

The City Council met in special regular session on Monday, March 5, 2018 in the Public Safety Building. A quorum being present, Mayor Victoria Jackson-Stanley called the meeting to order at 6:00 p.m. Those Commissioners in attendance were Commissioners Rideout, Sydnor, Foster, Cannon, and Hanson. Mayor Victoria Jackson-Stanley asked for a moment of silence. Commissioner Hanson led in the Pledge of Allegiance.

Public Comment

Nobody asked to speak.

Agenda

1. Council to approve or amend agenda as presented.

A motion by Commissioner Sydnor to approve the agenda as presented was seconded by Commissioner Hanson and approved 5:0.

Ordinances for Second Reading, Public Hearing, and Adoption

Commissioner Cannon announced that in consideration of Ordinances 1114 and 1115 and that fact that he lives within 100 feet of an industrial zoned business, he will be recusing himself to avoid an ethical problems and concerns that may come up tonight. He left the room.

2. SUBJECT: Ordinance No. 1114 -- An Ordinance of The Commissioners of Cambridge, Maryland, To Amend Table 1: Permitted Uses by Zoning District of the City's Unified Development Code to Allow Breweries as A Permitted Use in The Industrial Zoning District and To Amend § 9.2 of the UDC To Define Terms Associated Therewith; Providing That the Title of This Ordinance Shall Be Deemed a Fair Summary and Generally Relating To Breweries in the City of Cambridge
Recommendation: That Council:
 - A. Give Ordinance No. 1114 a second reading by reading of title only
 - B. Open the public hearing, take comment and close the public hearing
 - C. Adopt Ordinance 1114.

City Attorney, Chip MacLeod, read the title of the ordinance. A motion by Commissioner Sydnor to open the public hearing was seconded by Commissioner Hanson and approved 4:0.

J. T. Merryweather said this is a good ordinance for Cambridge. They strive to work with the public and with the City to be a proud representation of what Cambridge is. They currently have 27 employees and they look to grow. This ordinance will allow them to do that and invest more in Cambridge, hire more local people, and allow them to pay more taxes.

Tony Thomas thinks the brewery is probably one of the best things that ever happened to Cambridge. He thinks it should remain there and whatever they want to do. God

bless anyone who wants to invest in the town. He hopes they keep doing well and everything goes good.

A motion by Commissioner Sydnor to close the public hearing was seconded by Commissioner Hanson and approved 4:0.

A motion by Commissioner Sydnor to adopt Ordinance 1114 with the staff report that was presented to Council along with Planning and Zoning recommendation to adopt the ordinance was seconded by Commissioner Hanson and approved 4:0.

3. SUBJECT: Ordinance No. 1115 -- An Ordinance of The Commissioners of Cambridge, Maryland, To Amend Table 1: Permitted Uses by Zoning District of The City's Unified Development Code to Allow Auctions as A Special Exception in The Commercial And Industrial Zoning Districts And To Amend § 9.2 of The UDC To Define Terms Associated Therewith; Providing That The Title of This Ordinance Shall Be Deemed A Fair Summary and Generally Relating To Auctions in The City Of Cambridge.

Recommendation: That Council:

- A. Give Ordinance No. 1115 a second reading by reading of title only
- B. Open the public hearing, take comment and close the public hearing
- C. Adopt Ordinance 1115.

City Attorney, Chip MacLeod, read the title of the ordinance.

Pat Escher, City Planner, said in December several individuals came to Planning and Zoning staff to ask if they could do an auction house in the City limits and was that permitted. The Code does not speak to an auction house so therefore, they said that no right now it is not permitted and took it to the Planning Commission for discussion. They brought it back in January and held a second hearing specific to issues to see if they felt this was an appropriate use because we know there is an active auction at the Metro Building taking place now. They discussed it and believe it should be a Special Exception in the General Commercial area and in the Industrial Zone. A Special Exception is a different process and a permitted use. The purpose and intent of the Special Exception is that there are certain uses, which by their nature or design, can have undue impact or be incompatible with other uses of the land in the same zoning district. Two standards that come to mind are the establishment, maintenance, and operation of a Special Exception at a proposed location will not be detrimental or a danger to the public health, safety, and welfare. A Special Exception is located in such a way that it will be harmonious in character as well as appropriate in appearance and will be injurious to the use or enjoyment of others' property. When they are adding the use to the zone district, you have to look at the entire zone district. They can't look at the Metro Building and say it is a great use. It is going to affect the entire City. She presented a PowerPoint presentation pointing out the City's zoning map. She also showed several photos of properties that are zoned General Commercial and indicated which properties would impact the neighborhood with traffic/parking and lack of sidewalks. The Metro Building has excellent access along Route 50, ample parking and is an appropriate location for an Auction House. The City staff worked with the

