

ADVISORY NEIGHBORHOOD COMMISSION 2F

Minutes of Regular Public Meeting

December 7, 2005, 7:00 PM

Washington Plaza Hotel, 10 Thomas Circle, NW

Submitted by: Chris Kohatsu, Executive Director, ANC2F

Present: **Chairman Charles Reed (2FO1), Jim Brandon (2F02), Chris Dyer (2F03), Bob Ellison (2F04), Sandra Biasillo (2F05), Mike Nelson (2F06)**

Absent: **None**

Community Forum

(Announcements and Reports)

Chairman Reed noted that a quorum was present, called the meeting to order at 7:00 PM and directed that a copy of the notice of the meeting be filed with the minutes.

Commissioner Announcements

Dyer announced that he volunteered for the LCCA Holiday House & Gallery Tour.

Ellison announced that Mr. Wash announced that it will stop blocking the sidewalk when wiping down cars.

Nelson announced that he attended the Ward 2 Transportation Policy Committee meeting. He mounted plans for DDOT's work programs for public display. The plans include repavement, construction, and roadwork. A lot of contracting and procurement problems are occurring, and not enough fatalities have occurred for a traffic light to be installed at 11th and O Streets.

PSA 307 Report – Lt. Mike Smith, MPD

Smith mentioned that the U.S. Attorney's office has a new assistant U.S. Attorney assigned to the 3D Community Prosecution section. He is Roger Kemp.

Operation Fight Back was performed on November 16th. 906 O Street had a search warrant issued and drugs were found. Vagrants were displaced from buildings, and one vagrant was found with four outstanding warrants issued.

MPD is asking residents to keep an eye on the 1300 block of P Street (next door to The Studio Theatre).

A Drug-Free Zone has been requested in various parts of Logan Circle. These zones are established by citizen calls for service and observation of suspicious activity. Lt. Smith has also recommended a property at 9th & N streets (for 1,000 sq. ft).

Last month there was a sharp increase in robberies. Comparatively from last year, overall crime is down. Theft, robberies, and burglaries are up; the rest (drugs, DUI, weapon recovery) is down.

Nelson inquired about staffing in our PSA. He was answered there are about 22 officers available for PSA 307. A total of 32 officers are on the roll call which includes school patrols and the focus mission, and those on sick leave.

Smith announced that Pastor Bob Holum from Luther Place Memorial has authorized stay-away orders to vagrants who are deterring the work of the N Street Village.

Mike Garvey referred to the Chief Ramsey press conference on Logan Circle crime issues earlier this year. Specifically, he asked Smith to comment on the Chief's remark that MPD had to worry about the whole City was ill advised, not merely Logan Circle, in light of the fact of the disproportionate and sharp increase in crime in this area. Smith said that robberies were up everywhere, but that Garvey was correct, there was a sharp increase in the Logan Circle area.

Sgt. Emerman stated that in 2005, the Third District had more than 1,000 robberies – more than 50% over other districts. Emerman said that 25% of day shift officers are being moved from the 2nd District to the Third District. 20 officers from the academy are being deployed for the holidays – even before their training is completed. Resources are coming and they are being deployed. Reed asked the Sgt. to remind the Commander to respond to his letter sent months ago. Smith answered that he was drafting a response to the letter.

Mike Sheaffer asked what citizens should tell operators when calling in drug observations. Smith answered that callers need to promote urgency and not settle for dispatch to hold items. Keep calling if they do not get the response they want.

Todd Lovinger asked about MPD policy in enforcing church-goer parking. Smith answered that if a caller complains, MPD should respond. Lovinger said that churches in his block park illegally, blocking fire hydrants, sidewalks, and forcing residents into precarious situations. After extended discussion, Reed called the meeting back to order. He invited Lovinger to bring the matter before the ANC if he wished to have the ANC formally involved. [Post meeting note: the January 2005 ANC meeting will consider the parking issues.]

Nelson said that the K Street renovation is tied up in DDOT. There is a plan to include bus lanes, but it is now tied up. Nelson did bring up Thomas Circle House concerns about street crossing times, and will work with Dyer to implement.

Chris Kohatsu announced that the LCCA will return on January 18, 2006 and hold a public safety forum including a panel made up of Police Chief Charles Ramsey, Ed Reiskin, Deputy Mayor for Public Safety and Justice, and Michael Latessa, Director of the Office of Unified Communications. All are welcome to attend.

