

Agenda of the Legislative Meeting of the Mayor and City Council City of Mount Rainier

Tuesday April 2, 2019 7:00 P.M.

Action Taken

1. Call to Order / Pledge of Allegiance

2. Additions to the Agenda

The Mayor and Council review the agenda for the meeting adding or deleting topics of interest or discussion.

3. Mayor and Councilmember Announcements

4. Vice Mayor Benitez Reads Closed Session Minutes From 3/19/19

5. Memorial Park and Adjoining Streetscape Redesign Presentation by University of Maryland

The University of Maryland will provide an update to Mayor and City Council regarding Memorial Park and Adjoining Streetscape Redesign.

6. Director Report – Economic Development

Ronald Hopkins, Director of Economic Development will provide the Mayor and City Council an update from the ICSC Conference and Department.

7. Public Comment

Please see page 3 of agenda, where the rules for Public Comment are listed. If you wish to speak, please sign up on the sign-in sheet with the City Clerk.

OLD BUSINESS

8. Resolution 04-2019 Youth Scholarship Application (2nd Reading / Vote)_____

The Mayor and City Council will vote on procedures for the Youth Scholarship Application.

9. Ordinance 01-2019 Establishing Real Property Tax Classes (2nd Reading / Vote)_____

The Mayor and City Council will vote on an ordinance establishing real estate property tax classes.

10. Ordinance 02-2019 Budget Amendment #2 (3rd Reading / Vote)_____

The Mayor and City Council will vote on an ordinance that will authorize a movement of funds in the fiscal year 2019 budget between line items.

11. Ordinance 03-2019 Creation of the Mount Rainier Arts Commission (2nd Reading / Vote)_____

The Mayor and City Council will vote on an ordinance amending Chapter 4 of the Mount Rainier Code to create the Mount Rainier Arts Commission.

NEW BUSINESS

12. Ordinance 04-2019 Sales Exemption to Vacant Development Tax

Mayor and City Council will read an Ordinance Amending Chapter 2, Assessments and Taxation and Fees, of the Mount Rainier Code to Facilitate the Sale of Vacant Developed Properties and Amending Chapter 3B to Temporarily Exclude Properties that Become Vacant of the Death of an Owner-Occupant or a Disaster from the Application of the Vacant Developed Property Tax Rate and Registration Requirement.

(1st Reading)

13. Ordinance 05-2019 Cell Antennas

Mayor and City Council will read an Ordinance Regulating Cell Antennas in the Right of Way.

(1st Reading)

14. Resolution 05-2019 Editorial Guidelines for City Newsletter, “The Message” (Vote)_____

The Mayor and City Council will vote on a Resolution Establishing Editorial Guidelines for City Newsletter, “The Message”.

15. Proposal To Go Into Closed Session

According to the Annotated Code of Maryland, the Mayor and City Council of the City of Mount Rainier Maryland have the statutory authority to close a session under general provisions article § 3-305b for the reasons of subsections three (3), four (4) and five (5): (3)___ “To consider the acquisition of real property for a public purpose and matters directly related thereto”; (4)___ “To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State”; (5)___ “To consider the investment of public funds”.

The Mayor and City Council propose to go into closed session on Tuesday, April 2, 2019, following the Legislative Meeting of the Mayor and City Council at City Hall to discuss the sale of 3200 Rhode Island Avenue with the City Real Estate Agent.

Rules for Public Comment

The Mayor and City Council invite and welcome comments at public meetings. The Mayor or presiding officer will recognize you. Please introduce yourself at the podium (spelling your last name, for recording purposes) and give the name of your street and block number (e.g., 4300 block of 34th St.). Public Comment has a time limit of 3 minutes per speaker, unless otherwise agreed upon by Mayor and Council.

While speaking, please maintain a courteous tone and avoid personal attacks. If you wish to lodge a complaint about the performance or conduct of any City employee, please bring your concern to the attention of the City Manager, who will look into the matter and respond to you.

As a courtesy to other residents and businesses, the Council requests that speakers not use specific addresses or names of individuals when describing a situation or making a complaint. Noting the block is preferred over a specific address.

Code enforcement and public safety issues should first be brought to the attention of the appropriate department and/or one of your Council members.

Please Note:

Pursuant to the Annotated Code of Maryland, State Government Article Section 10-508(a), the Council by majority vote may retire to executive or closed session at any time during the meeting. Should the Council retire to executive or closed session; the chair will announce the reasons and a report will be issued at a future meeting disclosing the reasons for such session.

CLOSED SESSION MINUTES TO BE READ INTO RECORD

CLOSED SESSION SUMMARY SHEET

Date: March 19, 2019

Time: 10:40pm

Location: City Hall, 1 Municipal Place, Mount Rainier, Maryland 20712

Closed Under Annotated Code # § 3-305b for the reasons of subsections three (3), four (4) and five (5):
(3) “To consider the acquisition of real property for a public purpose and matters directly related thereto”; **(4)** “To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State”; **(5)** “To consider the investment of public funds”

Those Who Voted To Go Into Closed Session: Mayor Malinda Miles, Councilmember Shivali Shah, Councilmember Luke Chesek, Councilmember Celina Benitez, Councilmember Bryan Knedler

Unanimous Of Elected Officials In Attendance: Vote 4-0-0

Those In Attendance: Mayor Malinda Miles, Councilmember Celina Benitez, Councilmember Luke Chesek, Councilmember Bryan Knedler, Councilmember Shivali Shah, City Manager Miranda Braatz, EDC Director Ronald Hopkins and City Real Estate Agent Jerry

Actions Taken: No Votes Were Taken, Please See Relevant Notes: (See Relevant Notes)

Topics Discussed: The Mayor and City Council discussed the sale of 3200 Rhode Island Avenue, Mount Rainier, Maryland 20712

Hi Team:

As mentioned earlier, I wanted to give you a summary update of where we are with Memorial Park and its adjoining streetscape.

The UMD team has made substantial progress after three well-attended community meetings have helped us move through three iterations of design. The final design will be presented Tuesday to the Mayor and Council.

We met with SHA to discuss how we might need to partner with them to implement this project. It was a great discussion and they seem bought-in to our vision. Specifically:

- Bumping out the curb by 3-4 feet will be no problem. They are okay with this and agreed that the parking lane is too wide as it was a remnant of a turning lane that existed before the circle.
- They love the addition of stormwater management systems but, once the design is finalized, will need a copy to review with their hydraulic POC. Eventually, a MOU will have to be developed to determine who takes credit for the stormwater credits, and who is in charge of maintenance.
- Over the next 90 days they will consider (and I will report out as soon as they get back to me):
 - Installing rumble strips for northbound Rt. 1 traffic before crosswalk at the circle (optimistic this will get done).
 - Install a yellow blinking light for northbound Rt. 1 traffic before crosswalk at the circle (somewhat optimistic this is doable).
 - Creating a crosswalk at 33rd Street to split the median and further encourage slower traffic at Route 1 (intrigued by the idea, but clearly needs a lot of work).
- Again, once we have the final design in hand, we'll forward it to SHA so we can get buy-in ASAP even if we don't have funding secured for the actual construction yet.

We are set to meet with Secretary Holt on April 12th at 1pm at the Media Arts Lab. We have picked this location for its aesthetics and the fact that its window literally looks right out at the streetscape at issue. We are reserving the space from noon-3pm.

Jack Sullivan, Ronald, and I have also spoken with DHCD's coordinator for the Community Legacy grant program for Prince George's County, Duane Felix. We have shared with him our vision, and he has agreed to give our grant application a review prior to the due date to give his feedback on how to improve our application. As a result, I am pushing to have a first draft of the grant application completed shortly after our April 12th meeting.

