



ADVISORY NEIGHBORHOOD COMMISSION 1B

Government of the District of Columbia

Minutes

Thursday, November 5, 2009. 7:00 PM, Reeves Center, 2000 14th Street N.W.

The regular monthly meeting of ANC1B occurred on Thursday, November 5, 2009, at 7:00 pm in the Reeves Center, Commissioner Nadeau, Chairperson, presiding. Other Commissioners present during the meeting: Rosemary Akinmboni, Eduardo Ferrer, Juan Lopez, Myla Moss, Sedrick Muhammad, and Peter Raia.

Chairperson Nadeau observed the presence of a quorum and called the meeting to order at 7:05 PM.

Chairperson Nadeau then made the following announcement::

We ask that you silence your cell phones. By “silence” I mean either put them on “silence” or turn them off if you are able. The vibration and rings interfere with our recording and we sometimes lose valuable information.

- ✓ This meeting is audio-recorded for the public record and the draft minutes of the meeting, which will be published on our website within one week.
- ✓ We welcome and encourage public comment at appropriate points in the meeting. Normally, we will ask for public comment on issues before the Commission before any motion is offered for official action. Once a motion has been made and seconded, comment and discussion is confined to Commissioners.
- ✓ We ask that all those making presentations, asking questions, or making comments speak loudly and clearly for the benefit of our recording device. You can come forward and sit at the witness table and make sure that your comments are picked up. Please state your name, residence address, and what organization you represent. If you are representing yourself as a resident, rather than an organization, please say so.
- ✓ For the accuracy of our public records, we ask that all those making presentations, asking questions, or making comments complete the very brief speaker information form located on the sign in table at the back of the room. Please give the completed form to our Staff Director, Jim Irwin, either before or after you speak to the Commission. The purpose of this form is to assure

correct spelling of your name in the minutes, accurate address and accurate statement of representation.

Thank you for your attendance, participation and cooperation.

Chairperson Nadeau asked Commissioners to introduce themselves.

Secretary's Report – Minutes of October meeting

Chairperson Nadeau observed the absence of the Secretary, Commissioner E. Gail Anderson Holness. She asked Commissioners for any corrections or additions to the minutes. There was none.

Chairperson Nadeau moved that the minutes of the October 2009 meeting of ANC 1B be approved as submitted.

Commissioner Lopez seconded the motion.

The motion was adopted unanimously, 6-0.

Treasurer's Report

Commissioner Lopez presented the Treasurer's Report for November. The current bank balance is \$67,680.92. Two checks were written:

Check #1733 James Irwin for staff wages: \$887.01.

Check #1732 Cultural Tourism D.C. for advertising for the Columbia Heights Historic Trail: \$95.00.

Both checks have been cashed.

Commissioner Lopez reported that the only expense requiring approval was reimbursement to James Irwin for the purchase of office supplies, printer ink cartridges, and postage.

Commissioner Lopez moved that ANC 1B approve reimbursement to James Irwin in the amount of \$140.00 for office supplies, printer ink cartridges, and postage.

Commissioner Akinmboni seconded the motion.

The motion was adopted unanimously, 6-0.

Commissioner Lopez moved that ANC 1B approve the Treasurer's Report for November, 2009.

Commissioner Nadeau seconded the motion.

The motion was adopted unanimously, 6-0.

Community Events & Announcements

Commission Announcements

Commissioner Moss announced that the Banneker Developers went before the Washington Metropolitan Area Transit Authority (WMATA) today to review their Jazz Project at 8th Street & Florida Avenue N.W. However, although there has been full agreement on the terms of the development, they did not get a final decision at this meeting.

The Douglas Development project at the Wonderbread Building on S Street NW between 6th and 7th Streets is on hold, as the developer has not been able to obtain construction loans. However, another Douglas Development project at 7th and Florida NW, the old Popeyes Chicken building, has been completely renovated and they are now looking for a lease.

Commissioner Moss said that Broadway Development, which purchased the property at 8th and V Streets NW, which used to be Atlantic Plumbing, is now in foreclosure. The lender plans to hire a receiver who will interface with the community to maintain the property while it is dormant. Foreclosure has not been completed because there are environmental issues with contaminated underground tanks. Commissioner Moss said she had been informed that the tanks have not caused contamination to the groundwater, but she is trying to get more information.

Commissioner Moss said she is assisting residents on 8th Street with alley issues.

Commissioner Raia announced that three new businesses had opened in his single-member district, which he hoped people would visit:
Salina, an Italian restaurant on 9th Street, JJs Cheesecake, at 14th and U Streets, and Aroma Café, which sells organic food products and sandwiches.

Chairperson Nadeau reported on a meeting that she, Commissioner Raia and Commissioner Smith had attended on Monday. This was an update on the DDOT plan to rehabilitate and reconstruct U Street and Florida Avenue from 9th to 18th Streets. This project has been in development for several years and is in the final planning stages. They are now awaiting input from some businesses that will be affected by construction. If the funding comes through, the project will begin in the fall of 2011.

Commissioner Lopez said that, regarding the ANC 1B FY 2010 budget, the allocation would be \$29,681.20, payable in quarterly allocations of \$7,420.30. This represents a 7.1% reduction from 2009.

