

Item 24-0216: Approve the proposed modification to the Central Business District Street Vendors Ordinance

Municipal Services Committee

Mon, Mar 11, 2024 4:30PM

Alderson Katie Van Zeeland (District 5) 05:35

We will move on then to Action Item 24-0216 to approve the proposed modification to the central business district street vendors ordinance. Do we have a motion?

Alderson William Siebers (District 1) 05:51

For the sake of discussion I'll move for approval.

Alderson Katie Van Zeeland (District 5) 05:56

So, we have a motion to approve for the sake of discussion. Do we have a second?

Alderson William Siebers (District 1) 06:03

You can second.

Alderson Katie Van Zeeland (District 5) 06:05

I think I—I'm not going to second. So, we'll let that second fail. But I would do a motion to deny for purposes of discussion.

Alderson Vered Meltzer (District 2) 06:16

I'll second that.

Alderson Katie Van Zeeland (District 5) 06:17

Thank you. So, we have a motion to deny and a second. Who would like to discuss this first? Before we—I think we should probably go over some of the facts listed here with staff and get some questions answered before we go to the public. Who would like to speak on this first? Chief Olson, did you have anything to add?

Police Chief Polly Olson 06:47

I would just like to share that, as you are aware, that we continue to seek strategies to reduce some of the violence that we are experiencing in the downtown area, and one of the areas that we've certainly identified where we need to take a look at is areas where we have large crowds of people congregating at bar time, and this just happens to be in areas where we right now have food trucks. So, after having some discussions internally, and just, again, looking at ways that we can reduce some of the violence that's happening, the thought is to request that the food trucks vacate the downtown CBD prior to bar time. The suggestion is midnight, but certainly that's open to the committee to decide what time would be an acceptable time for them to vacate. We have 20-plus years, as I mentioned at a previous meeting, of disturbances related, again, to the crowds that gather at bar time with, you know, obviously, people being under the influence of alcohol and the greater propensity for violence to occur.

Police Chief Polly Olson 07:57

This is happening more frequently, and, you know, to be fair, it seems to be happening in the 400 and 500 block of West College Avenue where our food trucks like to park and where our rideshares also are present. So, it just right now seems to be a recipe for bad things to happen. So just looking for some solutions to that. Thank you.

Aldersperson Katie Van Zeeland (District 5) 08:22

Thank you. I think I have some concerns about the limitations on the trucks in that area, and I'm wondering if we could look further into perhaps moving the trucks away from the ride share area. I can understand how people waiting for a ride who have had too much to drink, putting them all in one place might be a bad idea. But I'd like to look at some alternatives. Any other discussion? Any other questions? Ideas? Alder Fenton, what microphone do you have?

Aldersperson Denise Fenton (District 6) 08:59

District One. Thank you, Chair. I just have—I'm—obviously we all know that the input from the community has been massively against this, and I'm—my question for anybody, Chief Olson or anybody who'd like to answer, is do we have any empirical evidence from other communities who have done this? So, you know, we know that for 20-plus years we've had issues with crowds at bar time, but we haven't had food trucks downtown for 20-plus years. So, I'm wondering if we've got any evidence from other cities that changing the hours of the food truck actually has any effect.

Aldersperson Denise Fenton (District 6) 09:44

And of course, my other concern is removing food trucks in—that are in walking distance from the bars after they close— people are still gonna want to get something to eat. So, I am concerned that we're going to increase the incidence of driving under the influence, with people going to the things that are still open, the vast majority of which are away from—

Aldersperson Katie Van Zeeland (District 5) 10:09

You mean, outside of the downtown?

Aldersperson Denise Fenton (District 6) 10:12

—outside of the downtown, just—so maybe with the food trucks people are staying a little bit longer, they're getting something to eat, maybe they're delaying that time, rather than driving to Taco Bell while they're still under the influence. So—but my real question is, do we have any empirical evidence that, you know, from other communities that changing this policy actually makes a difference?

Aldersperson Katie Van Zeeland (District 5) 10:37

Thank you. Chief Olson?

