



# City of Madison

City of Madison  
Madison, WI 53703  
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## Meeting Minutes - Approved DOWNTOWN COORDINATING COMMITTEE

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Thursday, November 29, 2018

5:30 PM

210 Martin Luther King, Jr. Blvd.  
Room 108 (City-County Building)

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### CALL TO ORDER / ROLL CALL

**Present:** 8 - Michael E. Verveer; Ledell Zellers; Gregory O. Frank; Adam J. Plotkin; Ted Crabb; David Ahrens; Sandra J. Torkildson and Al Martin  
**Absent:** 2 - Davy Mayer and Lori J. Henn

### APPROVAL OF MINUTES

A motion was made by Martin, seconded by Verveer, to Approve the October 18, 2018 Minutes. The motion passed by voice vote/other.

### PUBLIC COMMENT

None

### DISCLOSURES AND RECUSALS

None

1. [50087](#) Report of Mall Maintenance and Special Events 2018

Chad Hughes, Parks Mall Maintenance gave a brief overview of the winter predations to date.

Verveer said that he has seen many tagged and abandoned bicycles, many with vandalism and severe damage that remain tagged and left on the racks from Freakfest. He asked if Mall staff has talked to the Police Bicycle recovery specialist about them. Torkildson also mentioned one on West Gorham Street that has been there since early summer. Hughes said that his staff also noticed, and was going to reconnect with the MPD this week. He noted that there might be a storage issue.

Verveer also asked about the unusually heavy and unsafe recycling bin by the Blue Velvet lounge. Hughes did not know if that fixed yet, but he would look into it.
2. [53827](#) Issuing a Request for Proposals to solicit innovative and inclusive activation proposals (commerce, programming, etc.) for a business, nonprofit or other entity to implement at the Top of State Area.

**Claire Oleksiak, Parks Division Community Services Manager presented a new idea for the Top of State in regards to programming efforts. She said that she and a small staff team met to discuss if the area could be addressed with a Request for Proposals Process, similar to what was used at Brittingham Park.**

She noted that the request would be quite broad, and still allow for the successful BID programming efforts. The Request would focus on the 2pm-8pm time period.

Ahrens asked about the cost. Cnare said that the cost shown on the draft discussion matrix only showed what additional programming could cost if more was added. The RFP is an alternate strategy; depending upon what types of proposal come in, this process would not cost the City anything.

Crabb suggested that the RFP list the different amenities in the area, such as water and Power.

Frank asked that the City consider adding an outside voice to the selection committee, instead of being comprised by only staff.

Verveer asked about the timeline. Oleksiak said that if approved by Common Council, staff would like to get the RFP out in a matter of a few weeks, so that potential applicants could have at least two months to respond. Oleksiak said that ideally she would like to have someone selected by late march in order to work through contracts and other needed approvals before summer.

Crabb asked that alders refer future approval resolutions to the DCC.

A motion was made by Verveer, seconded by Crabb, to **RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER**. The motion passed by voice vote/other.

3. [51965](#)

Policy Discussion about transforming existing sidewalk cafes using encroachment agreements and/or leases, to a regular sidewalk cafe licenses

Rebecca Cnare, Planning Division, briefly describe that since the Committee last discussed this issue, a Budget amendment to pay for the reconstruction of the remaining altered sidewalk café areas on King, N Hamilton and S Hamilton Streets was approved by the Common Council. This will pay for three café areas to be brought back into alignment with the new policy to have these areas consist of a 60% planted area, and 40% café area that meets ADA accessibility requirements.

Verveer discussed the issue in more detail and outlined the goal of this budget item was to have construction early next spring so that cafes could take advantage of the whole outdoor dining season next year.

Frank said that he has a different view in this, especially with regards to the timing. These restaurants have a business model based upon the outdoor dining square footage that they have used in the past, and to alter it this quickly without giving them any real notice is a huge hit to their businesses. He thinks that these businesses should have been grandfathered in until the business changes hands.

Martin said that businesses know that encroachments are not permanent, and that the city has a right to take it away with only a 10 day notice. The use of the public realm is a privilege, not a right. He added that perhaps the redesign of the café can be improved with these projects.

Ahrens asked if Genna's had paved over its triangle. Verveer said that over time several of these restaurants had paved over their planter areas.

The DCC asked for additional updates once the areas are redesigned.

4. [53818](#)

Creating Section 10.056(2)(f), amending Sections 10.056(6)(a), (b), (d), (i), (o), 10.056(11), and 10.056(12)(a) of the Madison General Ordinances creating and modifying the standards of issuance for street use permits, creating the Downtown Zone and authorizing policies for permits in that zone, and allowing a permit to be cancelled prior to an event in case of emergency.

Deb Archer, Greater Madison Visitors' and Convention Bureau, described a letter that the GMCVB sent to the Committee about their concerns regarding this new policy. She said that the GMCVB understands that there are issues and concerns that need to be addressed, but sees some consequences and losses of important events.

Tiffany Kenney, Madison Central Business Improvement District, wanted to express concerns about some of the unknowns on restrictions to some long-standing events, like Maxwell Street Days, and some of the new events that the BID has been promoting, such as the Night Market, which is partially sponsored by the City through its support of the programming coordinator. She also talked about her hope to eventually expand the Night Market to parts of State Street.

