

**EASTERN MARKET COMMUNITY ADVISORY COMMITTEE  
REGULAR MEETING  
MAY 31, 2023**

**MINUTES**

Attendance: Chuck Burger, Chair; Monte Edwards, Secretary; Steve Hagedorn; Robyn Hinson-Jones; Tom Kuchenberg, Treasurer; Anita Jefferson; and Jerry Sroufe. Mike Bowers (for Bill Glasgow) joined at 6:19 P.M.

The regular meeting of the Eastern Market Community Advisory Committee (EMCAC) was held on Wednesday, May 31, 2023, at 7:00 P.M., in person in the North Hall and via Zoom. The Chair called the meeting to order at 7:03 P.M.

**Adoption of the Agenda**

Mr. Kuchenberg moved the adoption of the agenda. The agenda was adopted.

**Approval of the Minutes**

Commissioner Sroufe moved that the minutes be approved. The minutes of the regular meeting on April 26, 2023, were approved.

**Report of the Treasurer**

Mr. Kuchenberg, the Treasurer, reported a balance of \$1,097 in EMCAC's bank account.

**Report of the Subcommittee on Nominations, Credentials and Membership**

The Chair of the Subcommittee on Nominations, Credentials and Membership, Tom Kuchenberg, reported a nomination of Jackie Krieger as Vice Chair. Ms. Krieger was elected Vice Chair.

**Report of the Tenants Council**

The Chair of the Tenants Council, Ms. Jefferson, presented a written report, which is attached to these minutes, and provided a set of questions the Tenants Council has regarding Marketspread. The Chair requested that the Market Manager, Barry Margeson, supply EMCAC the answers to the Tenants Councils' questions.

**Report of the Chair**

Eastern Market 150<sup>th</sup> Anniversary Ad Hoc Subcommittee: The Chair reported that: (1) a grant application for \$200,000 was submitted for a second round of funding from the city; (2) an award letter for that amount has been received; and (3) additional planning is proceeding with the anniversary date of November 12, 2023, as the new celebration commencement date.

Emergency Response Plan Review Ad Hoc Subcommittee: Commissioner Sroufe reported that the subcommittee reviewed the 72 recommendations and is in the process of classifying those recommendations as to feasibility.

Proposed Committee Structure: The Chair presented a written report, which is attached to these minutes. The Chair stated that a news release would be created to send to local and social media as well as community organizations seeking volunteers and requested that EMCAC members representing organizations promote the opportunities to serve.

Natorium: Chair reported that: (1) the Mayor responded favorably to a letter EMCAC signed regarding the \$15 million Natatorium redevelopment; and (2) Councilmember Allen identified an additional \$10 million for the project.

#### **Report of the Subcommittee on Capital Improvements**

Mr. Edwards, Chair of the Subcommittee on Capital Improvements, reported that: (1) although the budget request was not approved, the unspent prior funding was not swept; and (2) a letter will be sent stating while additional funding will not be requested for this fiscal year, the request will be renewed in future years.

#### **Report of the Subcommittee on Market Operations**

Mr. Kuchenberg, Chair of the Subcommittee on Market Operations, commented that: (1) the new alignment of the subcommittees will be beneficial; and (2) the goal of achieving a balanced budget for the operation of Eastern Market is still in place, *i.e.*, the revenues will cover the operational expenses.

#### **Report of the Market Manager**

Mr. Margeson, Market Manager, presented a written report of the Market Manager, which is attached to these minutes. He agreed to: (1) investigate quarterly reporting of budget and actual financial data; and (2) inquire with Atlas regarding the distribution and sale of the 150<sup>th</sup> Anniversary beer.

#### **Adjournment**

The meeting adjourned at 8:41 P.M.

Monte Edwards, Secretary

## TENANTS COUNCIL APRIL 2023 MEETING

1. Discussed with Barry the complaint from Agora Farms as there seems to be continued various substances left within his operating area during the week and not cleaned by the weekend. From Dan Donahue:

As you are aware of the ongoing problems at my stand at Eastern Market.

