

The City Council met in regular session on Monday, August 14, 2017 in Council Chambers. 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.

Agenda

[NOTE: Items 1-3 deleted with revision of agenda.]

4. Council to approve or amend agenda as presented

Commissioner Rideout asked that the meeting minutes be submitted in the amended format. A motion by Commissioner Hanson to approve the amended agenda was seconded by Commissioner Cannon and approved 5:0.

Public Comment

Greg Mitchell and his wife are 12-year tenants of the Municipal Marina. Something fundamental to most or all successful marinas is to have a safe, secure, and sanitary shower and toilet facility for both tenants and transients to use. Over the years he has seen an tremendous increase in the interest in the number of people who bring their boats to Cambridge and dock as transients. His concern is that with it being open to the general public, we will not be able to meet that basic requirement of safe, secure, and sanitary. Boaters are using it all hours of the day and night and need the privacy of the shower with it being controlled with the pass codes. They are aware of the damage that has been caused in the other restroom facility at Long Wharf. They have often been dirty, unsanitary conditions in that facility. For people to continue to want to visit Cambridge, he thinks it is absolutely essential that there be a safe, secure, and sanitary shower and toilet facility. He asked Council to keep that in mind for both the tenants who rent slips in the marina and for the potential for more business to the community as transient boaters.

Julie Rigby and her husband, Wayne, are long-term slip holders at the marina for over 35 years. They feel they are responsible, respectful slipholders who obey the rules and regulations of the marina and she would like to speak to the issue of unlocked restrooms. They live 40 miles away and often shower at the marina before going out to dinner in Cambridge. She has concern for her safety and that of her husbands, daughters, grandson, and fellow boaters if the shower building is unlocked and open to the public. She asked who would protect her from theft or harm while in the shower. The Dockmaster and staff are no longer in that building. She asked if the public would be free to shower and do their laundry. If not, how will that be prevented? She feels they pay \$1900 a year for their slip and asked if she will have to wait in line for people off the street to use the facility. When word gets out through social media, she asked how many boaters might take their boaters elsewhere, either to the Yacht Club or the Hyatt or Ferry Point? She asked the legal ramifications of approving a proposal that has the potential to cause harm to people. In their 42 years of cruising the Chesapeake and down to South Carolina, not one marina (public or private) had open public access to showers. The public has access to a locking

restroom at Long Wharf. At her home she does not leave the doors unlocked allowing people off the street to walk into her house to use the bathroom a few feet from where she is showering. Do you?

Patrick Malkus has been a slipholder for the last seven years. He is a member of the MTOA. That group does many cruises to Cambridge. When their group visited last August, someone from the public overheard the code and were in and out of the facility all night long. If that is open to the public, it will go on every night. There will be people living there. There are other choices for boat owners. They are paying \$1900 or \$2100 a year and they won't feel like they can use the facilities. Everyone comments about how well-kept it is and how clean it is and how Scott has maintained it. He would hate to see that go away. He is afraid if it does, the City will lose a lot of slipholders.

Charles McFadden has been sailing the bay for 30 years. He has never been to a public or private marina that had open restrooms. They have always been locked. It is for your protection, especially if you use the facilities at night. This is not a very good business decision. A good business decision would be to fix it up with the grant money and make it a first-class facility so the people coming from Annapolis will have a good nice place to visit.

James Linthicum and his wife live in Cambridge and are slipholders. His concern is the safety issue. He does not know what problem has led to this proposed solution or if it is a solution in search of a problem. Safety is part of the issue. The public restroom serves well. There are other issues in that area. His neighbor was pushed down and broke his hip within 100 yards of this bathroom. If we open this up and make it a little more enticing, more people that really want to get into trouble are going to find their way into that area.

Bonnie Fiedler and her husband have been at the marina for four years. They have two slips. They pulled their original boat out from another marina because they enjoy Cambridge and the amenities Cambridge gives, the cleanliness, the closeness to town, etc. The bathrooms are wonderful. Her big concern is the safety. She has not thought twice about leaving her boat and walking to that bathroom at 10:00 pm without her husband with her. Should it be open to the public, she can't say she will ever do that again nor will she allow her daughters or her granddaughter to be able to do that. She cannot see where she would ever feel safe to get behind either a locked shower door or a curtain shower door knowing that anybody can come in there. The boat community are very helpful people. She feels very safe with them. Once the City opens it to the public, it would be like going to mall and taking a shower in the public bathroom. Bad news travels faster than good news. She is afraid Cambridge will lose the transient boaters.

Tony Thomas is a slipholder. He doesn't think the bathrooms should ever be open to the public. He suggested putting cameras down there so they know who is around for the safety of the boats. Then they will know who is in and out of there. He thinks it is a wonderful marina. It will not take much to make it better and secure.

