



# **ADVISORY NEIGHBORHOOD COMMISSION 1B**

## **Government of the District of Columbia**

### **Minutes**

**Thursday, December 3, 2009, 7:00 PM, Reeves Center, 2000 14<sup>th</sup> Street N.W.**

The regular monthly meeting of Advisory Neighborhood Commission 1B occurred on Thursday, December 3, 2009, at 7:00 pm in the Reeves Center, Commissioner Nadeau being present as Chair and Commissioner E. Gail Anderson Holness as Secretary. Other Commissioners present during the meeting: Rosemary Akinmboni, Meghan Conklin, Eduardo Ferrer, Juan Lopez, Myla Moss, Sedrick Muhammad, Peter Raia, and Deborah Thomas.

Chairperson Nadeau observed the presence of a quorum and called the meeting to order at 7:07 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.

Commissioner E. Gail Anderson Holness announced that she was absent from the Commission's November meeting due to an illness that confined her to the hospital intensive care unit. She said that all is now well, and she was happy to be present at this meeting. She said she would have to excuse herself due to another meeting that she had to attend at Howard University.

### **Commission Announcements**

Chairperson Nadeau asked for any announcements from Commissioners.

Commissioner Muhammad announced that the South Columbia Heights Neighborhood Association, of which he is the president, would be meeting on Wednesday, December 16<sup>th</sup>, at the Josephine Butler Parks Center, 2437 15<sup>th</sup> Street N.W. This will be a joint meeting with Metropolitan Police Department (MPD) PSA 304. The guest speaker this month will be Janice Quintana, Director of the Office of Unified Communications.

Commissioner E. Gail Anderson Holness announced that ANC 1B11 would be having its monthly meeting on Monday, December 14<sup>th</sup> in the LeDroit Kelly Miller Senior Building at the corner of 4<sup>th</sup> and V Streets. On Saturday December 19<sup>th</sup>, the ANC 1B11 monthly empowerment program will be held at the same location. This month, there will be a holiday Christmas celebration for the community. ANC 1B11 participated with Councilmember Jim Graham in distributing Thanksgiving turkeys to residents and will be doing the same at the Christmas party. The empowerment program is held on the third Saturday of every month from 11:00 AM to 1:00 PM. The program includes story telling for children and senior technology literacy training, assisted by Howard University students.

### **Community Announcements**

Ms. Ayo Kendi, founder of the African American Holiday Association, a non-profit organization located in ANC 1B, announced that the Association provides training for young people, especially during the holiday season, while providing an opportunity to earn money. This year the training session will be on Saturday, December 5<sup>th</sup>, from 10 AM to 1 PM. Ms. Kendi asked businesses or individuals who have projects, odd jobs, or other work to consider hiring one of the Association's trainees and to contact her.

Chairperson Nadeau asked if there were any other community announcements. There was none.

Commissioner Anderson Holness announced that she works at the University of the District of Columbia as the Director of the Office of Community Outreach and Involvement. UDC has just opened a new community college. She hoped that this new college might come to a future Commission meeting to make a presentation. UDC has many other programs and developments going on. Construction of a new student center will soon begin, along with student dormitories. She invited everyone to visit the UDC website, <http://www.udc.edu>, and support the District's only state institution of higher education.

Chairperson Nadeau noted that Commissioner Akinmboni had joined the meeting and asked her to introduce herself.

### **Treasurer's Report**

Commissioner Lopez reported that the current bank balance is \$96,205.19. The DC auditor released the Commission's FY 2009 allotment of \$30,173.00.

In November, two checks were issued to James Irwin for office supplies and staff wages. Staff wages were approved as part of the FY 2010 budget, which was adopted on October 1<sup>st</sup>.

Three checks were cashed in November: two for James Irwin and the CSNA check for ANC 1B's registration for the U Street Festival, which had been written in July.

Commissioner Lopez moved that ANC 1B approve reimbursement to James Irwin for postage and copying expenses in the amount of \$51.31.

Commissioner Anderson Holness seconded the motion.

The motion was adopted unanimously, 7-0.

Commissioner Lopez said that the 2009 Fourth Quarter Report needed to be approved and was available to Commissioners in their meeting folders. Total disbursements for the quarter were \$10,652.76. He noted that checks were written out of sequence. Check number 1730 was never written and was voided. An explanation will be provided to the D.C. Auditor.

Commissioner Lopez moved that ANC 1B's FY2009 Fourth Quarter Report be approved.

Commissioner Anderson Holness seconded the motion.

The motion was adopted unanimously, 7-0.

Commissioner Lopez moved that the Treasurer's Report for December be approved.

Commissioner Anderson Holness seconded the motion.

The motion was adopted unanimously, 7-0.

### **Secretary's Report – Minutes of November meeting**

Commissioner Anderson Holness moved that the minutes of the November 5, 2009 meeting of ANC 1B be approved as submitted.

Commissioner Ferrer seconded the motion.

The motion was adopted unanimously, 8-0.

Chairperson Nadeau noted the arrival of Commissioners Moss and Conklin and asked them to introduce themselves.

### **Public Safety Committee**

Chairperson Nadeau noted that representatives of the D.C. Fire Department were present to make a special presentation on holiday fire safety. She asked that they be allowed to make their presentation before the Committee report so that they could return to their duties as quickly as possible.

Chief Saunders of the D.C. Fire Department introduced Sergeant Hicks and EMS Captain Baker. He said he wanted to discuss holiday safety and share some statistics that illustrated the problem.

Between 2003 and 2007, the DC Fire Department (DCFD) responded to an average of 250 fires per year that began because of Christmas trees. An average of 14 civilian deaths was caused by these fires, an average 26 civilian injuries, and \$13.8 million in property damage per year.

Christmas tree fires, when they occur, are unusually serious. One of every 18 Christmas tree fires results in death, as compared with one in every 134 ordinary house fires. The reason is that people become complacent with their Christmas trees, leaving the lights on when they go to bed or when they leave the house. Tree lights must be turned off before going to bed or whenever leaving the house, no matter how short the absence.

Nearly two-thirds of Christmas tree structure fires occur in December and 22 percent in January. More than one-third of these fires occur between Christmas Eve and January 2<sup>nd</sup>, the top day being Christmas Day. The reason for this is that people pay a lot of attention to their Christmas trees after they get them up to Christmas Day. They pay

less attention to the tree after Christmas is over; it dries out and catches fire. For the period 1999-2003, between December 1 and December 14 there was an average of 1.2 tree fires per day. From December 15 to January 1, there was an average of 7.7 tree fires per day. Electrical malfunctions were involved in 45% of the large tree-caused structure fires. Twenty-six percent occurred because some kind of heat source, such as a space heater, was too close to the tree. Heating sources should be no closer than three feet from the Christmas tree. Decorative lights were involved in 23% of the tree-caused fires. Fourteen percent of tree-caused fires were caused by candles. Chief Saunders said that there were actually people who put lighted candles on their Christmas trees as decoration. Holiday lights were involved in an estimated 170 structure fires per year in the same period. These fires caused an average of seven civilian deaths, 17 civilian injuries, and \$7.9 million in property damage. Forty-two percent of these fires occurred in December and 13 percent in January. Twenty-one percent of these fires began with Christmas trees.

A study of fall-related injuries estimated 5,800 such injuries between November 1<sup>st</sup> and January 31<sup>st</sup>. These are basically people trying to put up Christmas lights, falling off ladders or falling off roofs. Sixty-two percent of these people were between the ages of 20 and 49. Forty-three percent of falls were from ladders, 13 percent from roofs, and 11 percent were falls from furniture.

Chief Saunders offered some holiday season safety tips:

- ✓ If purchasing an artificial Christmas tree, make sure it is labeled, certified or identified by the manufacturer as fire-resistant or retardant.
- ✓ If purchasing a real tree, make sure it is fresh and the needles do not fall off when touched.
- ✓ Cut one to two inches off the bottom of the tree before placing it in the tree stand.
- ✓ Make sure the tree is at least three feet away from any heat source.
- ✓ Make sure the tree is not blocking an exit.
- ✓ Make sure the tree is given fresh water daily.
- ✓ Use only lights that have the label of an independent testing laboratory and check to make sure that the lights are labeled for indoor or outdoor use. Some types of holiday lights are useable for only one or the other.
- ✓ Do not connect more than three strings of mini-light strands and replace broken lights.
- ✓ Always turn off the Christmas tree lights when leaving the house.