To refresh, I have sent you multiple texts with pictures of the debris over the last few months, screws, nails, frequent white powdery substances. Still the problem persists and appears to getting worse. However, last Saturday white paper or cloth towels soaked with a sticky substance that was difficult to remove. That substance was tracked into my stand. It has remained on my boots, despite many attempts to clean. I consider that substance to be hazardous. It can create a danger Eastern Market patrons, customers and staff.

These actions could be construed as something that should be reported to Homeland Security to insure food safety and to determine if these actions are a pre cursor to something more dangerous.

I await your response.

Dan Donahue  
Agora Farms

TC discussed with Barry and while manager didn't think it was a issue, upon further discussion it was pointed out that these substances were around a farmer who sells food. We got commitment from Barry that he and management team would begin to monitor the weekly use of that commercial unloading space. If some are spilling and leaving things in the area that should be managed. If a call to DPW needs to happen to get more regular cleaning of the corner of 7<sup>th</sup> and Cst then we should also do that. Additionally, we pointed out that the Farmer's concern that the substances left there could be of a harmful nature was not something to simply dismiss and had merit for concern.

2. HVAC equipment is in, now doing piping and electrical work. Chiller will be going on high. TC requested that Barry do a T-7 days type of daily information report to Merchants and copy TC and even EMCAC so everyone knows what is being done and when to expect fully functional A/C.

The balance of the Tenants Council Meeting was to continue to discuss the questions submitted for the Market Spread meeting with Market Operations, Tenants Council, Market Spread rep, and Market Management. While there was a great deal of helpful and new information coming from the Market Spread Rep, unfortunately he was not present at the second meeting where we wished to finalize the answers to the list of questions.

Instead what was discussed was the changes to the answers provided in the Market Spread meeting that the Market Manager made after the meeting.

A copy of the submitted questions from the Tenants is provided.

The following was discussed without the Market Spread or M & O in attendance and is based on Managers changes to the discussion week prior.

Refunds – TC requests that Management make adjustment to no refunds policy as we can see there is room for error and unexpected issues. Management should create a refund policy so there is transparency and people will know what to expect rather than just saying come talk to us. People want to know there is fair and equitable treatment.

### **Data selling of vendors in market spread.**

While the rep did say they are not currently selling vendor data, there is the ability to do so.

This is of great concern to Tenants and many have expressed concern for options if they chose not to allow their data to be sold. Would they be kicked out of market spread use? Would that also mean they could not continue at the market? How would vendors and Market management be notified of such a change in practice?

TC requested Barry to ask CFO what requirements are in existence for contracts (contract between Market Spread and DGS/City) . TC also suggested checking with IT as well what protocols exist.

### **Payment forms accepted**

While Barry has expressed interest in card only payments, we know currently there are many who pay by check and money order.

TC has requested that management provide the breakdown of numbers and or % of payments that are being made by check or money order so that better decisions can be made. We discussed what other ways payments could be accepted. It may be possible to accept money orders but not checks.

We discussed the need for better practice of current policies on all things that would/could affect payments, timing of payments, accurate recording of attendance, payments, maps that are real time as they are tied to payments.

Before any policy for assigning late fees, we must get better at managing the real time map, and Management must decide who and when there would be a physical in person verification that those shown to be present on the map are in fact there that day and who has paid for the actual amount of space they are in. (this ties to the decade long issue of some vendors creeping outside their allotted space. Rates are published, and the space you get for that rate is published. Businesses want and are entitled to equal treatment and when management does not correct repeat offenders of space creep, it causes problems and is a bad business practice. It is less about favorite vendors and more about business standards for businesses).

This issue also goes beyond managements rule that no refunds and if space is changed no payment adjustments will be made. When a map shows a person was in a space even though they called out, (or

maybe didn't just show up) that tells market spread a payment was due. It will now be more critical that those maps are verified and accurate each day, more critical that each weekend we are told who from management team is on duty and when they are on site and if someone is on PTO we need to be made aware each and every day of operation as an SOP and not a nice thing to remember if you can.

