

Official Minutes of the City of Mount Rainier

MAYOR AND CITY COUNCIL WORK SESSION

DATE: March 15, 2016

COUNCIL CHAMBERS, UPPER LEVEL CITY HALL

Call to Order

7:05 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 Bryan Knedler

Councilmember Shivali Shah

Staff Present

Interim City Manager Larry Hughes

Director of Code Enforcement Veronica Owens

Minutes provided by:

Brishay Corbin

AGENDA

Approval of Agenda

Announcements

Proposed Budget FY 2017

Marking of Parking Spaces

City Complete Streets Plan RFP

Airbnb

“If I Were Mayor” Presentation

Annexation Work Plan Update

Modular Permit
Rolling Agenda
Public Comment

Special Session

Resolution 03-2016 – Big Belly Trash Cans/PG County’s Clean Energy Program
Gateway Community Development Corporation Board of Directors Vote

Announcements

Councilwoman Shivali Shah: The Mount Rainier Egg Hunt will be on Saturday, March 26th from 1 PM-4 PM at the Mount Rainier Nature Center off of Arundel Road. There’s a clown, bunny, face painting, an arts table, and a dentist’s office.

Councilwoman Tracy Loh: Deni Tavares is organizing a County Budget Listening Session on Wednesday, March 16th from 7 PM-8:30 PM at the Bunker Hill Fire Station where you can share your thoughts about budget priorities.

Councilwoman Shivali Shah: On Saturday, March 19th Joe’s Movement Emporium is having their annual gala and you can purchase tickets on their website. Tracy (Loh) and I will be going as representatives for City Council.

Proposed Budget FY 2017 – Interim City Manager Larry Hughes & Staff

One of the major highlights of the budget is that for the first time in approximately 4 years we have a balanced budget. There’s one use for the reserves which is the debt service towards the 3200 Project which will go away once that property is sold. We’ve looked at a lot of priorities and spoke with department heads to submit this budget to you.

There were items in the budget that were reduced or increased and we have included a cost of living adjustment for employees at 3%, there are 2 staffing changes, and we have reallocated the Municipal Clerk position to 2 Administrative Assistant positions. The Assistant City Manager Position has been reallocated to the Director of Code Enforcement due to the increase in emphasis and activity with Code Enforcement.

There's a Preliminary Hearing Plan for a Code Enforcement facility of \$12,500.00, we will be replacing a police and Public Works vehicle which will cost approximately \$90,000.00, we've included \$10,000.00 to redesign the City's website, and \$10,000.00 to begin digital record management. There's \$6,000.00 budgeted for annexation planning, also, some of the discussions we've had with consultants that listed some of preliminary reviews of the administrators lead to including money to do a strategic plan.

The tax rate in the proposed budget is \$0.86 per 100 and Business Personal Property and utility rates remain unchanged. Each penny of the tax rate will generate approximately \$38,500.00 and there's a constant yield tax rate of 77.5 cents. There will be a Work Session with the Council on April 12th to discuss the budget and a public hearing has been scheduled for April 19th for public comment on the budget. The 1st reading is scheduled for April 19th while the 2nd reading is scheduled May 3rd. You can find the revenues on page D2 and the expenditures are detailed on page E1.

Councilwoman Tracy Loh: I don't think \$10,000.00 is enough to redo the City's website. Realistically I want to prepare everyone for a number between \$30,000.00 and \$50,000.00, possibly higher.

Mayor Miles: I got an offer for someone to do our website for free and the other suggestion was to look at the University of Maryland for technical assistance. \$10,000.00 is low to pay someone to do it but it might be less than your quote if outside sources come together.

Councilwoman Tracy Loh: I think we need to add this item to a Work Session agenda and also ask for the staff's input.

Councilwoman Shivali Shah: I had thoughts on the Youth and Recreation Committee that I submitted to Vijay (Manjani) but it is not reflected in the budget.

Councilwoman Tracy Loh: In the proposed FY-2017 budget this item has \$10,000.00 in it.

Mayor Miles: These are recommendations from the department on what they wanted to see included but I don't think it reflects any of our suggestions.

Councilwoman Tracy Loh: I had suggested creating a line item for the mayor and councilmembers to put a set amount of money, like \$1,000.00, to support community programming at our discretion without the need to consult the body. I also suggested that we have a Youth and Recreation Committee for that program to guide it instead of the council, and if not this line item should be zeroed out.

Councilwoman Shivali Shah: I'd like for City staff to make sure the people who tend to ask for money throughout the year be made aware that this is our budget season now. I would also like to talk at a future meeting about how we should not entertain requests once the budget is over.

