

ADVISORY NEIGHBORHOOD COMMISSION 1B

Government of the District of Columbia

Columbia Heights / LeDroit Park / Pleasant Plains / Shaw / University Heights

3 March 2005, True Reformer Building, 1200 U Street NW

Attending: Commissioners Moss, Spalding, Hammonds, Hunter, M. Smith, Parker, Akinmboni, T. Smith, Mathews, Wright

Absent: Commissioner Stephens

Quorum was achieved at 7PM. In the Secretary's Report Commissioner Spalding reported that negotiations are ongoing in the Café Collage ABRA application, NCRC chose Jair Lynch Companies for development of Parcel 34, the third public hearing on the DDOT Parking and Traffic study was held, the Prince Hall Mason's are reviewing a consultants study on best use of their property, the "Duke" planning proposal will be forwarded to the Mayor's Office and then to the Council, and the CSNA was admitted as a protestant to the renewal of Kili's nightclub license. Minutes of the February meeting were moved, seconded and adopted (8-0-0). Treasurer's Report Commissioner Spalding stated that we began the month with a balance of \$69,748.85, and we received a quarterly disbursement from the District of \$7,739.55, and a check for grant 04-14 was cashed by the Howard University Community Association for \$3,000.00, leaving a bank balance of \$74,488.40. We do have one outstanding check for \$637.86 to HUCA, and this leaves a check book balance of \$73,850.54. Treasurer's Report was moved, seconded and adopted (8-0-0). Quarterly report for the period 10/1/04 through 12/31/04 shows an original balance of \$70,791.67, credit of \$1,223.71, debits of \$13,643.94, and a resulting ending balance of \$58,371.44, and the Quarterly Report was moved, seconded and adopted (8-0-0). Secretarial expenses for February were given to the Treasurer; however, the information is not at hand. Secretary estimated that the expenses were approximately \$120.00, and it was moved to reimburse the secretarial expenses submitted to the Treasurer, and it was seconded and adopted (8-0-0).

In Community Events and Announcements Commissioner Moss announced that there would be a press conference announcing the 16th annual Black Church Prayer for the Healing of AIDS on March 4th at the National Press Building. The DC Fair Budget Coalition will be sponsoring a town hall meeting in this building on Saturday, March 5th to discuss the DC fiscal year 2006 budget. The First annual Community Children's Day at the Children's National Medical Center will be held. The LeDroit Park Civic

Association will be reinstating its orange hat patrols and will be meeting on Thursday, March 17th, and will be working DC agencies on the 18th in a walk around to target illegal dumping and other problems. On April 16th HUCA and LPCA will hold a symposium focusing on the legacy of Mary Church Terrell. Scott Pomeroy, Executive Director of the 14th and U Main Streets Initiative, announced a workshop on crime and grime issues to be held at the Reeves Center all day Saturday. Kick off of Jazz Appreciation month begins with a press conference at the Lincoln Theater at noon on April 1st. The Hospitality Resource Panels will be meeting on Tuesday and Wednesday of next week. John Snellgrove added that the Main Streets program would be initiating a series of Monday night socials to encourage community leaders to meet in an informal atmosphere. These will be held on first Monday evenings at different local venues. Councilmember Frank Smith announced activities, including the presence of an actual signed copy of the Emancipation Proclamation, on May 19th and 20th sponsored by the African American Civil War Museum. Mr. Smith also announced that they are forming a U Street hosing committee and invited Commissioners to participate.

Architect Wolcott Etienne from the firm Bowie Gridley presented designs for the rehabilitation and addition of a gymnasium wing to Cardozo High School. Commissioner Spalding stated that he attended the first review of these plans at the Commission of Fine Arts where the design was well received. HPRB may also review this project and ANC1B has delegated members to speak to these reviews. In talks with DCPS the funding and scheduling of these improvements are being discussed, however, it is important for the Commission to participate in the ongoing conceptual review of the design. Mr. Etienne explained that this is both a renovation of the existing historic building as well as an adaptation of the building to conform to the program requirements of DCPS. There are to be four different academies within the school including a construction academy, ninth grade, health and science, and transportation. Many of the original internal features will not be changed. There are two existing gymnasiums, and neither is adequate in size for contemporary use and standards. When presented with this project we were given three options, first was to renovate the building, second to renovate and add, and finally to demolish. After the feasibility study DCPS chose the second recommendation which includes the addition of a gymnasium. The best location for the addition was determined to be the 11th Street side. Integrating the addition to the historic existing building was a priority. Inside the historic building there is a pool, and we determined that this did have historic value but was not currently usable. We are proposing to keep the pool but mothball it for possible future use. Realigning the entrances was also a priority for the design team, and they have been consolidated using the gymnasium addition. Mr. Etienne pointed out the location of the academies within the redesigned building, and noted that the existing gymnasium spaces would be used by the construction academy allowing them to frame up to a two story house in the high ceiling space. The profile of the gymnasium addition is low in reference to the historic building. The brick used for the addition would match the brick in the base of the existing building. Commissioner Spalding noted that in discussion before CFA the roof structures and design were questioned, however, this is a contemporary addition to an

historic building and the design of the roof appears to signal the difference while the matched brick siding is meant to blend with the historic building. Mr. Etienne stated that the gym would require large mechanical equipment to be sited on the roof and these should not be placed near classrooms in the original building. Therefore the mechanicals were sited on the eastern side of the roof and some design element was needed to counteract the presence of the mechanical structures thus the curved roof. Most roofs are not attractive and thankfully they are usually not very visible, however, three levels of the older building will be looking down on the roof of the gym which reinforced our decision to make the roof a design element. Mr. Etienne also pointed out that the 11th Street façade is designed with bays to reflect those on the historic building while being done in a contemporary style. Scott Pomeroy asked if the landscaping in place where the addition would be built would be moved to another site, and Mr. Etienne indicated that these could be relocated to the north east corner at Clifton and 11th. Commissioner Spalding moved to support the design before CFA and HPRB and retain the Commissioners already delegated to speak for the Commission (Hammonds, Spalding, T. Smith), and it was seconded and adopted unanimously (10-0-0).