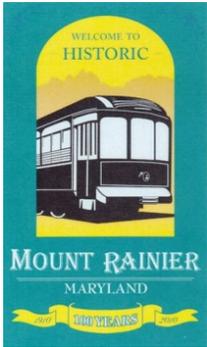
We are working closely with Mark Rengel of the Menkiti Group. Mark has contributed to better understanding the past applications Samantha submitted, especially the past dollar amounts Samantha had listed as committed from our outside partners for this project. Towards that end, he is working to finalize the dollar amount Menkiti has and will contribute to this project. In

addition, we are reaching out again to the Redevelopment Authority and PGC Arts & Humanities Council to see if we can't get another commitment to support this grant application. We'll let you know how that turns out.

We've all put in a lot of work here and are excited for the potential for getting at least some portion of the \$500,000 we'll request to get this design through engineering and construction.

Looking forward to the 2nd, and place mark your calendars for the 12th if you haven't already.

Best,
Luke



Adopted: April 2nd, 2019

**CITY OF MOUNT RAINIER, MARYLAND
RESOLUTION 04-2019**

Introduced by: Vice Mayor Celina Benitez

A Resolution Accepting and Establishing the Youth Scholarship Application and Award

WHEREAS, the Mayor and City Council value the youth of the community and funding educational advancement;

WHEREAS, the Mayor and City Council in the Fiscal Year 2019 Budget set aside appropriations for a Youth Scholarship Program.

WHEREAS, the Mayor and City Council wish to establish a process for applying and awarding the scholarships;

WHEREAS, the Mayor and City Council established an application and criteria for the program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Mount Rainier, Maryland, that the Mayor and City Council hereby accept and establish the Mount Rainier Youth Scholarship Award and Application process and procedures.

Attest:

Miranda Braatz, City Manager

Malinda Miles, Mayor

Celina Benitez, Councilmember Ward 1

Luke Chesek, Councilmember Ward 1

Shivali Shah, Councilmember Ward 2

Bryan Knedler, Councilmember Ward 2



Mount Rainier Youth Scholarship Award:

We are pleased to announce for the 2018-2019 school year Annual Mount Rainier Youth Scholarship Award. The Mount Rainier City Council has established The Mount Rainier Youth Scholarship for Mount Rainier graduating seniors or continuing college students who best personify a commitment to Higher Education. The Mount Rainier City Council will award seven (7) \$1,000.00 scholarships to graduating seniors or current college students who will continue their education at a post-secondary institution.

TIMELINE:

DATE	ITEM
April 3, 2019	Send information to the selected schools, post on City website and share on social media
May 20, 2019	All application packets – including essays that meet established criteria are due by 5:00pm to City Clerk, Mount Rainier City Hall, 1 Municipal Place, Mount Rainier, Maryland 20712
May 25 – June 8	Review application packets – including essays – and determine selection of the top candidates. Scholarship review committee may interview finalist and make final selections.
June 11, 2019	Finalist and parents are notified.
June 18, 2019	Finalists and parents invited to attend the Mayor and City Council Work Session to be awarded the scholarship.

The Mayor and Councilmembers will each appoint one member to represent them on the selection committee.

Please direct any questions to City Clerk cityclerk@mountrainiermd.org or Councilmember Celina Benitez cbenitez@mountrainiermd.org

Mount Rainier Youth Scholarship Award Application

WHAT IS THE Mount Rainier Youth Scholarship?

The Mount Rainier Youth Scholarship was established in 2018.

The scholarships can be used for educational related expenses in coordination with your educational institution.

To be considered for the Mount Rainier Youth Scholarship you must meet the following criteria:

1. Must be a resident of Mount Rainier for at least one year.
2. Have a 2.5 GPA
3. Must be entering or be enrolled in a post-secondary institution for higher learning.

Selection is based on a combination of determining factors, not solely on GPA. Selection is made on the basis of academic achievement, community involvement, extracurricular activities, and a personal interview.

HOW TO APPLY?

1. Complete and file the application by the deadline: Monday, May 20, 2019 by 5:00pm to City Clerk, Mount Rainier City Hall, 1 Municipal Place, Mount Rainier, Maryland 20712
2. Must submit copy of unofficial transcripts
3. 2 letters of recommendation (sealed)
4. Include two paragraphs: What makes you most qualified to receive the Mount Rainier Youth Scholarship?
5. Available to meet with the selection committee if requested.

HOW ARE SCHOLARSHIP RECIPIENTS SELECTED?

Scholarship recipients will be determined by the members of the selection board.

Selections are made on the basis of academic achievement, community involvement, extracurricular activities, financial need, the quality of your application, and a personal interview.

Selections will be made without regard to race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, or any other legally protected status.

EDUCATIONAL BACKGROUND

	School Name	Address	Dates Attended / GPA
Elementary School(s)			
Middle School(s)			
High School(s)			
Name of the college, university, or institution that you currently attend or plan to attend			

If you have applied to an institution of higher education, have you received a letter of acceptance or a letter specifying that you have been placed on a waiting list. If yes, please specify.

Briefly discuss your plans or goals after you graduate.

VOLUNTEER COMMUNITY INVOLVEMENT

Please describe your volunteer activities in Mount Rainier.

Please describe your other volunteer activities.

EXTRACURRICULAR ACTIVITIES, HONORS, AND ACHIEVEMENTS

List any extracurricular activities that you participate in at school.

Name of Club or Organization	Offices Held	Honors Received

Briefly describe any outstanding academic achievements.

EMPLOYMENT HISTORY

Employer		
Street Address		
City	State	Zip Code
Position Held		
Dates of Employment		Hours Per Week

Employer		
Street Address		
City	State	Zip Code
Position Held		
Dates of Employment		Hours Per Week

FINANCIAL INFORMATION

Please list all of the scholarships for which you have applied:	
Name of Scholarship	Dollar amount awarded (if applicable)

Are you eligible for any other educational benefits?	
	Dollar amount awarded (if applicable)
Social Security	
G.I. Bill	
Other:	

ADDITIONAL INFORMATION

Are there any other personal facts that you would like to include, which would be useful in evaluating your qualifications or financial need for the Scholarship? (i.e. family income, other family members in college, or any other factors not previously mentioned)

(Please use additional sheets if necessary)

Integrity of Application Statement

I attest that the above information is true to the best of my knowledge.

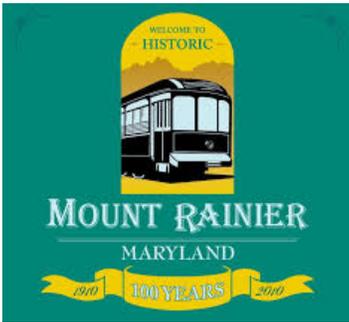
Signature of Applicant: _____ Date: _____

The completed application and related documents must be submitted to City Hall by 5:00pm on Monday, May 20, 2019. Incomplete applications and applications submitted after the deadline will not be considered.

Evaluation

The evaluation process will consist of a review of all submitted application materials by the Scholarship Review Committee. Finalists may be interviewed by the Scholarship Review Committee. June 11, 2019 - Finalists, parents, and school administrators notified.

Please direct any questions to City Clerk cityclerk@mountrainiermd.org or Councilmember Celina Benitez cbenitez@mountrainiermd.org.

