

Ad hoc Outdoor Dining & Food Truck Committee
Meeting #2
Large 2nd Floor Conference Room; City Hall
February 17, 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 3:30 pm

Approval of the February 3, 2022 minutes

Councilor McNamara moved approval; Councilor Brown seconded the motion. Motion approved unanimously.

Review and Update of Draft Outdoor Dining Policy

Mr. Baía presented the committee with a first draft of a policy to permit outdoor dining on public sidewalks, bump-outs and in parking spaces. Key points of the draft included:

- On sidewalks, tables and chairs would only be permitted in Zones A and C per the Main Street guidelines.
- Tables and chairs could only be placed along the frontage of a restaurant. Expansion of this use on the sidewalk beyond the restaurant to be in front of the immediate abutters on either side would require written permission of the abutting property owner(s).
- Assignment of the use of bump-outs would be at the discretion of the City.
- Outdoor dining furniture would have to follow street furniture guidelines presented in the permit application. Picnic tables or any tables with attached seating would be prohibited.
- The installation of the water-filled safety barriers by the City would be mandatory for the use of any on-street parking space.
- Suggested permit fees were presented based on the number of seats.
- Fees for the use of the public parking spaces were also proposed.

Councilor Pierce recommended that a definition of “outdoor dining” be included. Mr. Baía acknowledged that staff will provide that in a subsequent draft.

Mayor Bouley asked if this policy would apply to users that might not be on sidewalks such as Granite State Candies in Bicentennial Square. Mr. Baía recognized that this current version only applied to sidewalks and on-street parking. He stated that he would prepare a version for city properties such as

Eagle Square, Bicentennial Square and the City Plaza at Capital Commons and would include the same furniture guidelines and prohibitions as noted in the draft the committee was reviewing.

Councilor McNamara asked if the permit holders using on-street parking spaces could be allowed to decorate the safety barriers in a non-permanent fashion. The committee talked about allowing them to place flower planters on the barriers or draping over the barriers. Mr. Baía stated that such non-permanent decorations could be allowed as long as there were no encroachments into the vehicular travel ways and nothing that could pose a safety hazard or damage the barriers since they are plastic. He recommended that the City have the final say as to what decorations were acceptable or not.

Mayor Bouley asked about the premise for the use of the bump-outs since, unlike the sidewalk tables and chairs, the bump-outs were proposed not to require the permission of the abutting property owner. Mr. Baía explained that when the Main Street project was being planned, the bump-outs were contemplated as public gathering spaces beyond the standard sidewalk. As such, he felt that the City should be able to dictate what can be used in those spaces much like it does with public art. He also noted that the bump-outs were also further away from the facades of businesses.

Mayor Bouley expressed that he did not like the look of table umbrellas with corporate logos of all types and colors. Councilor McNamara concurred that a solid color umbrella is more attractive but both she and Councilor Pierce noted that the table umbrellas with logos are likely free for the restaurants while if the policy were to prohibit such logos and require solid colors, restaurants would need to invest in purchasing these umbrellas. Councilor Pierce suggested perhaps phasing in such a requirement over two years.

Mayor Bouley asked what other cities require in terms of table umbrellas. Staff would look into this and report back.

Councilor McNamara appreciated the fact that the draft policy includes some flexibility for permit holders in terms of the fee burden depending on the time of their usage and wondered if the City would be open to accommodating changes to permits where an abutting property owner might only wish to allow a restaurant to have tables and chairs in front of their building during a portion of the outdoor season. Ms. Williams stated that in the past, she has worked with permit holders to provide flexibility where possible.

Mayor Bouley noted that he likes the clause that allows for the pro-rated fee for someone applying after August 15th but feels the pro-rated refund provision before June 1st is impractical relative to the size of the potential refund. Mr. Baía explained that refunds are always somewhat of a challenge because they trigger a fair amount of back office administrative work across departments to effectuate.

Mayor Bouley raised the issue that perhaps the committee may wish to think more about the draft's requirement of seeking permission from the property owners for use of the on-street parking spaces. Mr. Baía noted that the Mayor raised an important point in that parking is a community good for all of downtown and perhaps shouldn't be considered as somehow "belonging" to an individual business.

Mr. Baía committed to bringing an outdoor dining policy for City properties to the next meeting for the committee's review.

Review and update of the Draft Food Truck Ordinance

Due to a lack of time, the committee sought to have Ms. Pacik discuss the food truck draft ordinance at the next meeting. Ms. Pacik handed out the draft for the committee to review prior to that session. Staff illustrated on a map where food truck locations were being contemplated as part of that draft ordinance.

The committee also briefly reviewed the results of an informal, small survey taken by Intown Concord relative to outdoor dining and food trucks.

The committee set the next meeting for Thursday, February 24th at 3pm. Councilor Pierce suggested they review the outdoor dining policy for City properties first and then spend the bulk of the remaining time on the food truck ordinance.

Meeting adjourned at 4:50 p.m.

Respectfully submitted,

Carlos P. Baía