



# City of Madison

City of Madison  
Madison, WI 53703  
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## Meeting Minutes - Approved DOWNTOWN COORDINATING COMMITTEE

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Thursday, September 17, 2015

5:30 PM

210 Martin Luther King, Jr. Blvd.  
Room 108 (City-County Building)

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### CALL TO ORDER / ROLL CALL

**Present:** 11 - Michael E. Verveer; Ledell Zellers; Davy Mayer; Gregory O. Frank; Mary C. Carbine; Ted Crabb; Thomas E. Hirsch; Matthew J. Covert; Sandra J. Torkildson; Austin E. McClendon and Adam J. Plotkin

### APPROVAL OF August 20, 2015 MINUTES

**A motion was made by Frank, seconded by Crabb, to Approve the August 20, 2015 Minutes. The motion passed by voice vote/other.**

### PUBLIC COMMENT

Matt Kieslowski spoke to the Commission about the Homeless Services Consortium, and wanted to follow up with the Commission on information he shared at their last meeting.

### DISCLOSURES AND RECUSALS

Greg Frank indicated that he will be recusing himself from Item #8 Legislative ID #39140

1. [36258](#) Report of Mall Maintenance and Special Events 2015

Lisa Laschinger, Parks Staff, introduced Mark Kiesow, the new foreman of Mall Maintenance. Laschinger and Kiesow will be trading off on updates to the DCC. Laschinger went over the September Mall Report, noting that they have begun regular service to the expansion area, and they are working on getting fully staffed.

Verveer said that the painting of the light poles is really noticeable. Verveer asked about the potential for gum removal in the expansion area. Laschinger said they will have to truck in water for the gum removal, which will begin as staff becomes available. Verveer asked about a communication from a property owner regarding one side of their building being in the expansion, and one side being out. He asked Parks staff to look into resolving the issue and get back to him with ideas.

2. Presentation from City Facilities staff regarding preliminary schematic design for the Madison Municipal Building.

At the request of Engineering Staff, this item will be taken up at the next meeting.

3. [39841](#) Resolution approving the State Street Retail District Improvement Grant Program.

Ruth Rohlich, Economic Development Staff, was available to answer questions. She said

that the grant program was based on the very successful Façade Grant Program, but targets interior spaces for retail users on State Street. There is a \$50,000 matching grant available to business owners that will be paid for using TID 32 funding. Rohlich mentioned that the program details are still being drafted and that they are at commissions to get input on the program specifications.

Zellers noted that the word "forgivable" should be removed since the program is a grant and not a loan. Hirsch asked if this was allowable by TIF law using the "but for" test that usually accompanies TIF requests. Rohlich said that the "but for analysis" isn't included, and she would have to look into that issue. Verveer said that TID funds have been successfully used for other grant programs without running into legal issues. Rohlich added that the grants program will end when the TID closes.

Mayer asked if the Gap could apply for funds. Rohlich explained the local business requirement, using guidelines from "Dane County's Buy Local" that is part of the program to avoid large chains being eligible. Rohlich said that \$300,000 was available for the first year. Verveer noted that the Mayor's budget has a different dollar amount in it for this program, so the fiscal note will have to change to be correct.

Torkildson said that this looks like a great program, but questions the large footprint of the eligible area. She said that staff should consider a more targeted area that could cluster retail into a smaller, but potentially more successful area. She said that staff could look at concentrating it to the middle blocks of State Street, for example.

Carbine said that while clustering is good, she doesn't want to limit the potential good of this program to just one area, as there may be unexpected retail clusters that could be created. Crabb agrees with both Torkildson and Carbine and suggests that staff consider some sort of prioritization to the program that wouldn't necessarily limit its potential.

DCC encourages staff to develop a form of prioritization that encourages retail clustering.

