

ADVISORY NEIGHBORHOOD COMMISSION 1B

Government of the District of Columbia

Minutes

Saturday, July 12, 2008, PM, 1200 U Street NW

The regular monthly meeting of ANC1B was held on Saturday, July 12, 2008, at 10:00 am in the True Reformer Building, Commissioner Smith being present as Chair, and Commissioner Nadeau present as Acting Secretary. Other Commissioners present: Akinmboni, Hunter, Moss, and Spalding.

At 10:15 am, Chairman Smith called the meeting to order and asked for introductions.

Officers Reports

Commissioner Nadeau presented the minutes from the June meeting for approval. The minutes were approved unanimously.

Treasurer's Report

Commissioner Spalding indicated that Commissioners had the most common bank statement in their packets. There following five checks drawn over the past month:

- Check 1683-\$200.52- June wages for Bianca Body
- Check 1687 - \$191.91- office supplies to Philip Spalding
- Check 1686- \$31.30- Comptroller of Maryland for tax withholding
- Check 1684- \$114.23- United States Treasury for tax withholding
- Check 1685- \$20.15- DC Department of Employment Services

The checks do not require a vote because the funds were previously approved as a part of the budget. The current bank balance is \$70,347.41 and the reconciled balance is \$68,134.17.

Then the 2008 third quarter report was presented for approval. Commissioner Spalding also let Commissioners know that he had full copies available if anyone wanted to review it. Commissioner Spalding moved that ANC1B approve the 2008 third quarter report. Commissioner Nadeau seconded the motion. Commissioner Hunter inquired about the grant process since there will not be an August meeting. Chairman Smith responded that

thirty days is the minimum time for grant submission, but grant applications can be submitted two months in advance. After discussion, the motion was adopted 6-0.

Commissioner Spalding mentioned that Commissioners need to stay after to sign the third quarter report. He announced that grant reporting is past due for the following grantees: Home Roots Foundation (08-01) and the Reed Cooke Neighborhood Association (08-02). Both have been sent letters requesting compliance. The following grant reports are now due and have not been received yet: Positive Productions (08-03), Literacy Volunteers (08-04), and DC Caribbean Carnival (08-05). These three grantees will receive non-compliance letters next week. Chairman Smith indicated that he spoke with representatives from Positive Productions and DC Caribbean Carnival about submitting their receipts. Commissioner Moss suggested that Commissioner Spalding e-mail the Commissioner that sponsored the grant in order to facilitate the timely receipt of paperwork after the grant monies have been awarded. Commissioner Hunter agreed with this suggestion and added that it would limit the embarrassment the grantee and sponsoring Commissioner would face for non-compliance with grant procedures.

The results from the full three year audit are not available yet. It appears that the audit has gone well; the accounting appears to be correct and well organized, but the ability to supply compliance reporting on grants in a timely fashion is a persistent problem as noted by the DC Auditor's office.

Secretary's Report

Commissioner Nadeau informed the Commission and community about the recent closing of the Commission's post office box. Paperwork from the post office indicates that the box was closed due to a change of address form that was submitted for the box.

She indicated that the Postal Inspector General has been contacted and she is awaiting a response. Until the investigation is completed the mail is going to the new address and the box cannot be reopened. The ANC did not receive a notice about the change of address because the form went to the new address. After having problems last year with the mailbox and this recent problem, a formal complain will be filed for this particular post office branch. Alternative post office locations will be discussed amongst the Commissioners.

Commissioner Nadeau also discussed the currently vacant Secretary position of ANC1B. The position has been vacant for months and the executive committee with the help of our Administrative Assistant has served as "team" Secretary. She indicated that the DC Auditor's Office said the position must be filled because the vacancy is no longer acceptable. Commissioner Nadeau stated that the solution of the Executive Committee was to have her fill two positions if no one wanted the position at today's meeting. Chairman Smith asked the Commissioners if anyone was interested in stepping up to fill the position. After no one volunteered for the position, Commissioner Spalding motioned to nominate Brianne Nadeau as Secretary for the remainder of the year. Commissioner Moss seconded the motion and the motion was adopted 6-0.

