

Ad hoc Outdoor Dining & Food Truck Committee
Meeting #1
Large 2nd Floor Conference Room; City Hall
February 3, 2022
APPROVED MEETING MINUTES

In attendance:

Committee: Councilor Erle Pierce (Chairman); Mayor Jim Bouley; Councilor Stacy Brown and Councilor Karen McNamara

Staff: Deputy City Manager Carlos Baía; Deputy City Solicitor Danielle Pacik; Health and Licensing Officer Gwen Williams; Local Gov't Management Fellow Crayton Brubaker

Councilor Pierce called the meeting to order at 4pm

Councilor Pierce invited Mayor Bouley to outline the purpose of the committee. Mayor Bouley remarked that, as he saw it, the committee had two goals:

First, to determine if outdoor dining—which was temporarily expanded to encumber public parking spaces during the height of the COVID pandemic—should be made permanent and what type of restrictions, charges, design guidelines, etc. should be placed on this. Second, decide whether food trucks should be provided with more flexibility than has been the City's historic practice and what that would look like.

Councilor Pierce asked Ms. Pacik to summarize the current ordinances that are pertinent in terms of food trucks and outdoor dining. Ms. Pacik provided the committee with copies of the relevant ordinances as well as a spreadsheet summarizing the pertinent ordinances. She reviewed each category.

Councilor Pierce asked if the committee wanted other members of the community to participate or be invited to provide input in future meetings. The committee discussed having some restaurateurs and other business owners invited at a later date. They also mentioned reaching out to the Chamber of Commerce and Intown Concord.

Mr. Baía stated that the prior City Council had provided temporary expanded outdoor dining that encumbered public parking for tables during two seasons. He noted that this was a direct response to the pandemic and an effort to help restaurants struggling during those times. He noted that this temporary program has been suspended for 2022 pending direction from this committee and, ultimately, City Council. Councilor Pierce noted that the temporary program impacted parking and staff explained that several non-restaurant business owners have expressed concern with continuing this effort since it took parking spaces away from in front of their shops.

Mr. Baía stated that another point to keep in mind is that the City has not charged restaurants to use its fee properties, City right of way or the City's parking spaces. He noted that in the case of Cheers, this restaurant owner has a pending request to install a commercial grade awning over its patio which is on City land. This use will further enhance what has become an extremely successful component to that

business yet the City receives no direct revenue from that business use. He explained that the same can be said of O's Steak and Seafood's use of the plaza by Red River Theatre.

Mr. Bouley stated that, as one of the owners in condominium association which Cheers is also a part of, he will recuse from discussing the Cheers property itself. However, in principle he feels that the restaurants with outdoor dining on City property should pay for this use.

Councilor Pierce noted that under the current ordinance, restaurants could be charged \$15 per day per space for each public parking space they use for outdoor dining. He suggested that if expanded outdoor dining is re-instated, that charge be assessed. Mayor Bouley noted that the application of this specific charge could be untenable when one calculates the number of days and parking spaces attributable to each restaurant. Mr. Baía suggested that if the committee were to provide the general direction that it favored reinstating expanded outdoor dining and charging for this use, staff could come up with a fee that would be reasonable.

Councilor Brown expressed support for food trucks in special events. Ms. Pacik noted that the City presently allows for this as part of special events. Ms. Pacik also noted that in instances where a food truck might be hired for a private event (not open to the general public), the City does not regulate that activity.

Mayor Bouley stated that he was in support of looking at the possibility of allowing food trucks everywhere, including the downtown. He noted that today, an increasing number of local restaurants are not open for lunch or closed on certain days. Therefore, he felt that food trucks could add to the vibrancy of downtown and attract and retain more people downtown.

The committee discussed this idea and was supportive with some limits to be defined. Staff was directed to prepare a food truck policy and/or ordinance to be reviewed at the next meeting.

The committee also directed staff to bring back a permanent expanded outdoor dining policy for consideration that would include a fee structure, safety elements, and furniture design guidelines.

Meeting adjourned at 5:30 p.m.