



City of Madison

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

Wednesday, August 26, 2009

5:00 PM

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

CALL TO ORDER / ROLL CALL

Foxgrover called the meeting order at 5:06 p.m. with a quorum present.

Present: 6 -

Michael E. Verveer; Rosemary Lee; Karen A. Foxgrover; Toriana T. Pettaway; Sara J. Richards and Austin E. McClendon

Absent: 1 -

Hawk Schenkel

Excused: 1 -

Thuy Pham-Remmele

APPROVAL OF MINUTES

Lee moved and Pettaway seconded to approve the minutes of the May 27, 2009 VOC meeting. Hansen pointed out a minor typo. With the correction noted, the motion passed.

PUBLIC COMMENT

There was none.

NEW BUSINESS

1. Discussion Item: Confirm new quorum number of three. Introduce new voting appointee Sarah Richards.

Hansen summarized the revised VOC member format, which now included (a) voting members who were not vendors and (b) non-voting Technical Advisors who did hold vending licenses and who were present to contribute their practical expertise to discussions. Hansen also introduced new voting VOC appointee Sara Richards.

2. [14994](#) Authorizing amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to change the minimum number of Vending Oversight Committee members on the Food Review Panel from three to one.

Sponsors: Michael E. Verveer and Thuy Pham-Remmele

The following VOC members also expressed interest in participating on the 2009 food cart review panel: Lee, Pettaway, Richards, and Verveer. Pham-Remmele had expressed her interest before the meeting.

A motion was made by Ald. Verveer, seconded by Ms. Lee, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by the following vote:

Excused: 1 -
Thuy Pham-Remmele

Ayes: 5 -
Michael E. Verveer; Rosemary Lee; Karen A. Foxgrover; Toriana T. Pettaway and Sara J. Richards

3. **Discussion Item: Street Vending Coordinator to introduce idea of creating a University Avenue vending area with designated vending locations.**

Hansen explained that he felt it would be prudent to establish a plan for food vending south and west of the Mall/Concourse Vending Area perimeter in the University Ave. vicinity. There were indications that it would become an increasingly desirable location for non-Mall/Concourse food vendors. Hansen suggested that suitable sites be identified before growing numbers of vendors began competing for first-come first-served locations in this area in which no site assignments existed. He intended to suggest appropriate sites based on sidewalk dimensions as well as other circumstances, then report back to the committee with his recommendations. He also suggested that perhaps there should be a maximum number of vending sites, followed by a future waiting list if that became necessary. He was in favor of considering seniority as well as large and small cart sizes being considered for respective sites. None of the sites would offer electricity. Richards felt that it would provide an additional food option.

Hansen also referred to the City's important neighbor, the University of Wisconsin, whose Chancellor's Office representative had been communicating with him on the presence of food vendors in close proximity to University property and buildings. Lee said that she was not receptive to University input because the vendors were on City property. Hansen mentioned that the vendor perched at the intersection of University Ave. and Charter could function just as well at other nearby locations that did not congest the passage of thousands of students. McClendon, who also vended in the area, concurred with Hansen. Hansen would also wait and see which of these non-Mall/Concourse vendors applied for sites within the Mall/Concourse Vending Area.

4. Discussion Item: Street Vending Coordinator's status quo on street musicians and others accepting donations.

Hansen gave an overview of the research he had been doing about how other American cities managed street musicians, if they did. He had bookmarked thirty-three municipal websites and the phrase "street musicians" almost never came up in a website search. He was beginning to discern that Madison was perhaps unique in the USA. Madison has the largest farmers market of its kind in the country, Dane County Farmers Market (DCFM). Madison has never regulated street musicians. Many other cities have not either, but other cities don't have a problem with too many musicians gathering because of the large crowds that such a farmers market attracts. Many cities, Hansen had discovered, had "local musician spotlight" programs in place, that is, locations/days/times at outdoor public places where musicians are scheduled to perform. Hansen felt that such a program might be a good opportunity for Madison musicians. He was also in favor of other designated sites. He did want street musicians to have various performance opportunities, but not in the disorderly way that was evolving.

