

**Advisory Neighborhood Commission 6A  
Miner Elementary School**

**Minutes**  
January 14, 2010

The meeting was called to order at 7:00 p.m.

Present: Commissioners Alberti, Beatty, Holmes, Mack, Marshall, Robinson, and Schultheiss. The meeting was chaired by Vice Chair David Holmes

**1. Approval of agenda**

Mr. Alberti asked that an allocation of funds for the Post Office box be added to the Treasurer's Report; and that a discussion of policies for voluntary agreements be added to New Business. Ms. Beatty asked that Liberty Tree Tavern be added to the ABL Committee report. The agenda, as amended, was approved without objection.

**2. Minutes**

The minutes for the December meeting, approved without objection.

**3. Special Orders**

Special Election

Mr. Holmes noted that a vacancy has occurred in SMD 02, and that notice of that vacancy was published in the DC Register, that postal notification announced the vacancy to every registered household in the SMD, that the nominating petitions were made available and there being more than one candidate, announced that an election to fill the vacancy will be held on February 11, 2010, during the meeting of the ANC. Each candidate will be permitted to speak for five minutes and answer any questions from the community. The hours of the election will be 7:10 to 8:10 p.m. Anyone in line to vote at that hour will be permitted to vote.

As is normal in ANC midterm elections (including the then-vacant position now filled by Commissioner Marshall) without objection, the Office of Advisory Neighborhood Commissions (OANC) is hereby delegated to supervise the printing, casting and counting of ballots. The results of the balloting will be read aloud by the Chair. In the event that the Chair is vacant or not in attendance, the results shall be read aloud by the Commissioner presiding over the meeting.

Two resident candidates have obtained the necessary 25 signatures. Those wishing to vote must be residents of SMD 02 and registered to vote therein. The Secretary and/or the OANC on his/her behalf will verify all qualified electors by either viewing their voter identification card or verify their status on the voter registration list provided by the Board. Each elector shall then receive a ballot that lists the qualified candidates in alphabetical order by last name. The new Commissioner will be seated when the results are announced, and will be able to vote when sworn in by Councilmember Wells.

Pursuant to the bylaws, *Article XI, Section 1, f (11)*, a letter will be sent by the Chair and one other officer to the ANC to the Board of Elections and Ethics, the Council, the Mayor, and the successful candidates, informing them of the results of the election, and asking the Board, by publication in the DC Register, to declare the vacancy filled.

## Election of Officers

Mr. Robinson asked whether it was in order to elect a slate of officers. Mr. Holmes responded that it was permissible under the bylaws but that, while it required only a simple majority to elect the slate, it required a two-thirds vote to permit a slate to be voted on. **Motion:** Mr. Robinson moved/Ms. Beatty seconded a motion to permit the election of a slate of officers. The vote was 4-3, with Commissioners Alberti, Holmes and Schultheiss in opposition. The motion failed.

Each candidate was given a short period to speak.

### Chair

Mr. Alberti moved/Mr. Schultheiss seconded the nomination of David Holmes.

Ms. Beatty moved/Mr. Marshall seconded the nomination of **Kelvin Robinson**.

Mr. Holmes said he has been Vice Chair for three years, had spoken at or attended 43 Council, Board, agency meetings and court hearings on behalf of the ANC, in addition to meetings on behalf of his SMD. He said he has written letters in the absence of the Chair, and pursued initiatives authorized by the ANC with the City and Council staff and with other ANC Commissioners.

Mr. Robinson said that when he was elected he said he wanted to get to know how the ANC functions and he has done that, and has attended most of the ANC's Committee meetings. He said he wants to open the process further where Commissioners, Committees and the community have a greater say in setting priorities for the ANC.

**Mr. Robinson was elected 4-3.**

### Vice Chair

Ms. Mack moved/Mr. Robinson seconded the nomination of **Mary Beatty** for Vice Chair.

There were no other nominations.

Ms. Beatty said she was happy to serve and had found her time on the ANC to be rewarding, and was happy to be continuing to serve the community.

**Ms. Beatty was elected unanimously.**

### Secretary

Ms. Beatty nominated David Holmes for Secretary. He declined to run.

Mr. Alberti said that because of the way the bylaws were written, the body could not move to the Treasurer's position until the position of Secretary was filled. Mr. Robinson said he believed the elections could go out of order if it was the order of the Chair. Mr. Alberti suggested that if the current Secretary is willing, he could remain in the position until February and resign after the next meeting.

Mr. Holmes nominated Ms. Mack, who declined to run.

