



# City of Madison

## Meeting Minutes - Final

### VENDING OVERSIGHT COMMITTEE

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

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Wednesday, April 26, 2006

5:00 PM

215 Martin Luther King, Jr. Blvd.  
Room 120 (Madison Municipal Building)

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#### 1 Call to Order

Schenkel called the meeting to order at 5:03 p.m. with a quorum present.  
Foxgrover arrived at 5:08 p.m. and left at 6:15 p.m. Verveer arrived at 5:08 p.m.  
Hoang arrived at 5:15 p.m.

**Present:** Ald. Michael E. Verveer, Ald. Cynthia M. Thomas, Hawk Schenkel, Karen A. Foxgrover, Diana C. Housein-Salaita, Austin E. McClendon, Rosemary Lee and Viet Q. Hoang

#### 2 Approval of Minutes of February 22, 2006

*Thomas moved and Lee seconded that the minutes of February 22 be approved. The motion passed by acclamation.*

A motion was made to Approve the Minutes The motion passed.

#### 3 Public Comment (Three Minutes Per Speaker)

John Hendrickson of Fontana Sports, 251 State Street, said that he wanted Merchant Vending space usage on public property (commonly known as "the sidewalk") to be based on the amount of space available outside each business. Currently, Merchant Vendors were limited to two display units of certain dimensions.

Hansen circulated photographs of (a) the past management of Merchant Vending, in which merchants were allowed fifty percent of that space, and (b) of the current more trimmed-down display style. Hansen commented that he had found the earlier version more difficult to control and enforce. He added that Merchant Vending had been "a non-issue for years", asking whether, in view of all the time, expense and, for some, hardship being invested into the beautification of State Street, the City wanted to move back into what was in his opinion a less aesthetically pleasing style of Merchant Vending.

Thomas asked that this matter be placed onto a future VOC agenda and that other businesses might be included. Verveer wished to have the next VOC meeting set for the following month, with this item on the agenda.

#### 4. New Business Items

**4a Discuss Proposal to Allow Sidewalk Cafes to Be Placed Against Buildings or Alternate Locations; Alternate Regulations for Sidewalk Cafe Enclosures Depending on Physical Circumstances.**

Hansen said that Assistant City Attorney Lara Mainella wanted more information before she began drafting suitable ordinance language. Verveer asked that Mainella draft new language that would allow sidewalk cafes to be placed against the buildings citywide wherever possible; that restaurants around the Capitol Square would continue to have a choice of being either against the building or toward the curb; that the language acknowledge the existence of some exceptional cases such as Electric Earth on W. Washington.

Verveer went on to say that he was aware that the ALRC had denied the operation of the sidewalk cafes of The Church Key and the Caspian Cafe earlier granted licenses by Hansen. Police Captain Jay Lengfeld had been concerned about overly crowded sidewalks at bar closing time. Hansen said that he had met with both Lengfeld and Joel Plant, Mayor's Office "alcohol coordinator", to explain the traditional process of how sidewalk cafes came into being and that Hansen had left the meeting with the impression that the others appeared accepting of the process.

Hansen mentioned that he acted as the early filtering system determining whether or not a restaurant did or did not qualify for a sidewalk cafe license. He explained that there were basic necessary measurements: At least six feet away from the building, at least two feet from the curb and then enough space left over for sidewalk cafe tables and chairs surrounded by an enclosure. He had denied sidewalk cafes to restaurants without wide enough sidewalks.

Schenkel said that there were sidewalk cafes that had different physical circumstances which he felt should alter the enclosure specifications.

**5 Referral Items from Common Council**

Thomas moved and Lee seconded that items 5a through 5l, all pertaining to 2006 special event resolutions, be approved. Although all special event items were passed by the VOC, Diana Housein-Salaita was opposed to the concept of Exclusive Use.

