

The City Council met in regular session on Monday, April 10, 2017 in Council Chambers. A quorum being present, Mayor Victoria Jackson-Stanley called the meeting to order at 5:30 p.m. Those Commissioners in attendance were Commissioners Rideout, Sydnor, Foster, Cannon, and Hanson.

Closed Sessions

1. SUBJECT: Closed Sessions

Recommendation that Council consider a motion to go into closed session to:

A. Consider appointment by contract of a City Attorney in accordance with State Government Article, Section 10-508(a) – under:

Exception 1: discuss: (i) appointment, employment...officials over whom it has jurisdiction (City Attorney) and

Exception 14: discuss negotiating strategy and contents of bid proposals related to competitive proposal process for City Attorney contract, and

B. Consider resignation of Police Chief and appointment of an Interim Chief of Police in accordance with State Government Article, Section 10-508(a) – under:

Exception 1: discuss: (i) ... resignation of ...employees or officials over whom it has jurisdiction (Police Chief) and

Exception 1: discuss: (1) the appointment, employment...of employees or officials over which it has jurisdiction (Interim Police Chief).

C. Discuss personnel matters in accordance with State Government Article, Section 10-508(a) – under:

Exception 1: discuss (i) the appointment, employment, assignment, promotion, discipline, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) any other personnel matter that affects one or more specific individuals: potential conflict of interest – requested by Commissioner Foster.

Mayor Stanley read Agenda Item No. 1 and read the reasons for closing meetings from the attached.

A motion by Commissioner Sydnor to go into closed executive session for the above-listed topics and reasons was seconded by Commissioner Hanson and approved 5:0.

2. SUBJECT: Consideration of closing a closed session

Recommendation: That Council consider a motion to end the Closed Session.

A motion by Commissioner Hanson to end the closed session was seconded by Commissioner Cannon and approved 5:0.

6:07 pm Mayor to Convene Council in Regular Session

Mayor Victoria Jackson-Stanley asked for a moment of silence. Commissioner Hanson led in the Pledge of Allegiance.

Sandra Tripp-Jones reported in Closed Session A concerning the appointment of the City Attorney, Council continued to discuss the finalists and gave direction to staff. She reported that there is no reportable action at this time.

Sandra Tripp-Jones reported in Closed Session B to consider the resignation of the Police Chief and appoint an Interim Chief of Police, the City Council accepted the resignation of Chief Daniel Dvorak and released him from this contract requirement to give 90-days notice. Council unanimously voted to appoint Major Mark Lewis to the position of Interim Chief.

Sandra Tripp-Jones reported that Council discussed in Closed Session C potential conflicts of interest. There is no reportable action.

Agenda

3. Council to approve or amend agenda as presented

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

Public Comment

Glenn Bramble spoke about the Cambridge tax rate and other statistics compared to other towns on the Eastern Shore. He also gave statistics for the neighboring counties for the FARM program (free and reduced meals) in the schools which goes by economic conditions. Dorchester County is the third highest in the State. He asked Council to take this into consideration before they look at taxes. It is not helping the businesses. He strongly believes as a property owner he should have the right to cast one vote for a Council and a Mayor. Commissioner Sydnor said there is a direct correlation between revenue that you receive and the assessment tax base. Commissioner Hanson said the tax differential with Dorchester County is high. Mayor Victoria Jackson-Stanley said Easton can afford to do so many things because they own Easton Utilities. It is the major money maker for that community.

