



City of Madison

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

Wednesday, October 29, 2008

5:00 PM

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

1 CALL TO ORDER / ROLL CALL

Foxgrover called the meeting to order at 5:06 p.m. with a quorum present. Verveer arrived at 6:10 p.m.
Pettaway left at 7:04 p.m.

Present: 7 -

Michael E. Verveer; Thuy Pham-Remmele; Hawk Schenkel; Karen A.
Foxgrover; Toriana T. Pettaway; Rosemary Lee and Matthew C. Rockwell

Non Voting: 1 -

Austin E. McClendon

2 PUBLIC COMMENT (Three minutes per speaker)

There was none

3 APPROVAL OF MINUTES

Lee moved and Schenkel seconded that the minutes of August 27, 2008 be approved. The motion passed.

4 Discussion

Rebecca Anderson, owner of The Elinor apartment building at 405 N. Frances Street -

Anderson said that the late night food vending situation on Frances Street was "extremely terrible" for the residents of her building, a safety issue. She said that there were "drunks who come to eat but should go home" and that building residents have to pass through the crowd of food cart customers. She added that Milio's, operating a restaurant as a commercial occupant of the building, was open until 3 a.m.

Lee said that she felt that most people in the area were not drunk and that perhaps Anderson preferred other types of food. Schenkel asked Anderson if she was aware of specific incidents. She was not, but added that there were often ten or twelve customers obstructing the building entrance.

Pham-Remmele asked if Anderson had ever brought anything to the attention of her alderperson in writing. Anderson had not. Lee did not understand why building residents had such trouble getting through groups of food cart customers, adding that population density was a part of living in an urban area. Anderson asked Lee if she had a vendor doing business right in front of her residence. Lee did not, but said that she would ask pedestrians to let her by if she ever needed to.

Bill Knobloch, City of Madison Parking Operations Manager -

Knobloch provided an overview of his past and present responsibilities and his recent observations of late night food vending. He mentioned that, in 1998, Hansen had inherited High Density Vending from him both at Camp Randall and on Langdon Street, so Knobloch did have direct past experience managing street vendors. Knobloch said that the State Street Campus Parking Ramp, which had entrances and exits on the 400 block of N. Frances Street, was the largest Madison ramp with 1,061 spaces. He referred to nearby commercial activity, including a hotel and some bars. He asked Hansen if he thought the 700 block of State Street (a.k.a. "The Library Mall") would be a good alternative. Hansen replied that he felt the 700 block lacked adequate lighting and foot traffic.

Knobloch was familiar with day time Mall/Concourse food vendors but noted a difference in the circumstances as compared to late night vending. Day time food vendors did not have to compete for metered parking sites or contend with a mixture of vehicular and pedestrian traffic. Street side vending sometimes happened at night. Police did not respond to calls about the 400 block of N. Frances Street. He felt that one vendor was noticeably more successful than other vendors there because of good food and a large customer base. He asked Hansen if any vendors were using the 700 block of State Street for late night vending. Hansen could think of one or two.

Knobloch circulated some photo's to those at the table. Some were of trash littered in the vicinity of N. Frances Street. Schenkel said that the trash was not good but that it was on public property. Pham-Remmele said that some public grass was off limits. Hansen asked if the pictures were dated. Only the photo's of trash had no dates on them. Pettaway asked if there was any proof that the trash could be attributed to the presence of vendors. Schenkel wondered the same. Knobloch did not want to "pick on" one vendor. Foxgrover and Lee mentioned that Milio's and other eating places were nearby. Knobloch said that there were public trash containers on the 700 block of State Street and felt

that the use of that area would be better for residents, vendors and their customers. Schenkel said that if the 700 block was a better venue, the late night vendors would already have been there in larger numbers. Knobloch summarized the current and future lighting of the 700 block, saying that the 700 and 800 blocks would be reconstructed in three years. Lee was critical of the current lighting. Rockwell said that this would perhaps become a more viable late night vending location in three years.