Rolando Sosa has been spending the summers in Cambridge since 2009. His safety concerns have been covered by the previous speakers. He has noticed an increase in the

transient traffic. He has not seen a private or public marina that does not have restrictor access to the bathrooms and bathhouses. It is like going to a motel—you expect a certain amount of privacy and you are paying for it. Opening the restrooms to the public will negatively impact the transient traffic. Safety and cleanliness deteriorate when you open a restroom to the public.

Wayne Rigby commented on the Council Agenda Report. It says a couple of things that he finds disturbing. The facilities are nice for the City but compared to other marinas around, they are not luxurious. They are showing their age. The mirrors in the men's room need to be replaced. To turn down this grant would be a mistake. He thinks the City really wants to upgrade their facilities. There are websites that rate marinas and boaters know where the nicest places are and Cambridge needs to stay one of the nicest places. If the City puts doors on the showers, they will have a mildew problem because there is not a lot of air circulating. If the City opens the facilities to the public until 4:00 pm, he hopes the boaters have a combination lock for after that time.

Consent Calendar

5. SUBJECT: Meeting Minutes from Council Meetings on July 24, 2017 (as amended)
Recommendation: That Council approve as submitted.
6. SUBJECT: Request from “Beat the Rush Delivery” for permission to hold a community supper in the 500 block of Race Street on Sunday, September 10, 2017; permission to close the 500 block of Race Street from 11:00 am until dusk; and a variance from the noise ordinance
Recommendation: Approve closure beginning at 12:00 pm until 8:00 pm and a variance from the noise ordinance subject to:
 - A. Submission of a certificate of property and liability insurance naming the City as additional insured, acceptable to the City prior to event and
 - B. Submission of Health Department Certificate prior to event.
7. SUBJECT: Request from Grand National Waterfowl for permission to hold “El Primer Festival Internacional de Cambridge” in Cannery Way and the parking lot between 420 Race Street and 411 Academy Street on Sunday, August 27, 2017 from 12:00 pm until 8:00 pm; permission to serve alcohol; and a variance from the noise ordinance
Recommendation: Approve request as amended, subject to:
 - A. Submission of a certificate of property and liability insurance naming the City as additional insured, acceptable to the City prior to event,
 - B. Submission of copy of County liquor license prior to event, and
 - C. Payment of \$1,440 for police coverage (4 officers).
8. SUBJECT: Requests from Gerry Boyle requests in support of IRONMAN Maryland (October 7th) during race week: Sunday, October 1, 2017 through Sunday, October 8, 2017: Use of Great Marsh Park; Use of Long Wharf Park and related areas; Implement traffic and parking plan for race week; CPD support as detailed; and a variance from the noise ordinance. Specifics of each are covered in the supporting documentation

Recommendation: That Council approve the requests, subject to submission of a certificate of property and liability insurance naming the City as additional insured, acceptable to the City.

9. SUBJECT: Request from Jesus Church for a variance from the noise ordinance [DJ with Christian music] at the Dorchester County Pool on Friday, August 25, 2017 from 6:00 pm until 9:00 pm for their Super Natural Generation Event
Recommendation: That Council approve the request.

10. SUBJECT: Request from Dorchester Center for the Arts, Downtown Frame of Mine, and Liv Again for a variance from the noise ordinance for an Art in the Alley art exhibit and performance event on August 13, 2017 from 3:00 until 7:00 pm.
Recommendation: That Council approve the event.

A motion by Commissioner Rideout to approve the Consent Calendar (Items 5 through 10) with recommendations as presented was seconded by Commissioner Hanson and approved unanimously.

New Business

11. a. SUBJECT: Restrooms/shower/laundry facility at Long Wharf Park
Recommendation: That Council provide direction to staff on acceptance of grant from Dept. of Natural Resources WIF funds in the amount of \$65,000 for refurbishing subject facility and on whether to open the facility to the public. [Council Agenda report to be distributed on Mon. 8-14-17]

A motion by Commissioner Rideout to accept the \$65,000 grant from the Department of Natural Resources for refurbishing the facility without opening it to the public was seconded by Commissioner Hanson and passed 3:2.

11. b. SUBJECT: Creation of a Planner I position within the Department of Public Works' Planning and Zoning Division.
Recommendation: That Council approve:
A. Conversion of an Assistant Planner to a Planner I position within the Planning and Zoning Division;
B. Planner I job classification at Grade 13;
C. Transfer of \$20,000 within the General Fund from the Administration budget to the Department of Public Works budget.

A motion by Commissioner Hanson to approve the recommendation was seconded by Commissioner Cannon and approved 5:0.