After more discussion, Ms. Beatty nominated **Raphael Marshall**, who, after hesitating, agreed to put his name in nomination.

**Mr. Marshall was elected 6-0-1, with Mr. Marshall declining to vote.**

### Treasurer

Ms. Beatty moved/Ms. Mack seconded the nomination of **Nick Alberti** for Treasurer. Mr. Alberti said he was flattered to be asked to serve again.

**Mr. Alberti was elected unanimously.**

Mr. Holmes announced that the Treasurer would notify the bank of changes in the ANC's officers and will obtain depository signatures from the Chair and the Vice Chair, if necessary.

#### Chairs of Standing Committees

Mr. Holmes nominated/Ms. Beatty seconded the nomination of **Elizabeth Nelson** to be Chair of the **Community Outreach** Committee.

Mr. Holmes nominated/Mr. Schultheiss seconded the nomination of **Drew Ronneberg** to be chair of the **Economic Development and Zoning** Committee. He was elected unanimously.

Mr. Holmes nominated/Mr. Robinson seconded the nomination of **Mary Beatty** to be Chair of the **Alcoholic Beverage and Licensing** Committee. She was elected unanimously,

Mr. Holmes nominated/Mr. Robinson seconded the nomination of **Rebecca Sibia** to be Chair of the **Public Safety** Committee. She was elected unanimously.

#### Transportation Committee

Mr. Holmes moved/Ms. Beatty seconded a motion to authorize the continuance of the **Transportation and Public Space** Committee, which is not a standing ANC Committee. Mr. Holmes said that he would like to change that in any rewrite of the bylaws. The committee was re-authorized unanimously.

Mr. Holmes moved/Ms. Beatty seconded the nomination of **Omar Mahmud** as **Chair of the Transportation and Public Space** Committee. He was elected unanimously.

Each of the candidates for Committee Chair expressed their appreciation to the ANC and looked forward to continuing their service to the community.

#### Committee Members

The members of the ANC's Committees were approved en bloc and unanimously:

Alcohol Beverage and Licensing: Tish Olshefski, Ann Marie Koshuta, Jaki Downs, Michael Hermann

Economic Development and Zoning: Dan Golden, Cody Rice, Barbara Halleck, Jeff Fletcher, Linda Whitted, and new member Arkan Haile.

Public Safety: Todd Hames, Dan Wolff, and new member John Cotten

Community Outreach: Louis Barbash, Rose Williams, Mark Roy, Necothia Bowens, Jean Kohanek.

Transportation and Public Space: Lance Brown, Shane Artin, DeLania Hardy, Sean Lovitt, Marion Smoker, Diane Hoover.

Mr. Holmes announced that, by unanimous consent, the new Chair is authorized to write a letter to the City Council, the Mayor and the OANC informing them of the officers elected for ANC 6A for 2010.

#### **4. Community Comment**

Alex Rotan, the Mayor's Ward 6 Service Coordinator, said he had received the ANC's letter about H Street activity and reported that: the lighting gaps have been filled; in regard to the construction barriers, there is a strong BID on H Street to monitor activity around the construction barriers, but that they will be moved as construction moves and will not be a permanent hazard; and that ways to utilize the vacant spaces are being explored with the DC Commission on the Arts and Humanities.

Joe Fengler, who resigned as Commissioner (SMD 6A02) and Chair of ANC 6A last month, said:

Over the past seven years, it has been my privilege to work with Commissioners and residents to tackle problems and implement solutions in our community. I am biased—but I think ANC 6A is the most effective community organization in the city. That success was a result of the many residents who volunteered time and energy to serve on the ANC committees creating the solutions and shaping the decisions the Commission implemented. No-one is perfect—I have had my share of mistakes, misstatements and just plain bad decisions - but despite my shortcomings, the Commissioners, resident volunteers and constituents supported me during my tenure as Commission Chair over the past seven years. Seventy-five meetings and a few hundred letters later, we changed zoning codes, addressed longstanding public space violations, banned single sales of beer, worked with many organizations to secure the renovation of H Street and became an effective voice of change. I own many a great debt of gratitude for their support—so thank you all.

He particularly thanked Mr. Alberti as the “keeper of truth” for the ANC and said that he had looked out for him as his conscience. He also thanked his wife for her patience and toleration of his volunteer activity.

Mr. Alberti thanked Mr. Fengler for the countless hours he put in. He grew emotional in thanking him for his patience and activities on behalf of the community. He said that in his travels in the community over the past weeks countless people have told him how wonderful Mr. Fengler is and how he will be missed.

