



# City of Madison

## Meeting Minutes - Amended

### VENDING OVERSIGHT COMMITTEE

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

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Wednesday, August 29, 2007

5:00 PM

215 Martin Luther King, Jr. Blvd.  
Room 120 (Madison Municipal Building)

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#### 1. CALL TO ORDER

Foxgrover called the meeting to order at 5:07 p.m. with a quorum present. Rockwell arrived at 5:12 p.m. Pham-Remele arrived at 5:14 p.m. Verveer arrived at 5:23 p.m. Schenkel left at 5:51 p.m.

**Present:** Michael E. Verveer, Thuy Pham-Remmele, Hawk Schenkel, Karen A. Foxgrover, Austin E. McClendon, Rosemary Lee and Matthew C. Rockwell

**Absent:** Toriana T. Pettaway

#### 2. PUBLIC COMMENT (Three Minutes Per Speaker)

Brad Bailey of the Mad Dog's One and Two food carts, stated that the Mall/Concourse food cart size maximum law had already been broken. He reminded the committee that the Silky's, Too cart was larger than his Mad Dog's Two cart and that the committee had allowed Silky's (Originally Val's CookOut Express) to do Mall/Concourse business for years. He added that the Mad Dog's cart was smaller than the Silky's, Too cart and wondered why the VOC wished to exclude his new cart.

Schenkel asked if Bailey had been aware of size limitations beforehand. He had been. Bailey explained that the second cart's foot print could be reduced by removal of the towing tongue and external hardware. Rockwell felt that this made the cart worthy of consideration.

Hansen explained that the person who had hand built the Val's CookOut Express cart had misinterpreted the specifications diagram with regard to the dimensions of the inside rather than the outside of the cart. He added that the diagram had been updated to make it hopefully less easy to misinterpret.

Rockwell asked if the procedure was to ask for a variance or a law change. Hansen reminded the VOC that it did not have the authority to grant variances and had done so mistakenly in the past. Rockwell said he felt that the speaker be allowed to be told what the next possible step would be.

Lee was opposed to considering any flexibility with regard to the maximum size of Mall/Concourse food cart dimensions.

Verveer said that he would sponsor new language allowing a maximum size variance of five percent or less for Mall/Concourse food carts, which would include Silky's, Too. Schenkel asked if Hansen had any issue with that. Hansen did not. McClendon and Rockwell asked if this size requirement would pertain Citywide, but it was intended only for the Mall/Concourse.

Lee asked what Mad Dog's Two should be prepared do regarding the Saturday,

September 29th food cart review for new applicants. Hansen said that, because the food cart review was a juried process, there were never any guarantees, even for currently licensed Mall/Concourse food vendors. He reminded those present that the next meeting of the VOC would take place the Wednesday (9/26/07) of the annual food review week and that new applicants would not be reviewed until Saturday (9/29/07). Hansen suggested that Mad Dog's bring both carts to the review. He felt that both carts would score high enough to be granted Mall/Concourse food sites, and that the size issue with the second cart would be approaching resolution.

Brad Bailey's partner Paul Frautschi also spoke very briefly, making points that the committee felt were irrelevant and offensive.

### 3. APPROVAL OF MINUTES (July 25, 2007)

Lee moved and McClendon seconded that the minutes be approved. The motion passed.

### 4. NEW BUSINESS ITEMS

- 4a. [06569](#) Repealing Section 9.13(6)(h)3.d. of the Madison General Ordinances to delete the vending fee exemption for persons sixty years of age or older.

This matter was **RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER Lee moved and Rockwell seconded that this be recommended. The motion passed.**

- 4b. [06629](#) Amending Section 9.12 of the Madison General Ordinances to modify the composition of the Vending Oversight Committee to include non-voting Technical Advisors.

**A motion was made by Lee, seconded by Rockwell, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER The motion passed by acclamation.**

- 4c. [07372](#) Creating Section 9.13(6)(j)2.e.iii. of the Madison General Ordinances to allow the Vending Coordinator to approve alternative sidewalk café placement on a case-by-case basis on the State Street Mall/Capitol Concourse, on streets other than State Street.

**A motion was made by Lee, seconded by Rockwell, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER The committee recommended adoption of this item. The motion passed by acclamation.**

- 4d. Authorizing the Street Vending Coordinator to select alternate placement of Sidewalk Cafes and Merchant Vending Sites at locations other than State Street.

**This matter had been handled at previous meetings, so the committee moved on.**

- 4e. Discussion: Placing a limit of one vendor per Mall/Concourse Arts & Crafts Vendor License.

**Hansen explained that a seniority system had been established several years earlier based on the date that each Arts & Crafts vendor had first been licensed. This usually determined which vending site a vendor would use. Some vendors were abusing the system by essentially buying the higher seniority of inactive vendors or sharing with higher-seniority active vendors who were rarely present.**

The committee agreed that Hansen work with Mainella on developing language for this item.

#### 5. STAFF REPORT

Verveer asked Hansen about the unauthorized banner mentioned in Hansen's latest staff report to the VOC. Hansen explained that unauthorized banners generally bore political messages and that he deliberately did not distribute the content of such banners, immediately removing them instead.

#### 6. ANNOUNCEMENTS

Rockwell apologized to those present for his strong reaction to Public Commenter Frautschi, whose earlier remarks he had found offensive.

#### 7. ADJOURNMENT

A motion was made by Verveer, seconded by Rockwell, to Adjourn Foxgrover adjourned the meeting at 6: 18 p.m.

The next meeting of the Vending Oversight Committee is scheduled for Wednesday, September 26, 2007, Madison Municipal Building, Parks Office Large Conference Room, Room 120, 5 p.m. The motion passed.