Chairperson Nadeau asked if that was the number used in developing the budget. Commissioner Lopez said no, the estimate was an 8% reduction, or \$29,440.00.

Commissioner Akinmboni announced that the Board of Zoning Adjustment had approved the application of Asian American Lead, 1323 Girard Street N.W., for a special exception. She thanked all Commissioners for their support. Chairperson Nadeau observed that the BZA decision includes a condition that Asian American Lead appears before the Commission once a year to report their progress.

Commissioner Muhammad announced that the South Columbia Heights Neighborhood Association would be having its monthly meeting with PSA 304 on Wednesday, November 18th, at the Josephine Butler Park Center, 2437 15th Street N.W. The guest speaker would be Linda Argo, Director of the D.C. Department of Consumer and Regulatory Affairs. He also announced that the D.C. government would be conducting a H1N1 flu vaccination clinic on Saturday, November 7th at Cardozo High School from 6:00 AM to 6:00 PM.

Community Announcements

Ms. Luella Johnson, Community Relations Specialist, Court Services and Offender Supervision Agency (CSOSA), announced that they would be conducting a series of presentations to a variety of community organizations throughout the 3rd District. The presentations will focus on how CSOSA works with offenders and the community. The first presentation will be to the Pleasant Plains Civic Association on Saturday, November 14th from 12:00 PM to 2:00 PM. It will describe the services provided to sex offenders and how CSOSA ensures that they stay in compliance. She invited everyone to attend the presentation. Chairperson Nadeau thanked Ms. Johnson for her announcement and for the assistance CSOSA had provided in posting flyers announcing the ANC 1B meeting.

Mr. William Cottam, owner of the new Liliad website, 1121 S Street N.W., announced his new business. He said the purpose of the website was (a) to provide consumers with listings of special offers from local D.C. businesses and (b) to provide local businesses with a channel by which they can promote any special offers they are making to consumers. The special offer advertisements on the website are inexpensive for the businesses. The service is free to consumers; there are no membership requirements or fees. Mr. Cottam said the website is now up and running, with about 25-30 businesses listing special offers. They are hoping to have 150-250 businesses listed by the end of November. The website will be updated daily.

Commissioner Moss asked if Mr. Cottam had communicated with the Mid-City Business Association. He said that he is a member and is working with the Executive Director to inform the Association members of his business.

Mr. John Guggenmos, owner of Town nightclub, 2009 8th Street N.W., announced that they would be hosting the Cardozo-Shaw Neighborhood Association (CSNA) Christmas party beginning at 7 PM on December 10th. At 10:00 PM, there will be a silent auction. In addition, for the month of December, Town will be conducting a clothing drive and a

food drive. On the Saturday after Christmas, they will accept unwanted gifts. All of these donations will benefit families in the neighborhood. Donations can be brought to Town during the evening hours. During the day, a phone number will be posted on the door. Calling that number will provide access to make donations while Town is closed. Used clothing is acceptable.

Public Safety Committee

Commissioner Moss said that she was necessarily absent from the October Committee meeting due to work-related travel and did not have a Committee report.

Commissioner Muhammad reported that a female adult was shot in the right leg on the 1300 block of Euclid Street on October 24th. The Metropolitan Police Department (MPD) is investigating and expects to close the case with an arrest shortly.

Chairperson Nadeau noted that the owner of Coppi's Restaurant at 14th and U Streets, Nora Amaya, had been murdered in her apartment on November 2nd and MPD is investigating that crime as well. She said she knew that all present held the Amaya family in their thoughts, as they had been a pillar of the community

Commissioner Muhammad announced that there would be a fundraiser for the Amaya family on Saturday, December 5th, at the Masonic Temple, 1000 U Street N.W., between 12:30 PM and 3:30 PM.

Presentations

Mural at 2119 12th Street N.W.

Commissioner Raia introduced Mr. Kelly Towles, 1549 3rd Street N.W.

Mr. Towles said he is an artist who is represented by the David Adamson Gallery on 14th Street. He has applied for a grant from the D.C. Commission on the Arts and Humanities to create a mural at 2119 12th Street N.W. He was asking for a letter of support from the Commission because another mural in the neighborhood had caused controversy and opposition after the grant to finance it was approved. He wanted to avoid the same problem. He said he was contacting the neighbors and the True Gospel Baptist Church in the vicinity of his proposed mural to also get their written support. He said the church had already given him verbal support. The church will be constructing a new building on the lot next to the building wall where the mural will be located, but the new building will be 25 feet away from the wall and will not obstruct the mural. Mr. Towles distributed a small rendering of the mural design to the Commission and the audience.

Chairperson Nadeau asked Mr. Towles whom he had contacted in the community and what the general reaction was. Mr. Towles said he had received no negative reactions, only positive comments. He had talked with people on the street and distributed flyers

to the residences in the immediate area. He had received only one e-mail response, which was positive. He said the grant application included funds for maintenance of the mural for the next five to seven years.

Commissioner Akinmboni asked how many neighborhood youth would be involved in creating the mural. Mr. Towles said he would have one youth involved, a teenager named Tae whom he has been mentoring. Tae assisted him in painting the front of the Black Cat on 14th Street. He also painted a mural for One World Fitness and one in Blagden Alley. Tae attends Dunbar High School.

