



City of Madison

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

Wednesday, December 4, 2013

5:00 PM

215 Martin Luther King, Jr. Blvd.
Room 260 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

Richards called the meeting to order at 5:06 p.m. with a quorum present.

Present: 7 -

Michael E. Verveer; Scott J. Resnick; John N. Magnino; Liliana Fabela;
Sara J. Richards; Sean Lee and Peter J. McElvanna

Excused: 2 -

Marlys M. Miller and Maureen K. O'Grady

APPROVAL OF MINUTES

Resnick moved and Lee seconded that the minutes of October 30, 2013 be approved. The motion carried.

PUBLIC COMMENT

Five licensed Late Night Vendors spoke, as follows:

1. Jessica Wartenweiler ("Curd Girl" food cart owner) was interested in the future of Late Night Vending now that Broom Street had eleven spaces for nine vendors. She anticipated more applicants for Late Night Vending, saying that, "on tiny Broom Street", it was hard to park, that there were nearby brick and mortar businesses that were independent small businesses like food carts. She mentioned some statistics about Austin TX expenditures at small businesses per every \$100.00 spent. She advocated for spreading out for success and felt that the Library Mall lacked sufficient foot traffic.

2. Ariel Pesce ("La Empanada" food cart owner) said that there was an increasing number of Late Night Vending carts and referred to the Broom Street restaurants that had complained about it in 2012. He felt that the City and the downtown were large enough to fit more Late Night Vending locations. He said that revenues had been dropping during the last year. He agreed that Frances, Johnson, Langdon, and Gilman Streets should be considered, and asked the committee to work with the Late Night Vendors.

3. Mario Armenta Carrillo (owner of "Sabor Queretano" food cart and a taqueria on E. Washington Ave.) spoke in Spanish, with VOC member Liliana Fabela translating from Spanish to English. Carrillo said that he was licensed to operate as a vendor both for day and night. He did Late Night Vending on Thursday, Friday, and Saturday. He said that there were lots of problems with Broom Street and State Street. There were more Late Night Vending carts every year. There were problems and accidents. He was having a wonderful experience with the mutual support of the other vendors. He agreed that they should organize to find a solution. He was thankful to Steven Lawrence for his support and leadership.

4. James Davis (owner of "JD's food cart and restaurant) said that he had started Late Night Vending on Frances Street, where Jin's Chicken and Fish had caused problems. He felt that closing Frances Street was not the answer. He had moved to the Library Mall, where there were no customers, so he had then moved to Broom Street. It had been slow there at first but that had eventually changed. He would pay people to hold a parking site. He felt that the Library Mall should not be considered, but that Frances and Gorham should be. He felt that Late Night Vending could prosper at the latter locations and that it would be better to spread the Late Night Vendors out.

5. Steven Lawrence (owner "Fried and Fabulous" food cart) said that he had lived in Madison for eight years. He had once been a customer of the Jin's cart, then became an employee in the Jin's cart, where he had "learned how not to operate a cart". He felt that, now Jeff Okafo of Jin's was no longer in the picture, it would be possible to find a solution that would work for everyone. When there had been problems with Late Night Vending in the past, Langdon and Frances Streets had been closed to them. He said that Broom Street restaurant operators were not happy and that it need not be a perennial issue. A recent meeting he had attended about Late Night Vending with primarily City staff had, he felt, ended with "a collective shrug". He said that other vendors

besides himself wanted a solution to current Late Night Vending problems. He wanted another meeting with Richards and Hansen. Lee asked Lawrence how long he had to wait for a Broom Street parking space to open. Lawrence replied that it was fifteen minutes to an hour, with some driving around the block.

DISCLOSURES AND RECUSALS

There were none.

NEW BUSINESS

1. Action Item: Which, if any, vending license fees may be increased.

Verveer said that it had recently been discovered that encroachment fees had not been raised for decades. Raising them and raising some special event fees would cover additional costs such as the expanded territory of Mall Maintenance snow and trash removal into two new areas, including the 400 block of Broom Street where most Late Night Vending took place. He mentioned that, in 2009, some street vending and sidewalk cafe fees had been raised specifically to fund a permanent half-time Street Vending Monitor.

Although some fees would not be raised, the following fees would be raised:

Southeast Campus Vending Area: from \$50.00 per year to \$150.00.

Camp Randall High Density Food: from \$475.00 to \$600.00 per UW home game football season

Late Night Vending: Large Carts - from \$350.00 per year to \$500.00; small carts - from \$125.00 per year to \$200.00

Verveer wondered if the time had come to raise sidewalk cafe fees, which were a large percentage of the workload for Hansen and the Street Vending Monitor. Hansen reported the current three-tier annual fees of:

\$300 (ten or fewer chairs)

\$400 (eleven to twenty chairs)

\$500 (twenty-one or more chairs)

Sidewalk Cafe operator Lee said that sidewalk cafes did appear to be profitable. Sidewalk Cafe operator McElvanna, who was paying the maximum \$500.00 per year, said it would be OK with him to double the fees because they were profitable and contributed to the common good. Hansen said that some of the ten-or-fewer-chairs group had as few as two tables and four chairs and that increasing their fee would probably be a hardship. McElvanna agreed that a coffee shop might have one customer nursing a cup of coffee for hours and that they might not have much customer turnover. Verveer suggested that there could be more fee levels based on seating. Mainella pointed out that whatever fee figure was chosen, it had to be based on the amount of time staff had to devote to each. Verveer alluded to Health Department fees, some of which were graduated based on indoor seating capacity, adding that fees did not have to be raised in equal ratios.