Commissioner Moss introduced review of Kady Group's proposal for residential development in the 900 block of Florida Avenue. This will be a nine story forty-nine unit building, and sixty-eight unit building. This is not in the historic district and is being developed matter of right, so they are not required to get any approvals from the Commission, but I thought it important that they present this plan for new residents in our Commission territory. Architects Eric Colbert and Gayll Worsley described the site and the design of the building as well as the current context of new building occurring near their site. The presentation boards showed a very contemporary structure, and Mr. Colbert stated that this is currently a slightly blighted industrial zone that could use some jazz in their design. Ms. Worsley indicated that two open courtyards on the west (front) side of the building would be needed for the Vermont Avenue side of the building, which allows us to soften the landscape and provide some public space on this side of the site. Parking will enter on the south side from 9th Street and there are 120 parking spaces provided for the 118 units. The two buildings will be articulated separately with different materials. The north building will be using more glass with metal panels, while the building to the south will have more steel and corrugated metal panels and will present as having more texture. Permits have been applied for phase 1 and they are planning the application for permitting on phase 2. Commissioner Moss asked about the pricing, and Mr. Dickson responded that are planned to range from \$350,000 to \$500,000. Commissioner Akinmboni asked if any units would be set aside for affordable housing, and Mr. Colbert responded that this is a matter of right project and all units would be market rate. Commissioner Spalding asked if there were any zoning variances or exceptions expected, and Mr. Colbert said that there were none. Commissioner Moss asked if they were considering employing local contractors, and Mr. Omnole responded that they were currently researching that possibility, and Commissioner Moss recommended that they make an extra effort to employ local residents. Commissioner Wright asked about the lack of an affordable component to the plan, and Mr. Colbert

responded that it is a matter of right design that does not require an affordable component.

Commissioner Moss introduced David Haiman, Manna's Senior Program Manager for Community Organizing, and stated that Manna is negotiating with NCRC and Broadcast Partners over the terms of development for Parcel 33. Mr. Haiman stated that he had previously presented the goals for the Shaw Equitable Development Initiative to ANC1B, and explained their development through a series of community meetings over the past two years. Mr. Haiman detailed the SEDI goals for public land development including affordable housing components, living wage targets, incentives for creation of community businesses and a community fund dedicated to the social, health and economic needs of the Shaw community. Negotiations are currently being held with NCRC to incorporate these goals into the proposed development of Parcel 33 over the subway at 7th and S Streets. Commissioner Spalding asked if they were currently seeking support of the goals directed to NCRC, and Mr. Haiman responded that that would be helpful. Commissioner Moss extended this to say that a successful campaign to include these goals could then be extended to other rfp's throughout the District, and Mr. Haiman agreed while stating that since this was not going through the traditional rfp process they are negotiating separately from the larger campaign. Chairman Hunter asked how the negotiating was going and what can be reasonably expected, and Mr. Haiman responded that currently the affordability component would be half of the asked for allowance and most of that at the higher income affordability bracket, which is partially explained by the fact that the largest residential component would be condominium units that are more difficult to build at the lower afi brackets. This is also affected by the price NCRC is asking for the land (currently market rate), and we're encouraging NCRC to discount the land value in exchange for a larger affordability component. Both Radio One and NCRC have been willing to work towards these goals. The community business component is focusing on retaining existing small businesses in the area, and we do expect that there will be a contribution to the Community Fund but are unsure of the percentage that will be used. Commissioner Moss moved that ANC1B send a letter of support for the Manna SEDI to NCRC, it was seconded and adopted unanimously (10-0-0).

Commissioner M. Smith reintroduced consideration of Taurus Development's request to alter DCRA permitting to rebuild a wall collapsed during construction. At the last meeting some controversy from Adams Morgan spilled into the discussion, however, in meetings during the past month a good dialogue has been established between Taurus Enterprise Group and the community. Gail Montplaisir introduced her team and community members present to support their request. Chairman Hunter asked those who met with the developer to detail the results of their consultations, and Commissioner M. Smith began by stating that he met with Taurus and then joined in a discussion before the Meridian Hill Neighborhood Association. The MHNA voted unanimously to support the request, and I have had all my concerns addressed and support the project. Commissioner T. Smith stated that his concern was with safety on the site, and also that he had looked through the permit comments at DCRA. There was no evidence in these

records to cause concern over this project going forward. I also had good conversations with the team on site, and am in support of this request. Commissioner Moss stated that she had had extensive discussions with Ms. Montplaisir and is in support of the request. Jeff Jennings asked if any of the Commissioners had viewed the controversial project in Adams Morgan, and Commissioner Spalding indicated that he has viewed this project. Commissioner M. Smith moved that ANC1B support the request to DCRA to amend permits in regard to the reconstruction of the collapsed wall, and it was seconded and adopted unanimously (10-0-0).

Commissioner Spalding indicated that developer asked to postpone consideration of 901 U Street for conceptual review before HPRB. I have heard that this property and three additional properties on 9th Street were sold at auction last week for \$2.1M, however, I haven't been able to confirm this or identify the new owners. The current developer has indicated that he may challenge this sale at auction.

