

Official Minutes of the City of Mount Rainier

MAYOR AND CITY HALL WORK SESSION

DATE: November 17, 2015

COUNCIL CHAMBERS, UPPER LEVEL CITY HALL

Call to Order

7:00 PM, Council Chambers, City Hall, One Municipal Place, Mount Rainier MD

Presiding Officer

Mayor Malinda Miles

Officials Present

Councilmember Jesse Christopherson

Councilmember Tracy Loh

Councilmember Shivali Shah

Councilmember Bryan Knedler

Staff Present

Interim City Manager Larry Hughes

Assistant City Manager Veronica Owens

Minutes provided by:

Brishay Corbin

AGENDA

Safety Update

Rainier Manor Update

DEVITA

Park & Planning – 31st Street Park

Architectural Conservation Overlay Zone (ACOZ)

Buchanan Street

ATHA-MOU

Electric Car Emissions Policy – Resolution 20

CDBG Update

City Manager Organizational Committee – Resolution 19

Budget Amendment – Ordinance 3-2015

Rolling Agenda

Special Meeting:

DEVITA Healthcare Support Letter

ATHA-MOU

Resolution 19

Resolution 20

Budget Ordinance (1st Reading)

Safety Update – Chief Scott

We've taken numerous steps on the issue on 35th street. We've made several arrests and have executed several seizures of trash and refuge looking for evidence of criminal activity. We've also sent the Chief's "Knock That Stuff Off" letter which basically explains to the homeowners that their home is the center of criminal activity and nuisance activity and we advise that if they are aware they need to take steps to alleviate and eliminate it but if they are unaware this is their notification that maintaining a nuisance property is a crime and we can take steps to move against their property.

The homeowner sent the problem resident an order to vacate at least one of the problem properties and we know he received the letter because during one of our trash seizures we found the letter in the trash. The owner has given the resident 30 days to get out and I think that 30 days has expired. We are going to meet with the owners again tomorrow to get a further update of when they expect him to be out of that residence. And, also, to get a written agreement from him to allow us to enforce trespassing on the property so that if we find somebody inside we can make an arrest and remove them from the home.

Rainier Manor Update – Spokespersons Jill & Scott

Overview: This project consists of a 4-story building and we're proposing 57 units. There will be 37 1-bedroom and 20 2-bedroom units and the amenities that will

be included are an internet café, fitness room, community room, library, salon and greenhouse and can be accessed by residencies from Phase I and Phase II.

Rainier Manor Phase II is in the financing stage and looking to close on the financing in February and then start construction. We have a 12 month construction period and we're adding for 42 parking spaces so there will be a total of 111 parking spaces, but nothing has changed other than focusing on finances.

Consensus: Create a letter of support from the city to help finance the project; Mayor Miles, Councilman Bryan Knedler, Councilwoman Shivali Shah, Councilman Jesse Christopherson

DEVITA – Dan Lynch

We're here to make a determination tonight regarding the letter of support. We have a special technical staff report issued by Park and Planning that recommends the approval of the special permit application subject to fairly technical conditions. The one condition that the staff has suggested is that we change our sign to say "Devita Healthcare" and I indicated to them that that would be impossible because that is a separate entity operated by Devita and it provides separate services. Our Devita that we're doing here operates as a Devita but we have other locations that offer other services that are "Devita Healthcare," so to avoid confusion we prefer the sign to simply say "Devita."

Mayor Miles: We are supportive and will be issuing a letter.

Maryland National Park and Planning Commission – 31st Street Park

The department of Parks and Recreation has a process of making sure we invite community input on any changes that happen to their park. We would need to capture that feedback, in print, to have if we are approached. The park is being replaced by what is considered a "health and wellness" option for the entire community and will increase people with healthy eating, hopefully.

Architectural Conservation Overlay Zone (ACOZ) – Councilman Bryan Knedler

If we are going to have standards developed by these consultants they want to know what items we want them to write standards for. We cannot vote on this tonight but hopefully we can try to get this done by December 1st so that it's off our plate and onto the county's plate.

Public Comment: Bruce Yarnall 31st St, 4500 Block (Design Review Board)

Part of our thought process was trying to help people not make horrible mistakes. There's also an assumption on the part of some individuals that a standard means "no" or that you can't do it when all it really means is we're going to review it and work with you to go through that.

