

**COUNCIL AGENDA ITEM # : PROPOSED ORDINANCE CHANGE – Madison Common Council Meeting,  
January 18, 2005**

On December 14, 2004, Maxine Okafo and concerned citizens submitted five questions of concern for established Late Night vendors, especially JIN'S Chicken and Fish: Cornelia Food Cart. (See attachment for details). On Tuesday, January 11, 2005, the Vending Oversight Committee convened and discussed the communication. JIN'S, Earnestine Moss, and one other vendor was present and offered alternatives to the proposed change. However, the Vending Oversight Committee told the vendors that they failed to make their case and voted reaffirmed their commitment to:

“Amending Section 9.13 to prohibit street vending in residential areas between 9:00 p.m. and 6:00 a.m., creating four areas for any food vendor to conduct "late night vending" within the boundaries of the State Street Mall/ Capitol Concourse Vending Area, and creating minimum requirements for food carts City-wide.”

JIN'S and the concerned citizens feel that the Oversight Committee's decision is unwarranted, unfortunate, and unfair. We believe it amounts to cruel and usual punishment to small minority businesses. The Vending Oversight Committee has denied that this action being taken has anything to do with race discrimination, and said to those concerned that, “How dare you imply that we are racist or that race has anything to do with the matter.” JIN'S and the Concerned Citizen want to believe all of the Vending Oversight Committee members, however this is difficult when the majority of the members present voted to maintain the Vending Oversight Committee's decision without further investigation of the impact it would have for the affected businesses.

JIN'S and the concerned citizens do not believe that the Vending Oversight Committee has given the Proposed Ordinance the necessary consideration. Thus, we are appealing to you, requesting that you investigate this matter further, before rendering a decision. On January 11, 2005, several of the Vending Oversight Committee members admitted that they have not done a study of the foot traffic to and from JIN'S or any of the four sites being proposed as alternatives, for Late Night vending. This seems like a travesty to us. We believe this is callous and irresponsible at the very least.

In addition, JIN'S and Earnestine Moss recalls that in 1990, JIN'S was to be the Test Pilot for residential Late Night vending, and it was said, at that time, that if it was decided not to expand the Late Night Vending in residential areas, JIN'S would be Grandfathered, but no other vendors would be allowed on Langdon Street. (Langdon Street was the only street with Late Night vending at that time.)

JIN'S and the Concerned Citizens are requesting that the Madison City Council request copies of the Vending Oversight Committee Minutes from 1990, before ruling on the proposed ordinance change. Thus, we are asking that you delay this matter, to allow the proper research and thorough investigation to ensure fairness and that an amicably resolution be reached. Possibly:

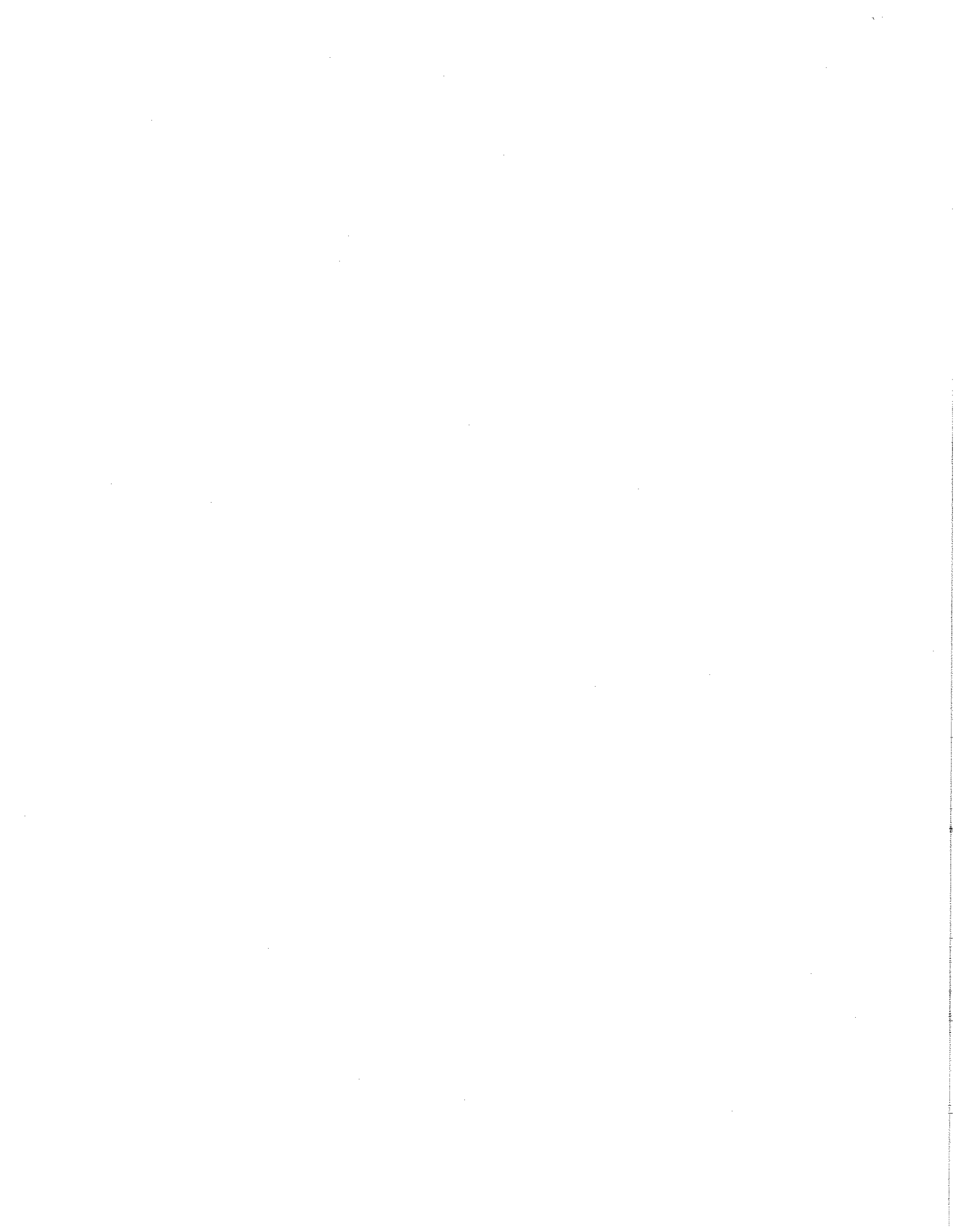
Pilot the sights, commencing after October 30, 2005. It would allow time for the Madison Common Council to provide JIN'S with answers to their questions, for example, a study of the crime rate in the area, e.g., rapes, robberies, etc. It would also allow a reasonable timeframe for these businesses to strategize for advertising expenses, etc. Currently, JIN'S advertisement all done by Word-of-Mouth. JIN'S anticipates that this will definitely have to change. At this time, it has not been budgeted for and can prove to be very costly, especially when one has got to advertise for multiple sights.