property owner and the Foxwells and gave them an application for the Foxwells to complete so the City could process it and they could continue their operation. It is not just to Metro site they are concerned with. It is all over the City. If it is a permitted use, they could put an auction house on Robbins Street or out by the radio station. They would have to think about these other two locations being an appropriate use and make sure they are compatible. To make it compatible, they may have to add conditions (hours of operation; maximum capacity, etc.). That assures that the people who live in those residential areas are not disturbed. That is what they are doing tonight.

A motion by Commissioner Rideout to open the public hearing was seconded by Commissioner Sydnor and approved 4:0.

Cindy Rorrer read a statement by Allen McRae. He appealed to everyone at the Chamber, Planning and Zoning Board, City Council, and community leaders. He trusts and prays that this ordinance will be amended on the spot or sent back to Planning and Zoning for rework. Many in the community understand what is at the heart of this and that they are just asking for reasonable, rational due process without personal feelings or historical bias entering the process. They want fair legislation that works for every business owner in our community. They want to be included in that process.

Rebecca Brault spoke against Ordinance 1115. She is a member of scouting organizations and the auction has supported them buy letting them set up tables many times of the past few years. She attends the auction as a fun family outing and to support it because it is a local thing that has been around for years. Foxwell's has done a great thing by transforming a terrible overgrown property to a place that is able to hold a business. The auction is also bringing new people to our area. There have been many failed businesses here in her lifetime and she would like to see this truly local business be allowed to continue and she is asking Council to vote no on Ordinance 1115 so Foxwell's Auction can continue serving the community as a commercial business. Mayor Jackson-Stanley clarified that Ms. Brault doesn't want any ordinance to limit it at all.

Vance Todd said after the last meeting, he went to the auction to get a head count. He counted between 175 to 190 people. Sometimes there may be a couple dozen less or more at the auction not counting the number of people who come out during the week to bring items. Roughly around 9000 in a near total are at the auction. Last summer there were six Dorchester County Deputy Sheriff cars to be auctioned off. Last week there were two Dorchester County school buses that were auctioned off. The State auctions at Foxwell's. Sooner or later every family in Cambridge and Dorchester County will lose a loved one. Chances are the family will have an estate handled. All you need to do is call Foxwell's Auction. They will come to the property, remove all the merchandise, carry it to their facility and handle them for you. If the property needs to be auctioned off, no problem. If the business has to shut down, Cambridge and Dorchester County residents will have to go to another county in order to sell their merchandise or haul their estate items. That is why everyone here is against Ordinance 1115.

Michael Dodd, Esq., representing Buddy and Shane Foxwell. Looking at the initial zoning map, Ms. Escher pointed out that the Commercial Zone is sort of spotty. He questioned why it is spotty. He doesn't think that Foxwell's Auction or anybody who wants to operate on the Route 50 corridor is responsible to answer why WCEM is zoned 'red'. It is confusing to the Council because people are speaking in favor of Foxwell's Auction and then asking Council to not vote for the ordinance. The ordinance proposes to do this by Special Exception. The ordinance combines the Industrial Special Exception for auctions with Commercial Special Exception for auctions. They believe it should be separate. He asked Council to entertain severing the Ordinances 1115A, 1115B which would be 1115A treated as the Industrial District, the ordinance as it is written with the text as it pertains to Commercial removed followed by 1115B being as it pertains to Commercial properties. The issues that were brought up by the Planning Commission and the staff in its report that he can discern are vehicle sales, parking, and outside storage. The definition of auction in the new ordinance prohibits vehicles sales and also prohibits outside storage. Parking is also addressed by amending the parking code to one space per four chairs or if there are no chairs in the auction house, one parking space per 500 square feet. He asked if it is appropriate to have an auction house near WCEM radio. The scale of that auction house permitted if you amend the parking code as it is proposed would only be one vehicle per 500 square feet so the scale of that auction would be limited by the size of the building that could fit on that property. So, it is not necessarily as simple as saying, look at this property, look where it is, we don't want 500 cars parked here. As the ordinance is proposed, you have one parking space per 500 square feet. You can do this, but you can do this by permitted use and simply means pass it in its form but only as a permitted use and not as a special exception.

