CAMBRIDGE MATTERS #8

 By: Commissioner Steve Rideout

swrideout@aol.com

August 24, 2020

The City Council meeting on Monday was anything but routine. We were able to decide a few matters after lengthy discussion and were able to hear and conclude the matter regarding Commissioner Foster’s residence. It was a virtual meeting, however Commissioners Foster, Sydnor, and I joined the Mayor at City Council Chambers while Commissioners Hanson and Cannon participated through the city WebEx Program. Citizens were able to watch the proceedings on [www.townhallstreams.com](http://www.townhallstreams.com).

The meeting proceeded right to business with Commissioner Sydnor asking to include a matter on the agenda regarding a proposed PILOT (Payment in Lieu of Taxes) made by Santo Grande on behalf of the Delmarva Community Services project for low income senior residences at their Chesapeake Grove facility here in Cambridge. On his motion and my second, the item was added to the Requests from the Public, and the agenda was then approved 5-0.

There were no public comments, and the Mayor then raised the issue of the reactivation of the Cambridge Housing Task Force that had been established many years ago and needed to be reconstituted. The Mayor read from a 1969 report that sounded much like Cambridge today. The Mayor requested that each commissioner identify 2 representatives from his or her Ward to recommend by our next meeting for the Task Force. If this might be something you who live in Ward 1 would like to work on, please let me know as soon as possible.

I asked that the Task Force not write another report but take all the reports that have been written and propose some action items for the current and future City Councils to undertake to address these ongoing problems. The Mayor indicated that she was going to leave those issues to the Task Force to decide. My hope is that the city council will give the task force some direction on some action items and that city staff will be involved in providing solutions from their experience and that of other professionals on what actions need to be taken.

You may recall that I recently reported on ordinance 995 that allowed for internal property inspection of rental properties every three years that was changed by ordinance 1006 in, I believe, 2011 where the internal property inspections were no longer required or permitted. Reinstating an improved ordinance 995 might be a good first step for the Task Force.

We then took up the request of Santo Grande regarding the proposed PILOT. A new 60-unit affordable apartment building for seniors 62+ is being built as part of the Chesapeake Grove project at Delmarva Community Services. Mr. Grande was asking that the city establish a PILOT for the project of $200 annually per unit for fifteen years. That would mean taxes to the city during those 15 years of $12,000 a year. Presumably, there would also be income to the city for water and sewer services.

After some discussion, Commissioner Sydnor moved to approve the request with a second by Commissioner Foster. As I and Commissioner Hanson, at least, had not had the opportunity to talk with Mr. Grande about this proposal and we did not know if the $200 annual per unit payment was reasonable, we voted against the motion. The vote was 3-2 for passage. However, under our rules of procedure it would take four votes from the Commissioners to approve the matter without it having been placed on the agenda and information provided to explain it prior to the meeting date. As a result, the motion was defeated. Council candidates pay attention to this procedural nicety and put this in your memory bank.

The matter is of some urgency, so a special meeting of City Council was set for September 4th at 10:00 a.m. in order to give Mr. Grande the opportunity to provide more information on the proposal and for staff to help us consider what we might do. As part of this process we need to consider what funding the city has provided already to support the project including the building of a sidewalk and the reduction in city costs and fees for the project. I also expect that I will have the opportunity to meet with Mr. Grande to discuss this matter and the anticipated costs and income to the organization generated by the project in order to arrive at a fair figure to agree on by the Commissioners.

With the Consent Calendar, the August 10th meeting minutes and the request of Veronica Taylor to use Cornish Park for a Groove City Community Day with a noise ordinance variance and Health Department approvals and following their recommendations on September 5, 2020 from 3 p.m. to 9 p.m. were approved 5-0 on my motion and second by Commissioner Sydnor.

With new Ordinances, the request from the Rescue Fire Company for a budget amendment to provide funds to repair their Tower Truck were continued over to the September 4th meeting in order to give two of the Commissioners time to review the documentation, as they indicated that they had not received it prior to the meeting.

The one Ordinance for second reading, public hearing and approval was Ordinance 1164 that proposed to amend the UDC to allow the City Commissioners to approve amendments to development plans for projects in the planned Water Community District and the Planned Water Resort District under certain limited situations. After a public hearing at which no one requested to speak, the Ordinance passed on my motion and Commissioner Hanson’s second on a vote of 5-0.

With Old Business, Resolution 20-16 was brought back for a vote on the proposed State $250,000 grant to the city to help improve the city marina and modify existing finger piers on unused 60’ and 50’ boat slips to accommodate smaller boats, provide an engineering study of the excessive wave action within the marina, prepare engineering design and permitting for Piers E,F, and H (older original piers), replace piling caps, and make asphalt paving repairs in the parking lot. At our last meeting, the vote was 3-2 to approve.