Mr. Scott Pomeroy, 2035 13th Street N.W., asked for the exact location of the mural. Mr. Towles said it would be at 2119 12th Street N.W. at the corner of 12th and W Streets N.W. Mr. Pomeroy asked if the mural would be painted on a removable material since the church was planning to build on the lot next door. Mr. Towles said he had talked with the church pastor, who had consulted with his board of trustees. The design of the new church building and its placement on the lot would not interfere with the mural. There will be a driveway around the building that would separate it from the wall where the mural would be located. Mr. Towles said he had been particularly concerned about any possible obstruction and he was sure there would be no problem.

Commissioner Moss asked when the project would begin and when it would be completed. Mr. Towles said that, if he received the grant, the painting would be done in May and June of 2010

Commissioner Raia moved that ANC 1B express its support for the proposed mural at 2119 12th Street N.W. in a letter to the D.C. Commission on the Arts and Humanities.

Commissioner Muhammad seconded the motion.

The motion was adopted unanimously, 7-0.

SGA Architects - 1912 8th Street N.W.

Commissioner Moss introduced Mr. Rick Taylor of SGA Architects, Bethesda, Maryland. She said they are asking the Commission for support for the conceptual design of their five-unit condominium project at 1912 8th Street, N.W. They will be going before the Historic Preservation Review Board on November 19th. She said the project had been presented to the LeDroit Park Civic Association and, while they did not adopt a formal resolution of support, there was no dissent.

Mr. Taylor said the project would be a five-unit condominium building located on 8th Street between Florida and T Streets, constructed on a vacant lot between two existing buildings. The lot is 100 feet deep. The proposal is for a matter-of-right building; no variances or exceptions are being requested.

Commissioner Moss asked if the building would be designed “green” for environmental considerations and energy conservation. Mr. Taylor said that the design was only at the conceptual stage and no consideration had yet been given to such features.

Commissioner Moss asked about the placement of the units in the proposed building. Mr. Taylor said the basement, first and second floors would each have one unit. The third floor would be divided into two levels for the fourth and fifth units.

Commission Moss asked about the narrow alley and the movement of traffic for the two parking spaces proposed for the project.

Mr. Taylor said the lot is 20 feet wide. The D.C. government requires parking spaces to be 9 feet by 9 feet, so it is a tight squeeze to get two parking spaces onto the lot, but because all buildings are set back, there is visibility around the corner from the parking spaces.

Commissioner Moss asked if there was space for trash receptacles. Mr. Taylor said there was.

Commissioner Moss asked if lighting would be provided for the parking spaces. Mr. Taylor said yes.

Chairperson Nadeau noted that the commission had not received notice of the project and asked if this was to be presented to the Historic Preservation Review Board. Commissioner Moss said she had just received notice today and that it is on the HPRB docket for the November 19th meeting.

Chairperson Nadeau asked what Mr. Taylor needed from the Commission. Mr. Taylor and Commissioner Moss said they were asking the Commission to send a letter of support for the conceptual design of the building to HPRB.

Mr. Dan Whittles, 1325 Wallach Place N.W., asked whether the project would reflect the appearance and style of the historic structure previously occupying the lot. Mr. Taylor said they had no way of knowing what the previous structure looked like and were not trying to recreate history. Mr. Whittles said there were sometimes records available that showed the style or appearance of original structures. Commissioner Moss said that Mr. Taylor and SGA Architects would be working with Mr. Tim Dennee of the Historic Preservation Office. She said Mr. Dennee was very good at assuring that new projects adhere to historic standards for the neighborhood. She added that Mr. Dennee worked for Mr. Steve Callcott.

Commissioner Moss moved that ANC 1B support the conceptual design proposed by SGA Architects for 1912 8th Street N.W.

Commissioner Muhammad seconded the motion.

The motion was adopted unanimously, 7-0.

Design Review Applications and Design Committee Report

Chairperson Nadeau noted the absence of Commissioner Smith, Chairperson of the Design Committee and said there would be no committee report.

All-Way Stop – 4th and V Streets N.W.

Commissioner Moss said that DDOT had done a traffic study of the intersection at 4th and V Streets N.W. 4th Street is highly travelled and DDOT is proposing an all-way stop to improve pedestrian safety, especially for students and others walking to the Howard University campus.

Commissioner Moss moved that ANC 1B support DDOT's proposal to change the intersection at 4th and V Streets to an all-way stop intersection.

Commissioner Muhammad seconded the motion.

The motion was adopted unanimously, 7-0.

Liquor Licenses and ABC Committee Report

Chairperson Nadeau called for the ABC Committee report. Commissioner Raia suggested that the Commission consider the Salina Restaurant application first, as the committee report might be lengthy.

ABRA 082969 – Salina Restaurant, 1936 9th Street N.W.

Commissioner Raia introduced Mr. Kasah, the owner of Salina Restaurant, which he recently purchased. He plans to open it as an Italian restaurant. He is applying for a C-R license so he can serve liquor. He has talked to Shaw Main Streets and other community organizations, and there have been no complaints about his application.

