



City of Madison

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

Wednesday, December 2, 2009

5:00 PM

215 Martin Luther King, Jr. Blvd.
Rm. LL130 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

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

Present: 8 -

Michael E. Verveer; Thuy Pham-Remmele; Rosemary Lee; Karen A. Foxgrover; Toriana T. Pettaway; Sara J. Richards; Austin E. McClendon and Sean Lee

Absent: 1 -

Hawk Schenkel

APPROVAL OF MINUTES

Hansen pointed out some changes in word usage suggested by Assistant City Attorney Lara Mainella. Changes noted, Lee moved and Richards seconded that the minutes be approved. The motion passed.

PUBLIC COMMENT

There were no speakers who wished to speak on topics not on the agenda. The following did speak on specific agenda items and their comments coincided with the item numbers shown in parentheses before their names: (1) Ruth Allen, (4) Ald. Paul Skidmore, District 9 and (10) Special Assistant to the UW Chancellor Dawn Crim and UW Police Officer Dale Burke. Their comments are noted below.

NEW BUSINESS

1. DISCUSSION ITEM: Late Night Vending

Licensed Late Night Vendor Ruth Allen ("Ruthie's Chili Spot") expressed optimism about the large food carts being confined to the 700 block of State Street (a.k.a. The Library Mall) and allowing only the smaller push-carts to operate on the three other Late Night Vending sites. She had not yet opened for business and was not working in any food cart. She was the only Late Night Vendor to attend the meeting, although all currently licensed Late Night Vendors had been invited. Pham-Remmele thanked Allen for attending and sharing her thoughts.

Verveer moved and Lee seconded that this item be referred to a future VOC meeting. The motion passed.

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 committee's recommendation had already been sent to the Common Council so there was no further discussion.

3. [16297](#)

SUBSTITUTE - 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(4)(b) regarding the application deadlines; amending Sec. 10.056(5) regarding the street use permit application procedure, clarifying references to vending, and to create an administrative approval for small block parties; and amending Sec. 10.056(8)(b) of the Madison General Ordinances regarding insurance requirements for Street Use Permits.

Sponsors: Michael E. Verveer

Attachments: [Version 1](#)

Verveer pointed out that this was a substitute amendment because a few changes had occurred in the language since the VOC had originally recommended it to the Common Council. Some discussion followed about those changes. The committee agreed that their recommendation stood.

4. [16367](#)

Amending Sec. 9.13(1)(b)2. of the Madison General Ordinances to repeal the sunset provision and to make permanent the ban on vendor sales adjacent to schools.

Sponsors: Satya V. Rhodes-Conway and Shiva Bidar-Sielaff

Attachments: [Draft Floor Intro](#)
[Version 1](#)

Adopt Substitute

Ald. Paul Skidmore contributed his thoughts about vending near Madison schools, providing the history of the Madison police and Madison Metropolitan School District's response to the appearance of a food vendor on the terrace in front of Memorial High School. He felt that it was not specifically a vending issue but a safety issue. Pham-Remmele agreed. R. Lee disagreed, saying that the motivation behind this item included scare tactics and racism. Pettaway disagreed that racism was involved, adding that, as the mother of a school aged child, she wanted everything possible done to keep her child safe.

Pham-Remmele mentioned that vendors sometimes appeared somewhere and it was not always certain if they were qualified to sell and just what they might be selling. Hansen said that all vendors were required to have their licenses prominently displayed and that anyone could look at them or ask to see them if they were not obvious. Hansen also suggested that the police could be engaged for such a purpose.

Skidmore said that he had spoken to the MATC branch across Gammon Rd and that appeared to be an option for food vendors who might be invited to park in the MATC parking lot. Hansen reminded him that the MATC parking lot was private property, which took the matter outside the VOC purview. Vending on private property became a Zoning matter. The type of merchandise the vendor sold on the commercially zoned private property would have to be similar to products sold by MATC. Hansen, who was in favor of this possibility as a safe alternative, said that negotiations might involve the Zoning Unit and the Zoning Board of Review.

Verveer wondered if the item was too broad and if they should add some specifics, such as allowing vendors to seek permission for the schools to vend nearby and to consider the type of streets involved and posted speed limits. Mainella agreed to draft appropriate language although she did have some questions about what was realistically possible.

Verveer made a motion to recommend adoption of a Substitute ordinance, seconded by R. Lee, and the motion was considered "friendly" by Ald. Skidmore, as follows:

1. Add a procedure for vendors to request school district permission to vend near a school.
2. Limit the prohibition to streets adjacent to schools that are considered "busy" streets, with instructions to the City Attorney to draft appropriate language to describe those streets in consultation with the Traffic Engineer.

The motion passed. Alders. Pham-Remmele, Skidmore and Verveer all agreed

to be sponsors of the substitute ordinance as described by Verveer.

