

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

Minutes

December 10, 2009

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

Present: Commissioners Alberti, Beatty, Fengler, Holmes, Mack, Marshall, Robinson, and Schultheiss

1. Approval of agenda

Ms. Beatty added Liberty Tree Tavern to New Business. Mr. Alberti added the ANC Security Fund payment to the Treasurer's Report. The agenda, as amended, was approved without objection.

2. Minutes

The minutes for the October meeting, with a minor amendment, were approved without objection.

3. Community Comments

Elizabeth Nelson presented a thank you letter from the Maury Elementary School PTA for the sound system that was purchased for the school with a grant from the ANC. It was unveiled at a concert on December 17th.

Mr. Marshall reported that he was misquoted three times in the Hill Rag report on the November ANC 6A meeting.

4. Officer Reports

Chair

The Chair reported that Elizabeth Nelson had received Councilmember Wells' annual award for her efforts as a volunteer in the community, and he said he echoed the Councilmember's sentiments for her superb efforts on behalf of the community.

Vice Chair

Mr. Holmes reported that the Councilmember has introduced Ward 6 Residential Parking legislation, and there was a hearing on the day of the ANC meeting. He said that Mr. Wells will be meeting with the Ward's ANC chairs, and he expressed his hope that the Transportation Committee can meet and comment on the bill.

Secretary

The Secretary had no report.

Treasurer

Commissioner Alberti presented the Treasurer's Report. The report shows that the opening checking account balance was \$33,838.18 and that the savings account balance was \$4,198.08. There was an interest payment to the savings account of \$.71, leaving a balance of \$4,198.79 in the savings account. There were disbursements of \$115.80 to FedEx Office for October copies (Check #1437), \$200 to Heather Schoell for preparation of the agenda packet (Check #1438), \$127.50 to Roberta Weiner for transcription of minutes (Check #1439), and \$3,491 to Cardinal Sound and Communications (for Maury PTA grant). (Check #1440), leaving a balance of \$29,903.88 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/Mr. Holmes 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. **Motion:** Mr. Alberti moved/Ms. Beatty seconded a motion to allocate \$25 for ANC 6A's participation in the ANC Security Fund. Mr. Alberti explained that each January every ANC deposits \$25 in the Security Fund which indemnifies the officers of each ANC. The motion passed without objection.

5. SMD Reports

Ms. Mack reported that there would be a rally at 17th and Gale Streets at 11 a.m. on December 12th, and a walk-through on 15th Street at 6:30, focused on crime.

Mr. Schultheiss reported that the property at 14th and Maryland has finally been cleaned up.

Mr. Fengler reported that the reimbursable security detail of off-duty MPD officers on H Street has been set up. Half of the cost will be paid by the establishment owners and the rest will be provided by ABRA. It will operate from 11:30 p.m. to 3:30 a.m. He also reported that a house on his block that had been a drug house was bought, fixed up and sold, and it's very nice.

Mr. Alberti reported that 1500 Constitution Avenue NE which has been vacant for several years has finally seen some action by DCRA, but he has not gotten any explanation. He also congratulated everyone who worked on the H Street security detail, and said he thought it would take months.

Mr. Robinson reported that there has been a decrease in drug activity in his SMD, perhaps due to the cold weather and increased patrols. He also thanked Mr. Schultheiss for his efforts on the C Street study, and said that door hangers and leaflets should be going out within the next few days.

Mr. Marshall reported that 831 10th Street NE had been sold. It had been a house where drugs were sold and there was bad behavior. It went into foreclosure and was sold and now it's changed, and the complexion of the block has changed. He also reported that the dedication of the H Street mural went very well, and they are seeking additional funding to put touches on the mural's borders.

6. Committee Reports

ABL

Liberty Tree - 1016 H Street NE

This was a request for stipulated license for a new restaurant which will have brick oven pizza and some seafood. Scott Hamilton, the owner, was informed that he didn't need a stipulated license because he will have to go through the whole process anyway and is opening in January or February. He will be requesting a CT license. Despite these comments, he said he wanted to apply for the stipulated license anyway. **Motion:** Ms. Beatty moved/Mr. Marshall seconded a motion to accept the committee's recommendation that ANC 6A not issue a stipulated license to Liberty Tree because of the timing of the regular license. The motion passed 7-0-1, with Mr. Alberti not voting.