Mr. Kasah said Salina would be an Ethiopian-Eritrean-Italian restaurant. He said he had been working in the restaurant business for a long time and decided to open his own business, instead of working for someone else. He was opening the restaurant for the Eritrean and Ethiopian community.

Chairperson Nadeau asked Mr. Kasah to describe the entertainment he was proposing to provide.

Mr. Kasah said the entertainment would be music from the Eritrean/Ethiopian culture. The instruments used are acoustic, not electric. The music would not be loud.

Chairperson Nadeau asked if there were other questions from the Commission. There was none.

Chairperson Nadeau asked if there were questions from the audience. A member of the audience asked if there was alley access for trash collection. Commissioner Raia said yes, there was.

Commissioner Raia said he had discussed a voluntary agreement with Mr. Kasah, who is amenable to working with the Commission on that.

Commissioner Raia moved that ANC 1B support Salina's application for a C-R license, subject to the negotiation of a voluntary agreement.

Chairperson Nadeau said the motion brought up the discussion that had occurred by e-mail between the last meeting and this one. She said that the Commission had done something similar with an applicant in Commissioner Moss's SMD, and because no protest was filed with ABRA, the hearing date was moved up and the voluntary agreement had to be completed in a rush. The effect of not protesting means that the Commission does not have standing with ABRA. By voting to support a license and negotiate a voluntary agreement at the same time, the Commission is really only voting to support the license. The voluntary agreement may or may not be negotiated before ABRA votes.

Commissioner Raia said he had talked with ABRA about this matter. If there is enough time to negotiate a voluntary agreement with a business and we are trusting the business with the voluntary agreement, then we can support the business. If the Commission is not sure the business will negotiate a voluntary agreement, then the Commission can protest the license. The opinion of Mr. Moosally at ABRA is that the Commission can support a business and negotiate a voluntary agreement at the same time.

Chairperson Nadeau said she did not feel good about rushing voluntary agreements. She was not pleased that they had to rush the agreement with Bouche in Commissioner Moss's SMD. She said she would not sign another voluntary agreement in a rush. If someone is negotiating a voluntary agreement and ABRA moves the hearing date up, that is the end of the process. She was not sure that the last agreement was negotiated to the fullest extent that it could have been, and she did not want to see that happen again. The smartest thing for the Commission to do in any situation where a voluntary agreement is desirable is to protest the license, negotiate the agreement, then vote to withdraw the protest after the agreement is signed. She said she would leave it to the Commission to vote on the motion on the table, but having reflected on what the Commission has done in the past and some of the things done this year, her recommendation would be that whenever the Commission wishes to negotiate a voluntary agreement, it should protest the license with the assurance that once a voluntary agreement is successfully negotiated, the protest will be withdrawn.

Chairperson Nadeau said she would entertain a second to Commissioner Raia's motion.

Commissioner Raia said he thought the reason why [inaudible] was that they were only a couple of days apart. He asked Commissioner Moss to correct him if he was wrong.

Commissioner Moss said she had been out of the room. Chairperson Nadeau reviewed the discussion and her concern about supporting a license application while negotiating a voluntary agreement at the same time. She said that the proper way to deal with voluntary agreements was to protest the license, negotiate the voluntary agreement, and then withdraw the protest.

Commissioner Raia objected to the word "proper" and said that he had confirmed with ABRA that there were two different ways of dealing with voluntary agreements.

Commissioner Moss said that they had perhaps put the cart before the horse with the Bouche application, but she felt solid about the agreement and the owner being in compliance. However, she thought that she had learned the lesson that the Commission is safer with the process if the license is protested on the front end, working in good faith with the owner to withdraw the protest once a voluntary agreement is negotiated.

Commissioner Ferrer asked if the Commission had any legal recourse if it supported a license application while negotiating a voluntary agreement, ABRA approved the license, and then the owner decided not to enter into a voluntary agreement after all.

Commissioner Moss said no, the Commission would have to wait until the license came up for renewal again.

Commissioner Raia said the Commission had been trying to avoid protests recently so that businesses could get up and running faster. Commissioners had expressed concern about the delays created by protests.

Commissioner Ferrer asked how much of a delay would occur if a protest was filed.

Commissioner Raia said the applicant would have to go to the hearing on the date set, engage a lawyer, and, if the voluntary agreement were negotiated and agreed to before the hearing date, a Commissioner would have to be present at the hearing too to advise that the voluntary agreement had been concluded. If the voluntary agreement were not negotiated by the hearing date, then the application would continue while negotiation or mediation went on.

Commissioner Moss said the Bouche application was a tight squeeze because ABRA moved the date up. They were able to get the voluntary agreement to ABRA only on the day of the hearing.

Commissioner Raia said ABRA could receive the voluntary agreement after the license was issued; it could even be filed with ABRA two months later and it would still be valid, so technically there was no rush.

Commissioner Ferrer observed that there was no legal recourse if something went wrong, so filing a protest was a “cover all bases” precaution.

Chairperson Nadeau noted that there was a motion on the table to support the license application while negotiating a voluntary agreement.

Commissioner Moss asked when the hearing was scheduled.

Commissioner Ferrer said the hearing was set for November 30th. He asked if the voluntary agreement were completed and submitted to ABRA at the hearing on November 30th, would Salina get its license then.