In conclusion, Chief Saunders said that the fire department offers a free home fire safety inspection program. Department personnel will come to a home on request to review safety. They do not issue citations. They only point out possible hazards, make suggestions for removing hazards and provide reminders for good safety practices. Any resident in the district can contact the fire department to request an inspection.

Chairperson Nadeau thanked Chief Saunders for taking the time to provide his informative presentation.

Chairperson Nadeau called on the Co-Chairs of the Public Safety Committee.

Commissioner Moss reported that the Public Safety Committee meeting occurred on Tuesday, December 1 and was combined this month with a special meeting of the LeDroit Park and Bloomingdale neighborhoods. There had recently been an upsurge of acts of violence and intimidation against residents. Residents had requested a special meeting at which Commander Green from PSA 501, Commander Kucick from PSA 301, Councilmember Harry Thomas, and staff from Councilmember Jim Graham's office attended. Data and crime statistics for year to date compared to last year and ways of reducing or eradicating the crime and violence that has been occurring were reviewed.

Commissioner Muhammad said he had no report.

## **Presentations**

### **D.C. Public Schools Early Stages**

Chairperson Nadeau noted that representatives of D.C. Public Schools were not present so there would be no presentation on the Early Stages program.

### **D.C. Water and Sewer Authority-water quality and household plumbing**

Chairperson Nadeau called on Alicia Batson, acting Director of Public Affairs for the D.C. Water and Sewer Authority (WASA). Ms. Batson said the purpose of their presentation was to review a consultant study that showed a correlation between galvanized plumbing and lead pipes. She introduced Sarah Meader of the WASA Water Quality Division to review the study and provide water quality tips.

Ms. Meader said the staff of the Water Quality Division is testing drinking water and the distribution system every day to assure quality and safety. DC WASA is complying with all EPA regulatory standards. They provide two voluntary programs for the public. One is for testing water fountains and faucets in daycare centers and schools.

The second is a customer complaint program. If there is an issue with water quality in the home, the resident can call a customer service phone number, 202-612-3440.

The staff will work with the caller to resolve the issue over the phone. If that is not possible, water quality staff will visit the home to conduct testing and determine the solution to the problem. This service is provided at no charge.

Ms. Meader said the aging water system infrastructure in Washington causes many problems with water quality. For example, some of the water mains still in use under U Street were installed in 1895. Another source of water quality issues is galvanized pipe, which was installed in houses before 1960. When doing sampling and testing, WASA found that there were homes exceeding allowable lead levels even though the system itself was in compliance with EPA standards. WASA has changed its treatment process and lead levels are now below the EPA standard 15 parts per billion (ppb). As a result, the current lead level in the water supply is 6.1 ppb. However, the common factor in

homes exceeding the allowable lead level was galvanized plumbing. WASA contracted for an independent study, which showed that houses which had lead service lines that had been replaced, but also had galvanized plumbing, still had high lead levels because the rust and scale that accumulates in such plumbing had trapped lead. The galvanized plumbing was releasing that lead back into the water inside the house. Residents should try to find out what kind of plumbing they have in their houses and can call 202-354-3400 at WASA for assistance. WASA recommends that, if possible, galvanized plumbing should be replaced. However, that is very expensive, so an alternative is to install a filter at the point of use, the water faucets in the kitchen and other areas. Aerators on faucets should be cleaned every two to four weeks and a new one installed once a year. Hot water heaters should be flushed once a year. Finally, Ms. Meader urged that everyone be sure to use only cold water from the faucet for cooking. Using hot water will increase the concentration of metals.

Chairperson Nadeau invited questions from the Commission and the audience. There was none. She thanked Ms. Meader and Ms. Batson for taking the time to give a very helpful presentation.

### **Design Review Applications and Design Committee Report**

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

### **HPA #10-037 – 901 U Street N.W. – The Brixton**

Commissioner Raia introduced Mr. Dario Davies, FormDesign LLC, the architect for 901 U Street N.W. Mr. Davies referred Commissioners to a set of elevation drawings and plans that had been provided. He said that the building, located at the corner of 9<sup>th</sup> and U Streets N.W., had been vacant for twenty years. The project actually includes three separate two-story structures that will be combined into one building. They are proposing to install a wood storefront along the front of the building on the ground level and paint the ledger stone a gray color to match the charcoal gray of the storefront and to highlight the cornice at the top of the building. They propose to build a roof deck and have consulted with the Historic Preservation Review Board (HPRB), which has given tentative approval to the design. The roof deck railing will be pulled back from the edge of the building so that it is not readily visible from the street.

Chairperson Nadeau asked for questions from the Commission.

Commissioner Raia commented that the owners and architect have met with the community and the Cardozo-Shaw (U Street) Neighborhood Association (CSNA). While he has not seen the letter from CSNA, they did vote in their meeting to support the conceptual design. CSNA did request that a portion of the storefront and ledger stone be painted so they could see how the colors look.

Chairperson Nadeau asked where the structure on the roof would be located.

Mr. Davies said there would be a roof deck with a trellis, two stair towers for access, and a roof deck over the bar.

Commissioner Moss asked if this project would go before the Board of Zoning Adjustment (BZA).

Mr. Davies said they would be applying to the BZA.

Chairperson Nadeau commented that they would be coming back to the Commission for support before the BZA. Mr. Davies agreed.

Commissioner Muhammad thanked the owners of the Brixton and Mr. Davies, along with other businesses in the community, for revitalizing the area around 9<sup>th</sup> and U Streets. He said that corner in particular had been such a blight and the proposal for the building would be another shining star on U Street and in ANC 1B.

Chairperson Nadeau asked for questions from the audience.

A member of the audience asked what the timeline for the project would be.

Mr. Davies said they would be submitting an application for a building permit sometime in January. Construction would take about four months once the building permit had been received.

A member of the audience asked what the second floor would be used for.

Mr. Davies said the second floor would have a bar and dining, and the roof deck would have a small bar. The first floor would be a restaurant.

Commissioner Nadeau asked who the neighbors were on each side of the building.

Mr. Davies said the neighbors were businesses, one of which was a wine bar. The entire block is zoned commercial.

Commissioner Raia moved that ANC 1B send a letter of support to HPRB for the architectural design and conceptual drawings for 901 U Street N.W.

Commissioner Muhammad seconded the motion.

The motion was adopted unanimously, 8-0.

### **Liquor Licenses and ABC Committee Report**

Chairperson Nadeau asked if there was an ABC Committee Report. Commissioner Raia said there was none.

## **Music & Arts Club Application for a Retail Class C Nightclub License**

Commissioner Raia introduced Mr. Michael Fonseca, attorney for the applicant.

Mr. Fonseca introduced the owners of the Music and Arts Club: Mr. Aman Ayoubi, Eric Groning, Robert "Kalani" Tifford, and Brian Liu.

Mr. Fonseca said that the Music and Arts Club would be located in the basement of 2001 14<sup>th</sup> Street N.W. with a little less than 3,000 square feet of space. The estimated maximum occupancy is 295 people. This is the maximum allowed, but the projection is for a usual maximum of 250 people. The space will be flexible and will create an intimate environment. It will not be a nightclub with pounding sound but an environment focused on music and art. There will be live performances featuring both well-known and emerging talent and there will be space for artists to display their work. The space will be curated to reflect themes in the art. The application is for full liquor hours. Mr. Fonseca said that he has worked with ANCs in the past on many liquor licenses and he and his clients are ready to work with the Commission on this application.

Commissioner Raia said that the applicants had submitted a security plan to him and are currently working with him on a voluntary agreement, and are amenable to having a voluntary agreement. They have reached out to the community.

Chairperson Nadeau asked if Commissioner Raia had either of the documents he had mentioned available to provide to the Commission. He said he did not and observed that he needed a vote of the Commission to negotiate the voluntary agreement.

Chairperson Nadeau said it would be helpful to be able to see the security plan.

Commissioner Conklin asked if the applicants had met with the Cardozo-Shaw Neighborhood Association yet. Mr. Fonseca said they had not.

Commissioner Thomas asked if there was more than one business in the building and was this applicant separate from other businesses? She also asked if there were two or three levels in the building.

Commissioner Raia said the building had four levels, but the applicant is only renting the basement.

Commissioner Thomas asked if there was going to be a cover charge for the live entertainment. Mr. Fonseca said there would be a cover charge for some events.

