

Re: Sidewalk Cafe Ordinance



From Julia Schaeffer <julia@schaeffer.net>
To Kelly Russell <krussell@cityoffrederick.com>
Cc Ben MacShane <bmacshane@cityoffrederick.com>, Roger Wilson <rwilson@cityoffrederick.com>, Derek Shackelford <dshackelford@cityoffrederick.com>, Donna Kuzemchak <dkuzemchak@cityoffrederick.com>, Michael O'Connor <moconnor@cityoffrederick.com>, Gayon Sampson <gsampson@cityoffrederick.com>, Marc DeOcampo <mdeocampo@cityoffrederick.com>, Bowman, Michele <MBowman@frederickmdpolice.org>, Dale Dowling <dowling21701@gmail.com>, Glen Ferguson <glenferg@gmail.com> [11 more...](#)
Date 2019-09-13 4:41 pm

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Dear Alderman Russell:

We thank you and Alderwoman Kuzemchak for moving the Sidewalk Café Ordinance amendments proposed by a NAC 11 committee to a workshop discussion and for informing us of the status of the subsequent conversations (your email to Julia Schaeffer and Darcy Richards, dated September 4, below).

We are disappointed that the Aldermen were not convinced to make our proposed changes. It is still our belief that the changes were a reasonable response to pedestrian concerns and would have had minimal impact on a small number of restaurants.

While the complaint data you cite is interesting, it clearly does not include the voices of numerous residents who relied on NAC 11 to represent their views before the City. There is a lesson for us in this experience: perhaps NAC 11 needs to gather signed petitions to convincingly represent the extent of resident concerns.

Compliance with the existing ordinance was never our issue. Our concern is with the ordinance *itself* — specifically, the provisions that permit a restaurant's sidewalk cafe to take over more than half of a sidewalk's width and, in so doing, allow it to impede the free flow of pedestrian travel and potentially pose safety risks.

This outcome favors a few businesses over the safety and convenience of residents, particularly those who live downtown and walk these streets daily -- the NAC 11 residents we represent. The Board's response to our proposal reflects a disheartening perspective: that the outdoor café owners' *privilege* of using public sidewalks is now viewed as an *entitlement* that cannot be questioned or amended by elected officials. We strongly question that assumption. Living in community requires a thoughtful balance of interests and priorities across constituencies.

We urge you to acknowledge the many contributions of downtown residents – in particular, their support for the preservation of the historic district and their civic and political engagement. The economy of downtown is largely driven by NAC residents. We pay taxes and vote. We ask you to give our concerns the same weight as you do those of restaurants and other businesses.

Respectfully,

NAC 11 Coordinators:

Julia Schaeffer
Bruce Albaugh
Ricardo Bairan
Eric Nicholson
Darcy Richards
Nkem Wellington

cc:

Board of Aldermen
Mayor Michael O'Connor
Gayon Sampson
Marc DeOcampo
Michele Bowman
Kara Norman, Downtown Frederick Partnership
NAC 11 Sidewalk Café Ordinance Group - Dale Dowling, Darcy Richards, Glen Ferguson, John Menke, Julia Schaeffer, Linda Moran, Phil LeBalnc, Rick Bairan, Tom Evans

Julia Schaeffer
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Frederick, MD 21701
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Sidewalk Cafe Ordinance

From [Kelly Russell](#)

To [Darcy Richards](#), [Julia Schaeffer](#)

Date 2019-09-04 2:32 pm

On 2019-09-04 2:32 pm, Kelly Russell wrote:

Good afternoon, ladies.

I wanted to report back to you on the status. After several weeks there has been no consensus to make any changes to the existing ordinance. Alderwoman Kuzemchak shared some ideas that she supported, but none of the Aldermen were compelled to make any change.

The following is information which was requested during the workshop regarding Sidewalk Café;

- We have received a total of 12 complaints since the adoption of the current Sidewalk Café ordinance in February 2016
- Of the 12 complaints received there was only one violation of the Sidewalk Café ordinance observed. The violation was tables and chairs within the 5' clear path of travel. When the violation was brought to the attention of the restaurant staff they immediately abated the violation by moving the tables and chairs into compliance. It should be noted that this violation was observed at a location which is not required to have an enclosure per the ordinance
- Of the 12 complaints received there were two restaurants which had multiple complaints. However, upon inspection by City staff **there were no violations** observed at either location
 - Vini Culture = 5
 - Hooch & Banner = 3

As you know, Viniculture has closed and it is my hope that any new enclosure would take into consideration the ramping adjacent to the building. I have encouraged staff to reevaluate their interpretation of "clear travel path" to facilitate this. I also had a very productive conversation with Sharif and Cherie at Hooch and Banter.

Thank you for all of the effort you put into the issue. I know you put a lot of blood, sweat, and tears into it.

Take care ~



Kelly Russell

Alderman, President Pro Tem

Board of Aldermen

[The City of Frederick](#)

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