Police Chief Polly Olson 10:40

I think in response to that, I would like to just share that it's it's—again, it's not about the food truck. It's about the crowds gathering at bar time. So, if we would even look at having a greater number of food trucks spread out so these crowds are dispersing, that would also potentially solve the issue that we're experiencing down there. This is not meant to target food trucks. It's not about the food trucks. It's about the crowds gathering. And it's about some of the establishments in that area that—again, it's all in one 400 and 500 block of West College Avenue.

Police Chief Polly Olson 11:17

If the food trucks would be staged in areas where, yes, somebody might have to walk a few blocks. Again, we're spreading out some of those crowds at bar time, thus, eliminating some of the issues we're having with them gathering. And I would also like to add that this has been a problem; again, we haven't had food trucks, but we have we've had food carts for as long as I've worked here, and we would have fights in line for the brat stand. This isn't a new problem. It's about, again, the crowds.

Alderson Katie Van Zeeland (District 5) 11:48

Thank you. Alder Fenton, did that answer your question?

Alderson Denise Fenton (District 6) 11:51

Yes.

Alderson Katie Van Zeeland (District 5) 11:51

Thank you. I think also one of my concerns is about maybe possibly making this more of an orderly wait-in-line kind of a situation. It sounds like people are fighting about who's in front of who. You know, maybe there's a way that we can work on something like that, making the lines by the trucks more orderly. I'd like to go down those paths before I look at reducing their ability to sell food, especially because it's not about the food trucks. Do you have any feedback on that? Anything that you could provide?

Police Chief Polly Olson 12:29

I guess in response to that, depending on what it is that the committee is thinking, if it requires the police department to be more involved in that regulation, my resources are stretched. So, if we're there to, again, try to keep a straight line in, you know, regards to these food trucks—

Alderson Katie Van Zeeland (District 5) 12:45

I don't think that we're going to use the police to police the line. But, you know, we do have ordinances at our disposal if people are blocking the street or blocking the sidewalk, you know, and being disorderly in that way. You know, perhaps spreading out the food trucks but making sure that we do have security in that area might be something worth discussing. I'm not sure that we have an answer in front of us. I think we have to be creative here. So, I—Alder Meltzer?

Alderson Vered Meltzer (District 2) 13:18

Thank you. I very much would love to see a proposal for increasing the number of food trucks that we have downtown. One of my big concerns with the proposal that we have before us right now is that removing the food trucks will cause people to congregate even more densely in the existing opportunities. And as we know, you know for example, with the gas station there, there are some others sort of issues with congregating around our city and I don't want to make that worse.

Alderson Vered Meltzer (District 2) 13:51

I think that in—as we often have discussions about how we regulate ourselves as a city, I think that we've historically always been very careful about taking action that takes business away from business owners, and I think that it's very important for us to stay consistent with that while we explore strategies that will solve problems without creating new problems or just redirecting the problems to other locations. So, I think that more food trucks would be a very exciting proposal to explore.

Alderson Katie Van Zeeland (District 5) 14:34

I agree. I think though, we'll have to do a lot more work to take a look at the ordi—the rules that we already have in place for our food trucks to make sure that we can apply them in a way that allows for more food trucks to operate during that time. You know, I recall there being restrictions on the location of the food trucks already. So those are things we'll have to look into. I saw Alder Wolff and then Alder Hartzheim.

Alderson Nate Wolff (District 12) 15:07

Thank you, chair. So, my points have kind of been said already, but I would just like to reiterate some things that I think would be helpful. I think, more food trucks, yes. And I do think maybe we could put—like we could tell them that they can't be in the 500 block after a certain amount of time, and that they have to, like, help spread out the actual people on the Ave and ask them for help, and I think it's them working with us, and they are more likely to help, and they're benefiting from that, as well.

Alderson Katie Van Zeeland (District 5) 15:45

Thank you. Alder Hartzheim.

Alderson Sheri Hartzheim (District 13) 15:49

Thank you, Chair. I think we all see the trend that we're taking here, but I'm trying to think through ways that this could be sort of pow-wowed out. How do we—how could we work with the vendors that are interested? How could we as a community come together with the solutions that would be the right thing for the Common Council to move forward with? I don't know what that is. I don't know whether that's this committee or whether that's a separate committee. I mean, we have many other policy groups that come together with constituents and businesses that are interested. Maybe we could work with ADI and kind of form something of that sort so that the interested parties could together come to some conclusion as to what would be the best way for the city to move forward. But I do believe that we're in the right in saying we understand that the police see a problem with congregation of people, but this might not be the methodology to fix that. Thanks.