Vanessa Ruffin said she’s been in the community through three ANC chairs and that small steps have been taken to improve things, but major things remain, such as trash pick-up problems and vermin. She wanted to thank Mr. Fengler for his efforts, and asked Commissioners to put these issues back on the table.

Mr. Holmes contributed the following tribute to Mr. Fengler:

Joe Fengler helped make this the most effective ANC by hard work. He has been a forceful advocate for the ANC and the District. He may have lost on sound control but he succeeded spectacularly with the renovation of H Street, the Starburst intersection, single sales—with Mary Beatty, and the streetcar. He, with other senior members, cleaned up a clangorous and corrupt Commission. My first time attending 6A had gentlemen placing their hands under their shirts behind their backs when losing an argument, and police were stationed at every meeting to prevent violence. With Commissioner Cody Rice and others, he sought and obtained new codes governing restaurants and the extremely useful H Street Overlay. Thank you Joe Fengler for all you done for our ANC and the City.

Mr. Marshall thanked Mr. Fengler for the professional way he ran the ANC, and said he had made him a better representative for his constituents and he was grateful.

## 5. Officer Reports

The Chair, Vice Chair and Secretary had no reports

### Treasurer

Commissioner Alberti presented the Treasurer’s Report. The report shows that the opening checking account balance was \$29,903.88 and that the savings account balance was \$4,198.79. There was an interest payment to the savings account of \$.52, leaving a balance of \$4,199.31 in the savings account. There were disbursements of \$3,689 to Capitol Community News for 2010 ads (Check #1441); \$2,168 to Voice of Hill Newspapers for 2010 ads (Check #1442); \$127.50 to Roberta Weiner for transcription of minutes (Check #1443), \$200 to Heather Schoell for preparation of the

agenda packet (Check #1444), and \$132.80 to FedEx Office for October copies (Check #1445), leaving a balance of \$23,588.50 in the checking account. **Motion:** Mr. Alberti moved/Ms. Beatty seconded a motion to approve the expenditures. The motion passed without objection. **Motion:** Mr. Alberti moved/Mr. Schultheiss seconded a motion to approve the Treasurer's Report. It was approved without objection.

**Motion:** Mr. Alberti moved/Ms. Beatty seconded a motion to approve the expenditure of \$275 for post office box rental for one year. The motion passed without objection.

**Motion:** Mr. Alberti moved/Ms. Beatty seconded a motion that \$600 be approved for copying for ANC materials for each of July and August, and that up to \$60 be approved for copying for each Committee's materials and each SMD's materials for the next month. The motion was accepted without objection.

## 6. SMD Reports

**Ms. Beatty** reported that there has been a lot of armed carjacking in her SMD, including a mother holding two children who had her car taken with a gun pointed at her. She said there was a community meeting attended by 75-80 people, at which Chief Cathy Lanier was present, and has promised more foot patrols. She said she was turning the issue over to the Public Safety Committee.

**Ms. Mack** reported on the meetings taking place on C Street and the discussions about turning 17<sup>th</sup> Street NE two-way.

**Mr. Robinson** reported that the C Street project is moving on. He said there have been two meetings to look at the options, and he complimented Mr. Schultheiss' sensitivity to the community in his role as consultant to the project. He also said there were two new lieutenants working with the PSAs: Lt. Parker, with PSA 102, 729-3792; and Lt. Sanders, with PSA 103, 698-0090. Finally, he reported that the Eastern High School renovation is continuing, and the budget has been increased to \$71 million.

**Mr. Holmes** reported that the ANC lost in its long-term attempt to prevent the location of a charter school in the middle of rowhouse homes, and made the following statement: The school location has only two parking spots on the property; a number of nearby squares have no alley/garage parking; the traffic flow is unsafe; the nearest playground is the equivalent of three blocks away; it shares party walls with residents next door; and it substantially fails to meet current zoning requirements. Despite the united opposition of every local civic group—the ANC, CHRS, Stanton Park Neighborhood Association, North Lincoln Park Neighborhood Association and NNRG—the Charter School Board found the required local support. Two members of this Commission were mentioned over and over in the justifications presented by Appletree, the PCSB Chair, and Will Marshall, the maker of the motion of approval. The Commissioners, they said, provided the needed local support. The Commissioners had written a letter, evidently, supporting the proposed location. So two Commissioners were able to override the adopted position of the ANC, the wishes of the resident Commissioners, and the needs of our residents. It's a stunning precedent for 6A, undercutting the ANC's great weight.