10 Minute Recess

Approval of Agenda

The agenda, as modified, was duly adopted for the meeting.

Approval of November Minutes

Minutes of the November 2005, were duly and unanimously approved.

Approval of November Special Meeting Minutes

Minutes of the special meeting held November 28, 2005, were duly and unanimously approved.

Public Safety and Housing Matters

CPSC Report – Mike Sheaffer

Sheaffer said they CPSC had three letters to present and several new appointees to the committee.

Nelson nominated four individuals for membership on the CPSC. After discussion of their qualifications, and upon motion by Dyer, seconded by Biasillo, and further discussion, it was

RESOLVED, That in furtherance of paragraph 7 of the Commission's resolution adopted October 5, 2005, establishing the Crime and Public Safety Committee (CPSC), the following persons be and are hereby appointed as members of the CPSC:

**Christie Billingsley,
Mike Garvey
George Kassouf
Rob Moosey**

VOTE: Unanimous (6-0)

In exercise of the provision of the CPSC's establishing resolution granting each Commissioner a right to appoint a CPSC member from his or her SMD, Ellison appointed **Marvin Nixon**, Biasillo appointed **Grant Hall** to the committee, and Reed appointed **Jacqueline Reed**. Reed noted that the appointee is his wife, and pointed out that she had served for 22 years on the 3D Citizen's Advisory Committee.

Sheaffer announced that the first internal CPSC meeting will be on the 12th of December at the Aaron Shipman House at 1312 Q Street. He indicated that the first actions of the committee were to be writing owners of various problem properties to fix exterior lights, stop prostitution, and commend others for the work they have performed to clean up graffiti, install security cameras, and better locks.

Nelson inquired as to how the CPSC would choose the properties. Sheaffer answered that these requests were made to properties close to him, but with the enlarged membership of the committee, he expected to be able to identify and act on others.

A brief discussion ensued over whether CPSC letters required prior ANC approval. Reed expressed the view that as long as no formal action was involved, the ANC was not required to approve and that no Sunshine Act issue was involved. Nelson asked if the Commissioners should have their signature on the letter rather than the Chair's. Reed said he had no objection if other Commissioners wished to sign such letters. Dyer said that when there is an opportunity to endorse these letters so as to give them additional force, Commission might wish to vote. Reed indicated that the same effect could be reached by formal ratification. Biasillo said that she agreed with Reed, and that the commissioners should always be made aware of correspondence happening in their SMD.

Reed pointed out that Commissioners are free to send letters on their own where they do not purport to exercise powers of the ANC which would not be required under DC law to be voted upon by ANC. Brandon said that a past chairman had insisted upon review of any letter signed by a Commissioner acting as such. Reed said that he has great confidence in his colleagues, and saw no need to assert such control.

John Begert – JPI Construction

Begert manages the development and construction of the Jefferson at Thomas Circle at 13th and M Streets, NW. He stated that JPI took the letter concerning prostitution activities near this site from the ANC very seriously. JPI has instructed their workers and contractors not to aid, employ or fraternize with prostitutes, and threatened disciplinary action, including termination, of violators. Begert indicated he is the singular point of contact for this project for any community concerns. Nelson asked about security or surveillance. Begert answered that there was a guard on duty for the duration of 7 PM – 5 PM to make sure all the fences and gates were properly closed. Smith confirmed that the guard was on site and has assisted MPD. Reed asked for a copy of the letter to subcontractors. Begert presented it.

Director Michael Latessa, Office of Unified Communications

Latessa has been a firefighter in Boston, the Public Safety Director for the State of Florida, involved in narcotics enforcement for 11 years, and has headed the 911 and 311 communications systems in DC for two years.

He gave an overview of the operations of his unit. He provided information on the improvement in response time of 311 and 911, and explained the priority system for handling calls. The current response performance is 90 seconds for Priority 1 (life threatening) 911 calls, and 42 seconds for fire and medical. He explained that operators question callers for details that may be helpful or critical in dealing with the call or its aftermath, pointing out that where the priority or emergency of the call requires it, aid may already be dispatched while the questioning is proceeding. He asked that any

complaints in life-threatening cases be directed to him personally, and noted that there is an ongoing quality assurance, control and individual performance testing of operators.

Nelson said that he is aware of rude operators. Latessa indicated that all calls are recorded and can be retrieved; he offered to review such calls and asked Nelson to provide information from which the calls can be identified.