ANC Election Schedule

Commissioner Spalding discussed the upcoming 2008 ANC election schedule and process. Elections will be held in November. Community members can choose to endorse current Commissioners that are running again or new candidates. He indicated that he placed copies of the election schedule and maps of ANC1B's single member districts on the credenza by the entrance to the meeting room. He emphasized that this is a process and it is important to stay with the process. Interested candidates must pick up nominating petitions from the Board of Elections located at Judiciary Square. A petition with the signatures of 25 registered voters from the applicant's single member district must be submitted to the Board of Elections by early September. There will not be a primary race because this is not a partisan race. If the applicant survives the challenge period after submitting the petitions, the applicant will be listed on the ballot in November. Current Commissioners and the Board of Ethics will be willing to assist anyone interested in running.

Office Space request at Grimke School

Commissioner Spalding discussed possible office space usage at the Grimke School. DC Fire and Emergency Management Services and the Office of Corrections are finally moving out of the building. As a result, DC government will be taking steps to repopulate the building. DC government is currently developing an RFP and charter schools will be asked if they are interested in the building. The possibility of a charter school in the building would not be a problem for the Commission because there is no parking around the building. ANC1B has been in need of office space for a long time and this would be the perfect location for space. Commissioner Spalding moved that ANC1B officially request office space at the Grimke School and that ANC1B restate its support for the redevelopment recommendations for Grimke School that were approved as part of the Duke Small Area Plan. Chairman Smith seconded the motion and a discussion followed.

Commissioner Hunter asked that the motion be amended to separate the current motion into two. He asked that the motion be amended to request that Jim Graham write a letter supporting ANC1B's request for office space and that the Commission's letters are directed to the Mayor and to Councilmember Graham. Commissioner Spalding responded that he thinks it is necessary to write to the Mayor and he will write three letters. The initial letter about the request for office space has to be requested of the Mayor. Then he will write two letters, the one Commissioner Hunter described and the official letter to the Mayor and carbon copy Councilmember Graham on it. Commissioner Moss questioned the size of the space and if it will have phone lines and computer access. Commissioner Spalding responded that the answers to her questions would not be available because plans are not finalized yet and it depends on the other uses of the building. Commissioner Hunter also asked that the motion be amended to include support for the African American Civil War Museum's relocation to the building because it is accordance with the recommendations of the Duke Plan in the letter.

Commissioner Spalding accepted the amendments. Commissioner Moss seconded the amendments and the motion was adopted 6-0.

Committee Reports

There were no committee reports given at the meeting.

Events and Announcements

Commission

The list below details the announcements made by the Commissioners.

Commissioner Moss:

- The first Tuesday of each August is National Night Out. The 25th anniversary of the event will be held on August 2, 2008. This is a night for law enforcement and community members to collaborate and celebrate safety and public safety. There will be regional meeting on the National Mall the same day.
- The Board of Elections has been recently notified that Meyer Elementary School at 2501 11th Street will no longer be a polling location due to the closing of the school. A special meeting will take place with the Board of Elections to determine a new polling location.
- Howard University sent out an RP on the town center that will be built. They have applications from five interested companies: Travel Pro, Marquette HTC Partners, Armada Hockler, Castle Rock, and Monument Realty.
- The Ramada properties have been settled and Banneker Venture has been chosen to build the property.

Commissioner Akinmboni:

- The Girard Street Park Cookout will be held on July 2, 2008 from 10am-7pm.

- Registration is being held for girls 12 years old and up for a camp being held on July 24-25, 2008. Commissioner Akinmboni has partnered with the fire department for this camp. Girls will be taught CPR and how to use fire department equipment. Please contact Commissioner Akinmboni if interested.

Commissioner Nadeau:

- The Ida May Campbell Wellness and Resource Center is now open. It is located at 1338 North Capitol Street, NW. The center offers peer support groups, employment programs, advocacy programs, education, and social activities. The website is www.idamaycampbell.org.
- Clear Channel Outdoor has new sites that should have opened last week. The new locations are: westbound Columbia Road at 16th Street, NW, southbound 16th at 3636 16th Street, NW, northbound 16th Street at U Street, NW, southbound Calvert Street loop and Calvert Street, southbound Connecticut Avenue and Calvert Street, and westbound Columbia Road and Biltmore Street.

