

**Advisory Neighborhood Commission 6A  
Minutes  
Miner Elementary School  
November 10, 2011**

**Present:** Commissioners Alberti, Holmes, Hysell, Lawler, Ronneberg and Veenendaal-Selck

The meeting was convened at 7pm

**1. Agenda**

Ms. Veenendaal-Selck asked for consideration in New Business of a letter to DPR on a schedule for a skateboard park in her SMD. Mr. Holmes asked for consideration of a letter to ANC 6B asking for the deletion from their posted minutes of some inaccurate information about ANC 6A. The minutes as amended were accepted by unanimous consent.

**2. Minutes**

The minutes were accepted as presented by unanimous consent.

**3. Community Comment**

Elizabeth Nelson announced the Maury Elementary Yard Sale for Saturday, November 12.

Mr. Holmes introduced ANC 6B Commissioner Jason Critchfield who was in attendance.

Dr. Ronneberg and Raphael Marshall made a plea that the ANC ask for assistance from DPR in fencing the area around an old tree at Sherwood Recreation Center. Mr. Holmes said the request would be taken up later in the meeting,

**4. Community Presentation**

Mr. Holmes introduced Dr. Feseha Woldu, Senior Deputy Director for the Health Regulation and Licensing Administration; Carla Williams, who was responsible for drafting the city's medical marijuana regulations; and Kathy Williams, an attorney with the Office of Advisory Neighborhood Commissions. They were invited to provide information on the regulation, enforcement and application process for licensed medical marijuana dispensers and on the role that the ANCs will have in the operations.

Dr. Woldu began with a history of the law, that a referendum passed in 1999, and that the Medical Marijuana did not pass the City Council until 2010 because there had been a Congressional prohibition on the District moving forward with the program. Mayor Fenty gave oversight of the program to ABRA, and after he was elected, Mayor Gray transferred jurisdiction to the Department of Health. There was public notice on September 14 for people to submit applications for cultivation and for distribution. He said that his office has published, on their web site, a guide for cultivation centers, and for dispensaries.

Carla Williams began by saying that the definitions of each role were lengthy, and Mr. Holmes asked how the ANCs are to participate in the program. Ms. Williams responded that the law addresses ANCs in several ways. §51.07 (page 43) reads that the ANCs will receive notice and have the opportunity to comment on the location of cultivation centers and dispensaries, after which

there will be a 60-day decision-making period on the part of the selection board. She said the establishments would be placarded, as with ABRA licensing periods for 30 days.

She said the panel would use a 250 point process for judging applicants and the ANC comments will count for 50 points—20% in the selection process, and again, in the third year, when there is a renewal, in 2015. She said that the hours of operation and sale may be limited, dependent on what ward the dispensary is in.

Finally, she said, in §62, in the bill's discussion of final selection of applicants, it says that the ANC, as well as the applicant, will be notified.

Mr. Holmes asked whether the ANC would be able to negotiate a formal Voluntary Agreement or use a binding contract between the operator and the ANC - and who will enforce any such agreements. How many enforcement agents will there be, and what will be the process? Dr. Woldu responded that the supply will be controlled as well as demand, and each patient will be processed and identified. They have hired a new investigator who will visit locations, and there will be enforcement hearings. Mr. Holmes asked whether he heard correctly that there will be only one inspector, and Dr. Woldu said that they will add more when it is necessary. There will be ten distribution centers and five cultivators and they will increase those numbers as well when there is a need.

Dr. Ronneberg asked whether there is a requirement to register, and should that be local. Mr. Alberti asked who is doing the choosing among applicants. Dr. Woldu said the selection is being done by a panel in the Attorney General's office, and there is consumer representation on the panel. The record is available from the panel, including a security plan. The transcript is available through FOIA request. Mr. Holmes said that he hopes the transcripts are redacted before they are distributed, but they shouldn't be delayed, and the ANC has to have some assurance as to what pieces they'll receive. Also, the community has to be heard from before any decisions are made. Mr. Alberti said that comments have to be made within the process. Dr. Woldu said that they are using a very sophisticated process. Mr. Alberti asked when the ANC can expect to have the decisions. Dr. Woldu said that a year is needed to create public awareness and support, which is not a long time.

Mr. Holmes asked whether anything else will be permitted to be sold in the dispensaries and Dr. Woldu said that paraphernalia would be available to patients and caregivers.

David Bernhardt, who is applying to be a cultivator, said that there is a lot of information in the applications, and that it had been mentioned that the applications would be made available to the ANCs. Dr. Woldu responded that FOIA officers have to be present and know what the process is. He said that 16 people had submitted applications for cultivation centers, and the process is complete because they have to be properly zoned as well as being reviewed for completeness.

Cathy Williams of the Office of Advisory Neighborhood Commissions said it appears that "great weight" has been translated to put ANCs in a box, and each and every query has been dismissed or laid aside. OANC sees the ANCs as partners with the Health Department, in accordance with the statute, and that there appears to be a difference in perspective with the DOH.

Mr. Alberti said that it has to do with having a record, and that's why we want to see the transcripts to see how the applicants respond. It has to be done transparently, the ANCs have to be allowed to weigh in on locations, and there has to be written documentation.