Commissioner Thomas asked if that would cause lines to form outside the entrance.

Mr. Fonseca said they were working on this issue and would be willing to include it in the voluntary agreement. He said that with the estimated maximum attendance of 250

people, they should be able to get people in the door and stagger departure times to avoid sidewalk congestion.

Commissioner Raia said the situation would be similar to lines outside Ben's Chili Bowl or the 9:30 Club.

Commissioner Thomas said she was concerned about the fact that there would be other businesses in the building and there was a bus stop at that corner. She said she was also concerned about the width of the sidewalk. She said she would like to see the entire Commission have input into the voluntary agreement with regard to these concerns because she felt it could become a problem if not done properly. She wanted to participate in developing the agreement and wanted her concern on the record.

Commissioner Raia said that the entrance to the club was on the other side of the building, not on the side with the bus stop.

Commissioner Thomas said she wanted to make it clear for the record that whatever agreement was developed would address this.

Chairperson Nadeau observed that there were bus stops on both sides of that corner.

Chairperson Nadeau asked for comments or questions from the community.

There was none.

Mr. Fonseca [inaudible].

Chairperson Nadeau said she had questions about the application. She observed that the Commission had not worked on a new nightclub license in a while. Last year, they had dealt with Town and Republic. Town has been very successful because of the work that was done. She said this issue is not just about a voluntary agreement. It is about the community understanding the applicant's business plan so that the Commission and the community can help the applicant be successful in this space. Chairperson Nadeau commented that Commissioner Moss had worked very closely with Town to make sure there was a good voluntary agreement that meant something, and that it was more than just a bunch of rules. She asked Commissioner Moss to comment.

Commissioner Moss said that was absolutely correct. She said that Town's owner had a business in another ANC. They came to ANC 1B quite prepared and had gone through the system with ABRA. They were really very proactive. She thought they would be an exemplary model for other applicants.

Chairperson Nadeau said that, on the other hand, the Commission had also worked with Republic last year. This club has since gone out of business. It was located in the same block, with high rent and an impossible business plan. There were factors against

them that prevented success. The Commission wants to do better for any business coming into this location, because we want the businesses to succeed. She said that she thought it made sense to pay special attention to this license as the Commission and the applicant work through the voluntary agreement and the process. The applicant will benefit and the community will benefit if this can be done. She requested that, whatever motion Commissioner Raia might make, that some experienced people be involved in working on the voluntary agreement. These should be people who have helped with nightclubs, whether Commissioners or business owners. The goal is to really make sure that the business can succeed and that problems are not being created for the neighbors.

Commissioner Raia said that he thought it was safe to say that the MidCity Business Association would be working with the licensee to help develop the voluntary agreement.

Chairperson Nadeau requested that any voluntary agreement developed come back to the Commission in January for review, rather than just being adopted by e-mail.

Commissioner Muhammad said that, since there had been no comment or opposition from the community present at the meeting, but that numerous people indicated they supported the license, he would like to hear from a couple of constituents the reasons why they support the application for the record.

Chairperson Nadeau asked for comments from supporters of the applicant.

Mr. Brian Liu, 1339 V Street N.W., said that he was one of the partners in the applicant business, but he would like to speak to the question. He said he purchased his house in 1998, so he has lived in the community for a significant time. He said that all of the concerns the neighborhood had about noise, traffic, people, crowds in the street were his concerns too. Being in the neighborhood and from the neighborhood, he wants to make the business workable for everyone. He has to live with his neighbors, and in fact, his block is the closest residential block to the business location. Mr. Liu said he used to frequent a bar that was upstairs in the building at 2001 14<sup>th</sup> Street. He thought it was the last business in that space. Hogs on the Hill was on the first floor. He said that most of the neighbors have been very disappointed that this building, which used to be a very visible cornerstone, has been vacant for so long. He got involved as a business partner because he was very excited to be a part of a venture that could revitalize that space.

Chairperson Nadeau asked for other comments from supporters.

Ms. Natalie Avery Executive Director, MidCity Business Association, said that her organization was working with businesses and residents to assure that they could have successful businesses without negative impacts on neighbors. She said she supported this applicant because, among other reasons, they are supporting the arts and bringing in D.C.'s arts and music community.

Chairperson Nadeau asked if there were other comments. There was none.

Chairperson Nadeau called the attention of the Commission to a second license application hearing notice in Commissioners' meeting folders. This second license would be located at the same address. The applicant is Café Society, applying for a Tavern license, described as an upscale steak and burger lounge with a summer garden with 45 seats and a sidewalk café.

Commissioner Raia commented that there would be no sidewalk café.

Chairperson Nadeau commented that the Commission would then be receiving a corrected notice. Commissioner Raia said that was correct.

Chairperson Nadeau asked if the summer garden would be on the roof of the building and the business would be occupying the first and second floors.

Commissioner Raia said there are two floors and one section of the building is taller than the other so the summer garden is located on the lower section contained by a six-foot wall with a twelve-foot section of the building next to it. The summer garden will not be on the roof.

Chairperson Nadeau suggested that some photographs or other illustrations would be helpful at the January meeting. Commissioner Raia said they would have some.

Chairperson Nadeau suggested that, since it had been a long time since the Commission had dealt with two licenses in one space, it would make sense to get both owners in the same room when discussing the terms of the voluntary agreement, the business plans, and how the space will work for the community.

Commissioner Raia said he had met with both owners.

Chairperson Nadeau asked if he had met with them together.

Commissioner Raia said yes.

Chairperson Nadeau asked Commissioner Raia to describe that conversation.

Commissioner Raia said that the license applicants had to work with the owner of the building to address the dynamics of having two businesses in the same building, to make sure they did not contradict each other. The two concepts do not conflict: one is a high-end steak lounge, the other a music and arts club. These concepts are part of the agreement with the owner.

Chairperson Nadeau asked if there was a binding legal agreement.

Commissioner Raia said yes.

Mr. Fonseca said that it was part of the lease agreement.

Commissioner Raia said the situation was similar to the Ellington, which restricts what types of businesses can lease on the first floor so that they do not contradict each other and are not set up for failure.

Chairperson Nadeau asked if there was a motion.

Commissioner Raia moved that ANC 1B protest the application of Music and Arts Club for a Retail Class C Nightclub License on the basis of peace, order and quiet, that the protest be withdrawn upon the negotiation of a voluntary agreement between the applicant and the Commission, that Commissioner Raia be authorized to negotiate the voluntary agreement, and that the voluntary agreement be circulated to the Commission for review.

Commissioner Muhammad seconded the motion.

Chairperson Nadeau suggested a friendly amendment that the people working on the voluntary agreement be named.

Commissioner Raia said that any Commissioner who would like to be involved should contact him directly by e-mail if they do not want to wait for his draft to come to them.

Commissioner Thomas asked if the ABC Committee would be working on the draft of the voluntary agreement.

Commissioner Raia said the ABC Committee would not be meeting until January. If the voluntary agreement draft was postponed until then, it would impair the applicant's license, it would impair the owner of the building, because they have a limited time to obtain a license, and they might lose the money invested. The intent of his motion is to work with MidCity Business Association, with Town, develop a draft and send it to Commissioners to review before the January meeting. If any Commissioner has anything to add or subtract, they could do so and then the Chairperson could sign it.

Commissioner Thomas asked if Commissioners would be able to sit down with Commissioner Raia to help draft the agreement.

Commissioner Raia said that if that were what a Commissioner wished to do rather than wait for the draft, then he would sit with Commissioners and set up a time to do that.

Commissioner Conklin asked if Commissioner Raia would work with both applicants to make sure they presented before the Cardozo-Shaw [U Street] Neighborhood Association because she thought it was important for the Commission to have the Association's opinion.

Commissioner Raia said that was fine and that the applicants had thought they would have been on the Association's last meeting agenda.

Chairperson Nadeau said that they would not be able to present to the Association in December so they needed to arrange a private meeting with people from CSNA.

Mr. Fonseca said that it was important to clarify that there was an ABC contingency in the lease agreement that expires on January 14<sup>th</sup>, so the issue of the voluntary agreement would have to be settled before then.

Chairperson Nadeau said that the Commission's next meeting was scheduled for January 7<sup>th</sup>.

Commissioner Raia said that the issue affected not just the applicant, but also the owner of the building, so it was important to expedite the voluntary agreement.