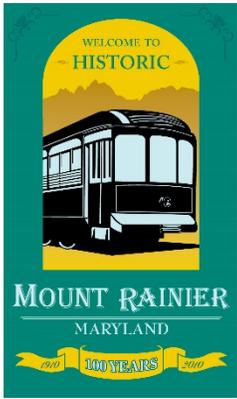


Mount Rainier Youth Scholarship Award

Application Checklist

Mount Rainier Youth Scholarship Award Checklist	Complete
Have a 2.5 GPA	
Must be a resident of Mount Rainier for at least one year.	
Must be entering a post-secondary institution of higher learning	
Application	
Unofficial copies of transcripts	
2 letters of recommendation (sealed)	
Include two paragraphs: What makes you most qualified to receive the Mount Rainier Youth Scholarship?	
Available to meet with the selection committee if requested	

Please direct any questions to City Clerk cityclerk@mountrainiermd.org or Councilmember Celina Benitez cbenitez@mountrainiermd.org.



Introduced and Read: March 5, 2019
Second Reading and Adoption: April 2, 2019

**CITY OF MOUNT RAINIER
ORDINANCE 01-2019**

Drafted by: City Attorney

An Ordinance Establishing Real Property Tax Classes.

WHEREAS, in accordance with Section 6-303 of the Tax-Property Article of the *Annotated Code of Maryland*, by July 1st of each year, the Council of the City of Mount Rainier shall set the tax rate for the next fiscal year on all assessments of property subject to municipal corporation property tax; and

WHEREAS, beginning with Fiscal Year 2020, the Council desires to adopt a more equitable system of taxation and to impose different tax rates for various types of real property; and

WHEREAS, there is a distinction in services provided by the City for each of these property types; and

WHEREAS, adopting different tax rates for different property use classes will allow the Council to set a fair and reasonable tax rate for each of these property use classes based on the services provided to these properties.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, THIS 2ND DAY OF APRIL, 2019, THAT CHAPTER 2, ASSESSMENTS AND TAXATION AND FEES, IS AMENDED BY ADDING THE FOLLOWING LANGUAGE:

SECTION 2-109. Real Property – Property Use Class Codes.

A. There shall be separate tax rates for the following five use classes of real property subject to taxation by the City of Mount Rainier:

1. Single-family residential – properties containing one detached dwelling or one dwelling that is part of a duplex, and undeveloped properties zoned R-35 or greater;
2. Townhouse residential – properties containing one of a group of three or more attached dwellings arranged or designed as single-family dwellings that are entirely separated from each other by walls extending from the lowest floor to the roof and have separate entrances from the outside, and undeveloped properties zoned R-T or R-20;

3. Multi-family residential – residential condominiums and properties containing one or more apartment buildings, and undeveloped properties zoned multifamily;
4. Commercial – properties containing offices, retail, hotels, motels, retirement homes, funeral homes, restaurants, clubs, automotive repair shops, car washes, automotive dealerships, public swimming pools, and vacant properties zoned commercial or mixed use commercial/residential; and
5. Industrial – properties containing warehouses, storage facilities, manufacturing facilities, freestanding antenna towers, and vacant properties zoned industrial.

B. Notwithstanding the property use class of a property, vacant developed property shall be subject to the vacant developed property tax rate established by section 2-108.

C. Establishment of property use class tax rates. The tax rate for the five use classes of real property established in this section shall be set forth in the Budget and Tax Rate Ordinance adopted by the Council prior to the beginning of each Fiscal Year commencing with Fiscal Year 2020, beginning July 1, 2019.

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS 2nd DAY OF APRIL, 2019.

Attest:

Miranda Braatz, City Manager

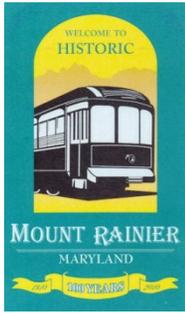
Malinda Miles, Mayor

Celina Benitez, Councilmember Ward 1

Luke Chesek, Councilmember Ward 1

Bryan Knedler, Councilmember Ward 2

Shivali Shah, Councilmember Ward 2



Introduced and Read: March 5, 2019
Second Reading and Adoption: April 2, 2019

CITY OF MOUNT RAINIER, MARYLAND

ORDINANCE NO. 02-2019, BUDGET AMENDMENT #2

Authorizing a Movement of Funds in the Fiscal Year 2019 Budget between Line Items

WHEREAS, the City of Mount Rainier Budget for Fiscal Year 2019 was adopted by Ordinance No. 07-2018, in June 2018; and

WHEREAS, it has been deemed necessary to transfer funds between line items to meet current demand for goods and services; and

WHEREAS, the Department of Code Enforcement currently has a vacant budgeted part time Code Enforcement Officer that will be filled as a full time position for the remainder of the Fiscal Year ; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, THAT THE FOLLOWING TRANSFER OF FUNDS BETWEEN APPROPRIATIONS SHALL BE MADE TO THE FISCAL YEAR 2019 BUDGET OF THE CITY OF MOUNT RAINIER:

FROM: Line Item 4500: Contingency

AMOUNT: \$25,000

TO: Line Item 5240: Building Repair & Maintenance, 3409 Rhode Island (Library)

Amount: \$25,000

FROM: Line Item 4500: Contingency

AMOUNT: \$10,000

TO: Line Item 5604: Bike Co-Op Expense, Bike Co-Op

Amount: \$10,000

FROM: Line Item 3010: Regular Pay, Parking Enforcement

AMOUNT: \$10,000

TO: Line Item 5240: Building Repair & Maintenance, 3409 Rhode Island

Amount: \$10,000

FROM: Line Item 3010: Regular Pay, Parking Enforcement

AMOUNT: \$10,000

TO: Line Item 5420: Tree Maintenance, Streets & Parks

Amount: \$10,000

FROM: Line Item 3052: Medical Insurance Expense: Parking Enforcement
AMOUNT: \$10,000
TO: Line Item 3020: Overtime Pay, Public Works
Amount: \$10,000

FROM: Line Item 3010: Regular Pay, Parking Enforcement
AMOUNT: \$5,000
TO: Line Item 5139: Temporary Labor, City Hall
Amount: \$5,000

FROM: Line Item 3090: Retirement Contribution, Parking Enforcement
AMOUNT: \$3,700
TO: Line Item 5139: Temporary Labor, City Hall
Amount: \$3,700

FROM: Line Item 3030: FICA Expenses, Parking Enforcement
AMOUNT: \$2,000
TO: Line Item 5139: Temporary Labor, City Hall
Amount: \$2,000

FROM: Line Item 4330: Vehicle Fuel & Oil, Parking Enforcement
AMOUNT: \$2,000
TO: Line Item 5139: Temporary Labor, City Hall
Amount: \$2,000

FROM: Line Item 3070: Workers' Compensation Insurance, Parking Enforcement
AMOUNT: \$1,000
TO: Line Item 5139: Temporary Labor, City Hall
Amount: \$1,000

FROM: Line Item 5161: Printing & Copying, Parking Enforcement
AMOUNT: \$1,000
TO: Line Item 5139: Temporary Labor, City Hall
Amount: \$1,000

FROM: Line Item 3020: Overtime Pay, Parking Enforcement
AMOUNT: \$300
TO: Line Item 5139: Temporary Labor, City Hall
Amount: \$300

Total: \$80,000

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS 2ND DAY OF APRIL, 2019.