Hansen had circulated to the VOC a collection of thirty photographs that he had taken during the 2009 DCFM season of musicians, plus others accepting donations, who had appeared across the street from DCFM on City property. He added that there were other 2009 performers who he had not had occasion to photograph. Richards asked why the pictures were only of Saturday musicians. Hansen replied that he did not feel that there was a problem during the week. He did state that there seemed to be a growing number of performers showing up in or near the much smaller Wednesday DCFM, but that was primarily the responsibility of DCFM management.

Hansen read excerpts from some ordinance language that he had discovered from the City of Los Angeles Department of Recreation and Parks that specifically pertained to the Venice Beach Recreation Center. It was titled, "Venice Beach Boardwalk Public Expression Program Rules". It had been written "to preserve the Boardwalk's rich history of fostering new artists, performance, and other free speech activity, while balancing the interests of the multitude of visitors and users of the public facilities on and adjacent to the Boardwalk, the merchants whose businesses are located adjacent thereto, and the residents of the neighborhood adjacent to the Venice Boardwalk, the City has divided the available space on the boardwalk between performers, advocates, artists, and those vending expressive items inextricably intertwined with a political, philosophical, religious or ideological message."

Hansen felt that there were many portions of the Venice language that could be adapted for use in Madison, including designated areas for setting up information tables. He also felt that areas such as Peace Park and 30 on the Square would be suitable for a new Musicians Spotlight program. Verveer and Pettaway, among others, agreed. Hansen suggested that performers could be scheduled every day of the week if there was enough interest, featuring many performers.

Hansen mentioned the Electrical Use Permit that Saturday performers at 30 on the Square were required to obtain. He added that there were frequent complaints about the amplification volume. A visitor, Teresa Schwerin, who

had first become licensed as an Arts & Crafts vendor in the late 1990's, agreed that there was often an intrusive decibel problem with the amplified musicians. She asked why one group was sometimes allowed to use the space all day long. Hansen explained that each member of a group might purchase a permit for the ninety-minute maximum time so that the group as a whole was there all day, abusing the system. Hansen wondered if Saturday amplification there was a nuisance, and if it should be replaced by non-amplified music.

5. Discussion Item: Street Vending Coordinator's report to the VOC, including numbers of vendors licensed, enforcement activities, and related questions from those present.

Verveer inquired about the list of those licensed as Late Night Vendors, mentioning the presence elsewhere of Jin's Chicken & Fish owner Jeff Okafo, who appeared to be working with J.D's Express from the parking lot of Bill's Key Shop, 536 University Ave. Hansen explained that this was occurring on private property and that it was therefore the responsibility of the Zoning Unit and/or the police, who had the authority to enforce any City of Madison ordinance. Hansen repeated that he did not have the authority to enforce vending activity that took place on private property, adding that he had informed both Zoning staff and the Police of the Okafo/JD's activity. Verveer added that he had seen the out-sized Insomnia Cookies truck doing business from the private property parking lot of The Towers, 502 N. Frances St., hoping that this avoidance of conventional practices was not becoming a trend. Some present expressed frustration because Okafo had a documented history of doing business in unorthodox ways.

McClendon felt that site assignments for all four Late Night Vending areas might soon become a necessity. Hansen made note of this suggestion. McClendon added that he felt police presence had a positive influence on the Late Night Vending process.

Hansen said that he had been invited to create a food court for the new Ride the Drive event, explaining where the vendors would be located and describing the extra effort it would take to make enough electricity available. He mentioned that he might repeat this arrangement on that day because of a 2009 special event that displaced the customary location of first-time Mall/Concourse Food Vendor applicants for the Saturday portion of the food cart review.

ANNOUNCEMENTS

There were none.

ADJOURNMENT

Verveer moved and Lee seconded that the meeting be adjourned. The motion passed. Foxgrover adjourned the meeting at 6:23 p.m.

The next meeting of the VOC is scheduled for Wednesday, September 30, 2009, at 5 p.m., Madison Municipal Building, 215 Martin Luther King, Jr. Blvd., conference room 313.