

## **Tenant's Council June 13, 2019 Meeting Minutes**

Attending: Chubb Hoston, Mike Bowers, Nikki Dean, Anita Jefferson, Barry Margeson

TC Met with Market Manager to first discuss more favorable date for next event(s) and to get and give some initial feedback on the previous weekend's event.

TC recommended choosing a date after October 6<sup>th</sup> for the next event. Keeping in mind that the middle of September to early October are long-standing events which we do not want to compete with. The last of which is the Takoma Park Street Festival on October 6<sup>th</sup>. TC also suggested that the long weekend around October 12<sup>th</sup> could present an opportunity, and the end of season harvest for farmers could also present an opportunity to highlight the outside vendors.

TC recommended management look at second week in December to produce a stand-alone holiday event. During this time there may be several events throughout the city that highlight handmade, local goods for gifts as well as food for holiday meals. We already have all that and it should not take much effort to promote what already exists, however they level of marketing and promotion for this should be on a much more sophisticated level than in the past. It should be on the level of other events.

The TC asked if Management had set any specific measurable goals and/or benchmarks for success prior to the Rediscover Eastern Market event. Market Manager was not aware of any specific benchmarks they would be measuring, but did mention that DGS would be reviewing the event in the coming week.

TC requested that for future events that manager not only identify a few key measures of success prior to the event but that they also make those measurements known to TC. This will help address the lack luster feedback TC received from those they represent. (note: only Mike Bowers and Angie Brunson were actually on site for the weekend's activities)

### **Summary of feedback on event from Tenants POV**

Merchants reported mixed reviews. While some merchants were highlighted by the Fox 5 crew, others were not. There was a general feeling that it brought more foot traffic on Friday. General consensus was that no spike in revenues could be attributed to the event on Saturday and Sunday.

Outside vendors who participated on Friday reported a few sales but not enough to cover the cost of being there for a whole day. Some reported that they think the layout of the market didn't allow all to be seen as most activity was focused on the plaza.

General consensus for Saturday and Sunday was that there may have been a bit more foot traffic or it was about the usual for THAT weekend which is historically slow due to other events.

A broad cross section of vendors were consulted with varying types of products and location set up around the market. Most were unhappy with the lack of sales for the weekend. Most had expected that with the amount of money and focus on the whole market, that the businesses that are suffering from historically low sales would want one thing.... More sales.

A few things suggested to make the next event better are:

Focus on bringing in paying customers to boost sales

Treat the Market like an Event on a regular basis with higher quality marketing and promotion with greater reach

Music was the one thing most mentioned as a way to regularly draw people to the market.

Work with EMMS to create a destination event to bring people specifically to this area to spend the day shopping and eating

Find ways to use the other events in the city as an opportunity. For example any events that people will be on the mall offer to go lunch/dinner boxes for them to stop by and pick up on their way. (jazz in garden etc)

For marches and other large gatherings that originate at RFK, identify them and market to them, stop by for a snack or breakfast going or coming back.

On June 2, there was a fast moving thunderstorm with downpours and lightening that came through at about 5:30pm. A few vendors were still packing in the street. The street was left open at C and cars were zooming past vendors in the street packing in the down pour. The PSD was called as they were hanging out under a tent at the north hall end. He said it was the lower half of 7<sup>th</sup> that left the street open and walked away. This highlights what we feel is the difference between managing a day that starts out with rain, wind or inclement weather and managing pop up storms imminent danger.

**The TC voted 4-0** that Management reevaluate the effectiveness of their response to managing emerging dangerous conditions. An email is not sufficient, and all DGS including PSD should have clear understanding of their active role in assisting vendors in getting onto and off of street while keeping customers safe as well.

**Resolution 10-11-2018-03 (passed 5-0) Weather Emergency procedure**

Increased frequency and strength of storms, wind, etc. presents possible danger

Management needs to create a written procedure for all outdoor farmers and vendors, regarding early release that is more comprehensive than the rules and regulations.

Using PSD to manage the street, Clear process for how management notifies all outdoor vendors about changes to street opening. Manage flow of cars (entering parking leaving).

Procedure for managing when only some vendors are leaving while others remain open for business.