Attest:

Miranda Braatz, City Manager

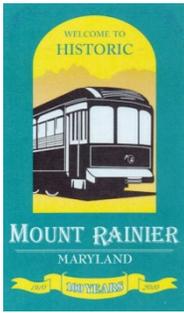
Malinda Miles, Mayor

Celina Benitez, Councilmember Ward 1

Luke Chesek, Councilmember Ward 1

Bryan Knedler, Councilmember Ward 2

Shivali Shah, Councilmember Ward 2



Introduced and Read: March 5, 2019
Second Reading & Adoption: April 2, 2019

CITY OF MOUNT RAINIER, MARYLAND ORDINANCE NO. 03-2019

Introduced by: Luke Chesek

Amending Chapter 4 of the Mount Rainier Code to Create the Mount Rainier Arts Commission

WHEREAS, the Mayor and Council has the authority to create commissions or committees and appoint citizens to the same;

WHEREAS, the Mayor and Council recognize the need to invest in its artists and the creation of art for public enjoyment to promote a sense of community and aid in the revitalization and economic development of our community; and

WHEREAS, through the creation of an Arts Commission, the City can leverage its community of artists to help plan and commission works of art for public enjoyment, whether on public or private property.

NOW THEREFORE BE IT RESOLVED, that, effective immediately, Chapter 4, Boards, Committees, and Commissions, of the *Mount Rainier Code* is hereby amended to include the following:

Title 2. Arts Commission

Section 4-200. Establishment of the Arts Commission.

- A. The Mount Rainier Arts Commission is established to commission works of art for public enjoyment and identify and pursue sources of public and private funding for such commissions.
- B. Each fiscal year, the City Manager's proposed budget shall include funding for the Commission's operation and for the payment of artists commissioned to create works of art for public enjoyment, whether on public or private property.
- C. The Commission shall be composed of five (5) members who are appointed by the Mayor and Council. The term of Commission membership is two (2) years unless a Commissioner is removed for cause.
- D. A quorum of at least three (3) Commission members shall be required to conduct the business of the Commission.

Section 4-210. Operation of Commission.

- A. In each fiscal year, the Commission shall meet to identify one (1) to two (2) sites in the downtown core of Mount Rainier – as determined by the Mount Rainier Mixed Use Town Center Plan – or the business district along Varnum Avenue for the placement of public art such as a mural or sculpture.
 1. Such site shall be of value to the public – e.g., it is within the public's view, at a busy intersection, or important commercial space.
 2. If the site is on privately-owned property, the Commission shall work with the City Attorney to enter into an appropriate legal arrangement with the property owner over

terms of the placement, maintenance, and insurance of art work on the property. Such terms shall include, but are not limited to:

- i. Agreement on the permissible content, subject, and message of the art work.
 - ii. Agreement on the process for final approval of the proposed art work.
 - iii. The maintenance schedule and specific agreement as to responsibility for maintenance of the art work.
 - iv. Agreement on who is responsible for insuring the art work.
3. If the site is on City property, the Commission must receive confirmation from the City Manager that the City will maintain insurance coverage on the art work.
- B. Once the site(s) is determined, the Commission shall issue a Request for Proposals (RFP) from artists for the creation of an art work on said site(s).
 1. The RFP shall remain open for thirty (30) calendar days.
 2. The RFP shall be shared with the Gateway Community Development Corporation, posted on community listservs, forums, and on City accounts on social media platforms, and otherwise publicized reasonably to provide notice to potential artists.
 3. The RFP shall identify the site(s), any parameters for the work of art, compensation limits, as well as any other information deemed appropriate by the Commission.
 4. All responsive proposals must include the projected maintenance requirements for the completed artwork.
 5. The public shall be invited to provide feedback to the Commission on what they would like to see on the identified site(s).
 - C. Upon receipt of responses to the RFP, the Commission shall meet to select an artist(s) to enter into a contract for the creation of art on the site(s) identified. Strong preference shall be given to artists who are domiciled or produce a substantial amount of their work in a studio in Mount Rainier.
 - D. The selected project(s) shall then be presented to the Mayor and Council, along with the feedback received from the public, for consultation.
 - E. The Commission may establish written rules and procedures for its operation.

Section 4-220. Contract with Artist(s).

- A. Once an artist(s) is selected for the commission, before commencement of the work, the City shall enter into a contract with the artist(s) that shall address the following issues:
 1. The delivery schedule of the art work.
 2. The amount and schedule of compensation for the artist(s).
 3. Such other terms as the City deems appropriate.

Section 4-230. Additional Funding for the Commissioning of Art.

- A. The Commission shall explore and pursue ways to receive funding from both public and private sources to either offset or supplement funding provided by the City.
- B. If such funding is received, the Commission shall so notify the City Manager, Mayor, and Council.

**THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS
2nd DAY OF APRIL, 2019.**

Attest:

Miranda Braatz, City Manager

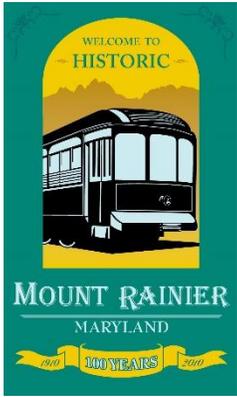
Malinda Miles, Mayor

Luke Chesek, Councilmember Ward 1

Celina Benitez, Councilmember Ward 1

Bryan Knedler, Councilmember Ward 2

Shivali Shah, Councilmember Ward 2



Introduced and Read: April 2, 2019
Second Reading and Adoption: _____

CITY OF MOUNT RAINIER, MARYLAND

ORDINANCE NO. 04-2019

Drafted by: City Attorney and City Treasurer

Introduced by: Shivali Shah

Amending Chapter 2, Assessments and Taxation and Fees, of the *Mount Rainier Code* to Facilitate the Sale of Vacant Developed Properties and Amending Chapter 3B to Temporarily Exclude Properties that Become Vacant because of the Death of an Owner-Occupant or a Disaster from the Application of the Vacant Developed Property Tax Rate and Registration Requirement

WHEREAS, on March 7, 2017, the Council adopted Ordinance 01-2017, revising the City's policies and procedures regarding vacant buildings and establishing a municipal tax rate for vacant developed property; and

WHEREAS, the purpose of the vacant developed property tax was to encourage property owners to sell, lease or occupy vacant properties to prevent neighborhood blight; and

WHEREAS, the vacant developed property tax has proven effective at encouraging the sale of vacant properties; and

WHEREAS, the applicability of the vacant developed property tax rate to properties at the time of sale has interfered with the ability of potential purchasers to obtain financing because it creates the appearance that a property will remain subject to the increased tax rate when it is transferred to the purchaser; and

WHEREAS, the Council wishes to facilitate and streamline the sale of vacant developed properties to new owners; and

WHEREAS, the City does not wish to impose the vacant developed property tax upon properties that are temporarily vacant because of the death of the owner or because a fire, flood or natural disaster has rendered the property uninhabitable.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that Chapter 2, Assessments and Taxation and Fees, and Chapter 3B, Vacant Buildings and Vacant Lot Registration of the *Mount Rainier Code* are amended as follows:¹

¹ EXPLANATORY NOTE:

- (1) **Strikeout** indicates deletions from the existing language of the *Mount Rainier Code*.
- (2) **Underlining** indicates additions to the existing language of the *Mount Rainier Code*.
- (3) ******* indicates language of the *Mount Rainier Code* not shown in this Ordinance.

Section 2-108. Vacant developed real property tax.