TC had several requests to change the time of payment from 9:30 am to a later deadline. This seems to make more sense with the new payment system and elimination of cashier because the Assistant Market Manager is usually listed as coming in at 11 am. It is unlikely that only one manager on site in the morning can manage the street, manage any attendance changes, request for relocation on map due to weather conditions, and then also do a physical verification that all who are on the map are in fact present, and have paid.

There is also the information provided by the Market Spread rep that it will be up to Management to decide when and how they will take day of payments because they will provide a hand held device that would allow management to take a payment on the spot. Having more than one option to pay is a better way of ensuring no revenue is lost, particularly for those who do not have smart phones, or when the DC free wifi fails.

Issues with the failures frequently experienced with DC free wifi and how it can/would effect payments.

Concern for how any issues with service glitches might affect proper registering of a payment in progress. This was not addressed due to absence of market spread in the second meeting but is critical to work out. Especially if management wants to give no refunds. Payments in transit, payments not registering, may make a person pay twice so they have a receipt. TC feels that it is imperative that Management create a process for handling such things and develop something better than talk to Barry or Katrina. A stated process lends transparency, and equity as Management asks that vendors understand they are not 100% getting maps right and not 100% at stating who is on duty to address issues etc, but with that knowledge that there are errors or time where they fall short, NO Refunds does not provide for less than 100% in other areas. There will be errors and there will be disputes. TC repeatedly request that Management have a well thought out process for handling the seen and the unforeseen that is more robust than no refunds or just call us.

The TC continues to take issue with the policy to pass the processing per transaction fee to the vendors. Particularly because Adam the Market Spread rep was clear that they had not set things up in that way and were not aware of the intent to do so. This change was described by Barry as a rate increase.

TC requests that the process for rate increases be followed if it will be such.

TC requested Management create training sessions and Power Point presentations to bring this new change to outdoor vendors. We are also concerned that there is no way for those for whom English is a second language to get the market spread translated. Market spread made it clear there are no

translation opportunities. It will be Managements job to make sure all can fully understand the change prior to implementing.

We remain concerned that there is still not full recognition of just how many may not own a smart phone, have enough data on a plan to make on site payments or even space on their device to download the app so they can pay. A fully developed plan that considers the way this will work in actuality and not in theory will be important. Making changes to a process when you are not also clear the full range of legacy devices that will be used and what impacts that will have seems like a recipe for problems and glitches and since this is a large revenue stream, we believe it is best to think things through and have a plan.

A couple of questions.

If a vendor gets moved to a less expensive spot, why doesn't the cost get recouped? What's the reason for that and how is it justified?

If a refund does have to happen for whatever circumstance, how hard will it be, How long will it take, to issue one?

Does market spread sell vendors data? If so, can we opt out is it simple to do? What if a user is totally against any data being used? Will that cause a conflict with doing the eastern market?

In the event that market spread gets hacked and users information gets stolen/Money lost. How liable is Market spread?

If they do get hacked how quickly do they let users know that vital information was stolen?

What was the answer on the 2.9% fee that vendors have to pay due to using market spread.

Isn't that really eastern markets fee to pay? Are they just passing that on to us? Are they profiting from it?

- Payments to be made by 9:30 - how will this be checked, and administered? We all know that there are issues with certain people paying on time, so what would the procedure/penalty be for people that don't pay/don't pay in a timely manner?

i.e., it's 10:30am on Sunday, and I just realized that I haven't made a payment.

What is the point of having the option to pay in advance, when there are literally ZERO incentives to do so?

"we do our best to resolve the issue" actually mean? Shouldn't you at least have a transparent process in place? This does not seem appropriate for the Ombudsman as it involves payment to a third party not under District Government.

Does Market Spread have arbitration or mediation policies?

No anticipation of refunds - why not? Stuff happens.

What if someone is set up, they are asked to pay, and they then say that they don't have the funds in their account to make the payment?

Why 9:30 why not 10 or 10:30?

Who on DGS team is responsible for verifying each space occupied was paid for? How do they do that?

