



**Government of the District of Columbia
ADVISORY NEIGHBORHOOD COMMISSION 3/4G**

CHEVY CHASE, BARNABY WOODS, HAWTHORNE

COMMISSIONERS

3/4 G-01 - Abraham Clayman
3/4 G-02 - Chanda Tuck-Garfield, Treasurer
3/4 G-03 - Randy Speck, Chair
3/4 G-04 - Rebecca Maydak, Secretary
3/4 G-05 - Gerald Malitz
3/4 G-06 - Dan Bradfield
3/4 G-07 - Christopher Fromboluti, Vice-Chair

5601 Connecticut Avenue N.W.
P.O. Box 6252 Washington, D.C. 20015
ChevyCHASEANC3@verizon.net
<http://www.anc3g.org>
YouTube: ANC3G
202.363.5803

Minutes: ANC 3/4G Public Meeting, July 23, 2018, Chevy Chase Community Center, 5601 Connecticut Ave, NW, Washington, DC 20015 (Video of this meeting is available at <https://www.youtube.com/channel/UCP9348js5HkCOgCc4Z7sYLw>.)

Present: Speck, Maydak, Malitz, Clayman, Tuck-Garfield, and Bradfield A quorum was declared.

Attendance: Approximately 12 people attended the meeting.

Adoption of Agenda (video at 00:00): Commissioner Speck indicated that late developments necessitated several changes to the previously posted draft agenda. First, the Office of Health Equity notified the Commission on July 22, 2018, that its Health Equity Report is not yet available, so they will not be making a presentation. Second, DC Water informed the Commission that it cannot provide anyone to talk about the contamination incident that occurred on July 13, 2018. Thus, both of those items were removed from the agenda and will be taken up at another meeting. Finally, the Commission received notice from the Public Space Committee on July 17, 2018, that it again needs the Commission's review of the application for a curb cut at 3012 Military, so this was added to the agenda. With those modifications, the Commission adopted the agenda by a vote of 6 to 0.

Commissioner Announcements (01:00)

Commissioner Speck:

Community Center Planning — The ANC will continue the process of planning for the Community Center's modernization at a special meeting on September 17, 2018, from 7:00 pm to 9:00 pm at the Community Center. As discussed at the Commission's June

25, 2018 meeting, this meeting will focus on two important topics: (1) initiating the design of the modernized Community Center with the Department of Parks and Recreation and the Department of General Services, and (2) developing plans for the transition of current Community Center programs during construction on the Community Center. The Commission has invited DPR and DGS representatives to attend the meeting. The Chair will also notify other ANCs in Ward 3 and invite their participation. Everyone is encouraged to be a part of these important discussions.

ANC Elections — The period for gathering petitions to run for the ANC ends on August 8, 2018. Anyone wishing to run must collect petitions with at least 25 signatures from registered voters within the single member district and return them to the Board of Elections no later than 5:00 pm on August 8, 2018. More information is available on the Board of Election's website, <https://www.dcboe.org/Candidates/Candidate-Guide-to-Ballot-Access>.

MPD National Night Out — The Metropolitan Police Second District will participate in National Night Out on August 7, 2018. The event will be held at Georgetown University, 37th Street and O Street, NW from 6:00 pm to 9:00 pm. There will be food, refreshments, face painting, a moon bounce, and tables for neighborhood and city services.

Office on Aging Workshop — The DC Office on Aging will hold a workshop at the Palisades Recreation Center, 5200 Sherier Place NW, from 11:00 am to 1:00 pm on Wednesday, July 25, 2018. For information on this event contact Andrea Saccoccia at 202-244-3310.

Forum on a Public Bank for the District — On Wednesday, July 25, 2018, the DC Department of Investment, Securities, and Banking will host a public forum on plans for a potential public bank in the District. The forum will be from 6:30 pm to 8:30 pm at the Rise Demonstration Center, 2730 Martin Luther King, Jr. Avenue, SE. More details are available at <https://www.eventbrite.com/e/public-meeting-feasibility-study-to-establish-a-public-bank-in-dc-tickets-47536290324?aff=ehomecard>.