Commissioner Raia said the license would be delayed because ABRA would be waiting for the letter, so the owner might get the license a week or two weeks later. If the Commission supports the application conditional on a voluntary agreement, there would be no delay.

Commissioner Ferrer asked if it would be better if the voluntary agreement were submitted to ABRA by November 15th. Would the owner then get his license on November 30th? Commissioner Raia said yes.

Chairperson Nadeau said the Commission would still have to vote to withdraw the protest.

Commissioner Raia said no, if the motion were to protest the license, the motion would also stipulate that the protest would be withdrawn when the voluntary agreement was signed. He said the Commission this year had never voted twice on protested applications.

Commissioner Moss asked if the restaurant had already been opened. Mr. Kasah said yes.

Chairperson Nadeau asked if there was a second to the motion on the table.

There was no second.

Commissioner Raia then moved that ANC 1B protest the application of Salina Restaurant for a C-R license on the basis of peace, order and quiet, and that the protest be withdrawn when a voluntary agreement has been successfully negotiated, circulated to the Commission for review, and signed, and that Commissioner Raia be authorized by the Commission to negotiate the voluntary agreement.

Commissioner Ferrer seconded the motion.

The motion was adopted unanimously, 7-0.

ABC Committee Report

Commissioner Raia reported that the ABC Committee had met and that sixteen people attended the meeting, some by phone. Three SMDs were represented by the residents attending: 1B02, 1B04 and 1B09. Commissioner Deborah Thomas also attended the meeting. Items discussed included: what the Committee is about, pros and cons of voluntary agreements, how many licenses are located in ANC 1B and where they are located, what are the thoughts of the community on the current licenses, what is considered when preparing a voluntary agreement, what could be added or taken away: are voluntary agreements too strict in some cases or should there be additional provisions in other cases, and did people feel we were close to limits for ANC 1B or for the SMD as a whole. The committee received all of the voluntary agreements from ABRA with the goal of adding them to the ANC 1B website, and suggested that Commissioners who have individual websites might add the voluntary agreements for their SMDs to their websites so residents could review them. The committee discussed frequency of meeting and decided that it would meet every other month, with e-mail dialogue on a continuing basis. Some people said they would like to respond to the agenda by e-mail. Other matters discussed included explaining the difference between types of licenses, such as C-R, C-T and C-N. Some concerns expressed included parking issues caused by restaurants, noise caused by businesses during operating hours and when closing. With regard to voluntary agreements, the committee said they would like to see voluntary agreements continue. A review of businesses with and without voluntary agreements in ANC 1B as a whole showed that businesses that did not have voluntary agreements were cited for underage drinking, assaults, indecent conduct, kitchen not open when it is supposed to be, not closing on time, and trash complaints more often than those businesses that have voluntary agreements.

Chairperson Nadeau asked when the committee meeting had occurred.

Commissioner Raia said the meeting actually occurred twice. The meeting notice went out announcing the meeting on October 21st, which was a Wednesday. Some people came to the meeting the Wednesday before because Commissioner Raia, in his e-mail, had said, "See you on Wednesday." Then others came to the meeting on the Wednesday after. The agenda was exactly the same for both meetings. Everyone had the same handouts, the same place to comment and the same notes.

Commissioner Nadeau commented that the committee had had a spontaneous meeting in advance of the announced meeting.

Commissioner Raia said there was nothing spontaneous. There was no conspiracy theory.

Chairperson Nadeau said she was just asking because she was very confused.

Commissioner Raia said he was just explaining how it happened. People responded by the Sunday deadline saying they would attend. He sent out an e-mail in response saying, "See you on Wednesday." Some people came on that Wednesday instead of the following Wednesday. He did not see what was so hard to understand. Since they showed up at the meeting location, he went over to meet with them.

Chairperson Nadeau said that she was unable to attend, but thought there was supposed to be an announcement of the meeting to all the Commissioners, and she had been trying to track down the meeting location.

Commissioner Raia said an e-mail was sent out to the community and the location was posted on the ANC 1B website.

Commissioner Raia continued by saying that the committee discussed the issue of limiting hours of operation for patios and decks. Due to voluntary agreements, most patios are closed at midnight now. It was also suggested by Scott Pomeroy that the Commission and the committee work more closely with the MidCity Business Association to be a first response to issues. Also, since businesses were not present, a representative of MidCity Business Association did attend and spoke for about three minutes because they said it was [inaudible].

Chairperson Nadeau asked if the MidCity Business Association representative was not permitted to stay for the whole meeting.

Commissioner Raia said that was correct.

Chairperson Nadeau asked Commissioner Raia to explain that situation.

Commissioner Raia said, referring back to the minutes of the meeting when the ABC Committee was created, it was intended for residents and if the residents on the committee wanted business owners in the meetings, they would invite them.

Chairperson Nadeau asked if that meant that people were not allowed to sit in on the meetings.

Commissioner Raia said that the meeting had occurred in a public space and he had said that businesses could stay, but there was no provision in the meeting for dialogue with businesses. He could not kick someone out of a public space.

Commissioner Ferrer asked if there was a particular reason why the Committee membership was limited to residents when it was started.

