



**Minutes of the City of Mount Rainier Maryland
Special Meeting and Work-Session**

Date: 9-20-2011

Place: One Municipal Place, Mount Rainier

Presiding officer: Mayor Malinda Miles

Councilmember's present: William Updike, Ivy Thompson, Brent Bolin, Jimmy Tarlau

Councilmember's absent:

Meeting called to order at 7:20 pm

Agenda

Noise Ordinance

Urban Eats Café Liquor License Request

Snow Removal Partnership with North Brentwood

Mt. Rainier Center Rain Garden Funding

Appropriate Way to Communicate with Residents

Municipal Zoning Authority

Motion to Move to Work Session

Councilman Bolin

Second Councilman Updike

Vote 3-0

Work- Session

Noise Ordinance

Bolin: Current noise ordinance restriction pertains to noise that can be heard more than 50 feet away. We need to look into revising ordinance. Not many people live more than 50 feet apart.

Captain Stoots: If the noise can be heard over 50 feet away, we ask them to turn it down the first time. The second time they must turn it off. In this particular case, Sergeant says you can't hear from the sidewalk but noise bounces back and forth between the houses because they are so close. Also, some of the noise permits they have change from 50ft to 200ft. We have been there 5 times in the last month and they are always cooperative

Councilman Bolin suggests an additional part is added to the ordinance. He also poses the question are MRPD's hands tied?

Councilwoman Ivy: We don't want to make more restrictive than what the county has.

Councilman Updike cautions that we are an arts district that has focused on visual arts and not yet on music. We do not want to overly limit ourselves. Take us into consideration when amending ordinance.

Mayor Miles: Less is not going to allow some of the activities we permit in our district. Fifty feet is close. People should have privacy to do what they want in their own homes.

Councilman Updike is for the support of arts district but with limitations. City can say how many events and/or citations are allowed per month.

Mayor Miles does not support on the grounds that 50 feet is county standard. Also, this case is not the standard. Is only one person suffering or many? You can't legislate how people are going to treat their neighbors in their own homes. There are free mediation services in the county that we should invite or bring in.

Bolin: I agree with the enjoyment of own home as long as other person's enjoyment is not infringed. Residents need to have some recourse and MRPD intervention.

Assistant City Manager Jackson: It is a business with a vacant space next door. Because of the zoning they can have special permits from the county. Mount Rainier permit allows noise up until 10pm even though county allows until 11pm.

Councilwoman Thompson: Are there other complaints besides noise? Is there an issue of property use?

Captain Stoots indicates that one noise permit issued was for a baby shower.

Councilwoman Thompson: Is this for the business or property next door. Do they have a Use and Occupancy License?

Assistant City Manager Jackson relates that they have a one day permit that allows them to have events in the building that covers the use and occupancy aspect. However, the city can stop issuing permits on the grounds that too many complaints have been received.

Councilman Updike: Be cautious to set the trend because we encourage pop-up galleries to come into vacant spaces.

Mayor Miles: What are we after in terms of use and entertainment? What do we want?

Former Councilman Knedler: Only two noise permits are allowed to be issued per year. Zoning doesn't mean you can have a loud party. In the business/ mixed-use ordinance it is 50 feet outside the boundary of the center. It is not covered during daytime. After 10pm is a different issue. The ordinance was written this way for the arts district.

Mayor Miles: Lets look at it as something we will continue to work on.

Councilman Bolin suggests a regulation be made for adjacent properties. For example, if the music or noise exceeds x amount of decibels, the resident may receive a citation.

Councilwoman Thompson: We can't make it more restrictive than what the county is.

Mayor Miles: We need to know what the county legislation is.

Urban Eats Café Liquor License Request

Ms. Annette Martin introduces her business. Urban Eats is an innovative, entrepreneurial employment and training program; restaurant and community meeting place. Urban Eats stands for urban restaurant coffee bar neighborhood employment and training services. It is located at 3311 Rhode Island Ave. She is a partnered with her sister, Marsha Martin, in this business. They both have masters in social work. Their mission with this business is to create jobs and serve good food. It opens Monday, Wednesday, Friday 4pm to 10pm and Saturday and Sunday from 10am to 4pm. There will be fall changes in the menu. They wish to attain an Arts District Liquor License based on customer requests.

They previously owned Ellington's, a champagne lounge and garden café, on 8th st. in D.C. There they had a full liquor license with wines, beers, champagnes, and mixed drinks. They are requesting a full liquor license to serve the community and make their bottom line. They will host parties, teas, special events and weddings.