Mayor Miles: Letters were sent February of this year and it's possible that everybody did not respond as they should have. What I would recommend at this moment is to resend the letter with a new deadline stating that if we do not receive correspondence after "x" date there will be no other opportunities until the next budgeting cycle. Also, the Youth and Recreation Committee was refunded to \$25,000.00 to bring a bigger level of activity for big kids but it has been used for everything else. Now that we have a new council we need to have a discussion of what we want the committee to be.

Councilwoman Tracy Loh: I think we need to have that discussion before we budget for it. I think we should talk about this at the April Work Session. We need to come up with a protocol for the Travel Line item. We either need a new method of budgeting for it or a new method of dispersing the budget.

Councilwoman Shivali Shah: I would like to have a discussion about whether we have the capacity to hire somebody for community development to be a point person to manage the committees doing programming in the City. There needs to be oversight and assistance to helping committees move their agendas forward.

Councilman Bryan Knedler: The staffing structure will be altered by the Organizational Assessment and I see the contingency is back at \$25,000.00 when we zeroed it out last year. The election costs are only at \$2,000.00 so we need to have a discussion because it will be more expensive if we are going to have machines. I'll also be asking questions about the permit fees.

Interim City Manager Larry Hughes: On the day we were publishing the budget the Elections Board did submit a budget of approximately \$9,000.00 but it was too late.

Mayor Miles: There will be some changes that have been proposed by the Elections Board's and its staffing as well.

Councilwoman Tracy Loh: We had discussed hiring a consultant to review our charter.

Interim City Manager Larry Hughes: We've only found an attorney so far.

****Enters – Councilwoman Deni Taveras, District 2***

Interim City Manager Larry Hughes: Street Sense encountered headwind on their proposal at County level and they need to do additional work. They will be at our first meeting in April and we also have a meeting with them tomorrow at 10:00 AM regarding our questions.

Councilwoman Deni Taveras: I have a budget listening session tomorrow at Bunker Hill Fire House from 7 PM-8:30 PM. We'll be discussing the Governor's budget, County budget, and what's going on locally. We are appropriating approximately \$1 million towards handling domestic violence issues in the County. You can access the budget on the Prince George's County website.

Mayor Miles: I was told to remind you to take a position and help with any possible funding the new initiative program.

Councilwoman Deni Taveras: We've been working on "Aging in Place" through the Hyattsville and Greenbelt offices and we've had regional meetings on the subject matter, dementia, and discussed how we can share resources, but we need more volunteers.

Marking of Parking Spaces – Councilman Bryan Knedler

When there are events at Joe's Movement Emporium, on Bunker Hill Road, people like to park adjacent to the meters near the 3200 block. They're asking if the City would consider marking actual parking spaces on any block that's adjacent to the town center zone. I know there will be expenses involved with

painting and signage, but if we're interested in this we can have further discussion and document it out.

Mayor Miles: I think it is worth having a conversation about.

Chief Michael Scott: If you're going to do it in a particular area just as a test that would give us an idea about how it would work. I don't know what kind of signage would be appropriate and if we have a charge in the City code stating that "you must park within a designated parking space" if that is properly marked. If we get the success from the downtown businesses that we're planning on getting parking is going to be a huge issue.

Public Comment

Kimberly Johnson, 4200 Block, Eastern Ave: My husband and I are looking to purchase property in Mount Rainier and also rent a commercial space on Rhode Island Avenue so the parking has been a major thing for us. Your idea of the angle-parking, Mayor, I find to be a very important initiative that I am rooting for because when I attended the meeting for the Mount Rainier Business Owners parking was an issue. We want to establish a business in Mount Rainier but with the traffic from our other store we worry about how we would accommodate our customers. There's no parking and no initiatives for bike riders either so I find all of this problematic. If there is a priority I think it should be to get the small business owners involved in the planning of the parking because they find it important and their money is directly tied to it.

City Complete Streets Plan RFP – Councilwoman Tracy Loh

I'm concerned that the current phrase of the RFP is not going to bring the council what it wants because I'm not sure I have clarity on our individual goals and desired outcomes. I think we all need to get on the same page in regards to what the Complete Streets' concept is because from my understanding it is a fairly generic policy commitment to consider all modes when making design decisions about streets. It doesn't necessarily mean anything specific about traffic calming or bike lanes.

Mayor Miles: The Complete Streets' program is a complete, nationwide program that we agreed to participate approximately two years ago. A lot of work has not been done on it and I've only read the RFP once.

Councilwoman Tracy Loh: It's not super specific so for this RFP we need to be more specific about what it is that we want done, what we're hoping to get, and what we're hoping to use it for. I'm hearing from a couple people that they're hoping to learn more about what needs to be done specifically to control vehicle speeds on streets in Mount Rainier.

