CAMBRIDGE MATTERS #33

By: Commissioner Steve Rideout

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The City Council meeting on the 26th had its usual and unusual moments and was filled with matters of interest to the community. Commissioner Hanson and the City Manager were away for the meeting, but the Mayor and the other four Commissioners were present.

After a moment of silence called by the Mayor, she invited Commissioner Sydnor to lead the Pledge of Allegiance. He asked if there were any veterans in the audience who would like to lead the Pledge and then asked that Police Officer Foster do it, which he did.

One item was added to the agenda by Acting City Manager Odie Wheeler regarding the change in times for a previously approved block party. With that amendment the Agenda was approved on a vote of 4-0. Several public comments then followed.

Julie Gilberto-Brady, representing Dorchester County Tourism, asked that some recognition banners of the 350th Anniversary of Dorchester County be displayed on some of the lamp polls in the city, primarily at the entrances to the city. Commissioner Sydnor inquired if consideration of the placement of some could be on Pine Street and was told that that could be done if there were lamp posts that had the brackets for hanging the banners. 18 banners will be placed strategically around the city, including Pine Street, and will be taken down for the IronMan event and then reinstalled until the end of the year. On motion of Commissioner Sydnor and second by Commissioner Cannon, the request was approved 4-0.

Zach Hodges, the owner of Icellos that is located on Maryland Avenue then spoke about the notice that he has given to the City of Cambridge of his intent to file a lawsuit for the condemnation of his building at the corner of Maryland Ave. and Dorchester Ave. He also sought to ask questions of the Mayor and Mr. Wheeler but was advised by the Mayor that given the potential law suit his questions would not be answered during the meeting. Some of the Commissioners had questions of Mr. Wheeler regarding the situation to better understand what the problem was. There had been a fire at the building and reportedly other matters that caused the closure of the business pending corrections of those problems. Mr. Hodges indicated that they had been cleared up.

Kay Klepfer then spoke on behalf of Mr. Hodges and his business that provided the food truck for the CAN Jam picnic that was held last weekend at Long Wharf Park.

Cheryl Hannan then spoke on the Mill Street School matter that was scheduled for public hearing later in the meeting. She urged that the City Code Enforcement office address several of the problems with the property including the fencing and deterioration to the building. She also indicated that the neighborhood is not in favor of a high-density project while it is in favor of doing something to improve the property. She urged that the proposed Ordinance be improved before it be considered for passage.

Greg Boss then spoke on the Mill Street School property and urged consideration of approving something that had a lower density such as the PUD project that had been previously approved. The current plan would allow up to 26 houses, condos, and duplexes on a street that he felt was mistakenly zoned under the UDC. He urged that the City Council refer the matter back to the Historic Preservation Commission to look at the zoning of the property, which is approximately 1.86 acres.

As there were no requests from the public, the Consent Calendar was then taken up and approved on a vote of 4-0 upon my motion that was seconded by Commissioner Sydnor. The items approved were as follows:

* The Council Meeting Minutes of August 12th
* The request from Zion Baptist Church to have a “Community Day” on September 14th from Noon to 5:30 p.m. including a street closure for Cross Street and then down Pine Street to Cedar Street.
* The request of the YMCA to hold the Turkey Trot 5K Run/Walk on November 28th from 8:30 – 10:00 a.m.
* The request of the Mid-Shore Fishing Club for a “Kids Fishing Derby” at Long Wharf Park on August 1, 2020 with a rain date of August 8, 2020 from 7:00 a.m. to 1:00 p.m.
* The request of the Dorchester Elks Lodge #225 for a street closure on Pine Street between Cross and Cedar Streets on October 26, 2019 from Noon to 6:00 p.m. for their “Day Parade”.
* The request of the Six Pillars Century 2020 Blackwater Tour to hold their annual fundraiser on May 2, 2020 from 5:00 a.m. to 5:00 p.m.
* The request of Blue Ruin for a Tiki Event on August 31, 2019 from 5:00 – 10:00 p.m. along with a noise ordinance variance.
* The request of the City ADA Committee to hold an ADA Awareness Fair at the corner of Race and Cedar Streets on October 12, 2019 from Noon to 4:00 p.m.
* The request of Mr. Anderson, the Principal of Maces Lane Middle School, to change the time of the upcoming Cosby Avenue Block Party to 4:00 – 6:00 p.m.

