

**ADVISORY NEIGHBORHOOD COMMISSION 3-C  
GOVERNMENT OF THE DISTRICT OF COLUMBIA**

Cathedral Heights · Cleveland Park · Massachusetts Ave. Heights · McLean Gardens · Woodley Park

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July 11, 2005

**I. CALL TO ORDER**

Vice-Chair Hogan called to order Advisory Neighborhood Commission 3C (ANC 3C's) regular monthly meeting for July 11, 2005 at 7:00 p.m. The meeting was held in the community room at the Second District Police Station, 3320 Idaho Ave., NW, Washington, DC. Other commissioners present included Bruce Beckner, Dia Black, Avram Fechter, Deborah Jane Lindeman, Catherine May, Trudy Reeves, and Stephanie Zobay. Commissioner Reeves arrived at 7:50 p.m.

**II. VERIFICATION OF NOTICE**

Vice-Chair Hogan verified that the proper notice was published in the Northwest Current and posted on the Cleveland Park listserv and the ANC 3C web site.

**III. ESTABLISHMENT OF QUORUM**

Vice-Chair Hogan acknowledged that a quorum (at least five members of the commission) was present.

**IV. APPROVAL OF AGENDA**

Vice-Chair Hogan moved for approval of the evening's agenda. Commissioner Fechter asked whether anyone was present for the discussion of the agreement between ANC 3C and Aidan Montessori. No one responded. Commissioner Fechter moved to consider the agreement at the end of the evening's agenda. Commissioner Lindeman seconded. **The agenda was unanimously approved (8-0).**

**V. DISCUSSION**

Vice-Chair Hogan introduced a representative from the DC Water and Sewer Authority. The representative presented an overview of the current status of lead line replacement and fielded Commissioner and community questions.

**VI. COMMUNITY FORUM**

a. Vice-Chair Hogan asked if anyone wanted to address the commission under the Community Forum. A constituent service representative for Councilmember Kwame Brown made a short presentation on the Councilmember's active and pending legislative priorities.

b. Commissioner Reeves provided an update on Sidwell Friends School's construction project.

c. Commissioner Lindeman provided notice of Jack Evans' committee meeting regarding funds the DC Council hopes to earmark for revenue bonds to finance major repairs to schools.

d. Peter Espenscheid announced a 7:30 p.m. meeting on the development of Tregaron on Tuesday, July 12 at Cleveland Park Church.

e. Commissioner Reeves stated that John Eaton had provided report on the use of their grant and she passed it around.

## V. COMMISSION BUSINESS

a. Commissioner Reeves introduced consideration of a grant application for a playground at 39<sup>th</sup> and Porter Streets NW. Elisabeth Rosenstock-Siller provided an overview of the playground project and the playground committee's grant application to ANC 3C. Vice-Chair Hogan asked whether the group had sought other sources of financing. Ms. Rosenstock-Siller replied that McLean Gardens had agreed to fund roughly \$14,000 to cover the cost of the swing set and that many stores had offered gifts for raffles. Vice-Chair Hogan asked why local businesses haven't been asked for money. Ms. Rosenstock-Siller replied that many businesses were not willing to give money because the playground isn't a nonprofit. Commissioner Hogan pointed out that they could use another association's 501(3)(c) and that there are a variety of DC organizations who offer that service to neighborhood planning groups. Commissioner Black asked if they had spoken with other neighborhood groups who had fundraised for a playground. Ms. Rosenstock-Siller said they had spoken with some, but not all. Commissioner Beckner said that she should contact Laine Kauffman who did the Macomb Street playground.

Commissioner Reeves moved to approve the \$15,480 grant. Commissioner Fechter seconded. Commissioner Reeves noted that the playground will be open to the entire city. Commissioner Beckner asked if the ANC had ever donated such a large amount. Vice-Chair Hogan said that the ANC did donate to the Macomb playground, but that was before her time. Commissioner Fechter noted that the \$40,000 in additional funds in the ANC's bank account should be used for constituents. Vice-Chair Hogan said that the ANC should support the playground, but expressed concern that there had not been a very broad fundraising effort. She suggested offering a grant less than the total and asking the group to come back if additional funds are needed. Commissioner Hogan suggested a matching program. Commissioner Black agreed. Commissioner Hogan suggested offering a \$3,000 base grant plus a one for one matching grant for an additional \$12,480.

Commissioner Lindeman stated that she planned to abstain from the vote and encouraged the ANC to demonstrate fiscal responsibility. Commissioner Reeves noted that that ANC would have a \$25,000 surplus at the end of year and that the ANC budget could be cut if there is too much excess. Commissioner Zobay asked whether the ANC could reduce its contribution if the group gets too much money. Ms. Rosenstock-Siller said they wouldn't accept more than needed. Commissioner Beckner asked about where the \$1,000 for annual maintenance would come from. Commissioner Reeves said that McLean Gardens has pledged to provide those funds each year. Commissioner Fechter encouraged his fellow commissioners to set up a more formal process for grantmaking. Vice-Chair Hogan and Commissioner Reeves pointed out that the process is advertised on ANC 3C's web site.

