



City of Madison

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

Wednesday, January 28, 2009

5:00 PM

5:00 p.m., City-County Building
210 Martin Luther King, Jr. Blvd., Room 108

1 CALL TO ORDER / ROLL CALL

Foxgrover called the meeting to order at 5:03 p.m. with a quorum present. Pham-Remmele arrived at 5:03 p.m. Verveer arrived at 5:10 p.m. Pettaway left at 6:30 p.m.

Present: 7 -

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

Absent: 1 -

Matthew C. Rockwell

2 APPROVAL OF MINUTES

The motion to approve the minutes was passed.

3 PUBLIC COMMENT

Madison Police Officer Carrie Hemming was available to answer questions.

Alexis Turner, Parking Utility staff at the 400 block of N. Frances, represented herself. She had concerns about how the block was being used for late night vending. The vendors contested for parking spaces. Vendor tow vehicles would block traffic in an effort to secure a metered parking space. She felt that she sometimes felt the need to contact Parking Enforcement to come to the area and follow up because she felt that it was their responsibility to do so. Schenkel asked if her concerns focused only on parking issues. Turner replied that there appeared to be a tolerance for the vendor-related parking situation and she was concerned that the issues were not being addressed.

She added that Jeff Okafo's (Jin's Chicken) previous behavior was continuing although his license had been suspended for six months. She said that he sometimes dropped the trailer off for forty minutes waiting for a parking space. She said that she had seen this happen frequently but not every time. Pham-Remmele commented that Turner seemed to be seeing a long-term problem that was not being addressed. Turner said that she could not personally speak to crowd behavior or noise or the air quality in the parking ramp staff booth because her shift ended too early for that. She did see vendors make U-turns to get a space, which may inhibit a line of vehicles waiting to get into the ramp. She felt that was a safety issue. She said that she loved Madison and, although she was not expecting perfection, she wanted to contribute in any way that she could. Pham-Remmele asked how many days per week Turner had observed these vendor driving practices. Turner said that she generally saw it three or four days a week, as early as 4 p.m. Often, she said, a space had already been secured by a vendor by 6 p.m. Lee said that she was offended by Turner's assertion that this matter was not being properly addressed. She felt that Turner did not realize how much time the VOC had devoted to this topic.

Turner said that she had decided to address the committee on this second occasion to provide more clarity. Foxgrover asked if Turner had noticed any problems with other late night vendors besides Jin's. Turner had seen some problems with others. Foxgrover said that late night vending was very popular with its many customers and that these customers did not appear to want late night vending to leave that area. Pettaway asked Turner if she had ever called Parking Enforcement staff or the police. She had not but had communicated any concerns directly to her supervisor. Turner's impression, though, was that Parking Enforcement and Police considered calls about late night vending to be low priority.

Verveer apologized to Turner for the obvious staff frustration with late night vending. He summarized her comments. He asked if, besides not allowing vending adjacent to a residence, she had other reactions to the solutions under discussion. Turner said that she saw some progress in eliminating competitive parking habits, avoiding the loading zone, a visibility issue in her opinion, and the cessation of parking ramp staff having to cope with food smells. She was in support of moving vendors out of the street and onto the sidewalks so they would not have to devote time to parking spaces. Lee had a question about air exchange in the parking utility staff booths. She was aware that busses idled for "an hour" near the Lake Street booth and she was not aware of staff complaining about that. Foxgrover said that the issue must be whether or not the air was entering any of the booths through a fresh air intake.