**5a [03220](#)**

To SUSPEND the handcrafted goods and personally prepared food vending restrictions on June 3, 2006 during the 26th Anniversary COWS ON THE CONCOURSE and authorizing the Dane County Dairy Promotion Committee, as sponsor of the special event, to select vendors, vending sites and performers for the duration of the event on the 10 blocks of E. & W. Main St. and the 100 & 200 blocks of Martin Luther King, Jr. Blvd.

**This matter was Return to Lead with the Recommendation for Approval to the STREET USE STAFF TEAM. The motion passed.**

- 5b      [03223](#)      To SUSPEND the handcrafted goods, personally prepared food vending restrictions on June 28, July 5, 12, 19, 26, and August 2, 2006 (rain dates June 29, July 6, 13, 20, 27 and August 3, 2006) from 3:00 p.m. to 11:59 p.m. during the CONCERTS ON THE SQUARE and authorizing the Wisconsin Chamber Orchestra, as sponsor of the special event, to select vendors and vending sites for the duration of this special event on the 10 blocks of E. & W Mifflin St. and N. & S. Pinckney and the 100 blocks of E. Washington and Wisconsin Ave.
- This matter was Return to Lead with the Recommendation for Approval to the STREET USE STAFF TEAM. The motion passed.**
- 5c      [03224](#)      To SUSPEND the handcrafted goods, personally prepared food vending restrictions and INVALIDATE Mall/Concourse vending licenses from 6:00 p.m. July 7 to 9:00 p.m. July 9, 2006 in the areas specified below for the benefit of the Madison Museum of Contemporary Art, so that the 48th Annual ART FAIR ON THE SQUARE may occur.
- This matter was Return to Lead with the Recommendation for Approval to the STREET USE STAFF TEAM. The motion passed.**
- 5d      [03225](#)      To authorize the Madison Museum of Contemporary Art, as sponsor of the 48th Annual ART FAIR ON THE SQUARE, EXCLUSIVE RIGHTS to select vendors, salespersons, vending sites and performers for the duration of this special event, 6:00 p.m. July 7 to 9:00 p.m. July 9, 2006, within the perimeter of the area, defined in the companion resolution, involved in the event.
- This matter was Return to Lead with the Recommendation for Approval to the STREET USE STAFF TEAM. The motion passed.**
- 5e      [03226](#)      To SUSPEND the handcrafted goods, personally prepared food vending restrictions and INVALIDATE certain Mall/Concourse vending licenses from 6:00 p.m. July 7, to 9:00 p.m. July 9, 2006 on the 200 block of Martin Luther King, Jr. Blvd. for the benefit of WI Alliance of Artists & Craftspeople, so that ART FAIR OFF THE SQUARE may occur.
- This matter was Return to Lead with the Recommendation for Approval to the STREET USE STAFF TEAM. The motion passed.**
- 5f      [03227](#)      To authorize the WI Alliance of Artists and Craftspeople, as sponsor of the ART FAIR OFF THE SQUARE, EXCLUSIVE rights to select vendors, salespersons, vending sites and performers for the duration of the ART FAIR OFF THE SQUARE, from 6:00 p.m. July 7 to 9:00 p.m. July 9, 2006 on the 200 block of Martin Luther King Jr. Blvd.
- This matter was Return to Lead with the Recommendation for Approval to the STREET USE STAFF TEAM. The motion passed.**