Commissioner Raia said there was no particular reason. Businesses already have regular meetings with residents through the Cardozo-Shaw Neighborhood Association (CSNA).

Chairperson Nadeau said that the Commission was not the CSNA.

Commissioner Raia said he was just giving an example. At that time, the committee was set up that way. If the community needed input and needed more information, they would invite the businesses to come and discuss the issues at that time.

Commissioner Ferrer asked if Commissioner Raia got a sense from the meeting that the community is opposed to having the meeting open to businesses.

Commissioner Raia said yes, and he had that impression even before the meeting.

Commissioner Ferrer asked if Commissioner Raia then had the sense that the residents want to keep the committee membership for residents only. Commissioner Raia said yes.

Chairperson Nadeau asked who the members of the committee were.

Commissioner Raia said he could provide the list of sixteen names to Jim Irwin.

Chairperson Nadeau asked if they could be read aloud.

Commissioner Raia said he did not have the list with him.

Commissioner Ferrer asked what was the rationale for having the committee membership restricted to residents only.

Commissioner Raia said that the meetings get combative, as it did at the last meeting.

Chairperson Nadeau asked how so.

Commissioner Raia said when the businesses want to say, "This is our stance." And the community wants to say something, and they go back and forth. The business has an interest in saying they want to stay open later or they want something else, and the community does not want that.

Chairperson Nadeau said that her experience with businesses had always been a very collaborative one. She asked if something in particular happened at the meeting that made it seem combative.

Commissioner Raia said he did not know what Chairperson Nadeau meant by "collaborative."

Chairperson Nadeau said that the recent history of the neighborhood is that businesses have worked with neighbors to redevelop U Street and have partnered with the ANC.

Commissioner Raia suggested that Chairperson Nadeau come to the committee meeting to discuss the matter.

Chairperson Nadeau said she was concerned about the use of the word “combative.” Had there been an instance at a meeting where there had been some hostility.

Commissioner Raia said he thought there had been combativeness between the residents and the MidCity representative at the last meeting.

Chairperson Nadeau asked how so.

Commissioner Raia said he would let that person speak for themselves.

Chairperson Nadeau asked the audience if there was anyone present who had been at the meeting and would like to speak.

Mr. Scott Pomeroy said that he had attended the meeting, not as a representative of MidCity Business Association, but as a resident of Commissioner Raia’s SMD. Businesses did attend, and his understanding was that any ANC meeting would be a public meeting, so he was not sure where the criteria that membership is residents only would have been established. He suggested that the question of what is and is not a public meeting be put to Mr. Gottlieb Simon, the director of the Office of Advisory Neighborhood Commissions. Mr. Pomeroy said he would agree that the meeting was combative in that the businesses were asked to leave and that there was not notice given of the meeting. The announcement that was on the ANC website did not have a location and no location was noted on the website until the day of the meeting, which was when Mr. Pomeroy was notified of the location. Mr. Pomeroy said that others as well as he contacted Commissioner Raia before the deadline and indicated their interest in attending, but did not hear until very late about the location. He thought the process was not very transparent, and he would appreciate if it were more transparent. He thought anything the ANC does should reflect that transparency. He thought that the meeting could be a far more collaborative model. He had provided Mr. Irwin with materials on how to work collaboratively with businesses, residents and agencies. There are a number of new businesses that are opening up right now and it would be great if all of the groups could collaborate and work together in the spirit of leadership of some of the people who are still here. However, that has not been readily possible with the focus being entirely on voluntary agreements. There has been an inability to take some proactive steps.

Commissioner Raia said that the only other person who was not responded to was Mr. Solomon of Solly’s Tavern. Everyone else who contacted him was notified of the meeting location. He said that Mr. Pomeroy’s contention that the focus is only on voluntary agreements was not a true statement. For example, when Maggie Moo’s could not get a liquor license and decided to go out of business, he found someone to take over the ice cream store and helped them develop a small business plan and got their rent reduced so that they could do business in that space. As Commissioner, he is

not only working on voluntary agreements, but also working with businesses advising them where to go for assistance.

Chairperson Nadeau asked if there was any reason why the meeting location and time could not be posted on the listserv just in case people miss the announcement or otherwise do not hear about it.

Commissioner Raia asked what list Chairperson Nadeau meant.

Chairperson Nadeau said she meant whatever listserves were used to announce the meeting could also be used to announce the location and time in advance.

Commissioner Raia agreed.

Chairperson Nadeau said that she and Commissioner Raia would commit to doing that, and that would help with transparency.

Mr. Solomon of Solly's Tavern at 11th and U Streets N.W. asked why he was not notified of the meeting time and location. He noted that he was the only one, and that Commissioner Raia was his SMD commissioner.

Commissioner Raia said that Mr. Solomon was somewhat notified, that he had called Mr. Solomon twice and left messages. He had explained, as they had talked before the meeting, why businesses were not invited, and Mr. Solomon had asked him to talk with the committee about including businesses.

Mr. Solomon said he did not understand why he was not notified of the meeting location and time when he simply asked for that.

Commissioner Raia said he had discussed with Mr. Solomon that businesses were not invited.

