



City of Madison

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

Wednesday, October 30, 2013

5:00 PM

215 Martin Luther King, Jr. Blvd.
Room 300 (Madison Municipal Building)

CALL TO ORDER / ROLL CALL

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

Present: 7 -

Michael E. Verveer; Scott J. Resnick; John N. Magnino; Marlys M. Miller;
Sara J. Richards; Sean Lee and Peter J. McElvanna

Excused: 2 -

Liliana Fabela and Maureen K. O'Grady

APPROVAL OF MINUTES

Miller moved and Magnino seconded that the minutes of August 28, 2013 be approved. The motion passed.

PUBLIC COMMENT

Deb White (Ernie's Kettle Korn) said that, although they served 60,000 customers per year, they had not been awarded a 2014 site. She noted that none of the kettle corn vendors had received sites, so there would be no kettle corn downtown. She struggled for an answer of what to tell their many customers. She had analyzed the scores and was not sure what to think. The two students they hired every year might be out of jobs with them.

Ernest Krumme (Ernie's Kettle Korn) was present and available to answer questions.

Robert Bishop (Blowin' Smoke BBQ) felt that all panelists should be able to taste anything, referring to vegetarians and those with food allergies. He was displeased that carts were judged one against the other.

Aaron Collins (Banzo 1 and 2) suggested that the food cart review system be reviewed, perhaps breaking the scoring into more categories. He wondered if the panelists were qualified to know food. The currently licensed vendors were reviewed during regular lunch times when they were dealing with lines of customers as well as the panelists. He wanted to become part of the discussion. Hansen said that no matter how the review system was changed, there would still be someone who came in first and someone who came in last.

Justin Russow (Capitol Kettle Corn) had just operated during his first summer. He wondered if the grading process for Saturday-only vendors could be altered and if more Saturday sites could be added. He felt that a returning vendor should have a site. He said that the review does not address how many employees a vending operation might have or measure its popularity or enthusiasm. He felt that there were too many unused sites. Hansen explained that some areas did not work well on Saturdays.

Hansen said that when he had started in his job in 1998, there had always been enough sites for everyone, but that not everyone always got the site they wanted. He pointed out that fifty out of fifty-three applicants had received scores of 80 or above, which had never happened before. He said that the quality overall was higher and that there was more competition than there was before. He added that Saturday sites on Martin Luther King, Jr. Blvd (MLK) and some others on E. Washington lacked sufficient pedestrian traffic to make them profitable. Several Saturday events on MLK each year displaced vendors.

McElvanna felt that panelists should not be included if they were vegetarians, gluten-free, etc. He added that he thought they should all be "culinary experts". Miller commented that perhaps there could be "sub-categories" of food cart offerings.

Magnino asked if the panelists received any briefing or instructions. Richards said that they did, in the form of several pages of written suggestions of what to look for when reviewing vendors and maps of vendor locations. She added that everyone has experience at eating. She said that she was struck by the high quality and diversity of the food vendors this year. She saw the appearance of new carts on the horizon as impetus to keep current carts

maintaining quality. She suggested that Hansen share the multi-page panelist packet at a future meeting.

DISCLOSURES AND RECUSALS

There were none.

NEW BUSINESS

REPORTS

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

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

Hansen said that the report referred primarily to the numbers of licenses and permits issued, and to non-Mall/Concourse food vending opportunities.

DISCUSSION ITEMS

1. [32002](#) 2013 Food Cart Reivew - Which may include results, duration, site assignments, numbers of applicants, history, waiting list, its future.

Lee said that as food vending gained more popularity, we could anticipate more applicants. He wondered if a waiting list should be created for new applicants. He said that, although some vendors did not have good products, it takes a few years to build up a business. Applicants may conclude that a cart with lines has a prime site. He said that most vendors wanted to keep the same site they had been in. He felt that it was not fair for a vendor who had invested years into their business to be relegated to a waiting list. He said that new carts on their Saturday review had the advantage of not being reviewed as the current vendors were, during everyday lunches with lines of customers. They had more time to talk with and to prepare servings for the panelists than most of the currently licensed vendors. He acknowledged that points deducted by the Health Department could have a major effect on the rank-ordered list by losing even two points. He thought that it might be a good idea to protect existing vendors from new vendors who were inspired by their carts.

Verveer said that there would be time to evaluate the food cart review process for the next year and that little could be decided at the current meeting. He asked Hansen to create more Mall/Concourse Food Vendor sites, especially for Saturdays. Verveer had asked Russow if he would rather have a "bad site than no site". Russow had responded in the affirmative. Hansen said that he could add more sites but would not be able to guarantee their viability.

Verveer also asked Hansen to organize a special December VOC meeting between Thanksgiving and Christmas so that there would be one meeting, with no meeting in late November or late December.

2. [32003](#) ConMall/Concourse Site Request Deadline

Hansen recommended that a site request deadline be established so applicants could not change their site requests at the last minute, as had recently happened, inhibiting the site assignment process. Miller thought it was a good idea. Lee said that last minute requests made things difficult for Hansen. Magnino saw that it created undue uncertainty. Richards asked Hansen to request draft language from Assistant City Attorney Lara Mainella.

3. [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.

Hansen explained that, when a Mall/Concourse Vendor has not purchased licenses for two consecutive years, 99% of the time it meant that they were not returning and could be removed from the seniority list. That was easy to track. The law had been changed a few years earlier to two years off out of three years, which required a more complicated tracking system. Hansen recommended that the law be changed back to two consecutive years. Hansen also explained that the word "sabbatical" did not describe all situations in which a vendor was absent from the Mall/Concourse for one or more years. It would be a change in semantics and had no practical effect on the process. Richards asked Hansen to request suitable language from Mainella.

4. [32005](#) Consider an "Umbrella" License for Mall/Concourse Food Vendors

Lee operated the Electric Earth Cafe, which held an alcohol license. He asked if it would be possible for Mall/Concourse Food Vendors to purchase a new type of "umbrella" license similar to the Bar Manager License that could cover all food cart employees and that would allow various employees to come and go without having to purchase additional Street Vendor Licenses. Hansen said that some vendors would not need it but that those who experienced more turnover might appreciate it. Hansen suggested an annual fee of \$400. The required annual Street Vendor License was \$150. The \$400 fee would be more than two Street Vendor Licenses and less than three. Magnino said he did wonder if there might be a lost of revenue to the City but this seemed sufficient. Resnick said that the alcohol licensing process was more costly than the food cart process but that there could be room for a "generic" license. Richards asked Hansen to request suitable language from Mainella.

ANNOUNCEMENTS

Richards announced that, although Teresa Schwerin's VOC appointment had come to an end due to her lack of Madison residency, there was someone soon due to fill the seat.

ADJOURNMENT

Resnick moved and Magnino seconded that the meeting be adjourned. The motion carried. Richards adjourned the meeting at 6:17 p.m.

The next meeting of the Vending Oversight Committee is scheduled for Wednesday, December 4, 2013, in the Madison Municipal Building, room 260, 5 p.m.