CAMBRIDGE MATTERS # 14

Commissioner Steve Rideout

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May 26,2020

Each City Council Meeting has its own personality. When I look at an agenda and try to anticipate what will or might happen, I have come to learn that things can change in a second on a procedural or substantive nicety or a vote by one of the Commissioners that was unexpected. Monday’s meeting was no exception, even though most of what took place was routine.

Due to the Covid-19 pandemic, City Council continues to meet virtually with citizens being allowed to listen in and view the Mayor running the meeting on [www.townhallstreams.com](http://www.townhallstreams.com). The moment of silence and Pledge of Allegiance took place followed by the approval of the agenda on my motion and second by Commissioner Cannon.

During the public comment period, Pat Escher reported on the Pine Street Area project and what monies have been receive, expended, or are in the process of being spent and indicated that $106,902 of the grant funds are remaining. She had provided a written report to the Mayor and Commissioners prior to the meeting. After some questions, there was some additional information that Commissioner Foster wanted, so she and Ms. Escher will talk about those later.

With requests from the public, Jim Brady then called in to support the holding of the traditional fireworks display on July 4th with proper social distancing with areas in the park being marked off for families. This matter was taken up later in the meeting.

On Commissioner Hanson’s motion and second by Commissioner Cannon, the May 11th council meeting minutes were approved. The other matter on the Consent agenda was the Dorchester Showcase that was continued over to the next meeting to allow the City Manager to confirm that the request met the requirements of the Street Closure policies adopted by City Council some years ago.

The proposed Charter Resolution No. CR-2020-01 that addresses the ability of City Council to determine Compensation for Elected Officials was given its first reading and continued over to the next meeting for second reading, public hearing, and action by City Council. This is the first action that must take place to establish the right of this City Council to determine what additional compensation, if any, other than salaries we can set for the next City Council. Under the current law we can only set salaries.

The next two matters were Ordinances 1162 and 1163 regarding the tax rates and the budget for FY 2021. After the reading of Ordinance 1162 and the public hearing at which no one spoke, I moved to adopt that ordinance with a second by Commissioner Cannon. This ordinance set the tax rates for real and personal property and passed on a vote of 4-0-1 with Commissioner Sydnor abstaining. The personal property rate remained the same at $1.69 per $100 of value and the real property rate was reduced from $0.8679 to $0.8473 per $100 of assessed value which allowed for a constant tax yield and no increase in the real estate taxes that are paid by city residents to the city. Without any increase in the tax differential that city residents are allowed by the county for county taxes paid by city residents, that portion of the FY 2021 tax payment to the county will increase.

With Ordinance 1163 there were some challenges. It was to set the budget for FY 2021. After the second reading and public hearing, where no one from the public asked to speak, on my motion and second by Commissioner Cannon the initial vote was 3 to 0 with two abstaining. In favor were Commissioners Cannon, Hanson, and me. Abstaining were Commissioners Foster and Sydnor. Commissioner Foster did so because the police budget was not adopted separately so she had to abstain due to a conflict of interest. Commissioner Sydnor did not state his reasons.

Upon the completion of the vote that passed the Budget Ordinance, Commissioner Sydnor raised the issue for the first time that a vote of 4 members of the City Council was required because a portion of the budget included the use of funds from the city’s reserve account. Under Maryland law and certain circumstances, he is correct. That language is found in the Maryland Code, Local Government Section 5-205 that is attached.

In relevant part it reads as follows:

“(b)(1) A municipality may spend money for any public purpose and to affect the safety, health, and general welfare of the municipality and its occupants.

(2) Except as provided in paragraph (4) of this subsection, a municipality may not spend money under paragraph (1) of this subsection if the money was not appropriated at the time of the annual levy.

(3) Except as provided in paragraph (4) of this subsection, a municipality may spend money only for the purpose for which the money was appropriated.

(4) A municipality may spend money for a purpose different from the purpose for which the money was appropriated or spend money not appropriated at the time of the annual levy if approved by a two-thirds vote of all the individuals elected to the legislative body.

