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## Minutes of the September 2, 2008 meeting of Advisory Neighborhood Commission 1-D

*These minutes accepted at the October 7, 2008 meeting.*

### Call to order

[7:15 pm] Chair Angelia Scott called the meeting to order at 7:15 pm. Present were ANC1D commissioners Scott, Edwards, Bosserman, Tunda, and McKay, constituting a quorum.

### Public discussion

[7:15 pm] The meeting was opened to public discussion. Ed Schneider, resident of 1701 Harvard Street, spoke of a garage on the alley behind his house, for which there is an application for a zoning variance. Fay Armstrong, of Historic Mount Pleasant, and Kendall Dorman, Harvard Street resident, also spoke.

Commissioner Zara arrived during the public discussion.

### Minutes of previous meetings

[7:31 pm] No corrections to the minutes of the July 23 and August 12 meetings were offered by the commissioners, so these minutes were declared accepted.

### Treasurer's report

[7:31 pm] Jack summarized the bills to be paid that evening, namely \$50 to Tony Grillo for postering, and \$2025 and \$1675 to Neil Richardson for July and August, respectively. Jack proposed also to write a check to Tony Grillo for \$100 to replace a check from last March, evidently lost. Also to be written was a check to Gregg Edwards for \$179.64, reimbursements for the costs of a backup Web hosting site. Jack summarized the ANC finances for the fiscal year. This ANC has spent a total of \$7747.50 during the fiscal year, mostly for personal services from contractors, and has received \$13,303.27 from the District, resulting in a surplus to date of over five thousand dollars.

### New Business:

#### **ANC1D engages independent contractors, organized by its Executive Director**

[7:36 pm] Gregg introduced this resolution:

ANC1D resolves to authorize the engagement, as independent contractors serving at will, Adebisi Odegbile and Laticia J. Jefferson. They will work on ANC1D projects with work as organized and overseen by the ANC1D Executive Director (ED) or the ED's designated successor. The work includes roles as Grant Manager, bookkeeper, legal aide, staff assistant and other duties as suggested by the ED and accepted by the contractor. Payments are authorized to be made for their invoiced services rendered according to the work organized by the ED which includes roles at rates between \$15 and \$25 an hour. The work of all ANC1D staff and contractors, unless otherwise resolved, serve as organized and overseen by the ED.

*Passed, 6 to 0.*

## **Establishing a grants program**

[7:46 pm] Jane introduced this resolution:

ANC1D authorizes up to \$8000 for a grants program to implement ANC1D Bylaws article XVI "Grants Policy". Up to \$5000 is authorized for the actual grants, with the rest to support the establishment of the program that for the longer-term benefit of Mount Pleasant can continue to develop its effectiveness and outreach. This program is under the oversight of the ANC1D Executive Director or designates or successor. The proposals will be two pages, one for narrative and the second for entity data of the kind required by the joint form of most DC area foundations; unless specifically argued otherwise, one goal for all grants is to complete that joint form. No funds will be disbursed except upon approval of a final report and only for receipts in accordance with DC law, specifically those that can be approved by the DC auditor. ANC1D intends for this program to be announced with all due expedition, preferably before the end of September. The organizations making proposals need not be incorporated, but should demonstrate some minimum establishment, order or articulate purpose. A priority for engaging potential grantees will be outreach to groups in underserved populations or not usually active participants in local civic affairs. The grants will be reviewed by a disinterested panel, perhaps with reasonable but modest honoraria but certainly not including ANC1D commissioners or the officers or board members of any group making a proposal. The final slate of recommended grants, with reviews and rationale will be submitted for approval to ANC1D.

*Passed, 6 to 0.*

## **Education Committee**

[7:53 pm] Jane introduced this resolution:

ANC1D resolves to appoint Jane Zara as Chair and Gregg Edwards as member of its Education Committee, and to authorize \$1000 specifically for the ANC1D Executive Director to provide support for the activities of this committee. Some of the immediate goals for this committee include: A survey of education and adult learning programs and activities of all kinds that occur in or affect Mount Pleasant; this includes public and charter schools, programs of DC Public Libraries, and the Departments of Health, Environment, and Parks and Recreation. The possibilities of small grants to Mount Pleasant groups to seek further funding that could enhance and enlarge their leveraging of these programs. The possibilities of synergizing and collaborating among providers and users for more efficient and effective delivery of educational services.

