

Ad hoc Outdoor Dining & Food Truck Committee
Meeting #7
City Hall - Large 2nd Floor Conference Room
December 6, 2022
MEETING MINUTES

In attendance:

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

Staff: Interim Deputy City Manager – Development, Matt Walsh; Deputy City Solicitor, Danielle Pacik; Health and Licensing Officer, Gwen Williams; Community Development Specialist, Crayton Brubaker

Councilor Pierce called the meeting to order at 3:33 pm

1. Approval of the April 12, 2022 Minutes

Mayor Bouley made a motion to approve the April 12, 2022 draft minutes. Councilor McNamara seconded the motion. The motion was approved unanimously.

2. Review Statistics for Outdoor Dining Business Participants in 2021 and 2022 Season

Ms. Gwen Williams, the City's Health and Licensing Officer, provided a report to the committee regarding the outdoor dining and food truck programs and statistics associated therewith.

Twenty-two (22) outdoor dining permits were issued in the 2020 season. Only one establishment was not connected with Main Street. Twenty-five (25) outdoor dining permits were issued in the 2021 and 2022 seasons. An additional eight (8) establishments expanded their outdoor dining areas who were not connected to Main Street.

In 2022, when the City started charging for the use of outdoor dining in the public right of way, \$25,840.52 was collected through this program. In 2021 and 2020, no revenue was collected from the program, since the City did not charge for the use of space.

The cost to administer the program was approximately equal to the revenues collected. No less than thirty (30) hours was spent by the Health and Licensing Officer to conduct site visits, calculate fees, and communicate with participating businesses. Other maintenance items, such as the General Services Department's set up and removal of Jersey barriers, cleaning of the sidewalks, and time for clerical and technician administration of the outdoor dining program would also need to be considered for the administrative costs of the program.

Councilor Pierce thanked Ms. Williams for the report.

3. Review of 2022 Outdoor Dining Season and Updates for 2023 Season

Ms. Williams provided a verbal update regarding implementation of the program and general feedback received from the public.

Ms. Williams noted some initial pushback since the City began charging for use of public space. Some businesses utilized the halfway point in the program, August 15, in which the business paid half of the normal fee for use of the space for half of the dining season. Some businesses that participated in the program needed reminders for maintaining proper ADA access in the right of way. A few businesses were reminded to take down outdoor dining equipment to comply with November 15 deadline.

When implementing the program, Ms. Williams conducted site visits and personally measured each area to ensure correct permit costs. Ms. Williams also noted that she worked with business owners on drawing their use of space and provided the option to alter the area, if the fees were too high and/or the customer wanted to adjust. It was also noted that now that Ms. Williams has now has area layouts on file for participating businesses, the business can simply renew the same area, if they wish.

The committee discussed the issue of bike racks in Eagle Square and on Main Street in relation to their proximity to some outdoor dining spaces. The committee also discussed the unbalanced nature of the outdoor dining area for a few businesses in relation to the whole area of a downtown square. Mr. Walsh noted that bike racks are embedded into the sidewalk, but some may have been taken out by Theatre Street in recent years.

Mayor Bouley asked about general feedback the committee and staff had received regarding the outdoor dining program. Councilor Pierce expressed that he was pleased with the aesthetics of outdoor dining in Concord.

Ms. Williams noted that the 2022 season was the first to require the use of Jersey barriers, if the business was utilizing a parking space. Mayor Bouley noted that the barriers worked well throughout the season.

Councilor Brown asked about the use of outdoor dining space during events downtown. Ms. Williams stated that the business that paid for the use of space had the right to use the space during events.

Mayor Bouley asked if Ms. Williams had received any indication as to whether any businesses would not participate in 2023. Ms. Williams said she had not heard that from any businesses.

The committee discussed approaches to updating regulations to ensure quality fencing and/or sectioning off of outdoor dining areas. The committee desires to ensure public safety and quality aesthetic and materials for separating dining areas from walkways. Councilor McNamara asked if the policy needed more guidelines for what the barriers or fencing design should look like. Ms. Williams recommended the committee to look at citizen feedback, compare to the current regulations, and adjust from there. The committee directed City staff to return with such feedback at the next meeting.

Councilor Pierce asked about the cost per square foot for outdoor dining. Ms. Williams stated that the fee is \$3.00 per square foot per outdoor dining season, which runs from April 15 – November 15. It was also noted that after August 15, the price is half of the original fee.

4. Review of Outdoor Dining Table Umbrellas Policy

Councilor Pierce noted Mr. Greg Tandy’s feedback of umbrellas at the April 12 meeting and asked the committee for feedback to shape future policy related to outdoor dining umbrellas. Mayor Bouley noted the 2022 season umbrellas were more aesthetically pleasing than previous seasons.