**A motion was made by Hirsch, seconded by Frank, to Return to Lead with the Recommendation for Approval, and encourages staff to develop a form of prioritization that encourages retail clustering to the BOARD OF ESTIMATES. The motion passed by voice vote/other.**

4. [39140](#)

Amending Sections 9.13(5)(c) and 9.13(6)(h)3.a.iv. of the Madison General Ordinances to create a per-square-foot license fee for all sidewalk cafés and increasing the license fees for Mall/Concourse sidewalk cafes in the State Street Mall/Capitol Concourse Vending Area.

Ordinance Version 2: A motion by Verveer/Hirsch to recommend adoption of Version 2.

Aye: Vereveer, Zellers, Crabb, Hirsch, Mayer; No: Carbine, Covert; Recusal: Frank; Not voting: Torkildson (chair), (Plotkin, McClendon - alternates)

**Greg Frank said that he is recusing himself from the vote as he has been working with café owners on a compromise ordinance change.**

**Gwen Casiss, owner of the Argus and Mezza registered in opposition. She said that she has seen a lot of changes on State Street in the last 20 years, and that it used to be dangerous downtown. It is because of all of the activity that is created by restaurants and outdoor cafes that has reinvigorated downtown. She is concerned that raising the fees will only hurt existing businesses.**

**Jack Williams, owner of Genna's Cocktail lounge registered in opposition. He doesn't like the switch from a per chair fee to a square foot fee, as chairs directly relate towards revenue, not how much space there is. He asked that the committee slow down and talk about these issues once January and**

February come around when the restaurants are less busy with the fall and holiday seasons.

Torkildson asked about his logic with the per chair fee in regards to restaurants vs. bars. Williams said that the more chairs you put out the better your revenue outside, and that set ups have to be approved by the vending coordinator anyway. Carbine asked about the alternate proposal. Williams said that it was still too high.

Bob Schenk, from Cranberry Creek, said that increases like these put people out of business.

Michael Banas, from the Topsy Cow and Lombardino's said that the per square foot figure doesn't work, as restaurants only put out the number of chairs that their kitchen can reasonably handle, and often the inside of the restaurant might be empty when the outside is full, so it isn't always just added revenue. Carbine asked about spaces in outdoor cafes that are essentially unusable, like trees and lights. Banas said that those conflicts should be taken into consideration when calculations are made.

Hawk Sullivan, owner of Hawks, registered in opposition. He agreed with previous speakers and wondered why the Mayor's proposal was in such a hurry. He said that he was on the Vending Oversight Committee (VOC) for 10 years, and while he doesn't have a problem with small increases, he thinks that the tiered system that the chairs currently use works well. Perhaps more tiers could be added to take into account for the very large cafes. He said the DCC should say no to both proposals and that a real discussion could start over at the VOC.

Ordinance Version 1(for discussion purposes only): A motion by Carbine/Verveer to approve version 1 of the ordinance. The motion failed on a voice vote with Frank recusing.

Crabb thought that a 10% increase in one year seems excessive.

Verveer said that he appreciates the attempt at a compromise. He thanked Greg Frank for working with some café owners, saying that Greg invited all café owners to a meeting, and some of them agreed to work with him on a compromise proposal. He agrees that specifying funds for programming on State Street is an important issue, as seen with the success that the BID had on programming for the top of State Street this summer. The fact that this issue is being discussed at the DCC has allowed for greater public participation than if it had only been discussed at the VOC, like many previous fee discussions. He said that the Mayor raises excellent points about the health of retail on State Street, and that it seems reasonable to start looking at a square foot fee calculation. He said that he is making a commitment to look at ways to make adjustments in the square foot calculations to account for trees, street furniture and other issues, such as when Ian's Pizza cannot put up a café during the farmers market on Saturdays. He added that food cart fees should also be raised at the same time as café fees. Verveer said that there is a rush on this issue as it relates to the budget and potential increased programming on State Street and the Capitol Square.