Three Ordinances were then read by the City Attorney at their first reading and continuance over to September 23rd for second reading, public hearing, and possible passage. The Ordinances deal with the following:

* Ordinance 1157 – deleting a 50-foot setback requirement for buildings along U.S. Route 50
* Ordinance 1158 – addressing issues related to enforcement of laws regarding animals, particularly dogs, in the city and the responsibility of owners to prevent them from being at large and picking up after them. The ordinance would allow the Cambridge Police to enforce these laws as a supplement to the responsibility of the County animal wardens.
* Ordinance 1159 – addressing the collection of business and bulk trash by the city and residential trash by the private contractor and the responsibilities of the residents regarding the placement of their trash carts for collection and removal and placement after collection.

Next up for second reading, public hearing, and decision were three ordinances two of which addressed the potential rezoning of the Mill Street School property. The other had to do with the conversion of commercial property to residential property under certain limited circumstances.

Ordinances 1143 and 1144 dealing with the school property were read and considered together. At the public hearing Cheryl Hannah pointed out that if they were to pass, they needed to be consistent in their language as Ordinance 1143 had a sunset provision and Ordinance1144 did not. She also pointed out that there had been no public notice provided for this consideration of the ordinance.

Public notice had been provided in the past for a prior hearing where City Council referred the matter to the HPC for a determination of the Historic Value of the property. Pat Escher indicated that no public notice was provided for his hearing, which was now the third hearing by City Council on this matter. As I was unsure that there was a legal requirement to give notice, I moved to put these matters over to another date to allow for public notice. I sought this in an abundance of caution to avoid the potential overturning of a decision on this matter due to a technical failure to comply with the law.

I did not receive a second on that motion. Commissioner Foster then moved to not approve proposed Ordinances 1143 and 1144. During the discussion portion of the motion, I reminded the Commissioners that this matter had been before Planning and Zoning on many occasions. That the intent of the legislation was to find a way to encourage development of the property while ensuring that the historic property was preserved. I also indicated that several of the members of the Planning and Zoning Commission had indicated that this would be their last effort to try to establish a mechanism to help save the school building. On a vote of 3 to 1 the ordinances were not approved. This means that the property remains in the zoning that was established by the UDC and that the community will need to wait and see if there is anyone interested in developing the property as it is currently zoned.

The remaining Ordinance 1155 was then discussed by the Commissioners and a public hearing was held at which there was no public comment. This ordinance will allow the conversion of commercial property back to residential property under certain limited circumstances. On my motion that was seconded by Commissioner Cannon, the ordinance passed 4-0.

Under New Business, on motion of Commissioner Sydnor and Seconded by Commissioner Cannon, $600 that was received by the Police Department for the sale of a 2001 unmarked police car was placed in the vehicle account.

The finance director then made a presentation of the end of year financial report. I am providing a copy of her documentation with this report. In short it detailed that the city had the following subject to an upcoming final audit by the city auditors, which may change these figures:

* General Fund Surplus of $973,688
* Marina Fund Deficit of $79,645
* Sewer Fund Surplus of $194,603
* Health Insurance Fund Deficit of $53,840
* MUC Fund Deficit of $86,728

One question that I am sure you have is why the tax rate for FY 2020 was increased by 5 cents per $100 of assessed value of real estate when we had a significant general fund surplus. The short answer is that during the budget process the Commissioners were not aware of there being any potential surplus and should have been. To address this issue in the future, we have asked that we be provided on a monthly basis at an open city council meeting a report from the financial director as to where we stand with income and expenses in the various departments throughout the year.

As part of the discussion of the year end figures, the Marina Fund was once again an issue of debate and controversy. While everyone, including me, does not have the full and unblemished story of the Marina, I am aware of some history that I will share. Others may have corrections or different views.

For many years the Marina was a cash cow for the city. The monies from its surplus each year, rather than being set aside to refurbish and maintain the Marina, were used by past administrations to help run the city. When the city went into significant debt for the Public Safety Building and the expansion of the Marina, enterprise funds were then established that set aside portions of the total debt to be charged against the different aspects of running the city government including the Marina.

With the expanded city marina, it usually was able to break even on the regular costs of running it but was not able to earn enough to contribute toward the debt that had been established for it to repay. That amounted to a little over $250,000 a year shortfall that the city general fund had to contribute to the Marina Fund to balance it. The Marina Enterprise fund should be free of its debt for FY 2023.