Mr. Solomon said that when he called Commissioner Raia the second time and left a message, he had said he was not available to discuss the meeting because he had other things to do that afternoon and simply asked that he be informed of the meeting time and place.

Commissioner Raia said he did not call him because he wanted to explain to him in person why businesses were not invited to the meeting and did not want Mr. Solomon to show up at the meeting and then be in the same situation as the businesses that did come.

Mr. Solomon said he was a resident of Commissioner Raia's SMD and did not understand why he could not attend as a resident.

Commissioner Raia said that was because Mr. Solomon was also a business owner.

Mr. Solomon said he did not understand why he, as a tax-paying resident of Commissioner Raia's SMD, who also owned a business was somehow less of a resident than someone else. He said he had the same right to attend a meeting as anyone else.

Commissioner Raia said he did have that right.

Mr. Solomon asked why Commissioner Raia would not just let him come to the meeting.

Commissioner Raia said it was his fault.

Commissioner Moss said that the Commission served itself well if it collaborated with businesses and residents across the board. One of the things this Commission had so strongly supported was the hospitality project which is solely geared to the collaboration and integration of all parties—businesses and residents—in the community. She urged that the Commission continue in that effort. In her opinion, anything that the Commission did should be an open door. There are a lot of people who serve dual purposes in the community. Residents have to accept business owners who are also residents.

Commissioner Akinmboni agreed with Commissioner Moss and said that any meeting representing the Commission had to be transparent. If it could not be transparent, then do not have the meeting. If we are trying to get businesses and residents to work together, why are we separating them? Why do we have to have a resident meeting separately and a business meeting separately? This just divides the community. We need to bring businesses and residents together to work on solutions to problems. As Commissioners, it is our duty to negotiate solutions between residents and business owners.

Mr. Dan Whittles, 1325 Wallach Place N.W., said that he had attended the committee meeting. He was a resident and not a business owner. He said he was amazed at how much quibbling and bickering went on about some minor miscommunication about when a single meeting took place. Addressing Mr. Solomon, he said that there would be another meeting to discuss voluntary agreements and Mr. Solomon should attend as a resident. With regard to business owners that are not coincidentally residents, the residents need a forum to speak with their ANC Commissioner about their concerns without the business owners present. They can be intimidating for some people. They did not intimidate him, but they did intimidate others. The residents are here for a long period of time and the residents are not here just to support businesses. The residents have issues and concerns that need to be addressed. We do not need to be steamrolled by the MidCity Business Association or any other pro-business group. They do not live here or if they do, they are not directly affected by the business. They do not give a damn about traffic or trash or anything else. They just want to jam some business in. That is why the residents need a forum for themselves.

Commissioner Ferrer said that he knew Commissioner Raia was a very, very responsible Commissioner. Regarding those residents who did not feel that they could present at a public forum such as an ABRA hearing or a committee meeting, he was sure that Commissioner Raia would be willing to speak to them one-on-one so that they are not intimidated. There are other forums for them to get their points across to Commissioner Raia. What the Commission had to worry about was that when it puts itself out into public space having a meeting, it wants to be as transparent as possible. We have to be as inclusive as possible, especially when there are people who play dual roles. Residents who have businesses in the community are to be thanked. He wished that there were more businesses like that on Georgia Avenue. He said the Commission had to be very careful when having meetings to be open and inclusive. There could be other, less public forums. He thought that all Commissioners would be happy to hear from any resident who was not comfortable speaking in public or before a committee or the Commission and discuss their concerns one-on-one.

Chairperson Nadeau thanked Commissioner Ferrer for summing up the issue and thanked everyone for a productive discussion.

Columbia Lodge

Commissioner Moss informed the Commission that the Columbia Lodge, located on 3rd Street between Rhode Island and T Streets, had a show-cause hearing at ABRA last Wednesday. They had two charges against them: the licensee permitted the sale of alcoholic beverages without a valid license and the licensee failed to keep a licensed ABC manager on duty at all times. The result of the hearing was that the Lodge accepted an offer in compromise. They must pay a fine of \$2,200 within 60 days and they have a two-day suspension in January. If they do not pay the fine, it will double.

Town Operating Hours

Commissioner Moss said that Town, located at 2009 8th Street N.W., was a very proactive business with a sound voluntary agreement, always in compliance with no complaints, problems or issues. They would like the Commission's support for a one-hour extension of their operating hours on Thanksgiving Eve, November 25th, to 3:00 AM in the morning.

Chairperson Nadeau asked if D.C. law would allow the extension if Town's voluntary agreement did specifically prohibit it.

Commissioner Raia said Town's voluntary agreement specifically identified certain days of the year when they could be open later than 2:00 AM.

Mr. John Guggenmos, owner of Town, said that his attorney had said he could probably go before ABRA and get the extension, but the better way to do it would be to come to the Commission and get its support first. He said that he had yet to talk with the neighbors across the street; he planned to do that next Tuesday. If they objected, he

would withdraw his request, and would be happy to have the Commission's support conditional on the neighbors' approval.

Commissioner Moss moved that ANC 1B support Town's request for a one-hour extension of operating hours to 3:00 AM on Wednesday, November 25th conditional on the agreement of Town's neighbors.