Community Shred Day — There will be a free Community Shred Day on Saturday, September 22, 2018, from 10:00 am to 2:00 pm at Alice Deal Middle School, 3815 Fort Drive NW. Electronic waste recycling is included. For more information contact programs@rhomuomega.org.

Commissioner Malitz:

Video Recordings — Commissioner Malitz provided an update on the Commission's video recordings of its meetings. The videos began on February 12, 2018, and the Commission has hosted eight meetings on YouTube. On average, each video has had 63 views, which exceeds the average meeting attendance of 24. The average video view lasts

3.5 minutes, though two meetings had significantly longer average viewing time and two had significantly shorter. Viewers may be looking at specific parts of the meeting based on the index. Commissioner Malitz said that he is exploring the use of Amazon Web Services' speech recognition functions to produce a word-for-word transcript of the meetings, and he will report back to the Commission.

Parking Task Force — Commissioners Malitz and Bradfield, co-chairs of the task force, have begun recruiting members of the task force, and six residents and business representatives have volunteered. They have planned the first meeting for the week of August 6th. Commissioner Bradfield noted that this meeting will be purely organizational.

Commissioner Tuck-Garfield:

Oregon Avenue — Commissioners Tuck-Garfield, Clayman, and Speck have contacted the Department of Transportation about updating its Oregon Avenue website (<http://oregonaveddot.com>). DDOT reports that it is in the process of adding additional information, and the Commission is hopeful that beginning in September, it can become a resource for the community to follow plans and progress.

Commissioner Clayman:

ANC Election — Commissioner Clayman announced that he is running for a second term. He is looking forward to working on the modernization of the Community Center and continuing to respond to resident concerns. Commissioner Speck noted that he and incumbent Commissioners Bradfield, Malitz, Maydak, and Fromboluti had also picked up petitions to be on the November 6 ballot. Commissioner Tuck-Garfield said that she also expects to run for reelection.

Community Announcements (0:15)

Ian Maggard, from the Mayor's Office of Community Relations, noted the Mayor's 42-month progress report, which is available at <https://progressreport.dc.gov>. Among the highlights are (1) decreases in unemployment in Ward 7 by 29.5 percent and in Ward 8 by 28 percent; (2) a decrease in citywide violent crime year-to-date from 2014 to 2018 by 27 percent; (3) \$94 million increase in funding for public schools in School Year 2018-2019; (4) an increase in investments in permanent supportive housing by 60 percent; and (5) a decrease in families experiencing homelessness from 2016 to 2018 by 40 percent.

Christine Kulumani, Councilmember Todd's Legislative Counsel, reported that during the Council's recess until September 17, the Councilmember has been touring public schools in Ward 4 to inspect repairs and to make sure that they are ready for opening for the fall. She also noted that the Councilmember had introduced legislation to protect

immigrants from extortion in housing and employment and the “Homestead Exemption Increase Amendment Act of 2018,” which increases the homestead exemption for residential properties owned by single families and cooperative housing associations.

Discussion with Jeffrey DeWitt, Chief Financial Officer, on the District’s banking relationship with Wells Fargo Bank in light of concerns raised about the bank’s conduct (0:18)

Commissioner Speck summarized the background for the discussion of the District’s banking arrangements with Wells Fargo. The Commission heard a presentation by Alka Mysore at its November 13, 2017 meeting urging it to support the “Sense for the Counsel Urging Reassessment of Relationship with Wells Fargo Resolution of 2017,” which was co-introduced by Councilmembers Grasso, Bonds, Silverman, Nadeau, and Allen (<http://lims.dccouncil.us/Download/37692/PR22-0188-Introduction.pdf>). Other ANCs had passed such a resolution (e.g. ANC 3C, <https://anc3f.com/wp-content/uploads/2017/04/Resolution-Regarding-the-Reassessment-of-Relationship-with-Wells-Fargo.pdf>) and ANC 1C, <https://www.anc1c.org/index.php/library/public-services-environment/category/207-2017-matters?download=828:anc-1c-letter-re-divestment-from-wells-fargo>). As of January 2018, seven ANCs — 3C, 4C, 4A, 1C, 3F, 2F, and 1D — had passed resolutions supporting the Council’s Resolution.

