

Meeting of Downtown Merchants Regarding the Review of the City's Street Vendor Ordinance

13 May 2008 at 2pm

Members Present: Maggie Ladd, South University; Susan Pollay, DDA; Maura Thompson, Art Fair Director; Debra "Max" Clayton, Executive Director of "The Guild"; Jim Kosteva, Director of Community Relations, University of Michigan.

Facilitator: Angella Abrams, Community Services Unit, City of Ann Arbor

Discussion:

A meeting of the downtown merchants association was called to solicit input from the businesses owners that are most impacted by the existence of sidewalk vendors. Recommendations offered during this meeting will be compiled with others and once reviewed a final draft will be submitted to Council for review.

Topics of Interest:

- ENFORCEMENT
 - Permits should not be issued for/during 'Barricaded' events, i.e.: Art Fair, Taste of Ann Arbor and the Car Show.
 - Train Downtown Beat Officers and Community Service Ordinance Officers to more easily recognize "Pirate" vendors and take a zero tolerance approach to violations.
 - Establish and enforce a buffer zone that keeps sidewalk vendors away from barricaded events. (Do not allow them to set up directly outside of the barricades).
 - Impound any cart left unattended overnight. All carts must be removed from the sidewalk daily. Carts are not to be secured (chain locked) to utility poles, street signs etc.
 - Gas generators should not be allowed due to the nuisance created by the noise that generators emit.
 - Automobiles parked on sidewalks by downtown merchants during Art Fair should be exempt to the "No vehicles should be parked on the sidewalk rule" as they are donated by local dealerships that are financial contributors to the Art Fair.
 - Do not allow vendors to block the entrances to the Diag
 - Do not allow vendor carts near Porta Johns.

- If the City cannot define where sidewalk vendors should work, then define where they *should not* be allowed to work.
- Limit the size of the vendor carts.

- ECONOMIC ISSUES:
 - How many of the sidewalk vendors actually live in the City of Ann Arbor?
 - Vendors are receiving tax-payer support for non-taxpaying businesses.
 - A sidewalk vendor could essentially purchase sidewalk space in front of “Le Dog” and “Red Hot Lovers” and then sell their wares, greatly impacting the profitability of the tax-paying business owners.
 - Consider establishing a time of year, and time of day that vendors should be allowed to operate.
 - Ordinances defining the 6’ sidewalk rule should not apply to downtown businesses in the same manner that it applies to sidewalk vendors. Consider establishing a demarcation line for businesses that allow outdoor seating.
 - Clarify what exactly the 6’ sidewalk rule entails. Does that include sidewalk areas that have utility poles and concrete planters?
 - The University had to power wash a sidewalk that was covered in grease due to the vendor’s cart leaking. Ensure that the vendor carts are in good working order.

- SIDE ISSUES
 - Sidewalk news boxes and sidewalk advertisement boxes have become an eyesore due to a complete lack of maintenance. If the boxes are covered in graffiti, packed with old papers or just sitting empty for days unattended. The City should be able to remove the boxes and dispose of them if the owner cannot be located.
 - Consider establishing a unified news box that is monitored and regularly. Permits must be obtained to purchase space in one of the uniformed news boxes.

Meeting of Ann Arbor's Sidewalk Vendors Regarding the Review of the
City's Street Vendor Ordinance

15 May 2008 at 9am

Members Present:

Susan Fisher, "What is it this Week?"; Sylvia Nolasco, "Pilar's Tamales; Kelly Weger, "Kelly's Penguin Pops"; LeRoy Whipple, "Dog Days".

Facilitator: Angella Abrams, Community Services Unit, City of Ann Arbor

Discussion:

A meeting of the sidewalk vendors that operate in the City of Ann Arbor, primarily in the downtown business area and near the University of Michigan Football Stadium. The discussion centered on the proposed revision of the City's current policy regarding sidewalk vending.

Topics of Interest:

- ISSUES DISCUSSED

- The group composed vendors with more than twenty year's experience, less-seasoned vendors with less than two year's experience, long-time city residents (one vendor owned two homes within the City), business owners (Barry's Bagels), a University of Michigan employee and a self-employed catering and restaurant owner. Each vendor was proud of the products that they served and took offense to the notion of being categorized with those vendors that refuse to follow city ordinances and health department rules and regulations.
- The vendors supported the idea of Community Services Ordinance Officers being trained to conduct inspections. The vendors did mention the following complications that may prohibit ordinance officers from conducting thorough inspections:
 - Vendors *must* maintain a licensed commissary as their home base. All of the vendors present had licensed restaurants as their home commissary. Inspections of their commissaries could easily be conducted as each commissary is located within Washtenaw County. The problem arises when an out-of-county vendor is allowed to do business in the City of Ann Arbor. Virtually no regulation or accountability is assured as the ability of the ordinance officers to confirm the existence of the vendor's commissary and enforce City ordinance standards is limited
 - I asked the group if vendor licenses should be limited to Washtenaw County vendors. The response was 50/50. One vendor felt that limiting permits to Washtenaw County only residents was discriminatory.

- The topic of hours of vendor use came to the table but one vendor remarked that one local vendor actually works from 10pm to approximately 2:30 am (In front of the “Blind Pig” on First Street). Restricting vending hours could not be applied fairly due to varying vendor’s schedules.
- The topic of leaving carts unattended was also discussed. Most of the vendors overwhelmingly agreed that no cart should be left unattended as it leaves the vendors vulnerable to food and propane tank tampering, and theft. But , as part of their daily set up, carts must be off-loaded onto the sidewalk and then the vendor must leave for a brief period of time to park their personally owned vehicle. Consideration in this particular matter was requested.
- All agreed that vendor carts should never be left out overnight, secured to utility poles, for any reason.
 - The group stated that a local vendor purchased several vendor carts and then sold them for a profit to people under the misconception that they could make thousands of dollars a month in profits. The vendor now constructs carts and sells them for thousands of dollars each. This particular vendor does not give much thought to who the carts are sold to, resulting in street vendors with little or no knowledge of the culture and expectations of sidewalk vending in Ann Arbor.
 - There was also a group consensus that some sort of “self-policing” was necessary to ensure that pirate vendors do not taint the image of those vendors that operate within the rules and regulations, thus resulting in more stringent regulations and scrutiny.

The issue of not being able to use their personally owned vehicles to prop their carts onto the sidewalk required more in-depth discussion. According to the vendors, delivery and courier trucks regularly park their vehicles on City sidewalks with little or no scrutiny. The vendors in this group use their vehicles to push their carts up on to the sidewalk and then leave. Their vehicles are not “parked” on the sidewalk and then left there. Three of the vendors had carts that measured 4’x6’. One vendor had a cart that measured 3’x4’. Each admitted that they could push their carts onto the sidewalk if required, but admitted that it would with a bit of difficulty due to the weight and awkwardness of the carts.

Lastly,

The vendors expressed the public support that they receive from both students and permanent residents. Many have expressed appreciation for the vendors either personally or through local internet blogs. The desire to have street vendors in the City of Ann Arbor is both obvious and apparent.