November TC meeting Manager can bring plan to table or seek assistance from TC to help create one. **Outstanding**

1. Barry's **Response:** *We've sent the following change request to the General Counsel. It appears in the section: I. Set up, Break down, and Operation. Minor edits proposed by TC should not be an issue.*

- Inclement Weather: There are a variety of weather-related issues that can occur at an outdoor market. Outdoor vending will not be permitted on dangerously cold days or predicted hurricane weather. Besides these days, we rely on vendors to make their own decisions as to whether or not to come out on any given day.
  - In the case of predicted inclement weather, a vendor with a permitted space may request a temporary space change for a specific day. If such vendor would like a temporary space change and the map has already been sent out for the weekend, he/she may show up on the day of the inclement weather event at 8:30am and be assigned a space ahead of the lottery vendors.
  - On days when the Weekend market manager determines that she will open the street for early departure, she will alert vendors by email.
  - On early departure days, flow of cars loading and unloading remains the same as on any other days.
  - For vendors who wish to remain, they may. DGS will only open the street when ALL vendors are off of the street.

Outstanding resolutions sent to mgmt., mgmt. responses, TC April review of responses

### 1. Resolution 6-14-2018-01 (passed 4-0)

**The Tenants Council requests that Management continue to work with area parking lots and others to secure a minimum of 2(two) hour validated parking for customers**

- Two hour allows for parking, traveling to and through the Market shopping either inside and/or outside and traveling back to parking.
- Colonial Parking, Trader Joe's underground, DDOT and other surrounding commercial lots should be explored.
- Provide discounted all day parking for Merchants and Vendors.
- Consider designating parts of C street for short term parking.
- Management agreed to provide TC with a progress report in one month at the July Tenants Council Meeting.

Management to continue to work on recovering short term 15 min parking on North Carolina and C Street for weekdays

**Barry's Response: Resolution 6-14-2018-01 – Parking Validation. Response: \$4 off validated parking is being secured by both Colonial Parking and SP Plus in the 700 Penn Parking Garage. The Colonial parking lot will provide stickers that will go on a parking ticket so that the parking lot attendant will know to discount the price. 700 Penn will provide chaser tickets that drivers will put into the machine after the ticket to inform the system that the fee has been discounted. Note that there are still some logistical issues here that we will need to work out on weekends to ensure that there is constant staffing at the office for validation.**

### 2. TC has requested an update from the Chair of AARC.

. Nikki Dean will send email on Jan 21 2019 about the next steps to regenerate the AARC

Nikki's Response:

### 3. Tenants Council requests Management repaint the red markers for tents on 7th street.

This will aid both new and seasoned vendors in setting up their tents in the correct space regardless of if their immediate neighbors are set up when they arrive. The tents are set up with a specific number of 10 x 10 tents between designated walkways. The red painted markers reduces the need for vendor interaction and any conflict about tent location

#### **Resolution 07-11-2018-01 Repainting booth markings on street**

Katrina needs to contact DGS and/or DOD for proper paint color and clearance to use. Expected this to take about two weeks.

Markings need to comply with Eastern Market historic preservation society rules and/or guidelines

Will also consider alternatives to paint, such as hammered in marking stakes which are permanent but low profile so do not pose threat to daily thru traffic on the street. Mike Bowers and Brian VanFleet offered to research their ideas.

OUTSTANDING. Still unresolved, only partially done. Requires supervision and an understanding of why markings are there and why they are necessary for vendors to have a smooth and straightforward set up. As it stands now, the partially finish project has lines only painted on middle section of 7th street. Where new lines are painted, they mark only the front line of where booths begin. There are no marks indicating where corners of tents are supposed to go. Impossible to tell from lines where tent spaces are located.

Resolution 7-11-2018-01 – Red markers. [Barry's Response: Markers delineating vendor spaces have been updated and are prominently painted on the street but not so obvious as to negatively impact the aesthetics of the street.](#)

#### **4. RESOLUTION 02-11-2016-02 Snow Removal (passed 5 to 0)**

The Tenants Council request that management obtain and review Statement of Work for snow removal contractor assigned to Eastern Market and report the findings to the Tenant's Council for the purpose of developing a definitive snow removal plan.

