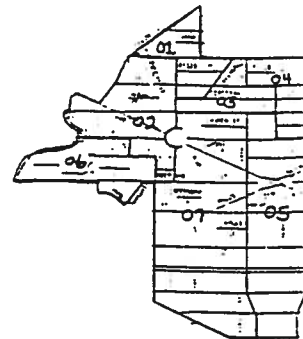




DUPONT CIRCLE
 ADVISORY NEIGHBORHOOD COMMISSION 2B
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Letters

To: ABC
 Re: Xando

To: Gasoline Station Advisory Board
 Re: Mobil Station - 22nd P Streets

To: Public Service Commision
 Re: Policies on Pay phones on Public Space

To: Office of Emergenicy Preparedness
 Re: Capital Pride Festival and Parade

Minutes of the regularly scheduled public meeting Advisory Neighborhood Commission 2B, May 13, 1998

Dr. Cary, vice chair, opened the meeting at 7:30p.m. She announced that the chair Mr. Pitsor would not be arriving until later in the meeting. Commissioners Jackson, King, Newton Dehart and Rosenthal were present.

Police Crime and Safety Report

Officer Fariniaz gave the report for the Third District. He said crime in general is down. The Third District is asking for volunteers to serve as civilian block captains. The block captain would be responsible for getting feedback from neighbors and contacting the sector sergeants with specific problems. He said there have been a rash of burglaries, mostly in basement apartments on 18th, 19th and 20th Streets near New Hampshire Avenue.

Dr. Cary suggested the ANC write a letter to Commander Ademany (3D) requesting increased police protection in the PSA with a copy to the new police chief and Chief Management Officer Camille Barnett.

Mr. Jackson said there was a sign up sheet on the table in the back

SINGLE MEMBER DISTRICT COMMISSIONERS AND OFFICERS:

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|------------|-----------------|------------|-------------|-----------------|----------------|-------------|
| 2B01 | 2B02 | 2B03 | 2B04 | 2B05 | 2B06 | 2B07 |
| David King | Karen Rosenthal | Fran Cary | Don Jackson | Meredith DeHart | Marilyn Newton | Kyle Pitsor |
| | | Vice Chair | Secretary | Treasurer | | Chair |

of the hall for people with email addresses who wished to be alerted to crimes, and trends of crimes in their area.

Treasurer's Report

Ms. Dehart gave the financial report for the first quarter.

MOTION

Mr. Jackson moved and Ms. Newton seconded approval for the ANC Financial Quarterly Report. The motion passed unanimously.

Announcements

Mr. Jackson announced the art works on the walls of the room were part of the annual show and sale sponsored by St. Thomas. He said the proceeds of the show would go to benefit the St. Thomas building maintenance fund.

Issues

1. Mr. Jose Ucles of Whitman-Walker Clinic and the Director of the 1998 Capital Pride Festival and Parade. Mr. Ucles presented the plans for the festival and parade and asked the ANC to support the plans. He said the events would occur from the 30th of May until June 2nd.

MOTION

Mr. Jackson moved and Ms. Newton seconded support for the Capital Pride Festival and Parade. The motion passed unanimously.

2. Mr. Richard Beverly, Counsel for the Public Service Commission (PSC), and Mr. Elliot Cananda, also from the Commission, gave a presentation of the current policies and procedures of the installation of public pay phones. Mr. Beverly said that since the deregulation by Congress of the phone industry nationally in 1996 there have been many new companies established. This deregulation has changed the guidelines that the PSC operated under. Mr. Beverly said that this has left the Commissions across the country in a quandary because there is no interpretation from the FCC on issues of public safety and welfare respective to the location of public pay phones. He said the staff of the PSC was cut by half at the same time the deregulation went into effect. Mr. Beverly said it has not been established exactly what the authority of the PSC is with regard to regulation. With regard to the existing rules of the PSC - to the extent that you may have gotten statements that the FCC has precluded the Commission from notifying the community with regard to the installation of public pay phones, and that you can't object to them, is not accurate. The Commission has taken no position in its current rules in that respect. After looking at the FCC orders and the 1996 Telecommunications Act I don't believe that that part of the rules are superseded. Mr. Beverly said, "I think the community can still object. The effects of the objection is what is at issue. This has not yet been clarified". Mr.

Beverly said the PSC has to balance the issue of the installation of public pay phones with issues such as will the removal of a phone adversely effect people in the community who may have a need for the service. Mr. Cananda said that even if a phone is removed from a location the same or another company can reapply for a permit after one year. Mr. King said that in the Dupont Circle neighborhood there are a number of situations where phones are being used for illegal activities and that in his view issues of competition between phone companies is not the issue. He asked how the rules and regulations addressed this problem. Mr. Beverly said the completion part of it is part of it. The rules that the PSC currently has may be superseded to some extent by what Congress and the FCC have done. So, whatever PSC current rules provide may not be applicable. He said there may be options for removing a phone. A resident said according to a survey that he had conducted in his PSA District (from 17th Street over to 14th Street) there are 42 pay phones, 20 in 4 square blocks, and 9 in one square block. The resident said he did not understand the public safety rational respective to this volume of phones. The resident said that when he tried to get in touch with Mr. Cananda to discuss this issue his calls were never returned. Mr. Beverly said in the Telecommunications Act of 1996 it specifically says that any regulation inconsistent with the FCC orders and regulations is preempted. The resident said that the investigation that the PSC did about what the deregulations says is questionable. He said the PSC does not know if the regulations prohibit the PSC from removing pay phones. Mr. Beverly said the rules of the PSC are currently under review. A resident said that in other parts of the country efforts are made to identify what phones are being used for illegal activity. Mr. Beverly said another way of doing the same thing is to find out based on researching what you see in terms of what your regulations say and what the FCC is directing, whether the rules and regulations are inconsistent with them or not. When we determine what our authority is we can proceed from there. Part of this are policy decisions that the commissions have to make. Mr. King asked if the Commissioners decide that their rules are not preempted by federal legislation - by the FCC rules in the area of public space, in your judgement would that satisfy some of the concerns that are being raised at this ANC meeting about the ability of citizens to come to the PSC with the issue of problem phones. Mr. Beverly said one of the problems with removing a phone is that it has to be proved that the phone is a problem.