Charles McFadden, a member of the Ethics Commission since 2006, was asked by Commissioner Sydnor if he resigned from the Committee. Charles McFadden stated that he never submitted his letter. Commissioner Sydnor said when he was Acting Mayor, he accepted Mr. McFadden's verbal resignation. Mr. McFadden said if Commissioner Sydnor would like him to resign, he will. Commissioner Sydnor said that would be fine. Mr. McFadden said he will speak as a citizen regarding Agenda Item 24. (A) He said the November 28, 2016 meeting was held in closed session in violation of the Open Meetings Act. Council cannot direct the Ethics Commission. All changes to the Ethics Ordinance have to be submitted to the State Ethics Commission for approval. (B) When the plaintiffs file, they are requesting that subject of the complaint come to and be notified by the Ethics Commission and have an opportunity to appear and respond to the Commission. They have a number of issues with that including if there are attorneys involved, it only cover one half of the people, does the Ethics Commission interview the person before or after it starts its

findings. There are a whole bunch of procedural issues. (C) Council wants to enlarge the Ethics Commission to have one advocate from each of the Wards which in his opinion would politicize the Commission by having an advocate and protector of each of the Council people. This is not what was envisioned by the General Assembly as an independent oversight Commission. The City is already in non-compliance with the State Ethics Code. The Ethics Commission has been forced to hire an outside attorney at a cost of several thousand dollars. He suggested an open meeting with the Ethics Commission to express their concerns. Sandra Tripp-Jones stated that the Ethics Commission has not yet hired an attorney.

Kisha Petticolas stated she is the Chair of the Ethics Commission. Mr. McFadden just spoke on behalf of the Ethics Commission. What happened before he got into his statement was not anticipated. They would welcome a joint meeting to discuss their issues. As to the specific issue of bringing people in who are the subject of complaints, it has not been the Commission's practice. When they need to find facts, they will bring people in. The idea of bringing folks in to plead their case turns it into a hearing or trial which the Code gives them the ability to do when necessary. In most cases (98% of the cases), that is not necessary. They are urging the Council not to approve that measure. Commissioner Rideout said they have an alternative dispute resolution that would allow the matter to be resolved informally. Under the Ethics law, the Commission looks at the complaint to see if there is something to it. It may be in improper complaint or filed against a behavior that isn't within the confines of the Ethics laws so there is no reason to notify the respondent when there isn't a case in the first place. Commissioner Foster said she consider everything that Commissioner Rideout has said as a conflict of interest since he assisted in writing everything that he just stated. Kisha Petticolas said when the Ethics Commission talks of conflict of interest, they are speaking of a very different thing that what Commissioner Foster just mentioned. When they are speaking, conflict of interest has to do with whether or not a City employee that has to do with contracts or finances or whatever has a qualified relative or that individual person would have a conflict in making that decision. What Commissioner Foster is speaking of is a different kind of conflict of interest. What they have received so far have been requests for opinions. They have not had a complaint about anybody that they have had to investigate. Commissioner Foster said the City Manager told her that there was a complaint filed against her and she was found in violation. Kiska Petticolas said they have received requests for opinions. They have issued those opinions. The one Commissioner Foster is speaking of, the directive in the opinion was not followed. There has not been a complaint filed but they definitively have not decided which way they are going to go with dealing with the outcome of that. That is still pending. Commissioner Foster said in November 2016, she was informed that there was a violation that she had committed. Five months later the Ethics Commissioner has not made a decision. Commissioner Rideout said the reason Commissioner Foster thinks he had a conflict because he was involved in the writing of the ethics law means that he knows what he is talking about. Commissioner Foster said Commissioner Foster said Commissioner Rideout has a relationship with the ethics law because he helped write it.

Portia Johnson-Ennels said the people sitting on the Ethics Commission should be investigated because there are conflicts. The gentleman said he was resigning in open session and it was accepted. He should not be part of the Commission. There is another

member who was the Mayor's campaign manager. That is a violation of ethics there. She asked that Council review the members and go from there.