What is the processing time for a transaction/payment?

Is it dependent/effected by the type of device used and/or the server being used to process?

If most are paying day of on site is it likely they will all or most be using DC Free wifi? Does this effect the processing time? Does it leave us open to hacking phising etc? who is responsible for the safety and security of DC Free wifi?

Do we get a receipt for our payments?

Will they be time and date stamped?

Isn't there a way for market spread to do an ACH/checking act payment? Any additional fees to do this?

Can people use prepaid debit cards to pay (those who are currently paying by money order or check may not even have a credit or debit card to use). And additional fees associated

Can people use Paypal?

Can people use a wallet like apple pay?

Who will be responsible for making sure each business owner fully understands how to use this new feature? I does not lend it's self to just telling them in an email let us know if you need help. Is there a training conducted by market spread?



# EMCAC SUB-COMMITTEES 2023 May 31

## Events

- 150<sup>th</sup> Celebration Events (Fall 2023-Fall2024)
- Special Holiday/Social
- Design and Oversee Promo & Fundraising Events
- Community Events (Speakers, Music, Walking Tours etc)
- Calendar Programming

## Outreach

- Strategies & Execution for:
  - Advertising
  - Branding
  - General Promotion
- Building Community Membership in Market and Committees
- Fundraising Strategies & Planning
- Social Media
- Support Event Committee

## Web and Technology

- Internet Strategy
- Oversight for all Internet Activities
- Intra organization communication
- Provide Technical Suggestion and Advice to Committees & Market
- Provide technical support to all Committees
- Advise on New Technologies for Committees and all aspects of Market Operations

## Capital Improvements

- Oversight for all Capital Improvements and Maintenance
- Setting, Planning and Oversight of Capitol Improvement Budget and Expenditures
- Coordinate Committee Activities/Information with Budget Committee

## Operations

- Oversight of All Aspects of Daily Management regarding Income/Expenses and General Market Operations
- Facilitate Vendor and Market Daily Operations
- Tenant's Council Coordination
- Assist Implementation of all Committees goals in Ground Operations
- Prepare review and comments for DGS regarding annual operating budget

## Budget

- Oversight of Market Budget Revenue and Expenditures
- Monitor Budget Goals with Quarterly and Annual Reviews
- EMCAC Annual Budget Review, Requests and Negotiation
- Maintain Finances of EMCAC

## STANDING COMMITTEES

A **Tenants Council** comprised of one representative of each major activity, including, but not limited to, the farmers, South Hall stall holders, Center Hall tenants, North Hall tenants, arts and crafts market vendors, and flea market vendors. The Tenants Council shall meet regularly, and shall appoint a chair to conduct its meetings. The Tenants Council may report from time to time to the EMCAC and to the market manager. The Tenants Council and the market manager shall work together to arrange off-site parking for tenants and market vendors. The Tenants Council shall assist the market manager in evaluating and amending standards for the conduct of operations and activities at Eastern Market and the Eastern Market Square.

**Application Advisory Review Subcommittee**, which shall be composed of experts, drawn as appropriate from existing farmers, merchants, and market vendors, to meet as necessary to evaluate applications for annual sidewalk sub-leases for conformity to criteria for sub-lease priority with respect to farmers, artists, crafters and other market vendors. Sub-leases may be issued provisionally by the market manager pending the review and advice of the Application Advisory Review Subcommittee.



## Eastern Market Manager’s Report to the EMCAC

May 31, 2023

### Eastern Market Finances:

Again, we are ahead of last year, which was \$405,073.

