



Minutes for the City of Mount Rainier Mayor and Council Special Meeting and Work- Session

Date: 9-16-2008

Place: One Municipal Place, Mount Rainier Md. 20712

Presiding Officer: Mayor Malinda Miles

Councilman present: Jimmy Tarlau, Bryan Knedler

Councilwoman present: Alta Morton

Councilman absent: Pedro Briones

Staff present: City Manager Jeannelle Wallace, Asst. City Manager Michael Jackson, and Treasurer Vijay Manjani

Meeting called to order@ 7:10

Review agenda:

Add to agenda work-session Kaywood Management.

Motion to approve agenda

Councilman Knedler

Second Councilwoman Morton

Vote 3-0 Approved

Special Meeting

There will be two charter amendments that will move us to where we need to be on the purchase of the Bass Property. The Charter Amendment resolution is 2-2008.

City Attorney Linda Perlman:

We do have a contract to purchase the Bass Property for \$954, 000.00 which was the appraised value per our appraisal estimate of the demolition cost. We have a contract with the Bass Trust which provides for settlement on or before October 29, 2008. The city gave a \$50,000.00 earnest deposit which will be applied to the purchase price. The offer and contract are not contingent on financing. Mr. Manjani has been looking for financing. I recently found out that the city wants to finance the entire amount. The charter for the city does not give the authority to do this type of borrowing. Municipality units normally borrow by bonds. The Charter Amendment will be finished around Thanksgiving.

Councilman Tarlau:

Are we actually issuing a bond?

Attorney Linda Perlman:

We are issuing a bond and selling it to Sun Trust Bank. Sun Trust Bank will purchase the bond from us for \$1.2 million dollars and we will sign a promissory note agreeing to repay it.

Councilman Knedler:

This raises questions that we are not going to be able to do this by the time we close, so what's next?

Attorney Perlman:

I don't think that asking the Bass Trust for an extension will play very well. The Bass people have the legal right to forfeit the \$50,000.00 on October 30, 2008 if we don't settle. It wasn't contingent on financing. If the Council asks I will request an extension. I don't expect a positive answer unless we were sweetening the pot.

Mayor Miles:

It's my intention to ask for an extension and I do believe that it is in their best interest to do so.

Councilman Tarlau:

Could you explain the alternatives?

Mayor Miles:

The alternative is to take the money from the reserves and make the settlement date as contracted so we don't lose the \$50,000.00. Issue the bond after the Charter changes, once the action is approved by the Charter the bond would then go into effect.

Councilman Tarlau:

So, we would take \$953,000.00 out and do we have it?

Treasurer Vijay Manjani:

Yes

Councilman Tarlau:

If we have it then why are we asking for an extension?

Mayor Miles:

I would like to keep it clean and never touch the reserves. Move forward with the extension and get it done. It works in our favor. This is the first reading and we have to wait 14 days for the second reading. On September 30, 2008 the Mayor and Council will hold a special meeting for the purpose of having the second reading.

Councilman Knedler:

Are we required to have a public hearing?

City Attorney Lind Perlman:

No, you are not required to but, you can and take public comment.

Mayor:

Next, we will make some amendments to the Charter on election procedures.

Councilman Knedler:

There is at least one error in our Charter and some confusing language that comes up every city election. The error is in Section 502-. In Maryland the deadline is 20 days prior to the election to be registered in order to vote. In subsection C it says you are registered to vote.

Section 505 is where the actual nomination form is which is messy. The city attorney suggested we take it out. Councilman Tarlau and I were trying to strike a couple of confusing sentences because the text of the Charter did not agree with what the form said so, what we're proposing is to take the nomination form out and to put that in the code, but it doesn't have to be in the Charter. We can say that we will prepare a nomination form in the Charter and that gives us the authority to do that. A candidate for Council Ward could only sign one partition. You can sign more than one partition.

In Section 506 there is division of the wards by geographic language but it never said which ward was which. What we are doing is saying the description given in section A which is basically 34th street over to 31st that the western side of that is ward 2 and the eastern side is ward one.

Section 509 is taking out subsection B and its old language that has come out and it's confusing and no need for it.

Mayor Miles:

We also have an election hand book which is the proper place for the certificate of nomination. We will also add it to the agenda for September 30, 2008. The election hand book will have to be updated.

**Motion to adjourn Special Session
Councilwoman Morton
Second Councilman Knedler
Vote 3-0**

Work-Session

Dineene O'Connor (Park & Planning)

I'm here to introduce some new colleagues, the new division chief to the community planning north division Vanessa Aikens who replaced Al Dobbins. Joseph Chang is the supervisor and will be retiring at the end of this year. Dr. Robert Medsker will be shepherding forward the re-visit to Mount Rainier Mix Use Town Center design guidelines and standards. We think it would be prudent to move ahead with a R.F.P. What we will do is scope out at the October 15, 2008 meeting with the MUTC Committee members and who ever else that you would want to designate to assist us in that scoping project.

Councilman Knedler:

The Town Center Design Review Committee is a committee that reports to the planning board. The Mayor and Council nominate people to be on the committee. It consist of (2) Municipal Representatives (2) Business Representatives and (2) Residents which gives us a total of 6.