Shane Foxwell spoke at the last meeting. To continue what Mr. Dodd said, it could be a permitted use with conditions—the conditions that Pat has laid out, and not a special exception. That is why everyone here is for the auction but not for this ordinance. The Special Exception is not so special. It can be revoked. That is what scares him. The people who came out to support and a petition with 500 signatures (250 out of town/250 in town) show how many people they bring to Cambridge and they also help out Cambridge. It is not their fault that they have grown since 1980 from a little 40-ft x 30-ft building they may have had ten people at the sale. There was an auction on Race Street (400 block) a few years ago right in downtown Cambridge. They sold higher-end antiques so they had a smaller client base. It worked. There were no problems. They had auctions every other Friday night. He is fighting for all auctions—especially his auction. The Special Exemption is wrong. It should be a permitted use with conditions. Squash the ordinance; put it back to Planning and Zoning; separate it like Mr. Dodd said; and they will work from there. He is fine with the conditions. Do what you have to do but don't make it a Special Exception. That is downright scary. This is his life we are talking about and a lot of these people's lives. Send it back to Planning and Zoning and do it the right way. He can't stress it enough.

Charles W. Foxwell (Bud) graduated from auction school in 1976. He has been operating since then. His son has taken it over in the last 10 years. He has tried to do what is best for the community. One of the last things they said in auction school was to be fair. Do what you can to support your community, churches, fire halls, and civic

organizations. Never charge them a dime. For 40 years, he has never done that. The ordinance's Special Exception is a double-edged sword to them. He is a common-sense kind of guy. If it is zoned Commercial and they are a commercial entity, and for 40 years it has been fine, why all of a sudden do they need to be a Special Exception. It has worked for him for 40 years and all of a sudden, things have changed. He is not going to get to the ins and outs. He thanked everyone who came for support. The auction becomes like a family. It is not just about making money. His son wants to do what is right.

Ben Doyle handed out a letter from the American Cancer Society. The author of the letter is in charge of all the Relay for Life events in several states. He is a team captain and committee member of Relay for Life. For the last 15 years, Foxwell's Auction has raised over \$100,000 for Relay which averages \$7,000 a year. That \$7,000 a year goes to someone in this county and pays for their chemo. It pays for their trips up to Baltimore and it pays for everything that they need. If Council stops these two wonderful gentlemen from doing what they do, you are not just hurting the community, you are hurting everyone who is battling cancer. For someone who is battling cancer, this is hard for them to hear. Please do not say I do not care if you already are now. He is 18 years old and is trying to do the best he can up here. He looks at the older generation. After the last meeting, he was not happy with his decision. He changed it. He is not happy to look at the older people here anymore because of what he saw at the last meeting. At the last meeting there was a lot of talking, laughing, and passing notes from our officials. He does not think that is right from what is going on in this world today for our officials to be doing that.

Emily Short said Ms. Escher mentioned Commercial Districts like on Dorchester Avenue. She lives on Glenburn Avenue. If you ever have a local legend die and have funeral at Thomas' Funeral Home, you know what it is like. Those people don't complain because it is part of the County. Foxwell's is the same way. When Foxwell's is bringing 175 people, they are parking in a lot that has designated spaces—not double parking on a one-way street. Foxwell's is an auction. When you look at auctions of TV, those auctions are once a month, or once every three months. They are issuing catalogs. The way Foxwell's works is way more of a consignment situation where it is quick moving. This town has had five consignment shops in the past 10 years. It currently has two that operate. They are no different. In fact, she likes to take herself to Foxwell's because the consignment shops take 40 percent and Foxwell's takes 20 percent. She had a friend who was in desperate need of a valve transplant—if not a heart transplant. Her parents are preparing to bring things to Foxwell's because they need to liquidate about \$300,000 and they need to do it yesterday. Foxwell's is the only place to do it. It was mentioned of other auction houses. She asked where they are asking to be located. She doesn't feel like Foxwell's is making some ridiculous request to just operate their commercial business in a Commercial Zone that has a great big open parking lot. They are not asking for Dorchester Avenue. They have been 40 years in the business. These other guys may be fresh and not know what they are jumping into. She agrees with Mr. Dodd—separate it. You just can't bulk them together. It doesn't work that way. This is an established business expecting to be treated like any other established business. To make them a Special Exception means that at any point, when something doesn't go someone's way, they can pull a string and

that is not due process. That is not how this country works and it is not how this county works.

