

Advisory Neighborhood Commission 6A
Minutes
Miner Elementary School
March 14, 2013

Present: Commissioners Alberti, Holmes, Mahmud, Nauden, Phillips-Gilbert, Ward, Williams

Absent: Commissioner Hysell

The meeting was convened at 7pm.

1. Minutes

The minutes for February 2013 were approved by unanimous consent.

2. Agenda

The agenda was accepted as presented by unanimous consent.

3. Community Comments

Candidates Forum

Phil Pannell, representing the DC Federation of Civic Associations, announced a Candidates Forum for the At-Large City Council race on Wednesday, March 27, 6:30 - 9pm at Eastern High School. The forum, being sponsored by the Federation, the ANC, Councilmember Tommy Wells, the Anacostia Coordinating Council, and the Hill Rag, will be moderated by newsman Sam Ford, and will also feature the Eastern High School Marching Band and the Washington Youth Choir.

Lemonade Day

Maurice Cook, founder of Serve Your City and a member of the Community Outreach Committee, spoke about Lemonade Day, April 13, 14 and 15, a program that will teach children how to start, own, and operate their own businesses through a lemonade stand. The children will receive a month of training for children to learn how to start their own business, followed by the opportunity, on Lemonade Day, to actually run their own business. He urged people to buy lemonade, and also made a request for volunteers.

Manny and Olga's Pizzeria

A representative of Manny and Olga's Pizzeria introduced the restaurant to the ANC, saying it was planning to open its third DC location at 1409 H Street NE. It is currently working on construction issues and a liquor license, and will return to the ANC for approval when it is ready.

4. Community Presentations

National Park Service

Dr. Joy Kinard, head of the National Capitol Parks East, presented an update on the closure of the Eastern half of Lincoln Park to repair and rehabilitate the park. She said she was aware of the "displeasure" on the part of the community about the lack of access to the playground, and she apologized but said it won't be long because the project is on schedule and should be completed by May 27. She said they had discovered a leak underneath the Lincoln statue that requires fixing. The water main is 45 years old and needs replacing. There may be an issue with funding because of the sequester, but they will at least fix the leak. The sequester is not having an impact on the construction, only on the additional problem of the leak.

The Park Service is working with Moms on the Hill to provide interim programming for kids in the park, She also said that DC has a "Fun Wagon" which it is lending to NPS for three days during the

summer and they are planning a movie night for the park for July 10 and working with Councilmember Wells' office on the progress.

She said again that progress on the project would be noted on the Park Service Facebook page or its web page, nps.gov, and Dr. Kinard can be reached at (202) 436-6593.

Friends of the Rosedale Library

Dana Wyckoff of the Friends of the Rosedale Library introduced herself and gave a brief summary of what the Friends' role is, including advocating for the library and helping to provide things for the library that it may need and cannot provide for itself. She said they became active in the middle of the budget process and testified before Councilmember Catania's Education Committee. They discovered that 90% of the education budget was allocated from schools and only 10% for libraries. She said that they are actively seeking members.

5. Officers' Reports

Chair

Mr. Holmes reported that the scope of the Ethics bill that recently passed the City Council is still being assessed by the Office of the Attorney General (OAG), But it has been determined that if one is on the board or an officer of a 501(c)(3) organization, he or she must recuse themselves from discussing or voting on any matter closely affecting that group. If a Commissioner has questions, he suggests talking to him or the Office of ANCs. This, he said, is in addition to the prohibition on accepting anything of value from a person or entity with business before the Commission or its committees.

Mr. Holmes asked that Commissioners send Mr. Mahmud or himself suggestions for locations of Capitol Bikeshare stations. They can't be close to another station and need to have appropriate places to place them. So far, it's the two Rec centers and either 9th or 10th Street and Maryland Avenue. He said he had sent an e-mail to DDOT several years ago, but they seem to have lost it.

He let the Commissioners know that they can use their IDs at several City office buildings including 441 4th Street NW and 1000 4th Street SW (DCRA, HPO, Zoning, Elections) among others. Simply touch the card as they would a Smart Pass and the door will swing open for you—but not guests. The doors are a little slow, so give it a moment,

Vice Chair

Mr. Mahmud announced that he will represent the ANC at the April 4 Mayor's Meeting for ANC leaders.

Treasurer's Report

Mr. Alberti attended a training session for ANC Treasurers, and learned that he is now required to use the Auditor's software for filing quarterly reports.

