



# CITY OF CONCORD

*New Hampshire's Main Street™*

## REPORT TO THE MAYOR AND CITY COUNCIL

**FROM:** Carlos P. Baía, Deputy City Manager-Development

**DATE:** March 4, 2020

**SUBJECT:** Recommendations from the Ad hoc Committee on Business Use of City Property

### **Recommendation**

Accept this report and the committee's recommendations.

### **Background**

At Council's February meeting, staff had proposed a nominal fee for the business use of City property and public right of way in our downtown. Council opted to create an ad hoc committee composed of Mayor Bouley and Councilors Champlin, Fennessy, Kretovic and Pierce to review this matter as well as other issues relative to business uses of City property.

### **Discussion**

The committee met on March 2, 2020. They discussed a variety of topics including whether there was a need to:

1. Impose fees;
2. Regulate the type and quality of business street furniture;
3. Regulate the type of dividers that separate dining areas from the public travel way.
4. Regulate the amount of space allocated to business uses on public property.

The committee concluded that fees were not appropriate at this time. Instead, they felt that the City needs a stronger mechanism to enforce its ordinances and policies relative to the use of public property and suggested that a penalty provision for misuse be implemented. This penalty structure could include a fine component.

The committee felt that it was imperative for the City to be consistent and proactive in enforcement of the regulations governing usage of its public property.

As for the businesses' street furniture, the committee felt that the current regulations and practices along with the recently added policy of requiring some type of durable padding on and below certain furniture to prevent staining of the granite and concrete were acceptable. The committee did not recommend any changes to current policies or ordinances relative to this item.

The committee also discussed how certain business uses are granted space on public property. While the Main Street Guidelines and City ordinances limit the size and location of outdoor dining on the public sidewalk largely based on a business' frontage and maintaining clear space for pedestrian movements, such limitations are less clear in the City's public squares, for example. The committee cited Tandy's outdoor space in Eagle Square and noted that it seems to take up a disproportionately large amount of area. The committee felt that there should be greater consideration for a more equitable use of City property.

The committee made the following recommendations to City Council:

1. No permit fees should be implemented at this time;
2. The City should adopt a penalty provision—which could include fines—to encourage businesses to adhere to higher standards of sidewalk and plaza cleanliness and care;
3. The current policies, practices, and ordinances relative to the acceptable types of business street furniture and equipment used to divide licensed dining space from the pedestrian way are acceptable;
4. Greater consideration should be given to equity in terms of how City property is utilized.