

GOVERNMENT OF THE DISTRICT OF COLUMBIA
ADVISORY NEIGHBORHOOD COMMISSION 3B
GLOVER PARK AND CATHEDRAL HEIGHTS



ANC3B Public Meeting Minutes
March 12, 2020

Vice Chairman Blumenthal called the meeting to order at 7:05 pm. Commissioners Ann Mladinov (3B01), Jackie Blumenthal (3B02), and Melissa Lane (3B03) were in attendance, meaning a quorum was present. (Three of the five members constitute a quorum.). Chairman Brian Turmail (3B05) and Commissioner Mary Young (3B04) did not attend.

Commissioner Blumenthal explained that the Commission had adjusted the plans for the meeting because of the Mayor's order to avoid large gatherings during the COVID-19 virus emergency. The planned discussion with Congresswoman Eleanor Holmes Norton as well as the presentation by Gabriel Robinson, Director of the DC Department of Motor Vehicles, had been postponed, and the Commission therefore had an abbreviated agenda. The meeting room was set up with tables, so participants were able to sit at separate tables and keep a safe distance between them.

Commissioner Blumenthal made a motion to approve the proposed agenda. The motion was seconded and the Commission voted 3-0 to approve the agenda.

Vote to waive ANC3B bylaws that require in-person public meetings and voting

Commissioner Blumenthal explained that with the city order about public gatherings, there would be a chance that the Commission would not be allowed to hold public meetings in person for the coming months so the Commission was proposing to waive temporarily the provisions in the ANC3B by-laws that require ANC public meetings to be held in-person, and Commissioners to be counted for a quorum or allowed to vote only if they are physically present. Waiving the by-law would allow the Commission to hold a public meeting by community conference call or online. Commissioner Mladinov added that the by-laws could only be changed by vote of the Commission at an official meeting, so this could be the last chance the Commission would have to do that. The DC Council would still have to waive the requirements in DC law so that they would allow "virtual" ANC public meetings, but without waiving the by-laws, the Commission would still be in violation of its own rules if it held a meeting remotely. Commissioner Blumenthal made a motion to vote on waiving the by-laws temporarily during the COVID-19 emergency. The motion was seconded and the Commission voted 3-0 to approve.

Consideration of Wingo's Application for Game-of-Skill Endorsement on its Liquor License

Commissioner Blumenthal reported that the DC Council had approved emergency legislation to allow establishments with liquor licenses to install a game of skill called "Dragon's Ascent" which allows player to win cash if they can master the game. The DC Office of Attorney General (OAG) has ruled that Dragon's Ascent is not a game of chance, but entirely a game of skill. (A game of chance would be considered a gambling game and therefore illegal in the District.) Wingo's had applied to the Alcoholic Beverage Control Board to be able to install two of the Dragon's Ascent game machines on the first floor where there are already Pac-Man and other arcade games. It is a high-traffic area easily visible to the managers and staff, so

the new games would be observed at all times, and customers would have to be 18 or over to play, which would be monitored by Wingo's manager and staff. The Commissioners at the meeting had seen a demonstration of the game at Wingo's, heard a presentation from the company that designed the game, and asked detailed questions about how it works. The game company Pace-a-matic, has installed two of the game machines at Penn Social in Penn Quarter, and observed the use of the game at that location. The company representatives reported that customers' winnings have been small, because it is very difficult to master the game and make the rapid responses necessary to achieve high scores. The Commission took questions from other meeting participants about the game, Wingo's application, and possible grounds for protest. Commissioner Blumenthal explained that the Commission can only protest an application of this kind on the grounds that it would disturb "the peace, order and quiet" of the community, and the Commission had not found a basis for making that contention. Commissioner Blumenthal made a motion to vote on whether to file a protest to Wingo's application for the game of skill endorsement. The motion was seconded and the Commission voted 3-0 not to file a protest.

Open Forum

One resident asked if there was progress to report on the reopening of the Glover Park Whole Foods. Commissioner Blumenthal responded that the Glover Park Main Street is keeping up with developments, Whole Foods does intend to reopen, but there has not been information yet on when that would happen..

Another resident asked about the status of the former site of the RiteAid in Glover Park. Commissioner Blumenthal said that the landlord, Bernstein, hoped to rent the entire space to one tenant. The Main Street program is encouraging the landlord to think about dividing the space and having several smaller shops, which might be easier to find and better for the area.

Ron Anson reported that he had gotten most of the newspaper boxes removed from the sidewalks in Glover Park. He said he had contacted Councilmember Cheh's office for about a year, and in recent weeks a city truck had been sent to take them away. Several were left in one block and he said he would work on getting those removed as well. Commissioner Blumenthal expressed the ANC's gratitude, as she had tried to get the newspaper boxes removed several years ago and the city had never gotten it done.