Commissioner Parker introduced BZA 17302 requesting zoning variance relief from 770.1 (height) for a mixed use project known as the Heights of Columbia located at 2750 14th Street. Applicant asserts that the existing height limitation for the current zoning has made it problematic to solicit higher quality retail tenants for the retail spaces to be located on the ground floor. Applicant has also stated that this will not block any property owner's views any more than the already approved plans for the building. This project does include a fifty percent affordable housing component with units in each of the 30/60/80 percent AMI targets. Arnie Litman stated that this is a fifty-six unit condominium building and does feature a fifty percent affordable mix of units that are indistinguishable from the market rate units. Anticipating the question from the Commission, the market rate units will range in price from \$325,000 to \$588,000. The mix of affordable units was defined by formulas used by NCRC. There are also 20,000 feet of commercial retail space at ground level, and seventy-seven parking spaces for use by the residential tenants and the retail tenants. In the previous design the retail space was only accorded enough height for an eight foot ceiling, and this has proven very problematic in attracting the types of retail tenants that we feel appropriate for both the building and the community. Architect Bill Morris described the design of the building and the effect that changing the height of the building would have on the community and neighbors. Mr. Morris detailed the specific interaction of the neighboring buildings with the proposed building at both of the possible heights. Commissioner Akinmboni thanked the developer for the extensive affordable component in their project. Commissioner Mathews asked how the additional height would be distributed, and Mr. Litman responded that half of the additional height would be allocated to the retail space and the remaining height would be distributed through the residential floors. Commissioner Mathews asked for a breakdown of the 30/60/80 AMI unit component, and Mr. Litman responded that three units would be in the 30/AMI, seventeen units in the 60/AMI and eight units in the 80/AMI. Commissioner Mathews lauded developer on providing a

large number of affordable units, however, for many of our constituents the 30/AMI is what is actually affordable and I encourage you to try to put more units in this category. Mr. Litman explained that it was a process that involved paying the debt for the construction and the social mission that they have embraced. This mix represents the compromise reached between us and NCRC and the banks involved in financing the project. We also had originally hoped to include more of the 30/AMI units, but in order to get the project funded this is the best mix that we could obtain. We could still increase the number of 30/AMI units, but it would be at the cost of the percentage of the building that would be affordable, and both NCRC and our team want to keep the fifty percent affordable unit count. Commissioner Spalding stated that he will be supporting the requested variance, and that the additional height for the commercial space would be his reason for doing so. The current eight foot height in the commercial space is going to attract exactly the wrong tenants for this location, and that the additional height should allow for attracting some class A tenants that would be a more harmonious mix for this predominantly residential area of 14th Street. Commissioner Spalding asked if they have solicited any retail tenants, and Mr. Litman responded that they have and that the height was an enormous concern. At the current height we were getting responses only from a C grade of tenant that was not compatible with either our vision of the building or with the neighborhood. We do not have any commitments at this time, but we are assured that this additional height will attract a better list of possible tenants. Commissioner Parker thanked Mr. Morris for providing the drawings to illustrate the effect of the increased height, as she requested when she met with Mr. Litman. The South Columbia Heights Neighborhood Association on February 5th voted to support this request of the BZA. Commissioner Parker moved support BZA 17302, and that Commissioner Spalding be designated to represent the Commission on this application, and Commissioner Spalding offered a friendly amendment that Commissioner T. Smith be included to represent the Commission, and this was accepted by Commissioners T. Smith and Parker, and it was seconded. Scott Pomeroy pointed out that the retail tenants chosen should be neighborhood serving since this is predominantly a residential stretch of 14th Street. Mr. Litman responded that this was a requirement of NCRC in their rfp, and that one restaurant that we are currently negotiating with has balked at the amount of control that the owner/developers are requiring over the space. Question was called and the Commission voted unanimous approval (10-0-0).

Commissioner Akinmboni introduced BZA 17303 for special exception to 1223 Girard Street. Commissioner Akinmboni indicated that she has tried to speak with all of the neighbors, and did view the site with a number of the neighbors and all approved of the proposed changes. Mr. Thomas Stehle is the owner of the property and the applicant, and stated that in 1989 this property received a BZA variance to repair and enlarge a dilapidated porch, and that this application is to enclose the space. Mr. Stehle stated that he has also received letters of support from his neighbors, and he knows of no opposition to his design. Commissioner Moss thanked Mr. Stehle for providing the Commissioners with information on the application prior to this meeting. Commissioner Akinmboni moved support of BZA 17303, and accepted a friendly amendment to designate

Commissioners T. Smith and Spalding to represent the Commission on this application, and it was seconded and adopted unanimously (10-0-0).

