



# City of Madison

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

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Wednesday, December 10, 2008

5:00 PM 10 Martin Luther King, Jr. Blvd.#Room 525 (City-County Building)

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### 1 CALL TO ORDER / ROLL CALL

Chair Foxgrover called the meeting to order at 5:02 p.m. with a quorum present.

Present: 6 -

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

Excused: 1 -

Thuy Pham-Remmele

Non Voting: 1 -

Austin E. McClendon

### 2 APPROVAL OF MINUTES

Schenkel moved and Lee seconded that the minutes of the VOC meeting of October 28, 2008 be approved. The motion passed.

### 3 PUBLIC COMMENT

There was none.

4      [13092](#)

DISCUSSION: Late Night Food Vending on the 400 Block of N. Frances Street

Attachments:      [2008 Police Call Map N. Frances St. Venders.pdf](#)  
[2003 to 2008 Chart.pdf](#)

Hansen had distributed some graphs that had been generated by the Madison Police Department. The graphs depicted the numbers of police calls in the downtown area. There appeared to be a concentration of these in the State Street vicinity as well as a higher number of calls over the last several years. The committee was not sure exactly what the graphs meant or if they specifically pertained to late night vending. They asked Hansen to invite a police representative to the next VOC meeting so that the committee might ask any appropriate questions at that time.

Hansen said that he had recently met with Traffic Engineering staff (Dan Dettman) and Parking Enforcement staff (Bill Knobloch) about imminent lighting upgrades for the 700 block of State Street. They sought Hansen's input for the most effective placement of two light posts which they described as far more powerful than the current light sources on that block.

Lee said that, although she felt that improved lighting on the in-progress East Campus Mall would also help circumstances, food vendors would already be on the 700 block if it was a good location for them. She said that she never saw anyone there between midnight and three a.m. Hansen interjected that Insomnia Cookies was there on a regular basis. Lee said that she had never seen Eleanor Building residents being troubled by food vendor customers. She said that she had wondered what the pay rates of parking ramp personnel were and mentioned some figures she had discovered. McClendon asked what their pay rates had to do with late night vending. Lee felt there was some connection in their attitude. She said that there would always be high traffic on the 400 block of N. Frances Street and that she disagreed with Bill Knobloch's idea of moving the food vendors off that block. She added that she felt the VOC had no business trying to force the vendors to move. Schenkel said that it was entirely the business of the VOC to regulate vendors. Foxgrover observed that late night vending had become an issue and that it made sense to offer vendors an opportunity to move.

Hansen pointed out that, although there were four or five vendors who were consistently open on the 400 block of N. Frances St., there were others who were there from time to time. He said that if most of them showed up at the same time, there might be ten, whether there was space enough for them all or not. Schenkel asked if the rise in police calls to the area was related to food vending. Foxgrover said that was not clear. Lee said that the majority of calls were alcohol driven, mentioning nearby establishments Wando's, The Vintage, Brother's, and Johnny O's. She referred to the many big Kohl Center events. She said that police had told her that they did not feel that the food vendors were primarily responsible for the police calls. Lee added that she felt that people who chose to live in such areas should take responsibility for where they chose to live.

Rockwell said that the metered sites were part of the problem. He wondered if it would be possible to create some specific vending sites on the 400 block of

N. Frances Street and have other vendors move to the 700 block. He felt that it would be a mistake to completely shut down vending on the 400 block of N. Frances Street. He suggested that there might be room for as many as two or three sites in the area between State Street Brats and the Campus Inn. Lee commented that there must be a fire lane.

Hansen said that the first come, first served policy was not working on Frances Street because the metered spaces were involved in trying to secure a space. He said that he would go to the area Rockwell had suggested and take some measurements. He said that he would also contact the Arts Administrator regarding the dimensions of the public art work that would be installed there. Lee suggested that managers of State Street Brats and the Campus Inn be contacted, but Schenkel felt that would not be necessary before Hansen had looked at the spatial possibilities there. Schenkel added that regulating the parking spaces was Parking Enforcement's problem and that they should ticket carts as appropriate. He liked Rockwell's idea about the area nearer to State Street pending Hansen's research. Rockwell inquired about the availability of vendor use of the loading space near the ramp entrance on the west side of Frances Street. It was furthest from the residents. Schenkel mentioned that many, if not all, City parking ramps had loading zones near their entrances, that it was related to visibility.

McClendon said of the 700 block of State Street that there was not a natural concentration of people there late at night and that he did not expect that to change even if it were "as bright as noon". Hansen said that he could imagine perhaps enough room for two to four of the smaller carts on Frances Street near State but that there would also have to be enough space for an emergency vehicle lane and for an easy flow of pedestrian traffic. Schenkel felt that it should not be necessary to judge late night food carts on the same juried level as the annual Mall/Concourse food cart review. Hansen agreed, saying that the far simpler Camp Randall High Density-style seniority system worked just fine, and could be applied to late night vending. McClendon added that the smaller push-carts were not a part of the parking problem and he agreed that there did not need to be more layers of food cart administration. Rockwell said he felt that there was no competition between the push-carts and the larger carts. He advocated committee-sanctioned vending spots on the 400 block of N. Frances Street as well as a food cart review. Hansen was opposed, adding that he could imagine how controversial a food cart review of late night carts could become if certain long-time vendors did not receive the scores or site assignments they felt they deserved. Lee asked if the small carts were licensed to vend anywhere in the city. They were. She felt that a seniority system would be fine, that no food cart review was necessary, and that there was no need for additional fees. McClendon said that, in his opinion, late night cart location was more important than cart aesthetics. Hansen concluded discussion of this agenda item by saying that late night vending had grown to the point that he felt that creating a more structured process for it had become necessary. He would invite any late night food vendors that he was aware of to the January VOC meeting.