H Street Country Club

The H Street Country Club is applying for a substantial change to their license. Joe Englert wants to have two roof-top decks with 99 seats at the H Street Country Club and 79 at Rock and Roll Hotel. The ANC had not received notification of the proposed change at Rock and Roll Hotel, so she wanted to move forward only on the Country Club application. There is also an application for an entertainment endorsement for the Country Club, but indoors and for four specific days: New Year's Eve, Halloween, 4th of July and St. Patrick's Day. Mr. Englert is requesting an extension of one hour

for closing on New Year's Eve. The VA was signed prior to December 7th. **Motion:** Ms. Beatty moved/Mr. Marshall seconded a motion to not protest as the VA was signed prior to December 7th, the petition date, which included the roof-top noise stipulations and an exception on the entertainment endorsement on New Year's Eve, Halloween, 4th of July and St. Patrick's Day, with an extension of one hour of operating hours on NY Eve.

Robert Pittman suggested that instead of leaving specific occasions, it should allow for other days as well. Mr. Alberti responded that Mr. Englert and the ANC can modify their agreement at any time. He also mentioned that DC now has a new law that establishments can be open until 3 a.m. on weekday holidays, just like weekends. Ms. Beatty responded that Mr. Englert had asked for those specific four days. The motion passed 7-0-1., with Mr. Alberti not voting

New Language for Voluntary Agreements

Ms. Beatty presented suggested language, approved by the committee that would add language on valet parking and noise mitigation on patios:

Valet parking: Section 2 j: Applicant shall provide valet parking services only with valet parking services as defined, licensed and in compliance with Title 24 DCME Chapter 16.

Noise mitigation: Section 3 c. In order to mitigate noise on the patio or summer garden the following steps will be taken: 1) The hours for the patio will be until 11 p.m. on weekdays and midnight on weekends; 2) Applicant shall not offer any type of live or pre-recorded music on the patio; 3) A fence or other barrier will enclose the entire perimeter; 4) No fewer than two signs will be clearly posted to remind guests to keep their voices at normal speaking volume; 5) Staff will monitor the outdoor area to make sure guests do not raise their voices above normal speaking tones; 6) Potted plants, trees, fountains or other types of noise mitigation techniques will be incorporated into the summer garden décor. Section 3 d.: If residents have no noise complaints for a three month period following opening of the establishment and the licensee has a record of good conduct during this time period, the hours for service on the patio may be extended to be consistent with the licensee's normal business hours.

Mr. Alberti asked whether, under the language, an establishment is out of compliance if the problem is with the professional valet parking organization. He said the reason he is asking is that the ABC will be taking a close look at VAs because they're all over the place. As far as limiting hours for the first three months, he said, a reason is needed, e.g. close to residences. He said he would oppose it being part of the standard agreement.

Mr. Schultheiss said he likes the valet parking language the way it is, and Mr. Marshall agrees. Mr. Schultheiss said that he is concerned about the change of patio hours to be consistent with the normal hours for the establishment as this could result in patios being open until 2 or 3 a.m. Mr. Schultheiss stated patio hours should left as they are which is 11 pm and midnight and that he does not support allowing the patio to be open so late.

Mr. Pittman said that restricting the hours for a new establishment will not mitigate any problems in the first 90 days, because the problems come later.

Motion: Ms. Beatty moved/Mr. Marshall seconded a motion to accept the committee's recommendation that the ANC accept language regarding valet parking and noise in outdoor venues in ANC 6A standard voluntary agreement. The motion passed 5-3, with Ms. Mack and Messrs. Schultheiss and Alberti in opposition. **Motion:** Ms. Beatty moved/Mr. Fengler seconded a motion to approve Ann Marie Koshuta as a new member of the committee. The motion passed without objection.

The Committee's report was accepted without objection.

Economic Development and Zoning

1020 Massachusetts Avenue NE

This is a request for support of a Historic Preservation Review Board application to enclose a balcony in a residential building in the historic district..

The owner, Ali Safayan, says that there are severe drainage problems causing leaks in the building and after two attempts to correct them enclosing the balcony to completely exclude the water appears to be the only solution. He brought letters from two neighbors expressing approval of the project. He also brought photos showing that the work appears to be almost complete.

Mr. Ronneberg reported that the work was performed ahead of the permit applications, and does not meet standards for the Capitol Hill Historic District. **Motion:** Mr. Fengler moved/Mr. Alberti seconded a motion to accept the committee's recommendation to oppose the enclosure of the balcony at 1020 Massachusetts Avenue NE. The motion passed without objection.