Hansen said that he was open-minded about about the 700 block becoming a more desirable late food vending destination once the lighting had been upgraded. He added that there were no metered parking spaces, but that there was plenty of space and electricity. Knobloch said that he recommended that the 400 block of N. Frances Street be reconsidered as an available late night venue.

Schenkel asked why there could not be food carts in the loading zone on the west side of the Frances Street cul-de-sac because there were no residents on the parking ramp side. Knobloch replied that the Parking Utility (PU) did not want meters next to the ramp for safety reasons and because the air handling system sucked in the food smells which could effect PU staff. Schenkel observed that places with more people seemed safer than places where there were no people.

Rockwell mentioned that his wife's food cart had made about twenty-five dollars during the 2006 Halloween food court on the 700 block. McClendon said the same of his operation. Foxgrover said that the 700 block seemed to be an out-of-the-way location.

Knobloch felt that, if the 400 block of N. Frances street were eliminated as a late night food vending area, improved 700 block lighting would beckon customers because the vendors had good products. Lee added that there were also gas smells on N. Frances Street and wondered why PU staff did not object to that.

Knobloch asked Hansen about his "staff", to discover that Hansen's half-time hourly assistant had recently quit. Knobloch said that the late night vending situation was not going well according to PU staff. Lee commented that there was police presence, that a police captain had told her that they do patrol the area. Pham-Remmele said that there was no supervision.

Angela Vellardiata, Parking Utility Staff -

She was representing herself, although she worked at the N. Frances Street ramp every Friday and Saturday night. There was a traffic issue, she said, with vehicles coming and going. She felt that there was some selling from the street side of one or more carts. She felt that pedestrians regarded the street as a pedestrian mall, not necessarily restricting themselves to the sidewalks. She had noticed that some metered spaces were used by the vendors during the day. Pham-Remmele asked if she had seen this on a regular basis. Vellardiata said that it was fairly regular, recommending that, if the vendors moved to the library mall it would alleviate the safety issue. Pettaway asked if she could estimate the number of people who were just walking down the street as opposed to those that were specifically going to the vendors. Vellardiata estimated that sixty per cent were going to the vendors. Lee suggested that there were probably a number of people who were simply walking north toward Langdon Street.

Karen Oliver, Parking Utility Staff -

She was representing herself. Oliver said that she works at the Frances Street ramp and sees traffic backing up into University Ave. because of vendor

presence. She said that "vendors have stuff sitting out there." She mentioned that she was working the night the people were run over. She said that there were people standing in front of the traffic, that there were food smells. She had seen vendors put things into metered spaces to reserve the spaces for their own use. Pham-Remmele asked if Oliver had seen this on a regular basis and not just on special occasions and whether she considered what she saw to be vending violations. Oliver said that she was not sure which might be actual violations, but that it was certainly an inconvenience. Oliver mentioned that Madison Police vehicles might be parked on that street but that the police themselves were not present.

Karen Stults, Parking Utility Staff Supervisor -

She was representing herself. She felt that PU staff who had spoken before her had done a wonderful job of describing their circumstances with regard to late night vending on the 400 block of N. Frances. She recalled that traffic had once been light on Frances Street and that the density seemed to change when Jin's customers figured out where he had moved to when he left his previous station on Langdon Street. Stults was concerned about the safety of PU staff and clean air for them to breathe. Pham-Remmele commented that perhaps Knobeloch's recommendation of a move to the 700 block of State Street would be better for Jin's customer base. Pettaway had an experience of waiting in a long line of vehicles waiting to get into the ramp because of a Kohl center event. She felt that this ramp was designed for high traffic regardless of the presence of food vendors. She added that there are inconveniences that many citizens have to deal with regarding parking enforcement matters, recounting one in her own neighborhood that had no food vendors. Stults commented that the student population was "irreverent" to pedestrians. Verveer referred to two critical incidents involving vehicles at that ramp but which were not blamed on vending. Stults added that there was "one way in, one way out" of the ramp.

