

## **Meeting Minutes Ad Hoc Committee on Economic Development March 3, 2022**

### **Meeting Recording:**

[https://us02web.zoom.us/rec/share/ZR92OSe1hMizbHTNJWzsZA\\_e5yFVasWLIEVYukEPNDTGRtn5-uFIAfn78qWXjKXH.0r6uoYj0WiZpdI9n](https://us02web.zoom.us/rec/share/ZR92OSe1hMizbHTNJWzsZA_e5yFVasWLIEVYukEPNDTGRtn5-uFIAfn78qWXjKXH.0r6uoYj0WiZpdI9n)

Access Passcode: 2.b^ZTM@

### **Attendees**

Heather Shand, Chair, Councilor Ward 3  
Sharif Zeid, Councilor Ward 1  
Jim McCauley, Councilor Ward 5  
Richard Jones, City Clerk  
Lise Reid, Parks Director

### **Agenda**

#### **ODNC098\_10\_12\_2021 - Permanent Parklets Legislation**

Chair Shand explained this is the fourth meeting on parklets; finalizing ordinance and fees for presentation to full Council. Focus is on fees and sidewalk policy.

### **Ordinance Modifications**

Councilor Zeid: he reorganized some content. Tried to keep language regarding existing prohibition on blocking sidewalk or public way.

He believes it will be difficult to pull back on restaurant sidewalk use “cold turkey”, meaning if you have a parklet you can no longer use the sidewalk for tables, chairs, signage and retail displays. His draft leaves them as two separate licenses; an applicant must apply for a parklet license and a sidewalk use license. Parklet application includes whether applicant has also applied for a sidewalk license to facilitate fair decision-making about how much space is allocated to each applicant.

Added section for Dining in Public Parks. Outdoor dining in parks is prohibited except for Inn Street and Thread Needle Alley. Also gives dispensation for Brown Sq for a few years in consideration of investment that has been made there. Parks Commission would determine length of dispensation.

Standardized terms so everything is called a “License” (versus some called Permit and others called License).

Set a Park rate of 150% of the regular parklet rate. Fees for regular parklets go to a newly established revolving fund; Dining in Public Parks would go to Parks fund.

Chair Shand and Councilor McCauley agree sidewalk policies do not need to change.

Lise Reid: Believes Parks Commission should be able to set the fees for Dining in Parks and then have that ratified by City Council. Councilor Zeid replies that the rationale in the Ordinance, originally proposed by Councilor McCauley is the reverse: Council drafts all fees and they are approved by a governing body if different than Council. Councilor Zeid also notes that City Council sees “the universe of requests” and needs to be involved in the fee setting to help ensure equity among applicants. Also said he’s trying to reconcile the need for fast action and getting feedback from all parties; that he would like to hear from Parks Commission on the parks fees to see if they believe 150% is too much or too little.

Discussion ensues regarding need for input. Lise Reid discusses past licenses granted. For Vera pre-pandemic request, a sub-committee was formed and a license was granted on a per seat basis. It was on the Park Commission’s agenda to reconsider the rate offered to Vera, before the introduction of parklets. The fee was \$5,000 and the Parks Commission cut it in half to \$2,500 due to the pandemic – and they were planning to reassess this year. Also Brown Sq. Councilor Zeid confirms the only Parks jurisdiction right now are Vera and Brown Sq.

Councilor McCauley asks whether Parks Commission can finalize fees for those two parks in their next meeting on March 17. Lise says no due to public notice requirements and other milestones that need to fall into place beforehand. Agreement reached that the Ordinance will be amended to address Dining in Parks when Parks Commission makes its decision, sometime around May 15<sup>th</sup>.

Councilor Zeid sees the Ordinance as an opportunity to clarify and rationalize fees for Dining in the Park.

### **Public Comment**

Dennis Morel, ADA Coordinator

Notes there have been significant ADA compliance issues as restaurants change staff and tables and chairs get moved. Also, inspections are not conducted during the highest usage periods (evenings and weekends). He is trying to avoid levying fines after making inspections and is really looking forward to cooperation of the restaurateurs.

Chair Shand asks if ADA compliance is noted in application. Discussion regarding about the specific requirement of ADA compliance. Councilor McCauley suggests Coordinator Morel write up requirements that get distributed along with the application. Draft ordinance is amended to note requirement to comply with attached ADA standards.

Jennie Donahue, Ward 2 Councilor

Notes that most parklets are in her Ward. She amplifies Dennis Morel’s comments about ADA compliance. She believes rules need to be clearly spelled out (versus referring applicants to MA law which can be difficult to understand) and there also needs to be clear warnings about fines. She also believes there needs to be repercussions for multiple offenses, including license review and possible revocation.

Councilor McCauley responds with clarification. Ordinance will refer to MA law. There will also be an attachment with clear expectations provided with each application regarding parklet

setup, breakdown, ADA compliance. Regarding repercussions, Council Zeid indicates license review is already purview of Licensing Board. Also, Council has the right to revoke licenses for cause and applicant would not receive a refund on the fee. Councilor Donahue says this meets her requirements.

Jane Snow, 9 Coffin Street

Voices concern about parklets in Public Parks. She does not believe they belong in Brown Sq which is a historic park and alongside a veteran's memorial. She notes the Brown Sq parklet is also the largest, holding 66 seats. Also notes the Veteran's Agent has submitted a letter to express disapproval.

Ms. Snow calls for a public dialogue on this matter and review by Parks Commission.

### **Final Review of Edits**

Councilor Zeid reviews edits in the draft Ordinance made during the meeting for clarification with Chair Shand and Councilor McCauley.

Regarding application process and submission to Council, Councilor McCauley suggests:

1. First reading includes list of applicants only (not full applications before seen by License & Permits Committee).
2. Applications go to License & Permits Committee to be screened, cleaned and recommended for approval.
3. Applications then go to License Board.
4. Recommended applications then submitted in full to Council for second reading and final approval.

City Clerk confirms the above sounds doable.

Councilor Zeid asks about liability in case of injury sustained while using a parklet. He suggests the city indemnify itself. Lise Reid notes that Parks has a general indemnification agreement. Agreement that general indemnification agreement will be noted in Ordinance and provided with the application – same as ADA regulations.

Meeting ajourned.