Councilman Jesse Christopherson: We all realized that we need to take other things into consideration while we're doing this so that our efforts are focused. We need to include tree box widening, which streets need to be completely repaved, signage, and traffic flow. We've allocated money and for the FY16 budget, we have approximately \$130,000.00, and we also said we were going to use Community Develop Block Grant (CDBG) money. I think Tracy (Loh) makes a good point.

Councilwoman Tracy Loh: What you (Jesse Christopherson) are talking about is hiring a consultant to assemble the data elements that are necessary to create a capital improvement plan and for the City. I think with minor effort I can edit the RFP to achieve what you (Jesse Christopherson) are talking about. If that's the goal then the Director of Public Works is going to be the steward of the capital improvement plan and we need that position filled to move forward.

Councilman Bryan Knedler: I'm in the middle because I can see both sides but I know the money is budgeted. I can see an argument for issuing the RFP since it's going to take a long time to get any responses, if any, and I understand the ownership issue.

Councilwoman Shivali Shah: I don't have a strong opinion either way.

Mayor Miles: I think we should get the RFP tightened up and that we should issue it. If we need to re-issue, by that time, we might have a City Manager that's in the process of hiring a director who can still get some ownership. It should not continue to just sit.

Councilwoman Tracy Loh: I'll circulate a new draft next week.

Airbnb – Councilwoman Tracy Loh

Airbnb is a website where you can post a place to stay and people can rent it, instead of a hotel room, which are typically short term rentals but it does allow weekly and monthly rentals. When we've been discussing the changes to our Residential Occupancy License I received a number of questions from constituents about how the legislation I was proposing impacted Airbnb rentals so Larry (Hughes) and I asked the City attorney (Linda Perlman).

Interim City Manager Larry Hughes: At this minute there is no real regulation on Airbnb. There are numerous current legislations pending in the General Assembly but I don't know that any of them have moved forward.

Councilwoman Tracy Loh: Currently, Airbnb is unregulated and the reason I asked for this to be on the agenda is because an individual can go onto the City website and read the City code and there's no way to tell, due to the way the code is written, whether Airbnb is covered or not but it sounds like it is. People are coming to City Hall to register for Airbnb and the staff is telling them that they need a license. We do not have the authority to regulate Airbnb but our code is written to sound like we already are. I asked for this to be put on the agenda to discuss whether we need clarification in our code, should leave it, or instruct City staff that our informal policy is that anyone can do Airbnb and we don't want to hear about it. My preference is that we not license Airbnb.

Councilwoman Shivali Shah: Where's the line in a property being a rental property?

Councilwoman Tracy Loh: Our code doesn't have a line so I'm proposing to work with the City attorney to draft a mini piece of legislation that draws that line.

Councilwoman Shivali Shah: I've gotten a couple complaints in regards to Airbnb where the tenants have been disruptive to the neighbors. I'm not ready to not regulate them because there are a lot of houses in this City that are not up to code and then they're inviting strangers to stay there and charging them money so I need to think about this more.

Councilman Bryan Knedler: I agree with Shivali (Shah) that this could be abused. If the State doesn't regulate something we still have the authority to regulate it and we can certainly have our own licensing structure. If someone is just renting

for a week then we're not going to care about that but if they're going to be renting for a month it's becoming a rental property. I think they are a lot of lines and gray areas.

Councilwoman Tracy Loh: I don't have a strong opinion about this the only thing I don't think is good is that our code is unclear and that we need to provide direction to City staff about what our expectation is regarding permitting and code enforcing.

Mayor Miles: I agree that there needs to be consistency and I also don't support the idea of charging a rental license for renting out a room. I'm hearing that there is a problem but I'm not hearing that it's such a problem that we need to legislate it. I think we need to do some educating in terms of how or if we do this.

Councilman Bryan Knedler: The code already does regulate this and it states that even if you rent a room you have to have a rental license and the house has to be inspected by the City so I think we should clarify. If we do license Airbnb they would have to be inspected which means hiring more code enforcement officers.

Director of Code Enforcement Veronica Owens: I will work on it with you Tracy (Loh) because I think that even if they're not licensed it becomes a code issue so we're called because there's a problem.

Councilwoman Shivali Shah: I'm happy the way the code is so that if an issue did come up with the house it would be dealt with. I don't want to send the message that these types of boarding houses aren't regulated because that sends a message to the people who run them that they can do what they want and I also don't want the people who are renting these spaces to feel like they have nowhere to go to if they need to report something, including neighbors.

Mayor Miles: We need to clarify the language, take a vote on charging or not, and move it. It is a rolling agenda item.

If I Were Mayor – Ethan Barnes

The "If I Were Mayor" contest is to tell what you would do as Mayor for your town. The issue was that Happy Town was the worst town ever and their Mayor was going to help them get to a better place. I wanted to help them by making a community garden and a tool shed so they could also have gardens at their houses.