Commissioner M. Smith introduced discussion of a DDOT Public Space request of David Franco and Level 2 Development for work at 1421 Florida Avenue. Commissioner M. Smith indicated that Mr. Franco is a member of our community, and that he is also to be lauded for keeping his site clean. Mr. Franco stated that they acquired this site from Michael Brown who lives immediately behind the site about a year ago. This is a six unit condominium project, and it is in the historic district and we have already received support and approval from ANC1B and HPRB for the design. We now need Public Space approval to put up construction fencing around the site. We are also going to have to remove a lot of dirt from the site, which will mean that we will need to temporarily build an entrance for the trucks off Florida Avenue. We will need to temporarily use two parking spaces along Florida Avenue. Commissioner Spalding asked about the duration of the permit, and Mr. Franco responded that they are projecting about nine months. Commissioner Spalding asked about the dumpster illustrated as occupying a part of Florida Avenue, and Mr. Franco apologized for its remaining in the drawing and stated that it is now not part of the plan or permitting. Mr. Franco also indicated that they have received permission to access the site from the rear and they are trying to minimize the disruption to Florida Ave. Commissioner Mathews asked if they have held discussions with the abutting property owners and those who may customarily use the appropriated spaces, and Mr. Franco responded that they have made arrangements for the two residents who may be affected. Mr. Franco also indicated that they have been working with the neighboring property to improve the landscaping and possible development of the adjoining Jubilee Apartments. Commissioner Wright asked if the sidewalks would be usable during construction, and Mr. Franco responded that it will be necessary to close the sidewalk during construction, and that DDOT will determine the signage and its placement. Commissioner M. Smith asked if any bedrock would need to be removed in the project, and Mr. Franco responded that it would not and that most of the material removed was excess from abutting sites during their construction. Commissioner Spalding asked for clarity on whether this was approval of a Traffic Control Plan or a Public Space permit, and Mr. Franco responded that they are still developing the full TCP, but that this Public Space permit was needed prior to the consideration of the full TCP. Ernest Springs indicated that the Meridian Hill Neighborhood Association is fully supportive of this development, developer and the application for the Public Space permit. Commissioner Mike Smith moved ANC1B support the Public Space application of Level 2 Development, and it was seconded and adopted (10-0-0).

Commissioner Spalding indicated that a project that may present before HPRB later this month came to the Commission to close to the meeting to adequately notice and be added to tonight's agenda. This project is a new iteration of the project at 1939 12th Street including air rights over Dukem Restaurant, the parking lot beside the restaurant, and part

of the empty lots beside the parking lot. The previous design for development was approved by ANC1B, and I would like to have the Commission designate me to represent the Commission at HPRB to inform the Board that we will be reviewing at our April meeting and our previous reviews. Motion was seconded and adopted (10-0-0).

ABRA application of Bar Pilar for transfer of the CR license of Camino Real was introduced by Commissioner Spalding. This is a restaurant in the 1800 block of 14th Street, and the owner has decided to relocate to Columbia Heights and transfer the existing CR license to the owners of Café St. Ex. Mike Benson, owner of Café St. Ex, explained that Pilar was the name of Hemingway's boat and would extend their concept of eating establishments named after dead authors. Mr. Benson stated that Bar Pilar would be built around comfort food. Commissioner Spalding asked if there would be any change in occupancy, and Mr. Benson responded that it is currently seventy-five and would remain the same. Commissioner Spalding moved support for transfer of the CR license located at 1833 14th Street from Camino Real to Bar Pilar and that Commissioner Spalding be designated to represent the Commission on this application, and it was seconded and adopted unanimously (10-0-0).

Chairman Hunter introduced consideration of Club U's license in the Reeves Center. This is in my single member district, and over the past year I have received a number of complaints from my constituents who live nearby about trash, people congregating after they let out and traffic. ABRA is currently holding a suspension hearing on this license. This license was suspended when someone was allegedly stabbed in the club, and on the same night a woman was assaulted in the club and when escorted to an ambulance someone fired shots at the ambulance. I have attended many hours of the hearing, and Commissioner Spalding has attended every minute of the hearing, and I have a number of constituents who have been actively attending these hearings. The Mayor is on record supporting revocation of this license, Councilmember Graham is also on record supporting revocation of this license, and I also support revocation of this license. I ask the Commission to vote to ask ABRA to revoke the license of Club U. Commissioner Spalding stated that he supports the call for revocation. The hearings have been graphic in depicting the violence, and it is not the first or only occurrence of violence tied to this license. This is a restaurant license behaving like a nightclub, and doing so in the confines of a municipal building. In conversation with my constituents the sentiment has been overwhelmingly in favor of revoking this license. Commissioner Hunter moved that ANC1B write ABRA requesting the revocation of the license of Club U, and the motion was seconded. Commissioner Mathews thanked the Chairman and Secretary for attending the hearings since I was not able to attend, but I do have some concerns about how this is being characterized. There are allegations flying right and left. First there is an allegation that this shooting happened inside the club, but others are saying that it happened outside the club. My second concern is why if we are discussing revocation of the license for Club U is no one here from Club U to speak to us. Third, and this will not

be a popular stance but I'm going to stand on it anyway, I don't support revocation of this license because I think there are larger issues at work here that need to be addressed. Issues of security in the Reeves Center, and that this is not just a Club U issue. I'm concerned that a larger security issue, and a larger community issue of what is happening in that corridor is turning into an attack on a club which I know for a fact that a number of neighborhood organizations have been trying to get shut down for a number of years. Second I'm concerned about the MPD's characterization of this club. One of the officers said that he thinks the violence is happening because of the go go music played in the club. I believe that demonstrates an ignorance about what's going on at the club, and an ignorance of the music period. Chairman Hunter responded that the evidence at the hearing was that there was blood found in the club that may belong to the victim who was stabbed and who actually died of his wound. I did inform David Wilmot who is the attorney for the club that we would be voting on this matter at this meeting. I also represent the people who live in the 1400 block of W Street, and the characterization that was made was that the violence that we are associating with Club U is actually coming from the 1400 block of W Street. Those neighbors who live in this block take particular offense to the representation by Club U's attorney that these homicides that occur while Club U is operating on Saturday nights are the result of an open air drug market on their block. I can assure you that the drug dealers at 14th and W are not doing this. As far as the characterization made by the police officer, I was at that hearing and the context of his remark is not complete. It is not that they are playing go go music, I'm from New York City and we used to play hip hop music in the park, and you would have one or two irresponsible individuals who thought they were gangsters and who would pull out guns and start fights and that ended our parties in the park. It would appear that where there are go go concerts here in DC there are these same one or two would be gangsters who come in and spoil it for everyone. That was the pattern at Between Friends and that is the pattern in this look at Club U. I own several Chuck Brown cd's, but it has led to problems in regard to this license. Commissioner Akinmboni asked about the security in the building, and Chairman Hunter responded that the owners testified that there is adequate security provided by the club. This business also just settled a lawsuit with the District over their lease, and the settlement allows them to remain in their current location for the next eighteen months for \$2,000 a month. You can't catch the bus on U Street for \$2,000 a month. Commissioner Akinmboni responded that this was not what we should be considering, rather did the violence happen at the club, and not how much they pay in rent. Chairman Hunter responded that he raised it in the context of what the owners could do to use the space rather than charge young people thirty or forty dollars a pop to get in, and that has resulted in the kinds of violent activities that we have heard testified to in the hearing. Commissioner Mathews asked if there had been any talk of coordinated security between the Reeves Center and the Club. Commissioner Spalding indicated that this question had been raised, and that the Club indicated that they wanted to hire off duty police officers but were not allowed to do so. The clubs are all responsible for activities happening within a defined distance from their entries. Commissioner Mathews stated that they are in the Reeves Center. Commissioner Spalding indicated that testimony indicated that they are separate outsourced security services, and that the Reeves Center guards are protecting the building while the Club's security is attempting to control the patrons. There is not an actual coordination of security. Commissioner Akinmboni