##### **Resolution 10-11-2018-01(passed 5-0) Snow Removal formal Plan.**

TC requests management present a comprehensive policy and procedure to EMCAC at next meeting. Based on previous discussions, we believe this plan already exists. TC requests a map for snow removal where needed that addresses:

1. snowfall during week--basic sidewalks and streets/parking
2. snowfall on Friday and/or weekends--snow removal for all vendor spaces, cannot have snow banks blocking any vendor spaces.

Remains outstanding. TC requests Management share plan for standard operating procedures on snow/ice removal.

Resolution 2-11-2016-02 – Snow removal. [Barry's Response: See Attachment A for snow removal requirements.](#)

#### **5. New Issues for discussion in September Meeting:**

##### **What to do with vendor complaints on space assignment/product competition**

When it comes to space assignments, the Lottery, and the maps that go out for the weekend, the weekend market manager feels that vendors should be more responsible for reporting to her when they do not plan to set up. This allows her to do a better job of placing people.

TC requested that the weekend market manager send out under separate cover an email explaining just that. Currently the request is attached to an announcement of placement for that weekend, which is not read by those who already have a permanent space. The current email has a highlighted line requesting to tell management if they do not plan to set up. The current email goes out around Wednesday. Mike Bowers and Brian VanFleet agreed to research apps available that would allow vendors to register by the day. TC also pointed out vendor reluctance to release their space early in the week could in part be due to fear that a vendor of similar product would be put in that place creating an opportunity for poaching of customers.

We did not reach an agreement with management on sending out this separate email for clarity, however we believe that it would do no harm and could possibly lead to greater compliance. As it relates to product competition, TC has in the past several years suggested that Management compile a master list of products being sold at the Market. Management can cap the number of new vendors who sell a type of product and not allow new applications for these types of product until a vendor leaves. This would be a function of the AARC process. As it relates to vendors with similar products being set up next to each other, TC requested that weekend market manager try to understand why this is such a sensitive issue as we are all small businesses next to each other, not co-workers. Understanding that there are many variables in play during the morning space assigning, TC feels there is room for more discussion and understanding on this topic. In the past, TC has asked for and worked with Market Manager on a procedure for vendors who have permanent spaces but wish to relocate. We feel that this needs to be revisited as it would eliminate or reduce issues surrounding similar products being located next to each other.

## **6. TC Request management create written rules for vendor space assignment requests**

This is a revisited resolution and not a new item however having both Barry and Katrina in attendance, and having received additional complaints and requests for assistance from vendors this was an opportunity to have the issue addressed.

**Resolution 10-12018-06 (passed 4-0) TC requests management to present written formal process for vendor space assignment and reassignment.** TC requests process for at least 3 categories of vendor permits:

Outstanding. TC request update on progress from Management on this issue. Further,

1. For current permanent space permit holders who seek a different space than assigned  
Barry's Response: From our perspective, doing this would memorialize and create formality to a space change that is informal and temporary. We feel that the current process meets the needs.

2. Lottery Vendors without specific permanent permitted space but are on the map regularly to clarify temporary status .Barry's Response: From our perspective, doing this would formalize the move and make it more permanent. We will, however, clarify that this happens in the agreement;

- After one year of consistent, weekly vending, a lottery vendor may be assigned a space on the map in advance of the weekend. This space will be distinct from a permitted space and management may move vendors periodically.

3. Lottery Vendors who are permitted without permanent space.

Consider a process like:

- June to August space reassignment request window
- September management set new spaces
- October sign new permit

. Barry's Response: We agree with your suggestion and we've sent the following to DGS General Counsel. Minor edits proposed by TC may be proposed.

- After 3 years of consistent year-round vending, vendors may make requests for permitted spaces. Vendors with current space assignments may also request alternative spaces. On July 1, the Market Manager will send out a list of available spaces. From July 1 to August 31, vendors may make requests. On September 15, the Market Manager will issue permits with new space assignments and on October 1, permits are signed......

