



City of Madison

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

Wednesday, January 27, 2010

5:00 PM

215 Martin Luther King, Jr. Blvd., Rm. 313
Madison Municipal Building

CALL TO ORDER / ROLL CALL

Foxgrover called the meeting to order at 5:03 p.m. with a quorum present.

Due to the absence of both alders, it was agreed that some agenda items would be taken out of order until their anticipated arrival. Ald. Pham-Remmele arrived at 5:10 p.m., Pettaway at 5:15 p.m. and Ald. Verveer at 5:29 p.m.

Present: 10 -

Michael E. Verveer; Thuy Pham-Remmele; Rosemary Lee; Karen A. Foxgrover; Toriana T. Pettaway; Sara J. Richards; Hawk Schenkel; Austin E. McClendon; Sean Lee and Teresa Schwerin

APPROVAL OF MINUTES

Lee moved and Schenkel seconded that the minutes of the special VOC meeting of December 2, 2009 be approved. The motion passed.

3. PUBLIC COMMENT

Juan Hernandez (operator of the Johnny's Rocket Hot Dog push cart, owner Jose Gonzalez Arias), said that he had heard that nearby Broom Street restaurants were complaining about drug traffic associated with the JD's Express food cart. Foxgrover asked him if he had shared this with the police. He said that he had done so, adding that he had personally seen people go to the J.D's Express food cart, then leave without buying food. Richards asked him if he saw the police doing anything about that. Hernandez said the police had told him that they were watching Broom Street. Pham-Remmele asked for more details about what he had seen. Rosemary Lee said that this would be in the hands of the police. Hansen added that a reaction to such circumstances were outside the purview of the VOC, that it was a police matter. Verveer said that he was aware that there had also been complaints about loud music from this cart, as well as the use of a tent, tables and chairs. Verveer was frustrated that the police were not sharing police reports with people who were interested in seeing them. He asked Hansen to request City Attorney's Office follow-up.

Jose Gonzalez Arias (owner of the Sabores Latinos food cart, licensed as both a Mall/Concourse and Late Night food vendor) had been doing business on Broom Street for almost four years. He felt that newcomers like JD's were trying to "kick him out of there." He did not feel that this new rivalry was fair. Verveer asked him to describe the problems. Gonzales Arias said that the sidewalk near JD's was always obstructed but the police never reacted. Verveer said that this seemed to be a development caused by restricting large carts from using N. Frances Street. Gonzalez Arias said that the problem was not competition for sites, adding that he did pay for the use of nearby public electricity. Hansen said that Gonzales Arias had lawfully been using the northern corner of Broom and State Street for years, that his presence there had been interrupted by construction and had more recently been complicated by the arrival of additional food vendors. Gonzales Arias said that nearby restaurants Gumby's and Asian Kitchen were also troubled by the current late night vending circumstances on Broom Street. Pham-Remmele asked if anyone else was complaining. Gonzalez Arias replied that he was unaware of any. He added that music volume problems happened elsewhere. When asked if he ever felt physically threatened by other vendors, he said that he did not, but that he deliberately did not interact with the others. Rosemary Lee advised him to keep records of when he complained to the police and to try to get case numbers.

John Handley (owner FIB's "Fine Italian Beef & Sausage") said that he, too, had a problem with the JD's food cart which involved a hit and run collision with his FIB's cart. He supplied additional details. Hansen thanked him for the information, but said that such matters were outside the purview of the VOC. Verveer encouraged Handley to follow up with the police.

NEW BUSINESS

4. **DISCUSSION ITEM: Make consistent the seniority process for vending categories that have them.**

Hansen explained that this item required revised ordinance 9.13 language to be completed by Assistant City Attorney Lara Mainella. He suggested that it be discussed at a future VOC meeting. Schenkel moved and Richards seconded that the item be discussed at a future VOC meeting when there was suitable language to consider. The motion passed.

5. **DISCUSSION ITEM: Establish Regent-Monroe Street Vending Area to be used by vendors with basic Street Vendor License. Designate and mark specific sites for use on University of Wisconsin home football game days. Establish maximum number of appropriate vending sites, with waiting list. Establish site assignment system, probably based on seniority and traditional sites vendors have been consistently using over the years. Create map of area.**

Hansen said that this area had no recommended or assigned sites, but he did feel that more order should be imposed there on University of Wisconsin home football game days. He said that the numbers of vendors had grown and that some set up in locations that he felt were questionable.

Verveer had noticed some vendors who obstructed sidewalks. He inquired about the number of ticket "scalpers". Hansen said that he was aware of about a dozen licensed ticket sellers but suspected that some unlicensed ambulatory ticket scalpers and other unlicensed vendors might move from public to private property and back again, and that they were a challenge to identify and control.

Hansen also said that, when he had last had an assistant in 2008, he had arranged for the assistant to introduce himself to each non-High Density Vendor that year during UW home game days, check their licensing and record their names and locations, but that none of that had taken place in 2009. He explained that Saturdays were busy with the many City-licensed vendors on the outer Capitol Square, the Camp Randall High Density Vendors, and the growing list of Regent Street-area vendors. He felt that there were now too many vendors for one person to comprehensively manage. He added that he estimated that it would take another two or three years to organize this Regent-Monroe Street area, with or without an assistant.