Consent Calendar

4. **SUBJECT:** Meeting Minutes from Council Meeting on March 27, 2017
Recommendation: That Council approve as submitted.
5. **SUBJECT:** Request for a variance from the noise ordinance for Movie Night at the Sailwinds Park Amphitheater on Friday, May 5, 2017 from 8:00 pm until 10:00 pm
Recommendation: That Council approve the request.
6. **SUBJECT:** Request from West End Citizens Association for permission to use the gazebo and surrounding area in Long Wharf Park on June 4, 2017 (rain date June 25, 2017) from 1:00 pm until 5:00 pm and a variance from the noise ordinance
Recommendation: That Council approve the request.
7. **SUBJECT:** Request from the Pine Street Committee for permission to close the 600 block of Pine Street on Saturday, June 17, 2017 from 11:00 am to 6:00 pm for a Juneteenth Festival, and a variance from the noise ordinance
Recommendation: That Council approve the request.
8. **SUBJECT:** Request from the owners of the High Spot for permission to hold their 6th Annual Cambridge Craft Beer Festival on Saturday, May 13, 2017 from 2:00 pm until 7:00 pm; close the 300 block of High Street from 1:00 pm until 8:00 pm; permission to erect 10'x10' tents, permission to sell alcohol on the street, and a variance from the noise ordinance
Recommendation: That Council approve the request.
9. **SUBJECT:** Request from the owners of the High Spot for permission to hold their 6th Annual Belgium Craft Beer Festival on Saturday, November 11, 2017 from 1:00 pm until 6:00 pm; close the 300 block of High Street from 12:00 pm until 7:00 pm; permission to erect 10'x10' tents, permission to sell alcohol on the street, and a variance from the noise ordinance
Recommendation: That Council approve the request.
10. **SUBJECT:** Request from Cambridge Sail and Power Squadron to change the date of their flare demonstration at the Cambridge Yacht Club from Sunday, May 21st to Saturday, May 20th (1:00 to 3:00 pm) and a variance from the noise ordinance
Recommendation: That Council approve the request.
11. **SUBJECT:** Proclamation for April as Fair Housing Month
Recommendation: That Council authorize Mayor Victoria Jackson-Stanley to sign the proclamation

12. SUBJECT: Fair Housing and Equal Opportunity Plan, Citizen Participation Plan, Minority Business Plan, Residential Anti-Displacement and Relocation Assistance Plan and Section 3 Plan

Recommendation: That Council approve the Fair Housing and Equal Opportunity Plan, Citizen Participation Plan, Minority Business Plan, Residential Anti-Displacement and Relocation Assistance Plan and Section 3 Plan

A motion by Commissioner Hanson to approve the Consent Calendar (Items 4 through 12) was seconded by Commission Rideout and approved 5:0. (Note: The Cambridge Sail and Power Squadron's request was approved contingent upon them advertising their event.)

Ordinance for Introduction

13. SUBJECT: Ordinance No. 1097 - An Ordinance of the Commissioners of Cambridge, Maryland, for the purpose of Adopting and Approving the Levy for Real Property Taxes and Personal Property Taxes, for the 2018 fiscal year beginning July 1, 2017 and ending June 30, 2018

Recommendation: That Council:

- A. Close the written portion of the public hearing on proposed property tax increase;
- B. Introduce Ordinance No. 1097 by reading of title only, and
- C. Schedule April 24, 2017 for second reading, public hearing, and adoption of Ordinance 1097.

Ordinance 1097 was introduced. A public hearing will be held on April 24, 2017. A motion by Commissioner Hanson to close the written section of the public hearing was seconded by Commissioner Rideout and approved 5:0.

Old Business

14. SUBJECT: Human Services Grants

Recommendation: That Council:

- A. Approve a Human Services Grants application, process, and selection criteria;
- B. Authorize staff to publish a notice of availability of applications; and
- C. Authorize formation of an ad hoc committee to review applications and make recommendations to the City Council for grant awards in July 2017.

A motion by Commissioner Hanson to approve the recommendations was seconded by Commissioner Cannon and approved 4:1.

New Business

15. SUBJECT: FY 2018 Proposed Operating and Capital Budget Adoption Schedule

Recommendation: That Council approve the schedule of presentations, hearings and adoption of the FY 2018 Proposed Operating and Capital Budget Adoption Schedule.

A motion by Commissioner Cannon to adopt the schedule was seconded by Commissioner Sydnor and approved 5:0.