Chairperson Nadeau said that was understood, but the Commission's priority was the community and if the Commission was not satisfied, then that was it.

Commissioner Moss asked Ms. Avery for an update on the hospitality program that the Commission had helped to fund two years ago.

Ms. Avery said that the Association is operating a hospitality business orientation process. When a new business opens up, this provides a process whereby the new owner meets not only with an ANC commissioner and with residents, but also with other business owners who have experience in the community and who can help them figure out the issues they have to deal with. The goal is to assure that new owners are not just signing an agreement not to do certain things, but also have the resources and information to mitigate potential problems.

Commissioner Moss commented that this was a high priority. ANC 1B was one of the first in the city to implement this program and it was one of her priority projects. This program should be an initial point of contact for every new applicant that comes before the Commission.

Chairperson Nadeau commented that she understood Commissioner Thomas to be asking not for her and Commissioner Raia to sit down, but that when the voluntary agreement was being drafted, all the people who are interested are together.

Commissioner Thomas said that was exactly what she meant.

Chairperson Nadeau said that this should be the case with all voluntary agreements.

Commissioner Raia agreed.

Chairperson Nadeau said that in order to make the deadline, everyone would have to stay in communication about that.

Chairperson Nadeau reiterated Commissioner Raia's motion, noted the motion had been seconded, and said she would retract her friendly amendment. She called for a vote on the motion.

The motion was adopted unanimously, 9-0.

### **U Street Music Hall Application for a Retail Class C Multi-Purpose Facility License**

Mr. Will Eastman, 1545 18<sup>th</sup> Street N.W., the owner/applicant, said he was a historian and a DJ. He worked at the Smithsonian Institution/National Museum of American History for thirteen years. He recently left his position at the Smithsonian to work on developing the U Street Music Hall. It would be a multi-purpose music venue that would offer small-scale live music, DJs, DJ classes for community youth, [inaudible]. He said he had been a board member of Project Create, a non-profit organization that provides free arts classes for D.C. children. Project Create has pledged to work with him on DJ classes and projects at U Street Music Hall.

Commissioner Thomas asked when the classes would be scheduled.

Mr. Eastman said they would be held after school.

Commissioner Thomas asked if they would be free.

Mr. Eastman said yes.

Commissioner Akinmboni asked what age range would be included in the classes.

Mr. Eastman said the classes would be for children age 5 or 6 to 14 years. He said he had worked with a summer camp at the Smithsonian and the age range there was from eight to 12 years.

Commissioner Thomas asked why classes could not include teenagers. She said there were many community programs targeted to pre-teen children, but for thirteen year olds and older teens, there are very few programs. She asked if Mr. Eastman's program could be opened up a bit.

Mr. Eastman said yes, absolutely.

Commissioner Moss asked how Mr. Eastman's program would be funded.

Mr. Eastman said through philanthropy and fundraising. He said he and a DJ partner had done four fundraisers for the project so far.

Commissioner Thomas asked where the business was located on U Street.

Mr. Eastman said between 11<sup>th</sup> and 12<sup>th</sup> Streets.

Commissioner Raia said that this business would also be located in the basement of the building.

Chairperson Nadeau asked if this was the former location of Q Bar.

Mr. Eastman said yes.

Chairperson Nadeau said that the plan for classes sounded great, but that was not what was happening in the evening until 3 or 4 AM. She asked Mr. Eastman to discuss the types of music events and activities he would have during the evening, his business plan, and how he planned to manage events.

Mr. Eastman said he had run a dance party at the Black Cat Nightclub where the theme was affordable, multi-genre events with no attitude, just fun. He wanted to do the same at the U Street Music Hall. The focus would be on local talent on the weekends; there would be occasional out-of-town shows, but the emphasis would be on D.C. DJs and musicians.

Chairperson Nadeau asked Mr. Eastman to discuss his business plan. She said he had a great idea, but this was a high-rent location and it did not sound like Mr. Eastman would be “raking in the bucks.” How did he plan to sustain the business?

Mr. Eastman said that he was a professional DJ and he would continue that work. The project is music-focused. The other owners are also DJs. They want to stay focused on the music and they are not looking at this project as helping them become millionaires.

Chairperson Nadeau asked about the application capacity of 399.

Mr. Eastman said they had applied for a maximum capacity of 399 people.

Commissioner Raia said that the real capacity number is decided by DCRA. Every applicant to ABRA asks for the maximum capacity, and the true capacity number is reduced later.

Chairperson Nadeau said that the only time the Commission gets to consider capacity is when the ABRA application is reviewed.

Commissioner Raia said that once DCRA determines a lower capacity number, it has to be posted and the business cannot exceed that number.

Chairperson Nadeau asked what would happen if the Commission did not like the DCRA number.

Commissioner Muhammad said the Commission would have to appeal to DCRA.

Chairperson Nadeau said she did not think the Commission would have standing with DCRA. She said she was not trying to be arbitrary, but the requested capacity was a lot of people for that space. The 7-11 store on the corner of 11<sup>th</sup> Street had been the target of crime. This is an area that the Commission has focused on. A lot of development work has been done to create a safer environment for residents and provide extra security. She asked Mr. Eastman how his business would contribute to those ongoing security efforts.

Mr. Eastman said they would have a security person posted at the entrance at all times. This person would be looking out for things going on on the street, making sure their patrons were not blocking the sidewalk, and making sure the noise levels were contained,

Commissioner Raia said Councilmember Graham had expressed concern about the same questions, and he had exchanged several e-mails with the Councilmember explaining how the voluntary agreement would work to address these issues. The councilmember's response was that it did not sound like things were out of control and he just wanted to make sure that everything was in place.

Commissioner Thomas asked about input from the CSNA and whether they had made a presentation to them.

Commissioner Raia said that CSNA determines who gets on their agenda, not the businesses.

Commissioner Thomas said she was asking if Mr. Eastman had reached out to CSNA.

Mr. Eastman said he would be setting up a meeting with them.

Commissioner Moss said that one of the items she would like to have included in the applicant's voluntary agreement is the question of leasing the space to outside entities. She said that had been a problem on 9<sup>th</sup> Street and she thought it was important, given the applicant's target demographics, to make sure that does not happen.

Commissioner Raia said that a prohibition on leasing to outside entities is included in every voluntary agreement and would be included in this one as well.

Commissioner Thomas asked if there had been any opposition from the community.

Commissioner Raia said he had heard of no opposition.

Chairperson Nadeau asked if there were questions or comments from the community.

A member of the audience asked how the space would be used during the day.

Mr. Eastman said they would like to do programs during the days and on weekends: DJ classes, theater workshops, film programs.

A member of the audience asked what time they would open.

Mr. Eastman said they would open at 6 PM.

Another member of the audience asked about noise on the street.

Mr. Eastman said they would be in the basement so the noise would be contained.

Commissioner Raia said there were several doors between the street and the event space, and sound suppression would be added.

Mr. Eastman said the security person stationed at the entrance would make sure that the doors remained closed.

Another member of the audience asked if Mr. Eastman would be willing to have a sign in the entranceway asking patrons to be respectful of the neighbors.

Mr. Eastman said yes.

Commissioner Raia said that would be included in the voluntary agreement.

Another member of the audience asked if the Commission would review the applicant's business plan.

Chairperson Nadeau said that the Commissioner of jurisdiction would review the business plan when drafting the voluntary agreement, but that it should be available to any Commissioner who wants to review it.

Mr. John Guggenmos, owner of Town, suggested that Mr. Eastman should engage a sound engineer to assist in managing and mitigating sound.

Mr. Eastman said they had engaged a sound engineer.

Commissioner Ferrer asked about hours of operation, and whether the owner intends to stay open until 4:00 AM, although last call is 2:00 AM.

Mr. Eastman said that he is working with ABRA to implement a soft closing so that they avoid putting all of their customers on the street at the same time.

Chairperson Nadeau asked if Mr. Eastman had met with the MidCity Business Association. He said he had not, but intended to do so.

Commissioner Raia moved that ANC 1B protest the U Street Music Hall's application for a Retail Class C Multi-purpose license on the basis of peace, order and quiet, that this protest be withdrawn upon the negotiation of a voluntary agreement between the applicant and the Commission, and that he be authorized to negotiate the voluntary agreement, which he would then circulate to the Commission for review..

Commissioner Muhammad seconded the motion.

The motion was adopted unanimously, 9-0.