asked how many accidents occurred inside the club, and Chairman Hunter responded that in the hearings the government reported that over the past three years there have been three homicides. Commissioner Spalding added that the government addressed sixteen major police involvements, and in the letter from the Office of Property Management seventy-five calls for police assistance over the past four years. Commissioner T. Smith referred back to Chairman Hunter's illustration of hip hop in the park, and questioned whether we were punishing the club for the activities of a few people. They may just need better security. Commissioner Moss responded that there is an historical record of violent infractions over a period of time. I think it is unfortunate for an established black owned operation who has tried to work with the community to have a bad situation befall them. But because of this track record over a reasonably short period of time, I don't think this indicates that we have just two bad apples. Commissioner Mathews asked if the Club has broken any laws. Commissioner Spalding responded that those responsible for giving, reviewing and revoking liquor licenses in the District is a regulatory agency and not a court. Owning a liquor license is a privilege extended to those who apply, and restricted by established regulations overseen by the regulatory body. This is not a court, and the hearing is not meant to determine legal guilt or innocence in the terms that we normally think of in terms of the justice system. The club is being asked whether they have followed the regulations and whether they are a danger to the surrounding residential community. Commissioner Mathews asked what regulations Club U has broken, and Chairman Hunter responded that the reason their license is suspended is because ABRA has found that a violent incident occurred in proximity to their location that adversely impacted on the life and safety in the surrounding area, and that is an infraction against DC regulations which gives ABRA the authority to suspend their license. Motion was called and a roll call was requested. Voting Yea were Commissioners Moss, Spalding, Hammonds, Hunter, M. Smith, Parker, Akinmboni, and Wright. Voting Nay were Commissioners T. Smith, Mathews. Motion passed (8-2).

Commissioner Parker moved that the Commission take the Bylaws discussion up at this time, and it was seconded. Chairman Hunter spoke against the motion indicating that he expected the discussion of the bylaws to be very long, and we do have items remaining on the agenda that require Commission action. We have operated effectively for the past three months with the current bylaws. Motion failed (4-5).

Commissioner Spalding asked the Commission to support Council B16-120 "Abatement of Nuisance Construction Project Amendment Act of 2005", and requested that he be designated to speak for the Commission in support of this legislation. This legislation is related to B16-30 and B16-81. The legislation is asking for enhancement of civil penalties in regard to illegal construction activities, adjusting the reporting period for updates to the vacant land building list, and clarifying injunctive relief for violations of construction codes. Unfortunately we have witnessed buildings falling down in this Commission, building construction causing abutting properties to fail or be seriously

damaged, and property owners using false permits to prevent vacant property from being declared so by the agencies of the government. Motion was seconded. Commissioner Mathews asked if the intent of the legislation would speed up the process of holding owners of nuisance properties accountable, and Commissioner Spalding replied that it both speeds up the process and stiffens the penalties for violations. Motion passed (9-0-0).

Commissioner Moss asked the Commission to support Council B16-92, and asked Councilmember Frank Smith to help understand the bill. Councilmember Smith indicated that he is arguing for monies to be spent from the surplus. The Council has approved monies to fund downtown museum activities, but no monies for museums located in the neighborhoods. I'm asking the Commission to consider supporting my request to the Council that monies be directed towards the African American Civil War Museum. One of the purposes of the AACWM is to bring tourists off the mall and into the U Street community. There is a conflict between the residential character of the neighborhood and the business character which is currently concentrated in liquor licensed establishments operating late at night. This problem is only going to get worse, and we need to encourage more daytime traffic that will help business owners rely on daytime use rather than late night use. Chairman Hunter asked Mr. Smith for clarity in the support, and Mr. Smith requested that the Commission support his testimony supporting the AACWM before the Council in discussions of B16-92. Commissioner Moss moved to support Councilmember Smith's testimony, and it was seconded and adopted (10-0-0).

Chairman Hunter asked the Commission to support Council B16-34 "Living Wage Establishment Amendment Act of 2005". This legislation was introduced by Councilmember Catania to establish a living wage. This is higher than the minimum wage and the purpose is to address the high cost of living in a particular region. This legislation would establish a wage of \$10.50 per hour for any contractor or employer who has a government contract in excess of \$50,000. A similar bill was passed the Maryland legislature, but was repealed by the Governor. This bill has been introduced, however, Councilmember Orange has yet to schedule it for a hearing. I move that ANC1B support this legislation, and that we write Councilmember Orange and request that he hold a hearing on this bill. Motion was seconded and passed (10-0-0).