- 5g      [03228](#)      To SUSPEND the handcrafted goods, personally prepared food vending restrictions and INVALIDATE Mall/Concourse vending licenses on July 14, 15 and 16, 2006 in the areas specified below for the benefit of the Greater State St . Business Association (GSSBA), so that MAXWELL ST. DAYS may occur.
- This matter was Return to Lead with the Recommendation for Approval to the STREET USE STAFF TEAM. The motion passed.**
- 5h      [03229](#)      To authorize the Greater State Street Business Association (GSSBA), as sponsor of MAXWELL ST. DAYS, EXCLUSIVE rights to select vendors, salespersons, vending sites and performers for the duration of MAXWELL ST. DAYS, July 14, 15 & 16, 2006, within the perimeter of the area involved in the event.
- This matter was Return to Lead with the Recommendation for Approval to the STREET USE STAFF TEAM. The motion passed.**
- 5i      [03230](#)      To SUSPEND the handcrafted goods and personally prepared food vending restrictions on August 10, 17, 24 and 31, 2005 during the Jazz @ 5 concert series and authorizing Jazz @ 5 Inc., as sponsor of the special event, to select vendors, vending sites and performers within the 100 block of State St. for the duration of the special event.
- This matter was Return to Lead with the Recommendation for Approval to the STREET USE STAFF TEAM. The motion passed.**
- 5j      [03231](#)      To SUSPEND the handcrafted goods, personally prepared food vending restrictions and INVALIDATE certain Mall/Concourse vending licenses from 1:00 p.m. September 2, 2006 to 11:59 p.m. on September 3, 2006 in the areas specified below for the benefit of Madison Festivals Inc., so that TASTE OF MADISON may occur.
- This matter was Return to Lead with the Recommendation for Approval to the STREET USE STAFF TEAM. The motion passed.**
- 5k      [03232](#)      To authorize Madison Festivals Inc., as sponsor of the TASTE OF MADISON, EXCLUSIVE rights to select vendors, salespersons, vending sites and performers for the duration of the TASTE OF MADISON, from 1:00 p.m. September 2, 2006 to 11:59 p.m. on September 3, 2006, within the perimeter of the area involved in the event.
- This matter was Return to Lead with the Recommendation for Approval to the STREET USE STAFF TEAM. The motion passed.**
- 5l      [03233](#)      To SUSPEND the handcrafted goods and personally prepared food vending restrictions Saturday, September 16, 2006 during the Food for Thought Festival and authorizing the Dane County REAP Food Group, as sponsor of the event, to select vendors, vending sites and performers for the duration of the event on the 100 block of Martin Luther King, Jr. Blvd.
- This matter was Return to Lead with the Recommendation for Approval to the STREET USE STAFF TEAM. The motion passed.**

5m      [02806](#)      Authorizing the adoption of amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to declare that CD's are not handcrafted goods for purposes of arts and crafts vending, to change the vehicle loading times for food carts on the Mall/Concourse and to require a 10-gallon minimum trash can for Mall/Concourse food vendors.

**Housein-Salaita made the argument that CD's could now be handcrafted by the musician who had written and recorded his/her original music. Hansen acknowledged that the laws had been written years before CD's had come into use but expressed concern about how to proceed with consistent enforcement. It might be difficult to determine whether or not CD's had been "locally produced" even if the artist was local. Housein-Salaita felt that local artists should be given the benefit of the doubt.**

**Verveer moved and Thomas seconded that locally produced CD's should henceforth be considered handcrafted. Although Lee was opposed, the motion passed.**

5n      [02874](#)      Amending Section 9.13(6)(j)1.a. of the Madison General Ordinances to allow Merchant Vendors to display merchandise on the sidewalks on certain federal holidays.

**Thomas moved and Verveer seconded that this item be approved. The motion passed.**

5o      [02875](#)      Creating Sections 9.13(4)(t) and (u) to establish city-wide dimensions for food vending sites and to require that all food vendors provide a trash receptacle of at least 10 (ten) gallons or larger within their vending site.

**Thomas moved and Lee seconded that this item be approved. The motion passed**

5p      **03243**

**Hansen had added this item to the agenda for the information of the VOC, although the Common Council had already passed it.**

## 6      **Announcements**

There were none.

## 7      **Adjournment**

**Housein-Salaita moved and Lee seconded that the meeting be adjourned. The motion passed. Schenkel adjourned the meeting at 6:20 p.m. The next meeting of the Vending Oversight Committee is scheduled for May 31, 2006, 5 p.m., Madison Municipal Building, 215 Martin Luther King, Jr. Blvd., Parks Office large Conference Room, Room 120.**