At the Commission’s November 27, 2018 meeting, Commissioner Bradfield suggested that the Commission needed more information before considering its own resolution and particularly needed information from the Chief Financial Officer on the implications of such a move for the District. The Commission concurred, and tabled any resolution until the Commission could hear from other knowledgeable people.

In response to a December 2017 request by the Chair for its position, Wells Fargo referred the Commission to its position statement (<http://www.wellsfargo.com/commitment>) but declined to send a representative to our meeting.

Commissioner Speck also contacted the Chief Financial Officer for the District, Jeffery DeWitt, and asked whether he could discuss this issue with the Commission. On April 4, 2018, Mr. DeWitt provided testimony to the Council’s Finance and Revenue Committee on the Wells Fargo contract, which is available at http://video.oct.dc.gov/VOD/DCC/2018_04/04_18_18_Finance.html (beginning at 3:17 and ending at 3:45). Mr. DeWitt was available discuss these issues with the Commission. Commissioner Speck congratulated Mr. DeWitt on the recent announcement that the District’s bond rating had been upgraded to AAA.

Mr. DeWitt explained that the question of the District’s banking relations with Wells Fargo is complex and presents significant challenges. Just as individuals need to diversify

where they place their assets, the District doesn't just put all of its money in bank deposits. Money comes into the District (e.g., from property, income, and sales taxes) in fits and starts and goes daily to Wells Fargo. The Bank makes daily payments (e.g., for salaries or contracts) from these funds. At the end of each day, the District sweeps the funds from Wells Fargo and places whatever remains in investment vehicles (e.g., money markets, interest-bearing deposits in other banks, or U.S. Treasury notes). Wells Fargo is just a transaction bank and is paid a \$3 million to \$4 million annual fee for processing these transactions.

Only five banks have the capability to perform these transaction services for the District — Wells Fargo, Bank of America, J.P. Morgan Chase, Citibank, and United Bank. Mr. DeWitt said that he is “disgusted” with Wells Fargo’s conduct in many areas of its business. The problem, however, is that the District has only those five banks from which to choose, and each of them has had its problems. Before Wells Fargo, the District had used Bank of America, but had to fire it because its lax oversight allowed Harriette Walters to embezzle funds. All of the banks with the necessary transaction capability have been subject to multi-billion dollar fines, and they are all “devils.” Citibank is the District’s backup to Wells Fargo, but its performance has not been acceptable.

The District does have deposits in smaller banks, but because these are public funds, the banks must provide collateral with Treasury notes equal to 102% of the deposit. This makes it more difficult and less profitable for small banks to hold the District’s deposits.

The Wells Fargo’s contract expires in 2020, and the District has an option to renew through 2025. Seattle offers a cautionary tale about the hazards of trying to get another bank for these transaction services. Based on Wells Fargo’s widely publicized troubles, the Seattle city council forbid the city from using Wells Fargo. When they solicited bids from other banks, however, those banks would not bid because of what they considered a “toxic” environment in Seattle. Consequently, Seattle was forced to renew with Wells Fargo.

Mr. DeWitt said that he does not want the same situation in the District. One possible alternative approach being considered is to break the transaction banking services into several pieces, but that would require coordination by the District, and the District has not been good at that role in the past. The District is considering whether it can use one of the other banks with this specialized capability, but none of the five are attractive — they may all be “sinners” later.

One constraint on the District’s choices is the dormant provisions of the Congressionally imposed Control Board. Several of the conditions that could trigger reimposition of the Control Board involve these banking functions: (1) missing a payroll, (2) missing a compact payment (e.g., to Metro), (3) missing a debt payment, or (4) missing a pension

payment. It is extremely important to have a banking relationship that will avoid any of these Control Board triggers.

Mr. DeWitt said that Wells Fargo has done a good job for the District. Its community ratings in the DMV have been good, though they are bad elsewhere in the country. Some have suggested that the District establish a public bank, but a public bank would not be able to handle the specialized requirements for a transaction bank. A public bank may be considered for other purposes, but not to replace Wells Fargo. Wells Fargo has another advantage over other banks because it has more local branches than any other bank, and residents can pay their property tax at any branch bank. It will also be difficult to transition to another bank to be sure that all elements of the transaction banking services are covered. Mr. DeWitt has met with proponents of a public bank and asked them for recommendations, but he has not received a response.