	October	November	December	January	February	March	April	Grand Total
<b>REVENUES</b>	\$ 42,236	\$ 47,469	\$ 32,443	\$ 114,666	\$ 65,341	\$ 90,087	\$ 52,173	\$ 444,414
<b>EXPENSES</b>								
<b>NON-PERSONNEL SERVICES</b>								
EASTERN MARKET SERVICES				\$ 8,548	\$ 2,326	\$ 2,664	\$ 2,560	\$ 16,098
ELECTRICITY			\$ 12,328	\$ 6,902	\$ 5,980	\$ 5,927	\$ 5,619	\$ 36,756
NATURAL GAS			\$ 727	\$ 2,192	\$ 4,118	\$ 3,486	\$ 2,849	\$ 13,373
WASTE MANAGEMENT					\$ 15,697	\$ 6,688		\$ 22,385
WATER		\$ 1,448	\$ 6,421	\$ 5,147	\$ 5,039	\$ 9,599		\$ 27,653
<b>NON-PERSONNEL SERVICES Total</b>		\$ 1,448	\$ 19,476	\$ 22,790	\$ 33,160	\$ 28,364	\$ 11,028	\$ 116,265
<b>PERSONNEL SERVICES Total</b>	\$ 37,351	\$ 38,172	\$ 41,193	\$ 39,028	\$ 35,177	\$ 39,200	\$ 37,934	\$ 268,055
<b>EXPENSES Total</b>	\$ 37,351	\$ 39,619	\$ 60,669	\$ 61,818	\$ 68,338	\$ 67,564	\$ 48,962	\$ 384,321
<b>Grand Total</b>	\$ (4,885)	\$ (7,849)	\$ 28,227	\$ (52,847)	\$ 2,997	\$ (22,524)	\$ (3,211)	\$ (60,093)

### Budget for FY23:

Description	FY23 Budget
Water	\$ 87,624
Gas	\$ 12,961
Electric	\$ 69,229
Sustainable Energy	\$ 14,201
Waste Management	\$ 62,390
Personnel	\$ 467,301
Support Staff	\$ 44,213
Direct Voucher for EMCAC Office Support - Per legislated requirement	\$ 5,000
Merchant Services MOU with OCFO, Office of Finance and Treasury	\$ 2,793
Marketing (Pcard)	\$ 21,080
Maintenance and Repairs (Pcard)	\$ 7,000
Sewage Ejection Pit	\$ 4,385
<b>Total</b>	<b>\$ 798,177</b>

Description	Unbudgeted
Snow	\$ 5,000
Janitorial	\$ 200,278
Extermination	\$ 12,207
<b>Total</b>	<b>\$ 217,485</b>

<b>Total Projected Operational Costs of EM</b>	<b>\$ 1,015,662</b>
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### Leases

Since the execution of the Calomiris lease, no news.

## **Operations:**

### **Outdoor Market:**

The market has been completely full several days so far. And we are still adding new vendors regularly. In the orientation presentation, we make it clear that we will only fit them in when we are able to.

### **Soliciting at the market by non-profits:**

Last weekend was the first time this new program has been in effect. It was a relief.

### **Security Update:**

Magnetic locks are a part of the new program. We are waiting for a scheduled time for on-site active shooter training from HSEMA. It is very likely that we will get the contractor who did the 2013 ERP to update it for us. We are discussing pricing.

### **Marketspread:**

This program has been approved by OCFO. There are follow-up questions we need answered by marketspread, which we will provide. We are also meeting with OCFO to discuss the process for receiving checks.

### **Parking:**

Consistent usage of Trader Joe's on weekends.

## **Capital Improvements**

### **HVAC:**

- Chiller current status: We had some issues getting the chiller online so the contractor rented a temporary chiller. As of today, however, the new chiller is operational. Three compressors out of six are up and running so far.
- Next steps are ceiling fans and BMS system.

### **Interior and Exterior Construction Projects**

ATMOS Inc has been spending significant time at the market working out a project plan for the scope of work, which includes the subprojects below. The project plan will be complete next week. Their goal is for project completion by November 12, the anniversary of the market.