7. TC requests Management seek to create:

- A. Master product list for all current vendors, including provisional vendors.
- B. Standard process for existing vendors to add new products.
- C. Space assignment process for vendors with similar products. Dispersing similar product vendors will reduce friction between vendors with competing products, and create a more diversified looking market for shoppers

Barry's response: TC requests that management create:

- a. Master product list for all current vendors, including provisional vendors.  
Response: This has been created and is used by management to make decisions regarding which product types to accept.
  - b. Standard process for existing vendors to add new products. Response: We agree with your suggestion and we've sent the following to DGS General Counsel.  
Minor edits proposed by TC may be proposed......
  - Vendors who wish to add new products that are within their category and are being accepted in their category (review online applications to know which products are or are not being accepted) may send management an email request.
  - Vendors who wish to add products outside of their category, must apply online with the products they wish to sell......
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- c. Space assignment process for vendors with similar products. Dispersing similar product vendors will reduce friction between vendors with competing products, and create a more diversified looking market for shoppers. Response: In order to meet the request of vendors, the Weekend Manager attempts to do this every weekend. Because of the number of variables, it is not possible to create a process or an algorithm for how this is done. And, because of the number of vendors, it is not always possible to place competitors apart from each other. Finally, as much as this may be frustrating to vendors, it can be equally satisfying for customers when similar product vendors are next to each other. Comparison shopping is easiest when the two compared products are next to each other. Keep in mind that within the Eastern Market building, there are two permanent butchers who have been next to each other for the last 30 years.



8. **Resolution 10-11-2018-02 (passed 5-0) Emergency Preparedness (public safety emergency situations)**

In case of terrorist attack, active shooter, etc. need evacuation plan. Plan should consider all MFV in coordination with rules and regulations  
suggest additional online version. **Outstanding**

**Barry's – Response: We agree 100% on the importance of an emergency preparedness plan. Depending on the cost of the bollard study, there may be money remaining for an updated emergency preparedness plan.**

9. **Resolution 10-11-2018-03 (passed 5-0) Weather Emergency procedure**

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**10. Suggestions:**

Stakeholder planning meeting for Strategic plan (**Tabled until budget \$ and RFP**)

Handicap Floorplate need update still not fixed **Outstanding** **FIXED AS OF MARCH 11<sup>TH</sup> 2019**



Illuminate mechanical handicap door buttons (was a suggestion only)

Barry's Response: Thank you. Your suggestions were received and are being considered.

- 11. Resolution 1011201804 (passed 4-0) TC requests management honor intent of the Legislation to consult with the EMCAC and with Tenant's Council *prior* to changing rules and regulations or operations.** TC request management amend current red line version of rules and regulation attachment A and new vendor permits to remove wording "absolute and sole discretion" and add "in consult with the EMCAC and Tenants Council". A copy of changes should go out to all holders.

**OUTSTANDING AND TC URGES EMCAC TO CONTINUE TO PURSUE CORRECTION**

Barry's Response: This verbiage is included in all legal documents and will not be changed.

- 12. Resolution 1011201805 (passed 4-0) Ask management to add to the permit from Attachment A "In the case that this document conflicts with the legislation, the legislation takes precedence.** This addresses the change that was made moving wording from attachment A to Permit where signature is required.

Barry's Response: I've sent the proposed edit below to DGS General Counsel.

In affixing his/her signature to this document, the Permittee agrees to Attachment A, "Eastern Market Vendor Agreement." In the case that this document conflicts with the legislation, the legislation takes precedence. DGS reserves the right to amend Attachment A from time to time in its sole and absolute discretion, a copy of which shall be provided to the Permittee.

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**13. RESOLUTION 9-10-15-05**

**MARKET VIOLATION APPEALS PROCESS (passed 5 to 0)**

The Market Violation Notice (MVN) appeal process set forth in Title 37 Law governing Eastern Market has been problematic since DGS assumed management of the Market in 2009. The contracting agency of DC Government is designated as the body to hear appeals of management issued MVNs. The clear intent of the Law is that the body hearing appeals is independent of management, DGS presently. The Tenants Council seeks the advice of EMCAC in resolving this issue. 1) Below is Title 37-110, please note the term 'market vendor' in the law is defined to mean any merchant, farmer, or arts/crafts vendor.