Commissioner Spalding introduced Treasurer Stephen's request to pay the required fee for the ANC Security Fund. Quoting Commissioner Stephens request "Resolved that this Commission approves the ANC's participation in the Advisory Neighborhood Commission Security Fund and authorizes the Treasurer to pay the \$25 fee for the period January 1, 2005 through December 31, 2005." This is a required insurance against fiscal

malfeasance by the Commission, and is required by each Commission. Motion was seconded and adopted unanimously (10-0-0).

Chairman Hunter stated that he had hoped to have the ANC Committee structure laid out by this time. Commissioner Parker asked if this was being taken out of order, and Chairman Hunter responded that a member of the community had been invited to attend the meeting who wishes to be considered for chairmanship of the Public Safety Committee, Mr. Kenny Barnes. Commissioner Parker moved to over ride the Chair's decision to ignore her question. Earlier I asked that an item be taken out of order, and I made a motion, and it was seconded. Now you intentionally skip an agenda item, and all I'm asking is whether that was your intent or did you not see that the next item on the agenda was the Treasurer's report on delinquencies. Mr. Mathews seconded the motion. Commissioner Parker restated her motion to overrule the Chair's ruling to skip the next item on the agenda which is listed as Treasurer's report on grant delinquencies, and that we proceed with the order as stated on the agenda. Chairman Hunter explained that he wanted to move to discuss the committees since Mr. Barnes is volunteering to help us with our committee on Public Safety, and our discussion on the grant delinquencies is going to be very long, and our discussion of the Bylaws could be very long. So, as a courtesy to Mr. Barnes I wanted to give him an opportunity to address the Commission on his background. Commissioner Akinmboni responded that if the Chairman wished to do that he should offer a motion to do so. Commissioner Parker added that this is not about Mr. Barnes, rather about the Chair making a motion to change the order or admitting to intentionally taking items out of order. Motion passed (4-2-4).

Commissioner Parker asked to be recognized. Commissioner Spalding deferred. Commissioner Parker stated that in the report circulated by the Treasurer it speaks to two grants that were awarded for school supplies for children who reside in ANC1B, and specifically a \$2,000 award to Faircliff Plaza Tenant's Association and a \$3,500 award to #10 Parents Association. Although documentation was timely provided to the Commission documenting expenditure of these funds the Treasurer's report recommends that a note be sent to each organization asking for the names of children and parents actually receiving the school supplies. Not only would such a request be burdensome on these small organizations, but assuming that receipts have been supplied to the Commission requiring that names be provided far exceeds the grant documentation required by law. As there is no requirement in the law that a grant recipient provide a list of names of the children in the ANC who benefited from a grant, I move that we remove these two items from the Treasurer's report as problematic or deficient, and further I would like to note that Title 1 Chapter 3 Section 309.13 of the law governing ANC Commissions provides the following: Within sixty days following the issuing of a grant the grant recipient shall forward to the Commission a statement as to the use of the funds consistent with the grant application complete with receipts which support the expenditures. Commissioner Mathews seconded and asked to add to the motion the

Home Roots Foundation and the Lower Georgia Ave. Business Development Corporation for the reason of a discrepancy between our Treasurer's understanding and the understanding outlined in the grants. The grant says I further agree to forward to ANC1B within sixty days of this grant's issuance a statement as to the use of the funds along with receipts that support the expenditures. I have here this memo from Commissioner Stephens that says that funds are required to be spent in sixty days and this indicates a discrepancy between the Treasurers's understanding of how these funds are to be spent and the actual what is written into our laws. Chairman Hunter ruled the motion out of order, the Chair has not called the next item on the agenda, when it is called we can hear the presentation on the agenda item then entertain any motions. Commissioner Spalding was asked to brief the Commission on the agenda item, and Commissioner Parker asked for a point of clarification as to whether her motion was on the floor, and Chairman Hunter responded that he ruled the motion out of order, and Commissioner Mathews responded that no his motion was deemed out of order not hers, and Chairman Hunter responded that hers was ruled out of order because we had not called the next item on the agenda yet. Commissioner Parker stated that the Chair had recognized the Secretary to present the next item on the agenda and the Secretary deferred to me to speak to that item. Chair agreed and deemed Commissioner Parker's motion to be on the table. Commissioner Parker restated her motion, and Commissioner Mathews asked to add a friendly amendment including Home Roots and Lower Georgia Ave., and the Chair asked if the motion had been seconded, and Commissioner Mathews seconded Commissioner Parker's motion, and then asked to amend Commissioner Parker's motion. Commissioner Spalding stated that he was present for the discussion and awarding of the grants in question brought up by Commissioner Parker, and it was important to the Commission at that time to get confirmation of the children who were benefiting, and in a number of grants with this type of stipulation we did receive the information back from the grant recipients. As a part of the two grants we requested this information, and we are now asking for the information to be provided. Commissioner Parker asked how the information was requested, and Commissioner Spalding responded that the groups were requested to provide names, and as best as my memory is social security numbers and ages. Commissioner Parker asked if this was done by amending the bylaws...and the Chair asked to allow the Commissioner to finish his point. Commissioner Spalding responded that when the groups applied for the grant monies the Commission said yes we'll give you the grant monies, but we do want you to provide the Commission with this information. Commissioner Moss stated that what we have is two groups that failed to provide the data requested by the Commission. Commissioner Spalding responded that we required the NYSP program at Howard to do the same, and they did provide the requested information. It became a part of our processing of grants that were to benefit children, that we wanted to assure that the granted funds were spent on children resident in ANC1B and so we did request this information. Commissioner Parker stated that the ANC law actually states that in the absence of a point of clarification in the bylaws, no the ANC law provides that the ANC law governs. In the absence of a change in the bylaws indicating that grants made to benefit children need to be documented by providing the names to the ANC, in the absence of that in writing my view is that this is unreasonable and that the ANC laws governs what in fact was to be submitted, and as long as school supplies were purchased and provided to children of the