*Passed 5 to 0, with one abstention (Jack).*

## **DCPL should engage in serious discourse with MtP & ANC1D**

[8:13 pm] Gregg introduced this resolution:

ANC1D resolves to advise the DC Public Library (DCPL) and the DCPL Board to correctly engage ANC1D, the democratically elected branch of the DC government, by DC Charter and DC law authorized to represent Mount Pleasant. The responses so far from DCPL do not demonstrate the legally required accord of Great Weight. For example, DCPL fails to provide detailed evidence and arguments to each particular of ANC1D's resolutions, often included in the part of the resolutions denoted by "Why".

Why: As the appeals court ruled in *Kopf v. DC ABC Board*, an agency need not only show it paid attention to ANC resolutions, but must in each specific, "articulate why or why not the particular ANC itself, given its vantage point, does or does not offer persuasive advice under the circumstances..." Please note that DCPL's opinion from its vantage point is not the test, and a mere restatement of its opinion does not in itself constitute any kind of admissible answer.

*Passed, 6 to 0.*

## **dDoT should engage in serious discourse with MtP & ANC1D on the Traffic Study**

[8:25 pm] Gregg introduced this resolution:

ANC1D resolves to advise the DC Department of Transportation (dDoT) to provide Great Weight to its resolutions on the Mount Pleasant Traffic Study. The responses so far from dDoT do not demonstrate the legally required accord of Great Weight, for example, providing detailed evidence and arguments to each particular of ANC1D's resolutions, often included in the part of the resolutions denoted by "Why".

Why: As a proposal that will have substantial impact on Mount Pleasant, the method of formulation of recommendations itself will have substantial impact on Mount Pleasant, and this formulation should therefore be reviewed by ANC1D, and ANC1D should be accorded Great Weight. In particular, the method of formulation should adequately support an informed public and should include a balance of perspectives both from experts on potential impacts and from a reasonable consideration of present and potential users of the facilities under consideration. This commission has heard both from experts and from residents that the current process has not sought such a balance, but instead dDoT has not overseen the handling of this study with full good faith and due diligence.

This resolution does not dispute that data were gathered in good faith, and perhaps in partial compliance with ordinary practices. However, the larger and longer-term recommendations, given their larger and longer-term likely impacts on all sectors of Mount Pleasant, should not go beyond their evidence. That evidence, from the observations of ANC1D, has been selectively gathered on the basis of dDoT's convenience and on the propensity to participate in such studies. Of course, without careful statistical treatment, both forecasts of likely impact and samples of opinion or of situation of users cannot be ethically derived without further work than that obviously employed by dDoT. We call upon dDoT to apply generally accepted scientific and engineering principles to the formulation of any summaries emerging from this study.

As the appeals court ruled in *Kopf v. DC ABC Board*, an agency need not only show it paid attention to ANC resolutions, but must in each specific, "articulate why or why not the particular ANC itself, given its vantage point, does or does not offer persuasive advice under

the circumstances..." Please note that dDOT's opinion from its vantage point is not the test, and a mere restatement of its opinion does not in itself constitute any kind of admissible answer.

Jack moved that the motion be tabled until the October meeting. Lacking a second, the motion to table died.

*Resolution passed, 4 to 2 (Stormy and Jack voting "no")*

## **ANC1D authorizes a request for clarification on whether an agency can escape the ANC law by delegating**

[8:36 pm] Gregg introduced this resolution:

ANC1D asks that its officers and Executive Director request clarification from the DC Attorney General and from other counsel to obtain an answer to the ANC1D resolution advising agencies to not escape the requirements of notice and response on plans by delegating or contracting out the formulation and implementation of those plans. Additionally, ANC1D advises the DC Council, and Chairman Gray's committee particularly, to assure that this potential loophole is closed.

Why: The formulation of plans and the gathering of ideas and evidence seems often contracted or delegated out, with the result that the momentum of resources and the time available upon final report often make the policy intents of the DC Charter and the ANC law difficult or impractical to carry out with full good faith and due diligence. It is too easy for agencies to claim that their time and budget constrains precluded effective consultation except from partisans or special interests and their activists.

