



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Approved BOARD OF EDUCATION - COMMON COUNCIL LIAISON COMMITTEE

Wednesday, November 18, 2009

5:30 PM

Room 103A, City-County Building
(City Clerk's office Conference Room)
210 Martin Luther King, Jr. Boulevard

Call to Order/Roll Call

Present: 4 -
Satya V. Rhodes-Conway; Steve Hartley; Ed Hughes and Arlene Silveira

Excused: 2 -
Joel Plant and Shiva Bidar-Sielaff

Others Present: Marj Passman (MMSD School Board Member), Matt Mikolajewski (Office of Business Resources), Martha Olsen (East High School), Ron Lott (MMSD, School Improvement Planning), Amanda White (Bicycle Federation of Wisconsin), Brian Conger (Bicycle Federation of Wisconsin Statewide Outreach Coordinator), Bryant (UW Political Science student)

Ald. Satya Rhodes-Conway, chair called the meeting to order at 5:32 p.m.

Approval of Minutes

A motion was made by Arlene Silveira, seconded by Ed Hughes, to approve the minutes from the September 16, 2009 meeting. The motion passed by voice vote/other.

Public Comment

There was no public comment.

16492

On-Line Board of Education Campaign Finance Reports

Rhodes-Conway stated that the campaign finance reports now appear on the City Clerk's Website. The members extended their thanks to Maribeth Witzel-Behl, City Clerk, for resolving the issue.

Bidar-Sielaff arrived: 5:39 p.m.

- Present:** 5 -
Shiva Bidar-Sielaff; Satya V. Rhodes-Conway; Steve Hartley; Ed Hughes
and Arlene Silveira
- Excused:** 1 -
Joel Plant

16003

Update on Safe Routes to Schools

Lott said that when they were last here in July or August, they had hope and a bit of a plan. Conger represents realization of that plan, to help them move forward in the pursuit of a Safe Routes to School (SRTS) comprehensive plan and funding through the grant.

White said the Bicycle Federation is thrilled to be working with the Madison Metropolitan School District (MMSD), the City and key community groups to collaborate. They would like to have a national model of success for the district-wide SRTS program. A lot of work has already been done at some schools, an advisory committee has been formed, and the groundwork on these individual efforts has been laid. The goal is to look at the SRTS plan on a district-wide level, so there can be a successful SRTS program in place at every school in the next five years. The first steps in the process are writing a SRTS plan, so that when the federal funding cycle comes around in the spring, they are ready to apply for funds.

(Ald. Shiva Bidar-Sielaff arrived at this time)

White went on to say that then, in the fall, they can begin to implement SRTS for the district. While writing the plan, four pilot schools will demonstrate the benefits and opportunities that are available at the individual school level, showcasing a number of elements of the plan that's being written.

Silveira asked which schools will be the pilot schools. Conger replied that they're still in the process of confirming with the principals. They've tried to think strategically and to cover the full K – 12 geographic spectra. Once the four schools are confirmed, they will make a formal media announcement. They hope to finish the comprehensive plan by early summer and have it approved by the end of the summer.

Lott said the primary purpose of writing the SRTS grant is to create Conger's successors, two people who will be built into the plan and will work with cohorts of schools across the subsequent years. The plan is designed to provide sustainability.

White said the plan will lay the foundation and framework for the people after Conger to go to each individual school, assess the school, have a work action plan for that school, and then help the school implement the action plan. Each school's plan will be very individualized. That's the work that will be happening in 2010 and 2011 school years. Conger added that a district-wide plan is a prerequisite to be eligible for funding.

Bidar-Sielaff asked if Conger is a MMSD employee. Conger replied that his official status is "volunteer."

White said the Bicycle Federation has raised the funding for this initial planning work through the private sector. There is some fundraising still to do, but part of what they've gotten has been allocated so Conger could begin working on the plan right away. Lott said they anticipate the formal announcement will be made in early to mid-December. At that time, they will be more transparent about who the funders are and which schools will be the pilot schools.

Bidar-Sielaff asked if part of plan is to engage neighborhood associations. Conger replied that when they get to the point where they're assessing each school, it will take the neighborhood and the entire community to make the program a true success, so that's when they'll be reaching out to the neighborhood associations. He added that once they know which schools will be in the pilot program, they'll reach out to those neighborhood associations at that time.

White said the Bicycle Federation has put together a Platinum Bike map for the city of Madison. It illustrates what the dream is for Madison, what all the connections are, and it does include the schools.

Rhodes-Conway asked when the committee should ask them back for the next update. White said maybe February, adding that they'll make sure the committee is up-to-date on the formal announcement to the media.