Commissioner Spalding:

- Metropolitan Police Department 3D will have a summer party this afternoon from 3pm-7pm at the 1620 V Street, NW location.
- There will be a Vermont Avenue median weeding tomorrow morning, July 13th at 9am.
- August 2-3, 2008 will be the Dog Days celebration. This two day celebration allows merchants to clean out their inventory in preparation for the upcoming business year. There will be joint activities for community members to attend. The Cardozo Shaw Neighborhood Association will be hosting tours of the area.

Chairman Smith:

- Banneker Recreation Center is being discussed as a possible polling location for Meyer Elementary voters.
- District of Columbia Public Schools has agreed to allow the recreation center at Bruce Monroe Elementary School to remain open for the summer, but it will be closed for the upcoming school year.

- ANC1B, the Pleasant Plains Civic Association, and the Meridian Hill Neighborhood Association voted support and wrote letters for Meridian Charter School to use Meyer Elementary School. A meeting was held with Mr. Reinoso and he announced that Meyer Elementary will be used by the Department of Public Works and as a boxing facility.

Community

Frank Smith, Director of the African-American Civil War Museum, announced events for the 10th Anniversary celebration of the museum. A prayer breakfast will be held on Wednesday, July 16, 2008 at Garrison School. On Thursday, July 17, 2008 there will be a trip to Arlington Cemetery and Capitol Hill. There will be an awards ceremony on Friday, July 18, 2008 and a town meeting will be held on Saturday, July 19, 2008 at Busboys and Poets. He also announced that on Tuesday, July 15, 2008 displays will be put in the windows of CVS that face the African-American Civil War Memorial. Mr. Smith is also seeking Mayoral approval to relocate the museum to the Grimke School. He also stated that the DC Council Committee passed legislation to establish the African-American Civil War Museum as a special collection to the District's public library system.

Commissioner Hunter asked if his presentation on the Single Sales ban could occur before the Brian K. Betts presentation because he had to leave. Chairman Smith stated that it would pose difficulties for the meeting. Commissioner Spalding called point of privilege and Chairman Smith acknowledged. Commissioner Spalding stated that he did understand that Commissioner Hunter had a commitment that morning. He proposed that the Commission discuss reversing the decision not to have an August meeting if Commissioner Hunter's leaving would cause the quorum to be lost. Commissioner Hunter stated that he would not be leaving the building, just stepping out of the room and coming back. He also stated that a quorum has been established and the meeting can go on. If a vote is taken, he will just not be there for the vote. Commissioners Spalding and Nadeau stated that the Commission cannot vote without him in the meeting. Commissioner Hunter said if a vote is needed, the Commission can vote and count his vote as an abstention. Chairman Smith asked if anyone had any information from the bylaws to show that Commissioner Hunter's suggestion was acceptable. Commissioner Hunter continued to point out that until the meeting adjourns and for the sake of moving the agenda a quorum has been established and he is exercising his right to abstain from items of the agenda.

Presentations

Brian K. Betts, Principal of Shaw Middle School, was not present at the meeting.

Commissioner Hunter discussed a Ward 1 single sales ban. He asked the ANC to vote to write a letter to Councilmember Graham asking him to introduce and move legislation similar to that passed by the Council recently which bans single sales from class A and B establishments. Legislation was recently passed by the Council to ban single sales in Wards 7 and 8. Legislation has also been passed previously by the Council banning single sales in Ward 4. At the ANC meeting held by Chairman Gray several months ago the single sales ban was discussed and the overwhelming majority of Commissioners present were in support of such a ban. Commissioner Hunter reiterated that all he is asking is that the Commission goes on record requesting Councilmember Graham to introduce legislation to do this in the Ward and would allow the appropriate notice and opportunity for hearings that would allow the community to weigh in as a whole. He pointed out that many people have asked Councilmember Graham move forward on this, but he has refused to move on it until he gets more feedback from the Commission.