Mr. Alberti presented the Treasurer's Report. He reported that the opening balance in the checking account was \$9,689.66 and the savings account balance was \$13,715.08. There was an allotment from the District for the 1st quarter of FY 13 of \$4,794.64 and an interest payment to the savings account of \$.21. There were disbursements of \$200 to Heather Schoell for the February '13 agenda package (Check #1589); \$180 to Roberta Weiner for transcription of the January '13 ANC minutes (Check #1590); \$245.20 to FedEx Office for the February '13 statement (Check # 1591), leaving a balance of \$13,858.10 in the checking account, and \$13,715.29 in the savings account.

Motion: Mr. Alberti moved/Mr. Mahmud seconded a motion to accept the disbursements. The motion passed without objection.

Motion: Mr. Alberti moved/Mr. Mahmud seconded a motion to approve the Treasurer's Report. The motion passed without objection.

6. Single Member District Reports

Mrs. Phillips-Gilbert reported that she had attended a meeting of the Federation of Friends meeting on February 21 to give support for the Rosedale Library in her SMD. She also said she had sent a letter to the Mayor requesting information on the \$15 million earmarked for non-profit organizations in the District. She would like to see the Rosedale community receive funding to prepare community and citizens' employment training and GED preparation, reported that Pilgrim AME Church had sponsored a workshop on energy conservation with Pepco, and said she attended a meeting of the Kingman Park Civic Association with DDOT on their presentation on the car barn and building design.

Ms. Nauden said she welcomes the presence of police monitoring of traffic going east from 12th Street and Maryland Avenue NE.

Mr. Holmes said he was asking that the Commissioners consider taking all or part of ANC 6A into the DDOT program that reserves one side of the street exclusively for those with Ward 6 registration stickers. After a community education program, he said he would probably be ready to recommend such a program for his SMD. Rather than shove people wishing to park out of one SMD into another, the program should be considered for all 6A constituents. Parking is already impossible near H Street outside the new "Ward 6 Reserved Parking Only" area just to the north and south of H Street. Parking is difficult around the Specialty Hospital at any time, and some areas around churches that serve a non-resident population experience constant difficulty. Almost all of ANC 6B west of 11th Street is now included in this program and they seek to extend it east and north (which would push non-resident cars north of East Capitol). He reiterated that his hope was that the Commissioners would consider this.

Mr. Alberti reported that his Cub Scout troop had its annual soap box derby and it was a great success. He also said he had received a call from someone interested in developing a private school in the area. He said it was a very preliminary call, and he will keep the Commission posted if and when he hears more.

Mr. Ward reported that he is working on the candidates' forum with Mr. Pannell.

Mr. Williams reported that his wife is starting the Friends of Capitol Hill Parks.

7. Standing Committees

Community Outreach

The report of the Committee was accepted without objection.

Friends of the Rosedale Library

Motion: The Committee moved/Mr. Alberti seconded a motion that the full ANC accept the Committee's recommendation that it fund the Friends of the Rosedale Library grant application for \$300 to purchase craft supplies and seasonal items in support of literacy activities at the Rosedale library.

Mrs. Phillips-Gilbert said that she was supportive of the Friends organization and was originally supportive of the grant, but she and former commissioner Gladys Mack had visited the Rosedale Library and found that the branch manager had been transferred. Mrs. Phillips-Gilbert said she and

Ms. Mack spoke with the current branch manager and was told that the library did not require the supplies listed on the grant. Mrs. Phillips-Gilbert and Ms. Mack provided the Commissioners and the public with copies of the letter from Ms. Jennifer Giltrop, Director of Public Services (DCPL) and copy of the Statutory guidelines for ANC grants. Mrs. Phillips-Gilbert said that it would be illegal to authorize the grant to the (FORL) and that she wanted to make sure that the commission was in compliance under the statutory guidelines (1-309.13) for ANC grants. Beyond that, she said, the grant was in violation of the law, which prohibits District funds being given to city agencies.

Ms. Nelson explained that while the ANC indeed cannot give funds to agencies that are funded by the District, there is nothing that prohibits providing funds to Friends groups or PTAs or other groups that support city-funded agencies. She said that grants like this from organizations like Friends groups allow agencies flexibility.

Mr. Mahmud said they're working in support of children's literacy activities. The exhaustive list that's on the grant says things "such as," so they could, if they needed to, even order things that are not on the list.

Ms. Wyckoff said that she met with Ms. Beresford before she left and talked about what their needs are. She said they had already spent about \$50 per month out of pocket. Ms. Nauden asked, to a positive response, whether the Friends is a 501(c)(3). Mrs. Phillips-Gilbert said that under section 1-309.13 that the 501(c)(3) organization could not receive District funds to duplicate services already funded by the District Government. She referred the Commissioners back to the letter from (DCPL) Jennifer Giltrop, and Auditors statutory guidelines.