- A. The definitions prescribed in Section 3B-104 shall apply to this Section.
- B. The municipal tax rate for vacant developed property shall be the amount established by the Ordinance setting the tax rate for that fiscal year on assessments of property subject to municipal property tax.
- C. A lot or parcel shall be subject to the vacant developed property tax rate if it has a building that is registered or designated by the City Manager as a vacant building in accordance with Chapter 3B.
- D. For mixed-use commercial and residential properties with a vacant commercial portion, the vacant developed property tax rate shall apply only to the assessed value of the improved area containing the vacant commercial portion, which shall be determined by multiplying the total assessed value of the improvements by the percentage of the improved area consisting of the vacant commercial portion.
- E. The vacant developed property tax rate shall not apply to a lot or parcel with a vacant utilitarian building if the property also has an occupied building that has an above-grade area equal to or greater than that of the utilitarian building.
- F. Vacant developed property shall not be subject to the vacant developed property tax rate when it is under active construction or undergoing active rehabilitation, renovation, or repair, and there is a valid building permit to make the building fit for occupancy. The exemption from the vacant developed property tax rate under this paragraph shall not exceed a total of two years while the property remains under the ownership of one person or related persons.
- G. The City Manager shall transmit to the Prince George's County tax assessor a list of properties subject to the vacant developed property tax by May 1 of each year, and the vacant developed property tax rate will be levied upon the properties the following fiscal year.
- H. When a property becomes occupied or exempt from the vacant developed property tax rate pursuant to Subsection F, the owner shall notify the City Manager in the manner as may be prescribed by regulation. If the request for termination of the vacant developed property tax rate is approved, the termination shall be effective the following fiscal year.
- I. If the vacant developed property tax rate is paid on a property because of an error on the part of the City, the municipal property tax paid in excess of the taxes due under the regular municipal rate shall be refunded. Refunds pursuant to this subsection shall not exceed the value of the excess payment for a period of one year.
- J. The City Manager will, upon request, provide written notice to the lenders for prospective purchasers of vacant developed property that the property will not be subject to the vacant developed property tax rate commencing the following fiscal year if the property is occupied or satisfies the requirements of subsection E .

* * *

**CHAPTER 3B
VACANT BUILDINGS AND VACANT LOT REGISTRATION**

Section 3B-103. Definitions

In this Chapter, the definitions in The BOCA National Property Maintenance Code/1996 shall apply, with the following exceptions:

* * *

G. **Vacant developed property** means a lot or parcel of land that has a vacant building except as provided in Section 3B-107.

* * *

Section 3B-104. Vacant Buildings

* * *

N. Designation of vacant buildings.

1. Notice of vacancy designation and right to appeal. The City Manager shall identify nonregistered vacant buildings. The owner shall be notified that the owner's building has been designated as a vacant building, that the property will be subject to the vacant developed property tax rate under Section 2-108, if applicable, and of the owner's right to appeal the vacancy designation. The notice shall advise the owner of the availability of exceptions to the registration requirement and vacant developed tax rate under Section 3B-107.

* * *

Section 3B-107. Exceptions.

A. Temporary exception for death of owner-occupant.

1. A residential property that becomes vacant as a result of the death of an owner of the property who resided at the property at the time of their death shall not constitute a vacant developed property for a period of one year after the date of death.

2. To qualify for this exemption, a representative of the estate of the deceased must provide the City Manager with a copy of the death certificate and proof that the deceased resided at the property on the date of death.

B. Temporary exception for accidental damage.

1. An occupied residential property that becomes uninhabitable as a result of a fire or flood, unless intentionally caused by the owner or his or her agent, or a natural disaster, shall not constitute a vacant developed property for a period of two years after the incident that caused the property to become uninhabitable.

2. To qualify for this exemption, the owner must provide satisfactory proof to the City Manager that the property is uninhabitable as a result of a fire, flood, or natural disaster, and the date the fire, flood, or natural disaster occurred. Examples of records that may constitute satisfactory proof include, but are not limited to, police and fire reports, insurance company correspondence and claim documentation, news and weather reports, photographs, videos, and code enforcement inspection records.

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS 2nd DAY OF APRIL, 2019.

Attest:

Miranda Braatz, City Manager

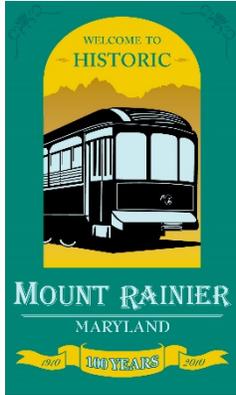
Malinda Miles, Mayor

Luke Chesek, Councilmember Ward 1

Celina Benitez, Councilmember Ward 1

Bryan Knedler, Councilmember Ward 2

Shivali Shah, Councilmember Ward 2



Introduced and Read: April 2, 2019
Second Reading and Adoption: _____

CITY OF MOUNT RAINIER, MARYLAND

ORDINANCE NO. 05-2019

Drafted by: Kenneth Sigman, City Attorney

Introduced by: Bryan Knedler

**Amending the *Mount Rainier Code* to Add Chapter 12D.
Regulating Cell Antennas in the Right of Way**

WHEREAS, the City Council desires to protect the public health, safety and welfare from the adverse effects of the proliferation of telecommunications facilities while facilitating the provision of modern telecommunications services; and

WHEREAS, the careful deployment of wireless telecommunications facilities in the public right-of-way is desirable, but unregulated deployment may harm the public health, safety, and welfare; and

WHEREAS, because of technological developments and increased demand for wireless services, wireless carriers and the companies that provide infrastructure to support the wireless carriers are increasingly seeking to install antennas in public rights-of-way; and

WHEREAS, while the Prince George's County Zoning Code regulates the installation of telecommunications antennas and support structures on private property in Mount Rainier, the City has the authority to regulate such installations in City rights-of-way; and

WHEREAS, federal law significantly restricts local government authority to regulate the installation of telecommunications facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MOUNT RAINIER, MARYLAND, that, effective immediately, the *Mount Rainier Code* is amended to include the following:

Chapter 12D

Wireless Facilities and Support Structures in City Rights-of-Way

Section 12D-100. Definitions.

“Antenna” means that part of a wireless facility designed to radiate or receive RF signals or electromagnetic waves for the provision of services, including, but not limited to, cellular, paging, personal communications services and microwave communications.

“Applicant” means the person applying for a permit under this chapter, including the applicant’s officials, employees, agents, and contractors.

“Collocation” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(2), as may be amended, which defines that term as the mounting or installation of transmission equipment on an eligible pole for the purpose of transmitting or receiving RF signals for communications purposes. As an illustration and not a limitation, the FCC’s definition effectively means “to add” and does not necessarily refer to more than one wireless communication facility installed at a single site.

“Wireless facility” means, collectively, the equipment at a fixed location or locations within a City right-of-way that enables communications services, including: (i) radio transceivers, antennas, coaxial, fiber-optic or other cabling, power supply, backup battery, and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A wireless facility does not include the pole, tower or support structure to which the equipment is attached.

“Wireless support structure” means a proposed or existing pole located in the City right-of-way or a pole proposed to replace an existing pole in the right-of-way to which wireless facilities are attached or proposed or intended to be attached.

“Director” means the Director of Code Enforcement or his or her designee.

“FCC” means the Federal Communications Commission.

“Permittee” means the person that receives a permit to work in or install facilities, equipment or structures in the right of way under this chapter and the person that owns facilities, equipment or structures permitted to be installed under this chapter, including the permittee’s officials, employees, agents, and contractors.

“Pole” means a single shaft of wood, steel, concrete, or other material at least 26 feet tall and no more than 50 feet tall and capable of supporting the equipment mounted thereon in a safe and adequate manner, including a privately-owned utility pole.

“Privately owned utility pole” means a utility pole that is not owned by municipal, county, or state government.

“RF” means radio frequency or electromagnetic waves between 30 kHz and 300 GHz in the electromagnetic spectrum range.

