

**ANC 6A ABL Committee  
November 17, 2009  
Minutes**

Meeting called to order at 7:09 pm

Committee members present: Mary Beatty (6A05); Tish Olshefski; (Joined by Joe Englert and Rafael Marshall)

Committee members absent: Michael Herman; Jeremy Marcus; Richard Sundberg

Commissioners: Joe Fengler (6A02); Kelvin Robinson (6A08); Rafael Marshall (6A01)

Community: Clifton Humphries (H Street Martini Lounge); Scott Hamilton (The Liberty Tree); Craig Stewart (ABRA Investigator); Josh Hopkins (EDM); Nyika Humphries (H Street Martini Lounge); Ann Marie Koshuta; Julie Westfall (Voice of the Hill); Joe Englert; Aaron McGovern; Coralie Farlee (ANC6D ABC Chair); Robert Pittman & several others who did not sign in.

**I. Housekeeping**

- a. **Agenda** – Motion to accept agenda. No objections.
- b. **Minutes** – Motion to accept minutes. No objections.

**II. Community Comment.**

- a. Aaron McGovern currently owns Russia House restaurant. Coming to our meeting in the future with a traditional mom & pop German restaurant with an outdoor garden. The location is under construction, and he looks forward to operating on H Street. We will hear more from him in the future.

**III. Discussion/Updates**

**IV. New Business**

- a. **H Street Martini Lounge** – Mr. Humphries reported on the incident on October 27. He has gone before ABRA on this incident. Incident happened on a Tuesday night, Karaoke night, and there were about 25 to 30 people on the second floor, 10 to 15 on first floor. One man was taking a photo with camera, another said he didn't want his picture taken. Words exchanged. A police officer in the establishment separated them. Another man came across the couch, over the police officer and knocked them over. Police officer called for a 1033. Situation under control before they got there. Sergeant arrived said to shut down the bar. Started cleaning up. About half hour later, received a call about two people in the hospital injured. Crime scene came back but they had already cleaned up. Questions asked about what was found at the crime scene and the individuals injured.

**Q: What does security plan require on a night of operations (and other questions about the plan itself)?** If both floors are occupied, it's our discretion to have two security personnel. Plan has changed since the incident. They have a security person on each floor now. Mr. Humphries is a security person in the plan and has been trained. Cameras are part of the plan, due to an error they were not rolling.

**Q: There are reports about being cited two or three other times (and follow up questions)?** One last year when the door was opened while people going out and music came out. Other was door guy was instructed to keep door free

and the patron smacked a guard. Both incidents reported to ABRA. No reported injuries.

**Q: Other details asked about the injured.** The two people injured are not the two involved in the incident. The report indicates an injury with a cutting or stabbing instrument but there was not a stabbing.

**Q: What has changed in your security plan and the bar?** Changed camera system, two more cameras installed, whenever the second floor is in operation with a DJ/Karaoke/Live music there will be two people on duty. Karaoke night is ended. They have contracts for five additional events on the second floor and then will not schedule any others.

**Q: Was there a recent incident with an ambulance called?** Yes. A gentleman exited and came back and threw something at the guy at the door.

ABRA Investigation Office in audience. A number of questions asked of Mr. Stewart about the ongoing investigations and ABRA procedures. Because it is an ongoing investigation he couldn't go into detail. Mr. Stewart also asked several questions of Mr. Humphries. Chair Beatty stated that the ABL meeting was not the appropriate venue for investigative work by ABRA.

**Q: Several more questions about the noise and outside procedures with the proximity of other bars and keeping people from blocking sidewalks.** Mr. Humphries would be willing to meet with other owners to address this problem.

Mr. Humphries also states he can't really find any reason for this incident--just more people on H Street. He believes the establishment is safe but H street is not. Mr. Humphries and his wife are selling the business and the building. He recommends using the "Reimbursement Detail" for H Street. He has established a rapport with officers in the area. Crime has risen with less police officer presence.

**Comment:** Mr. Englert reports that 10 or 12 establishments who have agreed to look into the reimbursement detail. Biggest issue is how to get everyone to pay but he thinks they have a critical mass. Mr. Pittman has volunteered to take this on in PSA 102 and a recommendation is made to the chair of the ANC Public Safety Committee (Kelvin Robinson) to look into that issue. He agrees to include this in the next ANC PSC agenda.

- b. **Liberty Tree on H Street (1016 H Street NE)** – Scott Hamilton – Brick oven pizza and some seafood. 30 or 40 seats inside, summer garden next door looking to open up. Looking for a stipulated license. Should have placards on Friday. Mr. Hamilton was informed that he really doesn't need a stipulated license because will have to go through the whole process anyway. He will be requesting CT license and is working on CFO change to get the number of seats increased. Chair Beatty stated that since he will not open until January or February of next year, there seemed to be no need for a stipulated license. However, Mr. Hamilton wanted to get a vote from the committee on this request.

**Chairman Beatty made a motion that: The ANC not issue a stipulated license to Liberty Tree at 1016 H Street, NE because of the timing of the regular license.** Joe Fengler seconded the motion. 3 ayes; 1 abstention.

**c. Substantial Change H Street Country Club – Joe Englert**

Want to have two roof-top decks. 99 seats at H Street Country Club and 79 at Rock & Roll Hotel. Since the ANC had received notice of Country Club's change, but not Rock & Roll, Chair Beatty wanted to only make a recommendation on the H Street Country Club. Suggestion made that we allow the roof-top deck, but with conditions--food offered, limited hours, music restrictions. Chair reviewed items in the proposed new standard voluntary agreement regarding rooftop decks (including noise mitigation, baffling, no speakers, signs posted to keep noise down, staff monitoring of noise levels, etc.)

Questions raised also about a notice of an entertainment endorsement request. Clarification that the entertainment endorsement is not for the roof and Mr. Englert is seeking this endorsement for specific holidays: New Year's Eve; Halloween, Fourth of July, St. Patricks, He will be asking for extended hours on those nights (one hour)

**Motion made by Chair Beatty that : The ANC protest the substantial change request of H Street Country Club unless we have a signed VA by December 7, the Petition Date, with the roof-top noise stipulations and an exception on the entertainment endorsement on New Year's Eve, Halloween, Fourth of July and St. Patrick's with an extension of 1 hour of operating hours on NY Eve.** Seconded. Four votes.

**d. Approval of Standard CR/CT Voluntary Agreement.**

Chair Beatty distributed copies of new language to be added to the VA. The new language adds language on valet parking and addresses noise concerns in outdoor venues.

**Recommendation: Acceptance of language regarding valet parking and noise in outdoor venues to ANC 6A standard voluntary agreement.** Moved by Tish Olshefski, seconded by Joe Fengler. Unanimous.

**V. Adjourn.** Move to adjourn at 8:20 pm. Next meeting: December 15, 2009