Councilor Brown asked if there had been complaints regarding logos on umbrellas and the committee stated that they hadn’t received any. Councilor McNamara noted that some businesses had expressed a need to have a year to prepare for upgrading their umbrellas and that she wanted to go forward with having a quality umbrellas policy. Councilor Pierce concurred.

Ms. Williams noted that there were some frustrations with the 2022 season umbrella policy and that businesses expressed that it would be helpful to receive advanced notice of any future changes to the policy.

The committee discussed the fact that there was some noticeable wear and tear on umbrellas near the end of the season. The current policy states that umbrellas should be “of high quality and a consistent color.”

The committee discussed whether the umbrellas should be allowed to contain advertising. The committee agreed that the umbrellas should be not have any advertisements, except for the restaurant name which must be professionally printed on the umbrella.

Councilor McNamara motioned to add language to disallow faded or torn umbrellas to the guidelines. Councilor Brown seconded the motion. The motion passed unanimously.

Ms. Williams noted that she has a contact list of businesses who participated in the outdoor dining season and that she provides regular communication to that list. The committee directed City staff to continue robust communication and notice the businesses of any changes, including umbrellas, once they are made. Councilor Pierce offered to assist Ms. Williams in developing or reviewing any messaging sent to businesses.

5. Food Truck Status Discussion

The committee asked Ms. Williams for general thoughts and recommendations about how the food truck program has gone. Ms. Williams stated that the new fee schedule and combined food and peddler’s licenses were well received by the food truck industry. It was also noted that the temporary permit was welcomed and utilized by local establishments, particularly at events.

Ms. Williams also stated that a number of food trucks let their permits lapse due to staffing and/or supply shortages. Food trucks were made aware of new the process and policy at special events. There are currently seven (7) food trucks who hold an annual license in Concord. Between April 12 and the December 6 meeting, Ms. Williams received approximately a dozen inquiries about food truck annual licenses and that she anticipates the number of annual food truck permits to steadily increase over the next few years.

The downtown food truck calendar for downtown has not been heavily used, but one food truck has used it and they coordinated with all appropriate parties, including parking, and there were no issues.

Councilor McNamara asked if downtown parking spaces are big enough for food trucks. Ms. Williams said that she hasn't received that feedback and that the current policy does allow for use of parallel, adjacent spaces downtown. In the event that a food truck needed two parking spaces to safely operate, the fee would total \$30 per day.

Mayor Bouley noted that there weren't as many food trucks as the committee initially anticipated. Ms. Williams explained that several factors may have been a result, including shortage of staff and supplies and lack of awareness of the program. Councilor Brown noted a desire to promote the program. Ms. Williams has been letting food truck vendors know about the new food truck policy and program in verbal conversations and noted that the website is up to date and provides information to the public about the program.

6. Old Business

No old business was discussed.

7. New Business

Councilor Pierce added four items to new business, which will be discussed at the next meeting.

- 1) Finalizing current policy for umbrellas
- 2) Developing strategies for outreach and public relations for the food truck program
- 3) Updating guidelines for perimeter separation
- 4) Determining whether more robust barrier requirements are needed

The committee directed City staff to recommend strategies to improve outreach and public relations for the food truck program at the next meeting.

The committee further discussed what language should be added to best ensure aesthetic perimeter separations. The committee directed City staff to research and bring back perimeter design guidelines by the next meeting.

The committee also discussed that dining areas using parking spaces should have more definite fencing than those on the sidewalk areas. Mr. Walsh asked the committee if they are

comfortable with the levels of robustness of barriers in the street for outdoor dining. He noted that Concord does not have continuous enclosure in the traffic area, unlike other urban areas, such as Boston's north end.

Councilor Pierce stated that the committee may not necessarily need a motion for this, but would likely ask staff to provide more Jersey barriers. As a part of the outdoor dining program, the City acquires and pays for Jersey barriers, not the participating businesses. Mayor Bouley noted that the City acquired Jersey barriers through the GOFERR program early on during the pandemic. The committee directed City staff to research the amount of Jersey barriers the City has and what would be needed to provide more robust barriers near outdoor dining in parking spaces.

The committee discussed the use of City-owned land by Cheers as an outdoor dining patio space in the winter, and whether a different fee structure should be created to allow Cheers to use that space on a year-round basis. Ms. Pacik is researching whether the current owner has a license agreement. The committee directed Ms. Pacik to provide a recommendation for how to accommodate outdoor dining during the winter months for Cheers and other similarly situated properties that are licensed on City-owned land at the next meeting.

8. Adjournment

The committee decided to meet again on Tuesday, January 10th, 2023 at 3:30 pm.

Councilor Brown made a motion to adjourn. Councilor McNamara seconded the motion. The motion passed unanimously.

Meeting adjourned at 4:55 p.m.

Respectfully submitted,

Crayton G. Brubaker