Commissioner Speck asked whether there would be an opportunity to get concessions or commitments from Wells Fargo in connection with the renewal of their contract in 2020. Mr. DeWitt said that if the District renews with Wells Fargo, it will only do so after some “hard core negotiations.”

Commissioner Tuck-Garfield asked why there were only five qualified banks. Could credit unions provide the required transaction services? Mr. DeWitt said that Deutsche Bank does provide transaction services for corporations, but not for municipalities. The infrastructure to provide these services is very large, and the return — only \$3 to \$4 million a year — is not great enough for other banks to develop their capability. Even some of the five banks that are currently in this market may drop out. Commissioner Tuck-Garfield asked whether cities could band together to create a consortium with the necessary capability. Mr. DeWitt said that there would be difficulty getting all the cities on the same page for such an undertaking. He said he would bring up possible collaboration with his colleagues in other cities, but it will present difficult coordination issues.

Commissioner Malitz observed that the District has little leverage in negotiations since the annual fee is so small relative to the size of these banks. The transaction business must be a “loss leader” for the banks who hope to get more profitable business. Mr. DeWitt said that New York City uses Wells Fargo, and the bank has been on some of New York’s bond issues, which are more lucrative for the bank. Because of Wells Fargo’s bad behavior, the District has not used it for bond issues the last two years. As a result, Wells Fargo has lost more potential revenue in the missed bond issues than it has gained in the transaction fees it earns.

Mr. DeWitt said that changing banks is risky because of the many moving parts that must be coordinated. The transition to another bank would cost the District another \$0.5 million. Commissioner Malitz said that perhaps the District could negotiate after-hours

use of Wells Fargo's parking lot on Connecticut Avenue as part of the renewal so that it would provide a benefit to the community.

Commissioner Bradfield noted that nothing is as simple as it seems. We now understand the problem and the reality of running the government. In that regard, Mr. DeWitt summarized two charts. The first discussed the FY 2017 Composition of General Fund Balance, which shows that of the \$2.7 billion in available funds, almost half of the available balance is necessary to cover 54 days of operating expenses. Another 21% is dedicated to debt service, and the remainder is committed to cover specific costs. Consequently, the District does not have money available to capitalize a public bank. The second chart showed that since FY 2011, the District has been able to reduce its reliance on short-term borrowing so that for FY 2017 (and prospectively for FY 2018), it will have zero short-term borrowing costs. This is a major reason why the District's bond rating improved to AAA, but it means that its reserves are used in lieu of short-term borrowing.

A representative of DC Reinvest said that Philadelphia pulled away from Wells Fargo in February 2018 and, after an RFP process, now uses Citizens Bank. She said that this indicates that there are other options and that the experience in Seattle is a "red-herring." In Seattle, there was no opportunity to conduct a responsible process for engaging a new bank. Mr. DeWitt said that he would contact Philadelphia promptly and see whether its experience could be applicable in the District. The DC Reinvest representative also cited the example of California where they are considering a state-wide bank to provide transaction services throughout the state. She said that this is "not an unfixable problem."

Mr. DeWitt said that the District is willing to look at all alternatives and they are not married to Wells Fargo. Most importantly, however, the District needs a stable banking partner. Commissioner Tuck-Garfield asked about the feasibility study being conducted for a public bank, and Mr. DeWitt indicated that this is part of the work being done by the Department of Investment, Securities, and Banking on a public bank. The Department will prepare a report to the Council before the end of the year that will be available to the public.

A resident, Jody Jones, said that Wells Fargo also has a custodial services contract for part of the District's investment portfolio, some portion of which is invested in a Wells Fargo money market fund. Mr. DeWitt said that Wells Fargo may bid on the District's daily investments in money market funds, and may be the highest bidder on a given day.

The Commission thanked Mr. DeWitt for an enlightening presentation and for his responsible management of the District's finances.