Transportation committee co-chair Peter Espenscheid supported Commissioner Lindeman's sentiment and noted that the ANC has a near horizon of unforeseen expenses with a possible change in office location. Commissioner Beckner stated that there are lots of new families in the area and they should have facilities to support them. Vice-Chair Hogan asked about parking. Ms. Rosenstock-Siller replied that there would be two-hour free parking. Commissioner Lindeman said that one good point is that this playground would put something on that side of Wisconsin so people don't have to cross the dangerous street to get to Hearst.

A McLean Gardens community member stated that she uses the playground every day and asked whether a matching grants program would delay the project. Ms. Rosenstock-Siller replied that a matching grant program would actually help the group to raise funds. She noted that it would take 60-90

days from ordering the playground to project completion. To address concerns about having culled other community resources, the playground committee did contact charitable organizations and were told that they aren't a low-income area eligible for assistance with a playground. She asked if the commissioners would help them with fundraising. Commissioner Lindeman said she would help.

Vice-Chair Hogan called for a vote on the motion to offer a \$3,000 base grant with one-to-one matching up to a total grant amount of \$15,480. **The motion was approved by a unanimous vote of 8-0.**

b. Vice-Chair Hogan took a break from the scheduled commission business items to announce the results of the special election. Vice-Chair Hogan thanked the League of Women Voters for running the election. She announced that Catherine May had received 141 votes and Carmela Veneroso had received 42 votes. Vice-Chair Hogan moved a resolution to memorialize the results. Commissioner Beckner seconded. Resolution 2005-039 was passed by a unanimous vote of 8-0. Former ANC 3C08 Commissioner Nancy Nord asked if the ANC could pass a resolution to formally thank the League of Women Voters. Vice-Chair Hogan moved that the Commission authorize Vice-Chair Hogan to formally thank them. Commissioner Fechter seconded. The motion was approved by a vote of 7-0, with Commissioner Hogan out of the room. Vice-Chair Hogan formally thanked Commissioner Nord for her service as an ANC commissioner.

c. Vice-Chair Hogan introduced consideration of a plan to reduce Aidan Montessori's enrollment to comply with an agreement between ANC 3C, Woodley Park Citizens Association (WPCA) and Aidan. Commissioner Zobay provided an update on the status of negotiations, stating that a sub-committee of ANC 3C has met with Aidan to work on a draft agreement. Commissioner Zobay provided details of the draft agreement and moved her resolution. Commissioner Fechter seconded. A community member who has lived in the neighborhood since 1966 pointed out that adding all of these conditions without presenting them to WPCA does not seem fair or democratic.

Commissioner Beckner suggested that Aidan consult with their attorneys prior to approving this agreement and consider a binding arbitration clause. Commissioner Zobay stated that a suggestion of binding arbitration was not well-received by Aidan. Ms. Stratton said that the school has agreed to changes in the agreement that deal with traffic and enrollment and they will only make changes to 1995 agreement as planned in the agreement before the Commission. With no arbitration provision, Commissioner Beckner stated that he would not support the agreement as written. Commissioner Fechter offered a friendly amendment that ANC 3C endorse the substance of the draft amendment and consider a final agreement next month. Commissioner Hogan seconded. Commissioner Zobay accepted the friendly amendment. Commissioner Black suggested putting in a whereas clause noting that the school's legal counsel and board hasn't reviewed the draft agreement.

Vice-Chair Hogan asked why a proposed traffic monitor would only do pickup and not drop-off. Kathleen Stratton stated that there has not been a problem in the morning, only the afternoon and they are increasing from one to three periods of pickup with traffic officers. Vice-Chair Hogan said she'd like the school's proposed traffic management plan to be incorporated into the agreement to ensure that the Board of Zoning Adjustment also incorporates the plan. Vice-Chair Hogan asked if there have been community complaints. Commissioner Lindeman said she's noticed parking problems and stated that she would like the monitor to be available for morning drop-off as well.

Commissioner Beckner moved to incorporate binding arbitration for dispute resolution and the traffic management plan into the agreement. Commissioner Lindeman seconded. Commissioner Fechter expressed concern that the ANC is prohibited from using ANC funds to litigate, but pointed out that the ANC has found pro bono legal representation and other measures in the past. He feels that the ANC

should show some good faith and work with the community. Commissioner Beckner pointed out that there is no reason for Aidan not to agree to binding arbitration, as it's cheaper, faster, and easier for both parties. Vice-Chair Hogan said there's every expectation on the part of the ANC that Aidan will comply with the final agreement and that there will be no need for arbitration. Commissioner Black expressed concern that the ANC is hammering the little guy and offering money for a playground, but not offering schools to its constituents.