It was stated at our last meeting that matters that affect only one or two Commissioners should not be considered by the ANC, that these matters affecting a limited area are NIMBY—that individual commissioners should deal with these questions on their own. The Commissioner's act is a powerful precedent and, if followed, could mean the end of most ANC actions, certainly the end of ABL action on single CT or CR licenses. I'm confident that she and the Commissioner will also be consistent about avoiding any ANC action for matters primarily

affecting their own districts. In this case, clearly anything requested by a charter school was more important than the ANC's clear position and more consequential than the Commissioners who have fought so hard against the location.

## 7. Committee Reports

### ABL

#### 1101 Convenience

Ms. Beatty reported that the owner of 1101 Convenience at 1101 H Street NE had taken over the business two years ago and was not aware until recently that he had a VA, which was a ABRA-issued blend of an agreement with the ANC from 2001 and one signed with Robert Pittman on behalf of a group of five protestors. Mr. Lee wants to use the standard ANC VA and withdraw the outdated VA. Ms. Beatty contacted Fred Moosally, Director of ABRA, who said it was permitted to change the VA. **Motion:** Ms Beatty moved/Mr. Robinson seconded a motion that that the ANC accept the Committee's request to replace 1101 Convenience's outdated VA with the current standard VA and negotiate a change in hours before submitting it to ABRA. The motion passed 7-0-1, with Mr. Alberti not voting.

#### Chow - 1110 H Street NE

Ms. Beatty reported that this is an application for a CT license for an Asian restaurant, with an enclosed summer garden in the rear, in a currently vacant building. She said that while typically the ANC asks the licensee to sign a voluntary agreement, and if it doesn't, the ANC will protest the license, allowing 45 days for the ANC and the licensee to negotiate; in this instance the Committee received notice too late to follow that process. The petition date was January 4<sup>th</sup>, a date prior to the ANC Jan. meeting, and so this is being brought to the ANC without a recommendation is being withdrawn, as the petition date has passed. She suggested that in the future, perhaps the ANC should protest just as a placeholder until a VA is signed.

#### Liberty Tree - 1016 H Street NE

Ms. Beatty reported that the ANC protested the Liberty Tree application, but joined with Mr. Marshall's constituents in agreeing to work with Scott Hamilton, the owner, in working on changes to the establishment and the have gotten a signed VA that satisfies all the parties. **Motion:** Ms. Beatty moved/Mr. Robinson seconded a motion to drop the ANC's protest of the Liberty Tree license. The motion passed 7-0-1, with Mr. Alberti abstaining.

Mr. Alberti asked whether the ANC votes on any Voluntary Agreements, and Ms. Beatty responded that it has not been done in the past. **Motion:** Mr. Alberti moved/Mr. Holmes seconded a motion to adopt a more formal VA process, in which the full ANC approves a VA or a person is specifically authorized to approve it. Ms. Beatty said that the ANC Chair always signs the VA.

Mr. Alberti said that he is suggesting this to protect the Commission. He said that if a licensee has a good lawyer to go through ANC minutes and finds a flaw in the process, it could mean trouble for the ANC. Mr. Holmes said he would like this to come back for discussion next month. Mr. Robinson asked if Mr. Alberti is looking for a process whereby the ANC would ratify a VA. (Mr. Alberti said that yes, if the ABL Committee puts forth the approval of a committee action, and then the full ANC votes for it.). Mr. Robinson followed-up by asking if this means that if the recommendation comes as part of the Committee's report and the ANC accepts the report, would that be deemed approval, to which Mr. Alberti indicated that he thinks so. Ms. Beatty said there could be problems with that process being we only have 45 days for Committee review, negotiation of the VA and approval of the recommendation by the Commission. She said the committee minutes lay out the

differences and changes from the Voluntary Agreement, and that's important. Mr. Alberti withdrew his original motion, and said that there should be a new motion next month with new language.

Mr. Alberti said that, for an example, in the language on the motion withdrawing the Liberty Tree protest, he would have preferred language that said accepted the VA and withdraw the protest. It's just, he said, an attempt to get the ANC to be more exact.

### **Economic Development and Zoning**

There was no report from the Committee

### **Community Outreach**

#### **Eastern Senior High School PTA, band uniforms**

**Motion:** Mr. Robinson moved/Ms. Mack seconded a motion to support the committee's recommendation to provide a \$4,500 grant for band uniforms to the Eastern SHS PTA.

Elizabeth Nelson presented information on a request for \$4500 (full funding) for a grant to the Eastern High School PTA for band uniforms if this will not preclude the possibility of funding other grants later in the fiscal year.