Stonework Signage Work Mezzanine 2 Part Roof Access Ladder Replacement of Lost Bricks and Application of Plaster and Paint in Basement Piers Basement Moisture Penetration Roadway Lines Receptacles deteriorated due to use - North Hall Repair of sealant on skylight
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Metal Deck Work  
 Bollards  
 Freight Lift Replacement  
 Electronic Security System Upgrade  
 Fire Alarm Systems, Control Equipment, Public Address System

So far, we have received and reviewed submittals on:

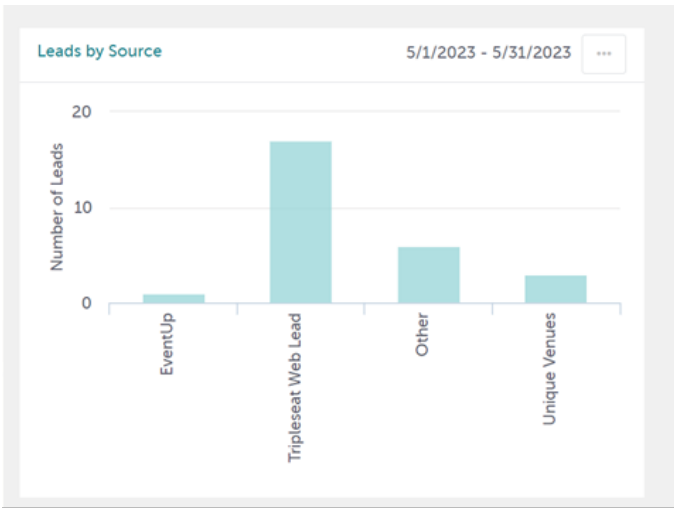
- North Hall receptacles
- Metal deck work
- Electronic security system upgrade
- Roadway striping
- Metal ladder

## North Hall

So far, we have hit the level of revenues for all of last fiscal year: \$166K

Events this month:

Name	Date	Start Time	Actual
Puppet Show Tuesdays - May 2023	5/2/2023	10:00 AM	\$500.00
Boogie Thursdays - May 2023	5/4/2023	10:00 AM	\$400.00
Richard Wright Prom	5/5/2023	3:00 PM	\$1,200.00
Tim & Katy's Wedding Reception	5/6/2023	3:00 PM	\$6,700.00
Puppet Show Tuesdays	5/9/2023	10:00 AM	
Louisiana Crawfest 2023	5/10/2023	12:00 PM	\$6,650.00
Boogie Thursdays	5/11/2023	10:00 AM	
Hill Havarah Gala	5/13/2023	5:00 PM	\$700.00
Puppet Show Tuesdays	5/16/2023	10:00 AM	
Boogie Thursdays	5/18/2023	10:00 AM	
McCutcheon-Trepicchio Wedding	5/19/2023	3:00 PM	\$6,075.00
DC Rawhides Country Dancing	5/20/2023	5:00 PM	
Puppet Show Tuesdays	5/23/2023	10:00 AM	
Boogie Thursdays	5/25/2023	10:00 AM	
Basis DC Senior Prom - Enchanted Garden	5/27/2023	4:00 PM	\$700.00
Friedrichs-Jacobs Wedding	5/28/2023	3:00 PM	\$5,875.00
Puppet Show Tuesdays	5/30/2023	10:00 AM	
Grand Total			\$28,800.00



Kidsinger Jim will host events on Thursdays in June, which is a shift from Tuesdays and Thursdays. Funky Fridays in the North Hall beginning in June. Dancing will be hosted by DC Rawhides.

