

Ad hoc Outdoor Dining & Food Truck Committee
Meeting #4
Large 2nd Floor Conference Room; City Hall
March 10, 2022
APPROVED MEETING MINUTES

In attendance:

Committee: Councilor Erle Pierce (Chairman); Mayor Jim Bouley (arrived at 3:30); 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 24, 2022 minutes

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

Review of final draft for Council recommendation

Mr. Baía noted that a definition was added for outdoor dining in the regulations.

In terms of the parking space use, the committee discussed whether to require permission from property owners whose buildings might have public parking spaces in front occupied by a neighboring restaurant. The committee wanted to be clear that public parking spaces belong to the City and not give the impression that the spaces are somehow exclusive property of the building owners. However, since using a parking space for outdoor dining is different than having cars parked in front of a building, the committee agreed that there should be some type of acknowledgement from a building owner should a restaurant wish to use spaces in front of that property for outdoor dining. Mr. Baía agreed to incorporate some language to this effect.

Councilor Pierce asked for confirmation that before a restaurant would be permitted to use any space on the sidewalks, city properties or in the parking spaces in front of an abutting property, they would first exhaust the use of their own frontage. Mr. Baía confirmed that this was staff's understanding and that he would clarify this in the final document.

Mr. Baía asked if the committee was still comfortable with its recommendation that umbrellas be of high-quality and consistent design and that no advertising be permitted with the exception of the restaurant name if desired. The committee confirmed that this was still their preference.

Mayor Bouley asked about how staff proposed to address Revival's deck. Mr. Baía suggested that the City would apply the proposed program to Revival and assess the requisite permit and parking space use

fee in the same manner it would for other permittees. The deck would not be allowed to be installed until April 15th and would need to be removed by November 15th.

Mayor Bouley noted that the deck encloses a parking kiosk and he also cited Siam Orchid's outdoor dining set up that would encroach on a City bench. This would be in violation of the proposed permit setbacks. The committee discussed this and, ultimately, recommended that language be included that allowed the Health and Licensing officer to make exceptions to setbacks from city infrastructure if deemed warranted.

Mayor Bouley asked what staff would do if Angelina's asks to place tables and chairs on Low Avenue as it did briefly during year 1 of the pandemic. Mr. Baía explained that Low Avenue is an actual street/motor vehicle travel way and not a parking space nor sidewalk. Under Angelina's prior temporary use, the restaurant was authorized to set up and take down tables and chairs on a limited basis a few hours of the day but the dining area was only protected by some saw horses. Ms. Williams noted that this original temporary use raised safety concerns for staff. Mr. Baía stated that with the requirement that the City install water-filled jersey barriers for safety, if Angelina's were to occupy a portion of Low Avenue via a permit, the City would, in essence, be closing down this outlet of Low Avenue since these barriers weigh 400-500 lbs when filled and are not easily moveable. Such a closure would have significant neighborhood and public safety ramifications and would not be recommended. The committee concurred with this assessment and understood that this would mean that Angelina's could not avail itself of outdoor dining in Low Avenue.

Mr. Baía reviewed the proposed \$3 per square foot permit fees and explained that the approach being recommended by staff would treat all of the restaurants equally regardless of whether they were in a square, City non-park property, sidewalk, bump-out or parking space. Mr. Baía noted the potential estimated impact on certain establishments at this rate. The committee accepted this rate and recommended that it be included in the final recommendation to Council.

Mayor Bouley stated that he was not comfortable with the \$2,000 per space/per season rate for the use of public parking spaces. He noted that the committee is asking the Council to adopt a policy that will require users to improve their outdoor furniture and potentially have to acquire new umbrellas along with paying the square foot fee. He stated that perhaps the committee would consider \$1,000 per space at this point and the Council could revisit the fee next year to determine whether an increase would be warranted at that time. The committee concurred and the \$1,000 figure will be included in the final recommendation to Council.

Food Trucks

Ms. Williams reported back on conversations she had with several food truck operators. They could not pinpoint a specific location as ideal and claimed that it would depend on a variety of factors such as busy times of the day, what might be going on in the area, etc. They also felt that the program should be rolled out in a limited format first to ensure that it was successful before opening up citywide. The operators generally liked the idea of flexibility as to where they could locate and the clarity on fees.

Mayor Bouley reinforced the idea of flexibility in the City's approach to food trucks. He also noted that the program should be considered a pilot attempt and it should be revisited by City Council in a year to see how it went and what needs to be changed.

Discussion ensued with the committee as to what days of the week would be most appropriate for food truck operation. Ultimately, the consensus was that staff should look at creating a program that would allow for food trucks any weekday as well as weekends.

Next meeting was scheduled for March 23, 2022 at 3p.m.

Meeting adjourned at 4:50 p.m.

Respectfully submitted,

Carlos P. Baía