They are self-financed. They are not a bar and have no interest in becoming a bar. They are committed to helping people return to work. Between Ellington and the grocery store, they have experience with working with over 60 people.

Ms. Martin brings up an example of 8th St. in D.C. in the '90s. She says no one wanted to walk down that street. They were one of the change agents. They are written about in the Washington Post and other local papers.

As far as the menu, they serve sandwiches, salads, hot plates, etc. They use convection ovens that were approved by the health department.

Mayor Miles supports but wants to have the same conditions that were extended to the previous owner. She also does not want to have entertainment associated complaints.

Ms. Martin communicates that her business will have poetry and spoken word on Wednesday nights, a violinist on Thursday, Jazz on Friday night, and an acoustic guitar on Sunday. The music will be mellow and she warns artists of residents upstairs.

Councilman Updike says that you can't have amplified music but you have flexibility. For example, a violinist outside is something that is allowed.

Councilman Bolin brings up good neighbor agreement.

Councilwoman Ivy: Was the liquor license the only option available from the liquor board or is that what you asked for? If so, what is the reason?

Ms. Martin requested the B-class A & E license because she wanted to get it all at one time in case she and her partner chose to upgrade down the road. The business that she had in D.C. started with a beer and wine license and was upgraded to the full liquor license. Upgrading is like reapplying all over again for a separate license.

Ms. Martin: Thank you for allowing us to open.. Our staff has a few women coming out from incarceration, high school, and the youth employment program. To get our workers, we reach out to the Department of Employment, D.C. Central Kitchen, Rest care, Arbar employment program, and DC office of employment service. We work directly with Seso, Snap, Welfare to Work Mothers, and Tanif. We are not a non-profit even though we are self-financed. We are working on that because a non-profit provides eligibility for different grants and programs. For example, the Department of Aging has an employment training program for 55 and older but you have to be a non-profit.

Mayor Miles: Some places allow you to employ without being a non-profit... Voting on a liquor license. We are secure with this business owning a full liquor license but the fact that it can be sold is a major consideration for me. Mount Rainier has spent a lot of time trying to reduce the number of liquor licenses out there.

Councilman Bolin: It's harder to oppose or revoke later.

Former Councilman Knedler: You can put a condition on any license. They respect the city and will listen to concerns.

Good Neighbor- Mayor Robinson

Mayor Miles had conversations with Mayor Robinson about partnering with N. Brentwood.

Mayor Robinson: Our town doesn't have a public works department. Two years ago we were with the city of Hyattsville and last year we contracted with a contractor and that did not go as well as we hoped. We want to see if city of Mount Rainier will give us snow removal 2011-2012 winter Season. We have 8 streets, 210 homes, and 623 residents. We would have our town attorney draw up the agreement.

Mr. Luther Smith (Public Works Director) : Can't determine how much snow you will get. We have 4 drivers, 2 shifts. 2 per shift. 2 trucks and one back up. 1 or 2 inches is not a problem. 4 or 5 inches will be. We have to cover here (Mount Rainier) first before we can move to another location. Then we will need an extra person and truck. It has to be a small amount where we would have two trucks here and one truck there.

Mayor Robinson: We need small or large preparation. For example, salting the roads and a straight plow to get working people out on the road. We have people to do sidewalks. It's just our streets.

Mr. Luther Smith: We can help especially put the salt down.

Councilman Updike: How old are the trucks. We had some problems with that before.

Mr. Luther Smith: We have a 2011 Peterbilt dump truck with salt sprayer that can open up more streets, a 2012 350 Super duty with salt spreader and plow, and a 2002 dump truck in good shape that was fixed last year.

Councilman Updike: In favor of anything we can do with these small cities.

Councilman Tarlaugh: How much time will it take to do that.

Mayor Robinson: We have narrow streets but cars park on one side.

Mr. Luther Smith: We need to go and see what we are working with.

Councilman Bolin: We don't want Luther to do same amount of work with the same amount of resources.

Mayor Miles: We all agree on concept. I will meet with Luther and Mike. We want procedures and guidelines. We will go after grants. I know there are barriers but lets overcome those. The town of Brentwood has overtures and the three towns pull their resources together to buy and store salt to save. So we should look for ways to reduced cost by working together.

Councilman Updike: Do we have temp hires available?

Mayor Miles: We don't have any on our staff but they have places where there are persons you can call, contract with, and/or hire temporarily.