“Substantial change” means the same as defined by the FCC in 47 C.F.R. § 1.40001(b)(7), as may be amended, and as applicable to facilities in the public right-of-way, which defines that term as a collocation or modification that:

- a. Increases the overall height more than 10% or 10 feet (whichever is greater);
- b. Increases the width more than 6 feet from the edge of the communications structure;
- c. Involves the placement of any new enclosures on the ground when there are no existing ground-mounted enclosures;
- d. Involves the placement of any new ground-mounted enclosures that are ten percent (10%) larger in height or volume than any existing ground-mounted enclosures;
- e. Involves excavation or deployment of equipment outside the area in proximity to the installation and other wireless facilities or equipment already deployed on the ground;
- f. Would defeat the existing concealment elements of the wireless support structure; or
- g. Violates a prior condition of approval of a permit for the site.

“Urban forest tree” means an urban forest tree as defined in Chapter 12B.

Section 12D-110 Permit required for installation of wireless facilities and wireless support structures.

A. No person shall install any wireless facility or wireless support structure in the City right-of-way, or begin any such installation, without first obtaining a permit from the City.

B. Permit applications for the installation of wireless facilities or wireless support structures shall be reviewed, and a decision rendered, according to the following time periods as required by federal law at the time of enactment of this section, or such greater time periods as authorized under subsequent law:

- 1. Minor change applications shall be reviewed and rendered within 60 days of the date of filing of a complete application.
- 2. Substantial change applications shall be reviewed and rendered within 90 days of the date of filing of a complete application.
- 3. An application shall be considered complete when the City receives payment of the application fee and all information and documents required by section 12D-120 and any written policies of the Director. The Director shall notify the applicant within ten days of receipt of an application if the Director deems the application to be incomplete, including whether an additional fee is required to pay the cost of any contractors necessary to process the application. Such notice shall identify the documents and information missing from the application and the amount of additional payment required.

C. Fees charged for permit applications for wireless facilities or wireless support structures until June 30, 2019, shall be as follows:

1. An initial non-recurring fee of \$500 for a single up-front application that includes up to five wireless facilities, and an additional \$100 for each additional wireless facility for which an application is submitted simultaneously, and
2. A non-recurring fee of \$1,000 for a new or replacement wireless support structure.

D. Commencing July 1, 2019, the application fees for permits under this Chapter shall be as set forth in the City of Mount Rainier Fee Schedule, unless the Schedule does not address such fees, in which case the fees shall remain at the amount set in this section.

E. If the City, in the exercise of reasonable discretion, elects to utilize a contractor to assist in consideration of all or part of an application for a permit to install wireless facilities or support structures, the applicant shall be required to pay the actual cost incurred by the City. Such contractors may include, but shall not be limited to, arborists and engineers.

Section 12D-120. Wireless support structures and facilities installation permit application contents.

A. Applicants for a permit to install wireless facilities or wireless support structures must complete an application form and submit documentation with the following information pertaining to a proposed deployment of wireless facilities or wireless support structures:

1. A technical description of the proposed communication facilities or support structures, including the purpose and intent of the proposed facilities or support structures, a written description identifying the geographic service area for the subject installation, photographs of the wireless facilities and related equipment to be installed, an accurate visual impact analysis with photo simulations, and a list of any existing antennas mounted on the support structure if the application relates to a proposed collocation.
2. A site plan drawing indicating the proposed installation, right-of-way boundaries, name of street, utility pole identification number, abutting lots, all trees in the right-of-way within 50 feet of the proposed project, North point, and scale.
3. Identity and contact information for the entity performing the work in the right-of-way;
4. A certificate from an independent licensed professional engineer that a proposed installation is structurally sound;
5. Proof of all applicable licenses or other approvals required by the FCC.
6. Such other information as the Director may require.

B. Potential waiver of requirements for permit applications. The Director may waive plan detail requirements for any application to install attachments on existing structures that does not involve excavation or the use of heavy equipment or vehicles outside of the paved roadway.

Section 12D-130. Wireless support structures and facilities—requirements and findings.

A. Absent a specific finding by the Director, wireless facilities may only be installed on existing utility poles, and only entities certificated by the Maryland Public Service Commission pursuant to the Annotated Code of Maryland, Public Services and Utilities, Division I, Title 7 or Title 8, as amended, may erect or contract to erect replacement poles in the City's right-of-way. To allow the installation of an additional or replacement pole, the Director must find that

1. Additional wireless facilities are necessary in the location of the proposed pole to provide adequate telecommunications coverage; and
2. Existing poles do not have the capacity for the necessary wireless facilities.

B. A permit shall not be issued for a proposed wireless support structure or facility when the location selected in the application is in an area where there is an overconcentration of structures or facilities in, on or over the right-of-way, as determined by the Director in his or her reasonable discretion and judgment. Any pole, equipment box, or other structure installed in a City right-of-way must:

1. Comply with all structural and safety standards specified in federal, State, County or City law, established by the Director, or provided in the permit conditions;
2. Not obstruct pedestrian or vehicular traffic flow or sight lines and not obstruct parking or the entering and exiting of persons from vehicles parked in the right-of-way;
3. Comply with the Americans with Disabilities Act;
4. If a pole, be at least 26 feet and not more than 50 feet above ground level in height, and allow for the collocation of at least three antennas;
5. If a replacement of an existing pole, not exceed the height of the existing pole by more than 10 feet or by more than 10% in diameter;
6. Not result in communications facilities other than antennas with a total volume of 28 cubic feet associated with a structure;
7. Have a color and finish that minimizes visual impact to the neighborhood, taking into consideration historic area designations and commercial district and other aesthetic guidelines;
8. Utilize components that minimize noise generation;
9. Comply with all relevant requirements of the Prince George's County Zoning Ordinance; and

10. Comply with such other requirements and conditions as the Director may determine are appropriate.

C. In the event that strict compliance with any provision of this chapter or any regulations promulgated hereunder, as applied to a specific proposed wireless facility or structure, would effectively prohibit the provision of services, the Director may grant an exemption from strict compliance.

D. Wireless facilities and support structures, wires, cables, fixtures, and other equipment shall be installed and maintained in substantial compliance with the requirements of the National Electric Code, and all FCC, State, and local regulations.

Section 12D-140. Antennae and other attachments.

A. All attachments to structures in the City right-of-way must:

1. For each pole, have a pole-mounted equipment box or boxes no greater in collective size than six cubic feet in volume;
2. Not extend the height of a structure on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
3. Have a color and finish that minimizes visual impact to the neighborhood, taking into consideration historic area designations, City facilities in the right-of-way, and commercial district or other applicable design guidelines;
4. If an antenna, be no greater than three cubic feet in volume, be screened, shrouded, concealed, or treated to minimize visual and acoustic impact, taking into consideration historic area designations and commercial district and other aesthetic guidelines. Antenna elements shall be flush mounted to the extent reasonably feasible. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers;
6. Have no exterior wiring if the pole on which it is mounted can accommodate internal wiring or, if necessary, have exterior wiring enclosed in a shielded conduit;
7. Utilize components that minimize noise generation;
8. Be mounted at ground level or at least 15 feet above ground level;
9. If proposed to be attached to a privately-owned utility pole, be authorized by an executed attachment agreement with the utility pole owner, setting forth, at a minimum, the title, date and term of the agreement;
10. Comply with all applicable requirements of the Prince George's County Zoning Ordinance; and

11. Comply with such other requirements and conditions as the Director may determine are necessary and appropriate.

Section 12D-150. Wireless facilities and support structures—permit issuance.