Covert said that a good portion of the testimony was not just about the raise in fees but about the actual change in how they are calculated. He wondered why they don't just change it to \$3 a square foot the first year.

Torkildson is interested in the equity of per square foot fees, as then café/bar owners can use the space as they see fit. A fancy restaurant may put out fewer chairs so they can maintain a certain space and ambiance, where a bar may feel more comfortable putting out more chairs in the same space. She added that as a retailer she understands the value that sidewalk cafes have in bringing people downtown. She said that it is difficult for her to put out a few tables of merchandise without worrying about theft, and that isn't the case for the restaurants. A motion was made by Verveer, seconded by Hirsch, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES. The motion passed by the following vote:

**Ayes:** 5 - Michael E. Verveer; Ledell Zellers; Davy Mayer; Thomas E. Hirsch and Ted Crabb

**Noes:** 2 - Mary C. Carbine and Matthew J. Covert

**Recused:** 1 - Gregory O. Frank

**Non Voting:** 3 - Sandra J. Torkildson; Austin E. McClendon and Adam J. Plotkin

5. [39502](#)

Creating Section 23.60, renumbering current Section 23.60 to Section 23.70, and amending Section 1.08(3)(a) of the Madison General Ordinances to impose a time limit on use of public benches, to prohibit sitting or lying or lodging in the public sidewalks and rights of way and specified other public places, during specified hours in the Central Business District, and establish a bail deposit schedule for violations thereof, to be known as the Downtown Pedestrian Protection Ordinance.

Enis Ragland, Deputy Mayor, spoke on behalf of the Mayor. He said that the Mayor has a passion for this city, and that this ordinance is not meant to target women, children or people who are just down on their luck and are looking for help. There is a group of people who are not interested in getting help, whether it is for addiction or mental illness. Many of them are from out of town, and some people are resistant to rules. He said that we can't make people get treatment or take medicine, but we can establish rules of behavior. We cannot allow an environment where there are no rules, and if there are parts of this ordinance that can be used to help, we want your feedback as this does not have to be an up or down vote.

Mayer asked about how this affects people who already can't pay fines. Ragland said that the police will enforce this through regular patrols, and will ask people to move along and give warnings before giving them a ticket. Educate first, regulate second.

Verveer said that he has seen many "no trespassing" signs popping up all over so that police can ticket people. Do you know the mayor's rationale regarding this ordinance and how it is different than the current ordinance regarding blocking a sidewalk? Ragland said that this ordinance will make rules more easily enforceable.

Torkildson asked if it will only be enforced when complaints are lodged. Are there civil/equal rights issues at work here? How will it be determined who gets tickets and who doesn't? Ragland said that the ordinance gives examples of things that can't be ticketed, and that police would use their discretion.

Hirsch said that this is a very complicated problem as to why we see behavior issues, and

that everyone has their own story as to how they got to be here. Now that we know that Housing First is a solution that has been successful, how can we support alternate solutions to this ordinance? Ragland said that the Mayor is committed to supporting housing first, as it works by using wrap-around services that accompany the housing. The County provides most of the health and human services to city and county residents, and the City is doing what it can to help (i.e. the Rethke permanent supportive housing project.) The city has a very low vacancy rate, and even people with full veteran's vouchers are having trouble finding housing. He added that the behavior at the City-County Building (CCB) is very scary and gets way out of hand between 11pm- 2am almost every evening. Ragland said that when people have rules, they can feel safe. There are predators who come to prey on homeless people because there aren't any rules.

Torkildson asked if there are any alternatives planned, like a day shelter? Ragland said that the City and County are continuing to look for locations for a day shelter.

Kristi Solberg registered in support, to say that since she has moved downtown, behavior problems have gotten worse. She has helped run many of the large events downtown, and that there are always rules associated with events. She is concerned with all of the packages, bags and people that have essentially taken over the space. She is worried about the potential safety hazard of those unclaimed bags, such as a Boston Marathon type problem during large downtown events. She said that we need to help these people who have fallen through the cracks. She said that this committee is concerned about bike racks and sidewalk cafes, but that you may let these people break all of the rules.

