



City of Madison

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

Wednesday, October 28, 2009

5:00 PM

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

CALL TO ORDER / ROLL CALL

Present: 7 -

Michael E. Verveer; Thuy Pham-Remmele; Rosemary Lee; Karen A. Foxgrover; Sara J. Richards; Hawk Schenkel and Austin E. McClendon

Absent: 1 -

Toriana T. Pettaway

APPROVAL OF MINUTES

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

PUBLIC COMMENT

Kevin Hinkley, a Williamson St. resident, expressed concern about the City of Madison licensing people as vendors who had recent criminal records and/or who had documented incidents of undesirable behavior. He requested that the City make background checks on such people before their licenses could be considered for approval. Verveer asked, for the sake of clarification, if Hinkley wanted such decisions to be made not on the basis of vending issues but on the status of an applicant's record. That was the case. Verveer asked Hansen, Street Vending Coordinator, and Assistant City Attorney Lara Mainella, who was present, to follow up on a Williamson St. vendor who was of particular concern to Hinkley and, apparently, to others in the neighborhood. Mainella explained that the police had to give such records to Hansen, who would give them to street vending prosecuting Assistant City Attorney Marci Paulsen for analysis. Mainella added that, because this was not an item on the current VOC agenda, it should be added to a future agenda.

Karl Armstrong, long-time Loose Juice smoothy cart operator (25-26 years), had heard a rumor that his Mall/Concourse Food Vendor licensing fees were being doubled, but this was not true. Armstrong added that most street vendors were the smallest of small businesses and that, especially in the current economy, they were all struggling. Each raise in their fees increased their financial burdens. He said that higher fees would force street vendors to create higher prices. He hoped that those responsible for fee increases would first examine the maintenance costs. Armstrong also said that the committee that had preceded the VOC included a Mall/Concourse Food Vendor.

Hansen explained to Armstrong that, earlier in the year, the VOC had taken on a new format that included up to four non-voting technical advisors. The current Technical Advisors were Schenkel, a sidewalk cafe operator and Austin McClendon, a Camp Randall High Density food vendor. Hansen added that he been informed that the mayor intended to soon appoint a current Mall/Concourse food vendor. Armstrong seemed pleased to hear that. Lee added that fee raise decisions usually began at the VOC, then required approval by both the Board of Estimates and the Common Council.

Verveer asked if it would be acceptable to take item number eight out of order, which was a discussion of anticipated vending and banner fee raises. There was general consent.

NEW BUSINESS

Various agenda items were taken out of order by general consent.

8. DISCUSSION ITEM: Proposed fee hikes for street vendors and organizations requesting banner space.

Hansen was asked to provide an overview of the latest group of proposed street vending fee increases. Hansen first wanted to make it clear that he was not always in favor of all fee hikes that were suggested. He had recommended that banner fees be raised from \$50 per space assignment to \$75 each. The price had not been raised recently.

Some fee increases had taken place earlier in 2009 in order to specifically support the effort to establish a half-time permanent assistant for Hansen. The fees had been raised, but the assistant job had not been filled. Schenkel felt that it was "pathetic" that the City had not dedicated this new money to hiring Hansen's assistant. Verveer explained that the first group of fees had been raised in order to attract the finest possible candidates to apply for the assistant job. The mayor had initially sponsored it, the half-time position was approved, but it then became subject to the mayor's hiring freeze. The latest group of vending-related fee increases were in support of another effort to fill Hansen's assistant job for the start of 2010 vending.

Verveer then read the complete list of fees that were to be raised. Armstrong felt that the increases were reasonable. Verveer said that he was not sure how they compared to cost of living increases and acknowledged that there was no policy structure defining when fees would be increased. Verveer also said that this measure had not been referred to the VOC to expedite filling the position.

Armstrong said that, when he had first started as a vendor in the 1980's, the fee had been five dollars, but he was relieved that the current fees were not being doubled.

Pham-Remmele said that Hansen and others were being forced to do more with less. She felt that Hansen's assistant was a relatively small budget item, that street vending provided a service that should be adequately budgeted. Verveer felt optimistic about the assistant position being filled. Lee said that it was a "standing policy" that the fees paid to the City Treasurer for licenses and permits paid to the City Clerk's Office would be assigned to other things. Schenkel felt that money specifically raised for the position should have been used to fill the position.