**§ 37-110. Enforcement.**

In the event that a market vendor violates any law, regulation, sidewalk market rule or condition of the market vendor's sub-lease as specified in the contract, the market manager may issue a market violation notice ("MVN") to the market vendor suspending the market vendor's sub-lease until the violation has been cured or corrected. If 3 MVNs are issued to a market vendor during the contract year, the market vendor's sub-lease shall be cancelled. If the market manager decides not to renew a market vendor's sub-lease, the market manager shall give the market vendor written notice on or before January 31. MVNs, cancellation, and any decision not to renew a market vendor's sub-lease shall be effective immediately but may be appealed to the Office of Property Management.

\*\*\*EMCAC task force on appeals process made recommendation in November 2018 meeting for use of the District General Services Ombudsman as the escalated level of appeals on MVN or other decisions and/or behaviors by anyone in DGS Market Management. The Ombudsman is not employed by DGS and should be a neutral voice.\*\*

**\*\*\*TC has reservations about the usefulness of this process as Ombudsman is listed as tool for addressing disputes with DGS contracts.\*\*\***

**Revisit :**

Weekend sidewalk market. Clearance and maintaining walkways from 7<sup>th</sup> street thru to Broadway and handicap doors either side of main entrance to market.

- Complaints have come from vendors that the previously established walkways have disappeared. While some space by Morgals truck was given to vendor set up, the vendors have spread out to leave no clearance or walkway and farmers /vendors setting up in morgals spot are blocking access so no walkway from crosswalk at main entrance to crosswalk at 7<sup>th</sup> and C st. (Moses and Predon area)

**14. RESOLUTION 9-10-15-01 PEDESTRIAN ACCESS AT 7TH AND C STREETS(passed 5 to 0)**

The Tenants Council requests that Market Manager adjust space allotment at the corner of 'C' and 7th Street at north west corner sidewalk, around the handicapped curb-cut ramp, to provide five feet clearance as required by Title 37 Law governing Eastern Market.

**RESOLUTION 6-22-17-07** Outdoor vendors and farmers not using walkway as customer shopping space. Vendors must setup within assigned space so as not to utilize walkway for their patrons, or their display/products. Cannot set up in such a way as to have customers standing in the walkway which is provided for safe clearance of four customers. When walkways are narrowed or blocked, potential customers . . . make detours or leave the area. The overall orderly market appearance and reputation suffers. Discussions with management to address "creep" (utilizing space outside of assigned space) first involved repainting of lines to define spaces on Broadway (and street, if needed). Secondly, management also agreed to create an escalating fine structure in lieu of market violation notice to address the most egregious offenders on Broadway from C Street to the handicapped entrance who are utilizing 10' x 10' spaces instead of their assigned 10' x 7' spaces. Included were 7th Street vendors who are setting up outside their 10' x 10' spaces. Tenants' Council requests review of the fine structure. Finally, as distinct from setting up outside their space with merchandise or display, is utilizing customer walkway space as their selling space. Vendor setup should include "shop/sell" space so that customers come inside their assigned space and not stand in walkway which can reduce clearance for customers in wheelchairs, with walkers, or strollers.

- Weekend Market Manager agreed to talk to individual vendors and farmers to prevent them from occupying space designated for customer walkways. Enforce vendors use of only their designated 10 x 10 space and discourage use of area between tents on 7<sup>th</sup>

street and farmer's shed as storage or display area where customer walkways are designated.

**Resolution 0913201803** passed 3 yes 1 abstained

- Handicapped clearance on "Broadway" and special allowances for only three vendors.
- TC continues to request management consider the many many handicapped/physically challenged patrons that visit each weekend, and provide them safe clearance from curb cut to handicap entrance.
- TC continues to request management find a way to bring these three vendors on broadway at C into compliance. And apply rates and rules equitably.
- Vendors along broadway are only allowed to use 7x10 space. This is 7 ft from the wall of the bldg. While all other vendors comply with this rule three vendors along the south end beginning in front of Pottery studio do not now nor have they ever set up in the 7x10 requirement. The issue of how to bring these three vendors into compliance has been an ongoing discussion with management with the last discussion being February 2017. While not deeming it an issue worthy of a market violation, Management has not been able to convince them to leave the required walk space needed for safe and easy clearance of wheel chairs, walkers, strollers etc.
- The failure to bring these three into compliance is also complicated by the fact that the rate these vendors pay is the same \$28 per space that those who set up with 7x10 configuration pay but they use three feet more of space and have been doing so for more than 5 years! The vendors on 7th street pay \$44 for 10x10 and on North Hall Plaza a 10x10 is \$56 or double the \$28 rate. Since these vendors are in attendance almost all of the 52 weekends per year. Even if you assumed they only attend half the year(26 weeks) paying \$16 less per day than the other vendors using the same 10x10 space, they are effectively paying \$832 LESS each per half a year.