Mr. Holmes concluded the discussion by saying that he intends to hold hearings on marijuana licensing issues at the Commission level and, at least for now, not establish a committee on the issue.

## 5. Officer Reports

### Chair

Mr. Holmes reported that the Mayor and DOT Administrator Bellamy will hold a meeting on the outstanding issues with the trolley cars, including its western terminus, on Tuesday, December 6, at 6:30pm at the Atlas Theatre, 1330 H St. NE.

Mr. Holmes announced that the National Marathon will be back. It has a new sponsor and will now be the SunTrust Rock 'n' Roll USA Marathon & CareFirst Rock 'n' Roll USA Half Marathon. It will be run on March 17, 2012, and will feature, new this year, bands, located every mile or so, to play for the runners as they pass by. Set up and tune up will begin early.

### Treasurer

Mr. Alberti presented the Treasurer's Report. It showed that the opening balance in the checking account was \$24,132.42 and the savings account balance was \$4,205.76. There was an interest payment to the savings account of \$.18. There were disbursements of \$41979 to FedEx Office for October 2011 copying (Check #1529); a Voided check (Check #1530); \$200 to Heather Schoell for the October 11 agenda package (Check #1531) ; and \$220 to Roberta Weiner for September 11 minutes (Check #1532), leaving a balance of \$23,292.63 in the checking account, and \$4,205.94 in the savings account.

**Motion:** Mr. Alberti moved/Dr. Ronneberg seconded a motion to approve the disbursements. It passed without objection.

**Motion:** Mr. Alberti moved/ Mr. Holmes seconded a motion to accept the Treasurer's Report. It passed without objection.

**Motion:** Mr. Alberti moved/Dr. Ronneberg seconded a motion to accept a correction to the Quarterly Report for the 4th Quarter that was approved last month. The wrong amount for a check was written, and corrected. The motion passed without objection.

## 6. SMD Reports

**Ms. Lawler** reported that Options School has won a regional competition.

**Mr. Holmes** reported that AppleTree School opened, and on the first day he saw children playing with paint chips in the school doorway. DDOE Lead Abatement issued a Notice of Violation, and the following week issued another one when they found paint chips and polluted soil in the neighbors' yards. He said that AppleTree's management is "beneath contempt" for opening a health hazard for the children in their care, and, in addition, an uncaring polluter of the neighborhood's air and ground. He reported that the initial work crew that scraped and painted the facility said they were not told of a lead hazard. AppleTree neither enclosed the work area nor took any precautions to protect the workers with masks or hazard suits. The lower level front door is still covered with old chipping paint. He said the Public Charter School Board (PCSB) needs to establish a team of inspectors, like that of DCPS, to inspect charters before they open and regularly thereafter to protect the children using the charter schools.

He also made a plea to the Commission to vote against the National Marathon if it runs down East Capitol or any other ANC 6A residential street twice.

**Dr. Ronneberg** reported that he spoke with the owner of a new establishment that will be located at 13<sup>th</sup> and H Sts., and he is amenable to limiting patio hours of service like Smith Commons. He also reported that XII signed up for reimbursable details for the club three nights a week and this is the second month in a row they've done that.

## 7. Committee Reports:

### Community Outreach

**Motion:** The Committee moved/Mr. Alberti seconded a motion to accept the Committee's recommendation to accept a bid of \$3,815 from Capitol Community News for 12 monthly quarter-page ads in the Hill Rag, and a quarter page ad in the Fagon Community Guide. Ms. Nelson said that the ANC had to advertise and this is a reliable way to do it. She pointed out that the Rag has been very cooperative in making changes to the ads and often provides a preferred location for the ad near the ANC reports. The motion was accepted by unanimous consent.

The report of the Committee was accepted without objection.

### ABL

There were no action items to report.

The report of the Committee was accepted without objection.

### Transportation and Public Space

There were no action items at the Committee Report.

Chair Omar Mahmud mentioned that the National Marathon people would be returning to the ANC.

The report of the Committee was accepted without objection.

### Economic Development and Zoning

#### 1414 A St. NE

This is a request for support of a BZA application for a special exception to allow additions to a one-family row dwelling not meeting the lot occupancy requirements in the R-4 district. The owners have spoken to their neighbors, and have a letter with the support of the neighbor at 412 A St. The owner says there is no substantial effect on light and air. **Motion:** The committee moved/Dr. Ronneberg seconded a motion that the ANC accept the Committee's recommendation to write a letter to the BZA supporting the special exception for 1414 A Street NE. The motion passed 6-0.

The report of the Committee was accepted without objection.

## 8. New Business

### Small Park at 8<sup>th</sup>, K and W. Virginia Ave. NE

Mr. Holmes presented a request from Mr. Healy, who was not present, to send a letter to the Department of Parks and Recreation for assistance with removing overgrown hedges from a small triangle park at the intersection of K and 8<sup>th</sup> Streets and West Virginia Ave. NE. Members of that

community are interested in replanting the space and making it livable. **Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion to send a letter to DPR requesting assistance with removing the hedges. Roberta Weiner noted that there is a run-down but usable community bulletin board in the triangle and suggested that it be retained, restored and used. The motion passed by unanimous consent.