Discussion and possible vote on a resolution advising the Council about what actions, if any, it should take in light of voter approval of Initiative 77, which changes how tipped workers receive a minimum wage (1:03)

Commissioner Speck briefly described the background for Initiative 77. On October 5, 2016, the DC Board of Elections approved the following summary statement to appear on the ballot: “If enacted, this Initiative will: (1) Gradually increase the minimum wage in the District of Columbia to \$15.00 hourly by 2020; (2) Gradually increase the minimum wage for tipped employees so that they receive the same minimum wage directly from their employer as other employees by 2026; (3) Beginning in 2021, require the minimum wage to increase yearly in proportion to increases in the Consumer Price Index. The minimum wage increases under the initiative will not apply to DC government employees or employees of DC government contractors.”

On March 7, 2018, the Board of Elections found that the proponents of the initiative had gathered the required signatures and certified Initiative 77 to appear on the June 19, 2018 primary ballot.

At the Commission’s May 14, 2018 meeting, it heard presentations by a representative from Restaurant Opportunities Center United, the proponent of Initiative 77. At the same meeting, the Commission heard from opponents of Initiative 77 representing the Restaurant Workers of America and the Restaurant Association of Metropolitan Washington. After those presentations, the Commission concluded that because this is a ballot question that will be decided by each individual voter, it would be inappropriate for the Commission to take a position. The Commission continued to help distribute information to voters about this ballot Initiative.

In the primary election on June 19, 2018, Initiative 77 passed with 55.74% of voters approving it, and 44.26% voting not to approve. The turnout for the primary election was 18% of registered voters. The Board of Elections certified the results on June 29, 2018. Having passed by a majority of voters, Initiative 77 will become law after the Chair of the Council transmits it to the Congress, so long as Congress does not overturn or revise it within 30 legislative days. (The Chair’s staff had not responded to inquiries about whether Initiative 77 has been transmitted to Congress.)

On July 10, 2018, seven members of the District Council (Mendelson, Evans, Todd, McDuffie, Gray, Trayon White, and Bonds) introduced the “Tipped Wage Workers Fairness Amendment Act of 2018,” which, if passed, would overturn the scheduled minimum wage increases for tipped employees under Initiative 77. The Council has stated that it will take action on the legislation after returning from a recess in mid-September.

On July 11, 2018, two Republican Representatives introduced an amendment to the FY 2019 District of Columbia Appropriations bill that would block the District from using local funds to implement Initiative 77. On July 16, 2018, the House Rules Committee declined to adopt that amendment.

Initiative 77 has been a hot topic on community listservs around the District, including the Chevy Chase Community Listserv. Some of the issues raised by these posts go to the essence of what we mean by democratic government. Is the vote of the people inviolate? Are there any circumstances when our elected representatives should not defer to the voters' direct decision?

The community is apparently divided about whether the Council should take action on Initiative 77. Some contend that the Council should never upset an initiative that voters approved at the ballot box. Others point to anomalies in this election that justify corrective action by the Council in this particular case.

Commissioner Malitz explained his basis for opposing efforts to overturn Initiative 77. He said that this is still a very contentious issue. He had voted "no" on Initiative 77 for many reasons, including the fact that tipped workers were still being treated as less than employees. The Initiative did not provide them with health care or other benefits befitting their employment. Many were being asked to give something up without being given things in return that many of us take for granted.

But the voters voted to approve the Initiative. That is what democracy is supposed to be about. The talk now about inadequate information, or that the Initiative wasn't explained properly, or that voter turnout was low, or anything else is beside the point. Voters often elect people who lie, misdirect, or just misinform. That doesn't create a cause to change the results of an election. Voters have the responsibility to be informed, to make the best choices possible.

The Council has reversed initiatives before. In 1996, they reversed a 1992 initiative that tightened limits on local campaign contributions, and in 2001, they overturned a measure that established term limits. Both of these were self-serving for Council members. They had no right to do it then and they have no right to do it now. It's a matter of principle that is basic to why we have elections. We as residents of DC rightfully abhor Congressional interference in our duly enacted laws. They think they know best what is right for DC. Do our Council members think they can also pervert the democratic process? People either have a voice or they don't. In this instance, they have spoken.

Commissioner Clayman asked whether the Council can overturn or modify an initiative based on experience with it. Should there be some time limit that then permits the Council to correct a mistake, in the same way that they can modify any other legislation? Is another referendum the only way to change an initiative passed by the voters?