Chairman Smith asked what does a single sales ban encompass and if this was an ANC issue or just a Councilmember issue to hold meetings on with the input of the ANC. Commissioner Hunter responded that he believes the ban would encompass 12 ounce and 24 ounce bottles and cans of beer and would prohibit business owners from separating six packs and selling them individually. Commissioner Hunter reiterated that this has been in Ward 4 since Mayor Fenty was Councilmember Fenty and was recently voted on and approved by the Council in Wards 7 and 8. He stated that this is absolutely an issue that the ANC take the leadership on and that most of the establishments that come before the ANC for renewals have voluntarily banned single sales. He asked Commissioner Spalding for clarification on bans in establishments located in the ANC. Commissioner Spalding pointed out that the bans are on certain items and not complete bans. Commissioner Hunter asks that the ban mirror that of Wards 7 and 8. Chairman Smith inquired about the targeted demographic for this ban. He indicated that he went on a campaign to get the stores in his single member district to sign voluntary agreements based on working with other stores.

Commissioner Moss stated that the government cannot legislate behavior. She feels that this will become a class issue and an inconvenience for poor people. Commissioner Hunter responded that every law is an attempt to legislate behavior and this ban has been asked for and supported by lower income individuals. Commissioner Moss responded that she appreciates what this initiative is trying to do, but legislation is an attempt to provide structure. Commissioner Spalding reiterated that this would be a Ward 1 ban and to the best of his knowledge, the three other Commissions in the ward have expressed the following to Councilmember Graham: ANC1D (Mt. Pleasant) voted unanimously against the ban, ANC1C (Adams Morgan) responded that they were not interested, and ANC1A

responded that they are in opposition. Commissioner Spalding also stated that further information is needed on the ban in Ward 1 because there is a lack of support. He also stated that he does not understand why this is being done piecemeal and that the Council should step up and make this the city's regulations. He also shared Commissioner Hoerrner's thoughts from an e-mail, "My thoughts are brief. While I understand that certain social factors have improved, as a result of a ban on single sales in certain areas such as loitering, trash, etc. I see this primarily as a class issue and many of my constituents cannot afford to buy a six pack of beer therefore I believe the presumptive responsibility, the responsible majority of those buying single beers should not be punished for the few who behave poorly and I oppose the ban on single sales".

Community members also voiced concerns on the issue. Aileen Johnson asked if grocers and retailers would be affected by this ban. She pointed out that Whole Foods sells a lot of premium beer in bottles, a pint and larger. If the ban is based on ounces then consumers would not be able to go to Whole Foods and buy premium beer either. Chairman Smith stated that the ban has been structured to cover all A and B licenses from bodegas to gourmet grocery stores. Commissioner Hunter responded that premium beer could still be purchased, but not a single beer. Jean Houza indicated that if a person could not buy a single beer with \$2 that it would encourage the purchase of airline liquor.

Commissioner Hunter stated that the Commission is asking Councilmember to introduce legislation to ban the single sales. The legislation process calls for hearings for individuals to testify and allows ANCs to formally take a position. He indicated that he thought ANCI1A's position was different from what Commissioner Spalding previously stated. He also stated that this was prompted by e-mails from residents complaining about single sales. The ban is not about making it difficult for poor people to buy beer, but about making it difficult for individuals who buy single beers to sit out in front of these stores to drink, loiter, and litter. This is why this has been banned in Wards 4, 7, and 8. Commissioner Hunter stated that no one would be usurping any authority or anyone's ability to comment on the matter, but facilitating the beginning of a debate.

Commissioner Nadeau thanked Commissioner Hunter for putting this on the agenda and clarifying the purpose of the motion he would propose. She indicated that what she thinks was discussed in the other Commissions' meetings was not to ask to introduce legislation, but a vote to ban or not to ban. Commissioner Nadeau stated that she thinks that if the vote today is really to ask the Councilmember to introduce legislation and to encourage a process then the Commission is coming forward to address an issue that has been a major topic for discussion. She said that she has gone on the record to support a ban. Commissioner Spalding stated that he was confused, especially about craft beers. A lot of the craft beers are not sold, manufactured, or packaged as six packs and only come in one specific type of container that may unfortunately fall under the ban. This is an issue that really needs to be discussed. Chairman Smith said that people have mentioned

the ills that this ban would prevent, but other alternatives must also be thought of to make the ills disappear. Commissioner Hunter then moved that ANC1B vote to request that Councilmember Jim Graham introduce legislation to ban single sales from class A and B establishments in Ward 1 and to let the correspondence to Jim Graham reflect that it is our intention to get him to start the process to begin a dialogue on how and if these items should be banned in the Ward. Commissioner Nadeau seconded the motion. A roll call was taken on the vote. The vote was as follows:

Commissioner Hunter: yes

Commissioner Moss: no

Commissioner Akinmboni: no

Commissioner Nadeau: yes

Commissioner Smith: yes

Commissioner Spalding: no

The motion did not pass with a vote of 3-3. Chairman Smith added that he understood Commissioner Hunter's reasons for supporting this ban, but a more detailed discussion must be had before any voting can take place because of the differences in opinions on the issue. [At this point in the meeting the quorum was lost and subsequent votes were not considered valid for "great weight." Although those who attended the meeting will recall the Commission considered Commissioner Hunter's votes as abstentions at the time, further review of parliamentary procedure has led us to reconsider this and remove them from the record.]

Commissioner Spalding and Chairman Smith discussed information on establishing a Ward 1 jitney service. Commissioner Spalding informed the Commission and community that he and Chairman Smith have attended meetings with other Ward 1 Commissioners to discuss ward wide issues. One issue they discussed is a jitney service that will provide short range, limited taxi type service. It would offer point to point service at a low cost. This would help serve a number of purposes specifically within the Ward. He also stated that a lot of the constituents are choosing not to have cars or choosing not to use them. A jitney system could provide a number of employment opportunities and a number of transport system options for people. Chairman Smith said that the new developments in this ANC and Ward help to encourage the use of public transportation. The jitney service would be similar to the dollar van service in New York City and would help to boost the economic status of Ward 1 residents.

Commissioner Moss asked that if the jitney service is an independent service how would a person know the difference between a jitney and a serial killer. Commissioner Spalding

responded that idea has been explored and shared with the Councilmember, the head of DDot, the Office of Planning and a number of other organizations. The purpose today is not to describe what a jitney will look like, but a call to explore an idea to establish a jitney system in Ward 1. They have discussed the possibility of color coding the cars, what responsibilities would be with the taxi commission, and what the responsibilities would be with other regulatory agencies. Commissioner Moss also asked if a jitney could be taken from Ward 1 to Ward 8 and if jitneys would come in different sizes. Commissioner Spalding stated that a jitney could not be driven to Ward 8, but a taxi could. Chairman Smith added that Howard University shuttles could also be an added option to service by providing larger sized vehicles.

Community members then weighed in on the issue. Stanley Mayes asked the following questions: what would be the difference between the little bus that ran from Calvert Street previously and the jitney, why create competition for metro, how would the Washington Metropolitan Transit Authority agree to this, and what do you say to the small business owner. Chairman Smith replied that small business numbers would increase and from his perspective competition for the consumer is good because it lowers prices. He also stated that animosity from the government agencies is certain, but facilitating a discussion about jitney service is the goal. He added that if people are provided with an opportunity to make an honest living, many of the ills of society would go away. Scott Pomeroy recommended that alternative options like the Smart bike service should be considered. Lucas Umana stated that he lived in area that had jitney service and it was good for the area because it went to locations that metro systems did not service. He also asked if a green aspect could be considered in the jitney service. Clyde Howard pointed that one of the greatest ways to move people in the city was the streetcar before it was stopped. He also mentioned the jitney service in Chicago. Pricing is based on the number of blocks a rider goes. The jitney and cab services operate together not in competition. Mr. Howard further emphasized the parking issue in the ward.

Commissioner Akinmboni said that if jitney services are started in the ward they should only be operated by DC residents and it should be licensed under one the District's legislative departments. Commissioner Spalding motioned that ANC1B go on record as supporting the establishment of a Ward 1 jitney service and that the recommendation is sent to the Department of Transportation, the Office of Planning and to the Mayor's office. Chairman Smith seconded the motion and was adopted 5-0.

