



Minutes for Mayor and Council Meeting

Date: 12/4/2007

Place: One Municipal Place Mount Rainier, Md. 2007

Presiding Officer: Mayor Malinda Miles

Council members present: Alta Morton, Jimmy Tarlau, Pedro Briones and Bryan Knedler

Staff present: City Manager Jeannelle Wallace, Assistant City Manager Michael Jackson and City Clerk Janis Lomax.

Meeting called to order at 7:10pm

Pledge of Allegiance

Review of agenda

Move Council member Morton

Second Council member Knedler

Minutes

Minutes for 11-6-07

Motion to accept

Council member Briones

Second Council member Morton

Minutes approved with corrections to be given to Ms. Lomax by Friday.

Official Reports

Council member Tarlau:

Joe Robbins and I toured the recycling plant in Capital Heights Maryland.

The plant has an interesting process of separating cardboard, paper and glass. Also, every ton of trash cost the city \$50.00 and every ton of recycling we get \$10.00. I have a copy of the DVD which shows the process of recycling and it will be aired on cable.

2. I did a ride-a-long with Sgt. Williams of the Mount Rainier Police. I was very impressed with how thorough they were. People say the police don't patrol but within a 4 hour trip he went up and down every city block.

He has knowledge of the city and where the bad spots are. I was very impressed with Sgt. Williams and the staff and I got to see them in action. I encourage others to go on a ride-a-long.

3. The Bunker Hill Fire Department has a pump that can't be used. I asked them to come to the next Council Meeting and present the problem to see if there is anything that the city can do to help them. They have a problem with money being frozen and it's about \$7000.00 dollars.

Council member Morton:

I attended the Atha meeting and they are working through their budget with the Redevelopment Authority and looking at having everything rectified in the next few months. Hopefully the Redevelopment Authority will release the money to Atha so they can move forward with the signage program and the banners. This has been on hold forever.

Council member Briones:

Tomorrow night December 5th, 2007 is our inaugural meeting of our Environmental Protection Board. It's being held at City Hall at 7: pm and please attend.

Council member Morton:

For those of you who don't know to day is the exchange of the gavel. We now have a new chair for the County Council member Davis Harrington from District 5 is the new chair.

Mayor Miles:

The Mayor and Council did agree to have the home decorating contest. Council members Briones, Morton and I will ride through the city and look at the decorations. We would like to give a 1st, 2nd and third place ribbon for the home decorations. Santa will be riding on December 21st and we will also have open house at City Hall with hot apple cider and cookies for the residents. The Message will go out for December and January together. There will be a wine tasting at Party Time Liquors at 3: pm.

Public Comment:

Wayne Schmidt:

What is happening to the Rhode Island Ave. corridor? If this Council should have to use eminent domain who would bear the cost of the court? Would Landmark be sharing part of that cost or would the city bear all of the cost?

Mayor Miles:

I was pushing all those buttons today so I will have an answer.

Resident Daniel Venne: 3709 Eastern Ave.

I'm addressing the position of the barrier that's been place on Perry Street coming off of Eastern Ave. The residents of the 3700 block of Eastern Ave. don't have any parking. We are asking that you pull the barrier back a little so we don't have to go around the block to get to the back of our homes for parking.

Chief Scott;

I don't recommend doing that. You will have a traffic jam. I think that barricade is working fine and the residents on Perry are happy with where that has been placed.

Council member Briones:

What about closing Perry Street all together. Instead of having it diagonal have it perpendicular at the end.

Chief Scott:

If you block Perry there is no exit.

Mayor Miles:

We need to keep it on the board and take another look at it.

We put them there so we could study them and what impact they have on the residents. Please work with us and see what we can do better.

Council member Briones;

I've heard from some of our residents on Perry Street that some of their garages have been broken into. My concern with opening up the alley is that it will serve as a pass through. By cutting it off do we have any statistics on whether crime has decreased at all?

Chief Scott:

We get a lot less calls for service and our crime has dropped of considerably and some of those people responsible for doing those things are locked up.

We could try and put the barrier where we put in the first place. That's something we can try.

Mayor Miles:

Maybe we can make a recommendation on another way to handle it.

Residents Don Davis:

I don't want those barriers moved. It's inconvenient but if it helps the crime then please leave it.

Resident Ms. Mowatt:

Can we do something about the leafs?