4 [13456](#)**Review Early Draft of New Late Night Vending Ordinance Details, Including License Fees and Site Assignments****Attachments:** [MGO 9 13 6 N 1-28-09.pdf](#)

Hansen provided an overview of the field analysis he had made of where late night food carts might possibly be placed on the "Frances Plaza" end of the 400 block of N. Frances. He displayed some enlargements of maps of the proposed location. Hansen said space would allow for a maximum of two or three small push-carts. The State Street Brats owner was in opposition to bringing the street vending "trouble" from the cul-de-sac to the south into immediate proximity to his business. He mentioned that the Jin's cart had a reputation for being associated with "trouble". He mentioned a specific fear that more police calls associated with his nearby address might have a negative effect on his ALRC status and insurance covered. Schenkel felt that possibility was unlikely. Hansen had not at that time received a response from University Inn management.

Verveer asked Hemming if the police received a lot of calls to the N. Frances Street area. Hemming said that, although there were more calls to the area and to the vicinity, no hard data existed because food carts did not have addresses. She had observed that there were now more late night food vendors than in previous years but that the challenge was a matter of "density", the large numbers of bar time crowds combined with parking ramp activity and alcohol. Hemming said that she was the MPD liaison for taverns and alcohol enforcement. She was usually on duty Thursday, Fridays, and Saturdays from 7 p.m. to 3 a.m., often near the corner of University Ave. and Frances Street, and on foot in that block most of the time. She said that "others can't be punished for one bad apple".

Hemming said that the police did not have an opinion about where late night vending might best be placed because wherever there were drunk people gathering, there were problems. Part of the problem with food cart patrons, she said, was if they were blocking the sidewalk in a disorderly way rather than forming orderly lines. Even though vendors might know that they were not supposed to sell out of the street-side windows, customers might unknowingly wait outside those windows in the street. Fights might occur at bar time just because people bumped into each other. Where drunks gathered, she said, there were fights. Vendors might block traffic while vying for parking spaces but not, she said, for long.

Verveer thanked Hemming for attending the meeting as the VOC discussed "the monster we created on Frances Street". Hemming said that N. Frances Street was a problem in itself during late hours. She said that it was not that the vendors were doing anything wrong, but that it was the environment that existed in that area at night. Jin's, she added, was by far the most popular late night food vendor and had the most customers between 3 a.m. and 6 a.m., although there were fewer in the winter. Verveer asked Hemming to comment on Hansen's recommendations, which were to allow a minimum of small push-carts to remain on Frances Plaza and to move all of the large carts to the 700 block of State Street, where lighting was being upgraded, where there were no metered parking spaces, and where site assignments would be established to eliminate competition for sites. Hemming felt that spreading out the food vendors would be better but that, again, there were problems anywhere that drunks gathered. She felt that any police calls in themselves would not automatically damage Brats' standings.

Verveer asked if there were any noise issues outside University Inn, especially with 'Brats' outdoor eating area. There had been no complaints about it. There had also not been any complaints about Austin McClendon's smaller hot dog cart. Vending on Frances Street south of University Ave. was mentioned. Hansen said that, although it was outside the four late night vending areas, it would be legal, except that, in the metered parking spots across from Ian's, it was very near the Fluno Center which included hotel rooms. There were also residences on the east and south east sides of that block. Hemming thought that the 700 block of State Street would be the safest, asking if the City could not just tell the vendors where they may or may not vend.

Pettaway asked Hemming what pro-active measures were taking place to deal with the problems with drunkenness. Hemming said that her team worked with the University and that the City had some video cameras which, although reactive, did solve some crimes. Anecdotally, Hemming said, the team did know where most fights tended to occur.

Hansen reviewed the positive reasons to move most vendors to the 700 block of State Street: There was not a parking ramp across the street; there were no residences on the block; there were no metered parking spaces; there was plenty of electricity available; assigned sites based on seniority would eliminate spontaneous competition for sites. He added that Insomnia Cookies had consistently occupied that block as its favorite late night location. Schenkel suggested removing the negative issues and inquired about the possibility of establishing a Mall/Concourse-style food cart review to determine site assignments. Hansen said that, although this could be done in the future, there was not, in his opinion, enough time to organize one for the forthcoming street vending year which would begin on April 15th. McClendon said that, if Jin's went there, people would follow. Pettaway weighed the relative value of site assignment by seniority vs. a food cart review score.