parents of the #10 Parents Association and the Faircliff Plaza Tenants Assoc. then this is in full compliance with the ANC law and should be accepted. Commissioner Mathews stated that his two considerations can be considered at least not at this time. For the simple fact that there's a discrepancy between what our Treasurer's supplied and the actual outline of the grants. Documentation has not been provided to these organizations so that they could respond to these allegations. Chairman Hunter stated that that is not true. The Treasurer spent a great deal of time communicating with all of the groups that are delinquent or alleged delinquencies. Commissioner Parker stated that both of the organizations in her motion provided timely documentation, but the adequacy of the documentation was an issue, it's a question of whether the current Treasurer thinks the documentation is adequate. Commissioner Moss stated that the Treasurer's report is not an effort in any way to convict or get in trouble the grantees. I think the Treasurer is making a concerted effort to be in compliance with the fiduciary responsibilities of an ANC and what is required by the District's Auditor. If other small organizations were able to provide the requested documentation that they agreed to then it should be equitable and across the board for all grantees. Question was called and seconded. Commissioner Mathews stated that adequate documentation has been provided. This is not to say that these parties have not been communicated with. This is not at all to cast aspersion on the work of Commissioners Moss and Stephens. Obviously you've done a great deal of work and I appreciate it, however, my concern is with the legal precedent and legal mechanism that we use to accomplish this. This is a public meeting and we are a public body and we need to invite these folks before our Commission and ask them if the documentation was not satisfactory you need to ask them again. There is not an explicit statement in the grant guidelines that unless this money is spent within sixty days you need to give it back. You don't have any right to do so. If the ANC wants to write that into our grant guidelines that's fine, but this is another issue where we can't go back and ask these organizations to give back this money. Motion to end debate carried (6-2). Commissioner Parker restated her motion. Commissioner Mathews removed his friendly amendment. Motion failed (5-3). Commissioner Spalding moved the Treasurer's report on 2004 grants as supplied by Treasurer Stephens, and it was seconded. Commissioner Mathews stated that there is no legal standing to do this. I challenge you to find legal standing whereby you can ask organizations to give back monies. It just won't stand up. Commissioner Skinner asked to speak to the Lower Georgia Avenue Business Assoc. grant. Commissioner Parker stated that the Commission has no authority to request social security numbers on children receiving school supplies. I would strongly urge my fellow Commissioners to consider how burdensome and how onerous and how that request just lacks any kind of authority and actually vote against your motion. Commissioner Skinner stated that they spent more than the money allocated. On the line item dealing with school supplies we spent more than we requested from the ANC on that line item. We exceeded the requirements of the ANC in regard to that particular line item. Somebody didn't call me, or someone's trying to mislead the public, but it's just a waste of time to substantiate, we spent the money. Chairman Hunter thanked Commissioner Skinner for his presentation, and stated that his response could be absolutely correct, and the recommendation from the Treasurer is simply that we write to this organization to ask for the documentation that we need. Commissioner Akinmboni asked if the organization had provided receipts, and Commissioner Skinner stated that

they had provided receipts to the past Treasurer, and then there's the question of the tent which we purchased. We had a rain date and we had to move it to another day. These are things that happen when you put on an outdoor activity. Commissioner Parker asked if they had been required to provide information on the students who were given school supplies, and Commissioner Skinner responded that it was requested but not required, and we did our best in trying to provide the information, but as anyone who has done an activity with a lot of kids in it we weren't able to catch all of them, and we went to the schools and delivered for those that didn't get out. Commissioner Moss asked if Commissioner Skinner understood that upon receiving the grant he was to provide the information on the children, and Commissioner Skinner responded that no it was not required it was requested. The purpose that we had in doing that was to ascertain who received what. We made a good faith effort, but it was requested and not required. Commissioner Mathews said that his question about the requirement that funds be spent in sixty days had not been addressed. Chairperson Hunter indicated that he attended the orientation for ANC Chairs and Treasurers, and at that meeting the DC Auditor made it perfectly clear that we are not to award grants that are not able to be spent within sixty days. The Auditor also spoke to the situation where funds had not been spent in sixty days, and he said that the ANC should ask for those unspent funds to be returned to the ANC. Commissioner responded that OK but that's not what it says in the grant guidelines. Gottlieb Simon is not a legal authority, I hate to break it to you. Gottlieb Simon, and this is no aspersion on his character or record, but he is not a legal authority and we're dealing here with the law. Motion to call the question was seconded, and it prevailed (6-4). Commissioner Parker stated that based on the comments of Commissioner Skinner, I ask my fellow Commissioners to support the removal of the items relating to the purchase of school supplies with respect to #10 Parents Association and Faircliff Plaza Tenant's Association and the Lower Georgia Ave. Corporation, and I request that my colleagues support that amendment. Chairman Hunter indicated that the question had been called and we have ended debate, and we have to vote on the motion on the table at this time. Motion carried (6-4). Commissioner Mathews exclaimed, this is unbelievable. This is a public meeting you're doing business and everyone out here is wondering what is going on and you're just doing business. This is a public meeting and I'm sorry I have to act up. All of the organizations listed in the report will have the opportunity to respond in writing.