Legislation

MEAL Act – Debra Erenberg, Center for Science in the Public Interest

This bill was introduced by Councilmember Mendelsohn and requires chain restaurants to list certain nutritional information on their menu boards. Councilmember Evans has co-sponsored the bill. They now need support from Councilmember Catania to get a hearing. ANC2B supported this and so did ANC2C.

Dyer moved, and Nelson seconded, a motion to support the bill. In the ensuing discussion, Ellison asked why smaller scale restaurants are exempt – Erenberg answered it was a cost burden. Ellison said that the media, the government, and common sense should tell the public what they are consuming. He wants to know why the DC Council has to play the role of “fat police” and he expressed the view that it is not a proper function of government to regulate private decision of food choice.

Reed responded that the bill requires only the posting of nutritional information which national restaurateurs are required to provide in any event; the bill being directed to assuring that consumers are provided such information in a convenient manner. Reed took issue with Ellison, stating that public health and safety are proper functions of government (explicit references thereto being in the pre-ample to the United States Constitution).

Biasillo asked why Reed was prepared to have the Commission vote on this legislation when he had previously taken the position that the ANC did not have the expertise to deal with the issues underlying the public smoking ban legislation. Reed said that the issues in the former case involved disputes over whether there was adequate scientific demonstration of the health risks and economic impact of the bill, whereas here, the issue does not require any such determinations by the ANC to make a decision whether to support; here, the question is only whether the City should mandate disclosure of information on a matter as to which there is no dispute as the public health importance of obesity.

Dyer reiterated that this is a public health issue, and that the commission should consider public health issues affecting their constituents. Ellison said that public health issues deal with crime, public safety, and robbery. The public is not forced to go to restaurants. Ellison maintained that it is individual responsibility to look at and read warning labels. Nelson said that the FDA already requires packaged foods to carry labels. Ellison said that we should then leave it up to the federal government.

Thereupon, the question was called on the motion that it be,

RESOLVED: That this Commission support legislation pending before the D.C. Council which in effect requires national fast food restaurants to post nutritional content information of certain menu items in a manner conveniently available to the public.

The Commission divided on the motion, Dyer, Reed, and Nelson voting aye, and Biasillo, Ellison, and Brandon voting nay. The motion failed for lack of a majority.

Public Space, Street Closings, Parking and Traffic Matters

Chris Brown – Greater Washington Sports Commission

Pamela Pine – Stop the Silence Walk

Both parties presented proposed street closings. The Greater Washington Sports Commission's Run will be held during the National Cherry Blossom Festival, March 25 – April 9, 2006. The Stop the Silence Walk will be held on April 15, 2006.

After reviewing the proposals, upon motion by Dyer, seconded by Nelson, and after further discussion, it was,

RESOLVED, That proposals for street closing on behalf of the Greater Washington Sports Commission and the Stop the Silence Walk (respectively scheduled for March 25, 2006 and April 15, 2006) were presented at the meeting, and it appearing to this Commission that the such proposals comply with the procedures established by this Commission and that the closures would not unduly inconvenience residents nor adversely impact businesses within the vicinity of the closures, the ANC determines to recommend to the District of Columbia Emergency Management Agency that permits be granted, and it is

FURTHER RESOLVED, That the appropriate officers of this Commission communicate the foregoing advice to the District of Columbia Emergency Management Agency.

VOTE: Unanimous (6-0)

Liquor License Matters

Vegetate Update

Nelson reported that Vegetate has a status hearing before the ABC Board on January, 17, 2006 which will further delay the liquor-license approval. Shiloh Baptist Church has brought up another complaint that Vegetate's application is in violation of the minimum

distance from school requirement of the ABRA regulations. Vegetate will contest such complaint.

Dakota Cowgirl

Dakota Cowgirl, formerly Hamburger Mary's, proposed an amendment to the existing voluntary agreement to which the ANC is a party, to relieve it of the obligation to retain a national franchise affiliation.

Upon motion by Reed, seconded by Dyer, and after further discussion, it was,

RESOLVED, That (1) after review of the amendment submitted to the Commission to remove the requirement that Dakota Cowgirl remain affiliated with a national franchise, (2) upon its determination that the facility has exhibited compliance with the provisions of the existing agreement for a period of at least a year, and (3) upon the representations of Glen Mlaker, as owner, that (i) Dakota Cowgirl will operate in faithful compliance with the modified agreement in all respects with no other changes in operations and (ii) the premises are to be materially refurbished to improve décor, the Commission determines that it is in the best interests of the community that the Commission enter into the amendment; and that the same be, and is hereby, approved, and the appropriate officers of the ANC be and are hereby authorized and instructed to execute the amendment and to take such further actions as they deem necessary to implement this resolution.