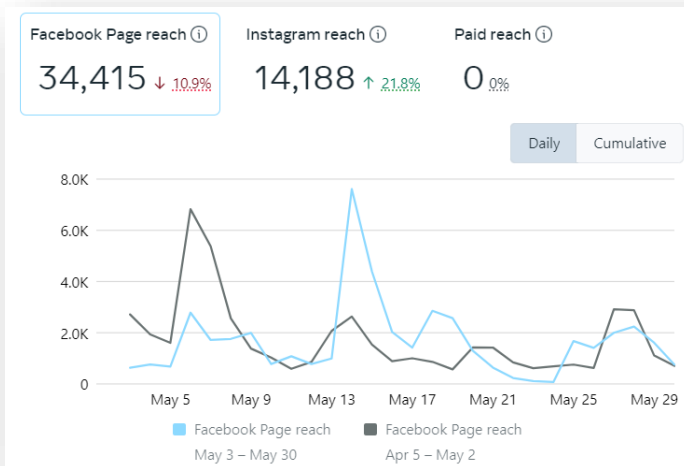
## Sad News

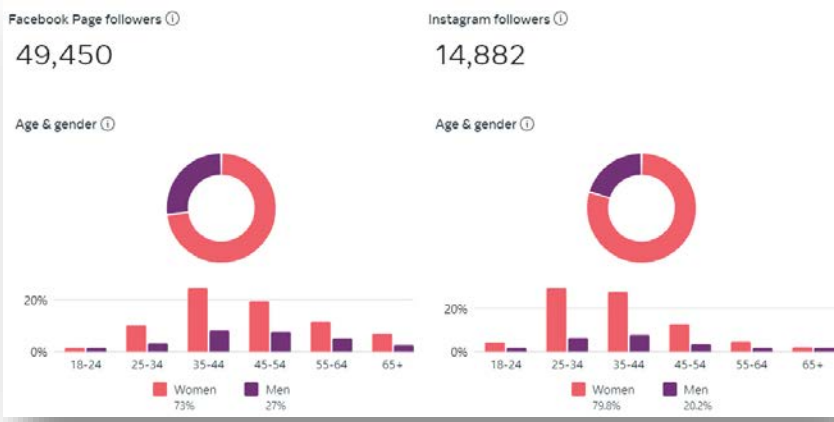
Chris Thigpen from Pure Shea Store has passed. Chris was a long-time vendor who was absolutely full of life, energy, ideas, and follow-through. Tosha Davis who has come to the market and sold for Pure Shea Store many times, said it best on her facebook page:

Our hearts are truly broken to relay the passing of Chris Thigpen. Chris aka “The Soapman,” “The Watermelon Truck Man,” “Atlas,” “The Multi-State Farmer,” you won’t ever be forgotten. On Monday night, he was killed in a tragic tractor accident in Wake Forest, NC doing what he loved - organic farming. Words can’t describe this incredible loss.