Alderson Katie Van Zeeland (District 5) 16:57

Thank you. I saw someone else. Yes, Alder Schultz, what microphone do you have, please? 12.

Alderson Alex Schultz (District 9) 17:06

Thank you, chair. Sometimes you'd like to say we're looking—we have a solution looking for a problem. I think in this case, we have a problem looking for a solution. And I think the problem is not necessarily about the massing after bar. It's about establishments not taking responsibility for overserving, and I think in this case, in that particular section of downtown, we need to look a little bit more closely at over serving and monitoring of patrons of those establishments. If we look back at the violent incidences that have occurred over the last few years that we're trying to wrap our heads around, many of them have occurred inside the establishments not outside near food truck.

Alderson Alex Schultz (District 9) 17:42

Now, yes, there have been some instances like that, and I think, again, we're trying to find a means of controlling something after it's already sort of at play. And here we've got individuals over consuming in our establishments, they're going outside, they're finding themselves in a state of inebriation where violence for some reason becomes an option and things occur.

Alderson Alex Schultz (District 9) 18:07

So, for me, I'd like to have a little bit more conversation or a deeper conversation on how we put some responsibility on the establishments. We had—we've had in the past, established that have violated the rules. I think of Core's Lounge for example, were things that occurred there, and we assessed demerit points, and at some point, they lost their liquor license because they weren't following the rules. I feel like in this situation, we have establishments that are not doing their due diligence and not paying attention to their patrons, and to put it on the food trucks seems as like a solution that doesn't fit the problem.

Alderman Alex Schultz (District 9) 18:46

Now, here's a here's an odd thing. We have eight licenses available to food trucks, and only four of them have been assigned this year. Last year, we had eight for eight, and we've been arguing for more food trucks, but we have a situation where we have four open licenses. Why is that? For some reason, our food trucks are not looking to get licensed and operate in downtown. Is that because there's violence associated with their operation? Is it for some other reason? So, it feels like deeper conversations are needed, and I would love to have more focus on the establishment and sort of root cause of the violence versus looking at these after—basically, after things are already in motion, trying to alleviate the dangers at that point. So, I hope you vote against this. Thank you.

Alderman Katie Van Zeeland (District 5) 19:33

Thank you. I think one of the hardest parts about this discussion is it doesn't seem, based on the emails that we received, that everybody who might have a stake in this conversation was able to take part in the discussion, and that could be for a number of different reasons. But this is such a difficult situation it spans multiple committees. It spans the—it spans past ADI, in my opinion; I don't think we were able to capture everyone who needs to discuss this. And like I said, it sounds like we need to be creative in how we deal with this, which means perhaps, as Alder Hartzheim noted, this might be something that is more well equipped for a targeted committee than for this body to be making a decision as such.

Alderman Katie Van Zeeland (District 5) 20:27

Any other comments from staff or alders present before we hear from the public? All right, hearing none. I do have a sheet where people signed up for participation today. If you didn't sign up but you want to speak, I'll just double check before we're finished today. When I call your name, if you could please step to the podium, state your name and address for the record. Everyone will get a maximum of five minutes to speak. And the first person I have listed here is Kyle Fritz. Kyle? Welcome, Kyle. If you could state your name and address for the record, please.

Alderman Katie Van Zeeland (District 5) 21:12

I didn't recognize you. Welcome.

Kyle Fritz (Fox Valley Food Truck Association) 21:12

Yes, thank you. My name is Kyle Fritz. My home address is [XXXXXX] in Menasha. I wear a couple of different hats in this industry. I am president of Fox Valley Food Truck Association, representing about 38 different food trucks in the greater Fox Cities area. Some of them are involved directly with this conversation while others are indirect. I also own On the Fritz concessions food truck, and I've owned Louis' Dogs. I was the hotdog cart vendor downtown Appleton for a number of years.