Prior to coming on City Council, I would attend council meetings and hear complaints about this funding shortfall problem. The implication often was that the city should sell the Marina. With the level of debt on the marina, the possibility of selling it and even being close to breaking even was not realistic.

About 2 years ago as part of a City Council Work Session, we once again heard the complaint about the Marina and its cost. I suggested that we look at doing something different than simply complaining about it. Soon after that meeting came the opportunity to have a professional management company run the Marina. As the city had made little or no effort to promote the Marina and attract transient boaters in the past, maybe a professional company could make the difference. As a result, the former City Manager began to negotiate with Oasis Marinas to run the city marina.

After much legal work and negotiation, an agreement was reached. The challenge for the city for FY 2019 was that the management agreement began on July 1st, 2018, the beginning of FY 2019. This was in the middle of the boating season with minimal prior advertising or promotion of the Cambridge Marina to bring in new customers.

Despite that fact the FY 2019 figures for the Marina show an increase in both income and expenses from FY 2018. Revenue increased from $594,147 in FY 2018 to $673,458 in FY 2019. The FY 2019 expenses, however also increased to $753,103, which left an additional deficit for this past fiscal year of $79, 645.

You can view the discussion that took place among the Commissioners and staff about this issue. It can be found at [www.townhallstreams.com](http://www.townhallstreams.com) on the August 26th video starting at 1 hour and 14 minutes. I would urge that you take a few minutes to watch that portion of the meeting to have a better understanding of the ongoing disagreement about the Marina, its value, and its cost.

During that segment of the video, you will also see the misrepresentation by Commissioner Sydnor of my position regarding the costs of the Marina and its potential to be less costly with the continued management by Oasis Marinas, Inc. You will also get to see Commissioner Sydnor direct me to “shut up” as I was opposing what he said. As he was at least inaccurate in what had said about the Marina issue, I declined to “shut up”.

After further discussion about other matters regarding the year-end financial report, Commissioner Sydnor then moved to approve the report and to direct the finance director to use certain line items moving forward as agreed upon in a meeting of the finance committee. While I approved the finance report, I did not feel it was appropriate for council to approve what Commissioner Sydnor was seeking as no documentation had been provided to council members with the understanding that it would be voted on and council members did not have a chance to ask questions about the reasoning behind the motion of either the finance director or the City Manager.

After further discussion, the Mayor called for a vote on whether to approve the finance director’s report. I voted in favor of that and the vote was 4-0. I then sought clarification that based on the motion we were not considering Commissioner Sydnor’s request as it had not been included in what the Mayor stated was the matter for the vote. I was informed that Mr. Sydnor’s request was included in the matter on which the vote was taken, so I then changed my vote to “no” and that matter passed on a vote of 3-1.

My objection to it being included can be seen when viewing on [www.townhallstreams.com](http://www.townhallstreams.com) the finance directors report and the discussion that starts as note above and goes for about 12 minutes. When the finance committee chair makes a motion on matters discussed and decided in the finance committee that are then brought to city council for consideration and decision without any notice to the other members of the City Council or to the public, we are heading back into a government that is not being open and transparent. The members of City Council who are not on the finance committee and the Mayor should have the opportunity to look at the issue prior to a meeting, be able to ask questions, and understand the issue before voting. The public is also entitled to be aware of matters such as this as part of the requirements of the Open Meetings Act. In addition, while not stated during the meeting, this appears to be the City Council micromanaging the administration of the city when this issue appears to be something to be decided by the City Manager and the Finance Director and not City Council.

Following the conclusion of the year end financial results, the Commissioners on the motion of Commissioner Cannon and second by me reappointed on a vote of 4-0 George Vojtech and Herschel Johnson to the Historic Preservation Commission (HPC) until 2022 and Laura Oliphant as a new commissioner to replace Ron Berman, who has retired from his position on the HPC.

With the conclusion of the Agenda, the Mayor reminded everyone of the Day of Resilience that is happening here on September 7th. She has received 3 applications for membership on the Ethics Commission and will review them and provide her recommendations at the next meeting of City Council.

As part of the final public comment, Greg Boss once again suggested that the HPC take up consideration of the zoning of the Mill Street School. No action was taken on that, possibly because that would be the responsibility of the Planning and Zoning Commission.

Thanks for reading.