**15. Resolution 0913201803** passed 3 yes 1 abstained

Handicapped clearance on "Broadway" and special allowances for only three vendors.  
TC continues to request management find a way to bring these three vendors on broadway at C into compliance. And apply rates and rules equitably

Summary of meeting with EMCAC Chair, Tenants Council Chair and Market Manager regarding the lack of handicapped clearance from 7<sup>th</sup> and C st ramp to ramp near main entrance:  
Discussion on Monday October 1, 2018

Topic: Vendors on Broadway setting up in 10x10 space when the space per their permit and Attachment A is only 10x7. They are paying the same but getting more than the other vendors. They are reducing the clearance for handicapped.

These same vendors, who have set up in this way for several years have only been paying the standard rate of \$28 per the space as other vendors, but they have used a much larger space

These vendors are located at the southern end of the building from C street to the handicapped entrance near the inside cheese merchant.

The Vendors who are permitted for these spaces are grandfathered vendors.

All other vendors on Broadway, including other grandfathered vendors pay the same rate of \$28 but only occupy the permitted 10x7 space. This inequity has been prevalent for many years.

Additionally, by using the entire 10x10 space for their set up, it forces their customers to stand in the designated walk space to shop. This leaves inadequate passage space for the handicapped, strollers, walkers etc who use the curb cut ramp to get onto sidewalk and get to the handicapped entrance. A customer headed south would have to stop and let a wheelchair headed north pass by. By moving these vendors back to the 7' mark it frees up not only that 3 feet within the tent, but also the other 2-3 feet outside the tent being used as customer shopping area.(see explanation and amended resolution below)

Based on previous Tenants Council discussions and the discussion on this day the following solutions have been agreed to:

1. Contact each of these individuals specifically, and explain that they will be required to use the Broadway spaces the same as all other vendors which is 10x7 as per their permit.
2. Offer each of the three regular offenders the opportunity to select a different space in the street that is permitted for 10x10.
3. Create and announce a fine structure specifically to address and curtail use of these spaces as 10x10. (announce to repeat offenders specifically )
4. Fee should be paid in addition to the permitted rent for the space
5. Fee should at a minimum bring the daily rate to GREATER than the rate of a legal 10x10 space which is \$44
6. Fee should be of an escalating nature to further encourage compliance. For example first infraction \$20, second infraction \$40, third infraction \$60
7. The fee should not escalate into perpetuity. After three infractions in a permit period (currently begins in October) Management should begin the MVN process.
  - TC has always maintained that these fines be addressed in writing to the offending vendor so there is documentation as well as a clear explanation that payment of the fee MUST occur prior to setting up again, similar to the late fee.
  - It will be important to train and provide guidelines and line item codes, whatever is necessary for the Finance window to be able to easily apply these fees equitably and without the need for discussion or personal interpretation. There should also be a simple way to track which vendor has paid these fees and when. Can you go back to payment sheet to verify? This could be necessary if one or more vendors get to the MVN stage. A list of the dates and fees paid would be needed.
  - Management should create a form letter that can be either emailed and/or handed to the vendor/farmer so they are aware that the infraction has been recorded and a fee assessed. The letter will serve to inform them of how and when to pay the penalty, as well as what happens should they continue to receive infraction notices on same issue.

BELOW IS WHAT SUPPORTING DOCUMENTATION OF PREVIOUS DISCUSSIONS AND/OR RESOLUTIONS REGARDING THIS TOPIC. MORE EXIST AND COULD BE SEARCHED FOR IF NEEDED BUT THEY RESIDE IN JOE'S NOTES AND ALSO CHUCK'S.

Tenants Council resolution regarding use of space outside of assigned/permitted space:

RESOLUTION 6-22-17-07 (Passed unanimously) Outdoor vendors and farmers not using walkway as customer shopping space. Vendors must set up within assigned space so as not to utilize walkway for their patrons, or their display/products. Cannot set up in such a way as to have customers standing in the walkway which is provided for safe clearance of our customers. When walkways are narrowed or blocked, potential customers avoid these bottlenecks and make detours or leave the area. The overall orderly market appearance and reputation suffers.