- 5      [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

Attachments:      [Noise level resolution - original.pdf](#)

This item primarily pertains to the use and control of music, noise or any amplification in food carts, but without a reference to specific decibel levels. Mainella pointed out that this was a draft of a substitute resolution and that it would have to become an actual substitute before it was sent to the Common Council as a VOC recommendation. Schenkel moved and Rockwell seconded that Mainella make the appropriate updates. The motion passed.

- 6      **DISCUSSION: Create additional Late Night Vending License requirement similar to the additional High Density Vending License or Mall/Concourse Vending License; consider appropriate fee.**

Hansen explained that late night food vending had apparently become generally profitable enough that the number of late night vendors was growing. Late night food vending had also clearly been the focus of many hours of City staff, committee members, and citizens. Hansen therefore recommended that a new additional Late Night Food Vending License be established, similar in its way to the additional licenses required for Camp Randall and Langdon Street High Density vending. McClendon suggested that a two-tier fee schedule be created, one for small carts and another for the larger carts.

Lee expressed a concern about the timing of the budgeting process. Verveer stated that there would be no problem creating a new license at any time. He agreed that the growing popularity of late night vending was creating additional work for City staff. He felt that it would be desirable to have the Late Night Vending License structure in place by the first day of the forthcoming licensing year, April fifteenth. Foxgrover asked if a subcommittee should be formed for this matter. It did not appear to be necessary because Hansen had already devoted some thought to the steps it would require to apply additional structure to late night vending. Verveer asked Hansen when he sent out application packets. Hansen said that he did so every February. Verveer asked Hansen and Mainella to prepare appropriate new ordinance language describing the late night vending program in greater detail as well as including the proposed fees.

Schenkel acknowledged that this and other committee matters would call for a January 2009 VOC meeting. He added that he felt that incremental fee raises would be easier for businesses to budget for and manage if there were regular increases rather than being raised at a higher rate every few years.

**7 DISCUSSION: Establish a three-tiered sidewalk cafe fee schedule based on seating capacity; consider appropriate fees.**

Hansen had electronically distributed a list of licenses issued in the various street vending categories in 1999 as compared to 2008. Major growth had occurred in the numbers of Sidewalk Cafes (from 38 to 73) and Arts & Crafts (from 34 to 57). Other street vending categories had remained about the same. He had earlier circulated two tables, one alphabetical and one numerical, showing exactly how many chairs each of the seventy-three 2008 Sidewalk Cafes had incorporated.

Hansen recommended a three-tier Sidewalk Cafe fee schedule based on the number of chairs each restaurant included. He emphasized that, although there were now many more street vending components and licensed people for staff to manage, street vending staffing had not grown in size. Although there was no one in the position at the time, his half-time assistant (the Street Vending Monitor) was hourly, without any benefits. Management of street vending activities had not only become more demanding but could literally be active twenty-four hours a day, seven days a week. Hansen felt that, with the growth of street vending over the years, the time had come to stabilize his assistant's position as half-time permanent, with commensurate benefits. He also suggested that the amounts of the fee increases mentioned above be geared to compensate for this staffing upgrade and that they be applied to Interdepartmental Billing. He added that, if there were any additional revenue available, it might be applied to the City's General Fund.

[13004](#)

VOC Handout Sidewalk Cafes (Alpha)

VOC Handout Sidewalk Cafes (Numeric)

Attachments:    [2008 Sidewalk Cafe Components.pdf](#)  
                          [2008 Sidewalk Cafe Component1 with Numbers.pdf](#)  
                          [2007VendorFees.doc](#)

**8 ANNOUNCEMENTS**

Lee made use of the Announcements agenda item to complain that, in her opinion, Verveer and Mainella had improperly failed to add new street vending language to a VOC agenda before it had gone to the Common Council agenda. The new language described street vending activities in greater detail and defined what a vendor whose license had been suspended may or may not do. Lee felt that it appeared to be an action directed toward Jeffrey Okafo of Jin's Chicken and Fish, whose license had recently been suspended. Verveer explained that he felt that it was a practical way of dealing with a street vending crisis, and took full responsibility for making the decision. Schenkel reminded Lee that she was speaking for herself and that her sentiments did not represent the VOC as a whole. Verveer repeated that it had been his call and also that he was in support of the three-tiered Sidewalk Cafe fee schedule.

**9      ADJOURNMENT**

Rockwell moved and Schenkel seconded that the meeting be adjourned. The motion passed. Foxgrover adjourned the meeting at 6:46 p.m.

The next meeting of the Vending Oversight Committee is scheduled for Wednesday, January 28, 2009, 5 p.m., City-County Building, 210 Martin Luther King, Jr. Boulevard, Room 108.