

From: Dana [<mailto:danappofc@hotmail.com>]

Sent: Friday, September 16, 2011 8:52 AM

To: Ruth Snyder

Cc: Doug Mah; Craig Ottavelli; Rhenda Strub; Karen Rogers; Stephen Buxbaum; Jeannine Roe; Stephen Langer; Steve Hall; jbart66@comcast.net

Subject: Busking

My name is Dana Walker and I was one of the organizers of CIVIL's Busker Parade. After perusing the direction city officials seem to be moving on the busking issue, and after reading Jeff Bert's comments, I would like to echo Mr. Bert's comments with a different dynamic: These actions must be stopped or our city will continue to become a haven for people who have no regard for how their actions affect homeless people.

Please note that it is unacceptable to us that you 'allow' certain spaces for us to busk. Under the First Amendment to the United States Constitution and under 9th Circuit case law [<http://caselaw.findlaw.com/us-9th-circuit/1042427.html>] you must designate areas where we are NOT allowed to busk and provide a compelling public interest explaining why our First Amendment rights are being curtailed in those designated areas. Several of us are thinking that the Gravity Beer Market might be a most excellent place for busking, for instance. We might also exercise our First Amendment rights to explain to people why they shouldn't shop at the Gravity Beer Market while we are at it. Should you try to forbid us from busking there without providing a compelling public interest explaining why we shouldn't, then we will see you in court. We will refrain if we *are* provided with such an explanation.

As for people sleeping on the sidewalk, while we share Mr. Hall's concerns for the discomfort experienced by suburbanites who must step over people sleeping on the sidewalk, unlike Mr. Hall we are also concerned for the comfort of the people sleeping on the sidewalk. (At least Mr. Hall expressed no such concern in his Olympian quotes.) If the city tries to move these people without providing a viable alternative then you can expect to be hearing from this 'vocal minority'. (We are 'vocal' indeed. Whether we are a 'minority' is arguable.) To find funding for a place other than the sidewalk may I suggest that you look to the Bank of America's post office box in the Cayman Islands? It seems that that is where a large portion of our public treasury has disappeared. You might also inquire as to why the Wall Street banks managed to perpetrate the largest criminal fraud in all human history without being prosecuted. You might also inquire as to how they manage to continue recording record profits as schoolchildren, the disabled, the homeless, and low-income families are made to pay for the crimes of Wall Street. We plan to make direct inquiries to the Washington Business Association and Governor Gregoire upon these very questions next week, in fact.

May I suggest that you prosecute the criminals rather than the victims?

May I also inquire as to how many of the people who feel they have the right to impose oppressive restrictions upon the residents of downtown are themselves residents of downtown?

And please note that we have become very interested in why a code enforcement officer seems to have such inordinate say in forming policy. This interest greatly expanded after Ms. Snyder personally confronted two of our friends on the street in a rude and aggressive manner. Ms. Snyder may have thought that Brittney looked like a defenseless teenager who could be bullied with impunity but it turns out that Brittney has many friends and admirers, including myself. Ms. Snyder has now made this personal.

Dana Walker

Citizens in Violation of Illegal Laws [CIVIL]

360-529-2145

From: Renee Davis [mailto:renee@cwis.org]
Sent: Thursday, September 08, 2011 4:46 PM
To: CityCouncil
Subject: Busking issue

Dear City of Olympia Council Members,

I'm writing to chime in on the busking issue. I hope you keep the current busking ordinance as it is.

I agree that arts and culture are good for community. However, the people 'busking' are hiding behind the guise of being artists and performers. I literally cannot walk downtown anymore without being harassed, followed, and shouted at by the people who hang out on the streets of 4th Ave. I send my husband to get water at the artesian well now. I don't ever, ever feel safe downtown anymore. But a few years ago, it was different. I could walk home at 11p and not feel threatened. I could walk down the street and not get followed. I'm especially irritated that I'm seeing flyers calling busking good for the community. Harassing long-time members of the community is not art. This is not an issue about art. People are skewing this and using art and freedom of speech to get their way. That really gets me, because these are really important values. It's frustrating to see people using them as a cop-out.

I've read some articles online, and am shocked that people are saying downtown business owners want to change the busking ordinances. Says who? All the business owners I've talked to want nothing more than to have safer streets, and these people are parking outside of businesses and creating a hostile environment. People avoid going into them if there are a large number of people loitering outside of them. I certainly do.