Jeanne Erickson registered in opposition, and said that she is a volunteer with Project Babies, and works with people in crisis. She doesn't help make people more comfortable, or make life easier for them to stay on the streets. She said that there are all sorts of people affected by homelessness, and subsequently this ordinance proposal. What about moms and grandmas with babies and toddlers? How can we not criminalize their behavior without providing them good alternatives?

Ed Kuharski registered in opposition, and asked the DCC to please think hard about this ordinance, as it is a proactive way to discriminate against a class of people. The aim of the ordinance is to do harm, and that the police are unreliable enforcers of these types of ordinances.

MariJo Walters registered in opposition, and said she is totally against this ordinance. She said that everything is closing in on this city, and for profit square footage that are creating bad spaces. Sometimes people just want to sit. We might as well put the Halloween fences and gates up and charge admission into the downtown.

Elizabeth Tucci registered in opposition, but did not speak.

Jeanne Marshall registered in support but did not wish to speak.

Matt Kozlowski registered in opposition, and said that the Deputy Mayor lied to you tonight. The 2013 report gives statistics about how many people are actually from out of town. There are 30-40 regulars on the porch, and only 5 of 30 have been in Madison for less than one year. He said that we are not here to make it easy for people; we are only trying to keep people alive.

Brenda Konkel registered in opposition, and said things that are complicated and not ideal, and we don't always have easy great solutions. Even when we can get shelter days extended, there aren't any more beds and people get turned away. We give people bus passes to get to treatment, but the mental health crisis team can't often help anymore. When people get issued tickets for ordinance violations they can't pay them so they go to jail, and don't get any help.

Hirsch asked if there are any long term solutions. Konkel said that she has learned a lot from working with Heartland Housing, who is working on Housing First in Madison. Hopefully they could come and help teach our non-profits about wrap-around services. In the meantime, we need more shelter space until the Housing First units can come online, as it takes years to develop even 50 units of housing. Mayer asked about how people can "work-off" the tickets that they get. Konkel said that she works with a lot of homeless people and even writes personal letters to judges to help them get the opportunity to work off their tickets, but there are lots of mistakes in the system that lead to unintended consequences.

Hirsch said that all intentions aside, this proposal has way too wide an impact on people who already have a lot of issues that they are dealing with. We need shelter beds, a day shelter, more housing first opportunities, and this ordinance doesn't do any of that and puts our efforts in the wrong place. Housing really low-income or no-income people is very difficult. We shouldn't waste our time on this ordinance. Crabb said that he seconds those thoughts.

Torkildson said that she wants to defend the mental health services in the community, as they also have budget constraints and are constantly being asked to do more with less. Mayer said that while he agrees with the purpose of this ordinance, he doesn't know how it will actually help anyone. Covert agrees with the comments from the Committee members, and said that it is odd for the DCC to talk about this ordinance when there are such good things happening in housing first. We need 100's of more housing first units, and that this ordinance drops a hammer on people instead of helping them.

**A motion was made by Hirsch, seconded by Crabb, to Return to Lead with the Recommendation to Place on File to the PUBLIC SAFETY REVIEW COMMITTEE. The motion passed by voice vote/other.**

6. [40091](#) To approve the 2016 Operating Plan for Madison's Central Business Improvement District (#1).

No discussion.

**A motion was made by Crabb, seconded by Covert, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

7. [33826](#) Committee Member & Staff Updates

Mary Carbine noted that she will be leaving the DCC, and the BID as she is taking a position with the Memorial Union / UW Foundation and Alumni Park.

## ADJOURNMENT

**A motion was made by Crabb, seconded by Frank, to Adjourn at 8:40 p.m. The motion passed by voice vote/other.**

Upcoming Meeting: October 15, 2015