

February 11, 2021

MEMORANDUM TO: Honorable Mayor and City Council
THROUGH: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
FROM: William Benning, Council Member
SUBJECT: REQUEST FOR WORK SESSION AGENDA ITEM
PLACEMENT – Chapter 94.04 Possible Code Revision
Regarding Commercial Activities in City Parks

INITIATED BY:

Parks & Recreation Commission

BACKGROUND:

Late last year, the P&R Commission was approached by a commercial business owner wishing to conduct a sale of motor vehicles in Veterans Memorial Park. Chapter 94.04 in our current code specifically prohibits that activity. The discussion led to a review of the specific ordinance pertaining to Commercial Activities as it currently prevents any commercial activity from taking place in the park unless they are a licensed concessionaire, contracted community event, or mobile food vendor approved by the Director of Leisure and Library Services.

It was discovered that the Farmer's Market currently operating in the park on Thursdays meets the criteria for commercial activities under the current language. The Commission would like the Council's guidance on what they would like to see as they work to propose a language edit to this ordinance.

The current language reads:

(C) *Commercial or vending activities.*

- (1) No person in a park shall utilize any park property for any commercial purposes, including but not limited to, food preparation and vending, sale of motor or non-motorized vehicles, art or craft items, wares, peddling, offering for sale, any article or thing whether new or used, or placing any stand, cart or vehicle for the transportation, sale or display of sale items thereof. Advertising goods and services and the distribution of handbills, business or commercial literature in person or by placing them on vehicles is also prohibited.
- (2) A licensed concessionaire, contracted community event, or mobile food vendor, acting under the authority and regulation of the Director of Leisure & Library Services, may be exempted from this provision.

Proposed language to item (2); changes highlighted:

(2) Contracted licensed concessionaires, community activities and/or events, and mobile food vendor(s), approved by the Director of Leisure & Library Services, may be exempted from this provision. Commercial, Business, or Non-profit Activities wishing to conduct an event in the park must provide either proof of Non-profit status, or justification for what benefit their activity will provide to the community.

OR

(2) A licensed concessionaire, contracted community event, Farmer's Market, or mobile food vendor, acting under the authority and regulation of the Director of Leisure & Library Services, may be exempted from this provision.

The Commission requests guidance from Council on what their desire for the restrictions are, or if they would like for the Director to have more flexibility to allow Farmer's Market activities in the park at her discretion as an approved activity. The current language would require Farmer's Markets to go through a competitive process in the future in order to continue as the current vendor is a for profit, commercial organization.

BUDGET APPROPRIATION:

Not applicable at this time.