



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Draft VENDING OVERSIGHT COMMITTEE

Wednesday, January 26, 2011

5:00 PM

215 Martin Luther King, Jr. Blvd.
Room LL130, Madison Municipal Building

CALL TO ORDER / ROLL CALL

Foxgrover called the meeting to order at 5:09 p.m. with a quorum present.

Present: 9 -

Sara J. Richards; Austin E. McClendon; Teresa Schwerin; Ald. Michael E. Verveer; Rosemary Lee; Karen A. Foxgrover; Toriana T. Pettaway; Hawk Schenkel and Sean Lee

Excused: 1 -

Ald. Thuy Pham-Remmele

APPROVAL OF MINUTES

Richards moved and Verveer seconded that the VOC minutes of October 5, 2010 be approved. The motion passed.

PUBLIC COMMENT

1. Catherine Tracy, a long-time Arts & Crafts vendor, stated that she felt that it would be unjust to average the seniority numbers of two vendors sharing a Mall/Concourse Arts & Crafts Vendor license and site. She said that her primary reason for sharing was financial, to save money. She had a high seniority. The vendor she had shared with since 2005, who was present, had a low enough seniority number that averaging their numbers would likely cause them to lose the site that customers had come to identify them with. Tracy recommended that the vendor with the lower seniority number not vend on days when the higher-ranking vendor was not present. Schwerin, also a high-ranking Arts & Crafts vendor, agreed that this was a good idea. Rosemary Lee said that she wanted Hansen to provide her with contact information so she could call some of the Arts & Crafts vendors about this matter.

Rosemary Lee moved and Richards seconded that the item be referred to the next VOC meeting. The motion passed.

2. Gianna Catanzaro, who shared the license with Tracy, was also in opposition and was available to answer questions.

DISCLOSURES AND RECUSALS

There were none.

NEW BUSINESS

1. [21005](#) Authorizing amendments to the “Regulations Governing Vending on the State Street Mall/Capitol Concourse” and “Regulations Governing Vending in High Density Vending Areas” to revise the method of counting years of seniority for Mall/Concourse, Camp Randall, and Langdon Street vending licenses, so that only consecutive years of licensing will be counted, creating a sabbatical option, and changing the tie-breaker process so that it is no longer determined alphabetically.

Sponsors: Thuy Pham-Remmele and Michael E. Verveer

This matter was unresolved after discussion. Rosemary Lee and Richards agreed that the item be referred to the next VOC meeting. This ordinance was re-referred to the VOC.

2. [21014](#) Amending Sections 9.13(6)(n)4.b. and 9.13(10)(g)2. of the Madison General Ordinances to revise the method of counting the years of seniority for Late Night and Southeast Campus street vendors.

Sponsors: Thuy Pham-Remmele and Michael E. Verveer

Mainella pointed out that this item was closely connected to 21005. Rosemary Lee questioned the notion that vendors could take off two years in a three-year period. Schenkel said that the reason for such sabbaticals were not usually because of medical reasons, etc. Verveer moved and Pettaway seconded that the item to referred to the next VOC meeting. This item was re-referred to the VOC.

3. [21017](#) Amending Secs. 9.13(4)(d) and (e) of the Madison General Ordinances to require street vending equipment to be placed on paved surfaces.

Sponsors: Thuy Pham-Remmele and Michael E. Verveer

Recommend to Council to Adopt - Report of Officer.

4. [21018](#) Authorizing amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to require Mall/Concourse Food Vendors to offer the full selection of approved menu items whenever open for business, to clarify the rules for menu signs on the cart, to prohibit changes in signage, and prohibit signs from being displayed above or to the side of the food vending carts.

Sponsors: Thuy Pham-Remmele and Michael E. Verveer

**This Resolution was RECOMMEND TO COUNCIL TO PLACE ON FILE -
REPORT OF OFFICER**

There was some discussion about making a menu distinction between weekdays and Saturdays in the application information Hansen was given, that perhaps Mainella could adjust any existing language. Schenkel wondered if the application could be changed without changing the law.

5. [21127](#) **ACTION ITEM: Approve revised Mall/Concourse street vending maps (State Street and Capitol Concourse). See attachments.**

Attachments: [2011JanCapitol Concourse Vending Map.pdf](#)
[2011 Mall Concourse Vending Sites.pdf](#)

Richards moved and Rosemary Lee seconded that the revised Capitol Square vending map be approved. The motion passed.

6. [21128](#) **ACTION ITEM: Remove Site F from the Langdon Street High-Density Vending Area. See attachment.**

Attachments: [2011Jan State Street Vending Sites.pdf](#)

Richards moved and Rosemary Lee seconded that the revised State Street vending map be approved with the removal of site F in the Langdon Street High Density Vending Area. The motion passed.