Public Comment: Christian Kelly 36th Street

I think it's a legitimate position that the city or board doesn't really have a place in regulating the aesthetic or historical aspect of what homeowners want to do with their own homes. It's a philosophical difference I really think that's going to change how the whole group will approach that document if that's not something that's on the table.

Items Removed: ramps, awnings and shutters, masonry and bricks, solar panels

Buchanan Street – Assistant City Manager Veronica Owens/Brockford Construction

The project, as it stands, still includes the priority Bio-Retention Cell that was designed in 2012 through a grant from Chesapeake Bay Trust. It also includes curb cuts, the bike lane(s), the striping on the street, landscaping, and resurfacing of the project area. The project area is from Chillum Road to Queenstown Drive.

ATHA-MOU – Alex Hurdle (Special Projects Coordinator/PG County)

One of the projects that I'm working on is the Anacostia Trails Heritage Area (ATHA). I want to review the Memorandum of Understanding (MOU) that we have created. We are putting this out to 13 municipalities in the ATHA area so I

will explain what it is and what the obligations are if you sign then I'll open the floor for questions and answers.

Maryland National Capital Park & Planning of Prince George's County is creating a county wide master plan of transportation for bikeways and trails. This plan will add approximately 400 miles to bikeways and pedestrian paths within PG County by 2040. One of the things that ATHA saw as a concern was when you're dealing with that large of a scale project and you micro-manage it down to the communities it may get lost in the hierarchy of indentation of the plans.

We're looking at enhancing the plan in the ATHA area to ensure that, for specifically bikes and bike paths, that they were interconnected and integrated within the community. This purpose serves to ensure that all of the bike paths are interconnected at universal standards, universal signs, and universal markings so that bike trails and paths are safe and that the bike paths are well-marked with share-rows and/or signs like "right of ways."

We plan on going for any and every local, state, and federal grants as we can, including non-profits and foundations to complete this project. We're always looking for money and resources and as we get those we can continue to improve.

It is going to require the Mayor and Clerk of the city's signatures and to also work together with the other municipalities by creating agreement and sharing information with other member. You must designate at least one active representative for the group team who will attend most, if not all, meetings; we plan to begin July 2016. We prefer the representative be an elected official

Mayor Miles: They are asking us to vote on it and to take the opportunity to make any changes. They would like to have a signed MOU by close of business on December 31st at the latest.

Electric Car Emissions Policy (Resolution 20) – Mayor Miles

We have our electric car ready but the one thing that concerns me is how we plan to reduce our emissions by 20% in 5 years. I think it is a great resolution but if we reduce to 10% it will be successful.

Consensus: Sign MOU for MEA but modify to 10%

Community Development Block Grant (CDBG) Update – Assistant City Manager Veronica Owens

We hired David Powell, Environmental Control Opportunities LLC, and as a requirement for CDBG when you're improving streets you have to have an environmental assessment completed. Mr. Powell conducted the environmental assessment, created a 50 page document, and submitted it to CDBG and PG County's Department of Housing and Community Development which sent the document to Maryland's Historical Trust who is presently reviewing it.

Interim City Manager Larry Hughes: I'm about to sign a contract with an "on demand" contractor from an engineering company linked to the County to prioritize the streets we have.

Councilman Bryan Knedler: It's absolutely necessary to see the list after its compiled because the engineer doesn't live here and may be unaware of particular issues.

Mayor Miles: We need to reach out to Washington Gas and David Wilkins at WSSC for a list of streets that will be worked on over the next 5 years. Also, we need to know how many streets we will be able to fix out of the money we already have available.

City Manager Organizational Committee (Resolution 19)/Budget Amendment – Mayor Miles

There's a budget amendment to move \$45,000.00 to a line item. The second part of the resolution asks us to authorize spreading \$45,000.00 as part of getting Novak in place. There will be a 1st reading on December 3rd.

Rolling Agenda Overview – Councilman Bryan Knedler

WMATA Plot – Mayor Miles

WMATA was in the process of separating us from everyone else in regards to giving out the property but we ran into problems last month and then they also wanted a new appraisal on what the lot was worth again.

Organizational Assessment – Councilwoman Shivali Shah

It is still in progress. Vijay and Larry are actively working on it. It's being taken care of in the context of the committee.

Public Works – Interim City Manager Larry Hughes

There are a few reasonable resumes. I believe we advertised an annual salary of \$65K-\$75K.