VOTE: Unanimous (6-0)

Other

Reed commented that protests were filed for renewals of the 13th Street Quality Market, E.I. Market, and Chirilagua Beer & Wine. December 21st is the hearing status for the Chirilagua. Reed will request that Tim Hillard appear on behalf of the commission.

CDC Report

Consent Calendar Items:

917 M Street, 1110 Vermont Avenue, and 1123 11th Street NW.

The CDC report for its November meeting was laid before the meeting. Upon motion of Dyer, seconded by Brandon, and after further discussion, it was,

RESOLVED, That the report of the CDC as presented be and is hereby accepted, and it is

FURTHER RESOLVED, That ANC2F advise the Board of Zoning Appeals:

1. to accept the request pending before the Board for a special exception from 11 CDCR §411.11 and variances from 11 CDCR §§773.3 and 772 with respect to **917 M. Street, N.W., Washington, DC**, this Commission having determined (i) with respect to the special exception that it will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, and (ii) with respect to the variances that the applicant has satisfactorily demonstrated that the property has a unique shape or characteristic that the strict application of the zoning would create hardship and that that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map; and

2. to accept the request pending before the Board for variances from 11 CDCR §§403.2 and 3103.2 with respect to **1123 11th Street, N.W., Washington, DC**, this Commission having determined that the applicant has satisfactorily demonstrated that the property has a unique shape or characteristic that the strict application of the zoning would create hardship and that that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map; and it is,

FURTHER RESOLVED, That ANC2F advise DDOT to accept the pending application for a space permit at **1110 Vermont Avenue, N.W.** commencing December 15, 2005 for a period of 5 months to permit use of a crane in connection with work at the premises; and it is,

FURTHER RESOLVED, That the appropriate officers of this Commission be and are hereby authorized and directed to take such further action as may be required to effectuate the purposes of the foregoing resolutions.

VOTE: Unanimous (6-0).

CDC Guidelines

Dyer presented guidelines which had been adopted by the CDC, and requested that they be posted on the ANC2F website for the convenience of parties appearing before the CDC and in order that the community might better understand the CDC proceedings.

DC Auditor's Report Review

The D.C. Auditor's audit of ANC2F for fiscal year 2004 was briefly discussed. Reed indicated that the Auditor's principal defect noted—namely that the ANC failed to follow a D.C. statute regarding the issuance of checks in connection with the reimbursement to

the then Executive Director for a computer purchased by her on a credit card—appears to be totally incorrect. The Auditor relied upon two opinions of the D.C. Attorney General’s Office, which are inapposite. Reed and Biasillo indicated that a formal response to the DC Auditor, which the ANC is required to file within 90 days of the Audit, will be submitted for ANC approval at its January meeting.

Helen Kramer said that Councilmember Catania has oversight over ANC’s. Nelson recommended bringing in Gottlieb Simon for opinion.

Brandon asked if the ANC could “shop” banks to generate interest from our accounts. Biasillo said that she would research it.

Treasurer’s Report

Upon motion by Biasillo, seconded by Nelson, and after discussion, it was,

RESOLVED: That the treasurer’s report be and is hereby accepted; and the following expenditures authorized and ratified, as the case may be:

D.C. Treasurer - \$5.50 (Kohatsu November withholding)

Chris Kohatsu - \$700.00 (November wages)

Verizon - \$120.05 (November and September bill – September check lost and voided)

VOTE: Unanimous (6-0).

Email Distribution

Upon motion by Biasillo, seconded by Nelson, and after discussion, it was,

RESOLVED: That the appropriate officers of the Commission be and are hereby authorized and directed to engage web-based email distribution services for ANC2F at a cost not to materially exceed \$23.00 a month.

VOTE: Unanimous (6-0).

Adjournment

Reed noted that this meeting ends the first of a two-year term for the current ANC2F Commission, and extended his appreciation to the commissioners for their hard work and community service. He indicated that this Commission has improved the ANC’s operations and efficiency, enhanced its reputation with the District government agencies and officials, and has ably served the interests of the Logan Circle Community.

There being no further business, the meeting adjourned at 9:29 PM.