As it needed a four-vote majority, I argued at our last meeting that the Mayor was entitled to vote based on a June 2020 legal opinion of the City Attorney. As the Mayor was not familiar with the opinion, the matter was continued over to this meeting for her to read it and vote. Accepting, apparently, that she had the right to vote per the opinion, the Mayor voted “no” so that the $250,000 grant for which the city would have been required to provide no matching funding was defeated.

The reasoning provided by Commissioner Sydnor was his disagreement with how the budget for the Marina was constructed. This is an internal issue that, I believe, should be resolved with the CPA firm that is our contracted financial director and the city manager, and the proposed grant should not be held up for this kind of disagreement. While I recalled and explained one of the issues that Commissioner Sydnor raised, it was not good enough to allow for the required four votes. I am hopeful that the State does not hear of our votes before we can correct this costly error.

The next item was the proposed 2020 City Election Specifics. As ballots will be sent to every registered voter, much of the current information is not relevant such as information on absentee voting and people assisting voters in preparing and sending in their votes. Commissioner Foster raised her concerns about how the voting machines would be tested and secured on the voting day and the security of the ballot boxes at the Post Office. The City Manager asked that we approve the Election Specific document which was accomplished on a vote of 3-2 on my motion and second by Commissioner Hanson. Commissioner Cannon joined the majority and Commissioners Foster and Sydnor were in the minority.

The final item was Resolution 20-18 and Executive Order 2020-05 Extension. This was another item that Commissioners Foster and Sydnor indicated they did not receive. The only reported difference from prior Executive Orders was that it would go for 60 days rather than 30 days. The City Manager explained that he had done this due to the anticipated length of the current Covid-19 crisis so that these documents did not have to come back to City Council every month. On my motion and second by Commissioner Cannon, this matter was approved on a vote of 3-2 with Commissioner Hanson joining the majority and Commissioners Foster and Sydnor voting in the negative.

With New Business, Resolution 20-17 was passed unanimously on my motion and Second of Commissioner Hanson. This Resolution supports the Maryland DHCD Neighborhood Business Works Program financing to the Packing Plant Building on Dorchester Avenue that has been under development for quite some time.

The next item was a budget item for the purchase of two police cars and designation of two cars as surplus for sale. On Commissioner Sydnor’s motion with second by Cannon, this item was approved 5-0.

The final item prior to the Public Hearing was the reappointment of four members to the Housing Board of Review and one member to the Housing Authority Board. On my motion and second by Commissioner Hanson the following were approved on a vote of 5-0:

* Carlton Stanley – Housing Board of Review for a 3-year term ending 8/31/2023
* Kisha Petticolas, Esq. – Housing Board of Review for a 3-year term ending 8/31/2023
* William Bishop – Housing Board of Review for a 3-year term ending 8/31/2023
* Mike Edgar – Housing Board of Review for a 3-year term ending 8/31/2023
* Julia Farrow – Housing Authority Board for a 5-year term ending June 30, 2025

The final matter was a hearing on Resolution 2020-15 that convened a public hearing regarding the residency qualifications of La-Shon M. Foster to continue serving as Commissioner in Ward three for the City of Cambridge Maryland. Commissioner Foster was present with her attorney Edward F. Simon. Mayor Jackson Stanley recused herself from chairing the hearing because she had a conflict due to both her and Commissioner Foster running for the position of Mayor in the upcoming October election.

The hearing was long, and extensive evidence was presented in support of the Resolution and by Commissioner Foster in opposition to the Resolution. Several people came forward to testify on her behalf. While I felt that the evidence supported beyond a reasonable doubt a finding that she had failed to comply with the requirements of 3-5 of the city charter that was not the finding that was made. The vote was tied 2-2 with no ability to break the tie. Commissioner Hanson and I voted in favor of the motion to find that she had violated the terms of 3-5 of the Charter, and Commissioners Cannon and Sydnor voted in opposition. Commissioner Foster insisted on voting and claimed her right to do so. As her vote did not matter in whether the motion was successful and allowing her to vote would have placed her in jeopardy of violating the City Ethics Law as she would be voting on an issue related to a matter in which she had a financial interest, I ruled that she could not vote and her effort to vote was not allowed.

Rather than try to describe the proceedings that are at times confusing and messy, I invite you to watch it on [www.townhallstreams.com](http://www.townhallstreams.com).

Following the vote, the meeting of the Cambridge City Council ended.

Thanks for reading.

Steve