

## Meeting Minutes Ad Hoc Committee on Economic Development February 28, 2022

### **Meeting Recording:**

[https://us02web.zoom.us/rec/share/qVLG3b2N\\_M7E-InTUb5ZMgwOW0yJ2oHSGQ61Sn8luMLS5Bq\\_l-yW7g\\_xocm5TTvy.JJ3krriW-VAXRI7F](https://us02web.zoom.us/rec/share/qVLG3b2N_M7E-InTUb5ZMgwOW0yJ2oHSGQ61Sn8luMLS5Bq_l-yW7g_xocm5TTvy.JJ3krriW-VAXRI7F)

Access Passcode: 5TK&rT?d

### **Attendees**

Heather Shand, Chair, Councilor Ward 3  
Sharif Zeid, Councilor Ward 1  
Jim McCauley, Councilor Ward 5  
Jennie Donahue, Councilor Ward 2  
Richard Jones, City Clerk  
Lise Reid, Parks Director

### **Agenda**

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

Chair Shand explained this is the third meeting on parklets; Ad Hoc Committee is trying to get details finalized for submission to the full City Council.

### **Fee Structure**

Councilor McCauley: says ordinance looks pretty good, push has been to craft a fee structure and allocate the funds.

Council Zeid: confirms parklet fee: \$5/sf for this year and next year, then \$8/sf. Retail is \$25/application fee and \$0/sf for this year and next year, and then comes into line with parklet fee at \$8/sf. Councilor McCauley confirms. (attached working spreadsheet)



2021 Parklets.xlsx

Chair Shand agrees with \$5/sf for this year.

Council Zeid believes \$8/sf is bottom number but can live with a ramp-up. He wonders if \$10/sf is the true number given an expense number of \$90k/year published by the Administration earlier that morning. He also clarifies message to the public: reiterates the program supports businesses and needs to self-sustain. City is only trying to cover costs, and does not want to go to the General Fund and ask all tax payers to subsidize parklets.

Re: parks – they have a fee structure in the ordinance and it needs to be modified so fee is set by the City Council.

Re: funds allocation. Finance Director Manning provided two options. Zeid prefers the non-revolving fund because it would be more visible. The revolving fund can achieve the same, but is harder to track and provides less oversight. Chair Shand and Councilor McCauley also prefer the non-revolving fund.

A separate Order is needed to establish a new fund.

### **Process and Timeline**

Councilor Zeid: advocates for Clerk establishing timeline for 2022. Ordinance should establish timeline for future years that deals with the competition for licenses, which he considers the enduring challenge.

Chair Shand: clarifies her preference. Applications are cleaned and pre-screened by License & Permits Committee. Then they come as a set to the City Council for approval, which provides oversight and transparency. Then they go to the Licensing Board.

Council Zeid: asks if it is okay for Council to be bypassed this year because the schedule is tight. He stresses a firm timeline for next year to be fair amidst competition for spaces.

Clerk Jones: he is okay with another Ad Hoc process this year due to rushed timeline, except for the Fee Structure. He'd like to see the Fees approved by the full Council. Asks if the Fee Structure can be established in the Council session later that night.

Chair Shand indicates it is not possible to set fees that night and Councilor Zeid elaborates: it's hard to do an Ad Hoc process and the full Council simultaneously. The Council needs to see a packet that is organized, complete and clear enough for their evaluation. Agreement reached with City Clerk that his application document this year will reference a proposed fee and the Council will catch up with codification of the fees.

Council Zeid: states unease over length of season. End-date of Oct 31<sup>st</sup> with tear-down by Nov 15<sup>th</sup> means there might be risk of an early snow storm. Also a May-October season, with time for set up and tear down, means the parking spaces are blocked for a longer period of time than they're available. His idea of the season is Memorial Day thru Labor Day.

Chair Shand: Deputy DPS Director would prefer to begin set up on May 1<sup>st</sup> with a start for Memorial Day. She advocates for a Halloween end. Councilor McCauley says that has been schedule in previous year.

Council Zeid: highlights language governing use of sidewalk in the Ordinance. Stresses this is not a change in previous guidance, it is more additional language regarding parklets.

Councilor McCauley recalls pre-parklet history: that restaurants and businesses used to routinely put a few chairs and/or a table on the sidewalk for the enjoyment of their patrons, after pulling the proper permit. He advocates for making it an either/or proposition – pay for a parklet or do not use the sidewalk.

Councilor Zeid advocates flexibility, that a retail establishment can select a table, parklets, or both.

Councilor McCauley can live with mixed use, though would like to see the applications for both uses come in at the same time so it's easier to assess the situation. He sees a potential need to bring a bit of discipline into how the public space is used.

Chair Shand notes there may be ADA compliance issues and that 5 foot minimum passage way must be maintained.

### **Public Comment**

Stephanie Niketic, 93 High Street

She has noticed problems on sidewalks on north Pleasant St near Inn St and on Water St near Tannery for first time last year. Able-bodied pedestrians had to walk single file on sidewalk. Would probably not been passable for people with disabilities.

Would like to see us reclaim our sidewalks, or to impose fines if sidewalk use is abused.

Jennie Donahue, Councilor Ward 2

Echoes Ms. Niketic's point to monitor what goes on during weekends. She would like to hear more about fines for ADA non-compliance. Also wants to know if ADA requirements and fine for non-compliance will be prominently displayed with the application document. She believes this will increase visibility for the issue and enable applicants to train their staffs. She believes most people will want to comply, they simply need education.

Councilor Shand is not aware of fines for ADA non-compliance and wonders if Denis Morel, ADA Coordinator, knows.

Councilor McCauley: wonders what we would base rules/fines on ... federal? Also wonders if we could re-draw rules on crowded spaces like Pleasant St. Realizes that opens up questions about other crowded spaces on State St, etc. He has also heard claims from retailers situated in between restaurants that parklets have suppressed their weekend foot traffic because no pedestrian wants to step over a diner ... so these aren't cut'n'dry matters ... but still thinks we need a policy decision.

Councilor Zeid: taking back the entire sidewalk is probably not going to happen. He suggests establishing a wider passage requirement, e.g. 7 or 8 feet, might help the situation naturally resolve itself --- perhaps restaurants who want parklets will forego the other sidewalk uses mentioned.

Zeid says people need to understand that parklets are problematic, despite the initial support for them. He foresees conflicts over competition as well as the leasing of public park space for commercial use, etc. If there is a tradeoff to be made – city can say you can still use sidewalk with

parklets provided there is 7 or 8 feet passable space. He also points to opportunity cost of ADA Coordinator Morel spending an hour per day monitoring parklet compliance: what other work isn't getting done in that time?

Councilor McCauley: he will make his suggested edits to the Ordinance and distribute to Chair Shand and Councilor Zeid.

McCauley spoke with Chair of License & Permits Committee who was generally on board with process, though wants to see the details in writing.

Lise Reid: speaks about confusing terminology of using the word parklet if it is within a Park. Recommends using phrase "Dining in a Park". Councilor McCauley agrees.

Council Zeid: believe Parks language in the Ordinance needs modification. Believes a fee should be set and increased over time like the other fees.

Clerk Jones: If he gets question about a sidewalk application can he reply that policy is being reviewed and he will get back to the person?

Lise Reid: asks why standard park fees do not apply for parklet use - because she will need to justify if other people who are charged standard park fees ask questions.

Next meeting: March 3rd. Will try to wrap everything up for presentation to Council and possibly waive the rule requiring a second reading before a vote by Council. Passage will require a super-majority of 8 votes.