

Ad hoc Outdoor Dining & Food Truck Committee
Meeting #6
Large 2nd Floor Conference Room; City Hall
April 12, 2022
DRAFT MEETING MINUTES

In attendance:

Committee: Councilor Erle Pierce (Chair), Mayor Jim Bouley, and Councilors Stacy Brown and Karen McNamara

Staff: Deputy City Manager Carlos Baía; Deputy City Solicitor Danielle Pacik; Health and Licensing Officer Gwen Williams; Community Development Specialist Crayton Brubaker

Guests: Greg Tandy, owner of Tandy's Restaurant

Councilor Pierce called the meeting to order at 3:30 pm

Councilor Pierce opened the meeting by asking Mr. Tandy for his concerns relative to the recent policy changes for outdoor dining. Mr. Tandy explained that the fee was unexpected and he was curious as to why the City needed to charge for his restaurant's use of City property when it had not done so for years. He noted that the restrictions on umbrellas were, to a certain extent, more problematic since the umbrellas with the corporate logos were a way for people to know that the tables and chairs belonged to an establishment that served food and drinks.

Mayor Bouley explained the evolution of outdoor dining over the past few years in Concord and noted that the committee was seeking to balance the use of public property. He also noted that other communities are also charging for outdoor dining and that Concord's fees were actually less than what a number of cities around the country are levying.

Deputy City Manager Baía stated that the committee had chosen the per square foot fee in part to regulate potential sprawl of private uses of the public realm. Mayor Bouley noted that he had gotten complaints last year about Tandy's outdoor dining area due to its expansiveness.

At this point, the committee returned to their formal agenda.

Approval of the March 23, 2022 meeting minutes

Mayor Bouley moved approval; Councilor McNamara seconded the motion. Approved unanimously.

Discussion of Implemented Outdoor Dining Changes to Date

Councilor Pierce asked Health and Licensing Officer Gwen Williams for an update. Ms. Williams indicated that she had received 17 applications for outdoor dining thus far. In 2021, at its peak, the City permitted 25 restaurants for outdoor dining; in 2020, 21 restaurants; and in 2019, 14. She assumes that she will issue permits to more than 17 this season as some typically apply later once it is warmer.

Ms. Williams stated that she has been out in the field meeting with business owners to measure their proposed outdoor dining spaces. She also summarized the communication outreach effort to date.

Councilor McNamara mentioned that she had been contacted by the owner of the Post with a concern over the requirements that tables not have attached chairs. Mr. Baía explained that this was explicitly prohibited in the Main Street Guidelines as well as in the policy the committee had recommended. He noted that what one person might consider a picnic table another could see a table with attached chairs. Ms. Williams indicated that she has been in conversation with the Post's owner on an alternative.

Mayor Bouley summarized the feedback he's received to date. He noted that The Works restaurant likes the changes and was supportive of the new umbrella regulations. The Barley House understood the need for the parking fee but felt that assessing a fee for use of the public sidewalks was an overreach. The Mayor noted, however, that the Barley House also admitted that the outdoor space allowed its restaurant to effectively double its capacity. The Mayor did not feel the need to revisit the fee but did find the Barley House's concerns about the umbrella regulations compelling.

Mayor Bouley noted that he learned that there are limitations as to how umbrellas are given to restaurants from beverage distributors. He also stated that a variety of restaurant staff had told him that acquiring enough umbrellas to cover needed tables and have some in reserve is extremely challenging with current supply issues.

Councilor Brown asked Mr. Tandy how long his umbrellas last. Mr. Tandy replied that, at best, they last one season due to weather and damage from users.

Mayor Bouley asked the committee if they would support a change to the umbrella provisions. He produced a suggested policy that one restaurant owner had offered for his consideration. The committee's consensus was to eliminate the requirement in the current policy that umbrellas could not have corporate logos. Instead, the committee recommended that restaurants who wished to display umbrellas ensure that they are all of the same color. The committee also wanted the restaurants to be aware that this change would only be for this year and in 2023 the City may wish to return to the ban on corporate logos. The committee further suggested a season-end survey of the restaurants and their neighboring businesses to gauge how the season went.

Food Truck Discussion

Mayor Bouley noted that the food truck policy within the rewritten peddler ordinance is on for public hearing in May.

Councilor Brown asked Mr. Tandy what he thought of food trucks since he was a "bricks and mortar" restaurant owner. Mr. Tandy stated that he was not opposed to food trucks and has thought of acquiring one himself.

Meeting adjourned at 4:30 p.m.

Respectfully submitted,

Carlos P. Baía