Brian Niblett works for the Delmar New and Used. They have been open for two years and do estate auctions, liquidations, etc. They go everywhere to find their merchandise. Foxwell's is one of the greatest auctions that he has been to. There will be dozens of cars and trailers near an auction house. His auction house is in the heart of Delmar where they park along side of a railroad track to load their stuff. It is beautiful to have a large paved parking lot so you don't have to pull your stuff across dirt. The business is bringing money in and paying taxes, hiring people, and giving people like him more business. This is not right. He is not sure of the reason behind it. He is here to support Foxwell's Auction because that is his livelihood just like it is theirs.

Alan Herbert spoke at the last meeting. There are two class acts right there. They give back to this county, this city, this community, for what they do. They don't charge for Relay for Life, auctions at fire houses, etc. He owns a furniture business. If they were not there, he would have to go to Seaford or Federalsburg. It is a great deal they give you. It works out great. He watched the Metro building be built and he watched the Metro building demise. Shane took it over and it is a model building now. There is no more junk or trash. When people travel on Route 50, they see the building being used. The parking lot is full. It makes Cambridge look like something is happening here. It is no longer an abandoned building.

Catherine Gullion said she watched what the City tried to do to the company she works for and it was a darn shame. What they are doing now is trying to push another business out the door. When is this City Council going to stop sending business to another location? She doesn't understand why this City gives everybody such a hard time about trying to make a living and trying to keep a business open. She buys furniture from Foxwell's when they don't get donations at her work. They buy furniture and other things and can sell it for \$5 over what it was selling for. They are helping the community. People come to them all the time for furniture for a family that got burned out of a house. She goes to Foxwell's because she knows she is going to be able to buy something for that family that has no money and they can turn it over to them. They work with different agencies about trying to help the community. You can't buy anything cheaper than what you can buy at her place and that is because of their relationship with Foxwell's Actions. Please stop trying to push out businesses. This City was great at one point. Let's try to make it great again.

Wally Harper has been attending Foxwell's Auctions since he first started. He worked for Foxwell's Auctions, has sold there, has bought there, and still goes there. It is a great place to go. It brings money to the town. People visit other businesses when they are here. Please support Foxwell's Auctions. He is a staple to this community and the county.

Justin Firth has been going to Foxwell's Auctions since they were on Bucktown Road. The friendships formed from Foxwell's Auctions are incredible. The business they have created and where they are located now has increased the business for Arby's, Dollar Tree, Family Dollar, and Walmart because it brings people to the area. He

cannot believe the City would want to push that away. It doesn't make good business sense. When you say you are in favor of business for Cambridge but look at all the empty buildings. Why do you want to keep them empty or make them empty again?

Christine Reed said people keep saying the same thing. Do the right thing for the community and the people because you don't want to lose any of that by kicking somebody else out.

Elizabeth Randall grew up in Cambridge and commutes two hours every day to Baltimore. She loves Cambridge and doesn't want to live anywhere else. She grew up going to Foxwell's Auctions. She has learned so much about antiques and value from Foxwell's. Buddy is the auctioneer for their charity auction at the Neck District fire house. He does that out of the kindness of his heart. Her family has been through some really hard times. Some of those times they took things to Foxwell's to liquidate. It happens. She knows so many people who have had entire estates go to Foxwell's. They make a little money off it because otherwise, they have no idea what to do with it. Some priceless antiques would go into the landfill. These guys are just trying to run a business. They are good to all of us. Taking away something that is so beneficial or putting any limitations on it is not necessary. It is limiting what Cambridge could be.

Robert Aaron has been going to the auction since they were on Bucktown Road. His work schedule has changed but he does what he can to get there. He always goes to the charities because the Foxwells don't charge the charities. You might as well go to the auction because Cambridge has nothing to do besides the bowling alley unless you want to go to a bar and hang out.

Edward Schantin agrees with everything that Shane and Buddy do and the way they are doing it. They should keep doing it. He doesn't understand why someone is making a big deal out of it and trying to get rid of it. It makes absolutely no sense. He is for the ordinance.

Kristy Nkenza is an officer for the Salvation Army. She has only been in Cambridge since the summer. The Foxwells have already made such a big impact on her. She is hoping there will be no restrictions put on what they do because what they do is already stellar. She doesn't think it can be improved upon. She is not an expert on auctions. Shane allowed her to use his tables when she needed them for her part of the building even though it was holding up what he needed to do. She appreciates them so much. Foxwells employees helped them with the Christmas boxes they were preparing for local children at Christmas.

Tom Robinson owns a few businesses in town and also in Philadelphia. It is very impersonal in Philadelphia. He really thought the sense of community would be exhibited here. Unfortunately, that has not been his experience. Many people have told him that this is not a business-friendly town. His children who run Thomas's Jeweler's tell him that he has to say things that don't get under anyone's skin. He tells them they have to call it as they see it. This is exactly the exhibit of non-community. He has a building on Race Street he is trying to renovate. What the City is doing lacks all common sense. He doesn't understand it.