Kyle Fritz (Fox Valley Food Truck Association) 21:12

Thank you. So, I have years of experience with this directly, and, you know, I can tell you that there's really only a couple of times where I've had any concern being downtown Appleton as the food vendor. And for years, I was the only food vendor down there. Most of what I really wanted to say today has already been said by you guys, and I think you guys all have great points.

Kyle Fritz (Fox Valley Food Truck Association) 22:25

You know, one of the things that I do want to touch on is with this particular business at bar close, generally, you know, at least myself, I would get out there at 11 o'clock, and from 11 o'clock until approximately 1:30, 2 o'clock in the morning I'm kind of just twiddling my thumbs advertising that I'm out here. You know, things started to kind of pick up about 1:30. And you know, it's bar close, where you're making your money. So, unless things

have changed drastically since I have been doing this, you know, the food trucks that do that—there would be no worse than coming out there if you had to shut down by 10 o'clock, 12 o'clock, even 1 o'clock in the morning. Again, all the business is had at bar close or directly, you know, before bar close.

Kyle Fritz (Fox Valley Food Truck Association) 23:15

I think, you know, again, there's been some great points here. I really feel like holding the establishments and the bartenders accountable is a big issue and, you know, could solve a lot of these issues that have happened over the years. Honestly, you know, other than that, I think you guys are really kind of covered my points, and I just I applaud everybody for really listening to the public and thinking this through because there are a lot of things to consider here. So, thank you.

Alderson Katie Van Zeeland (District 5) 23:46

Thank you. The next person I have in the list—and apologies, Reggie, it looks like [tries to pronounce his last name]. Okay. Just state your name and address for the record, please.

Reggie D. (Caribbean Taste Food Truck) 24:00

My name is [Reggie D.]. And my address is [XXXXX] and I'm here because I'm the owner of Caribbean Taste Food Truck, that red food truck. I don't really do a lot of downtown, but this year I was looking to do it and already apply for the license. Unfortunately, I have not picked up the license because when I heard the news because by midnight we don't really make any money like Kyle has said. I think—I'm happy to see that the police department are trying to make the city, like, safer, but I think removing food truck is not the solution.

Reggie D. (Caribbean Taste Food Truck) 24:32

And another issue with the food truck—we used to be able to park on college but now we cannot so we're looking for like corners that are not well lit or we don't have like police presence. I think a one solution that I would suggest if we can have access to College Avenue, a few spot for food trucks. And then even if we install cameras on our food truck so we can actually monitor what's happening.

Alderson Katie Van Zeeland (District 5) 24:59

Thank you. Any anything else?

Reggie D. (Caribbean Taste Food Truck) 25:01

No, that was it.

Alderson Katie Van Zeeland (District 5) 25:02

Okay, great. Thank you very much. The next person I have signed up to speak is Ria di Peeples. Welcome Ria, if you could state your name and address for the record, please.

Ria D. (Resident) 25:15

Sure, [Ria D. at XXXXX]. I think a lot of great things have been said already so I'll just add a couple more. I'm just here as a community member in support of Appleton food trucks and being able to keep their current operating hours. In addition to them providing a valuable service for our community, I'd argue things like food trucks really contribute positively to public safety. They're sober eyes on the ground, the ability to feed people before they get behind the wheel of their cars, I think has been said, and also the ability to both witness and deescalate potential problems. In fact, it was a Diablos employee—Diablos Food Truck—the only food truck currently operating after bar closed currently, who spoke out publicly in the local news about the tragedy that happened on Christmas Eve. Those other workers actually have to live with that trauma, and are now kind of seeing repercussions come down to them for something that happened, that wasn't their fault. The owner of Diablos is

unfortunately out of town for a family emergency, but I know he's spoken in the news a few times in the last few weeks, talking about the proactive measures that they've taken to try to be part of the solution, including installing cameras on their truck and attempting to assist law enforcement. But as I think was also said, were not approached about the proposal before it came to committee.

Ria D. (Resident) 26:36

So, I'd just like to argue that I think, you know, the best ideas about how to make some of these decisions about making downtown safer are going to come from the people most impacted, which doesn't just mean business owners but also means bartenders, food truck workers, and yes, even bar patrons. See, these are the people being impacted by the issues downtown and they care about their own safety and the safety of others too. As I think I was said, you know, attempts to simply relocate crowds is not going to fix the issue. People are not gathering on these two blocks, because the food trucks are there, the food trucks are there meeting the demand where it is at, and that issue isn't going to go away. So, I really love hearing the ideas to make our community safer by expanding the ability that food trucks have to operate in our community and working together with the people most impacted by safety issues downtown. Thank you.

