

**EASTERN MARKET COMMUNITY ADVISORY COMMITTEE
SPECIAL MEETING
JUNE 12, 2022**

MINUTES

Attendance: Chuck Burger, Vice Chair; Monte Edwards, Secretary; Anita Jefferson; Tom Kuchenberg, Treasurer; Susan Oursler; and Jerry Sroufe were present.

A special meeting of the Eastern Market Community Advisory Committee (EMCAC) was held on Sunday, June 12, 2022, at 7:00 P.M., via Zoom, for the purpose of reviewing the new Vendor Permit and Agreement (Attachment A). The Chair called the meeting to order at 7:06 P.M.

Ms. Jefferson presented a report of the Tenants Council outlining concerns regarding the Vendor Permit and Attachment A. A copy of the report is attached.

Vice-Chair Burger stated that he would attempt to schedule a meeting with Market Manager Barry Margeson the next day to discuss several issues raised by the report of the Tenants Council, in particular:

- definition of “contract year” (versus 12 months) with respect to three market notice violations;
- Americans with Disabilities Act requirements;
- regulations with respect to signage and chairs; and
- what constitutes a violation and the inclusion of Department of General Services Ombudsman information.

The meeting adjourned at 8:18 P.M.

Monte Edwards, Secretary

Vendor Permit (new document not previously reviewed)

Tenants Council has reviewed this redlined document and present to the EMCAC for discussion the following issues.

1. The removal of compensation for loss of use if management uses weekend sidewalk market spaces for an event or show such as the case was for Top Chef event. Compensation and relocation should continue to be part of negotiation between Management and any entity in discussions for use of market square and vending area during regular business hours.
2. The Tenants continue to seek the predictability of a named space for those who formerly had one, and a transparent process for gaining a named space for those that did not.
3. Most importantly it is **specified within the Legislation/District code that the permit be for one year**. 37-110 the words: “ during the contract year”. That time frame should be identified on the permit.
 - a. This allows businesses to plan for inventory and all other matters of normal business operations
 - b. Should not be bound by the quarterly Market Spread sign up window.
 - c. Tenants should not be bound by old contract once new one is signed. For example the rule that one can only miss one quarter of Saturdays or one quarter of Sundays before losing an assumed but not assigned regular space.
 - d. The Permit provided by Market Manager is titled Summer Session. TC seeks clarification on this, as it is untenable to have permits signed every quarter.

ATTACHMENT A RULES AND REGULATIONS CHANGES MADE SINCE M&O

Tenants Council has reviewed this redlined document and present to the EMCAC for discussion the following new issues.

Pg. 8 Liability and Amendments • The Market Manager reserves the right to amend any rule in this Agreement at any time, with guidance and recommendations from the Eastern Market Community Advisory Committee (EMCAC) and the Tenants' Council.

1. Tenants Council asks that DGS honor this statement. We are here because changes were made to the documents since last reviewed.

Pg. 4 Space Configuration Requirements

Spaces FL11 and FL12 are marked for ADA and stroller clearance between poles. Anyone occupying these spaces must adhere to the additional markings.

1. Tenants Council calls attention to the most recently distributed Market Spread Maps which now show these spaces as FL 22, FL 22.5, and FL 23
2. Markings appear to have been worn off by winter salt.

3. Code of the District of Columbia

4. § 37–105. Market manager.

3) Maintain passageways of at least 5 feet in width for use by the public;

5. Tenants Council asks for specificity regarding Five feet of clearance at ADA ramp and last farmers shed poles and not splitting the pole forcing public to walk up and over raised grates between pole and building.

