Mayor for Life.”
6 Mr. Barry went on to serve additional terms on the Council as the Ward 8 member and a fourth
7 term as Mayor, during which he remained dedicated to serving “the last, the lost, and the least.”
8 The memorial will honor Barry’s contributions in all of these capacities, serve as an inspiration
9 to District residents, and will consist of a statue of Mr. Barry’s likeness. The statue will be
10 located at the corner of 13 ½ Street and Pennsylvania Avenue, Northwest, at the John A. Wilson
11 Building, seat of the District of Columbia Government.

12 Sec. 3. The Council shall transmit a copy of this resolution, upon its adoption to the
13 Mayor, the District Commission on Arts and Humanities, and the Commission on Fine Arts.

14 Sec. 4. Fiscal impact statement.

15 The Council adopts the fiscal impact statement in the committee report as the fiscal
16 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
17 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

18 Sec. 5. This resolution shall take effect immediately upon the first date of publication in
19 the District of Columbia Register.