Ms. Nelson pointed out that, if the programs at the library truly do not need any support, they will not request any materials from FORL and no funds will be expended as funding will be given only as reimbursement for purchases made in support of library programs, per the terms of the grant request. Mr. Alberti added that disbursement of funds is contingent upon receipt of proper documentation as required by the DC Auditor.

Mr. Holmes said that the ANC does fund Friends groups and PTAs. He said he welcomes the establishment of Friends of the Rosedale Library. Every library needs a community guardian group. It's an enormous tool for raising funds to assist the Library, and provides a ready forum for discussion of library issues, and thanked the Friends group for their community spirit.

Mr. Alberti said that it's legal and standard practice for a non-profit to raise funds in support of programs at schools and libraries. Mrs. Phillips-Gilbert asked Commissioner Alberti if the statutory guidelines provided from the auditor were current since he is the treasure and he said yes.

The vote on approving a \$300 grant to the Friends of the Rosedale Library was 6-1, with Mrs. Phillips-Gilbert in opposition.

Mr. Ward said that he trusted the Chairman's judgment and was happy to vote in favor of the grant. Mr. Holmes thanked Mrs. Phillips-Gilbert for her vigilance.

Alcoholic Beverage Licensing

The report of the Committee was accepted without objection.

Red Rocks - 1348 H Street NE

This is a request for support of a CR license for an establishment that will provide a "low-key post dining experience" on three floors, with a retractable roof on the third floor. **Motion:** The Committee moved/Mr. Mahmud seconded a motion to accept the Committee's recommendation that the ANC protest the license for Red Rocks (1348 H Street NE) unless there is a signed,

approved settlement agreement before the protest date. The motion passed 6-0-1, with Mr. Alberti not voting.

Transportation and Public Space

Chairman Omar Mahmud announced that the next meeting of his committee, March 18, would be a joint meeting with ANC 6C to work on Maryland Avenue NE with DDOT.

Economic Development and Zoning

The report of the Committee was accepted without objection.

1116 K Street NE

Motion: The Committee moved/Mr. Alberti seconded a motion to support the applicant's request for three variances and a special exception to allow the renovation of a vacant building on the same lot as a single family dwelling. The ANC supports the project as either two properties, each on its own record lot, or as two properties in a single record lot. The motion passed 7-0, unanimously.

1329 F Street NE

Motion: The Committee moved/Mr. Mahmud seconded a motion to write a letter of support to the BZA for a special exception to the lot occupancy, currently at 67%. The house is not in the historic district, and they have letters of support from their neighbors. The motion passed 7-0, unanimously.

8. Unfinished Business

Addendum to ANC Bylaws

Mr. Holmes said that a change to the bylaws requires that the proposal lay over for at least one meeting and be adopted by two-thirds of the Commission as a whole. (It shall take two-thirds of the Commission as a whole to approve amendments to the bylaws (Article 12, Section 3.)) No amendment to this motion may exceed the scope of the bylaw change offered by Mrs. Phillips-Gilbert. Unless the vote is nearly unanimous, it will be taken by a show of hands. Any bylaw change is effective immediately. He asked unanimous consent that the Chair be given permission to renumber and make article and section designations, punctuation and other technical and conforming changes as may be necessary to reflect the intent of the Commission.

Mrs. Phillips-Gilbert proposed an amendment to the bylaws as follows:

Article 12, Section 3:

ARTICLE V: Meetings

Section 1: Pursuant to the provisions of Section 742 (a) of the District of Columbia Home Rule Act, all meetings of the Commission shall be open to the public, except those parts of meetings where personnel or legal matters are discussed.

Proposed addendum to bylaws: *All Commission meetings, regular, special and emergency shall not be held during federal and District of Columbia observed legal holidays.* Without limiting the scope, the following categories of information shall be specifically made available to the public:

AND

Article X: Committee Duties

Section 1.v Pursuant to the provisions of Section 742 (a) of the District of Columbia Home Rule Act, committee meetings shall be open to the public. **Proposed addendum to bylaws: *All***

standing Committee meetings, regular, special and emergency shall not be held during federal and District of Columbia observed legal holidays.

