CAMBRIDGE MATTERS # 13

Commissioner Steve Rideout

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I suspect that you have heard the expression that making laws is like making sausage. Well Monday night’s meeting was that and more. While there was a great deal accomplished on a number of matters of importance, the main and most important part of the meeting about opening restaurants for outdoor dining took a lot of time, effort, motions, and compromise before a final decision was made. More about all of that shortly.

Our meeting was again virtual with the public being allowed to watch on [www.townhallstreams.com](http://www.townhallstreams.com). We began shortly after 6:00 p.m. with a moment of silence and the Pledge of Allegiance led by the Mayor. The agenda was amended to remove the request of the Planning and Zoning Commission for an adjustment in the stipend they are given for their work. One item regarding a state grant that was received late but needed a quick decision was added. With those changes, the agenda was approved 5-0 on my motion and second of Commissioner Cannon.

During the Public Comment time, Tom Puglisi spoke about the Historic Preservation Commission (HPC) and the importance of having qualified candidates appointed to serve. During the Requests from the Public, the importance of compliance with the American Disabilities Act (ADA) was raised by Commissioner Foster and an email from Mary Handley as the city restaurants move to outside dining. Earlier in the day someone had raised ADA concerns that I forwarded on to city staff. Herve Hamon went to meet with some restaurant owners to ensure there was compliance and found for the most part that there was; and where he had questions, he found that the restaurant owners and managers were very cooperative in resolving matters.

The Consent Calendar was then taken up with two matters being adopted on 5-0 votes on motion of Commissioner Hanson and my second. They were

* The May 26th Meeting Minutes
* The request of the Chamber of Commerce for 4th of July Car Parade through the city

There were two ordinances for first reading. Ordinance 1164 proposes to amend the city’s Unified Development Code to give the Planning and Zoning Commission additional authority to review and possibly rezone limited areas within the city. It was read and continued over for July 13th for a 2nd reading, public hearing, and possible adoption. The second ordinance was 1165, which is the Emergency Ordinance regarding outdoor dining, the closing of Poplar Street, and related matters that I will discuss in greater detail later. It was read and then given a public hearing.

As the Ordinance was an Emergency Ordinance, under the law it could be heard on the same day as it was introduced but could only pass with a vote of at least four of the five commissioners. After one speaker, Stefanie Hollowell, talked about her ADA concerns, the public hearing was closed. As what followed regarding this legislation and what the Commissioners wanted to see happen regarding its implementation is detailed, complex, and had any number of votes, I am going to take a break about it and let you know first what else we were able to accomplish on other issues.

Under Old Business the following was done:

* The Working Waterfront Implementation Plan had portions of the plan that were recommended by the Planning and Zoning Commission adopted with some deferred on a vote of 5-0 on my motion and second by Commissioner Hanson.
* City Staff was authorized to continue to work with the County and State to reconfigure properties on Cedar Street and come back to city council for a final approval at a later date on a vote of 5-0 on my motion and second by Commissioner Cannon
* The first amendment to the Municipal Solid Waste Collection and Disposal Agreement was approved on a vote of 5-0 on my motion and second by Commissioner Cannon
* Resolution 20-07 consenting to a second extension of the State of Emergency in the City of Cambridge declared by the Mayor and City Manager was approved 5-0 on my motion and second by Commissioner Hanson

Under New Business the following was done:

* Anne Roane was elected to be a member of the Historic Preservation Commission on a vote of 3-2 on my motion and second by Commissioner Hanson. Commissioner Cannon joined in the majority and Commissioners Foster and Sydnor voted against.
* The application of Grady Wilson to become a member of the Historic Preservation Commission was continue to the July 13th city council meeting to allow him the opportunity to submit information regarding his qualifications that address the requirements for HPC membership for persons that reside outside the city limits. This was done on my motion and second by Commissioner Hanson on a vote of 3-2 with Commissioner Cannon joining the majority and Commissioners Foster and Sydnor voting against.
* The City Health Insurance Administration Annual Renewal was approved on a vote of 5-0 on Commissioner Hanson’s motion and my second.
* The MacLeod Law Group, LLC legal services agreement renewal was approved on a vote of 5-0 on my motion and second by Commissioner Hanson. Commissioner Sydnor asked that the City Attorney provide a written opinion regarding a budget issue that had been decided last month. The City Attorney indicated that he would provide the opinion in writing.
* The Maces Lane Project Funding Agreement was approved on a 5-0 vote on the motion of Commissioner Sydnor and second by Commissioner Cannon.
* The Harriet Tubman Mural Viewing Area Funding Agreement was approved on a vote of 5-0 on motion of Commissioner Sydnor and second by Commissioner Cannon.
* The proposed $380,000 Demolition Funding Agreement from the state that would help the city acquire more property for the Pine, High, and Race Street areas that also included approximately $117,000 to reimburse the city for monies expended to demolish 507 Race Street was approved on a vote of 5-0 on my motion and second by Commissioner Cannon. The City Attorney will prepare a resolution to address this issue that needed a vote by City Council prior to June 12th.