### **Restaurant Marvin, 2007 14<sup>th</sup> Street N.W. – Amendment to Voluntary Agreement**

Commissioner Raia said that this voluntary agreement was negotiated in 2008 when police did not carry decibel meters and were not trained to do decibel testing. Those were some of the issues that the voluntary agreement protected the area with. The owner is proposing to change the voluntary agreement's requirement to keep the upstairs entrance door closed at all times and to maintain a decibel reader in the establishment. With regard to the door, the live music has been relocated so that the sound cannot escape, and now that the police have decibel meters, this is no longer necessary. In addition, there is a decibel reader app on the I-phone, so if someone called him about noise, he could go to the business and check the noise level with his I-phone. These are the only two issues that the owner wants to change in the voluntary agreement.

Chairperson Nadeau asked if the decibel meter requirement was in any other voluntary agreement.

Commissioner Raia said that some of the older agreements have the requirement because those businesses that had music had to know what the sound level was so they did not exceed the maximum allowable.

Chairperson Nadeau asked if having a decibel reader was an extra cost.

Mr. Sheldon Scott, manager of Restaurant Marvin, said that the decibel reader was very expensive. They break frequently and a replacement has to be purchased.

Commissioner Raia said that if the decibel reader were broken when ABRA inspected the business, they would be found in violation of their voluntary agreement.

Chairperson Nadeau asked whether this amendment would excuse Restaurant Marvin from operating at a prescribed maximum decibel level. Commissioner Raia said it would not, that the voluntary agreement still specifies a maximum sound level that they cannot exceed.

Chairperson Nadeau asked why Marvin needed to have the upstairs door open.

Mr. Scott said they had a lot of people going in and out. It makes movement of traffic easier and faster, and to maintain security, since they check IDs at the top of the stairs. The sound system has been changed so that sound does not escape through the upstairs door.

Commissioner Moss asked what the statutory decibel level is.

Commissioner Raia said it was 90 decibels. He added that the police have a standard that if they can hear the sound five feet outside the building, it may be too loud. The voluntary agreement requires that they keep the noise down to the level specified by DC statute.

Commissioner Raia moved that Restaurant Marvin's voluntary agreement be amended to delete the requirements regarding the second floor entrance door and to delete the requirement for the business to use a decibel meter.

Commissioner Muhammad seconded the motion.

The motion was adopted unanimously, 8-0.

### **Grant Applications and Grant Committee Report**

Chairperson Nadeau noted that the Grants Committee had met on Wednesday evening and asked for a committee report.

Commissioner Akinmboni said that the Committee had reviewed the Commission's grant policies and was proposing revisions. She distributed a draft of the recommended changes and reviewed the most significant ones.

Referring to paragraphs 12 and 12a, she said that the policy would limit grants to a maximum of \$2,000 per year, but that they were recommending that organizations could apply for a grant two times during a year as long as the total amount requested did not exceed \$2,000. For example, an organization might apply for \$500 one month, then later come back and apply for an additional \$1,500.00.

Referring to paragraphs 14 and 14a, Commissioner Akinmboni said that, under the proposed changes, any grant recipient that failed to provide a statement of use and receipts within 60 days after receiving the grant would be suspended for three years and not allowed to apply for a grant during that time.

Commissioner Akinmboni referred Commissioners to the Recommended Staff Support Procedures for Processing Grant Applications, which had been distributed to the Commission and discussed at previous meetings. She said that the committee was

recommending two additions to those procedures: that the Staff Director would send a reminder to grant recipients 30 days and 50 days after receipt of the grant that a statement of use and receipts were required and would be due 60 days after receipt of grant funds.

Chairperson Nadeau thanked Commissioner Akinmboni for her work on grant policies.

Commissioner Moss asked about paragraph 11 of the draft policies and the time frame for reviewing and approving grant applications.

Commissioner Akinmboni said that paragraph 11 required applicant organizations to appear at a public meeting of the Commission to present their application and explain how they would use grant funds. Paragraph 9 required that grants be received in the Commission office no later than 15 days before the meeting at which the grant would be formally introduced. Grants would be formally introduced at a regular public meeting, and then considered for approval at the next monthly public meeting.

Chairperson Nadeau observed that there were many significant changes being proposed. She suggested that the proposals should not be voted on at this meeting.

Commissioner Akinmboni said that she had made only a few changes from what had been distributed by e-mail.

Commissioner Thomas and others said they had not received any e-mail regarding proposed changes.

Jim Irwin said that he had e-mailed the draft changes to only the co-chairs of the committee, the Chairperson and the Treasurer, not to the entire Commission.

Commissioner Thomas asked if these were proposed changes to the existing grant policies now posted on the Commission website.

Commissioner Lopez said that he and Commissioner Akinmboni had met the previous evening and reviewed the policies. One of the suggested changes, paragraph 12a, would increase the opportunities for community organizations to apply for grant funds, which was something the Commission had discussed as very important in difficult economic times. Paragraph 14a, which would penalize organizations that did not comply with reporting requirements, was necessary because the Commission's funding was dependent on compliance with these requirements. If the required reports and receipts were not provided, the Commission's funding would be withheld. Commissioner Lopez said that the Commission had just received its total FY 2009 allotment because of delays in getting documentation from grant recipients. The funds were supposed to be provided in quarterly allotments, but had been withheld.

Commissioner Raia asked if the auditor withheld all Commission funds, or only the amount of the grant. Commissioner Lopez said that the total allotment was withheld

until grant documentation was provided. Because of delays in obtaining receipts, some funds from FY 2008 had only now been received, a year and two months later.

Commissioner Moss asked about the process of reviewing and voting on the draft policies the Commission had just received. When would an official vote be taken?

Chairperson Nadeau said that the Commission could amend its by-laws to include the grant policies. Right now grant procedures are not part of the by-laws. She thought it would make sense to incorporate them into the by-laws, but that would require two readings. She did not know that this meeting had to be the first reading because Commissioners had only now received the draft. She suggested a vote in February.

Commissioner Moss said she was concerned because she had two possible applicants in the pipeline for January and wanted to be sure that everyone understood what the policies were.

Commissioner Lopez said that the draft was a work in progress and Chairperson Nadeau said that it was a great start.

Commissioner Muhammad asked who was on the Grants Committee and who prepared the draft policies.

Chairperson Nadeau said that anyone who wanted to attend was part of the Grants Committee.

Commissioner Muhammad said that including anyone who wanted to attend sounded good, but he wanted to know who made up the membership of the Grants Committee and who had written the draft.

Chairperson Nadeau said the document already existed and Commissioners Akinmboni and Lopez had made changes to it.

Commissioner Muhammad said he would like to know who the members of the Grants Committee were and who had written the document that had been revised.

Commissioner Lopez said that it was already a working draft of policies and he and Commissioner Akinmboni had made revisions and added ideas.

Commissioner Moss said she could not recall exactly when the grant policies were first established.

Chairperson Nadeau said it was during the time when Commissioner Hunter was Chairperson.

Commissioner Muhammad asked who was present at the meeting the previous evening and who edited the document.

Commissioner Akinmboni said that only she and Commissioner Lopez had been present and worked on the document.

Commissioner Muhammad asked who else was on the Grants Committee.

Commissioner Conklin said that Commissioners Akinmboni and Smith were the co-chairs of the committee. She said that they had been appointed when committees were set up by the Commission.

Commissioner Muhammad agreed and asked who else was on the committee besides the co-chairs.

Commissioner Lopez said the two co-chairs were the members of the committee and he had just volunteered to attend the meeting to help with grant policies.

Chairperson Nadeau said she had volunteered as well, although she was not able to attend the meeting.

Commissioner Akinmboni said that she had sent out e-mails to all Commissioners inviting them to attend the committee meeting.

Commissioner Muhammad said that sending e-mails and inviting everyone to attend was good, but he thought the committee really ought to be more structured than just two people.

Commissioner Lopez said that Commissioner Akinmboni had sent out e-mails and tried to get Commissioners involved. He had hoped more people would have attended, but he and Commissioner Akinmboni had gone ahead and taken a crack at drafting policy revisions. It was just a start and was really just a work in progress. There were still things that could be improved.

Chairperson Nadeau said that every Commissioner's participation was needed in developing ideas and drafting changes through e-mails, on-line and at this meeting.

Commissioner Muhammad said it should not be just Commissioners involved, but also the community. The membership of committees should be open to the community.