*Passed, 6 to 0.*

## **Reject the Mount Pleasant single sales bill**

[8:48 pm] Jack introduced this resolution:

*Resolved*, that ANC1D advises the Council of the District to delete the Mount Pleasant elements of Bill B17-0903, the "Mt. Pleasant, Targeted Ward 2, and Ward 6 Single Sales Moratorium Temporary Act of 2008". Further, ANC1D advises the Council of the District to hold hearings concerning single sales bans that are properly publicized and noticed to ANCs and affected communities, in contrast to the secretive hearing held on July 11, a hearing that was improperly advertised, and for which notice was given only to ban advocates.

Why:

First, the single sales ban already in place in Mount Pleasant does not reduce public drinking, nor any of the behavioral problems associated with problem drinkers, but merely causes these Chronic Public Inebriates to take their unpleasant behavior into adjacent neighborhoods, where there is no ban. As one Mount Pleasant resident noted, upon the imposition of the current ban some eight years ago, the troublesome population "evaporated, they went away". This is not a legitimate solution to the public drinking problem.

Second, there is no evidence that the current ban in Mount Pleasant is necessary, or even beneficial, today, after the substantial demographic changes of the past eight years. The only way to determine if it has any effect would be a trial suspension of the ban, a test that has received favorable comment from residents. The proposed legislation would prevent any such test.

Third, the supposed benefits of the single sales bans, aside from the displacement of a troublesome population into other District neighborhoods, are questionable. A recent statistical analysis of the Ward Four ban, by a graduate student of econometrics at George Washington University, finds that "the presence of a singles ban in Ward 4 did not cause a statistically significant reduction in alcohol-related calls for [MPD] assistance". If problem drinkers simply discover other means of obtaining their alcohol, then these bans are futile as public policy.

Fourth, single sales bans, clearly ineffectual as public policy, deflect attention from serious efforts for dealing with the Chronic Public Inebriate problem. A simple means of reducing the nuisance level of such men is to have the toilet facilities of homeless shelters accessible during the day, as today they are not, forcing homeless people to use alleys and back yards as toilets. A means of getting the homeless out of public parks and off our streets and sidewalks is the Mayor's Permanent Supportive Housing program. While the Council of the District spends time and effort on single sales bans, these more substantial approaches to the public nuisance problem are being neglected.

As for the hearing held by the Committee on Public Works and the Environment on July 11, no proper public notice of that hearing was given. The official notice of this hearing appeared only in the July 11 District Register, put in the mail even as the hearing was under way. No public notice was provided on neighborhood Web sites or listservs. No Mount Pleasant ANC Commissioners were notified of this hearing. That hearing, held virtually in secret, was not representative, and was not legally valid.

*Passed, 5 to 0 (Gregg abstaining).*

## **Priorities for ANC1D staff**

[8:46 pm] Gregg introduced this resolution:

ANC1D resolves to advise its Executive Director that priorities for the near future could well include the following issues among those already highlighted by ANC1D resolutions:

Establishing and executing a grants program with substantial outreach toward high and long-term impact.

Dealing with agency projects with potential long-term impacts on large fractions of ANC1D residents. This category includes: the MtP branch library; redesign of streetscape and traffic patterns around 1600 block of Park Rd NW; a Special Planning Area to revitalize the commercial corridor and eastern Mount Pleasant while enhancing our economic and economic diversity; streetscape conditions and plans especially for the area around the commercial corridor; jitney and shuttle services; parks, pedestrian and transportation linkages with neighboring ANC areas; policing and security.

Dealing with issues around agency handling of notice, acknowledgment, collegial discourse, and Great Weight for ANC1D resolutions; this might include discussions with Chairman Gray's current considerations to rewrite the ANC legislation; and a report for all concerned on the current status of ANC1D resolutions.

Neighborhood outreach, web-site and other technologies for better communications.

Alcohol related issues, include understanding the legal bases of current contested issues.

Pest and trash related issues, including bed bugs.

Formulation of continuing ANC1D programs, and staff support. This might include: best practices for handling Zoning Commission, Historical Preservation, and Board of Zoning

Appeals, including information guides both for owners seeking changes and for neighbors wishing consultation.

Survey of the situation, demographics, needs for and conditions of current government policies and services that affect Mount Pleasant.

Jack moved that this resolution be tabled until the October meeting. *Motion to table passed, 4 to 2, Jane and Gregg voting "no".*

## **Adjournment**

[8:50 pm] An unidentified commissioner moved adjournment. *Approved by 6 to 0 vote.*