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<p><b>1D02</b> vacant</p>		<p><b>Rich Wysocki 1D05</b> Treasurer rwysocki92@verizon.net</p>
<p><b>Jack McKay 1D03</b> Chair jack.mckay@verizon.net</p>	<p>P.O. Box 43529 Washington, DC 20010 e-mail: anc@anc1d.org Web: www.anc1d.org</p>	<p><b>Angelia Scott, 1D06</b> pastorascott@yahoo.com</p>

## Minutes of the October 4, 2005 monthly meeting of Advisory Neighborhood Commission 1-D

*These minutes approved at the November 5, 2005 meeting.*

### Call to order

Chair Jack McKay called the meeting to order shortly after 7 pm and, noting the presence of Commissioners Scott, Kahn, Edwards, and Wysocki, declared a quorum.

### Approval of minutes

Gregg moved approval of the minutes of the August 2 and September 6 meetings. This was approved unanimously.

### Treasurer's Report

Rich distributed copies of the quarterly report for the third quarter of FY05. The Commission voted to accept the Treasurer's report.

### Public discussion

**Richard Huffine** reported on the plans to renovate the physical facilities of the Mount Pleasant Library. The plans for the building exterior are currently being reviewed by Historic Mount Pleasant. **Dave Bosserman** referred to a possible dedicated funding stream for the renovation of DC Public School facilities, and requested ANC support for that funding. **Señor Vasquez** of the Pupuseria San Miguel asked for ANC support for his effort to obtain a liquor license to sell beer. His son, Oscar Melgar, assisted with the translation to English. The Commercial Corridor Committee agreed to meet with Señor Vasquez at the Pupuseria. **Dora Johnson** reported on the Heritage Trail draft.

### Special Committee Reports

Open resource Web site: Gregg and Rich reported on difficulties with paying ISPs with the ANC requirement that payments be made by check. Inexpensive ISPs do not accept checks, and the current five-dollar-a-month ISP, merely a stopgap, will have to be changed.

Because the meeting was going to have to be kept short, due to Rich's desire to leave by 8:30, no other committee reports were taken.

## **New Business: Commercial Corridor Committee funding**

Gregg offered this motion:

Advisory Neighborhood Commission 1D allocates up to \$200 for expenses associated with the Commercial Corridor Committee to explore an open desk process of consultation.

Why: The Department of Parks and Recreation seems to have changed their policy for use of Lamont Park by the ANC. Now the charge quoted is the same for non-profit groups, or up to \$100 for a session.

Authorization is hereby given for the purchase of light refreshments, though that is now unlikely.

Chair McKay summarized the motion as “to authorize you to spend up to \$200 for expenses associated with the open-air ANC market”. The authorization was unanimously approved.

## **New Business: Simultaneous Interpretation Equipment purchase**

Wayne moved that the ANC issue a resolution to spend up to \$2500 for the purchase of simultaneous interpretation equipment, which will also make us ADA-compliant. Chair McKay rephrased this to an authorization to spend up to \$2500. *The motion passed by unanimous voice vote.*

## **New Business: HPRB review of 3508-3510 16th Street**

Wayne offered this resolution:

Resolved, that ANC1D advises the Historic Preservation Review Board to approve the plans for 3508-3510 16th Street NW.

Rationale: Historic Mount Pleasant has reviewed the plans, and has no objection. The location is of neither architectural nor historic interest, and can only be improved by the proposed work.

*Passed by unanimous voice vote.*

## **New Business: Special election to fill ANC 1D02 vacancy**

Gregg read the following announcement of 1D02 special election, and proposed rules for the special election:

**Date and Place of the Election:** The election will be held during the regularly-scheduled monthly meeting of ANC 1D on November 5, 2005. The meeting will be held in the basement meeting room of the Mount Pleasant Library, at the corner of Lamont and 16th Streets NW.

**Election manager:** an independent and disinterested person, acceptable to both candidates, will manage the conduct of the election.

**Eligibility to Vote:** The actual election, as opposed to the symbolic vote of noncitizen residents, will be open only to registered voters resident in ANC 1D02. Potential voters must present themselves at the polling place and must have either a voter identification card showing they are registered to vote in ANC 1D02 or be listed as a voter in ANC 1D02 on the voter registration list provided by the Board of Elections and Ethics (BOEE).

**The Candidates:** Ballots will be prepared in two forms, alternating the order of the names of the candidates. At the election, the two forms of ballot will be given to voters in equal numbers, insofar as is practical.