Aaron Page-Watershed Stewards Academy

Mr. Page: The Watershed Stewards Academy is a 14 week program on watershed health issues. It teaches about storm water management. Geography infrastructure is built to get rid of storm water quickly. It negatively affects small streams and rivers like Anacostia. Positive change requires both public and private landscaping. The Academy graduates classes 2x a year. It encourages understanding the history of various projects in the area. For the Capstone Final Project, which we seek to get the community and local government involved in, we looked at a number of places and number of sites. The Mount Rainier Nature Center was the place we chose and it can be the example to the community. We already submitted a proposal, and the project was accepted. The project will be funded 90% by the academy.

We have been discussing the scope and how we can get the community involved. The idea is a rain garden, a garden that acts as a really big sponge. You would place them where a lot of water accumulates. At the Mount Rainier Nature Center, there is an untamed stream that comes from the parking lot. We will put it right there between the parking lot and the stream. It is also a high traffic area so many people will see it. Tanya Brown, the center coordinator is going to incorporate stuff about watershed in the program, including collaboration with the teen volunteer program.

This matter was discussed with Councilman Bolin previously.

It will be \$ 7,000 to \$8,000 for the project cost. A better and larger garden can be constructed with more funding. With the preliminary amount of \$500, we can get more plants, graphic displays, and add city as a sponsor.

Councilman Tarlau: When do you expect to do this?

Mr. Page: We are hoping to plant the garden on Oct. 29th

Mr. Page: Main idea is for it to be functional and attract people who would want one on their own property. We want to get as many people from the community in the dig as possible.

Mayor Miles: What is the maintenance plan? How are you going to keep it up?

Mr. Page: The county is willing to provide heavy equipment.

Councilman Updike: Are you writing an MOU with parks and planning for the rain garden? My concern is the upkeep. These things fail constantly because bases are not taken care of. You can have teenage volunteers make a commitment on a quarterly basis and the community can have a commitment as well.

Mayor Miles offers \$250 of the \$500 requested for city buy-in. Mr. Page accepts.

Councilman Tarlau: We have \$22,000 in contingency. I would give him the full \$500.

Councilman Bolin suggests the money can come from public works budget.

Councilwoman Thompson: I would like to see the budget.

Mayor and Council agree to give Mr. Page \$500. Mr. Page will circulate the budget.

Municipal Zoning Authority

Councilwoman Ivy: In 2010, legislation was passed at the state level saying municipalities have certain zoning powers. Also in 2010, the county council passed legislation allowing for specific zoning authority. Recently, College Park and Bowie introduced legislation that allowed them to exercise that authority. Everyone has copies of CB16-2010. Look at it and we will come back to discuss. There is a greater discussion for what implications are for staff.

Councilman Bolin: This would give us some authority with our going green initiatives. We should definitely take a look at it.

Move to Adjourn Work session
Councilman Tarlau
Second Councilwoman Thompson
Vote 4-0

Resolution 15-2011 (A resolution appointing a citizen volunteer to the Youth and Recreation Committee)

This resolution re-establishes the Youth and Recreation Committee that was established via Resolution 4-2006 and appoints Tyrese Robinson and Tracey Valasquez as volunteer members. Tyrese Robinson is chair of the committee.

Motion to pass Resolution 15-2011
Councilwoman Thompson
Second Councilman Tarlau
Vote 4-0

Motion to Appropriate \$500 for Rain Garden
Councilman Tarlau
Second Councilman Updike
Vote 4-0

Urban Eats Liquor License

Councilwoman Thompson is in favor but would like to amend letter to beer and wine because of the prevalence of liquor licenses already out there.

Councilman Updike supports beer and wine provision

Councilman Bolin is torn and concerned about point of transfer.

Councilman Tarlau: It hurts them because you put a restriction on the license. We don't want to be the one to block them from getting license when they came in under the understanding that they would be able to. We want to be nice to businesses. By being too strict, other businesses don't want to come.

Councilman Bolin relates that according to MRBA, doing business pertains to county issues, not city issues. We don't want just any business, we want the right business.

Mayor Miles: The same letter that was sent for Urban Eats was sent for Artmosphere with same conditions for beer and wine license. The only difference is that Councilman Tarlau added the clause for no alcohol to be brought on the premises by customers unless it is a sealed bottle. I am not willing to allow another full liquor license. Things may change later down the road. The liquor board is going to do whatever they feel is best, but we want to show them where our head is.

Motion to support Beer and Wine License (with conditions of letter to the Liquor Board)
Councilman Tarlau
Second Councilwoman Thompson
Vote 4-0

Councilman Tarlaugh adds that although this is the council's position, the county may end up giving the business a full liquor license or put condition on it.

Motion to adjourn at 9:28pm
Councilman Tarlau
Second Councilman Updike
Vote 4-0