6. **DISCUSSION ITEM: Planning for the future. Avoiding a street vending version of urban sprawl. Establishing maximum numbers in some or all street vending categories, with waiting lists.**

Hansen said that he had nothing prepared to present for this item but that he had spoken with City Planners Archie Nicolette and Bill Fruhling, who agreed that the future of street vendors and sidewalk cafes should be considered from the planning aspect. Hansen expected this topic to appear on future VOC agendas.

1. **DISCUSSION ITEM: Review draft of language for University Avenue Vending Area. Consider effect of Exclusive Use status for any events which occur within that perimeter. Also look at revised map.**

Hansen provided an overview of the additional steps he had taken regarding this item since the previous meeting. He had walked the area three times, taken photos, measurements, and notes. He felt that he had identified sites that had enough space, enough foot traffic and enough safety. He added a ninth site on the north side of University Ave., in the middle of the block between Park Street and N. Brooks Street. He said that, in 2009, only three vendors had used any sites in that vicinity and that his recommendation for nine sites allowed three times more than vendors even currently needed.

Rosemary Lee said that she was "outraged". She felt that it was inappropriate for the University of Wisconsin to make any suggestions about where City licensed street vendors could operate, including the Fluno Center block. Hansen felt that it was prudent to start small and grow. Foxgrover agreed. Rosemary Lee mentioned, again, that it was limiting the numbers for small business. Schenkel interrupted, telling Lee that if she was in opposition, that she should simply vote against it, that there was no need for her to continue repeating herself. He added that he felt that she was hostile and mean and that her attitude was not conducive to constructive discussion.

Hansen recalled a "turf war" that had taken place several years earlier between two King Street restaurants, knowing that Verveer would recall the situation, which had led to one of the restaurants losing its license for thirty days. Hansen said that none of that would ever have happened if the restaurants had cooperated with each other and with the City of Madison. Hansen commented that the University of Wisconsin made huge contributions to the City of Madison and that he had no intention of starting a turf war between the University and the City. He added that he also had no intention of placing a food vendor outside a grocery store which had opened only two weeks before. That location might be considered in the future when the grocery store was well established. He said that he had every intention of continuing the well organized style of street vending that he had fostered, and that overcrowding and chaos would not contribute much to small business.

Pettaway felt that Hansen's proposed new vending area was well thought out, well measured, and safe, that it was "a great way of starting off." Foxgrover agreed. She also recalled the comments of the University staffers who had attended the previous VOC meeting and that she herself would rather see an orderly process. Verveer asked for McClendon's comments. McClendon also recalled the comments of University staff, especially police, and he felt that Hansen's recommendations were a good compromise of the discussion of potential sites.

Verveer raised the question of the changing status of the Mifflin Street Block Party, which would be located within this new vending area's perimeter. He proposed a meeting between himself, Hansen, Mainella and Community Events Coordinator Kelli Lamberty. He was unsure if the ordinance revisions could be in place before this year's Block Party, but that it would be an improvement to give event sponsors the authority to choose their own vendors. Verveer also

referred to the Exclusive Use process in general, which had never been applied to events taking place outside the Mall/Concourse Street Vending Area. There was discussion about the presence of City licensed vendors at non-Exclusive Use special events. McClendon said that there was a kind of honor system, that he had participated in the Willy Street Fair without incident. Pham-Remmele felt that the same rules should be equally applied to all. Sean Lee said that he had been charged fees for participating in events in the past. McClendon had never been charged a fee by an event organizer. Rosemary Lee said that Art Fair on the Square did control vendor presence. Hansen summarized by saying that Exclusive Use events had complete control over vendor participation and related fees but that non-Exclusive Use events did not have such control over City licensed vendors, whose right it was to occupy designated vending sites without being charged a fee.

Verveer moved and Pham-Remmele seconded that, by the February 23, 2010 Common Council meeting, the Assistant City Attorney draft appropriate language for this item, including nine vending sites and Exclusive Use conditions within the perimeter of this new street vending area. The item would then be referred back to the VOC. Verveer and Pham-Remmele would co-sponsor. The motion passed.

2. **DISCUSSION ITEM: Consider requiring background checks for street vendor applicants, what criteria would justify it, and who would pay for it.**

After prolonged discussion, the committee agreed that the City should not require background checks of some or all street vending applicants. Rosemary Lee moved and Pettaway seconded that no background checks for vendors be required for street vendors. The motion passed.

7. [16708](#) Sidewalk Food Vendors in Madison Schools by Bruce Dahmen and Luis Yudice

Attachments: [SW Food Vendors in Madison Schools 12-2-09.pdf](#)

Verveer suggested that this matter be placed on file, as it was a matter that had already been resolved.

ANNOUNCEMENTS

Foxgrover commented that an email which Rosemary Lee had sent to every member of the VOC, regarding Hansen's still unhired assistant, was merely a sharing of information, and that it had not initiated any committee discussion. Foxgrover pointed out that committee members must avoid having email discussions which, if discussed by a VOC quorum, would constitute an unnoticed, and therefore illegal, meeting. Pettaway referred to the street vending fees which had twice been specifically raised to justify hiring Hansen's assistant and she wondered where that money had gone.

ADJOURNMENT

Verveer moved and Pettaway seconded that the meeting be adjourned.
Foxgrover adjourned the meeting at 6:52 p.m.

The next meeting of the Vending Oversight Committee is scheduled for
Wednesday, February 24, 2010, 5 p.m., Madison Municipal Building,
Conference Room 313.