

City authorizes outdoor dining permits

July 23, 2020



In the wake of the governor's orders July 13 to close restaurants in response to the spread of COVID-19, Crescent City is allowing the use nearby outdoor public and private spaces to serve customers.

The City Council unanimously approved a resolution Monday granting encroachment permits for businesses to use public property or their own parking lots for outdoor dining.

While the permits have no fees attached, according to the city's staff report, they do require restaurants to comply with disability laws and local and statewide health regulations.

Crescent City Mayor Blake Inscore pointed out the lack of a fee schedule, saying he'd be opposed to charging a fee.

"It's hard enough doing business right now," Inscore said. "There shouldn't be a fee for this in my opinion."

City Attorney Martha Rice told the city council the permit also indemnifies the city, securing it against legal liability.

"They are stating they understand this is a temporary and revocable grant of use," Rice said. "It's not a lease or some kind of semi-permanent right. This is temporary to address the situation we're currently under."

Rice added to acquire an outdoor dining permit, businesses have to take several steps:

- Submit a site plan, which includes a layout of their tables.
- Add the city to their liability insurance.
- Comply with the same disability laws and local and state health regulations.
- Agree to hold the city harmless.

Although he voted for the new permits, Councilor Alex Fallman wondered if they should be required.

“I feel like businesses are trying to exempt themselves from some kind of COVID-specific things, whether it’s making sure their employees don’t have to wear masks, or something along those lines,” Fallman said. “I just don’t want businesses or restaurants to give us the finger and say, ‘We’re going to ignore this.’ So, are there punishments if businesses do these activities and don’t have this applied for and how is that enforced?”

Rice replied that if a restaurant used a public right-of-way and didn’t following public health orders, the city could enforce that through the police department since they’d be trespassing.

“As far as revoking the agreement, if they’re refusing to follow public health orders, that’s the other tool,” Rice explained. “If they’re doing dining outside, but they’re somehow blatantly not following the guidelines and we’ve repeatedly informed them and asked them to change, eventually the last step is, ‘OK, we’re revoking your permit to use our property,’ and then it would be enforced.”

Backpack program

In other City Council matters, the council got behind a backpack giveaway benefitting Joe Hamilton Elementary School third graders. Police Chief Richard Griffin told the council members new police officer Magnolia Valero devised the program with the goal to distribute 30 backpacks filled with school supplies as well as antibacterial wipes, facial tissue, a bottle of sanitizer and sandwich baggies.

Griffin said the backpacks will be sanitized at the police department before being distributed to students.

“One of the questions we had was how we distribute them,” Griffin said. “Initially, we were about showing up at the school and having officers hand them out. That’s definitely a no-go in this situation.”

Griffin added he has committed to donating the first five backpacks. City Manager Eric Wier also pledged to donate five. Inscore, Mayor Pro Tem Heidi Kime and Councilors Jason Greenough and Isaiah Wright followed suit and committed to purchasing five backpacks each, helping the police department reach its goal this year.

Inscore then recommended that the police department seek the community’s support through Facebook and social media.

“Right now, with all the uncertainty involving schools, I think that having children receive anything right now, that value alone, is probably worth more than the backpack,” Inscore said.