Closing of "Paper" Streets at Rosedale Recreation Center

Mr. Ronneberg reported that the city is proposing to close "paper" streets and alleys that cut across the site of the Rosedale Recreation Center. **Motion:** Mr. Fengler moved/Mr. Holmes seconded a motion to accept the committee's recommendation to send a letter of support regarding the "Proposed closing of streets and alleys in Square 4533, and 4535, " The motion passed without objection.

The Committee's report was accepted without objection.

Community Outreach

Advertising

Motion: Mr. Fengler moved/Mr. Alberti seconded a motion to accept the committee's recommendation that ANC 6A accept the bid from Voice of the Hill (\$2,166) for 12 monthly ads and the bid from the Hill Rag/Fagon Guide (\$3,689) for 12 monthly ads plus an annual ad. The motion passed without objection.

Rosedale Youth Institute Football Uniforms

Motion: Mr. Robinson moved/Ms. Mack seconded a motion to support the committee's recommendation to provide a \$4000 grant for football uniforms to the Rosedale Youth Institute. Elizabeth Nelson presented information on a request for \$4000 for uniforms for the Rosedale Youth Institute (RYI) football team. She was asked why, when the total amount needed was \$5,816, the funds requested were only \$4,000. She responded that she was being mindful of the ANC's grants budget , and the amount of the grant should be increased to \$4890 (the amount for the uniforms minus the amount for decals). Mr. Robinson said that the helmets are needed, and they could come back later for decals. **Motion:** Mr. Robinson moved/Mr. Schultheiss seconded a motion to strike \$4000 from the motion and insert \$4890. Mr. Alberti moved that the motion read "up to \$5000." John Cotton, representing RYI, said that he can't be absolutely certain about the prices of the equipment because they buy at closeouts and clearances, and the helmets are not uniform in price—a kid can perhaps use a \$40 helmet and a teenager may need a \$150 helmet. He said they have estimated an average kid at an average age. The amendment was accepted without objection.

Mr. Robinson asked who will make the determination of whether it's \$3000 or \$5000. Mr. Alberti responded that the ANC pays the vendor, not the grantee, which means it's a lot of ongoing work to coordinate. The Treasurer, he said, has the responsibility of seeing what's being spent on what. It's up to \$5000 as long as it's commensurate with the expenditure. Mr. Robinson asked whether a bill could come in that Mr. Alberti thinks is too high, and Mr. Alberti said no, the ANC relies on the grantee.

The amended motion passed without objection.

The Committee's report was accepted without objection.

Transportation

The committee meeting was devoted to a discussion of the SunTrust Marathon, but no votes were taken.

The Committee's report was accepted without objection.

Public Safety

Committee co-chair Rebecca Sibia presented the following committee recommendations:

H Street Hospitality Group

Motion: Mr. Robinson moved/Ms. Mack seconded a motion that the ANC partner with H Street Main Street or seek to spearhead the initial creation of an H Street Hospitality Group to promote visitor safety, diversity in commerce and the ongoing positive development of H Street as a community-friendly destination. Mr. Robinson said there had been a "robust discussion" of steps that can be taken to mitigate crime on H Street. The motion passed without objection.

Lighting Survey

Motion: Mr. Robinson moved/Ms. Beatty seconded a motion to accept the committee's recommendation to submit a formal request to the Mayor for a lighting survey other core team efforts along the H Street corridor. Mr. Alberti said he was happy to see a request for additional temporary lighting during construction included in the draft letter to the Mayor. Ms. Beatty asked where the funding would come from and was told the Mayor's Office. The motion passed without objection.

Juvenile Crime Prevention Policies

Ms. Sibia presented a comprehensive policy paper, "Youth Crime Prevention: A Roadmap for Enhanced Community Engagement" that has been developed by the Public Safety Committee. It contains six neighborhood and community-based juvenile crime prevention strategies to guide the concentrated activity of the committee in its efforts to reduce and control crime in the neighborhood: The complete paper is included in the December agenda packet.

- 1) Create a landscape map, which would enable community members, decision makers, and stakeholders to identify or inventory existing youth service and organizations.
- 2) Raise public awareness through an ANC-sponsored campaign that would create awareness of what social service, recreational and youth service activities are available in the community.
- 3) Identify missing youth service programs and incentivize participation in our neighborhood.
- 4) Create a Community Action Council to allow for easy and successful transitions between home, school, after school and weekend activities.
- 5) Create Summer Neighborhood Campaigns to identify areas where youth congregate, and ensure sufficient lighting, cleanliness and safety precautions in these areas.
- 6) Work within the established parameters of ANC control to reduce contributors to youth violence.