Thank you

Sincerely,

Maxine Okafo, Owner

Earnestine Moss and Concerned Citizens



**Dear City Council Members:**

**COUNCIL AGENDA ITEM #92: PROPOSED ORDINANCE CHANGE**

The item below relates to the JIN'S Chicken And Fish issue (30 Day Suspension for noise and parking violations) and needs to be killed or altered. It poses a threat to four African American Late Night vendors' livelihood and safety. These places are not well travel after 2:30 a.m. We believe it evident that the complaints to the City about JIN'S were racially motivated, by several students who live in the Tau Kappa Epsilon (TKE) House. Beside to deny LATE NIGHT vendors equal opportunity to use our city streets amounts to discrimination? What if several people, who work nights, complains about road construction crews and all the noise they make, have you ever pulled the permits to complete their work? Or have the UW canceled games because some citizen get upset with the huge flow of traffic.

"92. ID# 37251 Amending Section 9.13 to prohibit street vending in residential areas between 9:00 p.m. and 6:00 a.m., creating four areas for any food vendor to conduct "late night vending" within the boundaries of the State Street Mall/ Capitol Concourse Vending Area, and creating minimum requirements for food carts City-wide."

I have to ask why are poor people, especially African Americans, are penalized for innovative ideas to support themselves and other are rewarded? Susan Bulgrin, Culver's owner, had a good idea to establish a Culver just beyond the railroad tracks. Didn't the City of Madison support that effort? The rest is history.

JIN'S has provided you with over 300 signatures back in September from patrons who frequent JIN'S, some of whom are residents on Langdon Street. But it seems that their need for a service outweighs the need of a precious few to have absolute quietness, along as it get JIN'S off Langdon Street, due to the noise from the patrons.

Ironically, every person that I have talked with, who lives on Langdon Street, has laughed at the notion that students have lodged complaints for noise, because they perceive the students to be the noise makers. They wonder why students are complaining about JIN'S, when they up anyhow.

**The following are issues perceived by JIN'S and concerned citizens:**

- 1) We submit that Mike Verveer and Cindy Thomas has not shown due diligence in demonstrating that insurmountable harm been has been done to anyone, or in considering the impact, changing the City Ordinance to deny LATE Night vending in residential streets, will have on these vendors, especially JINS.
- 2) JIN'S is a stationary cart and cannot be moved from place to place in the same evening. There is no natural flow of foot-traffic after 2:30 a.m. for vendors to sell to.
- 3) We believe that the City of Madison should be held accountable for ensuring the safety of all of its citizens.
- 4) Before the Madison changes City Ordinance, regarding LATE NIGHT vending, it should provide us with a tracking of the potential customers, since the City demanded that JIN'S demonstrate feasibility of patrons before allowing it to operate on Langdon Street.
- 5) The City should also share with the public, information regarding the crime rate in the proposed areas.

In closing, this action will prohibit JIN'S Chicken and Fish: Cornelia Vending Chart and other LATE NIGHT VENDORS from operating on any residential street, supporting themselves and their families at a level that they are accustomed. Where we are concerned, the change in the ordinance is sure to cause huge loss of income, especially for JIN'S, it has vended at two of the sits being offered already and it was not beneficial. JIN'S is asking each Alder to vote against the propose resolution until a thorough investigation has occurred and brought back to this Council for a vote.

Thank you. If you have any questions, please contact Maxine Okafor at 608-217-3342 or Earnestine Moss at 608-288-9202 or E-mail: [emosse@aol.com](mailto:emosse@aol.com).

Sincerely,

Maxine Okafo, Owner

Earnestine Moss

Concerned Citizens

Submitted: 12/14/04