MOTION

Mr. King moved and Ms. Rosenthal seconded a letter be sent to the PSC noting the overwhelming community concern with crime and the link between crime and pay phones. The ANC strongly urges the PSC to take this concern into consideration when reviewing their guidelines and rules for the installation of public phones. Further, the ANC requests the PSC, that while reviewing their rules as they relate to public health and safety and removal of public phones, take the position these rules are not to

be preempted by either federal legislation or FCC rule. As part of these consideration the ANC requests the PSC notify the community about applications for public pay phones. The motion passed unanimously.

3. Mr. Stenzler, CEO for Xando Corporation presented his plans for locating a Xando Coffee House at 20th and R Streets in the location formerly occupied by Sutton on the Run and as part of this he requested the ANC support his application for a liquor license. Mr. Stenzler said that the focus of Xando is to provide a comfortable atmosphere where people of all ages can gather and talk. He said the thrust of the sales would not be on alcohol but rather on coffee and light fare. Ms. Rosenthal expressed concern about Xando's request for late hours on the outdoor patio which is proximate to residential buildings. It was suggested that Xando consider the ANC guidelines for outdoor space applications, which state that operations are to close at 11p.m. during the week and at midnight on Friday and Saturday night.

MOTION

Ms. Rosenthal moved and Ms. Newton seconded the ANC support Xando's application for a CR liquor license providing that Xando close the patio at 11p.m. during the week and at midnight on Friday and Saturday. Further, Xando is to limit the outdoor seating capacity to 70. The motion passed unanimously.

Commissioner Reports

Dr. Cary asked the Commissioners in their reports to relay the process that they are using to get feedback on the 17th Street Liquor Moratorium in their SMDs and the status of their efforts with the residential and business communities.

Mr. Jackson reported that he had several meetings with condo associations. He said he had put together a brochure which summarizes the current moratorium, which includes a number of reason for the grounds of the last renewal. He said he has met with merchants of 17th Street to get their initial comments and these comments are included in the brochure packet. He has been and still is getting comments on this packet. He said essentially the process is still open.

Dr. Cary commented she thinks that all points of view are heard on this issue. She said she has been working very diligently to talk to residents, merchants and restaurateurs. She said she has solicited comments from all the neighbors - business and residential. She said that based on all the dialogues the ANC hopes to be ready at the June meeting to offer a recommendation on the moratorium. Dr. Cary said that Mr. Pitsor will be calling a meeting with representatives of the business community and residential community to talk about the issue. She said this informal meeting will be the basis of the recommendation from the

ANC in June. Mr. Jackson said that this meeting is permitted as long as no formal decisions are made.

Ms. Newton reported she put a notice in her monthly newsletter asking people to call if they had any comments on the moratorium. She said after distributing this newsletter to the 2,000 people in her district she has had 5 comments, all in favor of continuing the moratorium.

Mr. King reported he also solicits comments in his monthly newsletter and canvases the neighborhood weekly. He said he feels he is getting comments as a result of his efforts.

Mr. Pitsor arrived at 9:40p.m.

Dr. Cary told Mr. Pitsor that there was a question as to whether there would be another open meeting for the public to discuss the moratorium.

Mr. Pitsor said there was an open public meeting in March which was announced to solicit comments on the moratorium. Mr. Pitsor said that it was announced at the April meeting of the ANC that the issue of the moratorium was still under discussion with residents and with the merchants associations on 17th Street and Connecticut Avenue and these discussions are continuing. Mr. Pitsor said it is hoped there will be enough input on the issue to propose a recommendation at the June meeting of the ANC. Mr. Pitsor said he welcomes comments from all concerned parties.

Ms. Newton said that there were representatives from Mobil Oil Corporation present and they wished to discuss the issue of the proposed removal of the service bays and installation of a mini mart at the Mobil Station at 22nd and P Streets. Ms. Maureen Dwyer, representing Mobil, said that she was attending the ANC meeting in response to the Gasoline Station Advisory Board's advice that Mobil attempt to negotiate a compromise with the ANC on the ANC's position of opposition to the removal of the service bays at the above referenced location. Ms. Dwyer said the proposed changes to the station are to attempt to make the business profitable and a success. She said that the station's owner is willing to act as a liaison between the members of the community requiring mechanical services and stations in the area that can provide such services. Ms. Newton said that this did not qualify as a significant incentive for the ANC to change its position of opposition to the proposed changes, ie. the removal of all the service facilities to be replaced with an unneeded mini mart. Mr. Pitsor said the burden of proof lay with Mobil to prove why the mechanical facilities were no longer needed. Dr. Cary asked if any commissioner wished to change the decision that the ANC had made on the issue of Mobil. Hearing none the former motion of opposition stands.

Jack Evans Office

June Hirsh said that Jack Evan's office is also concerned about the public phone issue and has been in touch with the Public Service Commission.

Respectfully submitted,

Don Jackson, Secretary
ANC 2B, Dupont Circle