Commissioner Malitz acknowledged that there are many problems with the initiative process, but he suggested that if an initiative has passed, the way to overturn it would be to go back to the voters. Ideally, the process to overturn an initiative should involve the electorate.

Commissioner Tuck-Garfield asked whether there is some threshold for voter turnout that would permit the Council to overturn the outcome of the election. She noted that elected officials are sometimes elected by a very small percentage of the voters. The proponents of the initiative went through the process to get it on the ballot, the voters have spoken, and the Council should not overturn that vote.

Commissioner Maydak said that in this instance the Initiative as it appeared on the ballot is false — the statement that the Initiative would create a \$15.00 per hour minimum wage was wrong because that was already the law, even without the Initiative.

Commissioner Speck emphasized that the only way democracy works is if voters are given the facts and they are able to make an intelligent, informed decision. This was not like a candidate misleading the electorate. Here, the government, in the summary statement that appeared on ballot misstated what the Initiative would do, both that it would increase the minimum wage \$15.00 and that it would tie future increases to the Consumer Price Index. In fact, both of those provisions were already established law. The Board should not have approved the summary for Initiative 77 with inaccurate and misleading statements that were likely to confuse voters. In this case, the District government made a mistake in the ballot.

Commissioner Speck argued that, in light of the misleading ballot statement that almost certainly confused voters, the Council should take steps to ensure that voters have an opportunity to decide a new ballot initiative that is limited to the only issue that is not already law — whether the District should “gradually increase the minimum wage for tipped employees so that they receive the same minimum wage directly from their employer as other employees by 2026.”

Commissioner Tuck-Garfield asked whether the determination of whether the ballot summary was misleading is a subjective judgment. You would have to get into the mind of the voter to know whether they were misled. Commissioner Maydak said that no one understood the Initiative, and what was on the ballot was wrong.

Commissioner Speck suggested that the Council should take steps to ensure that an accurate ballot initiative measure is included on the November 6, 2018 general election ballot. This will preserve the right of voters in the District to enact laws through ballot initiatives, and we’ll live with what the voters say.

Commissioner Malitz noted that this is an equity issue as well. Voters in Wards 5, 7, and 8 voted “no,” while voters in Wards 2 and 3 voted “yes” by narrow margins. Commissioner Bradfield said that he believed the Initiative would be bad for workers and restaurants and, therefore, agreed with the Council’s bill, which would overturn the Initiative. He asked Councilmember Cheh to provide a prospective from the Council.

Councilmember Cheh said that the discussion of the initiative procedure is intertwined with the merits. It’s not unusual for the Council to reiterate and reaffirm an existing law in a subsequent law, so the fact that the \$15.00 per hour wage was already law does not make that provision of the Initiative inappropriate. The fact that the Council is taking this up now may present an opportunity to improve on the Initiative. Like any other piece of legislation, the Council can amend it or repeal it. The fact that the Council is taking it up means that there will be hearings and discussion about the underlying issues.

Councilmember Cheh said that the purpose of the Initiative was to make one wage that applied to all workers. The key is to protect the wages of tipped workers at the low end, not in the high-end restaurants in Wards 2 and 3. She noted that the tipped minimum wage as a percentage of the standard minimum wage goes down over time so that without Initiative 77 “we will be going backwards.”

She said that several other jurisdictions have adopted a standard minimum wage for all workers without the consequences that some predict. The benefits will be at the low end, not just for restaurant workers, but other tipped employees as well. We have a tipping culture, and customers will continue to tip the same. There will be some increases in restaurant costs, but if the increases were spread over multiple years, the increases would be manageable.

The Councilmember noted that the Council has the power to overturn the Initiative; the question is whether they should do so. With seven sponsors, the votes are there to overturn. Nevertheless, she sees a path forward that could lead to a broader compromise agreement. She suggested the possibility of an extended transition period — e.g., increases over 15 years instead of the eight provided in the Initiative, which would be only about \$0.65 increase per year. The amended Initiative could also include provisions to provide benefits for workers at the lower end. This is an opportunity to think about a middle ground.

In response to questions about whether tipped workers already receive the standard minimum wage since employers are required to supplement tipped income up to the minimum wage, Councilmember Cheh said that workers will still be better off with a higher tipped minimum wage because they would receive tips on top of the minimum wage, and their total income would exceed the standard minimum wage. Commissioner Malitz said that the compromise should include employee benefits for wait staff.