BZA, HPRB, DDOT Applications

BZA

Commissioner Moss discussed the rezoning of 715 through 727 T Street, NW. She indicated that Ms. Sheryl Lofton and her colleagues submitted an application to the Zoning Commission requesting that zoning be changed from an R4 zone to a C2B or a C2A zone. The R4 zone is residential and the C2B and C2A would allow for mixed use. She called representatives from the block forward to discuss the reasons for requesting rezoning. Norris Dodson, Sheryl Lofton (business owner), and Fred Scarborough were present to discuss plans for rezoning. Mr. Scarborough stated that the buildings are small and have a history of being built for commercial use. They are listed in the District's records as being commercial use buildings. The buildings are one-story, 450 square foot buildings with their own heating systems. The three emphasized that they are business owners, not developers. Ms. Lofton added that the area of 7th and 8th Streets and T Street has changed for the better since moving her business into the space. Commissioner Moss stated that she was in full support of the rezoning.

Chairman Smith asked about the actual plans for the space and the renovations of the buildings. Ms. Lofton said a cleaners and shoe shine business would be added. Commissioner Smith asked if any building enhancements would be made. Mr. Scarborough confirmed that building enhancements will be completed. Chairman Smith also asked if the cleaners would have any chemicals on site. Lofton said all cleaning will be done off site; the business is just a drop off site. Commissioner Spalding stated that he reviewed the Office of Planning's report and that he would be opposing the rezoning. He stated that by changing the zoning of the south face of the block would isolate the remaining six houses as R4 zoning. Commissioner Spalding also mentioned that the buildings do not have an adequate alley structure and will have the same land lock problem as the 1900 block of 9th Street. After the zoning is changed to commercial, the Commission and the community have almost no ability to control how the buildings will be used. Commissioner Moss pointed out that she and Commissioner Spalding have agreed to disagree on this matter. She and the applicants have spoken with the residents and they did not want their homes rezoned, but to remain R4 zoned.

Chairman Smith asked if they could apply for a non-conforming use permit within a residential zone. Commissioner Spalding responded yes because the spaces are historically commercially used, the paperwork would be forwarded from the Zoning Administrator to BZA for a non-conforming use variance. Mr. Scarborough indicated that they have spent four or five years trying to find a solution, but they have not had success with the city in getting a non-conforming use. He also stated if they cannot develop, the buildings will remain empty and the neighborhood will return to its former condition. Chairman Smith responded that he asked questions about the variances because he is trying to determine if a variance will allow the owners to accomplish their goals and the community to keep some level of control in place. Mr. Scarborough pointed out that they sought a variance from the Office of Planning, but the office has certain plan in place for the buildings and area. Chairman Smith asked Commissioner

Spalding what is the track record for requesting variances and obtaining them. Commissioner Spalding replied that it is perfect.

Community resident Aileen Johnson voiced her disappointment in the Commission voting on this and subsequent agenda items without a quorum. She felt that voting on things without a quorum is a violation of Robert's Rules of Order. She stated that there are things on the agenda that are important to her and wants the respect of the Commission to have a quorum to vote on the issues. Chairman Smith stated that

Resident Stanley Mayes indicated that he did the zoning in the area being discussed. The buildings are R4 zoned because at the time Cleveland School was under threat. He and Norman Wood were worried that they would not be able to protect the school. Once the school was rehabilitated the zoning was never changed. He also stated that zoning law frowns upon non-conforming variances. Mr. Mayes went on to express his displeasure in Commissioner Spalding voting against a 400 foot building being turned into commercial space when he did not have a problem approving a 110 foot building across his back fence. David Corsin, a resident of one of the houses on the block, indicated that he supports the rezoning. He stated that he has seen the progress the block has made over time. Mr. Corsin also stated that in order for this to work businesses and community members will have to work together.

Chairman Smith responded to Mr. Mayes' comments by explaining that the questions asked about the variance are for clarification on what efforts have been made by the applicants. He also addressed the comments of Ms. Johnson, stating that his job is to make sure that the community receives all the information necessary and he cannot control a Commissioner leaving or the absences of other Commissioners. It is possible that the Commission will postpone voting on issues until a later meeting. After hearing Chairman Smith's comments, Mr. Mayes offered his services in zoning law to the Commission if the Commission is interested.

