



City of Madison

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

Wednesday, June 30, 2010

5:00 PM

215 Martin Luther King, Jr. Blvd., Rm. 313
(Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Foxgrover called the meeting to order at 5:08 p.m. with a quorum present.

Present: 8 -

Austin E. McClendon; Teresa Schwerin; Thuy Pham-Remmele; Michael E. Verveer; Rosemary Lee; Karen A. Foxgrover; Hawk Schenkel and Sean Lee

Absent: 1 -

Toriana T. Pettaway

Excused: 1 -

Sara J. Richards

APPROVAL OF MINUTES

Rosemary Lee moved and Pham-Remmele seconded that the minutes of January 27, 2010 be approved. The motion passed. Rosemary Lee moved and Pham-Remmele seconded that the minutes of May 26, 2010 be approved. The motion passed.

PUBLIC COMMENT

1. Aileen Paguio spoke in support of item 18283. She said that the International Socialist Organization had been engaging in the same activities for thirty years and that they eventually had received a ticket. Hansen explained that, two or three years earlier, he had been given the authority to enforce the ordinance pertaining to placing objects on public property, so that there was a shift in attention toward the matter. Paguio quoted from a Supreme Court case pertaining to sales versus distribution. Pham-Remmele pointed out that the ISO's literature was not handcrafted, a requirement for the Mall/Concourse. At her request, Paguio circulated a copy of a mass-produced document.

2. Ben Daniels spoke in support of item 18283. He agreed with Paguio's statements about free speech. He referred to Thomas Payne's "Common Sense" pamphlet. Schenkel wanted to clarify that the Mall/Concourse handcrafted rule existed to prevent big corporations from selling things downtown. Hansen said that, every time a law was changed, it did not pertain to one person or one business or one group; the change pertained to everyone in the affected category. Daniels felt that it was important for Madison to allow local activist groups to distribute literature. Hansen said that it was his intention to establish areas where tables could be set up on public property so that literature could be distributed, perhaps sold, but that it was not currently legal to do so. Rosemary Lee asked Daniels if he had read the street vending ordinance, 9.13. There was discussion about the serial special event format. Pham-Remmele asked if this was a decision that the VOC was to make immediately. Daniels said that he felt that this was a matter of free speech. Schenkel said that selling was the issue, that if the ISO had been content with accepting suggested donations, the matter would not have come before the VOC, because the ISO's materials were for sale. Paguio and Daniels said that they had not been selling anything recently. Verveer said that it seemed that, even if the Common Council adopted this item, the ISO was inclined to resist the \$300 fee. Daniels said that he felt that because they were not there to make a profit, they should not have to pay the fee.

NEW BUSINESS

1. [18283](#) To SUSPEND the handcrafted goods vending restriction at the location identified in Street Use Permit #SUP2010021 on the 400 block of State St. on Saturdays from 11:00am to 3:00pm upon adoption/approval of this resolution until Saturday, April 2, 2011 (except for Saturday, May 8, 2010) and authorizing the International Socialist Organization to vend non-handcrafted goods.

Sponsors: Marsha A. Rummel and Michael E. Verveer

Attachments: [ISOres2010.pdf](#)

There was discussion about the use of tables, that the special event circumstances would make the use of tables acceptable. There had been a few previous serial special events. Mainella felt that this was a short-term solution. Schenkel disagreed, that it opened the door for other groups. Pham-Remmele felt that it was a matter that required more than a quick decision. Schwerin agreed with Schenkel that it was a potential "can of worms", that it was about the use of City space, potentially crowding out licensed people. She felt that the ISO could either distribute their literature for free or raise funds elsewhere.

Verveer made two efforts to make a recommendation but there were no seconds. He made an effort to persuade the group to agree with him. Pham-Remmele disagreed in her following statement. Mainella asked how this event differed from other events that the VOC "rubber-stamped." Schenkel said that, if this item were adopted, other similar organizations could receive the same privileges, that mass-produced magazines like "People" could sue the City if they were not permitted to do the same thing, that Nazi's could be given the same permits. Mainella agreed that the City could not say "no" to Nazi's if they didn't like their literature.

Pham-Remmele moved and Rosemary Lee seconded that this agenda item be Placed on File without Prejudice. The motion passed, with Foxgrover, as chair, abstaining.

A motion was made by Ald. Pham-Remmele, seconded by Ms. Lee, to Return to Lead with the Recommendation to Place on File without Prejudice to the STREET USE STAFF COMMISSION, due back on 7/14/2010. The motion passed by the following vote:

Absent: 1 -
Toriana T. Pettaway

Excused: 1 -
Sara J. Richards

Ayes: 3 -
Thuy Pham-Remmele; Michael E. Verveer and Rosemary Lee

Abstentions: 1 -
Karen A. Foxgrover

Non Voting: 1 -
Austin E. McClendon; Teresa Schwerin; Hawk Schenkel and Sean Lee

2. **DISCUSSION ITEM: Discuss and evaluate Ordinance and Regulations language pertaining to uniformity in all street vending categories having seniority status based on their first day licensed. Two documents from Assistant City Attorney Lara Mainella, with the following titles, will be discussed:**
- A. An ordinance amending sections 9.13 (6)(n)4.b and 9.13(10)(g)2. of the Madison General Ordinances to revise the method of determining vendors' seniority.
 - B. A resolution authorizing amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" and "Regulations Governing Vending in High Density Vending Areas" to require consecutive years of licensed vending in determining seniority for certain types of vending licenses and site assignment procedures.