**Confirmation of Eligibility:** As voters enter, the election manager will determine if (1) their name is on the BOEE voter registration list or (2) they have a voter identification card showing that they are registered in ANC 1D02. If their name is on the list, they will enter their signature on the list opposite their name. Those whose names are not on the list but who have a voter identification card will enter their names, addresses, and signatures on a separate sheet. Voter confirmation will begin at 3:15 pm. Each eligible voter will be given a ballot as described above, alternating between ballots with the two orders of candidate's names.

**Voting:** Before balloting begins, the candidates or their representatives will be permitted to examine the ballot box to confirm that it is empty. Then the box will be closed, and will thenceforth be under the close supervision of the election manager, and will be visible to all persons in the room. Casting of ballots will commence at 3:30 pm. All ballots must be placed in the ballot box or returned to the election manager, who will make note of the returned ballot and the reasons for it. The election manager will have authority to replace spoiled ballots. Voting will continue until the polls close at 4:30 pm. Anyone still in line at that time, waiting to confirm eligibility or deposit a ballot, will be allowed to vote if otherwise qualified.

**Counting the Votes:** The ballot box will remain closed until the polls have closed. After the voting ends, the ballot box will be opened, and the votes will be counted by at least two impartial vote counters. The candidates or their representatives may observe the counting of the votes. The results will then be submitted to and read aloud by the Chairperson of the ANC. The election manager will report to the Commission any unresolved issues. The Commission will take action to resolve these issues before the end of the meeting.

In the event of a tie vote, the winner will be determined by a coin toss, conducted by the election manager.

**Filling the Vacancy:** Following the results of the election, the ANC will vote on a resolution stating the name of the winner and asking the Board of Elections to declare the vacancy filled.

*The Commission voted unanimously to accept these rules. The Commission voted also to employ the rules of the April special election for the "symbolic vote" for noncitizens.*

## **Unfinished business: Liquor license transfers**

Gregg's resolution from the June meeting was taken from the table:

ANC1D resolves to advise ABRA to consider changes in ownership of an establishment to be a substantial change in the operations of the establishment, thereby triggering ANC notice and review of liquor licenses.

The rationale is that the transfer of the liquor license from Red Bean to Radius occurred with no notification to the ANC and no opportunity for the neighborhood to comment on the significance of this change in operations.

*This resolution was passed by a four to one vote, Rich voting "no".*

## **Unfinished Business: DDOT response to Monroe Street traffic calming resolution**

Jack requested that the resolution he offered at the September meeting be withdrawn. The Commission voted, without objection, to permit this withdrawal.

## **New Business: Stop sign for Monroe Street at Brown**

Wayne offered this resolution:

Resolved, that ANC1D advises the District Department of Transportation to make the intersection of Brown Street and Monroe Street NW an all-way stop.

### **Rationale**

The 1600 block of Monroe Street NW is a wholly residential street, and is not intended for use as a minor arterial, handling through traffic. Nonetheless, traffic on this block of Monroe Street is heavy, and tends to move at minor-arterial speeds, because much of this traffic is through traffic diverted from eastbound Park Road by the transition of Park Road to one-way westbound at 17th Street.

Visibility from southbound Brown Street at the Monroe Street intersection is poor, due to parked cars. It is commonly difficult for drivers on Brown Street to see oncoming Monroe Street traffic, which currently does not stop.

This visibility and speed problem has led to a number of collisions at or near that intersection. The Manual on Uniform Traffic Control Devices specifies that stop signs may be employed where "High speeds, restricted view, or crash records indicate a need for control by the STOP sign" (Section 2B.05.D). Five side-on collisions have been reported there over a period of three years. Though this falls short of the criterion of five collisions in one year specified by the MUTCD (Section 2B.07.B), these collisions are preventable, and should be prevented, given that this is a residential street, not a through road.

*Julia Begley, of the Monroe Street block residents, declined to support this resolution, whereupon the Commission voted to table it until the November meeting.*

## **New Business: ANC notification of public space permits**

Gregg read this resolution:

Resolved, that the Public Space office of the District Department of Transportation is advised to notify ANCs of all applications for public space permits.