Commissioner Akinmboni asked if new zoning will encompass the whole block including the six houses or just the addresses of the buildings. Chairman Smith stated that the new zoning will only apply to the buildings and Commissioner Spalding confirmed by showing her a map of the area. Commissioner Moss then moved that ANC1B support the rezoning from R4 to C2B for the properties of 715 through 727 T Street, NW. Commissioner Akinmboni seconded the motion. Commissioner Nadeau stated that she was torn on the issue because there is no alley access to the building and no one has provided an answer or plan on alley access. Commissioner Spalding added

that there are no plans on alley access and these will be needed especially if the buildings are turned into a commercial zone. Although the Commission voted 3-1-1, the vote was not valid for “great weight” due to the lack of quorum. Commissioner Spalding voted no and Commissioner Nadeau abstained.

Commissioner Spalding called for a point of personal privilege. He stated that the meeting cannot continue without a quorum and without a quorum the Commission will lose on issues that must be acted upon today. The notice period will be lost and the Commission will not be able to weigh in on the issues. If the plan for no August meeting to pick up other issues continues then the Commission runs the risk of losing everything on the current agenda. If the quorum will be lost a discussion on an August meeting must occur now. Chairman Smith urged the Commissioners to share their thoughts. Commissioner Nadeau asked what agenda items will be lost in July. Commissioner Spalding replied:

1. Etete
2. Taylor Motors can probably be picked up in September
3. HPA 8310 has probably been decided
4. DDot Public Space sidewalk café has to be responded to in two days,
5. addendum to Bond Bread land swap is not a major issue, alley in square 0361 can wait until September, but he'd rather not,
6. DDot plans, he wants to get them in,
7. and the two grants would be pushed back to September and both occur prior to September.

Chairman Smith decided to move forward with the agenda on the following issues: DDot public space application for Chix, Etete, and the grant applications.

Commissioner Spalding reviewed the DDot Public Space sidewalk café with planters application for 2019 11th Street, NW. The application is for Chix, LLC. DDot Public Space did not inform the Commission of this application in a timely manner. The Commission considered this in part when Chix applied for the DR license a few months ago. Lucas Umana was present to speak to the Commission. Mr. Umana said the application was for a sidewalk café in front of the restaurant. The owners are not looking to make the restaurant a bar or club. The restaurant serves beer, wine, and sangria. The café would house three tables with seating for four at each table. The total available café seating would be twelve seats. Mr. Umana did point out that the outdoor seating was used previously, but after DDot came out to check, the outdoor seating was not used again. He

has spoken with the neighbors and they are in support of the sidewalk café. The sidewalk café would close at 11pm on Monday- Thursday and 12am on Friday-Saturday. The owners are willing to close the sidewalk café at 10pm as the other restaurants with sidewalk cafes do. Commissioner Spalding asked for a copy of the application.

Community resident Scott Pomeroy had a question about amplified music being played outside. Mr. Umana stated that music is only played inside the restaurant and it cannot be heard outside. Commissioner Spalding then moved that ANC1B support DDot Public Space application for café seating at 2019 11th Street for Chix restaurant. Chairman Smith seconded the motion. Although the Commission voted 5-0, the vote was not valid for “great weight” due to the lack of quorum.

ABRA Licenses

Commissioner Spalding reviewed application 70728 Etete Ethiopian Cuisine for a substantial change adding entertainment. He indicated that this is a CT tavern license with full hours. A representative from the restaurant was present to speak to the Commission. He indicated that the restaurant originally applied for an entertainment endorsement that was approved in 2004. They never had a live band in the restaurant so they never applied, but four years later went to ABC Board and told them entertainment was approved in license. The ABC Board agreed to placard and process the paperwork. Commissioner Spalding moved that ANC1B protest application 70728 Etete Ethiopian Cuisine on the basis of peace, order, and quiet and asked that the Commission allow him to write the safety and security plan and voluntary agreement. Chairman Smith seconded the motion. Although the Commission voted 5-0, the vote was not valid for “great weight” due to the lack of quorum.

Grant Applications

Commissioner Spalding introduced grant 08-10 for MidCity Business Association in the amount of \$2,000. Natalie Avery and Jean Houza were present to discuss the grant application. The monies will be used to fund the Dog Days event on August 2nd and 3rd. The event is small business driven and helps to market the area as a daytime destination. Commissioner Moss added that this is a great event every year.