Juan Hernandez, Licensed Street Vendor (Food) -

Hernandez said that he worked for the owner of the cart known as Papi's. He said that if late night vending were moved to the 700 block, there would be few nearby bars and that foot traffic does not naturally flow to the 700 block at night. He doubted that people would go there for food, then return to Frances Street. He went on to say that Jin's "always works both windows". Verveer asked him how long he had been a late night vendor. Hernandez said that it had been about a year and that he had often placed the small Papi's cart near the intersection of State and Johnson Streets, that the Fontana area was good but that Frances Street business was better. He said that there might be many police cars parked on Frances Street to the extent that people and vehicles could not get through. He said that he felt that Jin's needed to control their customers, adding that it was the Jin's employees who needed to do this. Papi's did business at the northern end of the 400 block of N. Frances Street. Verveer mentioned that he had seen some sales from Jin's street side window as well as from the cart's back door. Karen Oliver mentioned that she has seen as many as five to seven vendors on Frances Street. Pettaway asked if that was always, every night of the week. Vellardiata commented that this is the number she regularly saw while working on Friday and Saturday nights.

Alexis Turner, Parking Utility Staff -

She was representing herself. She said that she had worked in the Frances street booth for three or four years, Tuesdays through Saturdays, 11 a.m. to 6 p.m. She acknowledged that there had been small improvements in vending

practices, including less trash. She mentioned that she had once seen a trailer left in the same metered stall for three or four days. She asked Parking Enforcement staff to begin chalking vehicle tires on that block, and she has seen the Jin's owner remove chalk marks. She had noticed vending carts arriving as early as noon.

She described the physical components of the east side of the cul-de-sac. She had observed traffic blocked as early as 5:30 p.m. by Jin's parking or waiting in the middle of the road for a parking space to open. Verveer asked if there was "one bad apple" or if she felt that vendor problems were widespread. She felt that this phenomenon had a history. The Big Red Steak cart observed the two-hour metered parking space limit by alternating two different vehicles in the same space. Rockwell had seen the same thing happen. Pham-Remmele asked if the problem was escalating and if Turner had any suggestions. Turner felt that something should be done with parking enforcement, that the vendors had made it a little bit worse. Pettaway agreed that Parking Enforcement efforts should become more thorough. Schenkel asked if there could not be more Parking Enforcement Officers assigned to the street. Verveer agreed. Lee said that not all vendor indiscretions could be blamed on Jeff Okafo, and that the level of Parking Enforcement and Police acceptance presents the opportunity for vendors to perceive that there are some things they could be allowed to get away with. She did not feel that the City was negligent, but that there must be some better way that this could be addressed.

Schenkel said that the lighting on the 700 block should be improved first and then the vendors could be moved there. He said that vending fees could compensate for increased monitoring.

Verveer said that he appreciated the "anecdotal" input of the various speakers, but that he didn't want to make an inappropriate decision based on primarily the behavior of one vendor. He wanted to make sure that he had not made a mistake when late night vending was banned in residential areas. He suggested that Hansen work with Mainella to collect Police related reports, more monitoring and to take it slowly, to take it up again at a future meeting with more data. Stults asked what kind of data he referred to. Verveer referred to Police observations. He wondered if the Police felt that it was unwise and unsafe to allow late night vending on that block. He recalled that the memo Knobeloch had written, which Hansen had shared with committee members, said that conditions were not as bad as they had been. Pham-Remmele agreed not to rush into a decision but that she felt it was a serious situation. She mentioned that Hansen should "come up with data", and that the VOC could pick up additional testimony from speakers. Rockwell felt that the speakers had brought some "food for thought" to the VOC table. He felt that, since there might not be an opportunity for late night business on the library mall for three years, that perhaps the City (Hansen) should devise a plan to make them compete for its use and meanwhile assign sites on Frances Street. Mainella interjected that no sites could be assigned in a street. Pettaway suggested "real data", allowing residents to speak. Lee agreed that it needed more study. Schenkel felt that the late night vending should be neither harshly nor non-chalantly monitored and concrete data gathered. McClendon, who had some smaller carts, requested that the northerly pedestrian mall section of the 400 block of N. Frances Street be preserved for late night use even if the larger style of carts were moved to the 700 block of State Street.