Pg 5 "Exhibit Display and Operation

Vendors need to conduct all of their business within their space. However, **AFrame signs are permitted just outside of a vendor's tent in the Rumsey Aquatic Center area and chairs are permitted outside a vendor's tent on 7th Street.**

1. Tenants council requests that these A frame signs(sandwich boards) be further clarified that they are NOT allowed outside of assigned spaces any other area besides Rumsey Aquatic Center, AND that they should not obstruct or cause safe clearance issues for public.
2. Chairs being permitted need further clarification to prevent vendor to vendor issues: Chairs are allowed BEHIND A VENDOR'S TENT ONLY ON 7TH but may NOT be placed in front of the tent or in anyway that obstructs traffic flow into or out of the neighboring tents. Chairs may NOT be placed in designated walkways.
3. Tenants Council requests further clarity by adding: vendors need to conduct all of their business within their ASSIGNED SPACE AND NOT UTILIZE WALKWAYS

FOR CUSTOMERS TO STAND. This is especially important for those set up under the Farmer's shed to make it clear that you cannot set your tables on the line but must adjust for customers to come into your space.

Pg 8 " Enforcement of Rules"

1. Enforcement of Rules • Pursuant to the "Eastern Market Act," if a Vendor violates any rule in this Eastern Market Vendor Agreement, such Vendor may receive a written Market Violation Notice. If the Vendor receives three (3) Market Violation Notices in a 12 month period, the Vendor's participation in the Market shall be automatically cancelled, and no Vendor fees will be refunded

2. Code of the District of Columbia

3. § 37–110. Enforcement.

4. 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 Department of General Services...

The Tenants Council presents the wording in the legislation that has been altered by this proposed document to have a completely different meaning.

1. Sidewalk market should have contracts (permits)
2. Contracts shall be for a one-year period
3. The 3 MVN rule applies to the current contract year only. When a new contract/permit is signed the 3 MVN rule begins anew. No carrying over from permit to permit.

oNotwithstanding the Market Violation Notice procedure above, the Market Manager reserves the right to take appropriate action, up to and including **immediate** revocation of a Vendor permit, if the Market Manager determines such action is warranted by Vendor's behavior

The word immediate was added by DGS. There should be some clear understanding of what types of behavior would warrant immediate eviction of a business

Code of the District of Columbia

§ 37–110. Enforcement.

.... MVNs, cancellation, and any decision not to renew a market vendor's sub-lease shall be effective immediately but may be appealed to the Department of General Services.

1. The Tenants Council believes that the intent of the legislation is clear, that there is no absolute power bestowed. This line should be followed by the same information as the MVN grievance process for appeals to the Ombudsman.

This appeals process should also be linked to the ombudsman not back to Market Manager

Page 6 Vendor Conduct Rules

Sound levels from individual stalls shall remain at a personal tent space volume and not interfere with any other Vendor's ability to conduct business or cause complaints from customers or other Vendors to the Market Manager

1. The Tenants Council believes this definition lacks clarity especially for those under shed who do not have a tent. This was supposed to be about music volume. The intent of the music subcommittee was that volume remain within assigned space for personal enjoyment and not for public consumption like a busker.

Vendors should not attempt to approach customers who are suspected of theft; • **Instead, Vendors should immediately call 911. The 911 call will be dispatched to the nearest police officer or member of DGSDGS' Protective Services Police Division**

1. The Tenants Council requests clarification on the involvement of DGS Protective Services, as in the past when the Permit was created, there was in fact, DGS PSD on site providing some level of security. That is no longer the case.

Vendors must contact the on-site weekend Market Manager if any issues or disputes with fellow Vendors arise.

1. This ties directly into the ongoing requests of the Tenants Council that the Management Team send out an email every weekend with the Correct Team members names, hours on site, and contact information. And that this information not only be up to date but include names and hours for both Saturday and for Sunday.
2. When Neither the Market Manager nor the Assistant Market Manager are scheduled to be on site, the expectations of the Maintenance Manager, or any other individual left in their stead be clearly specified by Market Manager to them and be in line with this document.
3. That there be no difference in the level of involvement from Market Management team members from Saturday to Sunday. The weekend sidewalk market is year- round both days.

Example:

Barry, Kevin and I will be working this weekend. Please contact us if you have any problems arriving or cancel for this weekend.

Barry (202-689-4031) 6:00am until 11:30am;
Kevin (202-438-2570) 6:00am until 2:00pm;
Katrina (202-903-1354) 10:30am until close:

Definition of Eastern Market Square has been amended to use Eastern Market “vending area” which is not within the legislation.