Mayor Miles:

Yes

City Manager Jeannelle Wallace:

- 1. We are still working on trying to power to the lights on the trees in the traffic circle. We met with Pepco and no one seems to be able to figure out what the problem is yet. Also, through Pepco and State Highway Administration there has been increased lighting at the circle and both ends of 34th Street. That was a result of the Mayor, Council and I meeting with SHA several months ago. We are still working on the last of the lights on 34th Street.**
- 2. Last month Code Enforcement issued 56 violations**
- 3. There are 9 binding letters of intent for the RFP on 3409 Rhode Island Ave. Letters of intent are due December 19th, 2007 and Proposals are due February 19th, 2008 at the close of business that day. We have had quite a bit of interest expressed in the RFP to date. The block grant has been mailed.**

Luther Smith Public Works Director

The city sweeper we currently have is not built to share with other Municipalities. It doesn't hold that much. If we are talking about sharing with other cities than maybe we should at buying a larger sweeper.

Council member Knedler:

Are we prepared for the snow?

Luther Smith:

Yes we are!

Mayor Miles:

The city received a call from the county librarian and they will be donating 8 computers to our library. If you need to use a computer go to our library the first of next year.

Unfinished Business

Resolution 23-2007 (Approving an operating agreement for Mount Rainier Gateway Town Center Revitalization Project LLC.)

Council member Tarlau:

My concern is for us to have the ability to terminate and withdraw unilaterally seems to be restricted under the agreement.

Mayor Miles

What page is that?

Council member Tarlau:

Page 9 section 12. It says that no member may voluntarily withdraw from the company except with prior consent of all the members which consent shall not be unreasonably withheld or delayed. My concern is it puts the burden of proof on us to prove that we have to withdraw. For some reason that we might want to withdraw that might not be beneficial to the other partner they could reasonably object which would stop us from withdrawing.

Mayor Miles:

It says that you have to have written consent and everyone has to agree.

Council member Tarlau:

In other words if they didn't want us to withdraw they couldn't withdraw.

Mayor Miles:

That's correct.

Council member Tarlau:

My concern is that it doesn't give us an escape clause.

Council member Briones:

In regards to the language perpetually on page 2 that merely indicates that the company or corporation doesn't automatically dissolve by some action.

Mayor Miles:

Can you change perpetually to dissolve?

Council member Briones:

Yes, it means the same.

Addressing Council member Tarlau's concern to unilaterally withdraw is not a contract.

Council member Knedler:

Mr. Briones failed to mention that they also added an arbitration clause which would help if there were going to be dissolution of the partnership and it would go to arbitration and there is always the legal route of going to court.

Council member Morton:

The City Manager and our attorney's and Landmark and their attorney's work together to make sure that the language was beneficial for both parties. As it works for or against the city it works the same for Landmark. At this point I think we need to move forward and stay the course and make sure we follow through.

Council member Tarlau:

I will continue to object, that this doesn't give us any ability to withdraw. If we decide to withdraw without going through an arbitration or a court proceeding it would be very easy to put language in that said that given a years notice or some due diligence that we would be able to decide that we can get out of the agreement . Marriages can be ended by one party or another and contracts can be ended if they are written a certain way. I think it's more difficult than I would like and the people in the town would like for us to get out of the agreement if it doesn't work out.

Council member Briones:

On page 8 number 10 f there is a minor edit, on the last line there should be a coma after Rainier and without the consultation and with should be deleted.

Council member Knedler:

I think it reads fine.

Council member Briones:

I would just like to remind folks that the city's liability is 1% of the property of the LLC. The acquisition price for those properties amounts to \$1000000.00

Mayor Miles:

The question from Mr. Schmidt was if the city decided to excerpt iminate domain that's going to pay. At this point the city will not have a cost factor. The city's liability is very small. I am going to recommend that our council and city move forward with this.

Council member Knedler:

There is a lot of risk here and Landmark carries 99% of it. I personally have suffered and I'm not just going to just willingly work with some one that I think doesn't have good intensions so, I am supporting this. I think it's worth the risk and I'm willing to take it.

Council member Tarlau:

I think we are all trying to do what's best and if it doesn't work out we will figure out what has to be done.

Resolution 23-2007 (Operating agreement with Landmark)

Move to approve Council member Morton

Second Council member Briones

Vote 4-1

Ordinance 10-2007 (approving the installation of parking meters in the 3500 blk. Of Bunker Hill Road and the 4000 block of 33rd Street (First Reading)

Will amend on the next meeting

The next public meeting will be on January 15, 2007

Motion Council member Tarlau

Vote 5-0

Passed

Motion to adjourned Council member Tarlau

Second Council member Knedler

Vote 4-0