I'm all for having more artists and performances. And if it were real artists and musicians asking to play more places, I'd be in total support of it. But, from my perspective, these are (mostly) people who are just wanting to cause trouble. Because they literally, literally have nothing better to do.

Downtown is the heart of Olympia, and it seems to be deteriorating from the inside out. I know the economy has hit many people hard, so there are a lot more people on drugs and on the streets. It's not good for anybody, and I'm not naïve to think there to be a quick fix or easy solution. But I do think it's important to contain this spreading fire somehow.

That said, I urge you to not expand the rights of these 'buskers' or panhandlers. Please, downtown is hellish enough to walk through now as it is. I would also encourage more OPD presence downtown, especially at night.

Thank you for receiving my opinion and perspective,

Renee Davis

From: bwildleaf@gmail.com [mailto:bwildleaf@gmail.com] **On Behalf Of** Bruce Wilkinson
Sent: Tuesday, September 13, 2011 4:41 PM
To: Keith Stahley
Subject: Busking ordinance change needs innovation.

Hi Keith Stahley,

I am writing to you because I read in the Olympian that the revision of the busking ordinance had been referred to the Land Use Committee. I wanted to share some of my thoughts with you as a concerned citizen who happens to indirectly work with Citizens In Violation of Illegal Laws (CIVIL) who organized the busking march on city hall, through my volunteer work with the non-profit Media Island who hosts CIVIL's meetings and supplies them with tools and networking. I also have recently begun to do direct support work with homeless through the Emma Goldman Youth Homeless Outreach Project (EGYHOP) and have become more familiar with the needs of the homeless in Olympia. I think that the Land Use Committee could get new ordinances right with a little more knowledge of the issues facing downtown homeless and a commitment towards experimentation and innovation. It is my belief that with very few resources but a little creativity you can do a lot to make downtown better for business while bettering the community who use downtown at the same time.

Here are a list of my thoughts on the problems, informed by, but not attached to the small amount of volunteerism I do.

1. On the enforcement of law and the laws themselves. The city ordinances get used by the police at their discretion which leads to discrimination and an unequal enforcement of the laws. The ordinances against busking or the sit/ lie ordinance themselves are similar to ones struck down in federal courts and are probably illegal. Both of these dilemmas leave the city open to litigation concerns. I am not a lawyer but I would be worried about a class action lawsuit especially as this becomes more noticeable in the media.

2. On the economics of downtown homeless. No information has been gathered that indicates, other than through circumstantial evidence, that the downtown homeless cause a net loss in revenue to downtown business and it is a clear possibility that the buskers, who are inseparable from the homeless community, serve to stimulate the downtown economy and that the downtown homeless themselves are also customers of downtown and perhaps only downtown. This means that it might actually be the case where common logic is proved untrustworthy and that homeless may in fact counter-intuitively increase business revenue. It is reasonable to say that they do not increase revenue directly at high-end retailers but it is not necessarily proven that they harm high end-retailers. It is reasonable to say that small downtown markets, food stands and bars directly benefit from homeless and busker spending but it is not necessarily proven that they benefit overall from homeless and the busker community. All of this could be further studied.

3. The downtown homeless don't have a better alternative. It is true that the downtown street homeless choose to be on the street but it is not true that they have a better alternative. Every homeless person in downtown Olympia could decide to go sleep in a wetter area, further away from services which they need, in an unsafe environment, at great risk to their mind, body and spirit but they will only do that with consistent harassment and violence against them by the police and by vigilantes. Such traumatic actions would undoubtedly cause increased mental illness, a tendency toward further drug abuse, an increase in theft and violence in our neighborhoods and the further disjunction and disaffection of countless families and citizens.

Possible solutions and alternatives.