Councilwoman Tracy Loh: What's another reason why having gardens at home would be great other than just getting the gardens?

Ethan Barnes: They could be healthier by growing tomatoes and healthy stuff so they could live longer lives.

Annexation Work Plan Update – Samantha Olatunji

Councilman Jesse Christopherson: Samantha (Olatunji) can't make it but she did submit a plan to Larry (Hughes) that's attached to the agenda packet.

Councilwoman Tracy Loh: It looks like Phase I is a whole bunch of research.

Councilman Bryan Knedler: I propose that we put this on the Work Session agenda in two weeks so we can give her (Samantha) our input and allow it to move forward.

Mayor Miles: At this point in time I would like to have the discussion regarding the plan a couple of weeks from now and hopefully she (Samantha) can be here.

Modular Permit – Director of Code Enforcement Veronica Owens

A "modular" home is built off-site and has to travel here to be put together on the permanent site. A lot of people are moving towards modular homes today because they are being built more efficiently including energy efficiencies. This permit would accompany our building permit to establish a process of steps to sign off on so that the police have a chance to review and understand when the homes are going to be moved here and can give notification to the homeowners if there are any issues like parking.

Larry (Hughes) and I discussed this and we also proposed a "modular oversight fee" for half a day and a full day where police will become involved. Sometimes the modular needs a staging place and they may look at a City parking lot to stage the modular units until they can prepare the site to move the house and begin construction so we also proposed a fee for that. This is a draft for discussion.

Councilman Bryan Knedler: They sometimes have to cut the power to move the wires while the home is moved into place which would affect the neighbors because utilities would be down. My concern is how long would that last and how would the neighbors be notified?

Mayor Miles: My question is how much open space do we have in Mount Rainier for building modular homes to the point that we need to regulate?

Councilwoman Tracy Loh: I think there're quite a few buildable vacant lots in the City. The economic incentive is going to become greater and a lot of the houses in the City are over 100 years old.

Director of Code Enforcement Veronica Owens: Trends indicate that people are looking into it.

Interim City Manager Larry Hughes: The County is also struggling with this and the permits are getting delayed because the County doesn't know how to regulate them either.

Councilman Bryan Knedler: What authority does our police department have to where they can tell the residents they can't park; can they just declare an emergency for a building?

Director of Code Enforcement Veronica Owens: The neighbors would have to be notified by the homeowner to relocate their cars for a specific amount of time.

Councilwoman Tracy Loh: All of the planning takes staff time. The City of Mount Rainier can donate the staff time to the private homeowner, we can charge a fee to cover it, or we just don't do it.

Councilman Jesse Christopherson: Can we get the staff to draft an ordinance?

Director of Code Enforcement Veronica Owens: I'll do it.

Mayor Miles: We'll put it on the April Council Meeting agenda.

Public Comment

Ron Campbell: I would like to make a proposal to purchase the Circle Café.

Mayor Miles: That is actually the Terminal Deli.

Interim City Manager Larry Hughes: It has been declared that there's no interest in it and it's ours by default.

Councilwoman Shivali Shah: You're planning on reselling?

Ron Campbell: Yes.

Mayor Miles: Although the property is definitely ours, I would recommend working with the City Manager to advertise it and get the most money you can get. You can set-up an appointment to meet with (Larry) Hughes to work with you on selling or leasing the property and so on.

Motion to Adjourn the Work Session: Councilman Bryan Knedler

Second: Councilwoman Tracy Loh

Special Session – 9:21 PM

**Resolution 03-2016 – Big Belly Trash Cans/PG County’s Clean Energy Program –
Director of Code Enforcement Veronica Owens**

We put the Big Belly Trash Cans and the Prince George’s County Municipal Collaboration together to form one resolution. The Municipal Collaboration is comprised of 14 different municipalities within Prince George’s County that gives energy audits to home owners who are eligible for energy efficiency upgrades. Due to the town of Bladensburg including the City of Mount Rainier in their application, we are going to get two Big Belly Trash Cans from them as a partnership. The trash cans have an indicator where the solar rays update Public Works on when the trash receptacles are full.

Move to Adopt Resolution 03-2016: Councilman Bryan Knedler

Second: Councilwoman Tracy Loh

Ayes: Councilman Jesse Christopherson, Councilwoman Shivali Shah, Councilman Bryan Knedler, Councilwoman Tracy Loh

Gateway Community Development Corporation Board of Directors Vote

Move to Appoint Councilwoman Tracy Loh as the Representative for Mount Rainier on the Gateway Community Development Corporation Board: Councilman Bryan Knedler

Second: Councilman Jesse Christopherson

Ayes: Councilman Jesse Christopherson, Councilwoman Shivali Shah, Councilman Bryan Knedler