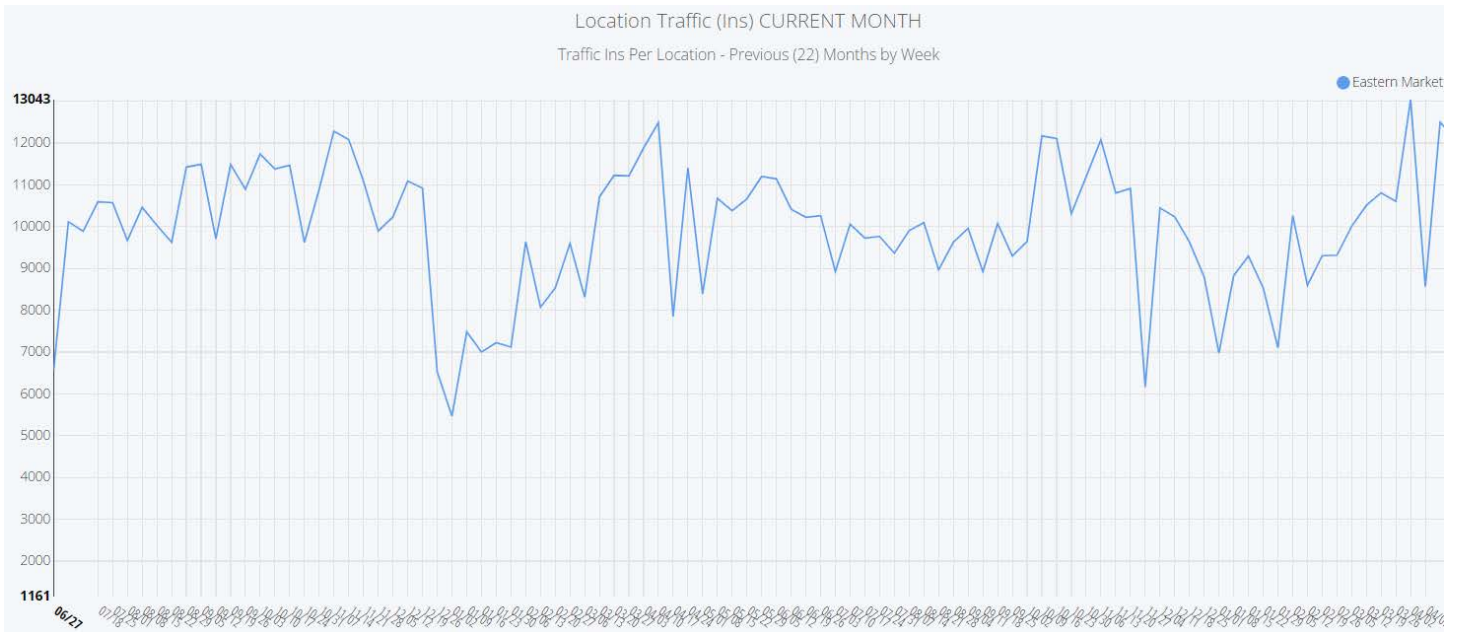
## Marketing

At the marketing meeting, we committed to a series of interviews with folks about their first impressions of the market, what they love most about the market, etc. We are doing them jointly with the Hill is Home.



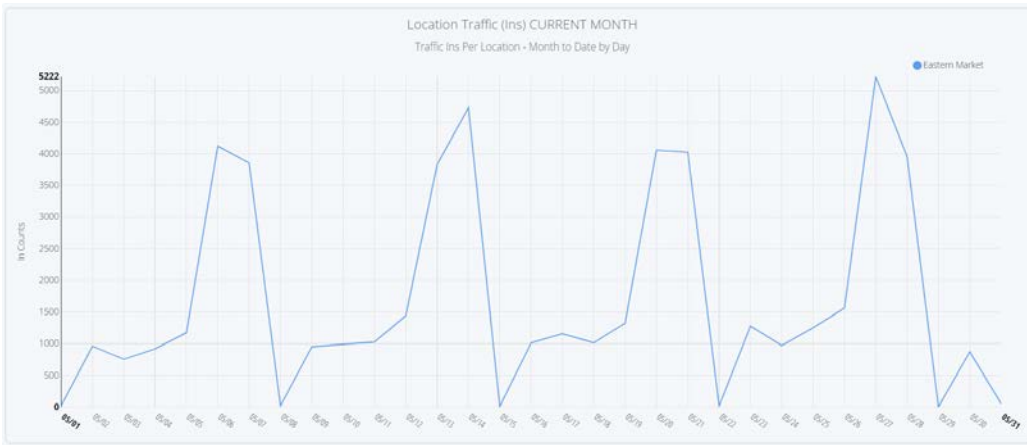


## Customer Counts



Two best days recorded over the past 22 months (since we've had system):

- 4/2/23: 13,043
- 4/16/23: 12,501



What the weeks look like.

## 150th Anniversary

- Events DC has sent an award letter for \$200,000. We are waiting for clarity on what this can be used for;
- Eastern Market 150 beer will be brewed by Atlas and is coming out soon;
- Banners will be put up through Events DC Grant;
- Program will likely be shifted to start on November 12, the anniversary of the market.

## Strategic Plan

New update will come out soon.

## Eastern Market Main Street

Executive Director, Ann Blackwell, has moved on to the Dupont Circle Main Street. We wish her well in her new position! EMMS will soon begin ED Search. Kathleen (Board Member – Labyrinth Games) has taken over social media postings with Logosou, Administrative Staff member for Main Street.

## Thank you's

- Kevin Thomas: Kevin's been out with a broken leg for the past three months and we have missed him. Kevin is very familiar with the facility and will be helpful with the interior and exterior construction projects;
- Kendell Reese: Kendell has done cashiering for the market for about 10 years. She has also done just about every other job that the market has. She's decided to retire from her cashiering and other duties and we will miss her hard work and dedication;
- OCFO for getting the Marketspread deal resolved.