Commissioner Spalding moved that ANC1B support the grant application for MidCity Business Association for supporting publicity costs in the amount of \$2,000. Commissioner Moss inquired about other sources of funding. Ms. Avery indicated that Whole Foods, RICE, Café Saint Ex, National City Christian Church, PNC Bank, and the Garden District was also providing funding for the event. Commissioner Moss seconded the motion. Although the Commission voted 4-1, the vote was not valid for “great weight” due to the lack of quorum. Commissioner Spalding voted no.

The Commission tabled the Mentoring Works2 grant 08-11 to the September agenda.

Commissioner Akinmboni introduced a grant for a block party on Girard Street, NW in the amount of \$700. Commissioner Spalding pointed out that the grant is specifically asking for money for a block party and that is prohibited by the ANC. Commissioner Moss asked about the regulations for grants. She thought the ANC could not purchase food and equipment could not be purchased that was not in the possession of the ANC. Commissioner Spalding stated that the language specifically prohibits providing anything for block parties and asked if anyone else was familiar with the grant regulations of the DC Auditor. Wilson Reynolds of ANC1A stated that unless something is expressly prohibited, it is allowed. He also added that there is some language allows the supporting efforts of community beautification programs and other community efforts.

Community resident Scott Pomeroy asked if the words “block party” could be removed from the application in order to approve the grant. Chairman Smith emphasized the importance of getting grant applications submitted 30 days in advance because it allows time for review by the Commission. Community member Aileen Johnson asked what the Commission was relying on to treat Commissioner Hunter’s absence as an abstention. She inquired what other Commissioners thoughts were on treating his absence as an abstention. Commissioner Nadeau asked to respond to the comments. Commissioner Nadeau stated that no one is 100% comfortable with the current situation. Commissioner Hunter saw the agenda in advance and gave his permission to count his vote for each of these items as an abstention and that is how we are treating it. It was not as though he did not know what was on the agenda. He said he would like to abstain for all of these. We are about to let Rosemary go and then we will consider business without voting. Chairman Smith apologized and stated that he was not in control of any individuals. He said that the Commissioners would have to be accountable to their constituents and that the Commission has chosen to get information to the community that needs to be handled immediately and discuss but not vote on the remainder of agenda items.

Commissioner Spalding stated that he was uncomfortable with the present meeting situation. He did not want to vote on the grant because there was not a quorum and the grant application was just received this morning. The grant will be tabled until the next meeting.

Commissioner Spalding asked why the meeting was still proceeding without a quorum. Commissioner Nadeau responded that community members were present to hear certain agenda items and that the Commission could discuss the items. Chairman Smith asked if there was a motion to adjourn. Commissioner Spalding pointed out that they could not adjourn because the quorum was lost. Chairman Smith stated that the only other option was to suspend until the next meeting. Commissioner Spalding agreed with suspending the meeting but emphasized that there are issues that need to be dealt with and suggested that remaining Commissioners suggest having an August meeting to the other Commissioners. Chairman Smith asked for input from the Commissioners. Commissioner Moss stated that the Commission must handle its business, but they would have to find a date that was amenable to the other Commissioners. She was hoping for an August recess, but the Commission must complete its business. She indicated that she plans to take the entire month of August off. Commissioner Nadeau stated her

disappointment in the present situation because Commissioners knew about the meeting in advance and Commissioners that committed to attend did not show up or did not remain. Commissioner Nadeau stated that Commissioner Akinmboni notified the Commission well in advance that she would have to leave early. Commissioner Moss reiterated Chairman Smith's statements, saying that the Commissioners have to be accountable to their own constituents. She also stated that the Commission could look at dates for an August meeting. Commissioner Nadeau suggested having another meeting at the end of the month and get the work done. Chairman Smith asked about the regular August meeting date. Commissioner Spalding stated the date is August 7th. Commissioner Moss stated that she is here that date, but Commissioner Spalding indicated that he is not. Commissioner Nadeau stated the meeting needs to be on a date that Commissioner Spalding is available because a number of the agenda items are his.

Chairman Smith apologized to the community for the lack of Commissioners at the meeting and announced that due to a loss of quorum, ANC1B would suspend the meeting. The Commission would discuss a date for an August meeting and get it to the community. The meeting was suspended at 12:35pm.