1. [16297](#) Amending Sections 9.13(2) and 9.13(3) to increase fees for special event umbrella vending licenses and allow applications to be filed with the Parks Division; amending Sec. 10.056(3)(a) to clarify the membership of the Street Use Staff Commission; amending Sec. 10.056(4)(a) to allow Street Use applications to be filed at the Parks Division; amending Sec. 10.056(5) to create an administrative approval for small block parties; and amending Sec. 10.056(8)(b) of the Madison General Ordinances regarding insurance requirements.

Sponsors: Michael E. Verveer

There was general discussion and questioning related to raising fees associated with special events. Hansen explained that there were some circumstances pertaining to vending in special events which had no relationship to regular every day street vending.

Absent: 1 -
Toriana T. Pettaway

Ayes: 4 -
Michael E. Verveer; Thuy Pham-Remmele; Karen A. Foxgrover and Sara J. Richards

Noes: 1 -
Rosemary Lee

3. **DISCUSSION ITEM: Review draft of language alerting sidewalk cafe operators and merchant vendors that future streetscape changes may change the amount of useable sidewalk cafe.**

Mainella introduced this item. Schenkel wondered if a license affected by construction could not be prorated. Hansen pointed out that sidewalk cafe operators and merchant vendors were charged a significantly lower "construction fee" in advance of construction. Major construction projects were heralded in advance so that the question of pro-rating did not come up. Pham-Remmele did comment that construction tended to hurt business. Mainella pointed out that vending licenses were granted to businesses for use of the public right-of-way. All were in favor of reviewing a final version of this language at a future meeting.

4. **DISCUSSION ITEM: Review draft of language assigning specific site assignments to all four Late Night Vending areas. In the past, Broom and Johnson Streets had been used on a first-come, first-served basis.**

Mainella introduced this item. Hansen said that, although applying site assignments to the two remaining areas had seemed a good idea, Mainella had reminded him that it was not possible to assign sites in the street. All sites would then have to be assigned to food vendors on the sidewalk, which meant the smaller push-carts only. Hansen added that this would mean that all larger carts would then be limited to the 700 block of State St. (a.k.a. "The Library Mall"), a result that he felt would be undesirable. Lee agreed.

Mainella said that she could look into it further and perhaps come up with a creative solution, such as zones rather than specific spaces. Verveer asked Mainella why parking spaces could not be reserved. Mainella said that the roadway portion of the street was for vehicular traffic and that no person gets a private parking space. Verveer wondered if meter bags could be used. Mainella pointed out that Hansen's non-existent assistant would likely be the one who'd have to emplace them every night. Meter bags were used for special occasions, including construction, etc.

Verveer asked why the Library Mall was any different. Mainella said that it was a pedestrian mall, not a roadway. She was willing to look at other solutions. Verveer pointed out that there were two sides to Late Night Vending because there were no longer any complaints on the once troublesome N. Frances St. Verveer said that the police were now opposed to including Broom St. in Late Night Vending. He wondered if the City would continue to move the problem around or finally solve the problem. Perhaps, he suggested, the Library Mall could become known as a destination night time food court.

Foxgrover, a mediator in her work life, suggested that perhaps the VOC should invite the Late Night Vendors and police and all other interested parties to a meeting. Perhaps the time had come to tell the large cart vendors that, if they could not operate without creating problems, they may just be forced to move to the 700 block.

Richards expressed an interest in Mainella's exploration of the potential zoning approach. Schenkel said that, in his opinion, it was a particular vendor who was the primary cause of Late Night Vending problems, not all participating vendors. Hansen said that night time food vending had been associated with problems for so long that he wondered if it wasn't time for the vendors to either begin to function without creating any problems or have something taken away, such as Broom St., which the police would be in support of. He went on to say that there did not have to be Late Night Vending at all. Pham-Remmele agreed that, if vendors could not desist from creating problems, they should be prepared to lose existing privileges.

Verveer returned to Foxgrover's suggestion that the VOC set up a meeting to which the Late Night Vendors and police were invited. Hansen was asked to later poll the VOC for a suitable meeting date in early December because the last Wednesday of the month in November and December coincided with national holidays.

