



City of Madison

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Madison, WI 53703
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Master

File Number: 28583

File ID: 28583

File Type: Discussion Item

Status: Discussion Items

Version: 1

Reference:

Controlling Body: VENDING
OVERSIGHT
COMMITTEE

File Created Date : 12/07/2012

File Name: Late Night Vending Status Quo

Final Action:

Title: DISCUSSION ITEM: Late Night Vending Status Quo and possible
recommendations for change

Notes:

Sponsors:

Effective Date:

Attachments: Late night Broom Street MV alternate.pdf,
meters.pdf, BroomStDraftAmend 032213.pdf,
Vending Area Late Night 2014.pdf, Final Late Night
Street Vending Memo 1-23-14.pdf

Enactment Number:

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Hearing Date:

Entered by: nprusaitis@cityofmadison.com

Published Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	VENDING OVERSIGHT COMMITTEE	12/12/2012					

Action Text: Steven Lawrence spoke for three minutes listing his ideas for changes to Late Night Vending. There were no questions or comments about what he said.

Richards said that no immediate solutions had been reached at the previous meeting. Rich Scheffow of Silvermine recalled the mention of "limiting" the numbers of Broom Street carts. There was some discussion about metered parking spaces, loading zones, street use circumstances, meter bags for construction projects, events, and parades, and corresponding restrictions on their use. Verveer said that he had received complaints about food carts creating traffic jams while waiting for metered sites, circling the block, taking spots from potential brick and mortar establishment customers, and just presenting competition.

Richards recalled that Scheffow would have preferred zero food carts on Broom St. Scheffow confirmed that, adding that two carts would be better than four. Lawrence complained about enforcement on Broom Street, acknowledging that MPD and enforcement staff had other priorities, but advocated much higher fines, including for dumping trash into dumpsters. Hansen said that fines were not determined by whim but by changes in the law. He also said that the street vending ordinance required a ten-plus gallon waste receptacle but that it made no reference to the use of private dumpsters. Mainella said that she recalled a law about private dumpsters in a City ordinance, and would follow up.

Richards said that carts could be banned from Broom Street and that would solve the problem there, but wondered if that was an option. There was some discussion about the arrival and departure times of Broom Street carts. Hansen said that he was willing to walk the area again to see if additional Late Night Vending locations could be identified. Richards asked if there should be a limit of cart numbers on Broom Street and for the committee to offer alternatives. Verveer asked Lawrence about his proposed new sites. Scheffow said that there was too much W. Gorham vehicular traffic at 2 a.m., and that moving a couple of carts to Gilman would spread the problem to Los Gemelos, which had late night hours. Mary Carbine suggested that any evaluation should include late night brick and mortar food businesses who had moved into their locations without anticipating competition from food carts.

Mainella felt that any discussion of limiting Broom Street to a certain maximum number of food carts and assigning them by seniority or by lottery was premature, and sounded like site assignment, which was not possible with the metered spaces. She wondered if the Late Night areas could be re-conceived as "zones". Mainella would follow up for the committee with that concept. Verveer recalled some of the history of Late Night Vending and was opposed to continuing to move the same problem from place to place, that the first come, first served Broom Street process was not working. The zone idea appealed to the committee. Verveer pointed out that vending on private property was illegal in Madison and that sidewalks in the Late Night Vending areas were too narrow to allow for food cart placement. The item would reappear on the next VOC agenda.

Notes:

- 1 VENDING OVERSIGHT COMMITTEE 01/30/2013
- 1 VENDING OVERSIGHT COMMITTEE 02/27/2013

Action Text: Richards summarized the previous VOC discussions of this topic, saying that other stake holders had spoken, that the unresolved issue was whether to severely limit the number of Broom Street food carts or to expand the number of Late Night locations, and how to decide who can be there, perhaps by seniority or lottery. She invited committee members to suggest a working solution. Hansen recalled that Rich Schefflow of Silvermine would prefer to have zero food vendors on Broom Street but Hansen felt that this would be going too far and that a compromise was in order. Fabela said that there must be a solution which could work for all concerned.

