



City of Madison

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

Wednesday, December 12, 2012

5:00 PM

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

CALL TO ORDER / ROLL CALL

Richards called the meeting to order at 5:04 p.m. with a quorum present.

Present: 6 -

Michael E. Verveer; Scott J. Resnick; Marlys M. Miller; Sara J. Richards;
Peter J. McElvanna and Teresa Schwerin

Absent: 2 -

Shantelle N. James and Sean Lee

Excused: 2 -

John N. Magnino and Liliana Fabela

APPROVAL OF MINUTES

Resnick moved and Miller seconded that the minutes of the October 31, 2012, VOC meeting be approved. The motion carried.

PUBLIC COMMENT

There was none, although Steven Lawrence spoke at the beginning of item 5, which was taken out of order and addressed earlier on the agenda. Reid Miller spoke at the beginning of item 4, which was also taken out of order.

DISCLOSURES AND RECUSALS

There were none.

NEW BUSINESS

- 1 [28581](#) **DISCUSSION ITEM: 201 Food Cart Review Results and Format of Review, including rank-ordered list, duration, consideration of throwing out high and low scores, consideration of "green" points, recycling, and encouraging vegetarian menu items.**

Attachments: [recycle.pdf](#)

Hansen referred to the memo sent to him by George Dreckman of the City of Madison Streets Division, which directed City recycling processes. Dreckman had written that the City was not ready to process food cart recyclables but could meanwhile take steps to help guide vendors toward that goal when the City was ready.

Hansen said that the time seemed to have come to expand the food cart review process to two weeks. The committee agreed. Mainella would be asked to draft appropriate language.

- 2 [28582](#) **ACTION ITEM: Approve revised maps of Capitol Square and Southeast Campus Vending Area including newly added T and E tabling sites. Determine whether Street Vending Coordinator should be granted authority to select future number and location of E sites.**

Attachments: [maps.pdf](#)

The committee approved the maps. Verveer moved and Miller seconded that the committee also give the Street Vending Coordinator the authority to choose both T and E sites in the future. Mainella would be asked to prepare an amendment updating pertinent language which Verveer and Resnick would sponsor.

REPORTS

[25754](#)

REPORT OF STREET VENDING COORDINATOR

Attachments: [Street Vending Report_Nov_Dec 2012](#)
[Street Vending Report_Sept_Oct 2012.pdf](#)
[Street Vending Report_May 2012](#)
[Street Vending Report_March 2012.pdf](#)

There was no discussion about this report.

DISCUSSION ITEMS

3 DISCUSSION ITEM: Sidewalk Cafe Alcohol Management and Sidewalk Cafe Closing Times

Verveer recalled that Mainella had found inconsistencies in the City ordinances regarding sidewalk cafe closing times. Verveer said that he intended to set up a meeting with City staff. After discussion, Richards summarized that there might not be a need to have uniform Citywide sidewalk cafe closing times.

4 DISCUSSION ITEM: Stencil City-approved locations on the outer Capitol Square

Visitor Reid Miller made a distinction between "Buskers", people who made their living as professional street performers, and non-professionals who enjoy performing in public. He mentioned another community that allowed its Chamber of Commerce to assign spots for street performers, including specific dates and times of rotations from site to site. He was not surprised by the natural concentration of performers near State Street on Saturdays during Dane County Farmers Market season.

Arts & Crafts vendor Schwerin thought it would be good to have designated spots for performers, and thought that thirty-minute rotations would prevent anyone from monopolizing "prime time". Hansen felt that it would not be practical to organize and administrate thirty-minute street performer rotations every Saturday or to make sure that it would happen as scheduled. Schwerin suggested that perhaps the performers would like it.

Verveer acknowledged that Hansen had been proposing the organization of, and perhaps regulation of, street performers for years but that Verveer himself had been opposed to it. Now the problem with overcrowding of street performers apparently needed to be addressed. Hansen said that he knew that there were other US communities that regulated street performers because Hansen received phone calls from traveling performers who asked him if Madison charged a fee. The regulations in those other communities were apparently established and accepted processes.