A. Wireless facilities and wireless support structures proposed to be located on City rights-of-way may be permitted upon a finding by the Director that:

1. The application complies with all standards and requirements set forth in Sections 12D-130 and 12D-140, as applicable;
2. The applicant has submitted proof of insurance and a performance bond required under this chapter;
3. The Prince George's County Telecommunications Facility Coordinating Committee has recommended the proposed installation if the installation is subject to review by the Committee;
4. The installation will not harm any urban forest tree, or the location of the installation minimizes the adverse impact of the installation on urban forest trees to the extent reasonably possible given the need for communications coverage;
5. The installation work will be conducted in a manner that minimizes the adverse impact of the project upon urban forest trees to the extent reasonable, including the use of reasonable tree protection measures; and
6. All wireless facilities associated with a wireless support structure, including wireless facilities associated with a proposed new antenna and pre-existing wireless facilities, will, for each pole, have pole-mounted equipment box(es) no greater in collective size than six (6) cubic feet in volume.

B. If the Director determines that any trees must be removed, the permit shall not be issued until the applicant pays the cost of replacing such trees, in accordance with the tree replacement requirements of Chapter 12B, except that at least one replacement tree shall be required for each tree that must be removed.

C. The Director may allow minor variances from the requirements of this section if the variance does not jeopardize the public health, safety, or welfare.

D. Work permitted under this section shall not be subject to the procedural requirements of Chapter 12B except as provided herein.

E. The Director may require modifications to a proposed project before granting a permit and impose conditions when granting a permit.

F. Installation must be completed within ninety days of the issuance of a permit.

G. Within five business days of the completion of installation, the permittee must submit to the Director certification from a licensed engineer that the installation is complete and complies with the approved technical description and site plan drawings of the installation and is structurally sound.

Section 12D-160. Conditions applicable to all wireless facilities and support structures.

In addition to compliance with the requirements of this chapter, all permittees and structures and facilities shall be subject to each of the following conditions of approval, as well as any modification of these conditions or additional conditions of approval deemed necessary by the Director:

A. The permittee shall submit and maintain current at all times basic contact and site information on a form to be supplied by the City. The permittee shall notify the City of any changes to the information submitted within seven days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to, the following:

1. Identity, including the name, address and 24-hour contact phone number of the permittee, the owner, the operator, and the agent or person responsible for the maintenance of the facility or structure; and
2. The legal status of the owner of the wireless facility or wireless structure, including official identification numbers and FCC certification if applicable.

B. The permittee shall promptly respond to emergencies relating to its wireless facilities and wireless support structures.

C. At all times, the permittee shall ensure that the facility, as mounted with any collocated facilities, complies with the most current RF emissions standards adopted by the FCC.

D. If, at any time, the Director determines there is good cause to believe that the facility, as mounted with any collocated facilities, may emit RF emissions that are likely to exceed FCC standards, the Director may require the permittee to submit a technically sufficient written report certified by a qualified independent RF emissions engineer certifying that the facility is in compliance with such FCC standards within 10 days.

E. The permittee shall pay for and provide a performance bond, which shall be in effect until the facilities are fully and completely removed and the site reasonably returned to its original condition, to cover the permittee's obligations under these conditions and any other provisions of its permit or the City Code. The bond coverage shall include, but not be limited to, removal of the facility, maintenance of the facility, and one year's annual right-of-way maintenance fee. The amount of the performance bond shall be set by the Director in an amount reasonably related to the obligations covered by the bond and shall be specified in the conditions of approval.

F. The permittee shall indemnify and hold harmless the City from any claims arising from the installation and presence of the wireless facilities and wireless support structures and shall maintain commercial liability insurance naming the City as additional insured of at least

\$2,000,000.00 per claim for the permittee's activities and presence in, on, or around the City right-of-way, including coverage for bodily injury and property damage, until the facilities are fully and completely removed.

G. The permittee shall defend, indemnify, protect and hold harmless the City, its officers, officials, agents, consultants, employees, and volunteers from and against any and all claims, actions, or proceeding against the City and its officers, officials, agents, consultants, employees and volunteers to attack, set aside, void or annul, an approval of the City concerning the permit and the project. Such indemnification shall include damages, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding. The City shall promptly notify the permittee of any claim, action, or proceeding against which the City seeks defense. Nothing contained herein shall prohibit City from participating in a defense of any claim, action or proceeding, or revoking a permit and requiring the modification or removal of an installation. The City shall have the option of coordinating the defense, including, but not limited to, choosing counsel for the defense at permittee's expense.

H. Any modification, removal, or relocation of the facility shall be completed within 90 days of written notification by the City unless exigencies dictate a shorter period for removal or relocation. Modification or relocation of the facility shall require a permit. In the event the facility is not modified, removed, or relocated within said period of time, the City may cause the same to be done at the sole cost and expense of permittee. Further, due to exigent circumstances, the City may modify, remove, or relocate wireless facilities without prior notice to permittee provided permittee is notified within a reasonable period thereafter.

I. The permittee shall, at its sole expense, keep its wireless facilities and wireless support structures in a safe condition and in good and neat order and repair.

J. The permittee shall repair, restore, or replace any portion of the right-of-way that is damaged by its wireless facilities and wireless support structures or the installation or maintenance thereof. The permittee authorizes the City to repair, restore, or replace the damaged portion of the right-of-way and shall reimburse the City for the costs incurred if the permittee fails promptly to perform the work.

K. The City retains the right to cut or remove any wireless facilities and wireless support structures it deems necessary in response to a public emergency, and the permittee shall be responsible for the cost of restoration.

L. The permittee promptly shall relocate or remove and replace, as appropriate, its wireless facilities and wireless support structures upon written request by the City when the City determines that the facility or structure materially interferes with the City's use of the right-of-way. The permittee authorizes the City to remove its wireless facilities and wireless support structures and shall reimburse the City for the costs incurred if the permittee fails promptly to respond to a request from the City.

M. If the permittee ceases to operate or abandons any of its wireless facilities or wireless support structures, it shall remove them within 60 days. If the permittee fails to remove the

abandoned facilities or support structures, the City may perform the work and collect the reasonable cost thereof from the permittee.

N. All conditions of approval shall be binding as to the applicant, permittee and all successors in interest.

Section 12D-170. Right-of-way maintenance fee.

The owner of a wireless facility or support structure shall pay an annual right-of-way maintenance fee for each antenna and each support structure other than a preexisting utility pole or replacement pole within 15 days of the approval of the permit application and on or before June 30 each year thereafter. Until June 30, 2019, the annual right-of-way maintenance fee shall be \$270 for each antenna and each support structure. Thereafter, the fee shall be as set forth in the City of Mount Rainier Fee Schedule.

Section 12D-180 Market rent for occupancy of City rights-of-way.

A. In addition to the annual right-of-way maintenance fee, the owner of a wireless facility or support structure shall be liable to the City for the value of the public property occupied by the facility or support structure. From the effective date of this section until June 30, 2020, the annual market rent for the occupancy of the City right-of-way shall be \$1,000 per antenna and \$3,000 per support structure other than a preexisting utility pole or a replacement pole. Commencing July 1, 2020, and continuing each July 1 thereafter, the market rent shall be adjusted to reflect the percentage increase, if any, in the City's assessed real property tax base.

B. Unless and until the authority of the City to charge market rent for occupancy of its right-of-way is clarified under applicable Federal and State law, telecommunications facilities and support structures shall be allowed to occupy City rights-of-way upon payment of the annual right-of-way maintenance fee, but the owner of such facilities and support structures shall be liable for the market rent for the occupancy of the City right-of-way retroactive to the date of installation plus interest accrued at the rate established for delinquent property taxes in section 11-107 of the Courts and Judicial Proceedings Article of the Maryland Code, as amended.

Section 12D-190. Annual certification.

Between June 1 and July 1 of each year that a permitted wireless facility or support structure remains in the City right-of-way, the owner shall submit to the Director an affidavit signed by an authorized representative of the owner confirming that the facility or support structure remains in use and remains covered by insurance.

Section 12D-200. Violations and enforcement.