Commissioner Lindeman asked about out-of-boundary enrollment. Ms Stratton said that the school has 34 students from Virginia and Maryland. An Aidan board member expressed concern about introducing new issues at this stage. Peter Espenscheid expressed concern about the degree of intensity applied to this school. He expressed concern that the ANC is being driven by its experience with other schools.

Vice-Chair Hogan asked if Commissioner Beckner would consider a friendly amendment that consideration be given to adding a provision for binding arbitration. Commissioner Beckner agreed. Commissioner Fechter called the question. The motion to call the question was approved by a vote of 8-0. Commissioner Lindeman asked for a roll call vote.

Commissioner Lindeman – yes  
Commissioner Zobay – no  
Commissioner Beckner – yes  
Commissioner Black – No  
Vice-Chair Hogan – No  
Commissioner Fechter – No  
Commissioner Reeves - No  
Commissioner Hogan – No

The vote was 6-2 in opposition to Commissioner Beckner's motion to incorporate binding arbitration for dispute resolution and the traffic management plan into the agreement.

Commissioner Fechter offered a friendly amendment encouraging Aidan to examine binding arbitration as part of the final agreement. Commissioner Zobay accepted. Commissioner Lindeman offered friendly amendment that a traffic officer be present in the morning. Commissioner Zobay said she'd prefer to revisit the issue at a later time if necessary and rejected the amendment. Commissioner Lindeman offered it as a hostile motion. Commissioner Hogan seconded and commented that she has also encountered traffic problems in that area.

Commissioner Fechter called the question on Commissioner Lindeman's hostile amendment. The motion on calling the question was approved unanimously by a vote of 8-0. The commissioners took a roll call vote on the amendment.

Commissioner Lindeman – yes  
Commissioner Zobay – No  
Commissioner Beckner – No  
Commissioner Black – No  
Vice-Chair Hogan – Yes  
Commissioner Fechter – No  
Commissioner Reeves – Yes  
Commissioner Hogan – yes

The motion failed by a vote of 4-4.

Commissioner Lindeman expressed concern that her signature would not be on the agreement. Commissioner Fechter called the question. The motion on calling the question was approved unanimously by a vote of 8-0. The commissioners took a roll call vote on the resolution as amended.

Commissioner Lindeman – yes  
Commissioner Zobay – yes  
Commissioner Beckner – yes  
Commissioner Black – yes  
Vice-Chair Hogan – Yes  
Commissioner Fechter – yes  
Commissioner Reeves – Yes  
Commissioner Hogan – yes

**Resolution 2005-040 passed by a unanimous vote of 8-0.**

d. Vice-Chair Hogan introduced a public space application by the Embassy of New Zealand to add landscape materials into public space. After a short presentation by the architect, Vice-Chair Hogan moved that ANC 3C have no objection to the application as presented. Commissioner Lindeman seconded. **The motion was approved by a unanimous vote of 8-0.**

e. Commissioner Hogan introduced consideration of a resolution commenting on and supporting DC Council legislation to create the D.C. Department of Environmental Protection. Commissioner Hogan read and moved her resolution. Commissioner Fechter seconded. **Resolution 2005-041 was approved by a unanimous vote of 8-0.**

f. Commissioner Beckner introduced consideration of a resolution conditionally approving a Board of Zoning Adjustment special exception application to permit an addition to the existing free-standing garage at 3324 Highland Place NW. Commissioner Beckner stated that the garage is three feet off the property line and it appears that they should have applied for an area variance rather than a special exception. Commissioner Beckner moved the resolution. Commissioner Lindeman seconded. **Resolution 2005-042 was approved by a unanimous vote of 8-0.**

**VII. OFFICERS REPORTS**

a. Commissioner Lindeman introduced consideration of the May 2005 minutes and moved their approval with minor amendments. Commissioner Zobay seconded. **The May 2005 minutes were approved by a unanimous vote of 8-0.**

b. Commissioner Reeves provided an overview of the ANC's financial status. Commissioner Reeves moved to amend an increase of the grant budget from \$1,000 to \$16,480. Commissioner Hogan seconded. **The motion was approved by a unanimous vote of 8-0.**

**VIII. COMMITTEE REPORTS**

a. Commissioner Beckner requested that commissioners provide him with proposed streets that require paving as Muhammad Khalid of the District Department of Transportation had told him that they will all be paved.

b. Commissioner Hogan stated that the technical head of Oasis NY is making a GIS presentation at NCPC on June 13 at 9:30 a.m.

**IX. SINGLE MEMBER DISTRICT REPORTS**

a. Commissioner Reeves asked if Vice-Chair Hogan had received any further correspondence from Giant. Vice-Chair Hogan said she had not.

b. Commissioner Lindeman stated that she would require help to craft a resolution regarding removal of a potentially hazardous pile of dirt at Oyster School.

**XI. ADJOURNMENT**

Commissioner Fechter moved to adjourn. Commissioner Reeves seconded. By a unanimous vote of 8-0, the meeting adjourned at 11:35 p.m.