



# City of Madison

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

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Wednesday, October 31, 2012

5:00 PM

215 Martin Luther King, Jr. Blvd.  
Room 313 (Madison Municipal Building)

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### CALL TO ORDER / ROLL CALL

Richards called the meeting to order at 5:12 p.m. with a quorum present. Peter McElvanna, a licensed sidewalk cafe operator, attended as a non-voting technical adviser. Staff present were Warren Hansen (Street Vending Coordinator) and Mark Woulf (Mayor's Office).

**Present:** 6 -

Michael E. Verveer; Scott J. Resnick; Marlys M. Miller; Sara J. Richards; Sean Lee and Teresa Schwerin

**Absent:** 1 -

Shantelle N. James

### 1 APPROVAL OF MINUTES

The motion passed to approve the minutes of the August 29, 2012 VOC meeting.

### 2 PUBLIC COMMENT

It was decided that agenda item number ten would be addressed first because all present to speak were concerned with that item.

### 3 DISCLOSURES AND RECUSALS

There were none.

### NEW BUSINESS

### 4 [27708](#) Election of Chairperson and Vice-Chairperson

Verveer moved and Resnick seconded that Richards be nominated and elected as VOC Chair. The motion passed. The election of the vice chair would be taken care of at a future meeting.

- 5      [28150](#)      ACTION ITEM: Approve revised maps of Capitol Square and Southeast Campus Vending Area

**Attachments:**      [capmap\\_0001.pdf](#)  
                                 [capmap\\_0002.pdf](#)

Hansen provided an overview of the changes to the maps. Verveer moved and Resnick seconded that the revised maps be approved. The motion carried.

## REPORTS

- 6      [25754](#)      REPORT OF STREET VENDING COORDINATOR

**Attachments:**      [Street Vending Report Nov Dec 2012](#)  
                                 [Street Vending Report Sept Oct 2012.pdf](#)  
                                 [Street Vending Report May 2012](#)  
                                 [Street Vending Report March 2012.pdf](#)

There were no questions about this report.

## DISCUSSION ITEMS

- 7      DISCUSSION ITEM: Acknowledgement of Past VOC Members

It was decided that Richards would draft a letter of acknowledgement of their service and contributions to former VOC members Karen Foxgrover, Rosemary Lee, Austin McClendon, and Hawk Sullivan. Hansen would address the letter to each individual and mail it to them on appropriate City letterhead.

- 8      [25136](#)      DISCUSSION ITEM: Sidewalk Cafe Alcohol Management and Sidewalk Cafe Closing Times

**Attachments:**      [Ord12608 to eliminate sidewalk cafe restaurant class.pdf](#)

It was decided that this item would be discussed at a future VOC meeting.

- 9      [27507](#)      DISCUSSION ITEM: Stencil City-approved locations on the outer Capitol Square

It was decided that this item would be discussed at a future VOC meeting.

10 [27709](#)

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

Those registered to speak were:

Rich Schefflow, owner of two Silvermine sub shops, including the 328 Gorham Street address. His comments included: He felt that Late Night Vending had gone "out of control", that there had been a recent influx of carts, that mobile food vendors had an unfair advantage over brick and mortar operations, that carts parked eight feet from his door, that there used to be one cart on Broom Street on a regular basis but that number had grown to five, that late night hours were crucial for his business, that he paid \$1,000 per month for rent and the vendors paid just \$350, that he felt the food carts created a nuisance, that food cart presence contributed to over-full trash containers causing him to have to pay a higher fee every other Monday, that food carts created a safety hazard by parking in metered spaces, that this led to drunk people standing in the street, that there was no regulation at all, that it was "insane". Hansen clarified the annual costs to Late Night Vendors, placing them closer to two or three thousand dollars, but still found little comparison to the annual brick and mortar rents.

Konrad Opitz of Opitz Realty, owner of Pita Pit at 449 State Street, spoke. His comments included: That the vendors parked less than eight feet from Pita Pit. He acknowledged that food cart operators worked hard, but Opitz hoped that State Street businesses were regarded as a vested interest and worthy of protection.