Please note: The committee agreed to table Legislative File No. 16367 until Ald. Shiva Bidar-Sielaff arrived, and they took Legislative File No. 16492 and Legislative File No. 16003 out of order. Bidar-Sielaff arrived at 5:39 p.m., during discussion of Legislative File No. 16003. When they were finished with this agenda item, at 5:51 p.m., the committee took Legislative File No. 16367 off the table.

REFERRAL FROM COMMON COUNCIL

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](#)
[Version 2](#)
[12-15-09 item 67 registration forms.pdf](#)
[Handout: 11/18/09 Board of Ed-CC Liaison Mtg](#)

Rhodes-Conway explained that this item – the ban on vendor sales adjacent to schools, with no sunset – was introduced and adopted at the same Common Council meeting. She and Bidar-Sielaff also introduced a "placeholder" item that would repeal the sunset provision as a way to ensure a discussion would happen at the Board of Education-Common Council Liaison, Vending Oversight, Public Safety Review, and Pedestrian/Bicycle/Motor Vehicle

Committees before going back to the Common Council.

Mikolajewski said there are three broad categories of licenses:

1. A general street vending license, which allows street vendors to vend on any public right-of-way within the City of Madison, with a couple of exceptions relative to parks and with the possible exception that's being considered tonight.
2. A license for some specific areas of the city designated for special restrictions relative to vending. Right now, there's one, and that's the Mall Concourse, where there is an actual competition and street vendors vie for the best space.
3. A license for late-night (9:00 p.m. - 3:00 a.m.) street vending at certain locations, primarily the Library Mall and a couple of other locations downtown where vendors can catch the late night bar crowd.

Olsen said there was a vendor who showed up on E. Washington Avenue, but she could probably count on one hand the number of students who frequented the cart. This hasn't been a real issue at East High, maybe because it's a little unique in that there's no place for kids to go and receive lunch, except the new PDQ by Demetral. However, because of issues at other schools, she wanted to be part of the discussion.

Hartley handed out "Food Vendors on School Grounds, Administrative Concerns." He said the advantages to students of having vendors near the schools are more food options and convenience. The disadvantages, and the two most significant issues for the MMSD, are safety/traffic congestion and supervision. Two students were hit by cars at the beginning of school year, one on Northport Drive and one on Pflaum Road. Traffic safety is a huge, ongoing issue at every school, including the high schools, where students are driving to and from school and over the noon hour. They've also observed instances where one whole lane of traffic was stopped due to people who were buying from street vendors near Memorial High School. Additionally, supervision will fall on the shoulders of the MMSD, and it will cost them resources to supervise the area. They work very hard to control people who shouldn't be at the schools from being in the parking lots or on school grounds. Street vending gives people a natural excuse for being there when, in reality, they're there for another purpose.

Rhodes-Conway observed that there is an interesting contrast between East High School and the other high schools. It raises the question of whether there is some massive, unmet market at Memorial. Not just from the students' point of view, but if other people are stopping on the street to get food. Olsen replied that apparently they can get a huge amount of french fries for \$1. Mikolajewski added that the vendor at Memorial High School is Jin's Chicken and Fish, a very popular street vendor. Hartley said Jin's cart also has flashing lights and video. He believes the legal term is "attractive nuisance."

Olsen said Memorial High School has more options than East High School, for example, the food court at West Towne Mall. The students might be more used to running out for lunch. She supposes it's probably the same at West High School, that the students are more used to going places for lunch.

Hughes asked if it would it be possible to have the ordinance remain in place and have Jin's move across the street. Mikolajewski replied that, according to

the ordinance, vendors can't be within the right-of-way that's directly adjacent to school property or immediately across the street from school property. However, vendors could go up the street on Gammon Road or Mineral Point Road.

Rhodes-Conway stated that Jin's said at the Common Council meeting that they'd looked for other places, but there was an issue with the size of the cart and the size of the terrace. Hartley said the MMSD doesn't care if the vendor is down the street, it's the congestion zone around the schools that's the problem.

Hartley added that the MMSD is also concerned with the number of vendors and how that will be controlled. If one is allowed, can there then be five? Rhodes-Conway said that, from the vendors' business point of view, it makes a lot of sense to set up near a school. Hartley said they're taking advantage of a captive audience. Rhodes-Conway said they already target UW students and people who work in offices on the square, high schools are the next logical place to go.