Bob Lawrence said apparently, he is one of the old fogies. When he signed the sheet, he thought he was registering for the event. He had no intention of speaking. He is throwing his full and hearty support behind Shane and Buddy.

Rob Feezer said Bud and Shane have been on Moose Lodge Road with no complaints. The amount of parking lot is ten times what they had on Moose Lodge Road. It is almost mind-boggling about all the businesses that have closed down in this area. Everybody who drives through Cambridge notices all the empty buildings. Places they stopped last year are closed this year. He doesn't know what it is going to take to make everyone know that we need some real help. People buy from the auction and sell on the computer and sell under retail stores. A lot of stores that Cambridge is trying to protect with the zoning are actually buying their supplies from this auction. He just can't understand it. It is mind boggling to him.

J. T. North has been here his entire life. He thinks everyone here is in favor of Foxwell's Auction. Being from the Eastern Shore, he has tried to work on his word and his handshake. For a long time, it has worked. Unfortunately, sometimes it doesn't. He is sure that Shane and Mr. Dodd have investigated enough that they know the terminology that they need to have. There is a reason they want something done a specific way. He is fully in support of them. He knows they pointed out a lot of small areas on the map that by definition can have an auction. It comes down to common sense. If you had a building that would allow 20 people, you will not have enough support. It would take care of itself. The people wouldn't show up or they would and they would be gone in two weeks. Where they are now is a good location. There is adequate parking. Everything seems to fit in place other than whatever type of regulation that doesn't fit. Whatever needs to be done terminology-wise by Mr. Dodd or Council, just get it done. Don't put impediments in front of people; try to work together and get it resolved so it works out good for everyone. He doesn't think anyone here wants to see a thriving business go away.

John Giannetti is in favor of the Foxwell's plan. He is a lawyer and a former State Senator who represented Anne Arundel and Prince George's County. As a lawyer in his early days, he did zoning law. He sat on the Board of Zoning Appeals in Laurel. He is familiar with these processes. He has represented about two dozen clients who live in Cambridge of the past year. The Foxwells run a good honest business. They don't make as much money as they could because of all they give away. The business is in the right place. He endorses what everyone said tonight. When you think you are making a Special Exception, what you are really doing is making it very expensive for businesses to come into the Industrial Zone and have an auction. You are really pushing them away by passing this ordinance. As soon as you pass this ordinance saying that you have to have a Special Exception, it will cost the business a lot of money and it is going to run businesses out. He knows of two businesses that want to be here and Council is trying to create Special Exceptions for them. He suggests Council amends the legislation (the ordinance). Denton, Easton, and Salisbury have taken a different approach. They have allowed auctions as permitted uses with conditions. That is what Cambridge should do. The conditions could be things such as 4 or 5 parking spaces per 500 sq. ft. Salisbury says an auction house can only have so

many auctions a month. You can put controls in as a permitted use. Instead of businesses going away, they will be coming here.

Michael Dodd said he agrees with what Mr. Giannetti said. No special exceptions – permitted uses. Vote it down; come back with the Planning Commission and do it the right way.

A motion by Commissioner Rideout to close the public hearing was seconded by Commissioner Sydnor and approved 4:0.

A motion by Commissioner Rideout to reject Ordinance 1115. Commissioner Foster seconded the motion. The motion passed 4:0.

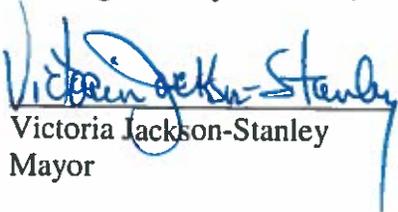
A motion by Commissioner Rideout to refer the ordinance back to Planning and Zoning and to staff to clean the ordinance up. Commissioner Hanson seconded the motion. The motion passed 4:0.

A motion by Commissioner Foster to authorize Foxwell's Auction to continue to operate without an ordinance in place for 60 days for the review by the Planning Commission. Commissioner Rideout seconded the motion. The motion passed 4:0.

Adjourn

A motion by Commissioner Rideout to adjourn the meeting was seconded and approved 4:0.

With no further business, Mayor Victoria Jackson-Stanley adjourned the meeting at 7:25 p.m. I hereby certify that the foregoing is a true and accurate account of the Council meeting Monday, March 5, 2017, insofar as I personally am aware.


Victoria Jackson-Stanley
Mayor