Mr. Robinson asked why "if it will not preclude the possibility, etc." was written into the motion. Ms. Nelson responded that there is a fixed grants budget and the committee has been mindful of the budget. At the last meeting, the ANC gave more money than the committee requested and with the full funding of the grant; it would exhaust the Grants budget. Mr. Robinson asked why the Committee would not simply come back to the ANC to request more money; that the ANC would probably be supportive of the Committee coming back to the Commission to ask for additional funds. Ms. Nelson asked if full funding is granted, will money be available for additional grants later on. Mr. Holmes said there would be no problem, and urged the committee to come back with a request for additional funds. Mr. Alberti reminded Ms. Nelson that there is a budget review in April. The full funding for the band uniforms was approved without objection.

The Committee's report was accepted without objection.

### **Transportation**

Chairman Omar Mahmud expressed his thanks to Mr. Fengler for his leadership. There was no committee action to report.

The Committee's report was accepted without objection.

### **Public Safety**

Committee chair Rebecca Sibia proposed the following motion:

**Motion:** Mr. Holmes moved/Mr. Robinson seconded a motion to accept the Committee's recommendation to collect donations and plan a neighborhood awareness campaign and related activities on behalf of the Commission.

Mr. Robinson said that what they were talking about was a series of "getting to know you" sessions, meeting people across neighborhoods. Mr. Alberti said he was cautious on the topic of donations. Any donations the ANC collects would have to be spent through the ANC, and he is not clear the ANC can spend donated funds, and he is not clear the ANC can run block parties or make these

kinds of grants. He said he would want to talk about specific programs and would want to have the information before the money is raised.

Ms. Sibia said she is not talking about cash, but goods and services, e.g. a disk jockey, and the request would be specific. Ms. Mack mentioned the Teen Summit, which received money and goods donations such as sodas. **Motion:** Ms. Beatty said she also had concerns about cash, and moved to amend the motion to say “in kind support” rather than donations. Mr. Robinson said he had checked with the Auditor and the OANC, any donated funds the money would have to go directly into the ANC Treasury and be subject to ANC rules and District laws. He noted further that the rules also allow the Commission to put forth its own programs and fund them itself. Mr. Holmes asked whether they had been in touch with Nancy Rosen; head of the MPD CAC, which could have funds, or with other City departments or even Council members, who have discretionary funds. He said he was extremely nervous about the use of funds and would be very cautious, and wants specific authorization for any expenditure. Mr. Schultheiss said he was still trying to get his head around the process for approving funds. He said he wants to make sure there’s a very well-thought-out process, and that any contribution be kept with the Treasurer.

Mr. Alberti said he’s comfortable with the motion as rewritten. Margaret Holowill said it raises a lot of red flags because with the old ANC 6A there was a lot of “fundraising” going on that wasn’t. Fundraising has to be done carefully and be tracked. There’s always the question of “donor fulfillment”—lots of goodwill, but the specter remains of going a little lighter on someone because they’re a donor. Mr. Robinson said that when he worked for the City he was responsible for creating the rules and laws for gifts and donations, and will monitor this very carefully. Ms. Nelson said that she hears gossip about commissioners at other ANCs “shaking down” developers—for the community, not themselves—and she wouldn’t want that to happen at 6A.

**Motion:** Mr. Robinson moved/Mr. Holmes seconded a motion to withdraw the motion on the floor and refer it back to committee which will develop a procedure for accepting and tracking contributions. Then motion passed without objection.

The Committee’s report was accepted without objection.

## 8. New Business

### Meeting Schedule for 2010

**Motion:** Mr. Holmes moved/Mr. Alberti seconded a motion that the ANC meet on the following dates for 2010: February 11, March 11, April 8, May 13, June 10, July 8, August - no meeting, September 9, October 14, November 18 (the third Thursday, as the 11<sup>th</sup> is Veteran’s Day), December 9 and January 13, 2011. And whenever, on a day for which an ANC meeting is scheduled, the District government declares weather or safety emergency and closes normal government operations, the ANC meeting shall be postponed until a date set by the chair.

Mr. Alberti said he would like an August date scheduled, which then could be cancelled, but in case there is business that can’t wait, it would be good to have the date there. Mr. Holmes said he’s always gone in August, and Mr. Marshall said that people plan their vacations in advance. Mr. Alberti withdrew his request.

## 8. Community Comment

Mr. Holmes said the ANC 6A, more than any other one in the city, depends on its community for vibrancy, and the ANC needs volunteers.

Heather Schoell said that although the ANC had been thanked in a letter for its grant to purchase a sound system for Maury School, she just wanted to do it in person!

The meeting was adjourned at 8:43 pm.