RoseMarie LaPeter from Good Guys asked about recent crimes she had heard about. The Commissioners did not have any information on the concerns she mentioned, but took the details to check later. Commissioner Blumenthal also said she was passing along Ms. LaPeter's emails about the rat problem in the area near Good Guys.

Kate Gillespie of 2213 38th Street spoke about the zoning case before the Board of Zoning Adjustment (BZA) regarding a rear deck addition at 2211 38th Street, next door to her home. She was expecting the Applicants' agent to participate in the ANC meeting but he was not there. Ms. Gillespie highlighted some of the concerns she had mentioned at the ANC3B public meeting on February 13 about the zoning application and the existing deck, which was built in 2016 without zoning approval or building permits, does not meet building code, and partly encroaches on the Gillespies' property. Ms. Gillespie also reported that since the ANC3B February meeting, the Applicants had asked the BZA to postpone its hearing for 3 weeks to allow the Applicants to resolve the neighbors' concerns. In the intervening weeks, the Applicants had not contacted the Gillespies to discuss their concerns or try to resolve them, and the BZA hearing had been rescheduled for April 1.

At the February meeting, the ANC had asked Rich Harrington, the Mayor's Ward 3 representative, and Cole Wogoman from CM Cheh's office to help Ms. Gillespie resolve the issue but they had not been able to find any way to assist. In addition, the inspector who issued citations in August saying the deck should be removed had reported that DCRA had decided to close the case. With the date of the BZA hearing approaching and the uncertainty about when or if the ANC would be able to meet in coming months, Commissioner Blumenthal asked if there was anything the ANC could do to support the neighbors. She moved to take a vote on sending a letter to the BZA raising the issues Ms. Gillespie had presented. The motion was seconded and the Commission voted 3-0 to send a letter to the BZA to that effect.

Updates and Information

Commissioner Blumenthal announced that the Glover Park Main Street program had opened its new grant program for local business improvements, and the grants had to be made by March 30 so the plan was to make the grants in the coming week.

Commissioner Mladinov reported that two days before, DDOT had placed the orders for new signs allowing morning rush hour parking on the east side of Wisconsin Avenue in Glover Park, so those signs should be going up shortly. Commissioner Blumenthal explained that the ANC had been trying to get that done for 5 years, to allow parking in those spaces in those morning hours as it is important to the businesses in that area. Parking had been allowed in morning rush hour until the lane configuration on Wisconsin Avenue was changed in 2013, but after the street went back to the original configuration, the parking had never been restored.

Commissioner Mladinov announced that the WMATA Board had held its hearing on February 26 about proposed changes to local bus service, and the public comment period had closed on March 9. Along with many members of the community, the Commission had filed comments opposing the elimination of the D1 and 37 bus routes and altering the routes for the D2, 30S and 30N. WMATA staff was reviewing all public comments and preparing a report to the Board with recommended changes in the proposal, for a final vote by the WMATA Board in April.

Commissioner Mladinov announced that the DDOT Ward 3 Open House scheduled for Saturday, March 14 from 12 noon-2 pm at Stoddert Elementary School had been postponed because of the COVID-19 virus. DC Water was still planning to hold a Ward 3 Town Hall on April 28 about the DC Water budget, proposed water and sewer rates, and other programs, but that date would have to be confirmed as the time approached.

Commissioner Mladinov reported that postcards reminding residents to respond to the U.S. Census were going to be arriving that week, and Commissioner Blumenthal said hers had arrived that day. This year Census forms are not being mailed to every household but residents are encouraged to respond online or by phone. Those who do not respond during the first few weeks will receive a mailed Census questionnaire.

Administrative Matters

Commissioner Mladinov presented the minutes for the February meeting. Commissioner Blumenthal made a motion to vote on the February minutes. The motion was seconded, and the Commission voted 3-0 to approve the minutes as written.

Treasurer Mary Young had prepared the ANC3B financial report for February, which Commissioner Blumenthal presented:

February 2020 Financial Report

OPENING BALANCE: \$6,647.22

Income: \$17.04 Unused grant monies returned from Friends of Glover Park

Total Income: \$17.04

Outgoing: \$78.44 Check #1314 - Reimburse Commissioner Mladinov for audio recorder that ANC3B uses at public meetings

\$982.01 Check #1315 - Grant to Friends of Glover Park for sports equipment

Total Outgoing: \$1,060.45

CLOSING BALANCE: \$5,603.81

Commissioner Blumenthal made a motion to vote on the February financial report. The motion was seconded, and the Commission voted 3-0 to approve the report as presented.

Commissioner Blumenthal announced that the next meeting was scheduled for Thursday, April 9, but the Commission would have to evaluate that schedule based on the situation with the COVID-19 virus, and see whether public meetings would be allowed at that point or if DC law that requires in-person meetings had been waived.

Commissioner Blumenthal made a motion to adjourn. The motion was seconded and the Commission voted 3-0 to adjourn.

The meeting was adjourned at 8:30 pm.