Rhodes-Conway said it sounds like the issue is not just the presence of the vendor – the presence of the vendor appears to amplify the issues that are already there: traffic safety, behavior issues, outsiders having an excuse to be on school grounds, etc. She asked Mikolajewski if there is a possibility under ordinance or policy to think about a special zone that deals with schools. Mikolajewski replied that there likely would be a possibility to designate either specific spaces or zones around schools where vending would be allowed. For example, in the Mall Concourse vending area, there are physical, numbered spaces assigned to vendors. When a vendor gets a Mall Concourse vending license, he or she essentially has a "lease" on that space of public property. For late night vending, there are designated zones. The ordinance states that between 9:00 p.m. and 3:00 a.m. vendors can only vend within those designated areas. It's not a specific assigned space, it's first come, first served. He said there's a discussion at the Vending Oversight Committee right now about creating a vending zone classification similar to the Mall Concourse vending zone throughout the UW campus.

Hartley asked about hours of operation, noting that schools are hugely busy on weekends. Mikolajewski replied that he can envision that there would be times when schools wouldn't have vendors there, for example when school buses are loading at the end of the day. The ordinance could specify that vendors have to be gone by whatever time the school would choose to designate.

Hartley said now it's back to the issue of supervision and monitoring. Rhodes-Conway said the City does have staff that oversees the vendors. And, if a problem develops, there's recourse through the licensing mechanism.

Mikolajewski said the Mall Concourse vending area is very close to City offices downtown. When you consider the travel distance to go to Memorial High School or LaFollette High School, if something were to happen on any given day, by the time the message got relayed and City staff got out there, it might be over. In terms of "eyes on the vendor" for any particular day, Hartley is correct, it could be problematic. However, as Rhodes-Conway indicated, if it's a recurrent problem with the vendor, the Vending Oversight Committee and vending staff could step in.

Hartley said he still doesn't know how to get around the MMSD's concerns regarding student supervision and traffic issues. Rhodes-Conway asked if there are times and places where vending would be all right, or should they be looking at an across the board ban? Hartley said the key traffic times are clearly first thing in the morning, midday (lunch at the high schools) and the end of the day. Those are the times when the traffic is awful. And, if the vendor's still there after the noon hour, the students are skipping out on study hall to go get their \$1 french fries and bring them back in to the building. It's a situation that causes a problem. The students don't run across to the mall at 1:00 and do that. He said he's trying to think of a situation where vendors wouldn't be an attractive nuisance, where they wouldn't attract groups of kids to a place they shouldn't be, and he couldn't think of one.

Bidar-Sielaff said she assumes this issue is not unique to Madison. She wondered if there are best practices of how schools in other urban areas have handled this issue. Has this issue of balancing student safety and supervision with the needs of small business been addressed in other municipalities? Miklojewski said that is something that could be researched. He said that Madison has pushcart vendors, like the gentleman in front of the Willy Street Coop. On the other hand, Jin's is an actual vending cart, where the food is prepared on the spot. Those cost more to operate and more to license than a pushcart. Business at schools alone couldn't support a vending cart unless they were operating somewhere else, too.

Bidar-Sielaff said taco carts in Los Angeles move around, they don't stay in one spot. She said she was trying to figure out whether there should be a blanket policy for all school areas, whether there should be a policy that's more selective, or whether the process should look at different elements. For example, maybe Memorial High School would be judged to have too much traffic to allow vending.

If the issue is high traffic volume streets and adjacent activity, Rhodes-Conway asked if the City could regulate specific to that. Hartley pointed out that there are potential litter issues, and neighbors might not like vendors and their student customers on residential streets. Mikolajewski said the City could look into what other large cities do. He added that, in terms of actual physical location, Madison allows street vendors to vend from parking spaces. If a vendor is in a metered space that allows for two-hour parking and if the vendor plugs the meter, he or she is technically allowed to vend there. One of the issues with Memorial High School is that there isn't street parking. Thus, the vendors have squeezed onto the terrace. He said that if there was a desire, there could be an opportunity to allow vending from parking spaces on adjacent streets. With the support of Board of Public Works and the Common Council, there could be designated vending spaces on Tree Lane, for example.

Silveira told Hartley she is glad he brought the issue here, adding that she thinks it was helpful to have the discussion. When she first heard about it, she wasn't in agreement with the administration. She thought it was good to get healthy food to the schools and let the students have options. She thanked Hartley for pulling all of the information together, because she was not aware of many of the issues and had not considered some of the points. She acknowledged that it is a concern, and said that in talking to the people at Memorial High School, she has learned they have 30-40 students out there at

the vending cart.