Motion: Mr. Robinson moved/Ms. Beatty seconded a motion to accept the committee's recommendation that ANC 6A adopt the Juvenile Crime Prevention proposed policies, and that the Committee begin work on its described tactics immediately upon passage. The motion passed without objection.

The Committee's report was accepted without objection.

7. New Business

Agenda Packages Services Contract Renewal

Motion: Mr. Schultheiss moved/Mr. Alberti seconded a motion to renew the contract for Heather Schoell to prepare the monthly ANC 6A agenda packet for a fee not to exceed \$2400 for 2010.

Mr. Robinson suggested that provisions be added to make certain the packet is delivered to Kinko's and picked up at Kinko's, as there seems to be struggle with getting it to the meeting

each month. Mr. Schultheiss said that the material was delivered to Kinko's electronically, and that he has the challenge of picking it up each month. He was asked whether it would make it easier if Ms. Schoell had the responsibility of printing and pick up, and Mr. Schultheiss said he would like to keep the responsibility on the secretary to pick it up.

Mr. Ronneberg said that he had a technical problem with the document because he can't search the package for a particular word. Several possibilities were mentioned as a possible cause, including that it could have to do with the quality of the documents she receives. The vote on the motion was 7-0-1, with Mr. Marshall not voting.

Change in Domain Name

Mr. Fengler called to the ANC's attention an e-mail from Gottlieb Simon indicating that the e-mail system will be upgraded to include more storage space and greater convenience. He also said that it will be possible to change addresses from anc.dc.gov to plain dc.gov, like other government officials. Mr. Simon asked for views from the ANCs on preferences for that change.

Motion: Mr. Holmes moved/Mr. Alberti seconded a motion to inform Mr. Simon that ANC 6A has no objection to switching to the dc.gov e-mail system. The motion failed 4-4.

Liberty Tree Tavern

Liberty Tree Tavern , 1016 H Street NE, has applied for a license. Its hearing is scheduled for January 4th, and the ABL Committee plans to hear the case at its next meeting, which is after the hearing date. Ms. Beatty said there is precedent for taking the action she is requesting of the ANC. **Motion:** Ms. Beatty moved/Mr. Marshall seconded a motion to send a letter to ABRA protesting the license for Liberty Tree based on community concerns.

Motion: Mr. Fengler said that the language should be "peace, order and quiet" and moved to strike the community concerns language. The amendment passed without objection. **Motion:** Ms. Beatty moved to strike the work "strictly". The motion passed without objection.

Mr. Schultheiss asked whether it could be resolved without proposing an action. Ms. Beatty responded that if the negotiation is successful the protest will be withdrawn. Mr. Fengler pointed out that the motion has no language authorizing anyone to represent the ANC. **Motion:** Mr. Holmes moved/Mr. Marshall seconded a motion to add "authorize Mr. Marshall or any officer of the Commission to represent the ANC in the case."

Mr. Alberti said that the case will have to come back to the ANC in January for approval. Mr. Robinson asked Ms. Beatty whether she wanted to have a way to negotiate the VA in the interim, and he offered the following amendment: **Motion:** Mr. Robinson moved/Mr. Marshall seconded a motion to amend the original motion to include that Mr. Marshall and Ms. Beatty work together to negotiate with the applicant to resolve community concerns, which could lead to the withdrawal of the protest. (Mr. Alberti left the room).

Mr. Marshall reported that the applicant is continuing to work after a Stop Work order, and he lied to the ABL committee. Ms. Beatty added that the negotiations will take place after January 4th, and there is a question as to whether the full ANC will have to take a vote on the VA. The original motion, as amended, passed 7-0.

Mr. Fengler pointed out that language is not included in the letter that will allow the ABL committee to withdraw its protest. **Motion:** Mr. Holmes moved/Ms. Beatty seconded a motion to give the Chair authorization to make conforming changes in the letter. The motion passed 7-0-1 with Mr. Alberti not voting.

8. Community Comments

Mr. John Cotton of RYI rose to say thank you to the ANC for the work it's doing on behalf of the community.

Jeffery Augello, who lives in the block with Liberty Tree, said he has never provided any approval to Liberty Tree.

The meeting was adjourned at 8:40 pm.