Commissioner Raia observed that this matter was not on the agenda for the meeting.

Commissioner Moss said that it was not on the agenda.

Commissioner Muhammad seconded the motion.

Mr. Guggenmos said he had just talked with his attorney on Tuesday.

Chairperson Nadeau said that the fact that this was not on the agenda was a reason not to do it, and if any Commissioner was uncomfortable with it, the Commission did not have to proceed.

Commissioner Raia said he did not object.

The motion was adopted unanimously, 7-0.

Grant Applications and Grant Committee Report

Commissioner Akinmboni said she had been out of the country visiting Africa, so there had been no committee meeting and no report.

Chairperson Nadeau said she wanted to introduce a grant application from the Meridian Hill Neighborhood Association and asked that it be reviewed and considered at the December meeting.

Commissioner Raia introduced a grant application from the Columbia Heights-Shaw Family Collaborative and asked that it be considered at the December meeting.

African American Holiday Association Grant Application

Commissioner Moss said that she had distributed the grant application to all Commissioners in October. However, there have been some changes. She said that the grant application was being withdrawn because there had not been a budget submitted and because there were some significant changes in the grant proposal. As background, Commissioner Moss said the director of the Association, Ms. Ayo Kindi, had been a community activist for a long time and has worked with youth in the community for the last 20 years. Her organization provided computer and employment skills training during the holiday season. In addition, they have a market place/vendor venue. The original grant application included support for this venue, but they will not

be doing that this year, so they are changing the focus of the grant proposal. The new proposal will be to provide \$1,000 for the youth training component of the project. She said the new grant application with a line item budget was being submitted at this meeting and she was asking for a vote on the grant at the December meeting.

Chairperson Nadeau observed that the auditor had serious questions about this grant in 2008 and required better documentation for grant expenditures in future. She suggested that Ms. Kindi come with sample receipts or other proposed documentation to meet the auditor's concerns.

Ms. Kindi said that she had provided receipts, which were approved by the Commission Treasurer last year, so she did not understand what the problem was.

Chairperson Nadeau said that the Commission Treasurer had certainly approved the documentation, but that the D.C. Auditor did not find it satisfactory, so she suggested that Ms. Kindi work with Commission Staff Director Jim Irwin before the next meeting to devise a better system for this grant application.

Ms. Kindi asked why no one had gotten back to her about the problem.

Chairperson Nadeau said the auditor had ultimately approved the documentation and had let it go, but he was not pleased, and everyone would have to do better with the next grant.

Unfinished Business

Proposed Administrative Procedures for Grants

Chairperson Nadeau referred Commissioners to the proposed administrative procedures for grants in their meeting folders and reminded them that these proposed procedures had been distributed by e-mail last month.

Commissioner Lopez said that the proposal was for administrative procedures for processing grant applications. This proposal did not address issues considered by the Grants Committee such as criteria for vetting grants.

Commissioner Raia observed that Commissioner Smith, the co-chair of the Grants Committee, was not present. Commissioner Lopez said that he was concerned that it was not appropriate to vote on the proposal in his absence.

Chairperson Nadeau said that the proposals could be voted on at the December meeting.

Commissioner Lopez said that these proposals were really internal administrative guidelines. He asked what the status of the Grants Committee consideration of policies

and criteria was. Commissioner Akinmboni said she had been out of the country for the month of October, so the committee had not met.

Commissioner Lopez said he thought the Commission really needed to get to the consideration of policies and criteria because problems continued to arise with the audit of grant proposals and documentation, and every quarter the Commission lost money. A clear set of criteria was really needed.

Commissioner Akinmboni said she had some suggestions for criteria and policies. Chairperson Nadeau asked Commissioner Akinmboni if she could call a meeting of the Grants Committee before the December meeting. Commissioner Akinmboni said she would do so.

Meeting Announcement Advertising Budget

Chairperson Nadeau referred Commissioners to the approved 2010 budget, which allocated sufficient funds to purchase a small ad monthly in all community newspapers suggested by Commissioners for a full year. She said the amount, \$11,000, was very large and understood that the Commission did not necessarily want to spend that much money on an annual basis. She asked for comment on which community newspapers should be selected and which should not.

Commissioner Raia suggested that the Commission try all of the listed newspapers for two or three months, then get feedback on which newspaper ads get the most exposure. He suggested that the purchases be made for only two or three months at the higher, non-discounted rate.

Commissioner Moss suggested that the purchase be for a quarter, or three months.

Commissioner Ferrer said that he was concerned about Georgia Avenue being under-represented at Commission meetings and wanted to be sure that meetings were advertised in the Howard University newspaper for the year. Commissioner Ferrer said he did like the incremental approach and agreed with the idea of purchasing ads in all papers for three months.

The consensus of the Commission was to proceed with a three-month purchase.

Chairperson Nadeau asked if there was any other business.

Commissioner Raia asked that 901 U Street N.W. be put on the agenda for review of an architectural design and asked Mr. Irwin to watch the mail for notice or documentation.

There being no other business, Commissioner Moss moved that the November 2009 meeting of ANC 1B be adjourned.

Commissioner Lopez seconded the motion.

The motion was adopted unanimously, 7-0.

The meeting was adjourned at 8:33 PM.