Commissioner Thomas said that Commissioner Muhammad's questions and observations made sense, not just for the Grants Committee but for other committees as well. She said there was also the ABRA Committee and the Design Committee, and she was still trying to keep up with who was on what committee. She thought Commissioner Muhammad's point about community participation should apply to all committees, but that did not always happen. She thought there might be a better way of setting up the committees and making sure that residents could be members too. She suggested that committee membership might be listed on the agenda so that the

community and Commissioners would know clearly who was assigned to what committee. She herself was not sure what committees she was on. She knew she was on the ABC Committee, but maybe also the Design Committee and she had received the e-mail about the Grants Committee meeting, so maybe she was on that committee too. Maybe there was a better way of everyone knowing what committee they were on.

Commissioner Muhammad said he agreed with Commissioner Thomas. He said the reason why he had asked was that the Commission did have these other committees, and they had “been around the block” regarding the Public Safety Committee. The Commission had voted to move that committee’s meetings to other locations, but that had gone nowhere. Commissioner Raia had his committee, which meets, and so did Commissioner Smith. He said the minutes of this discussion would show that they were considering a draft of policy changes, which was good, but there were a few members of the community present and many more who were not present. He did not want anyone to think that only five or ten or twenty people considered these policy changes when he did not know who was on the committee and only two people had prepared the draft. They should be commended for their work, but . . . .

Chairperson Nadeau interjected that she agreed completely with Commissioner Muhammad and had been saying the same thing since January. She was now asking every committee chair, and would communicate with Commissioner Smith, who was absent, to send an e-mail in the next few days to the community lists soliciting members for their committees from the general community. By December 15<sup>th</sup>, all the committee chairs should report back to Jim Irwin who had signed up to be on their committees. Those names would be posted on the Commission website. If any Commissioner needed help accessing the various community listserves, they could contact Mr. Irwin for assistance. In addition, all Commissioners should announce to all other Commissioners what committees they would like to serve on, and that would be posted on the Commission website as well.

Commissioner Thomas said she thought this would be helpful, and that all committees should have community membership, participation and input.

Commissioner Akinmboni said that the proposed administrative procedures were for the support of the Treasurer and the Commission, and to make sure that required documentation was collected so that the Commission’s funds would not be delayed. They were not really for the public. She thought the grant policies should be posted on the Commission website and printed as part of the grant application so that everyone would know what was required.

Chairperson Nadeau said that the grant policies were already on the Commission website, just not with any of the proposed revisions. She thought an announcement should be made to the community that the Commission is considering amending its policies and inviting feedback. She said she wanted the draft policies as presented at this meeting inserted into the minutes, and she asked Commissioner Akinmboni to send the draft to the community listserves, asking for comments and suggestions.

Following are the draft grant policies as presented at the meeting:

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**DRAFT**



## **ADVISORY NEIGHBORHOOD COMMISSION 1B**

### **POLICIES GOVERNING GRANTS TO COMMUNITY ORGANIZATIONS**

By law, Advisory Neighborhood Commission 1B may give grants to community groups or organizations for the benefit of the general public. The following policies, terms and conditions shall govern the review and approval of applicants, and the administration and monitoring of approved grants:

1. Community groups are not required to be incorporated as non-profit organizations to receive grants.
2. Grants from the ANC may be combined with other funds. Applicants are encouraged to solicit additional funds from other sources.
3. Grants shall be approved for a public purpose, defined in D.C. law as “an activity which serves as a benefit to the community as a whole, and which at the same time is directly related to the functions of government;” grant expenditures must confer “a direct public benefit of a reasonably general character: that is to say, to a significant part of the public, as distinguished from a remote and theoretical benefit.”
4. **Grant funds cannot be used to support programs or activities that “duplicate already available programs and services.”**
5. Grants shall benefit “persons who reside or work within the Commission area.”
6. Grants shall not be made to individual persons, only to community organizations.
7. **Grants cannot be made directly to public schools or to conduct programs on a contractual basis with existing government agencies**
8. **Grant funds may not be used for partisan political activities, to purchase meals or food, or to pay for entertainment. Grant funds may not be used to support block parties.**
9. **Applications must be received in the Commission office not later than 15 days before the public meeting at which the application will be formally submitted.**

**10. An application shall be formally submitted to the Commission at the regular public meeting one month before the grant will be awarded. At the next meeting at which it shall be considered for approval.**

11. A representative or representatives of the applicant organization must appear before the Commission at its public meeting to present the grant request, and to answer questions from the Commission and the public, prior to the Commission voting on the application. Grants cannot be considered or approved by the Commission until a representative or representatives of the applicant organization has made a public presentation at a public meeting of the Commission.

12. Generally, grants will be limited to a maximum of \$2,000.00. The Commission may, in its discretion, approve a grant for an amount greater than the maximum, if it determines that the application has exceptional merit and will confer an unusual benefit to the community. Organizations are limited to one grant per fiscal year, without exception.

**12.a Any organization can apply for grant two times per according to the need of the organization both times can not exceed the limited amount which is \$2000.00 (Two Thousands Dollars)**

13. Grant recipients will sign a grant application and a receipt for grant funds which will constitute a binding contract with the Commission to adhere to the policies herein stated and the activities, programs and budgeted expenditures detailed in the application.

14. As required by law, grant recipients shall provide to the Treasurer of the Commission a statement of use of funds, complete with receipts that support all expenditures, not later than 60 days following the issuance of the grant.

**14a. If the recipients / organization did not comply with the rule or contract agreement. The recipients / organization shall be suspended for three years (3 years) before they can apply for any grant from the ANC 1B.**

15. Grant funds will be provided for a maximum period of **60 days** from the date of approval of the grant. Any funds remaining at the end of that period shall be returned to the Commission.

16. At the termination of the project or activity supported by the grant, or **60 days** after the approval of the grant application, whichever comes first, the grant recipient shall submit to the Treasurer of the Commission a final report on the use of funds, describing the activities and programs supported by grant funds, identifying specific benefits achieved by the grant, and supported by receipts for all expenditures of grant funds for the duration of the grant period. This final report shall be submitted no later than 30 days after the date of termination of the project or 30 days after the end of the **60 days**, whichever is applicable.

17. If the recipient fails to comply with any of these policies, terms and conditions, the grant shall be immediately terminated by written notice from the Treasurer of the Commission and the recipient shall return all unspent funds to the Commission.

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Commissioner Ferrer suggested that it might be good to have a community member as co-chair of a committee along with a Commissioner co-chair. There were many non-profit organizations in the ANC 1B area and a lot of expertise available, which could be of great assistance to the Commission and its committees.

Chairperson Nadeau said she loved that idea and suggested that community co-chairs should be approved by the Commission as are committee chairs. She said that an invitation to the community to volunteer for co-chairs could be included in the announcement asking for community members to participate in the committees. If there were community co-chair candidates, they could perhaps be voted on at the January meeting along with Committee chairs.

Commissioner Moss said that the Public Safety Committee already had a co-chair from the community, Lt. Jova from the PSA.

Chairperson Nadeau asked Commissioner Muhammad if he did not also work with a PSA representative.

Commissioner Muhammad said he did, but the discussion had been going in an entirely different direction from what he had tried to bring up earlier. For months and months, he had been stressing that the Public Safety Committee should represent all of ANC 1B because there are public safety issues that affect all of the ANC 1B area. The Commission had voted to have the Public Safety Committee meet in various locations and consider public safety for the entire Commission area, but that had not happened. He said it was true that he had monthly meetings with PSA 304, but that was totally separate from what he had been discussing, which was the serious need for the Commissioners to step up, accept responsibility and take the initiative for getting the Public Safety, Grants and other committees to be effective. He was not willing to say that his monthly PSA 304 meetings were a Public Safety Committee meeting serving all of ANC 1B, because that was just not the case. The Commission must stop calling a meeting that deals only with public safety issues for one PSA the Public Safety Committee. He was not a co-chair of the Public Safety Committee. There is only one Commissioner who was the chair. The Commission had voted to have the Public Safety Committee meet in different locations and be a Commission-wide committee, but that had not happened. He said that had to change because there were many residents in ANC 1B who had no knowledge of public safety issues.

Commissioner Raia said that his concern was how the Commission would decide on community co-chairs at the January meeting if there were five people wanting to be the co-chair of one committee.

Chairperson Nadeau said that the Commission would vote on chairs for the committees in January, and could vote for co-chairs in the same way.