Verveer asked Hansen if he no longer sought formal regulation of street performers. Hansen replied that, if it had started twelve years earlier, when he had first begun suggesting it, the process would now be well established. Hansen felt that it was similar to the stencils he had added to the Camp Randall vicinity a few years before for UW home game days. There had been a growing number of game day street vendors. Hansen and his assistant had walked that area to select potential vendor sites that were on wide enough sidewalks, that were not close to fire hydrants, that were at safe locations, etc. Vendors who had earlier used workable sites were allowed to continue to use them. Others were given a number of new choices. Everyone cooperated and saw the advantage of having a safe, viable site to depend on every game day. Newcomers were allowed to pick a site from the many available sites. The new system was working just fine for the common good.

Now, Hansen felt that, with the recent growing numbers of Saturday street performers, who had been allowed to do pretty much whatever they wanted to do for years, it might be more difficult to alter. Now, he felt that designating many workable street performer sites around the outer Capitol Square, and guiding performers to use them, was something he'd like to try and evaluate.

Mainella said that she could work with Hansen to create some preliminary draft language on this matter.

5 [28583](#)

DISCUSSION ITEM: Late Night Vending Status Quo and possible recommendations for change

Attachments: [meters.pdf](#)

Steven Lawrence spoke for three minutes listing his ideas for changes to Late Night Vending. There were no questions or comments about what he said.

Richards said that no immediate solutions had been reached at the previous meeting. Rich Schefflow of Silvermine recalled the mention of "limiting" the numbers of Broom Street carts. There was some discussion about metered parking spaces, loading zones, street use circumstances, meter bags for construction projects, events, and parades, and corresponding restrictions on their use. Verveer said that he had received complaints about food carts creating traffic jams while waiting for metered sites, circling the block, taking spots from potential brick and mortar establishment customers, and just presenting competition.

Richards recalled that Schefflow would have preferred zero food carts on Broom St. Schefflow confirmed that, adding that two carts would be better than four. Lawrence complained about enforcement on Broom Street, acknowledging that MPD and enforcement staff had other priorities, but advocated much higher fines, including for dumping trash into dumpsters. Hansen said that fines were not determined by whim but by changes in the law. He also said that the street vending ordinance required a ten-plus gallon waste receptacle but that it made no reference to the use of private dumpsters. Mainella said that she recalled a law about private dumpsters in a City ordinance, and would follow up.

Richards said that carts could be banned from Broom Street and that would solve the problem there, but wondered if that was an option. There was some discussion about the arrival and departure times of Broom Street carts. Hansen said that he was willing to walk the area again to see if additional Late Night Vending locations could be identified. Richards asked if there should be a limit of cart numbers on Broom Street and for the committee to offer alternatives. Verveer asked Lawrence about his proposed new sites. Schefflow said that there was too much W. Gorham vehicular traffic at 2 a.m., and that moving a couple of carts to Gilman would spread the problem to Los Gemelos, which had late night hours. Mary Carbine suggested that any evaluation should include late night brick and mortar food businesses who had moved into their locations without anticipating competition from food carts.

Mainella felt that any discussion of limiting Broom Street to a certain maximum number of food carts and assigning them by seniority or by lottery was premature, and sounded like site assignment, which was not possible with the metered spaces. She wondered if the Late Night areas could be re-conceived as "zones". Mainella would follow up for the committee with that concept. Verveer recalled some of the history of Late Night Vending and was opposed to continuing to move the same problem from place to place, that the first come, first served Broom Street process was not working. The zone idea appealed to the committee. Verveer pointed out that vending on private property was illegal in Madison and that sidewalks in the Late Night Vending areas were too narrow

to allow for food cart placement. The item would reappear on the next VOC agenda.

6 DISCUSSION ITEM: Consider grace period for licensing new food cart employees as City of Madison Street Vendors

The committee decided that a two-week grace period of fourteen consecutive days should be established for food cart operators to assess the performance of potential new hires before they would be required to purchase a Street Vendor license for them. Mainella would draft suitable new ordinance language.

ANNOUNCEMENTS

Hansen mentioned that 2013 VOC meetings were scheduled for Madison Municipal Building room 300, which would be more spacious for committee members and City staff, as well as for any visitors.

ADJOURNMENT

Richards moved and Miller seconded that the meeting be adjourned. The motion carried. Richards adjourned the meeting at 7:14 p.m.

The next meeting of the Vending Oversight Committee is scheduled for Wednesday, January 30, 2013, at 5 p.m., room 300, Madison Municipal Building.