

FEE COMMITTEE MEETING MINUTES

Municipal Complex
Conference Room A
Portsmouth NH

January 17, 2023, 4:00 p.m.

Present:

Fee Committee: Councilors John Tabor and Josh Denton

Others: Councilors Kate Cook and Andrew Bagley
City Manager Karen Conard
Deputy Finance Director Andrew Purgiel
Planning and Sustainability Director Peter Britz
Parking Director Ben Fletcher (via Zoom)

A motion was made by Councilor Denton and seconded by Councilor Tabor to approve the minutes from the March 7, 2022 meeting. Unanimously approved.

Councilor Denton made a motion to adopt the recommendations for the 2023 Outdoor Dining Season by Councilors Cook and Bagley. Seconded by Councilor Tabor for discussion purposes. Councilor Tabor clarified they would not be discussing design criteria focusing only on the fees. Councilor Denton stated that it would be hard to do one without the other.

Councilors Cook and Bagley gave a brief presentation of their recommendations.

Item A. Councilor Cook stated with regard to snow removal they could assess a fine if sidewalk encumbrances are not moved for snow removal. City Manager Conard stated that fines are part of an ordinance and not the Fee Committee. The consensus is that Item A is appropriate as is.

Item B. Councilor Bagley stated that the most complaints they have for street interference are Pleasant, Fleet and end of Congress. He stated that City staff are recommending doing away with all four of those areas. Councilor Denton stated that he was not in favor of this and would like to allow all outdoor dining to where it was last year.

Item C. Councilor Cook stated that the purpose of this is to create uniform dining throughout the City and to make sure that everyone could sit outside. Discussion followed about uniform designs. She stated that it would give City Manager Conard permission to grant approval for grand-fathered restaurants. Councilor Tabor stated that he was not in favor of the uniform look for all as there are many different ways to make an outdoor space. Councilor Denton stated that maybe we could have a minimum outdoor standard. Mr. Britz stated that if there was a uniform standard, then the rest of the details would then be up to the staff. Councilor Cook would like to recommend 3' barriers with 1' for planters. Councilor Tabor stated that the platforms upgrade the appearance and have curb appeal, and agreed with the 3' barriers and 1' planters. Councilor Denton agreed as long as those who are grandfathered are not required to make those changes. City Manager Conard stated that the Parking Engineer Eric Eby has an issue with 5' barriers.

Item D. Mr. Bagley amended that it is \$5 per s.f. not \$10 per s.f. Councilor Tabor stated that he would like to amend the fee of \$1,500 to \$2,000 per space and the appropriate square foot calculation. Councilor Denton stated that he was ok with the \$1,500 but would like to add the sentence "outdoor dining which is not in a parking/slash loading zone or on a sidewalk will have a permit fee of \$5 s.f." This would cover outdoor dining at Hill Street. Councilor Tabor stated that the City has an 2012

Outdoor Sidewalk Café ordinance that the fees are \$10 s.f., and he felt that there should not be new fees when we have already have fees for that ordinance and there are 6 restaurants already using. City Manager Conard stated that the recommendation of staff is to phase in the amount to charge per parking space to \$3,000 at the appropriate time. Councilor Cook stated that they are recommending phasing into the \$5 per s.f. from \$10 per s.f. Councilor Denton stated he supports the fees as written down but would still like to see that the areas on Hill Street continue dining, for areas not in a the parking space or loading zone or sidewalk, that are deemed permeable for outdoor dining and would also be charged the \$5 per s.f., to which Councilor Tabor agreed.

Item E. Councilor Denton recommend a reduction of up to \$500 in fees and up to \$2.00 per s.f. reduction for those who participated in the composting. After some discussion, he amended his reduction to a 33% discount. Councilor Tabor agreed.

Item F. There was discussion regarding the City Manager's role. To recap, Councilor Tabor stated that they are in agreement on the \$1,500 per space, and my proposal to raise to \$2,000 does not have a second but would still like to give it to the Council.

Public Comment

Paige Trace, 27 Hancock Street, asked if other restaurants in town that compost could be given a break in their sewer bill for composting. She stated that she would like to give restaurants/other merchants not participating a break, possibly on their taxes. She stated that she would like to see higher fees.

Eliza Hewitt, Portsmouth Resident, asked if there would be a public hearing. She stated that there are a lot of people that do not like the outside dining. She felt that all businesses should get the same significantly reduced space on the sidewalks.

Petra Huda, 280 South Street, stated that she would like a public hearing. She discussed the uniformity of the outside dining. She asked them to think about more than just the restaurants down town, including retail. She also felt that she would like to see higher fees.

Kevin Dwyer, 461 Middle Street, owner of Dwyer's pub, would like to advocate that the program continue.

Councilor Denton called a vote for the amended motions. Councilor Tabor suggested that the City Staff come back to the Council with recommendations based on today's discussion.

Councilor Denton suggested the proposal go back to the City Council under Councilor Cook and Bagley but the reporting back of Fee Committee activity to the Council come under Councilors Denton and Tabor.

The meeting was adjourned at 5:20 p.m.