Verveer said that he saw the enforcement role being led by MPD and Parking Enforcement, not by civilians with enforcement authority. Pham-Remmele and McClendon agreed that the City not allow the same problems to recur on the 700 block of State Street. Schenkel inquired whether Hansen felt that all late night food vendors on the 400 block of N. Frances Street and on the 700 block of State Street should be restricted to the sidewalk as opposed to being in the street itself. Hansen answered in the affirmative, but that only the small carts be allowed to be on the sidewalk of N. Frances Street. McClendon requested that, wherever these sites were, they not be isolated from potential customers. Foxgrover suggested that any vendor violations be factored into their food review score. Mainella said that it would be fine to incorporate a demerit system. Lee felt that there was enough congestion on Frances Street to require the inclusion of the 700 block. Hansen advocated assigned sites to avoid an "Oklahoma land rush" for late night vending sites every night. McClendon agreed with the concept of assigned late night sites. Verveer wondered what might happen if the 700 block were not profitable. Foxgrover said that, if people were interested in a certain kind of food, they'd go there, but that drunks might stop elsewhere on the way. Verveer noted that the consensus seemed to be to have all vending sites assigned on the 700 block of State Street and the 400 block of N. Frances Street.

The committee looked at the Draft Ordinance Amendment Creating New Rules for Late Night Vending. They approved overall, with the following comments: Schenkel said that if there were any grease stains, the food court concept would not be popular. It seemed a good idea to include the 300 block of N. Frances Street in the late night vending area so that vending would be prohibited there. If the 700 block were to fail as a viable food court, other late night vending areas could act as alternative sites. There was some dickering about the fees for the new late night vending license. \$150 was deemed too high for the small pushcarts and was reduced to \$125 per year. The committee asked Mainella to incorporate the newer discussion points into the next draft of the ordinance.

5 [12384](#)

SUBSTITUTE - Authorizing amendments to the "Regulations Governing Vending on the State Street Mall/Capitol Concourse" and the "Regulations Governing Vending in High Density Vending Areas" 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](#)

The motion passed.

A motion was made by Ald Verveer, seconded by Ms. Lee, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by the following vote:

Ayes: 5 -

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

- 6 [13112](#) Amending Sections 9.13(4)(s) and 9.13(6)(n) and creating Sec. 9.13(4)(v) to make noise restrictions applicable to all vendors city-wide.

Sponsors: Michael E. Verveer and Thuy Pham-Remmele

The motion passed.

A motion was made by Ald Verveer, seconded by Ms. Lee, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by the following vote:

Ayes: 5 -

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

7 **ANNOUNCEMENTS**

Foxgrover announced that she had received a Governor's appointment and that it might conflict with future VOC meeting times.

Hansen announced that the Educational Development Division of the Department of Planning & Community & Economic Development, including the Office of Business Resources of which he was a part, had moved to the third floor of Madison Municipal Building (MMB). He added that the VOC would henceforth be meeting in room 313 of the the MMB, no longer in the Parks Office room 108.

Hansen also mentioned that he had spent a good deal of time during December and January updating the street vending website, including new slide shows for Arts & Crafts, Food Vendor: Mall/Concourse, and Sidewalk Cafes. A number of new images had replaced those used for the website's first year and a half. Website images, he said, would be replaced from time to time.

Verveer added that he remained in favor of the three-tier fee change for sidewalk cafes because their proliferating numbers made them more challenging for City staff to monitor and manage.

8 **ADJOURNMENT**

Foxgrover adjourned the meeting at 8:06 p.m. The next meeting of the Vending Oversight Committee is scheduled for Wednesday, February 25, 2009, 5 p.m., conference room 313, Madison Municipal Building, 215 Martin Luther King, Jr. Boulevard.

The motion to adjourn the meeting passed.

Ayes: 5 -

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