7. [16502](#) **DISCUSSION ITEM: Review draft of language for University Ave. Vending Area. Also look at revised map.**

Attachments: [Univ Ave Vending Area 10-2009.pdf](#)

Mainella introduced this item. Hansen had distributed maps of the proposed University Avenue Vending Area. He explained that the new area would abut the existing vending areas called the Mall/Concourse Vending Area and the Camp Randall High Density Vending Area. Hansen said that the \$50 fee he had suggested for this new license should be worth it to any vendor to know that they had a regular site of their own. As things stood, any vendor could set up anywhere in the area with no site use guarantees. He said that he thought it would be prudent to start organizing this area by selecting just a few appropriate sites and see how it went. The vendor operating times he had suggested were seven days per week from 10:30 a.m. to 6:30 p.m.

Lee felt that the hours were too limited. Hansen pointed out that the VOC was continuing to deal with problems with night time vending and that he did not wish to add to them. Verveer suggested the hours of 8 a.m. to 8 p.m. Hansen asked if he really wanted more vendors out after sunset. Verveer and Lee did. Schenkel said that it was not a good business decision to begin with expanded hours and then later have to reduce them if they didn't work. Hansen said that he had envisioned day time hours for this venue. Verveer said that there were night time basketball games, etc., at the Kohl Center. If the hours and sites were too limited, vendors might miss out on the opportunity to sell University of Wisconsin paraphernalia outside the Kohl Center. Verveer also felt that this area should have a different name. Hansen asked those present to suggest other names. Hansen himself suggested The Central Vending Area.

Verveer asked Hansen how the Kohl Center staff had reacted to the possibility of having City-licensed vendors doing business on the Dayton Street sidewalk. Hansen said that the Kohl Center management did not like it. Hansen added that, according to a UW Chancellor's Office representative, neither Kohl Center nor Fluno Center staff liked the prospect of vendors in their shadow. He went on to say that management of the new University Square was also opposed to having vendors on their block. Hansen would send Verveer some pertinent email correspondence.

It was agreed that this item would be referred to the December VOC meeting. Schenkel suggested that the new language Mainella was drafting also contain requirements about maintenance of cart exteriors.

2. **DISCUSSION ITEM: Vending near schools.**

Hansen said that this item had not automatically been added to the agenda by the Legistar program. Mainella said that she would follow up on the status of this item. Lee expressed her dissatisfaction with the school's and the local alder's response to this matter.

5. **DISCUSSION ITEM: Alter Camp Randall High Density Vending seniority system to include only those vendors who have been licensed for consecutive years. Other former vendors licensed for that venue would go to bottom of the seniority list if they were not licensed for a year.**

After a period of discussion, Hansen ultimately suggested that the seniority systems for all venues with seniority systems be updated in this uniform way. This would include Camp Randall High Density, Langdon Street High Density, Mall/Concourse Arts & Crafts and Late Night Vending.

6. **DISCUSSION ITEM: Food carts Citywide shall be self-contained except that each be required to have a trash receptacle. Prohibit tables and chairs being set out onto the area surrounding the food cart, except that one folding chair may be allowed for the vendor's use.**

There was discussion on possible variations of these requirements, but it was decided that the maximum number of two external objects referred to in the draft would remain.

9. **STREET VENDING MONITOR'S REPORT**

Verveer inquired about Hansen's preparations for the Halloween Food Court assembled each year on the 700 block of State Street in conjunction with Halloween Freakfest celebration. Hansen said that there were seven food vendors scheduled to participate this year. Hansen also mentioned the forthcoming online licensing system that would be available to the public by spring of 2010. It would create fewer hard copies and, he thought, a smaller mountain of spring time paperwork associated with street vending. Hansen showed the committee a petition entitled "Call for a Coalition To Defend Free Speech in Madison" and an accompanying explanatory document. Members of a local Socialist group had asked him to share them with the VOC. Hansen also mentioned the forthcoming book being written on street vending in the United States. He provided a few details about the author and photographer.

ANNOUNCEMENTS

There were none.

ADJOURNMENT

Foxgrover adjourned the meeting at 7:39 p.m. The next meeting of The Vending Oversight Committee, a special meeting, will be held on Wednesday, December 2, 2009, 5 p.m., Conference Room LL130, on the Lower Level of the Madison Municipal Building.