Ayes: 4 -

Michael E. Verveer; Thuy Pham-Remmele; Toriana T. Pettaway and Sara J. Richards

Noes: 1 -

Rosemary Lee

Abstentions: 1 -

Karen A. Foxgrover

Non Voting: 1 -

Austin E. McClendon and Sean Lee

16708

Sidewalk Food Vendors in Madison Schools by Bruce Dahmen and Luis Yudice

Attachments: [SW Food Vendors in Madison Schools 12-2-09.pdf](#)

This document was not discussed.

5. **16591**

Amending Sec. 9.13(4)(j) regarding the appearance of vending sites and equipment; amending 9.13(4)(s) regarding equipment and safety rules for non-mall/concourse food vendors; repealing and recreating sec. 9.13(4)(t) and creating secs. 9.13(6)(l)5. and 9.13(7)(h)6. to clarify that vending site dimensions are subject to change due to construction; and repealing sec. 9.13(4)(u).

Sponsors: Michael E. Verveer and Thuy Pham-Remmele

RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER

Ayes: 6 -

Thuy Pham-Remmele; Rosemary Lee; Karen A. Foxgrover; Toriana T. Pettaway; Sara J. Richards and Michael E. Verveer

Non Voting: 1 -

Austin E. McClendon and Sean Lee

10. [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](#)

At Verveer's suggestion, this item was taken out of order because there were two UW representatives present who wished to speak, Dawn Crim and Dale Burke. Crim spoke about the University's far reaching efforts to create the best possible aesthetic for the University of Wisconsin and its environment. Crim circulated some photos of examples of UW public amenities, such as benches, bus shelters, and trash receptacles, all designed to create a cohesive and beautiful look. She said that she and Hansen had been discussing street vending for months and had come to agreements on some locations for vendors. Corners with major pedestrian and vehicular congestion had been eliminated from consideration, while sites near indoor food services were also to be generally avoided, they felt. Burke primarily addressed issues of safety and pedestrian density. Crim also circulated photos of University trash receptacles overflowing with rubbish from a food vendor that occupied the corner of University Ave and Charter St. That vendor was also leaving its cart there twenty-four hours a day. The new vending area requirements suggested by Hansen would preclude that possibility.

Hansen agreed that University-area street vending by City-licensed vendors should contribute to the common aesthetics of the City and the University, that vendors must be placed in locations where they would make money while the locations themselves served the desires of all concerned. Lee was upset that the University felt that it was entitled to tell the City where it could locate vendors, felt the number of sites were limiting to small business, and that UW food prices were significantly higher than street food vendor prices. Crim said that they had attended the meeting to share the University's thoughts about this process. Burke said that the University did not expect to have final say, just wished to be included in the conversation.

There was discussion about the perimeter proposed for this area that Hansen had set forth on the map he had distributed. It was agreed that the perimeter was appropriate without any changes. There was discussion about suitable vending hours. Pham-Remmele expressed concern about staff's ability to manage this new group of vendors with more extended hours. Hansen explained that street vending could occur twenty-four hours a day and that, even if he had an assistant, it was already becoming impossible to comprehensively cover all street vending activities. He referred to his staff report, which had included all of the businesses and individuals licensed for street vending activities during 2009, a long list.

Ultimately Hansen, Crim, and the committee agreed on eight sites for street vendors within the tentatively called "University Avenue Street Vending Area". Hansen said that this was a place to start and that appropriate adjustments could be made in the future. Other possible names for the area were considered, including Hansen's suggestion, the "Central Street Vending Area".

6. **DISCUSSION ITEM: Make consistent the seniority procedures for the vending categories that have them.**

Hansen said that he could speak to Mainella about this item and they could then present language for the committee to consider. The committee was satisfied with this and agreed that this item be referred to a future meeting.

7. **DISCUSSION ITEM: Planning for the future. Avoiding a street vending version of urban sprawl. Establishing maximum numbers of vendors in some or all street vending categories, with waiting list.**

Hansen explained that this item was about stepping back and taking a dispassionate look at what the future of street vending should be, but that he had no specific presentation or recommendations at this time. The committee agreed that this item could be referred to a future meeting.

8. **DISCUSSION ITEM: Establish Regent-Monroe Street Vending Area to be used by vendors with basic Street Vendor License. Designate and mark specific sites for used on home football games of the University of Wisconsin. Establish maximum numbers of vendors, with waiting list. Create map of area.**

Hansen explained that he felt the time had come to exert some controls on street vending outside the Camp Randall High Density Vending Area on UW home football games. The map and further details were in progress. The committee agreed to refer this item to a future meeting.

9. **DISCUSSION ITEM: Considering requiring background checks for street vendor applicants.**

Lee immediately voiced a list of questions directed at Hansen regarding this matter. Hansen reminded her that this was a discussion item and that he had ready no answers for her. The committee agreed to refer this item to a future meeting.

ANNOUNCEMENTS

There were none.

ADJOURNMENT

Verveer moved and Pham-Remmele seconded that the meeting be adjourned. The motion passed. Foxgrover adjourned the meeting at 9:04 p.m. The next Vending Oversight Committee meeting is scheduled for Wednesday, January 27, 2010, 5 p.m., Madison Municipal Building, Room 313.