Nancy Stanley said that the Initiative is bad for democracy because the summary statement was false and misled voters. She is concerned about this instance of “fake news.” Allen Seeber said that the experience with Initiative 77 illustrates why legislation belongs in the legislature, not on the street.

Commissioner Speck thanked the Councilmember for participating in this productive discussion. He proposed that since the Council was not going to take up the bill to overturn Initiative 77 until mid-September, the Commission has time to consider its recommendations further, and could do so at its September 10 meeting. At that time the Commission will consider the compromise that Councilmember Cheh described.

Discussion and possible vote on revisions to application for public space permit to construct a new curb cut and driveway at 3012 Military Road, NW (Tracking Number 278822) to conform to the Public Space Commission’s direction (1:52)

Commissioner Speck noted that the Commission had considered this application at three previous meetings. Most recently, at the Public Space Committee’s June 28, 2018 meeting, the Committee approved the curb cut application at 3012 Military and allowed a driveway turnaround within public space, which our ANC had advocated, so that the resident could exit to Military Road more safely. The Committee had originally opposed the turnaround in public space but came around to the ANC’s view after considering the ANC’s safety concerns. The Committee added two conditions: (1) that the applicant develop an approved landscaping plan to place plantings in public space but to avoid anything that would obstruct the view of a car exiting the driveway; and (2) that the flare on the curb cut conform to DDOT regulations. On July 17, 2018, the applicant filed revised plans to conform to the Committee’s conditions. On July 18, the Office of Planning approved the revised plans. The ANC has been asked to review the application one more time based on the revised plans.

Since the revised plans match the ANC’s and the Committee’s conditions, Commissioner Speck moved that the Commission indicate that it has no opposition to the application. The Commission approved the application by a vote of 6 to 0. Commissioner Speck will represent the Commission to the extent necessary.

Commission Business (1:54):

1. The Commission voted 6 to 0 to approve the minutes for its July 9, 2018 meeting.
2. Grant procedures — Commissioner Clayman said that he had reviewed the grant guidelines and application form on the Commission’s website and believed they were clear and appropriate. It was not clear, however, how to submit the application, and he proposed that the Commission create a Word document that could be filled out and a pdf of the guidelines that could be downloaded. He also

proposed the following schedule for considering grants for FY 2019: (a) submission of applications by October 9, 2018; (b) presentation of applications at the Commission’s meeting on October 22, 2018; and (c) vote by the Commission on applications at its November 26, 2018 meeting. The Commission adopted this schedule by a vote of 6 to 0.

3. The Commission approved the ANC’s Quarterly Report for the third quarter of FY 2018 by a vote of 6 to 0.
4. Items for September 10, 2018 meeting may include: Discussion and possible vote on resolution addressing dockless vehicles; discussion and possible vote on a resolution addressing the proposed “Clean Energy DC Omnibus Amendment Act of 2018”, report by the Department of Energy and the Environment on upgrade to the Broad Branch Road culvert; discussion and possible vote on liquor license application for a new restaurant at the site of the old American City Diner to have a proposed total occupancy load of 165 and proposed hours of operation from 7:00 am to 2:00 am Sunday through Thursday and 7:00 am to 3:00 am Friday and Saturday; presentation by DC Water on the contamination incident that occurred on July 13, 2018 and steps taken to prevent a recurrence; discussion and possible vote on a resolution advising the Council on proposals to revise or overturn Initiative 77
5. Commissioner Speck noted that the Commission may need to hold a short special meeting in August to consider a protest to the liquor license application by the new owner of the American City Diner. Commissioner Speck said that he was attempting to get the new owner’s lawyer to agree to defer the protest deadline date until September 14, but if she will not agree or if the Board does not grant our request, the Commission may need to have a short meeting to decide whether to protest the application. After the meeting, the Chair called a special meeting to be held on August 8, 2018, to consider whether to protest the application for a liquor license at 5532 Connecticut Avenue, NW.

The meeting adjourned at 9:08 pm. (2:06)

Signed,

Randy Speck
Chair

Rebecca Maydak
Secretary