Commissioner Muhammad said he agreed that chairs of all committees should be elected at the January meeting because the Commission had not voted on the chairs of the current committees.

Chairperson Nadeau said the Commission had elected chairs at the January 2009 meeting.

Commissioner Muhammad disagreed and said that the Chairperson should consult the minutes of the January meeting. There had been no election of committee chairs.

Commissioner Raia asked if the Commission had voted for Lt. Jova as co-chair of the Public Safety Committee.

Commissioner Moss said that the Public Safety Committee had made Lt. Jova co-chair.

Commissioner Raia said his point was that co-chairs of the committees should be selected by the membership of the committees, not by the Commission.

Commissioner Moss agreed.

Chairperson Nadeau said that, in that case, it would be better to hold off on community co-chairs until the committee memberships were better formed.

Commissioner Moss asked if the Commission could move to the next agenda item.

Chairperson Nadeau reiterated that the committee chairs would be sending out an e-mail to the community about committee memberships in the next few days and would report back on community interest by December 15<sup>th</sup>. In addition, Commissioners will be e-mailing each other about which committees they want to serve on.

Commissioner Thomas asked if the Commission would be changing committees in January or working toward getting committees more functional.

Chairperson Nadeau said that in January the Commission would be voting on officers and committee chairs.

### **African American Holiday Association Grant Application**

Ms. Ayo Handy Kendi, founder and director of the African American Holiday Association, said that her organization sponsors a youth entrepreneurial project that offers training and an opportunity to earn money during the holiday season to youth in the ANC 1B area. The program has been in operation since 1989. Hundreds of young people have been helped over the years and the program has planted the seed of entrepreneurship in a number of them. The grant funds from ANC 1B will fund a stipend, which will serve as an incentive to youth to participate in the training. The training provides skill sets, an understanding of what an entrepreneur is, and values. This year the program will also provide work opportunities for the trainees during the

holiday season to earn money. The goal is to train 40 young people. The stipend would be \$20.00 and they are requesting a \$1,000.00 grant.

Commissioner Moss said that, considering the present economic situation and the unprecedented unemployment in D.C. of 10%, it was very good to see a grassroots effort to give young people lifestyle skills that will help prevent them becoming potential problems in the community. Ms. Kendi has been an advocate and activist committed to this project for some time, and she and the community were very proud that Ms. Kendi is from LeDroit Park. They were very supportive of her efforts to keep young people focused and get them into environments that are proactive and positive.

Commissioner Raia said that Ms. Kendi had said she would have asked for more money if she could have, and asked her how she would use additional funds if the Commission were to provide a larger amount than she had requested.

Ms. Kendi said she could increase the amount of the stipend provided to the trainees. They are currently doing fundraising to increase the incentive amount of the stipend. Part of their training will involve planning Kwanzaa events. They could be paid for that work and for handing out flyers

Commissioner Raia suggested that the stipend could be increased to \$30.00 per student, which would increase the total for stipends from \$800.00 to \$1,200.00 and other parts of the budget could be increased to support flyer distribution, increasing the total grant request to \$1,600.00.

Chairperson Nadeau said that the D.C. auditor had had problems with this grant in the past, and they had been very careful to develop a grant proposal that could be approved with confidence that expenditures would be acceptable to the D.C. auditor.

Commissioner Raia asked if the D.C. auditor would object to increasing the amount to \$1,600.00.

Chairperson Nadeau said that a lot of time was spent making sure that what was in front of the Commission was what would be voted on. Ms. Kendi had been before the Commission to apply for this grant for several years. If she wanted \$2,000.00, she could have asked for it. The maximum grant limit had been \$2,000.00 for several years.

Commissioner Moss said she had inadvertently misinformed her constituent, Ms. Kendi, because she was under the mistaken impression that the grant limit was \$1,000.00. That was why Ms. Kendi's request was for \$1,000.00.

Ms. Kendi said that she had to speak up for the reality that there had not been a problem with the grant. She was concerned to correct the perception that there was a problem. There had not been a problem with the auditors except for receipts. One year, they had submitted receipts, but the auditor said the receipts were not adequate. They corrected that. She was informed that there was another problem with

documentation at the last meeting, which she was not aware of. She and Mr. Irwin had gone over that issue, which had to do with paying the trainees with checks and using the cancelled checks as receipts or documentation. That was not acceptable and she had been informed that the auditors wanted more formal documentation, which they will provide in future. She still was not sure what that was about, but she wanted to correct any perception that there was a problem with her grant.

Commissioner Thomas asked about the practicality of paying youth who did not have checking accounts using checks. To get their money, they would have to go to a check-cashing service.

Chairperson Nadeau said that Mr. Irwin and Commissioner Lopez had developed a receipt form that would satisfy the auditor and which could be used for payments in either cash or checks.

Commissioner Raia moved that ANC 1B approve the grant request of the African American Holiday Association with an amended budget: increase stipends for 40 youth from \$20.00 to \$30.00 for a total of \$1,200.00; pay youth coordinator \$100.00; \$100.00 for flyer distribution; increase printing of flyers to recruit youth to \$200.00 for a total grant request of \$1,600.00, and that the African American Holiday Association document its stipend expenditures with the receipt form provided by the Treasurer.

Commissioner Muhammad seconded the motion.

The motion was adopted, 7 yes, 1 no, 1 abstain, Commissioner Nadeau voting no and Commission Lopez abstaining.

Commissioner Anderson Holness noted for the record that she had returned to the Commission meeting during the discussion of the African American Holiday Association grant.

### **Meridian Hill Neighborhood Association Grant Application**

Mr. Michael Taylor, 1317 Florida Avenue N.W., representing the Meridian Hill Neighborhood Association (MHNA), said that their grant proposal would fund the lumber to construct four tree boxes at the Booker T. Washington School in the 1300 block of Florida Avenue N.W. These tree boxes would replace brick borders, which were stolen during a neighborhood cleanup in the summer. The students at Booker T. Washington School would construct the tree boxes in their carpentry shop as part of their 100-hour community service requirement.

Commissioner Raia asked if the tree boxes were on the sidewalk public space, not on school property.

Mr. Taylor said yes.

Commissioner Raia said that they would be required to get a public space permit to construct the tree boxes on the sidewalk.

Chairperson Nadeau asked if they were replacing tree boxes that had already been there.

Mr. Taylor said no, that there had been only an open dirt area.

Commissioner Raia said that the city code would require that a tree box get a public space permit. He did not think as Commissioners they could approve a grant until that was done.

Commissioner Thomas said that she had been involved in the neighborhood cleanup and that her cooperative had used its own money to build six tree boxes on their block. They had just got \$5,000 from Councilmember Graham's office and the Collaborative to build additional tree boxes. These were on the street, on public space, and did not require a permit. She said they had been doing this for years and had never had to get a public space permit. When did this requirement go into effect?

Commissioner Raia said that he did not know for sure, but in 1997, when he was working on brick sidewalks in the community, this was one of the issues that came up when he walked the street with the arborist. He pointed out every illegal tree box.

Commissioner Thomas asked what they did about illegal tree boxes.

Commissioner Raia said that when they replaced the brick sidewalks, they would remove the illegal tree boxes.

Commissioner Thomas said they had just planted trees in their new tree boxes and no one had told them not to do that.

Commissioner Raia said the law and requirements were spelled out on the DDOT website. Tree boxes cannot be more than 18 inches high, can only be enclosed on three sides, must be ADA-compliant, and cannot block water drainage.

Commissioner Thomas said that Westminster Street, U Street, Meridian Hill and just about every other neighborhood association that she knew of had been doing this for years. She was not questioning what Commissioner Raia said, but this had been happening for years, it just happened, it continued to happen, so what . . . .

Commissioner Raia interjected that there are many tree boxes that are illegal and DDOT cannot go out and find every one of them. He said that if an illegal tree box is put up, the Commission says that can go there, and a car hits it, the city will get sued and the city will pay, because it is public space.

Commissioner Thomas said they were talking about wooden boxes.

Commissioner Raia said yes, but wood was not a legal substance, according to the website.

Commissioner Thomas observed that apparently Councilmember Graham had just spent \$5,000.00 for tree boxes that were illegal.

Commissioner Muhammad said that he thought this issue should be researched, because he was not going to tell the Councilmember that he had done something illegal. He said that both Commissioner Raia and Commissioner Thomas had made valid points. He thought the Commission needed to do research before approving something that could be illegal.