12. SUBJECT: Street Paving Program
Recommendation that Council:
A. Approve the provisional FY 2018 street paving plan;
B. Authorize release of a request for bids;

C. Authorize release of an RFP for a Street Maintenance Assessment.

A motion by Commissioner Rideout to approve Recommendation C which is to authorize release of an RFP for street maintenance assessment and continue the Recommendations A and B to give the Commissioners the opportunity to look at streets in their wards that are being recommended and bring their interests back at a later meeting was seconded by Commissioner Hanson and approved 3:1 with one abstention.

13. SUBJECT: FY2019 Program Open Space Community Parks and Playgrounds (CP&P) Program Grant from Maryland Department of Natural Resources in the amount of \$530,000.00

Recommendation that Council:

- a. Receive a staff report on an application for the FY 2019 DNR CP&P Grant;
- b. Hold a public hearing, take public comment, and close the public hearing;
- c. Authorize submission of the grant application.

A motion by Commissioner Rideout to hold a public hearing was seconded by Commissioner Cannon and approved unanimously.

Omeaka Jackson thinks it is a good idea because we have over \$1 million to \$5 million that drive through Dorchester County to get to Ocean City. She thinks it is important for us to have comfortable places for people who may want to stop and spend time in our City but also give the citizens something else to do to beautify our community. She thinks it is something that is necessary to give us a different look and she thinks it would give the citizens another appreciation for where they stay at as opposed to the complaints of the sites that we have. Instead of eye sores, she thinks it is important for us to start changing the look of our City. We have to buy into it. If we are not going to buy into it, nobody else is.

Nobody else asked to speak.

A motion by Commissioner Cannon to close the public hearing was seconded by Commissioner Hanson and approved 5:0.

A motion by Commissioner Hanson to authorize the submission of the grant application was seconded by Commissioner Cannon and approved 4:0 with one abstention.

14. SUBJECT: Proposal from William McAllister, Esq. representing Beazer Homes Corp. to pay the City \$290,717.92 instead of the \$391,828 (balance owed) pursuant to the Memorandum of Understanding between the City and Beazer Homes Corp. dated October 15, 2010.

Recommendation from Finance Committee and City Manager that Council reject the proposed reduction in payment and proceed with acquisition of tax certificates and properties now held by Dorchester County resulting from tax sale of June 20, 2017.

Sandy McAllister spoke representing Beazer Homes. For a variety of reasons, most driven by the downturn in the economy in 2008 through 2010, Beazer Homes has no current construction activity in town. He has been endeavoring to try to figure out how to at least bring some level of closure. Under the MOU that was negotiated with the City in order to get a site redevelopment plan, the City agreed for a fee to permit the waterfront project to reduce its density. Part of the fee would be paid out of drawn permits for construction. As long as there was construction and permits being issued, payments were being made. It ground to a halt a number of years ago. Out of the \$550,000, roughly \$227,000 was paid. The MOU enforcement activity was to be treated as if it was a tax sale. He believes the hope was that some third party investor would show up at the tax sale and pay for the waterfront site. A developer bought seven waterfront lots. There was a public Riverwalk that was obligated to be built under the MOU and it was not completed by Beazer.

A motion by Commissioner Sydnor that Council reject the proposal was seconded by Commissioner Hanson and passed 5:0.

A motion by Commissioner Rideout that the City investigate the possibility of a suit for specific performance on constructing the Riverwalk or the cost that it might bring to the City to construct the Riverwalk was seconded by Commissioner Cannon and approved 5:0.

Council Committees:

15. Finance Committee Meeting of July 27, 2017

Information only. No action was taken.

Mayor and Council:

Commissioner Rideout (Ward 1):

16. SUBJECT: Remote participation in Council Meeting
Request from Comm. Rideout: That Council approve Commissioner Rideout's participation in the September 25, 2017 Council meeting via skype.

A motion by Commissioner Cannon to allow the Skype conference on September 25, 2017, was seconded by Commissioner Hanson and approved 5:0.

Commissioner Hanson (Ward 5):

17. SUBJECT: Ordinance 6.5.3 Prohibited Signs and Signing
Recommendation from Comm. Hanson: That Council review Ordinance 6.5.3 Prohibited Signs and Signing

Discussion only. No action was taken. The conversation will be shared with the Planning Commission.

Adjourn

A motion by Commissioner Rideout to adjourn the meeting was seconded by Commissioner Hanson and approved 5:0.

With no further business, Mayor Victoria Jackson-Stanley adjourned the meeting at 8:34 p.m. I hereby certify that the foregoing is a true and accurate account of the Council meeting Monday, August 14, 2017, insofar as I personally am aware.

Victoria Jackson-Stanley
Mayor