The guidelines are a booklet that was approved in year 1994. We were the first town center zone in the county. A town center allows for mixed development of residential and commercial which is what we're trying to do in our town center. Because we were the first the guidelines are a little to vague. Subsequent town center zones like Riverdale Park have had much more thorough guidelines.

Dineene O'Connor (Park & Planning)

For developers it is easier to understand what is required by law.

Councilman Knedler:

The frustration we have for small business people is that the booklet we have has small drawings of various things that would be nice. How long do you think it's going to take?

Dineene O'Connor:

We want to put forth the R.F.P. before the end of the year. We may not be able to begin this process until the spring or the first quarter of the calendar year of 2009.

Mayor Miles:

Is there anything we need to do other than the meeting on October 15, and do some brainstorming?

Dineene O'Connor:

There's nothing you can do to move this forward.

Vanessa Aikens: (Division Chief for Community Planning North Division)

If you could think about the direction in which you would want to take the scope for this work it would help us to continue to move this process forward.

Bob Metsker:

The project that we know was delivered by this Council. The investigation indicates that we will need outside consultants with expertise in urban design. The Mount Rainier project that's up for amendment is the first. Since then we have four. The second was Brentwood. Riverdale was the 3rd and we had Suitland. We look forward to working with you and to ensure that the product worthwhile will be produced.

Mike Federicci: (President of Kaywood Apartments)

Last summer we contacted the city about sidewalks and streets that were city owned at the last meeting. I was requested to go ahead and get some contractors to give a total price on the repairs belonging to the city within the property limits. I dropped off some booklets for the Mayor & Council and in the booklets are several proposals which delineate each and every repair and they are accompanied by photographs. The low Bids would be \$96,000.00 and some change. I'm introducing the subject for official review.

Mayor Miles:

At the meeting several months ago we talked about how could we do some give and take between the City and Kaywood and getting the work done. The city is interested because there is some work that you can do. We understand that Kaywood spent about \$1000, 000.00 dollars on some of those repairs of city streets and sidewalks. We have to sit down and talk about it and look at it. We will have you back at a work-session.

Councilman Knedler:

The design review board was formed by a resolution back in the 90's. It's never been in the code. We are getting more work for the DRB. The DRB advise the Mayor & Council when there is the need for a special exception from the county. They also review things at the request of Mayor & Council or the City Manager. We need to put this in the code so there will be something to look at so they will know how there project is being evaluated. Right now there is nothing to tell people what criteria is going to be used. The proposal is to create a new chapter that will formalize the committee and specify what its powers are and give some guidelines on how a variance would be evaluated. If the property is historic there is something called the secretary of tiers for rehabilitation? They are standards and I asked to add them to let people know that we would look at those. This is a draft.

Mayor Miles:

Are we talking for the city or residential area?

Councilman Knedler:

This will be for the entire city. This would be outside of the town center.

Councilwoman Morton:

Is this just to set up basic standards?

Councilman Knedler:

Yes

Councilman Tarlau:

How does the DRB fit in terms of rehabilitating a house?

Councilman Knedler:

The DRB only looks at projects that require special exception or permit or variance from the county zoning standards. The DRB doesn't have official authority other than advising to us.

Councilman Tarlau:

Does the city have the ability to not give a permit if it's within county standards?

Councilman Knedler:

No

Councilman Tarlau:

Can we get a flow chart on what to if they want to work on their house?

Mike Jackson Asst. City Manager

We have some home owner guides that we received from the county with all the guidelines and permits you need from the county.

Mayor Miles:

We have some concerns about the length of time it takes to get things approved and moved. It should be after 21 days it comes to the Mayor and Council.

Bruce Yarnell DRB Board member:

I think we should incorporate a process in writing that the county permit is first and the city permit is second and it should be on the web. Encourage people to come forth. Second thing you can sit on the DRB board for two years and be reappointed. I would also incorporate some kind of structure such as a chair person, vice chair and recording secretary.

Linda Perlman City attorney:

WAMATA appraised property at \$64,000.00 for 3500 square feet and the city refuse to pay it. The city asked Park & Planning to purchase property. The proposal is a 20 year lease and anything over requires county approval. WE will go with the 20 years for now and then it will be \$1.00 a month. The city will maintain property we will not own it but we will occupy and have all the rights we have had.

Councilman Knedler:

We need something to describe what the plaza is.

Linda Perlman:

I will get you the legal description of what is described as the plaza property.

Mayor Miles:

Does it require two readings?

Linda Perlman:

No

Councilman Knedler:

People were concerned about various projects being built in the city. We would like to have a public hearing on what you can do to your home. The public hearing is scheduled for October 16, 2008.

PJ Parks Bike C0-Op

The vision for the Bike Co-op program is to teach mechanic and help people fix their bikes. We would like to distribute some of our bikes to people who need them.

Councilman Tarlau:

If interested in getting funding in other ways talk to Jeannelle. I think moving in to the tool shed would be a great thing.

Councilman Knedler:

Trips for kids could help you with some of the fundraising.

Motion to adjourn

Councilwoman Morton

Second Councilman Knedler

Vote 3-0