7. **DISCUSSION ITEM: Make illegal any airborne art or airborne performance art such as spray painting and air brushing.**

Hansen said that he wanted the two artists to be able to sell their art but that he did not want the airborne by-product. Foxgrover agreed. Schwerin said that one of the spray paint artists had once been working closely enough to her vehicle that some residual spray paint had descended onto it. Rosemary Lee mentioned that she had once approached one of these artists, who was supposedly accepting donations, and that she had received a specific price, which those accepting donations are not supposed to do. Hansen said that he continued to disapprove of the "accepting donations" category of street vending. Richards suggested that Mainella and Hansen work on appropriate language for this item with Verveer as sponsor.

8. **DISCUSSION ITEM:** Change Late Night Vending hours from 9 p.m. to 6 a.m. to 10 p.m. to 4 a.m., making it illegal for any vendor also licensed as a Mall/Concourse Food Vendor to leave a food cart in place twenty-four hours a day.

Lee said that the hours and the offence were two separate issues. Hansen said that he had a problem to solve and that was a way to do it. Schenkel recommended that any vendor who left their food cart in place for twenty-four hours should be ticketed. Hansen added that , once they had received three tickets, they would have to go before the VOC and likely have their license suspended. The committee left it at that, with no proposed change to Late Night Vending hours.

9. **DISCUSSION ITEM:** Change the maximum amount of time that a food cart may be unattended from fifteen minutes to ninety minutes.

It was recommended that Mainella and Hansen work on appropriate language for this item.

10. **DISCUSSION ITEM:** Require the seniority of a Mall/Concourse Food Vendor to be accompanied by a complete combination of four components: The owner of the food cart, the cart's name, menu, and appearance.

With many contributions to the discussion from Mall/Concourse Food Vendor Sean Lee, the various aspects of the seniority status of a vendor and a vendor's cart were considered. Hansen said that it was his goal to have the best food in the best-looking carts, that changes to a food cart were usually desirable. Mainella and Hansen were asked to create appropriate language for this item.

11. **DISCUSSION ITEM:** Create a reference in Ordinance 9.13 to food trucks and vehicles that are not regulated by the City of Madison, but by Dane County or by the State of Wisconsin, and which may have different requirements and which may operate in Madison under certain circumstances.

Hansen explained that there were some allowable variations to local Madison laws, such as ice cream trucks, etc. Mainella and Hansen were asked to prepare appropriate language.

12. **DISCUSSION ITEM:** Recommend that the Parks Division be given the responsibility of monitoring its own events with regard to proper vending practices as described in each event's street use agreement.

Hansen pointed out that Community Events Coordinator Kelli Lamberty was present and suggested that the item be taken out of order. It was. Hansen read the section of his staff report which suggested that 9.13 ordinance language giving him responsibility for enforcing vending activities at special events was outdated and unrealistic. Lamberty assented, saying that her staff already had in place a process for dealing with special events vending issues. Schenkel agreed with Hansen, adding that ordinance language could perhaps be revised to refer to "any appropriate enforcement person." Foxgrover suggested that Hansen and Lamberty work out the details with their respective supervisors. Richards suggested that Hansen mention to the supervisors that the potential ordinance change had the backing of the VOC.

13. **DISCUSSION ITEM:** Southeast Campus Vending Area

Hansen explained that he had returned this item to the agenda for Rosemary Lee's sake when the November meeting had been canceled. He said that the Southeast Campus Vending Area was working just fine, in his opinion, and that after less than a year, its primary purpose appeared to be to provide a day time vending site to vendors who had not yet participated in the annual Mall/Concourse food cart review. Most of the vendors using this area in 2010 were moving to the Mall/Concourse in 2011. Rosemary Lee said that she had nothing to add and that she had once wondered if Hansen had been caving in to the University of Wisconsin's wishes but that this did not seem to be the case. Hansen asked McClendon if he would be contented to be limited to days/times that corresponded with Kohl Center events. McClendon said that he would. Hansen said that he would consider it.

[21133](#)

STREET VENDING COORDINATOR'S REPORT: This may include references to enforcement activities, licensing statistics, Health Department matters, special events, street food publications, street food conferences, media contact, the 2010 food cart review, and banner displays.

Attachments: [VOCStaffReportJanuary2011.pdf](#)

There was no discussion.

ANNOUNCEMENTS

There were none.

ADJOURNMENT

Richards moved and Rosemary Lee seconded that the meeting be adjourned.
The motion passed. Foxgrover adjourned the meeting at 7:18 p.m.

The next meeting of the VOC is scheduled for Wednesday February 23, 2011, 5 p.m., in room LL130 of the Madison Municipal Building.