#### Stipulated License for Pho Bar and Grill - 1360 H St.

This matter was properly noticed and on the agenda of the ABL committee on October 11. No one at that meeting raised any concerns about Pho. Pho will be on the ABL agenda for its November 15 meeting, in case anyone in the community wants to raise issues to be incorporated into a VA.

**Motion:** Mr. Holmes moved/Mr. Hysell seconded a motion to support the request of Pho to apply for a stipulated license. The motion passed 5-0-1, with Mr. Alberti not voting

#### Class B Liquor License Renewals

There were four pending Class B license renewals for grocery stores selling beer and wine for off-premises consumption. Dr. Ronneberg requested the removal of Me & My Super Market, 1111 H St. NE, because there were problems with the store that he wants to look into. The three others are 1) Bella Market, 101 15th St. NE; 2) The Cupboard, 1504 East Capitol St. NE; and, 4) J & K Market, 234 15th St. NE. Pho will be on the ABL agenda for the November 15 meeting, in case anyone in the community wants to raise issues to be incorporated into a VA. **Motion:** Mr. Holmes moved/Mr. Hysell seconded a motion to not object to the renewal of the three Class B licenses. The motion passed 5-0-1 with Mr. Alberti not voting.

#### Changing Parking Signage at 1308 H St. NE

Dr. Ronneberg is requesting that the ANC write a letter to DDOT requesting that recently installed signage at a dry cleaner at 1308 H St. NE be changed from a loading zone to metered parking. Mr. Mahmud raised several questions about what type of parking meters, etc. and the matter was withdrawn and referred to the Transportation Committee.

#### Fencing a Tree at Sherwood Rec Center

Phil Toomajian spoke in support of requesting that an old tree, despite the fact there are risks to the tree, they will be outweighed by the benefits of having the tree protected. Raphael Marshall, director of the rec center, is in support. **Motion:** Dr. Ronneberg moved/Ms. Lawler seconded a motion to send a letter to DPR requesting the fencing of the tree. The motion passed 6-0.

#### Removing a Curb Cut at 7901 10<sup>th</sup> St. NE

This is a request from Dr. Ronneberg to send a letter to the BZA supporting the removal of a curb cut at 701 10<sup>th</sup> St. NE. **Motion:** Dr. Ronneberg moved/Ms. Veenendaal-Selck seconded a motion to send a letter to BZA supporting the removal of the curb cut. It passed 6-0.

#### Authorization for Council Redistricting Hearing

Mr. Holmes said that the ANC needs to authorize someone to speak on behalf of the Commission at the hearing of the Subcommittee on Redistricting of the City Council, and there should be a decision on what should be said. Dr. Ronneberg said he felt strongly that the Councilmember didn't follow the Task Force recommendation, and the ANC should recommend returning to the original boundaries. Mr. Alberti said that position is not without risk. Currently there is a workable ANC—is it perfect? No. But if it opens the plans to review, it opens a discussion the ANC has no control over. **Motion:** Mr. Alberti moved/Ms. Lawler seconded a motion to support the latest Wells proposal, and that the Chair or other representative is authorized to speak on behalf of the Commission. Ms. Lawler said she is personally pleased with the way her SMD turned out.

Mr. Holmes said that the chair or any officer can represent the Commission. Dr. Ronneberg said it's necessary to be flexible at the Council hearing. Ms. Lawler said allowing somebody to have carte

blanche without some obligation is not good. Mr. Holmes asked whether someone should speak to support the original ANC SMD map. The Task Force map? Do we want to authorize someone to ask for the three blocks of Florida between 7<sup>th</sup> and 8th Streets? Support the return of Lincoln Park to 6A? The motion passed 5-1, Dr. Ronneberg in opposition.

#### Skateboard Park Schedule

**Motion:** Ms. Veenendaal-Selck moved/Mr. Holmes seconded a motion to authorize the Chair and Ms. Veenendaal-Selck to push Events DC and other relevant City agencies about the schedule for the opening of the Skateboard Park. The motion passed by unanimous consent.

#### Correction of 6B minutes

Mr. Holmes raised an issue of incorrect information that is in the ANC 6B minutes and posted on their website. The quote from the 6B minutes is: "For example, in May of 2011, ANC6A voted to endorse the placement of an expansion Capital Bikeshare station on a small traffic island at the southeast corner of the park. The parcel of land considered by ANC6A was not in their jurisdiction. Further, ANC6A did not coordinate the action with ANC6B or notify residents of ANC6B." The information is incorrect; ANC 6A never took such a vote. **Motion:** Mr. Holmes moved/Mr. Hysell seconded a motion to authorize the Chair to write a letter to 6B seeking a correction of the minutes or the attachment, physically and electronically, of the letter here authorized.

Mr. Holmes said that minutes are forever. The quickest way to understand the issues and history of an ANC is to read the minutes. I don't want future Commissioners to think this statement is accurate. The motion passed 5-0-1, with Mr. Alberti abstaining.

The meeting was adjourned at 9:05pm.