Now let me go back to Ordinance 1165, the Main Street Closing Poplar Street request, and the High Street Outdoor dining on Sidewalks request. In the final analysis, all of the commissioners knew that Ordinance 1165 had to pass in order for the city restaurants to be able to have a process in place with the city manager to apply for special permits and meet certain requirements for opening for outdoor dining. We just had to have agreement on the details of what was required and who had the authority to make what decision so that at least four of the five commissioners would vote in favor of some compromise.

City Council had had a public session on June 1st to hear from Cambridge MainStreet, restaurant owners, the police chief, the fire chief, and others to have a better understanding of what was being asked and what limitations could or should there be on those requests. In the week that followed, additional information was acquired by the Commissioners from a variety or resources including citizen input.

The meeting on Monday was the first opportunity for the Commissioners legally to come together in a public setting to discuss and make any decisions on how to make this work for the restaurant community and the public.

So, the issues were more about

* What would the open-air dining look like?
* What days would Poplar Street be able to be closed and for how long those days?
* What fire lane would be required on Poplar Street and how wide would it be?
* What other streets or alleys or public parking areas could be closed for dining?
* Would Cannery Park be used for dining?
* Would restaurants be able to put up awnings or tents and expand their seating on the sidewalks beyond the edges of their property?
* Would the city manager or the fire chief have the final say on whether Poplar Street would be able to remain closed based on fire emergency concerns?
* Should the rights and limitations of sidewalk dining and street closure be part of Ordinance 1165 or be a separate resolution that limited Ordinance 1165?

While the motions were varied and the discussion at times confusing, the bottom line of disagreement among the Commissioners were

* How many days a week would Poplar Street be closed?
* Would a fire lane that was specifically 20 feet wide be required on Poplar Street with no other traffic being permitted?
* Would the fire chief have the final say on fire department issues on Poplar Street or would he only make recommendations to the city manager who would have the final say?

Three of the Commissioners wanted Poplar Street to be closed for portions of 4 days a week from Thursday through Sunday. Two wanted closure for 3 days a week – Thursday through Saturday. All the Commissioners agreed that there should be a fire lane on Poplar but two required that it be specifically 20 feet wide. Two also required that the fire chief have the final say on fire related issues on Poplar Street rather than having him make recommendations to the city manager for a final decision.

As those of us who wanted 4 days a week did not want to leave the meeting without some agreement, we compromised so that Poplar Street would only close for three days. Although the issue of how wide the fire lane would be was, I felt, micromanaging, Commissioners Hanson, Cannon, and I agreed to that as we did with the fire chief having the final say on Poplar Street fire issues.

While I felt that the city manager would follow any recommendation of the fire chief, I did not want to prevent a compromise agreement that detailed the parameters of city manager, staff, and fire chief decision making by voting against these requirements.

With the other related request by Theo’s to have tents along the sidewalk on High Street, there was agreement to that proposal.

If you wish to see the back and forth that went on regarding these issues, please go on [www.townhallstreams.com](http://www.townhallstreams.com) and see for yourself. While there are procedural issues that I am sure frustrated the public, with the help of the city attorney we were able to ultimately pass on votes of 5-0 a modified concept for the resolution on my motion with second by Commissioner Foster and Ordinance 1165 on my motion and second by Commissioner Hanson.

I know that what did result came from a great deal of effort by Cambridge Main Street, the restaurants, citizens, and the City Commissioners. It is not perfect or something about which there can be total agreement. At the same time, we were able to establish a process through the city manager for the vast majority of what was asked for by the business community and added some space that they had not asked for.

Now you the members of the Cambridge and Dorchester communities need to do your part and come downtown to have lunch or dinner outside at our many restaurants. Many can open on their own schedules for sidewalk, alley way, and Gay Street dining as coordinated with the city manager and staff. For on street dining that meets the requirements of the ADA, dining is allowed on the following days and times:

Thursdays – 3:00 p.m. to 10:00 p.m.

Fridays – 11:00 a.m. to 10:00 p.m.

Saturdays – 11:00 a.m. to 10:00 p.m.

Thanks for reading.

Steve