### **Rationale**

Notification of public space permit applications is explicitly required by District law:

*DC Code §1-309.10 (c)(3): Each Commission and the affected ward Councilmember shall also be provided at least twice a month with a current list of applications for public space permits.*

This information is needed by ANCs as notification of proposed actions affecting the ANC area, specifically, work by utility companies, and by District contractors. Currently no notifications of such actions are received by ANCs, because neither utility companies nor contractors are required to notify ANCs of planned work. Notification to the ANC of public space permit applications by these companies is essential as ANC notification of planned actions in our neighborhoods.

*Passed by unanimous voice vote.*

## **New Business: ANC notification of DCRA zoning decisions**

Rich offered this resolution:

Resolved, that ANC 1D advises the District Government to require that all zoning decision applications made within the Department of Consumer and Regulatory Affairs, i.e., by the Zoning Administrator, be reviewed by the Office of Zoning; and furthermore, that all affected ANCs be notified of all such zoning decisions prior to ruling by the DCRA.

### **Issues and Concerns**

Currently, affirmative zoning decisions within DCRA are neither subject to review by the Office of Zoning, nor noticed to the pertinent ANC. Lately this procedure has allowed a very unfortunate development in Mount Pleasant to proceed, in apparent violation of certain zoning regulations, and to the great dismay of nearby residents. The DCRA has admitted to “gross mistakes” in the issuance of permits for this project, but these mistakes were discovered only when construction of the building was well advanced. A review of the DCRA Zoning Administrator’s affirmative decisions by the Office of Zoning might have detected those mistakes and prevented this unfortunate construction. Similarly, notice to the ANC of the Zoning Administrator’s decisions would have provided timely warning, allowing complaint, or appeal, before construction made reversal costly and difficult.

*Passed by unanimous voice vote.*

## **New Business: Commissioner newsletter funding**

Gregg offered this resolution:

Advisory Neighborhood Commission 1D authorizes commissioners to be reimbursed up to \$50 a quarter for the costs of printing and distributing of newsletters to their constituents. Before reimbursement, both the invoice and a copy of the distributed newsletter must be presented.

Why: public outreach is a high priority of the ANC.

*Passed by unanimous voice vote.*

## **New Business: HPRB review procedures**

Gregg offered this resolution:

ANC1D advises the Historic Preservation Review Board (HPRB) to require that full documentation be provided to any commissioner requesting it within 10 business days of the request.

Furthermore, the resolutions and requests of the ANC and its commissioners need to be answered in writing; a purely oral response is insufficient.

Lastly, even issues near the border of ANC1D normally should be noticed whenever there is any potential impact on life and property within ANC1D boundaries.

### **Why**

Without the complete documentation and adequate time to understand the proposals, an ANC does not have reasonable time and resources to provide advice, and to consult with constituents and experts in the formulation of its advice. This effectively vitiates the practical functioning of the intent of DC’s Charter and public law for ANCs.

Similarly, acknowledging and answering ANC resolution and requests by informal or truncated means can result in short shrift, misunderstandings, and even evasion of responsibility in fulfilling the intent of the laws, and the Executive Order 94-175. As a DC Government board, HPRB clearly comes under the first provision: “All heads of departments and agencies and chairs of District of Columbia boards and commissions are directed to ensure strict adherence to the requirements of the Home Rule Act pertaining to Advisory Neighborhood Commissions, and the ‘timely notice’ and ‘great weight’ provisions of the Advisory Neighborhood Commissions Act.”

Notice is required by the executive order even when the specific locus of a building change is within a neighboring ANC, so long as ANC1D is affected: “. . . thirty (30) days written notice of District Government actions or proposed actions shall be given by mail to each Commission affected by these actions . . .”

As unpaid volunteers, and with such a small budget that it must likewise mostly depend on unpaid volunteers for constituent and expert participation, it is unreasonable to expect that a commissioner take off from work to visit the HPRB offices to examine the documentation.

*Passed by unanimous voice vote.*

## **New Business: ANC opinion requests**

Gregg offered this resolution:

Parties seeking this commission’s opinion are requested to submit a copy of full documentation at least ten business days ahead of the next scheduled monthly meeting.

Why: Without a chance to understand a project in detail, commissioners cannot be expected to provide good rationales for their advice. The great weight of the commission is mostly for the issues and concerns it expresses, and its persuasion is mostly grounded in the arguments and evidence it presents in its resolutions. Those wishing the ANC’s advice to be persuasive can help by providing the evidence and arguments early enough for the commissioners to fully understand and be able to use the submitted material.

*Passed unanimously by voice vote.*

## **Adjournment**

By unanimous consent, the meeting was adjourned, shortly after 8:30 pm.