Chairman Hunter stated that the next item on the agenda was a discussion of the bylaws. The bylaws are not done, however, we do have a constituent sitting in the audience who had an interest in helping with a committee on Public Safety. Mr. Barnes if you could come forward and just briefly introduce yourself. Mr. Barnes explained his interest and involvement in public safety interests in this community. Mr. Barnes gave reference to his foundation, and to the other public safety organizations with which he is currently involved. Chairman Hunter stated that it is important that we get these committees functioning since there are issues that require work in between Commission meetings, and issues that cover more than one smd. Since this is an area where we know we will

need a committee I wanted to suggest Mr. Barnes as a co chair of ANC1B's Committee on Public Safety, and it was seconded and adopted (8-0-0).

Commissioner Wright asked to reconsider the vote on the Treasurer's recommendations. Chairperson Hunter asked if he was saying that he voted incorrectly, you voted for the motion but you wanted to vote against it, and Commissioner Wright agreed. Chairperson Hunter stated that without any opposition from the other Commissioners he would allow Commissioner Wright to change his vote. Chairperson Hunter then stated that the vote would be newly recorded as (5-5) and therefore fails, and then Chairperson Hunter objected. Commissioner Parker offered that Commissioner Wright could offer a motion to rescind, and that since Commissioner Hammonds was on the Commission when these grants for school supplies were considered she might be persuaded. Motion to rescind (5-4) was adopted and the Treasurers report on deficient grant reporting from 2004 was not adopted.

Discussion of bylaws was introduced by Chairman Hunter. Motion was adopted at the last meeting to amend the bylaws to include an executive position of Parliamentarian. Since that last meeting the Commission has had Gottlieb Simon review the position of Parliamentarian and Roberts Rules of Order. Mr. Simon stated that our motion on a Parliamentarian was contradictory to Roberts Rules in that Roberts Rules makes the chair of the deliberative body the one to make deliberative decisions. Roberts provides that when the body disagrees with the chair the body has the responsibility to overrule the chair, as has been done tonight. Mr. Simon also indicated that in deliberative bodies it is suggested in Roberts that the position of parliamentarian does not resemble the position forwarded by the Commission in last month's motion. Commissioner Hunter moved to remove the position of Parliamentarian from the proposed bylaws, and the motion was seconded. Commissioner Mathews said, Chairman Hunter I'd like to remind you of your statement at the previous meeting in which you said that this Commission is not operated by Roberts Rules of Order. Which I find to be a curious statement from a lawyer like yourself. Second of all we voted nine to zero on this at our last meeting. Why is this being brought up when we have much more important things we could be doing? Third of all this is not an illegal office, it's a perfectly legal office that other ANC's also utilize. I think this an issue of, that this is a personal issue, and that you're letting personal problems with people on this Commission interfere with your ability to govern and chair this Commission. Chairman Hunter responded that in regard to Roberts Rules, the context is that individuals from the audience may make recommendations of what Roberts Rules would provide, however, our current bylaws govern the Commission and they do not speak to Roberts Rules, therefore it would be inappropriate in that context to say that Roberts Rules were governing the actions of the Commission. Second, I made a long statement about why I was making this motion, and I'm not sure you were listening, but it did contain the reasoning for my motion. Commissioner Parker suggested four reasons why this Commission should oppose a unanimous vote taken at our last meeting.

Commissioner Parker read from the February minutes. We did take a unanimous 9-0 vote in favor of the need to elect a Parliamentarian. As Commissioner Mathews indicated ANC5A and ANC6B have both elected Parliamentarians. Not only is the election of a Parliamentarian not in violation of Roberts Rules, and not in violation of ANC law, but both actually permit and recognize those positions. The ANC law recognizes that other officers may be elected by the Commission. Roberts not only recognizes the position of parliamentarian, but also details the duties of a parliamentarian. This includes giving notice and advice to the chair, and when requested to any other member. It is also the duty of the parliamentarian as inconspicuously as possible to call the attention of the chair to any error in the proceedings that may effect the substantive rights of any member. Finally Roberts Rules are in fact, whether in fact we're operating under the prior Commissions bylaws or whether we elect a parliamentarian position in our proposed bylaws Roberts Rules of Order will act in accordance with Roberts Rules of Order. For these reasons I urge all members, even the ones who weren't here, voting unanimously at the February meeting to please support me in upholding the vote of the Commission that we do indeed need a parliamentarian. Chairman Hunter called the question and it was seconded, and in a vote of (8-2) calling the question was approved. Motion on the floor is that we rescind the position of Parliamentarian from our proposed bylaws, and on a vote of (5-5) the motion failed. Commissioner Mathews moved to adopt the proposed bylaws, and it was seconded. Commissioner Wright indicated that he would like more time to consider the bylaws. Commissioner Moss moved to table. Chairman Hunter agreed with Commissioners Wright and Moss that this issue would benefit from additional discussion. Commissioner Mathews stated that Chairman Hunter had indicated that it was imperative that we move with all due speed on these bylaws. I just don't see what needs to be further discussed, we've had meetings on the bylaws where we've had time to work out some of the issues. I think the current bylaws are perfectly satisfactory, and unless you can find an instance in which you find them particularly unacceptable I suggest we go ahead with the vote. Chairman Hunter called the question and it was seconded, and it prevailed (6-4). Motion to adopt the proposed bylaws failed on a vote of (4-6). Chairman Hunter moved that we table discussion of the bylaws to our next meeting, and it was seconded (and Chairman Hunter asked that the record show that Commissioner Parker left the proceedings) and the motion prevailed and the motion was tabled to the April meeting.

Motion to adjourn, and the meeting was adjourned at 10.07PM.