Olsen said that while it's not a big issue at East High School, she is concerned that if they don't do something consistent throughout all the schools, the vendors will find another school to go to. Silveira agreed that they have to be consistent throughout all the schools or the vendors will just move around. Mikolajewski added that as word gets out to vending community, they'll start seeing more vendors around the schools.

Rhodes-Conway stated that the current sunset date is December 10, 2009. This proposal would remove the sunset and make the ban permanent. The committee needs either to vote on that, in which case their recommendation will go back to the Vending Oversight Committee, or they need to refer the item or come up with another proposal.

Bidar-Sielaff asked if the School Board is going to hear about this and take any official action. Hartley said they are not. Silveira explained that school safety and supervision is the domain of the administration. The Board has seen Steve's information and was kept up-to-date on the discussion.

Rhodes-Conway thanked Matt Mikolajewski and Martha Olsen for attending tonight's meeting.

A motion was made by Hartley, seconded by Bidar-Sielaff, to Return to Lead with the Recommendation for Approval to the VENDING OVERSIGHT COMMITTEE. The motion passed by voice vote/other.

DISCUSSION ITEMS

[16324](#)

Office of Community Services: Program Area Goals & Priorities Report

Rhodes-Conway said that at Bill Clingan's request she would entertain a motion to refer this item to the committee's next meeting.

A motion was made by Ald. Shiva Bidar-Sielaff, seconded by Arlene Silveira, to rerefer to the BOARD OF EDUCATION - COMMON COUNCIL LIAISON COMMITTEE. The motion passed by voice vote/other.

[16325](#)

Update on MMSD Stategic Planning Process

Rhodes-Conway asked Hartley if there is anything to report on the strategic plan, and he replied that there is not. Rhodes-Conway asked if they should keep it on the agenda for the next meeting, and he replied that they should.

[16326](#)

Update on Meadowood Neighborhood Center - Joel Plant, Mayoral Assistant

Rhodes-Conway said that on the City side, the update is that at the Common Council meeting of November 17, 2009, the Council included funding from Community Development Block Grant for the Meadowood Neighborhood Center. The lease renewal was also introduced from the Council floor at the same meeting. She said she thinks everyone knows the City will be taking on the lease from the MMSD, and she anticipates that issue coming back at the next Common Council meeting.

Silveira asked if Alder Thuy Pham-Remmele supports that, and Rhodes-Conway replied that, at this moment, she does.

[16328](#)

Discussion on Future Meeting Dates (Third Wednesdays of the Month @ 5:30 p.m.)

Attachments: [TENTATIVE 2009-2010 Board of Education-CC Liaison Cmt. Meeting Dates](#)

Rhodes-Conway asked the members to look at the tentative future meeting dates included in their packets. The proposed schedule follows the pattern of being the third Wednesday of each month at 5:30 p.m. She pointed out that in February the third Wednesday is Ash Wednesday, in March it is St. Patrick's Day, and in May it is Shavuot. She said that none of these are holidays on which the City can't meet, however she wanted to see if the MMSD has a different policy or if any of the members had a personal preference. None of the members indicated any problem with the proposed dates.

Silveira moved confirmation of the 2009-2010 schedule as written, seconded by Hughes. The motion passed unanimously.

[16327](#)

Future agenda items - (see attached updated listing from 9/16/09 meeting)

Attachments: [Updated Issues List for Board of Ed/CC Liaison Committee 9/16/09](#)

Rhodes-Conway listed the following as items for the committees December 2009 meeting:

1. Uninsured children and access to primary care
2. Update on MMSD Service Area Boundaries
3. Update on MMSD & City 2010 Budgets
4. Office of Community Services: Program Area Goals and Priorities Report
5. Update on MMSD Strategic Planning Process

She asked the members if they had anything else for the agenda or if there was anything that needed to be moved around. None of the members indicated any additional items or changes.

Hartley and Hughes both said they would not be available to attend the December 16, 2009, meeting. Rhodes-Conway suggested rescheduling the

December meeting or postponing it until January 2010. Bidar-Sielaff said she thinks it might be difficult to reschedule in December. Rhodes-Conway asked the members if there was any objection to canceling the December meeting. There was none. She summarized that the December 2009 would be canceled, the December agenda would be moved into January, and the January agenda would be moved into February. She asked if there were any other business the members would like to bring forward today. There was none.

Adjournment

A motion was made by Ald. Shiva Bidar-Sielaff, seconded by Arlene Silveira, to adjourn. The motion passed by voice vote/other. The meeting was adjourned at 6:41 p.m.

Next Meeting Date: Wednesday, January 20, 2010, at 5:30 p.m., Room 103A, City-County Building.