

Ad hoc Outdoor Dining & Food Truck Committee
Meeting #3
Large 2nd Floor Conference Room; City Hall
February 24, 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 3:00 pm

Approval of the February 17, 2022 minutes

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

Review and Update of Draft Outdoor Dining Policy for Eagle and Bicentennial Squares

Mr. Baía presented the committee with a first draft of a policy to permit outdoor dining in Eagle and Bicentennial Squares. Key points of the draft included:

- 6' clearances required for pedestrian walkways, steps, sculptures, play areas, fountains, etc.
- Based on further thought and example from the City of Portsmouth, Mr. Baía suggested changing the standard permit fee structure proposed at the Feb. 17th meeting and also in the draft he distributed at this meeting to one based on area occupied rather than seats. This would be easier to manage for both the permittee and the City. This change would be reflected in the next draft.
- A "Square Reinvestment Fee" is also proposed that would also be based on area at the rate of \$1 per square foot. Mr. Baía suggested that the dollars from this "reinvestment fee" could be allocated to the Downtown Services Team budget for square maintenance.

The consensus of the committee was that assessing the standard permit fees based on a per foot basis rather than the number of seats was a better means. This allowed the restaurateur to make more efficient use of his/her permitted area.

Mr. Baía explained that the draft he provided today still had the standard permit fee based on tables and chairs but that he would come back with a revised version for the squares and the sidewalks/bumpouts/parking spaces that would be based on area. The committee asked what rate he would propose. Mr. Baía stated that he would have to run some numbers to ascertain what made sense but that he did not think it would be exceed the \$5 per square foot rate that Portsmouth is charging.

Mr. Baía asked if the committee had given more thought to the issue of table umbrellas. The committee discussed this at length with ideas ranging from a sliding scale based on umbrella investment; a phased approach to allow investment in umbrellas without full weight of fees in year 1; discounting fees based on permittees who make umbrella investment, etc.

The Mayor noted that the City has provided two years of free and expanded usage of the public spaces downtown and that many restaurants also availed themselves of federal dollars during this time period. He stated that these restaurants have benefited greatly from the use of City property and that they should now be held to a higher standard.

Ultimately, the committee consensus was that no corporate logos would be allowed on table umbrellas except for the restaurant name.

Councilor Pierce asked again for a definition of “outdoor dining.” City staff will provide for the next meeting.

Food Truck Discussion

Deputy City Solicitor Pacik went through the proposed draft ordinance. She noted that the pilot food truck program was premised on certain potential locations in the downtown area and permit fees assessed based on shifts.

The proposed locations were largely along Storrs Street and at Capitol Street. Councilor Pierce asked the committee how it felt about those locations since a few would be close to existing bricks and mortar restaurants. Councilor Brown expressed concerns. Councilor McNamara stated that she did not have a problem with the food truck locations being near existing restaurants. She noted that food trucks can serve as “destinations” where people will travel to for the food and the experience.

Mayor Bouley stated that he didn’t like the idea of specific set locations for the food trucks. He would prefer a more fluid approach that would still be manageable. He noted that this will be a learning curve for the City. He also suggested staff contact food truck operators to solicit their input on what works best.

Councilor Brown suggested that the temporary food license be issued for the season rather than 14 days. Ms. Williams agreed and stated that this was an idea that staff was looking at.

Ms. Williams suggested that perhaps the best approach might be to simply have a sign-up list for food trucks. Operators that signed up would need to be licensed appropriately but would have more flexibility to pick locations perhaps citywide. Councilor Pierce noted that in this idea, it would be up to the food truck operators to find their own spots. The committee liked this idea in concept.

Ms. Pacik noted that the issue of what to do with food trucks proposed for private property remains. Mayor Bouley stated that if someone is renting a portion of private property for a food truck simply to make a profit, he would not be supportive. However, if they are doing so as part of a charity effort, he might be OK.

Ms. Pacik indicated that she would revise the draft ordinance based on the comments provided and look to include a for-profit/non-profit distinction for review at the next meeting. Ms. Williams will reach out to food truck vendors in the meantime to get feedback.

The committee asked what the next impending deadline was. Mr. Baía noted that the outdoor dining season starts in April. Therefore, it would be important to have a policy for Council review by the March 14th City Council meeting. Mr. Baía felt that if the committee would be ready to approve the revisions by their next meeting (March 10th), he could have something for the Council agenda albeit via the suspense agenda. The committee agreed with this strategy. To facilitate this process, the committee asked that staff provide the revisions, at least, a couple of days ahead of time to allow them time to review prior to the meeting.

Meeting adjourned at 4:25 p.m.

Respectfully submitted,

Carlos P. Baía