Mary Carbine of the Madison Central Business Improvement District (BID) spoke. Her comments included: That Madison had a nationally recognized street food vending system, that there was usually a reasonable balance between Madison street food vendors and brick and mortar, that there was no limitation on the number of Broom Street vendors, that most businesses signed five to ten-year leases, that it mattered how a business fit in with nearby businesses, that if a location appeared saturated with a certain kind of business, they might have decided to sign a lease elsewhere, that there was now an unexpected number of carts on Broom Street at night, that day time vendors were more consistent, that it was time to devise solutions to bring Late Night Vending back into balance.

Cortney Palm of the Pita Pit, 449 State Street, spoke. Her comments included: That the recent influx of Late Night Vendors effected her business, that she did not want to infringe on food carts, that she was in favor of a balance of businesses so all might thrive, that she was aware that other cities created new laws to control vendors, that vendors sometimes set up fifteen feet from her front door, that if any of the vendors are selling the same product as she it's a set-up for failure, that she was aware of laws elsewhere forbidding vendors to set up 100 to 200 feet from similar businesses, that more regulation was needed to ensure balance, that there must be other areas that are open for vendors, that her time in Madison had been positive.

Hansen gave an overview of the background of Late Night Vending, saying that it had a difficult history that started on Langdon Street along Greek row in the early 1990's. There had been noise and refuse and fist fights and police

presence and arrests. The current four-area system of Late Night Vending had eventually been created. Hansen said that only two of the four chosen areas actually worked. Neither the 700 block of State Street nor Johnson Street near State Street had ever been profitable for late night street vendors. N. Frances Street had originally been open to large carts but, in that congested cul-de-sac including the largest parking ramp in town, there was an unworkable traffic jam of food carts jockeying for metered parking spaces as vehicles attempted to enter and exit the ramp. Eventually, large carts were made ineligible to operate there. Only two on-sidewalk push-cart sites were allowed, which solved previous street vending problems on that block. That left Broom Street, where for years there had been just one or two carts. Late Night Vending had become quiet and under control for years until summer of 2012, when the number of Late Night Vendors had suddenly grown. Now, the new problem on Broom Street had to be fixed. Hansen added that perhaps the Library Mall could be promoted as a destination.

Resnick asked if metered parking spaces could be formally assigned for the use of specific vendors. Verveer replied that there was a Wisconsin state statute that made it unlawful to assign metered parking spaces to anyone.

Richards summarized that the issues seemed to be the placement and numbers of vendors on Broom Street. Schefflow asked if the vendors couldn't just be relegated to other circumstances, either onto private property or onto other nearby streets. Verveer pointed out that Madison zoning code prohibits non-accessory vending on private property, such as Bill's Key Shop parking lot or near The Towers apartment building. Schefflow said that the carts were mobile but brick and mortar couldn't move.

Verveer said that Late Night Vending had a "tortured" history that went back for eighteen years beginning on Langdon Street, as Hansen had mentioned, and that the VOC had responded to the complaints of Langdon Street residents. Verveer could not support moving vendors to Schefflow's suggested nearby residential locations such as Dayton or Mifflin Streets. Verveer pointed out that it had been his own idea to include that block of Broom Street in Late Night Vending, and that it had been made lawful before either Silvermine or Pita Pit had opened. He said that it was not a matter of simply saying that the vendors should go elsewhere. The traffic issues caused by food vendors competing for parking places on Frances Street had drawn complaints from Verveer's constituents and from City parking staff, against the vendor's' protest, but there had been too many problems to continue to allow food vendors in large carts to operate there.

Palm said that three of her employees lived across the street from Pita Pit and had to endure the food cart crowds. She asked why the Library Mall could not be made to work at night with an effort to attract customers. Andrew Ruetten, registered to speak, said that the Library Mall at night didn't feel safe, that there were dark alleys, that even more lighting in the immediate area might not make a difference. Resnick said that lights would be just the beginning, that the redesign of State Street would be applied to the 700 and 800 blocks of State Street, that many points of view were being considered besides inclusion of the vendors. He asked Steven Lawrence, Fried and Fabulous food cart operator, to speak. Lawrence was opposed to moving vendors to the Library Mall at night, saying that the recent Freakfest Library Mall food court had been slow for all vendors present. Broom Street remained one option. He suggested

that N. Frances Street be re-opened to large carts, but not near the parking ramp. He also asked those present to consider the difference between "good" vendors and "bad" vendors who had operated on Frances Street in the past. Richards said the discussion seemed to call for moving "overflow" Broom Street carts to an alternate location. Lawrence said that it should be somewhere nearby with a similar amount of foot traffic.