Alderson Katie Van Zeeland (District 5) 27:24

Thank you. Um the last person I have signed up to speak forgive me, I think it's—this is E dot so I'm not sure. Is it **[tries to pronounce last name]**? My apologies for not being able to read this.

Lily K. (Resident) 27:42

No worries, it's **[L K.]**. I live at **[XXXXX]**. Almost everything that I had to say has already been said. The one thing I do want to add is that food trucks also provide an opportunity and an entry point to owning a small business for folks. It has a smaller startup cost than starting a restaurant in a brick-and-mortar building, and so if we're talking about wanting to increase small businesses in Appleton, food trucks are specifically a way that folks in the restaurant industry can start up a food truck without the cost of having a building. And so, I was really happy to hear the proposals that were saying, let's actually maybe potentially lift some restrictions and get more of those small businesses operating to help create community safety and more opportunities for folks to eat and disperse away from the bars after the close. Thank you.

Alderson Katie Van Zeeland (District 5) 28:41

Thank you. Is there anyone else who didn't sign up on the sheet that would like to speak? Yup, go ahead. Just please state your name and address for the record.

Alyssa V. (Downtown Bartender) 28:54

I'm **[Alyssa V.]**. My home address is **[XXXXX]** in Sherwood.

Alderson Katie Van Zeeland (District 5) 29:00

Welcome.

Alyssa V. (Downtown Bartender) 29:02

As most people have started with, most of what I have to say has already been said, but so I don't stumble kind of brush over my little script I've got, but I bartend down at Player 2, and I've seen how all of the businesses downtown affect each other and build off of each other. So, I mean, that's just a big thing that there'll be a hole in if they were to close as early as said earlier. But being a bar that's open till two and has staff working till three, like where are we going to eat afterwards? And given that a lot of the bars—given that my servers are not all 21, we can't be in other bars past 10pm, so that's more places we can't go get food to eat after we're done working. And my friends and I spent a lot of money at food trucks admittedly. So that is just a big profit that they would

Mon, Mar 11, 2024

be losing. And as also previously stated by somebody, sobering up happens too, and I appreciate them being there because it makes me feel safer knowing there's other people there like looking, making sure that people are sobering up, you know, coming to their senses. So, it just makes me feel safer.

Alyssa V. (Downtown Bartender) 30:07

And it's an affordable place for us to eat, because a lot of bars are like \$15, \$20 a meal depending on what you get. So, it's like \$4 for a couple tacos. That's kind of hard to beat so. But overall, I—the problem is not surrounding the food trucks and the gatherings tend to be more closer to outside of the bars which is where a lot of those aforementioned fights kind of happen, and it's on a heavier police side of the Ave. So, I don't really think that it's much of a problem with the food trucks as much as the crowds like they said, so. Thank you.

Aldersperson Katie Van Zeeland (District 5) 30:42

Thank you. Is there anyone else who wishes to speak? Hello.

Jennifer Stephany (Appleton Downtown Incorporated) 30:50

Hello, Jennifer Stephany executive director with Appleton Downtown Incorporated. We're at 333 West College Avenue. And just very quickly just wanted to offer our help in bringing folks together. Kyle and I have known each other for 20 years. So, we're happy to work together to bring a group of concerned stakeholders to have that conversation to really look at what some of those solutions might look like, to bring together the bartenders and the business owners and the food truck owners and even some patrons and say, "What's the solution here?" Does it make more sense to have more food trucks so we're dispersing the crowds? Does it make more sense to be on College or off of College? I think we're all just looking for those solutions. And if we can help in that discussion, by all means, we would love to. Thank you.

Aldersperson Katie Van Zeeland (District 5) 31:39

Thank you. Is there anyone else who wishes to speak on this item? All right. Hearing none—Alder Siebers?

Aldersperson William Siebers (District 1) 31:49

Yeah. May I ask a question?