There was discussion about the seniority system, including what might justify taking a year off from vending without losing seniority status. Hansen mentioned that he would certainly support the compromise of allowing anyone to take off a year for any reason because he felt that the system must remain "humane" for those with serious challenges such as medical problems. He did add that an Arts & Crafts vendor had suggested to him that, rather than forcing a pair of vendors to use the lower seniority number, perhaps it would be more fair to average the two numbers. Hansen said that it would require him to make new calculations every year with regard to the seniority list, but acknowledged that this method would be more fair. Schwerin, an Arts & Crafts vendor, agreed and said that it would prevent seniority "leap-frogging."

Pham-Remmele said that the second-tier tie-breaker of going alphabetically by the last names of any vendors who had purchased their licenses on the same day was potentially awkward for people with Asian names, which could be "clannish", often beginning with the same letter. She suggested flipping a coin or drawing straws. Lee was opposed to averaging seniority numbers because she felt it would be a disadvantage to newer vendors. Schwerin disagreed, saying that it was better than the current system. Hansen said that, if an Arts & Crafts vendor had not purchased a license for two consecutive years, he removed them from the seniority list. If they became licensed again later, he put them at the bottom of the list. He felt that this should pertain to all categories of vendors. Schwerin said that it might be fair to retain a vendor on the seniority list but that they might lose a year of seniority by taking a year off. Hansen cited the example of a Camp Randall High Density Vendor who had moved out of the state, then returned to Madison years later. The current law would allow her to retain her seniority, purchase her licensing and displace a vendor who had been active there. Verveer wondered if sharing a license should be prevented. Sean Lee suggested that vendors find other vendors with whom to share who had similar seniority.

Lee moved and Pham-Remmele seconded that street vendors may take one year off, but that they would lose one year of seniority. If a vendor took more than one year off, they would go to the bottom of the seniority list if they were to return in the future. The motion passed. Mainella would modify the drafts accordingly, making sure to include, at Verveer's suggestion, the Southeast Campus Vending Area.

3. **STREET VENDING COORDINATOR'S REPORT - Which may include the status quo and numbers of vendors in different categories, enforcement efforts, preparation for football game day vending, forthcoming publications about American street food, the progress of the Street Vendor Monitor.**

Verveer acknowledged that many of the sites in the Southeast Campus Vending Area were being used. Verveer also noticed that there were but two written enforcement actions taken. Hansen said that he had noticed the same thing and had double-checked with the Street Vendor Monitor. Hansen felt that this low number was due to the prevailing stability among street vendors. Verveer also referred to the series of stencilled V's Hansen had asked the Monitor to add in the Regent Street vicinity, to be used on University of Wisconsin home football game days. Verveer wondered if Hansen had the authority to assign holders of the basic Street Vendor License to site assignments. Hansen said that he had the authority to prevent street vendors from using inappropriate locations, that this was an experiment intended to do that and to ultimately lead to a site assignment system on game days.

Recently hired Street Vendor Monitor Eric Melton-White was present and Foxgrover and Hansen introduced him. Melton-white gave those present a summary of his background and present circumstances. Rosemary Lee said that Hansen had "A+" communications skills and that Melton-White should emulate him, that he should "talk" to people. Hansen interjected that the "talk" should pertain to Ordinance 9.13. Schenkel said that Hansen's approach was about building relationships. Melton-White said that he liked Hansen's "style". Schenkel added that he had been frustrated that the Monitor job had not been filled for over a year despite the fact that the money was there. Verveer said that the mayor had been in opposition to the hire for all that time. Then Verveer asked how often Melton-White was monitoring Late Night Vending. The reply was once or twice every week. McClendon, a Late Night Vendor, said that he had found Melton-White's efforts to be "helpful", that he had seen him at work several times and that he felt his presence would help improve things.

Rosemary Lee said that she wanted the Southeast Campus Vending Area, which she had "some problems with", to be on the September agenda.

ANNOUNCEMENTS

There were none.

ADJOURNMENT

Verveer moved and Pham-Remmele seconded that the meeting be adjourned. The motion passed. Foxgrover adjourned the meeting at 7:52 p.m.

The next meeting of the Vending Oversight Committee is scheduled for Wednesday, July 28, 2010, in conference room 313, Madison Municipal Building, 215 Martin Luther King, Jr. Blvd. at 5 p.m.