16. SUBJECT: 2018 – 2022 Five-Year Capital Improvement Program
Recommendation: That Council accept the Five-Year Capital Improvements Program 2018-2022

A motion by Commissioner Sydnor to accept the Five-Year Capital Improvement Program for 2018-2022 was seconded by Commissioner Foster and approved 5:0.

17. SUBJECT: Privatization of Sanitation Services
Recommendation: That Council authorize staff to release a Request for Proposals for residential trash collection and disposal services.

A motion by Commissioner Rideout to authorize staff to release a Request for Proposals for residential trash collection and disposal services consistent with the report that was submitted to Council this evening was seconded by Commissioner Hanson and approved 4:0 with Commissioner Foster abstaining.

18. SUBJECT: Cambridge Municipal Yacht Basin Transient Slip Rental Rates – May 2017
Recommendation that Council:
A. Hear report from staff, and
B. Approve a temporary waiver of transient slip rental fees for Friday and Saturday nights plus Sunday May 28th, throughout the month of May.

A motion by Commissioner Hanson to approve the recommendation was seconded by Commissioner Rideout and approved 4:1.

19. SUBJECT: Cambridge Commons Ownership Interest Transfer
Recommendation: That Council:
A. Approve the request of Enterprise Homes, Inc. that the City approve transfer of 85% general partnership interest and 10% limited partnership interest in the general partner of the Owner of Cambridge Commons LLLP from Shelter Partners, II LLC to an affiliate of Enterprise Homes, Inc. subject to the final approval by the Maryland Department of Housing and Community Development's Division of Credit Assurance's approval of the final transfer documents and the organization documents of Enterprise Homes, Inc.'s affiliates and subject to:
B. Continuation in force of affordability restrictions and loan use and repayment provisions in current agreements between the City of Cambridge and Shelter Partners II, LLC, and
C. Continuation of the current property tax agreement without change.
D. Authorize the Mayor to execute the transfer agreement letter, subject to approval as to form by the City Attorney.

A motion by Commissioner Sydnor to approve the recommendations subject to the final approval of the Department of Housing and Community Development was seconded by Commissioner Foster and approved 5:0.

20. SUBJECT: Award of contract for the seawall improvements

Recommendation: That the Council approve the award of contract for the seawall investigation and improvement design for Choptank Ave, West End Ave, Willis St, and Oakley St to George, Miles & Buhr, LLC (GMB) of Salisbury, MD in the amount of \$35,000.

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

Meetings

21. Finance Committee Meetings:

- March 30, 2017

No action was taken.

Notices:

22. Special Regular Meeting of Council on May 15, 2017 at 6:00 pm for the purpose of hearing from the public on the FY 2018 Proposed Operating and Capital Budget and to give staff direction.

A motion by Commissioner Sydnor to hold a special regular meeting on May 15, 2017 starting at 6:00 pm was seconded by Commissioner Rideout and approved 5:0.

Mayor and Council

23. SUBJECT: Working Waterfronts Implementation Grant Proposal Selection - Reconsideration

Recommendation from Commissioner Cannon that Council:

- A. Temporarily suspend Code Section 1-15. (m) Rules of debate. Subsection (5) requiring that reconsideration of any action taken by the council may be made *only on the day such action was taken*, and allowing reconsideration on April 10, 2017 of an action taken on March 27, 2017 on Agenda item number 14 SUBJECT: Working Waterfronts Implementation Grant Proposal Selection, which action to approve contracting with Campion Hruby failed on a 2:3 vote (Commissioners Sydnor, Foster and Cannon opposed); and
- B. Reconsider the motion by Commissioner Rideout, seconded by Commissioner Hanson to move forward with contracting with Campion Hruby.

A motion by Commissioner Cannon to temporarily suspend Code Section 1-15. (m) Rules of debate, Subsection (5) was seconded by Commissioner Foster and approved 5:0.

A motion by Commissioner Rideout to move forward with contracting with Campion Hruby was seconded by Commissioner Hanson and approved 5:0.