Verveer said that he has always thought that the BID's knowledge would be helpful as a member of the Street Use Staff Commission, even as a non-voting technical advisor. Kenney said that her knowledge of local business's needs and concerns, i.e. dumpster and refrigerator truck placement etc. might help bridge issues between events and brick-and-mortar business that sometimes cause tension. She often helps figure some of these logistic when she attends Commission meetings, even just as an audience participant.

Ryan Cressway, Jamie Patrick and Lucas Mellay all registered and were available to answer questions.

Ryan Reynolds, Race Day Events, registered in opposition, and said that Race Day events owns and operates many of the events that will be affected by the new policy. He said that it is a good problem that so many people want to old events in our downtown. He doesn't oppose the whole thing, just parts of it and suggested that revisions could make it better for everyone.

Torkildson asked if there are ways to change the events to make them still allowable under these new rules. Reynolds said that they have already altered some race times and routes, but that sometimes conflicts, like the farmers' market make it logistically impossible to run a race on Saturday before 8am, as that is when the farmers are loading in their products.

Zellers said that she has heard from some constituents that would like to expand the downtown zone to the Yahara River. Reynolds asked if that was due to traffic interruption. Zellers said yes. Reynolds was concerned that the zone would keep expanding when people complained and would push out other events as well.

Alex Murray, Boys and Girls Club, said that the proceeds of many of these events and runs benefit many of the non-profits in the area, such as their relationship with the Shamrock Shuffle. The run is hugely important to their bottom line, and he is concerned about less people wanting to run in an event if it is not held downtown.

Torkildson asked how many of these events raise money for non-profits. Kellie Lamberty, Parks Division, said that most of the runs have some kind of connection to charitable causes.

Kellie Lamberty, Parks; Lara Mainella, City Attorney's Office; Tom Mohr, Traffic Engineering; Brian Chaney-Austin, Madison Police Department; and Katie Crawley, Mayor's Office, were all present as staff members who have worked on some of the logistics of the new

ordinance and policy change.

Mainella said that staff resources to manage the growing number of events has been a concern for many years. Mainella added that there are also many spontaneous events, like protests, that exist outside of the Street Use Application process that also stretch staff resources. A Racial Equity and Social Justice Initiative (RESJI) analysis was requested to look at the implication of these concerns. Staff held a series of public meetings for both event stakeholders and the public to get feedback. The recent flooding events also made staff aware about the need to be able to cancel events due to unforeseen circumstances.

Zellers asked about the difference between the ordinance change and the attached policies. Mainella noted that this is only Phase I, and the ordinance is meant to be a quick fix to some of the main concerns, and allows the Street Use Commission to make their own policies. The Downtown Zone policy is an example of that.

Zellers asked about their thoughts on expansion to the Yahara River. Lamberty said that any event that starts, stops or goes through the Downtown Zone would have to abide by these new policies. Many events that partially use the Isthmus area also use downtown in some way. Lamberty added that this ordinance and policies codify many of the issues that the Commission already looks at.

Verveer said that he generally thinks that policy changes like this should be reviewed by the Common Council. He is concerned that these issues are only reviewed within a staff bubble, as the Commission is comprised entirely by staff. Mainella said that the Commission is a publically noticed body and is open to the public, adding that their research on other cities showed that Madison's events approval process is much more public than their peer cities. Verveer said that meeting on Wednesday at 10:30 am is not very public friendly. Mainella said that adding Council approval would also make the policy less nimble and could add a layer of politics to a lot of First Amendment type issues and events.

Verveer said that many events also should have better aldermanic notification. He added that the loss of Friday Maxwell Street Days could be devastating to that event, and that he does not want to sponsor an ordinance or policy change that would allow such a change. He asked if some legacy events be grandfathered in to the policy. Mainella said that the staff considered legacy events as an idea, but didn't know where to draw the line. Lt. Chaney-Austin said grandfathering in existing events might close the door to communities of color, a growing demographic of the city. He spoke to a group that wanted to hold a hip-hop event but could not find an open date due to some many existing events.

Martin said that we should be careful and balance the users, noting that there is a sense of pride or locating an event downtown. Verveer said that the UW tried different routes for their Homecoming Parades, but ones held only on campus were not as successful. Crabb asked if the Greater State Street Business Association (GSSBA) knows about this, as it relates to Maxwell Street Days. Torkildson said that she does not believe that they know this will affect them, and is concerned about tying our hands in a way that could seriously affect downtown retail health.

Ahrens asked if all previously permitted events could be grandfathered. Mainella said she is concerned about a wholesale grandfathering of events. Zellers said that she believes that Verveer might offer an amendment to have policy changes be reviewed by the Common Council. Would another approach be to have the Downtown Zone policies reviewed by the Downtown Coordinating Committee?

Crabb added that at a minimum, the DCC could be a place for applicants to petition for an appeal if an application is denied. Martin agreed, and said that some grandfathering seems appropriate.

Frank believes that many downtown stakeholders would like to be a part of finding a good solution to these issues, and that more time would help that happen. Verveer says that he would be willing to work on a substitute ordinance amendment.

**A motion was made by Verveer, seconded by Martin, to Re-refer to the December DOWNTOWN COORDINATING COMMITTEE meeting in order to provide time to work on some of the issues raised during their discussion. The motion passed by voice vote/other.**

## **ADJOURNMENT**

**A motion was made by Martin, seconded by Plotkin, to Adjourn at 8 p.m. The motion passed by voice vote/other.**

Upcoming Meeting: December 20, 2018 - Room 108 CCB