Aldersperson Katie Van Zeeland (District 5) 31:51

Go ahead.

Aldersperson William Siebers (District 1) 31:53

I don't know if this should be directed to our city attorney or the police chief, but my question is, is that—how can we separate restricting or eliminating—thank you—hours of the food trucks and not do anything in regards to restricting hours of restaurants? I'm thinking of one restaurant in particular that I know is open, that's the one on State Street. I don't know what the name of that is. I don't know if it's Sal's open at that time.

Aldersperson Katie Van Zeeland (District 5) 32:29

So, if I understand you correctly, your question is if legally there's any issue with—?

Aldersperson William Siebers (District 1) 32:35

Well, I'd like to know the logic in regards to how we, you know, say to food trucks that they can't operate beyond a certain time, but restaurants can, and would that not—would people then not go to the restaurants and congregate there?

Aldersperson Katie Van Zeeland (District 5) 32:52

Attorney Behrens.

Attorney Christopher Behrens 32:56

Specifically, food trucks occupy the right away so there's a heightened level of regulation. So that's why you can regulate the hours of operation more so than a brick-and-mortar restaurant.

Aldersperson William Siebers (District 1) 33:07

Okay.

Aldersperson Katie Van Zeeland (District 5) 33:09

Thank you. Any other questions, discussion from alders present? I was very thankful to hear Chief Olson say that this isn't about food trucks. You know, I know when this came out that's what people read. But just understand that this this is the discussion that needed to take place was here transparent, in public, making sure that everybody has their opportunity to talk. You know, that that is how I see this discussion taking place is that it comes to us as the legislative body, and we discuss and we talk with the public, and it sounds like if I'm hearing correctly, we believe this policy needs more work, needs more input. I think at this point, I would consider a motion to hold this item. I guess actually, I'll make the motion to hold this item until our next Municipal Services meeting, which would allow us some time to speak with all directors and staff involved, ADI, and others and see if perhaps we look at some kind of a committee that could help us better make these decisions. So, there's a motion to hold. Is there a second?

Aldersperson William Siebers (District 1) 34:30

Second.

Aldersperson Katie Van Zeeland (District 5) 34:31

We have a motion to hold and a second. Any discussion on the motion to hold? Alder Firkus? Which? 12. Sorry. Thank you.

Aldersperson Brad Firkus (District 3) 34:44

Thank you, Chair. I think holding and having a further discussion—because even though—even if this isn't the route to go with restricting the hours for operation on the side, I think the root problem is still there and the discussion needs to happen, and I think there's a better chance of that conversation happening and being tracked if this is held and stays alive versus just denying this and then moving on. Thank you.

Aldersperson Katie Van Zeeland (District 5) 35:05

I agree. Thank you. Anyone else? Alders present? Committee?

Aldersperson William Siebers (District 1) 35:11

Is two weeks enough?

Aldersperson Katie Van Zeeland (District 5) 35:14

I—the reason I say two weeks is because I'd like to have some plan of action as far as if we will have some kind of committee outside of these committees. I think that's important to share with the public and to allow the public to be able to talk about who participates and etc. Alder Meltzer?

Alderson Vered Meltzer (District 2) 35:34

Yeah, I'd also like to point out that one of our food truck owners has commented about uncertainty about how this is going to play out affecting whether or not they're getting licenses. It was just pointed out that we have on unfilled licenses, and obviously, I'd like to see all those licenses filled. So, I think that if we address this in a timely manner so the food truck owners who are considering their licenses aren't kind of held indefinitely. Yeah, I think that would be a good move. Thank you.

Alderson Katie Van Zeeland (District 5) 36:09

Are you saying you're in agreement for the hold into the next meeting or—?

Alderson Vered Meltzer (District 2) 36:13

Yeah, I'm saying I—even if the discussion has to take—does end up taking longer, I think that we should try to work through this and get an answer so that the food truck owners aren't continually being held in the balance, if this does end up becoming a much bigger discussion.

Alderson Katie Van Zeeland (District 5) 36:31

Thank you. Any other questions, discussion from alders present or committee? All right, hearing none, we'll vote on the motion to hold this item until the next municipal services meeting. All those in favor say aye. Aye. Any opposed? Motion passes three zero.