24. SUBJECT: Ethics Commission

Recommendation from Commissioner Foster that Council:

- A. Direct the Ethics Commission regarding earlier Council Action of Nov. 28, 2016, When a complaint is filed or an advisory opinion is requested from the Ethics Commission regarding the Mayor, a Commissioner, or an employee, the individual who is the subject of the complaint or advisory opinion will be notified by the Ethics Commission and will be given the opportunity to appear and be able to respond before the Ethics Commission and will be notified of the results (by certified mail). Approved 4:1, and
- B. Consider changes to the Ethics Commission Ordinance increasing the size of the Ethics Commission, changing the selection criteria to include one person from each ward plus one appointment by the Mayor, and incorporating guidelines for the Commission to be adopted by the City Council.
- C. To accept Mr. Charles McFadden's resignation.

A motion by Commissioner Foster to send Recommendations A and B to the ordinance committee and to hold a meeting with the Ethics Commission was seconded by Commissioner Sydnor. The vote was 2:2 with Commissioner Cannon abstaining. Mayor Victoria Jackson-Stanley voted no. The motion failed 2:3.

A motion by Commissioner Sydnor to accept the resignation of Mr. Charles McFadden from the Ethics Commission was seconded by Commissioner Foster and approved 3:2.

Council and the City Manager thanked Robert Collison for his many years of service as City Attorney.

A motion by Commissioner Sydnor to adjourn the meeting was seconded and approved unanimously.

With no further business, Mayor Victoria Jackson-Stanley adjourned the meeting at 7:36 p.m. I hereby certify that the foregoing is a true and accurate account of the Council meeting Monday, April 10, 2017, insofar as I personally am aware.

Victoria Jackson-Stanley
Mayor

CITY OF CAMBRIDGE, MARYLAND

FORM OF STATEMENT FOR CLOSING A MEETING

Location: Cambridge City Council Chambers

Date: April 10, 2017

Time: 5:30 pm

Motion By: Commissioner Sydnor Seconded by: Commissioner Hanson

Vote to Close Session: Item 1.A

	Aye	Nay	Abstain	Absent
Commissioner Rideout	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Sydnor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Foster	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Cannon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Commissioner Hanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

- (1) To discuss:
 - 1.A (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
 - 1.B
 - 1.C (ii) Any other personnel matter that affects one or more specific individuals.
- (2) To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.
- (3) To consider the acquisition of real property for a public purpose and matters directly related thereto.
- (4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the City.
- (5) To consider the investment of public funds.
- (6) To consider the marketing of public securities.
- (7) To consult with counsel to obtain legal advice on a legal matter.

- (8) To consult with staff, consultants, or other individuals about pending or potential litigation.
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations.
- (10) To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:
 - (i) The deployment of fire and police services and staff; and
 - (ii) The development and implementation of emergency plans.
- (11) To prepare, administer or grade a scholastic, licensing, or qualifying examination.
- (12) To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- (13) To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

TOPICS TO BE DISCUSSED:

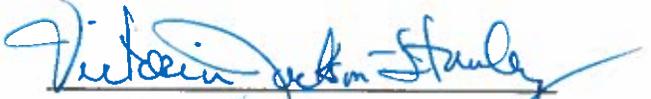
- 1.A: Discussion of negotiation strategy and proposal contents; consideration of appointment of City Attorney.
- 1.B: Consideration of acceptance of resignation of Police Chief and consideration of appointment of Interim Police Chief.
- 1.C: Potential conflict of interest – requested by Commissioner Foster

REASON FOR CLOSING:

- 1.A: Re City Attorney: As a personnel matter, public discussion of names of individuals and personnel matters related to them could negatively violate their confidentiality in proposing to become the City Attorney. Discussion of negotiation strategy in public could negatively affect the City's position.

1.B: Re Police Chief and Interim Police Chief: As personnel matters, public discussion of names of individuals and personnel matters related to them could negatively violate their confidentiality.

1.C: Re Potential Conflicts of Interest: As a personnel matter, public discussion of names of individuals and personnel matters related to them could negatively violate their confidentiality.


Signature of Presiding Officer