Committee Appointments List (Update) – Mayor Miles

The remaining factor is getting it revised, updated, and distributed so that everyone does what they have agreed to do. It is not a top priority.

Police Body-Camera Rules – Mayor Miles

The Chief was supposed to follow through but this was put on hold because the state wanted to look at over-all general rules that they were going to establish which was supposed to come out October or November, so we need to find out where they are and if we need to mirror them in some way with ours.

SHA Bus Jump Lane/Parking Meter – Mayor Miles

it was established during that discussion that instead of 2 parking spaces they will get 4. They have not provided terms of what we can negotiate for the spaces yet.

File Sharing – Councilwoman Shivali Shah

Vijay would need to follow-up with our vendor on our options.

Revised Tree Ordinance – Councilman Bryan Knedler

The tree commission is still reviewing so it is in progress but it's not a priority.

31st Street Park/Garden – Mayor Miles

Shivali and I had an email conversation where she agreed to help but there is nothing the staff needs to do.

Elections Procedures Update – Mayor Miles

We received a report where there were suggestions and comments that we were supposed to act on or get back to them about. There wasn't a critical urgency but we do need to get back to them before we get any further down the road and we may need to involve our attorney in some areas of the report. Matthew Webber resigned but they're still a functioning, fully bodied committee. Let's put this on the December Work Session agenda.

Litigation Update

Interim City Manager Larry Hughes: I sent out litigation status to you all via email. Our litigation is handled by our insurer and they sent me a list of all of the litigation.

Councilwoman Shivali Shah: There's one litigation update from the Chief and another litigation update from LGIT.

Mayor Miles: This is a priority. The staff needs to schedule a meeting with LGIT, Linda Pearlman, our attorney, to have that information. We have a scheduled meeting with Linda Pearlman on December 8th at 7:00 PM but we should include LGIT.

Councilwoman Shivali Shah: I would like the Chief to be present for any parts that involve the police department.

Councilwoman Tracy Loh: I can't do the 8th or any Tuesday, Monday will be great.

Mayor Mile: Wednesday would be better.

Recycling Cart Pilot Program – Councilman Bryan Knedler

The Green Team bought this into the budget process and it disappeared. I thought we talked about getting grant money for that, so is that a priority for the staff?

Mayor Miles: It did come up at the budget discussion but I don't think we agreed or disagreed we just received it. There was a limited discussion on cost and whether or not it would be worth the expenditure. The next round of discussions

would be if this council wants to make a decision. Put it on the agenda for the December Work Session.

Comprehensive Street Sidewalk Repair Plan – Councilman Bryan Knedler

I want to point out that it is funded in the budget at \$65,000.00.

Interim City Manager Larry Hughes: I will send out the RFP that I've drafted.

City Website Upgrade – Councilman Bryan Knedler

I believe it is a high priority due to the high volume of complaints. We need information now about what would be a reasonable cost to make the changes that we want, but I don't know who on the staff would be designated to do it.

Councilwoman Tracy Loh: I think the staff's guidance is insufficient without additional help from council. I am happy to deal with the City website next year.

Mayor Miles: It's not that the website is bad, the data is bad. It is not something the staff can maintain you need someone who has that expertise and time.

WMATA Bench Shelter Bench Style – Councilwoman Tracy Loh

It's difficult to provide an explanation to the residents of this city as to why we came up with the idea of changing these benches 6 months ago and we haven't done it yet. My highest priority is the benches in front of Chuck's Liquor on Rhode Island Avenue.

Proposed Alley Closure – Councilman Bryan Knedler

I think that's a higher priority due to the complaints.

Annexation – Mayor Miles

I think that is still an issue that needs to be discussed. We have to put money into it and assign a staff.

Chillum Road Median Extension – Mayor Miles

I have had some discussions with SHA regarding the accidents at the entry into that parking lot and one of the suggestions or recommendations was to move the median. Since we own it we have the right to do it. We'd have to discuss how we're going to do it and whether we want to do it. The Public Works Director will need to handle that.

Public Art Guidelines

Low priority.

Marking Residential Parking Spaces near Commercial Areas

Low Priority

Charter Review – Mayor Miles

I think it is a high priority but I haven't heard back from my council on any of the emails I've sent out in regards to looking for people that will serve. I also haven't heard anything back about what they will be doing. There is no way to move forward without hearing back from council.