2. [32437](#) Revised Capitol Square Vending Map

Attachments: [Capitol Concourse Map 12-2-13.pdf](#)

Verveer asked Hansen about the status of the revised Capitol Square vending map. Hansen said that he had removed three sites that did not work for one reason or another. He had also added nine Saturday sites but mentioned that two of the new sites on the 100 block of E. Washington might need to be removed if a restaurant went into the unoccupied space at E. Washington and Webster Street. Hansen explained that only about half of the twelve vendors currently on the Mall/Concourse waiting list were interested in Saturday sites. He said that he had created sites for all three kettle corn vendors. Verveer asked about the use of the fountains for vending space on Saturdays because a member of the Madison Arts Commission had questioned the aesthetics and public access. Hansen said that the entire outer semi-circle of each fountain would remain visible and accessible to the public. He would present the finished map to the VOC at the January meeting.

Hansen added that food vending was no longer all about the downtown, that continuing to create more downtown spaces was not a necessity, that other opportunities had been coming into existence. He referred to such new and potential venues as University Research Park, the industrial area east of Stoughton Road, and Epic in Verona. He went on to explain that Epic had reached out to him, which Hansen saw as an opportunity for Madison food vendors. He added that Epic, with its gourmet cafeteria, was certainly inclined to be served food cart offerings that were not necessarily gourmet.

REPORTS

[31370](#) Street Vending Coordinator's Report

Attachments: [VOC Staff Report_Nov 2013.pdf](#)
[VOCStaffReport For September 2013.pdf](#)
[VOC Staff Rpt June July Aug 2013.pdf](#)

There were no questions or comments from the committee.

DISCUSSION ITEMS

3. [32438](#) Waiting list language to be added to all types of vending that have a limited number of sites and Mall/Concourse site request deadline

Attachments: [Vending Waiting List Language 12-4-13.pdf](#)

At Mainella's request, this item was taken out of order.

Mainella said that there was existing ordinance language which described what happened when all sites were filled or when there were more vendors than sites. She did create language for two vending types that did not already have it: Arts and Crafts and Langdon Street High Density Vending. She had also eliminated the word "created" because the City would eventually run out of sites.

Mainella also mentioned that the T and E Tabling sites did not have a waiting list process. Hansen said that it would be prudent to apply a waiting list to that category so that it would be in place at some future date if needed. Magnino agreed with standardizing it all. Mainella recommended that there be no seniority for E sites because of an association with First Amendment rights.

Mainella then moved on to the more specific deadline for requesting Mall/Concourse Food Vendor sites, which was September 1st, the same date Mall/Concourse Food Vendor applications were due each year.

Resnick said that he thought these items could go straight to the Common Council with his and, presumably, Verveer's sponsorship.

4. [32004](#) Consider a More Specific Definition of "Sabbatical" with Regard to Time Taken Off from Vending and Return to Removal from the Seniority List After Two Consecutive Years Without Purchasing a Vending License. Regs - IIF., a. and IV., A.1.

Attachments: [Vending Sabbatical 12-4-13.pdf](#)

Mainella had drafted language which stated that a vendor would lose seniority if they did not purchase a vending license for two consecutive years. She asked if seniority should be associated with the specialized licenses or with the basic Street Vendor license. Hansen said that, because all Madison street vendors were required to start with the basic license, and could add additional licenses later, seniority should start with the purchase of the basic Street Vendor license. The committee agreed.

5. [32005](#) Consider an "Umbrella" License for Mall/Concourse Food Vendors

Hansen said that, after consulting with the City Clerk's Office, there was actually not an "umbrella" license for bartenders that could be adapted for food cart street vendors. Mainella said that such a license would serve no regulatory purpose if specific vendor names were not attached to it. Lee said that it became pricey when licensed employees quit and had to be replaced and licensed. Lee agreed that the holder of the Mall/Concourse food vendor license was ultimately responsible for the activities of the cart's staff. Richards wondered if the vendors could be compared to servers in a restaurant. She felt that there was some basis for further consideration of this matter. She asked Hansen to prepare a list of the numbers of food cart owners versus food cart employees who held a basic Street Vendor license.

ANNOUNCEMENTS

There were none.

ADJOURNMENT

Resnick moved and Magnino seconded that the meeting be adjourned. The motion passed. Richards adjourned the meeting at 6:40 p.m. The next meeting of the Vending Oversight Committee is scheduled for Wednesday, January 29, 2014 at 5 p.m. in the Madison Municipal Building, room 300.