Mrs. Phillips-Gilbert said she introduced the change because the COC Chairwoman held a public meeting on Martin Luther King Holiday and President Obama's Inauguration and did not consider moving the meeting to another day where all Commissioners and the public could attend. She felt it was insensitive to go ahead after receiving additional request from other ANC members. Mrs. Phillips-Gilbert said, "We are agents of the District Government and all meetings should be held on days when all Commissioners and the public can attend where no one feels disrespected."

Ms. Nelson explained that, while the meeting in question was open to the public as required, little public interest was expected because the agenda was dedicated to completing advertising copy and an informational brochure - and the matters were time-sensitive. The COC members were pleased to offer this as their contribution to the National Day of Service suggested by President Obama.

Mr. Williams offered the following amendments, saying that with the amendments, he can support Mrs. Phillips Gilbert's changes. He said it's important for Commissioners to see a bright line, and while he doesn't believe there was anything wrong with what happened, this will avoid other instances.

Commissioner Williams Proposed Amendments to Bylaws Changes:

Article 12, Section 3:

ARTICLE V: Meetings

Section 1: Pursuant to the provisions of Section 742 (a) of the District of Columbia Home Rule Act, all meetings of the Commission shall be open to the public, except those parts of meetings where personnel or legal matters are discussed.

Proposed addendum to bylaws: *All Commission meetings, regular, special and emergency shall not be held during federal and District of Columbia observed legal holidays.* Without limiting the scope, the following categories of information shall be specifically made available to the public:

Proposed language to replace proposed addendum, above: No regular and special Commission meetings shall be held during Federal and District of Columbia observed legal HOLIDAYS. Should the Chair deem an emergency meeting necessary pursuant to Section 6 of this Article, the Commission shall make a reasonable effort for such meeting to not fall on a Federal or District of Columbia holiday.

AND

Article X: Committee Duties

Section 1.v Pursuant to the provisions of Section 742 (a) of the District of Columbia Home Rule Act, committee meetings shall be open to the public. **Proposed addendum to bylaws: *All standing Committee meetings, regular, special and emergency shall not be held during federal and District of Columbia observed legal holidays.***

Proposed language to replace proposed addendum, above: No Committee meetings shall be held during Federal AND District of Columbia observed legal holidays.

Mr. Alberti said that he won't be supporting the changes, and for him it's a big issue. He said the ANC empowers its committees and they are a model for other ANCs on how to conduct meetings and set dates for meetings and they know if it's a time they shouldn't be meeting. He said that

this was a case of trying to solve problems that don't exist. Ms. Nelson mentioned the practical problem of time.

Mrs. Phillips Gilbert said that working for the community requires more respect. Several Commissioners recollected that it was A National Day of Service and that was how they took working for the ANC on the holiday. Mr. Mahmud said that he prefers not to put artificial restrictions on the ability of the Commission to do business. Mr. Holmes pointed out that the Commission is not permitted to use DC public buildings on holidays as they are closed.

Mrs. Phillips-Gilbert said that the Mayor made a proclamation that the District Government would be closed on those days, and we must adhere to the law as well. Mrs. Phillips-Gilbert said the ANC is not above the District law and that we need some serious sensitivity training for our Commission that represents all ethnic groups and cultures.

Mr. Williams' amendments passed 4-0-3, with Commissioners Phillips-Gilbert, Nauden, Ward and Williams in favor, and Commissioners Holmes, Alberti, and Mahmud abstaining. The vote on the final bylaws changes failed 4-2-1, with Commissioners Phillips-Gilbert, Nauden, Ward and Williams in favor, Commissioners Alberti and Mahmud opposing, and Commissioner Holmes abstaining.

9. New Business

ABL Committee - Jay Williams

Motion: Mr. Holmes moved/Mr. Mahmud seconded a motion to elect Jay Williams Chair of the ABL Committee.

Mr. Holmes said there is considerable complexity in AB law and regulation. It is a core competence of any ANC and central to the social environment and safety of our business districts. While ABRA and the ABC Board will be our first line of protection, the ANC and our citizens must join with the vast majority of our responsible liquor vendors to ensure that the law is followed and that no one is harmed as a result of the sale of alcoholic beverages.

The task of the Chair is to vet the meeting agenda, arrange the appearance of those seeking licenses, and follow ABRA notices. So I'm grateful to Commissioner Williams for undertaking this task. Those who have licensees in their districts should provide all possible assistance to the ABL Committee. Mr. Williams was elected 7-0 unanimously.

Post Office Box

Motion: Mr. Alberti moved/Mr. Williams seconded a motion to allocate \$330 for rental of a post office box for one year. The motion passed unanimously.

The meeting was adjourned at 8:45 pm.