5 Discussion**Food Cart Review**

A. Schenkel mentioned that some food carts had left early or were otherwise not present and could not be reviewed. Lee said that this was the vendor's responsibility, not the reviewer's.

B. Rockwell commented that the larger number of reviewers was a larger financial burden but agreed with Hansen's comment that a larger group of panelists was more fair. Pham-Remmele said that one vendor had refused to be reviewed on Saturday, that a few participants had not always followed the rules. Lee said that Hansen's instructions were detailed and easy to follow. Hansen explained that, with the two of eight current VOC members having conflicts of interest, there was a smaller pool of VOC members to meet the necessary minimum of three. The maximum number of reviewers was twelve. Hansen added that the large number of interested reviewers provided a broader overview and that he was reluctant to turn any of them away. He was open to the possibility of eventually having a maximum cap on the number of reviewers, however that might be determined.

Rockwell added that it was frustrating to get a score and site assignment without knowing what the scores had been. Hansen said that he did send complete score sheet summaries to anyone who requested them, adding that they were columns of numbers, that the system was subjective. Hansen went on to say that food vendors who either got higher scores or, more importantly, the site assignment they most wanted, never complained. Only those who did not get the score/site they wanted ever complained to him, a small percentage of the whole.

6 [12384](#)

Authorizing amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" to prohibit unreasonable noise levels at vending carts and vending sites on the Mall/Concourse and in late night vending areas.

Sponsors: Michael E. Verveer and Thuy Pham-Remmele

Verveer moved and Schenkel seconded that this item be recommended for adoption, but only after Hansen's suggestion that the law be applied Citywide.

7 Discussion - Mall/Concourse Regulations, IX, Miscellaneous Regulations, A. Restrictions on Mobility, 4 - Prohibit prolonged idling of self-propelled gasoline powered food carts or of any food cart tow vehicle.

Verveer moved and Schenkel seconded that this item be referred to a future meeting. The motion passed.

- 8 Discussion - Mall/Concourse Regulations, XIII, B., 7 - Consider inclusion of area heaters in sidewalk cafes, possible specifications, limitations, operation, and storage.

Schenkel moved and Pham-Remmele seconded that this agenda item be referred to a future meeting.

- 9 Discussion - Mall/Concourse Regulations, VIII, C - Food vendors will be charged for electrical repair calls when they have been proven to be responsible for the problem.

Schenkel moved and Pham-Remmele seconded that this item be referred to a future meeting. The motion passed.

- 10 ANNOUNCEMENTS - ID# 12168 - Amending sec. 9.13(1) to clarify the licensing requirements and definition of "street vending", creating sec. 9.13(8)(d) to prohibit street vending while suspended or revoked, and amending sec. 9.13(9), penalties.

Mainella explained that this item had gone directly to the Common Council agenda to expedite a more precise description of what street vending activities are.

- 11 ADJOURNMENT - Schenkel moved and Lee seconded that the meeting be adjourned. The motion passed. Foxgrover adjourned the meeting at 7:37 p.m. The next regularly scheduled Vending Oversight Meeting was to have been Wednesday, November 26, 2008, 5 p.m., City-County Building, room 108, but the committee decided to choose an alternate meeting date that did not coincide so closely with the Thanksgiving holiday. The next meeting of the Vending Oversight Committee will be on Wednesday, December 10, 2008, 5 p.m., City-County Building, room 525.

Schenkel moved and Lee seconded that the meeting be adjourned. The motion passed. Foxgrover adjourned the meeting at 7:37 p.m.