Councilwoman Shivali Shah: Veronica can you put in the next newsletter that we are looking for members for the committee? (Agreed)

Vacant Building Fee/Lot Increase – Councilman Bryan Knedler

The fees may be too low but I don't know how important that is.

Mayor Miles: We raised all of the fees following the last budget hearing.

Recreation Center Expansion – Councilman Bryan Knedler

I need to know the CIP hearing process so I can get this discussion on our table so that if we want to ask Park & Planning for a project in the capital improvement plan that we get the information together and can be at the hearings. I'm going to try to get this on the agenda in February to have a discussion.

Civic Center – Mayor Miles

I think that is probably the most important item on here due to us having the plans and it still being a topic going on 5 years. The question becomes what are we going to do to generate the funding? Senator Ramirez said he would put money aside for 5 years but we never applied.

Councilman Bryan Knedler: We had a private partnership offered to build the building and rent it back from a developer but we never did. I would be interested if we could get a developer interested in doing a public-private partnership. I would like to propose that that be one of the priorities for staff to look into.

Councilwoman Tracy Loh: I think we need a special work session geared towards those current city assets and their condition and their plans for them.

Attorney Contract – Mayor Miles

We have an obligation and agreement which we've violated because we are supposed to review our attorneys every 2 years and giving them a report back; vice versa. We need to schedule a closed session meeting.

Councilman Bryan Knedler: We need to do that before the budget season because it will impact the budget.

Councilwoman Tracy Loh: Add it to the organizational assessment.

Thomas Stone Traffic Study – Mayor Miles

That study has not been done. The Chief put out information on it to figure out who would be able to do it and what was available but we didn't go forward with it because school recessed for the summer and the study needed to be done when school was in session.

Councilwoman Tracy Loh: I do not think we need it on the next Work Session agenda because I think the other thing we left it at is that any changes that we might make to what's happening up there will be immediately exploded by the work that's going to be happening on the canal.

Councilman Bryan Knedler: We'll leave it on the list but put it on hold until Impact of Levy Project is over.

Non-Active Additions

Mayor Miles: Public Works Department

Councilwoman Tracy Loh: I want to create a Public Space Permitting Process for Mount Rainier. If you have a business and want to do something on the sidewalk, in front of your business, you have to get a permit. I want to give special attention to the mixed-used town zone.

Councilman Bryan Knedler: I am going to try to reorganize this and make it available in the December 1st meeting to vote on so that the public has a chance to see what we are doing because they may want to weigh in on this.

Motion to Adjourn to Special Meeting: Councilman Bryan Knedler

Second: Councilwoman Tracy Loh

Ayes: Councilwoman Shivali Shah, Councilman Bryan Knedler, Councilwoman

Special Meeting

DEVITA Healthcare

Mover – Councilwoman Tracy Loh: Direct Staff to write letter of support to the County planning board expressing our desire that they receive their permit

Second: Councilwoman Shivali Shah

Ayes: Councilwoman Tracy Loh, Councilwoman Shivali Shah, Councilman Bryan Knedler, Interim City Manager Larry Hughes

ATHA MOU

Mover – Councilwoman Tracy Loh: We sign the MOU

Second: Councilman Bryan Knedler & Councilwoman Shivali Shah

Ayes: Councilwoman Tracy Loh, Councilwoman Shivali Shah, Councilman Bryan

Electric Car Emissions Policy (Resolution 20)

Mover – Councilwoman Tracy Loh: I move we adopt the resolution as amended (reduced to 10%)

Second: Councilwoman Shivali Shah

Ayes: Councilwoman Shivali Shah, Councilman Bryan Knedler

Opposed: Councilwoman Tracy Loh

Resolution 19

Mover – Councilwoman Tracy Loh: Adopt the resolution

Second: Councilwoman Shivali Shah

Ayes: Councilwoman Tracy Loh, Councilwoman Shivali Shah, Councilman Bryan

Budget Ordinance (1st Reading)

It will be on the agenda for December 3rd and posted in public.

Motion to Adjourn: Mayor Miles

Mover: Councilwoman Tracy Loh

Second: Councilwoman Shivali Shah

Ayes: Councilwoman Tracy Loh, Councilwoman Shivali Shah, Councilman Bryan Knedler, Interim City Manager Larry Hughes