The City Attorney explained however, that subparagraph (4) did not apply as we were not voting to amend a budget where the two-thirds vote would be required but rather were adopting a budget and there were no prohibitions from using reserve funds in that process. In addition, our Charter is very clear about the responsibility of the City Manager to present the budget, and he reminded the Commissioners that we had used reserve funds in the past based on 3 affirmative votes of the Commissioners on prior budget determinations to help pay for the shortfall that the city marina experiences due to insufficient income to pay toward the debt that had been placed on the Marina as a result of prior city debt service.

At approximately 31:30 minutes into the meeting the vote and follow up discussion on the legal issue above takes place. While the sound is not the best, I believe you can hear the basics of the two positions. In the final analysis, the budget passed on a vote of 3 to 1 with one abstention. Commissioner Sydnor changed his earlier abstention vote to a “no” vote.

Under Old Business, on the motion of Commissioner Hanson and my second, the Commissioners approved on a vote of 4-1 the award of the contract for the Franklin Street Boat Ramp repairs to Dissen & Juhn Company for $79,720. This work will be paid out of an $80,000 grant from the Maryland Department of Natural Resources Waterway Improvement Fund. Some extra damage had taken place to the boat ramp since the grant application had been made that put the contract bid over the funding by about $10,000 so the city will need to replace the cap boards by city staff to keep the contract within the state provided funding.

Under New Business, Chief Lewis asked that the Commissioners allocate $3,811 to the vehicle account 201-860 to use for future vehicle equipment expenses for new vehicles from monies received for the sale of the old CPD SWAT vehicle. On my motion and second by Commissioner Cannon this was approved unanimously.

On my motion and second by Commissioner Hanson, the Commissioners unanimously passed Resolution 20-06 and authorized the Mayor to sign the proposed MOU regarding the Bayly Road Sidewalk Improvement Project that has been pending for years and for which city monies have been set aside for our contribution to the project.

The final matter on the agenda was whether the city, under the current circumstances of the Covid-19 challenges should hold its 4th of July fireworks. There were many points of view regarding the matter both pro and con and how it could be done safely. The County Health Officer was opposed to it as was the police chief while the fire chief was in favor. We also heard from the City Attorney about what the governor’s plan required. My motion to not hold the fire works on the 4th did not receive a second and so was not considered. Commissioner Foster moved to have the fire works with the approval of the County Health Officer, and it received a second.

I argued that we already knew what the County Health Officer felt should happen. The vote proceeded and resulted in a vote of 4-1 to hold it on the condition of the approval of the County Health Officer. Mine was the only “no” vote. We must let the company that will do the fireworks know by the 1st of June if we plan to hold them or not otherwise, we will be obligated to pay $25,000. If we do not proceed and let them know in time, the fireworks provider will hold $7,500 for next year but the remaining monies will not be due until next year’s fireworks.

With matters taken up after the completion of the agenda, a resident called in regarding the Coast Guard taking down the Hambrooks Bar Light that has been a fixture of the Choptank for many years. It is apparently believed to be a hazard at this point, and the Coast Guard that has responsibility for it wants it removed. Later in the meeting I learned and reported that the Richardson Museum was in discussions with the Coast Guard and state and federal legislators about their interest in the Hambrooks Bar Light in hopes that if the Coast Guard did not want it for their historical museum it might be returned to Cambridge for display in an appropriate place.

Commissioner Foster announced that she was recommending Grady Wilson as a candidate for the HPC. The Mayor asked that he provide his application and credentials as quickly as possible.

There was discussion by Commissioner Foster about the interest in local restaurants to plan for Al Fresco dining when the Governor opens that possibility.

Commissioner Hanson on behalf of all of us thanked the city police, first responders, and the city MUC for all the great work they are doing on behalf of the citizens of Cambridge.

On Commissioner Cannon’s motion and my second, the meeting was adjourned.

Thanks for reading.

Steve