

**Minutes for the Meeting of
Advisory Neighborhood Commission 2E**

April 23, 2010
Georgetown Business Improvement District, Conference Room

The meeting was called to order at 8:40 a.m. by Commissioner Lewis, Chair, with Commissioners Lewis, Skelsey, Golds, Starrels, and Eason present, constituting a quorum.

Ward 2 Single Sales Ban—approval of exception to ban for Dixie Liquors by ABC Board

Commissioner Starrels who co-chairs ANC 2E’s ABC Committee spoke about the single-sales ban and its application in Georgetown, and specifically to Dixie Liquors. Commissioner Lewis also spoke about ABRA’s and the ABC Board’s rushed approval process without ANC input. Representatives from Dixie Liquors spoke on behalf of their establishment. A representative from CAG (Cookie Cruse) spoke about CAG’s opposition to the waiver of the single-sales ban. After discussion by Commissioners and community members focusing on the ABC Board’s rushed process of approval as well as the merits of the single-sale ban as it applies to Dixie Liquors, Commissioner Starrels made the following motion (Commissioner Skelsey seconded) which passed by a vote of 3-2 (Commissioners Golds and Eason dissenting):

ANC 2E requests that the Alcoholic Beverage Control Board vacate and reconsider its decision (Order No. 2010-331) regarding the Application of Dixie Liquors, Inc. for an exception to single sales restrictions.

This decision was taken without an appropriate opportunity for input from ANC 2E. For the reasons set out below, we urge that Order No. 2010-331 be vacated and reconsidered, and that a hearing be held with ANC 2E participation.

We believe the law banning single sales in our area should be left in place for the good of our community and that the Application of Dixie Liquors should be denied.

After deliberation with fellow Commissioners, constituents and members of the business community, it was determined by ANC 2E that the best interests were served by declining the request for an exception.

Panhandler / drifter population. The Commission and constituents have observed a decrease and absence of “drifters” who used to populate the Francis Scott Key Park located a half block east and south of Dixie Liquors. While it is impossible to positively link the elimination of single-serve liquor, it is indisputable that there has been a direct correlation.

Business plan. When a law is enacted that impacts how one has to conduct business, the business has to adjust its business plan. Other liquor stores are enjoying excellent business while under the same constraints as Dixie Liquors.

Hotel guests. The only hotel where a guest or employee can walk or drive directly to Dixie Liquors without passing at least one other liquor store would be the Key Bridge Marriott in Virginia. Other hotels, including and not necessarily limited to the Four seasons, Ritz-Carlton, Latham, Georgetown Inn, and Georgetown Suites all have at least one other liquor store between it and Dixie Liquors.

Chefs. Dixie Liquors states “area chefs purchase small bottles of liquor for use in recipes and cooking . . .” Commissioner Starrels who likes to cook has found that the cost difference in a pint size of liquor versus the small banned sizes are only five or six dollars, and anyone who cooks on a regular basis will spend the extra few dollars for the larger size. A true professional chef will not likely buy a small bottle of liquor that he or she will use in an hour.

Micro-Brews. Other sellers of liquor, including Safeway, have no problem selling micro-brews in multi-packs.

Georgetown University. Dixie Liquors is the closest liquor store to both Georgetown University and to the West Georgetown neighborhood where many undergraduates live. Dixie Liquors is the largest seller of kegs of beer near the University. It seems only logical that a good portion of the single sales Dixie Liquors has lost is related to the proximity of the University. It is also noted re Dixie Liquors’ community outreach that Georgetown University concerns comprise the largest amount of in kind contributions.

Petitions. Dixie Liquors submitted five petitions from supportive businesses. The most recent petition is from Garrett’s Restaurant, which is located at the opposite end of Georgetown closest to the Four Seasons Hotel (see map, attached). There is no geographic relevance to Garrett’s location. One petition of interest is that of the Philadelphia Pizza Co. at “1234 34th Street, NW”. This establishment was most recently located on Potomac Street for the last two years. Further, this business was forcibly closed by DCRA and the Superior Court due to zoning violations. The other pre-printed petitions include a dry cleaner, a cell phone store and a bike shop. There are no letters of support from the Georgetown Business Improvement District, the Georgetown Business Association, or the Citizens Association of Georgetown. In fact, the Citizens Association opposes the Applicant’s request for a single sales exemption.

Wagner’s Liquor. Wagner’s Liquor was granted an exception without ANC 2E input. ANC 2E if given proper communication about the procedures would have opposed that exception. We have addressed this in a meeting with the Director, ANC Commissioners and representatives from the Citizens Association of Georgetown.

Procedurally, we note that:

Neither ABRA nor the Board provided ANC 2E with a copy of the Application of Dixie Liquors until April 22, which is after the Board heard and decided Order No. 2010-331, an omission that is inconsistent with the governing statute;

ABRA's April 8 barebones notice to ANC 2E that an Application had been filed did not indicate that, contrary to normal practice, a hearing would be held within a matter of days;

An immediate hearing was also not anticipated by ANC 2E because of the customary mutual understanding, reinforced by the governing ANC statute, that our ANC conducts monthly public meetings and cannot normally be expected to act in between such meetings;

ANC 2E did respond in a timely manner – within 6 days (4 business days) – to the April 8 notice from ABRA in this matter: On April 14 we responded by requesting a copy of the Application and indicating that we would consider the Application at the next scheduled public meeting of ANC 2E, on May 3;

ANC 2E, like ABRA and the Board, cannot be expected to respond to a potential applicant's email suggesting in general and unspecific language that it expects to file a formal application in a matter, but instead acts only if and when a specific application actually is filed and official notice is received; and

The Applicant's own submission to the Board acknowledges that ANC 2E has indicated in its public meetings that it is not in favor of single sales exemptions within our community, yet this was not taken into account by the Board either in substance or as a cautionary signal that ANC 2E would surely want to participate in this matter.

We regret and are concerned about any misunderstanding about notice to our ANC in this matter. Our working relationship with ABRA and the Board is excellent, and we will do everything in our power to maintain that comity. The timing of the hearing in this matter was an exception to normal, well-functioning practices and we urge that this be corrected by vacating and reconsidering Order No. 2010-331.

At 9:06 a.m., with no further matters on the agenda, Commissioner Lewis moved (Commissioner Golds seconded) to adjourn this special public session of ANC 2E. The motion passed unanimously.

Submitted for the approval of ANC 2E,

Aaron Golds
Secretary, ANC 2E