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1. **Don't make being poor, young, unhoused or being mentally or physically handicapped illegal.** The folks who are living on the streets have enough problems without special laws that make their lives a twenty four hour act of civil disobedience. Getting to know the people living on the streets of Olympia has made me appreciate their stories of struggle and their unique beauty. As a whole I have noticed that the healthy tend to be crafty people who can do a lot with a very little. They tend towards supporting each other and caring for one another with a propensity towards self regulation of their behavior with a commonly held set of social etiquette. These rules of etiquette don't match directly with the laws nor with the social etiquette of the middle class but are far from being inferior. The full range of humanity is alive on the streets with the struggle of survival while many Americans never experience the level of trust necessary in ones fellow human that they use so regularly, nor do many Americans give so freely and so much as compared to what they have as many who live on the street. The unhealthy on the streets are affected by a constant unending stress that leaves them minimally functional and with many needs and few options and almost no hope and with little feelings of dignity or empowerment. Self medication can be common, but the joy or elation that many Americans sometimes experience from alcohol or other commonly accepted and overly abused drugs is not as easy to feel. Self medication is a necessity for many on the street and is a survival technique.

2. **Busking and street performance is a sign of health.** Music and artistic expression has been demonstrated to be a healing act. Think about Patch Adams, consider the effects of music and art on health, happiness and thoughtfulness. The homeless and working poor should be able to have access to healing art and music the same as the wealthy. When I am stressed out I can go downtown to the venues or the streets and listen to music or see a performance and make myself feel better regardless of the state of my finances. I have known many amazing people who once busked for survival or still do, they are some of the best people I have ever met.

3. **Busking is work.** In economics micro-loans is all the rage right now as a way to stimulate growth in poverty stricken areas. People on the streets of Olympia who attempt to trade a good or service for money should be encouraged to do so respectfully and safely. They should be encouraged to organize together, share resources and educate each other on the best practices associated with their small enterprise. All regulations should be waved that don't pertain to health or safety and any permits should be free and easily attainable. It should be that we encourage dialogue with the busking community and solicit from them ideas for ways we can help them and also encourage them to organize themselves into groups that can function together for busking regulation around blocks, times and other beneficial reasons.

4. **Encouragement rather than discouragement.** I wrote the following as a portion in a letter to the editor of the Olympian which gives a small hint towards a larger idea:

Let's imagine Olympia, if the city council challenged themselves to be innovators. Rather than banning busking to small areas, they might consider instead an incentive model whereby creating enhanced busking zones. An enhanced busking zone might be an attractive couple of stools with an artistic awning over it that would serve buskers while keeping them from sprawling on the ground in the center of the sidewalks or huddled under awnings that walkers use when it is drizzling outside. With a little bit of thought this city might even attract the occasional star to perform on the street here, bringing equality and respect to street performers.

The incentive model has no bounds. I suggest first and foremost the use of enhanced busking zones. Areas where art and beauty are combined with functionality to create areas where busking can be regulated so it does not interfere with traffic, where buskers can be dry and comfortable, and where busking can be shown as a dignified job. I would refer you to Olympia's [Northwest EcoBuilding Guild](#) for the skills to make this an amazing and cheap structure and to Portland's [City Repair](#) for ideas. A busking shelter could include musical components into the structure like soft sounding bells, cymbals, drums, or stringed instruments which could be fun for kids. It could also be designed for free by students at Evergreen or SPSCC with direct help and input from the homeless.

Further incentive could be given for buskers who organize themselves into groups. Small businesses could contact such groups directly for employment to bring customers to their stores with joint agreements on times and types of music. Music stores could offer them equipment for use in trade for promotion. Citizens could contact them for music lessons. The city could easily set up a link on their website that shows the dates and times of buskers who register together to fill in an enhanced zone. Groups of buskers and street performers could be given a path towards subsidized artist co-housing in step with their ability to increase their revenue and given an encouragement to save and stay sober. Keep in mind the enhanced zones would not make it illegal for other buskers to busk elsewhere but would encourage better organized and better quality of musicians to play music downtown where they will be safe, make money and seen in a positive light.

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Conclusion. Busking is not going anywhere and is easily the best part of a troubling street community. That we can encourage their positive self organization will help us better counter the negative aspects of homeless street life which is the shared fault of the entire nation rather than solely the homeless themselves. The costs associated with a law enforcement solution are too great with the brunt being unrecognized social costs and it might be illegal and definitely won't effect the radical roots which means a continuation of the problem. Understanding the homeless community and allowing them greater ability to be empowered through self-organization is a low cost, high return solution. Engagement across class through creative arts in the implementation of enhanced busking zones and generating dialogue around the needs of business, community members and homeless can lead to a more civil and just society and a better downtown.

Sincerely,
Bruce Wilkinson
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