Miller asked, "If one cart wasn't enough on Broom Street, would three be too many?" Lawrence asked how many carts there were on the Library Mall during weekdays. Hansen said that there were eighteen. Schefflow said that, on Broom Street, one would be too many. Palm said that two would be better than five or six, but that none would be "great". She added that her customers couldn't find parking because of the food carts, and that many food cart patrons were "constantly" trying to use her rest rooms. Palm also said that she had fifteen to twenty employees to pay and that she also paid rent. Carbine said that the many high-rise-dwelling students had changed the traffic flow. She suggested that the Library Mall be thought of again. It had become more hospitable and safe at night, she said, and suggested that perhaps Hansen could have strings of lights installed to enhance the safety at night, as well as promotional signage.

Richards asked for the status of the committee. Verveer requested that the item be revisited at the next meeting with Assistant City Attorney Lara Mainella present, and that she could present, either verbally or in writing, the WI state statute forbidding the assignment of metered parking spaces to specific occupants. He was not in favor of having vendors hunting for parking spaces and blocking traffic. Palm asked that, if there ever were assigned spaces on Broom Street, they not occur in front of either shop.

Miller asked if vendors were responsible for keeping the area around their carts tidy. Hansen said that all Madison food vendors were required to have a trash container with a minimum ten gallon capacity available for their customers and that they were required to keep their sites clean. Carbine said that she felt Late Night Vending clean-up had been fair over the years, that trash is generated by anyone, not just food cart customers, but that the shops paid into clean-up and the vendors didn't. She felt that this should be considered.

Richards suggested that this agenda item be wrapped up for the evening, that the problem would not be solved overnight, and that there was plenty to think about.

11      [27710](#)

DISCUSSION ITEM: Consider grace period for licensing new food cart employees as City of Madison Street Vendors

It was decided that this item would be discussed at a future VOC meeting.

- 12      [28149](#)      DISCUSSION ITEM: 2012 Food Cart Review Results and Format of Review, including rank-ordered list, duration, consideration of throwing out high and low scores, consideration of "green" points, and requiring vegetarian menu items.

Attachments:      [rank.pdf](#)

Lee felt that not all reviewers were sufficiently open minded, that they may impose too many personal preferences. He was also concerned that they were not all eating the food immediately after it was served. Richards noted that Hansen always gave instructions to reviewers to eat the food as soon as possible after it was served to them.

Hansen said that he could not always recruit reviewers who would give Lee or anyone else the score they felt they deserved. Hansen said that a vendor had asked if the highest and lowest score could always be thrown out. Resnick calculated that there was a nine per cent chance that a score would be affected if this was not done, and advised that the step be added. Hansen felt that it should be formally entered into the Mall/Concourse Regulations as part of the scoring process.

Hansen said that there was not a concise definition of what "green" meant and that he himself would have to assign a score to such components and gather the information himself because it would not be practical for the hurried reviewers to collect in a comprehensive or consistent way. He said that he always encouraged vendors to include vegetarian selections on their menus but that it was ultimately the vendor's decision.

Hansen added that the time may have come to extend the food cart review period from one week to two, giving the reviewers twice as much time to taste the food and to record their evaluations. Verveer asked if all new applicants would still be reviewed on the same day. Hansen said that they could also be divided between two Saturday mornings.

## 13      ANNOUNCEMENTS

There were none.

**14 ADJOURNMENT**

Verveer suggested that the 2012 November VOC meeting be cancelled because of its proximity to Thanksgiving, when some members would not be present. It was agreed that Hansen would poll for an alternative December VOC meeting that would occur the second week of that month.

Verveer moved and Richards seconded that the meeting be adjourned. The motion passed. Richards adjourned the meeting at 7:12 p.m.

The next VOC meeting is scheduled for Wednesday, December 12, 2012, 5 p.m., Madison Municipal Building, conference room 313.