Cortney Palm of Pita Pit said that she would want food carts not to park right in front of her door, or in front of Silvermine or Asian Kitchen. She said that the Library Mall was two blocks away. On behalf of the new VOC members, she revisited related past discussion items, such as that she had signed a ten-year lease, that on UW football games days there might be four to six carts on Broom Street, that there were other places in the city where vendors could go, that potential customers have to walk by the carts to get to her restaurant, that there used to be just one cart.

Mary Carbine said that there had been problems with trash, noise, and noted that the Street Vending Monitor could not view Broom Street every night. There was the matter of vendors circling and waiting for a parking space, that restaurants paid much higher investments. Richards added that food cart patrons would use restaurant rest rooms and throw trash into restaurant dumpsters.

Hansen said that for years there had been two food vendors on Broom Street and that in 2012 the number of vendors had suddenly swelled. Carbine added that, unlike most Madison vending areas which had specific site assignments, the number of carts on Broom Street had become unpredictable. Hansen referred to the early days of late night food vending on Langdon Street, where there had been noise, refuse, fist fights, arrests, and police presence. Another form of late night then included N. Frances Street, which contained entrances to the largest parking ramp in the city. This had caused congestion, traffic jams, complaints from parking ramp staff, from a hair salon and the management of the Elinor Building. Neither the Campus Inn nor State Street Brats wanted the presence of the larger stand-inside carts. North Frances Street had then become restricted to two push-carts and this had continued to the present. Hansen said that choosing carts by seniority would give two carts a Broom Street monopoly for as long as they chose to be there. He thought that a quarterly lottery might be more fair, giving an opportunity to as many as eight vendors, and acknowledged that, weather-wise, some quarters would be better than others. Lawrence was opposed to a lottery.

Richards reminded those present that, because of Wisconsin state law, it was impossible to make regular site assignments in metered parking spaces. Verveer asked Palm if she could live with some food carts as long as they did not park in front of her restaurant. There was mention of Gilman Street between State Street and Amy's Cafe. Richards asked Hansen if he could go to Broom Street and take some measurements, assess the numbers and locations of metered sites. There might be future requirements based on distance, with some metered spaces acceptable and some not. Hansen said that that would naturally limit the number of vendors. Schwerin said that this might encourage earlier competition for the acceptable sites. Richards said that she did not like the idea of setting a specific minimum distance from a restaurant. Hansen recalled that Assistant City Attorney Mainella had recently said that it was premature to consider allowing vendors to use Broom Street based on either seniority or lottery, and that he would mention the acceptable/not acceptable parking space concept to her. The discussion would continue.

Notes:

- 1 VENDING OVERSIGHT 03/27/2013
COMMITTEE

Action Text: Street Vending Coordinator Warren Hansen read aloud email messages from three who could not attend:

In support of Alder Verveer's version of item number two: Mary Carbine and Konrad C. Opitz
Opposed: Scott Lofgren

Verveer called for text and a map that could be reviewed at a future VOC meeting, and said that a formal motion or vote was not necessary before then.

Notes:

- 1 04/24/2013
- 1 VENDING OVERSIGHT 01/29/2014
COMMITTEE

Action Text: Hansen explained that there had never been any discussion about ending Late Night Vending.

Hansen then referred to an earlier meeting of three City staff and two food vendors (Matt Mikolajewski, Office of Business Resources Manager, Hansen, the Street Vending Coordinator, Eric Melton-White, the Street Vending Monitor, plus Steven Lawrence of Fried & Fabulous and Jessica Wartenweiler of Curd Girl). Lawrence had brought a map containing dozens of potential Late Night Vending sites which he left with staff to consider. That meeting ended with the agreement that there would be nine Late Night Vending sites.

There was general discussion at the 01/29/14 VOC meeting of where the nine or ten Late Night Food Vendors might be placed, particularly including Magnino, Resnick, Verveer, Wartenweiler, Lawrence, and Hansen.

Hansen read aloud two email messages he had received from stakeholders who objected to the use of private dumpsters by Late Night Food Vendors.

Magnino felt that trash management associated with Late Night Vending needed to be addressed.

Notes:

Text of Legislative File 28583

Title

DISCUSSION ITEM: Late Night Vending Status Quo and possible recommendations for change