Commissioner Moss said she thought it was a worthwhile project, but that DDOT Public Space needed to be consulted. She supported what the MHNA was trying to do, especially if they had free labor, but if the project was not too time sensitive, she suggested tabling it until research could be done and the statutory guidelines clarified.

Chairperson Nadeau asked Mr. Taylor to research the question, and the MHNA grant application would be moved to the January agenda.

Commissioner Raia said the Commission could go ahead and vote on the grant application, do the research, and depending on what was learned either give MHNA the money or not.

Chairperson Nadeau said that it was winter and there was no hurry, so it would be better to carry the application over to the January meeting.

Commissioner Moss asked that Mr. Irwin distribute information on D.C. legal requirements for tree boxes to all Commissioners.

### **Columbia Heights Shaw Family Collaborative Grant Application**

Commissioner Raia said that he had been informed by Chairperson Nadeau and Mr. Irwin that this grant application in its current form would be unacceptable to the D.C. auditor. He had discussed with the applicant how the grant could be rewritten to make it compliant with the legal guidelines and suggested that she work with Commissioner Akinmboni. The applicant is willing to rewrite the application. He asked if the Commission should hear about the organization and the grant proposal now.

Chairperson Nadeau asked Commissioner Akinmboni if she was a member of the Columbia Heights Shaw Family Collaborative (CHSFC) board of directors. Commissioner Akinmboni said she was. Chairperson Nadeau said that it was important that Commissioner Akinmboni not be involved in assisting with the rewriting of the grant and that she recuse herself from consideration and voting on the application.

Commissioner Raia suggested that Commissioner Smith or Mr. Irwin could assist with rewriting the grant. Chairperson Nadeau agreed and said that anyone could help her except for a Commissioner involved with the organization. She asked Ms. Camile McKenzie to present her organization's request.

Ms. McKenzie said she was in charge of youth programs for CHSFC, but the proposal was not youth-related, but for family services. She was filling in for the Director, who could not attend. The project was an educational outreach program during the holiday season, when a lot of families focus more on buying gifts than on the basics of paying utility bills. They were working to help families in Ward One understand the importance of paying and keeping current on their utility bills, and providing assistance where needed.

Commissioner Moss asked what amount CHSFC was requesting. Ms. McKenzie said \$5,000.00. Commissioner Moss asked how many families were being served. Ms. McKenzie said that they were currently servicing 80 families, but that the number increased during the holiday season.

Commissioner Anderson Holness asked what criteria were used to determine who was served. Ms. McKenzie said they were serving Ward One and starting in LeDroit Park. They also serve Shaw, 14<sup>th</sup> and W Streets, Wardman Court, and Meridian Hill. The criteria are families in need. They come to CHSFC for anything from utility assistance, rental assistance.

Commissioner Anderson Holness said she was asking if there was any formula for deciding who was eligible for assistance.

Commissioner Raia said there had been a formula in the original proposal, but the grant needed to now be redesigned to support organizational operations, rather than payments to families.

Commissioner Anderson Holness asked if there was a budget.

Chairperson Nadeau said it would be submitted at the January meeting.

Commissioner Thomas said that the financial guidelines prohibited the Commission from providing funds for direct assistance to individuals, so CHSFC was revising the grant to request assistance for its organizational operations. She had hoped that they could have done that.

Commissioner Raia said that he had thought that this grant application was exactly along the lines of what the Commission had said it wanted to do with the grant funds, but then he was told the proposal could not be done.

Chairperson Nadeau said the Commission unfortunately had had that discussion in a vacuum and she had been told afterwards that direct support to individuals was not permitted.

Commissioner Anderson Holness asked if they were now finding a way to do the same thing that they had been told they could not do.

Chairperson Nadeau said no, the grant application would be for funds to support the mission of the organization and their operation, as opposed to the money they give to individuals. The Commission would get receipts for expenditures on administrative materials for example. The money that came from other sources, such as the Councilmember's office, could then be directed to support for individuals.

Commissioner Thomas said that this revised grant application could then be a model for other community organizations.

Commissioner Muhammad said he supported the CHSFC. Two months ago, he had discussed how the Councilmember's office and the Mayor's office could not deal with the increased need for assistance to individuals in the community alone. He had contacted Ms. Penny Griffith, Director of CHSFC, to let her know what he had said he would like the Commission to do in 2010. Too many people are facing hardships. Commissioners or some in the meeting room might face hardships. The question was asked how many families were being served by CHSFC. Each Commissioner represented about 2,000 people and there were eleven Commissioners. CHSFC had the potential to service 22,000 people, not just 80 families. Even though the Commission had been told that Commissioners could not assist their constituents directly, he did not think that anything should be in the way to prevent the Commission from supporting CHSFC and other organizations that might apply. There are families who need help, and the Commission fortunately had the funds and should do everything in its power to assist the organizations who are helping those families, even if the Commission cannot assist directly.

Commissioner Raia said that it was due to Commissioner Muhammad's hard work that this grant application had been developed, and that he was supporting it.

Chairperson Nadeau thanked Ms. McKenzie for attending the meeting and said the Commission would consider the application at the January meeting.

Chairperson Nadeau noted that Commissioner Moss had introduced a grant application to be considered in January for the Robert and Mary Church Terrell House and LeDroit Park Museum & Cultural Center for \$1,000.00.

## **Prince Hall Masons Parking Relief**

Commissioner Raia said that the Prince Hall Masons were asking for support for their request to DDOT for parking relief on December 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup>. They were asking for exemption from the two-hour parking limit.

Mr. Anthony Wells, representing the Prince Hall Masons, said that they applied to DDOT every year for this exemption for their annual meeting. The area covered would be 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> Streets N.W. from W Street N.W. to T Street N.W. The time period would be 9:00 AM to 4:00 PM. To try to reduce the number of cars needing the exemption, he said the Masons had contacted Howard University and arranged for the use of one of their parking lots.

Commissioner Anderson Holness asked approximately how many people attended their meetings each of the three days.

Mr. Wells said about 200-300 people would attend. He said they would have placards that their members could place on the dashboards of their cars.

Chairperson Nadeau asked about the number of cars involved. Mr. Wells said they could not really estimate how many cars. Chairperson Nadeau said she was asking because the extra cars displaced residents. On the other hand, the attendees brought business to the neighborhood.

Commissioner Moss asked if an announcement could be put on the website about this. Chairperson Nadeau said it might be better to send out a notice to the listserves.

Commissioner Muhammad asked if DDOT had approved this request and if residents in the affected area had been brought into this. He said that he asked because parking was extremely tight in that area. He said that if the Commission supported this request with just one week's notice, he was sure that many residents would be displeased. When the Langston Hughes Way dedication and festival was held, resident parking was displaced and residents were unhappy.

Commissioner Anderson Holness observed that during the day, most people would be at work and the parking issue would not be as heightened.

Commissioner Raia said the Prince Hall Masons had consulted the Westminster Neighborhood Association. As a result of that consultation, the Masons contacted Howard University to get additional parking to reduce the number of cars that would park on the streets.

Commissioner Thomas asked if this was something new or had this been done in previous years.

Commissioner Raia said it was not new and that the Commission had supported this request in previous years. Commissioner Smith had worked with the Prince Hall Masons on this request in past years.

Mr. Wells said that the Masons were trying to be good neighbors and were asking the Commission for its support.

Commissioner Muhammad asked if the parking privilege was new.

Chairperson Nadeau said no, the Commission had supported this for several years in the past.

Commissioner Anderson Holness moved that ANC 1B support the Prince Hall Masons request to DDOT for relief from parking restrictions for the period December 9-December 11, 2009 from 9:00 AM to 4:00 PM on the following blocks and streets:  
1800, 1900, 2000 and 2100 blocks of 10<sup>th</sup> and 11<sup>th</sup> Streets N.W.  
1800, 1900, and 2000 blocks of Vermont Avenue N.W.  
900, 1000 and 1100 blocks of T, V and W Streets N.W.

Commissioner Moss seconded the motion.

The motion was adopted 7-0-1, Commissioner Muhammad abstaining.

There being no other business, Commissioner Anderson Holness moved that the December 2009 meeting of ANC 1B be adjourned.

Commissioner Raia seconded the motion.

The motion was adopted unanimously, 8-0.

The meeting was adjourned at 9:37 PM.