**Management's response to the resolution**

Currently, some vendors take up space outside of their stands that is out of the bounds of the space they are renting. Currently, this is not an offense that is worthy of OR would be resolved with the Market Violation Notice policy. We propose charging a fine for breaking this rule.

At that time the Tenants Council disagreed with the management's assessment of the situation and the solution, and many subsequent meetings were devoted to discussions and compromise on this and other proposed changes to Attachment A Rules and Regulations.

The resolution regarding over use of space assigned/permitted morphed into the following:

**RES. 6-22-17-07** Outdoor vendors and farmers not using walkway as customer shopping space. Vendors must set up within assigned space so as not to utilize walkway for their patrons, or their display/products. Cannot set up in such a way as to have customers standing in the walkway which is provided for safe clearance of our customers. When walkways are narrowed or blocked, potential customers . . . make detours or leave the area. The overall orderly market appearance and reputation suffers. **Discussions with management to address "creep" (utilizing space outside of assigned space) first involved repainting of lines to define spaces on Broadway (and street, if needed). Secondly, management also agreed to create an escalating fine structure in lieu of market violation notice to address the most egregious offenders on Broadway from C Street to the handicapped entrance who are utilizing 10' x 10' spaces instead of their assigned 10' x 7' spaces. Included were 7th Street vendors who are setting up outside their 10' x 10' spaces. Tenants' Council requests review of the fine structure. Finally, as distinct from setting up outside their space with merchandise or display, is utilizing customer walkway space as their selling space. Vendor setup should include "shop/sell" space so that customers come inside their assigned space and not stand in walkway which can reduce clearance for customers in wheelchairs, with walkers, or strollers.**

Outstanding all issues with creep/over extending space and inequitable application of rules on Broadway allowing three specific vendors to use three feet more of space without having a posted new rate for the allowance available to all and not providing sufficient clearance with the allowed extra space usage.

Barry's . Response: Passage in this part of the market complies with the legislation § 37–105. Market manager. (n) (3) Maintain passageways of at least 5 feet in width for use by the public; Fines of \$22 have been added to the Vendor Agreement for breaking this rule. See below:

- Vendors must ensure that all of their products and exhibit materials stay within the confines of the space that is assigned to the Vendor by the Market Manager. If a vendor takes up more than his/her assigned space, he/she will receive a \$30 fee due the next time he/she sets up at Eastern Market.

with the legislation § 37–105. Market manager. (n) (3) Maintain passageways of at least 5 feet in width for use by the public

TC believes the intent of the legislation here (which pre-dates ADA compliance) is that the 5 feet of width is for use of public thoroughfare NOT for shoppers standing at an individual's booth that does not provide for space for those shoppers to come into vendor's assigned space. "Using walkway space as vending space". TC also brings to attention of manager that by design, the poles of the farmer's shed breaks the 5 feet of space into one section of two feet and one section of three feet. Both sections being used by both general public , and vendors as shopping space for their customers. This often reduces the clearance to allow for only one way traffic forcing those in wheelchairs, with walkers, and customers with strollers to stand and wait for traffic flow to allow them to proceed. Also there is both a \$22 fee and a \$30 fee quoted by management above. This is confusing.

16. Resolution 1-17-2019-05 – Metrics Report on Health of the Market. Barry's Response: We will propose this as a key aspect to the strategic plan. The most valuable metric will be merchant and vendor sales. For outdoor vendors, this is possibly the most common way of determining payment for farmers selling at farmer's markets around DC.

There are multiple data points to use to measure the health of the market besides just merchant and vendor sales. Here are several examples:

- a. Number of regular outdoor vendors
- b. How often vendors set up
- c. When do vendors set up--what times of year are busiest, what percentage will show up in less than ideal weather?
- d. What is the turnover for new vendors?
- e. What is the return on investment for vendors (sales in relation to costs)
- f. Study foot traffic volume
- g. Attrition rate for Grandfathered Vendors? Vendors who have been regularly vending for 10+ years?