A. A violation of this chapter and any regulations adopted to implement or enforce this chapter is a Municipal Infraction subject to a fine of \$500. A repeat violation shall be a Municipal Infraction subject to a fine of \$1,000.

B. Each day that a violation of a term or condition of a permit continues shall constitute a separate violation.

C. Each day that an installation for which the City has not issued a permit remains in the City right-of-way shall constitute a separate violation.

D. The City may abate outstanding violations and charge the cost of abatement to the responsible person.

E. In addition to all other means of enforcement provided for by law and in this chapter, the City Manager, Director, Code Enforcement Officers or police officers may issue a stop-work order to any person who violates any provision of this chapter or any regulations adopted to implement or enforce this chapter. Any person who receives such a stop-work order shall immediately cease work. The person shall comply with all terms and conditions imposed by the stop-work order before the work may resume.

Section 12D-200. Authority of the Director.

The Director shall develop forms necessary for the implementation of this chapter and may promulgate additional written policies and requirements

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS 2nd DAY OF APRIL, 2019.

Attest:

Miranda Braatz, City Manager

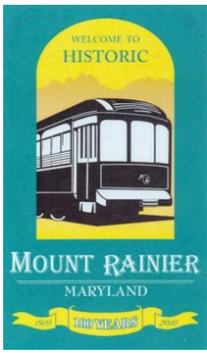
Malinda Miles, Mayor

Luke Chesek, Councilmember Ward 1

Celina Benitez, Councilmember Ward 1

Bryan Knedler, Councilmember Ward 2

Shivali Shah, Councilmember Ward 2



Adopted: April 2, 2019

**CITY OF MOUNT RAINIER, MARYLAND
RESOLUTION 05-2019**

Introduced by: Bryan Knedler

**A resolution establishing policies and editorial guidelines for the official
newsletter of the City of Mount Rainier.**

WHEREAS, the City publishes a newsletter that is mailed to all residents of the City to keep residents informed about City government, policies and programs, and community resources and events.

WHEREAS, the City Council wishes to ensure that the newsletter has accurate and unbiased content that is valuable to the widest possible range of residents.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of Mount Rainier, Maryland, that the following policies and editorial guidelines shall apply to the official City newsletter.

Newsletter Policies and Editorial Guidelines

Section 1. Purpose and Goals

The purpose of the City's newsletter is to inform City residents and businesses about activities of their local government. The goal is to enable and encourage residents and businesses to participate in local government and community life. To achieve the goals, the newsletter will:

- (a) Inform readers about activities of the City, County, and State governments, City-appointed bodies, and groups and programs that are City Council endorsed and/or funded.
- (b) Provide accurate information about City policies and programs.
- (c) Provide space for reports from elected officials, City staff, and official City bodies.
- (d) Publish official notices of legislation, hearings, appointments, elections, job vacancies, and other City business.
- (e) Be translated into Spanish and, if the City Council appropriates funding, be translated into other languages.
- (f) Be mailed to every address in the City and be made available in digital format on the City website and social media outlets.
- (g) Abide by the following editorial guidelines.

Section 2. Oversight

- (a) The City Manager or designee will appoint and supervise the editor and is responsible for monitoring each newsletter issue for compliance with these guidelines before publication.
- (b) The City Manager or designee will review the editor's performance annually.
- (c) The editor is responsible for overseeing the production of the newsletter in accordance with these guidelines. The editor shall also supervise any hired individuals, contractors, volunteers, writers, artists, and photographers.
- (d) The City Council shall provide a budget for the newsletter and staff in each fiscal year.
- (e) The City Council, through the budget process, will specify the number of issues for each fiscal year. The newsletter may be published monthly, bi-monthly or quarterly. In addition, special issues may be published if authorized by the Council.

Section 3. Rights and Responsibilities of Authors

- (a) Authors have the responsibility to abide by the word count limits, formatting, deadlines, and other requirements established by these editorial guidelines and the newsletter editor.
- (b) Authors shall edit, cut, and correct materials if requested by the editor to conform to these guidelines or meet production requirements.
- (c) When space is limited, the editor may use a shortened version of the article for the print newsletter, and provide the full version electronically through appropriate means.

Section 4. Rights and Responsibilities of the Editor

- (a) The editor has the right to reject or edit material that does not conform to these guidelines.
- (b) The editor has the responsibility to ensure that fair, accurate, and objective coverage is given on all issues.
- (c) The editor may edit material for grammar and length so long as the author's content, meaning, and intent are not changed.
- (d) The editor must prioritize the importance of the offered material for each month and may hold material to keep an issue within budget.
- (e) The editor is responsible for adhering to the budget provided by the City Council.
- (f) The editor may publish in more than one ink color, but must remain within budget for the fiscal year.
- (g) The editor sets the deadlines and production schedule for each issue. The editor timely shall establish and communicates the deadlines to the Council, staff, community and authors in to all sufficient time for the submission of content.
- (h) The editor enforces the deadlines fairly and equitably.

Section 5. Official City Content

- (a) Official public notices and announcements will be published as directed by the City Manager.
- (b) Reports of City Council and department activities will be published in a timely, accurate, and objective manner.
- (c) Official City content will be given priority when allocating space in the newsletter.
- (d) Reports from public officials shall be limited up to 300 words in English and published as space allows, as determined by the editor, and may be edited, shortened, or otherwise modified as deemed necessary. When space is limited, authors should consider using a shortened version for the print newsletter, and then provide the full version electronically through appropriate means.
- (e) Public officials' reports will be related to City, County, or State events as a way to inform constituents.
- (f) Public officials' reports will not include endorsement of candidates in any election.
- (g) Reports from City departments may be edited for clarity, conciseness, and adherence to these policies. The editor may provide a summary in the printed newsletter and include a link or email address where the full report can be obtained.
- (h) Reports from official City administrative bodies are limited to 200 words in English with an exception for the Board of Elections prior to a City election.
- (i) All content prepared by City officials and employees shall comply with Chapter 1D, Ethics, of the Mount Rainier Code.
- (j) The Mount Rainier Business Association and the Gateway Community Development Corporation may provide informational articles as long as they are not advertisements for specific businesses and contain no graphics.
- (k) Articles about businesses that receive funding through grants or loans may be featured in articles by the City's Economic Development Department.

Section 6. Advertisements

- (a) Advertisements are not published in the City newsletter.
- (b) The Mount Rainier Business Association and the Gateway CDC may include stand-alone inserts on an occasional basis, upon approval by the editor. Stand-alone inserts must be copy ready. The MRBA or CDC will pay the City for the cost of printing the inserts and any extra postage required to mail the newsletter because of the inserts.
- (c) Inserts must comply with these guidelines.

Section 7. Political Endorsements and Election Coverage

- (a) Political endorsements will not be published in the newsletter.
- (b) Election coverage will be limited to City elections.
- (c) Coverage of City elections is limited to:
 - (i) a listing of all official candidates and issues on the ballot;
 - (ii) the municipal election results;
 - (iii) brief statements (limited to 100 words) from all candidates who will appear on the official ballot;
 - (iv) election publicity, procedures and deadlines.
- (d) Candidate statements guidelines are as follows:
 - (i) A brief candidate statement of 100 words or less in English that complies with other editorial guidelines in this resolution. If the provided statement exceeds 100 words, the editor will ask for the candidate to revise the statement if time allows, or may terminate the statement with the last full sentence prior to the 100th word.
 - (ii) Small photographs are permitted at the discretion of the editor who will provide the required formatting. All photos must be of the same size and quality.
 - (iii) Statements will be grouped according to the office being sought (Ward 1, Ward 2, Mayor) and then listed in alphabetical order.
 - (iv) Statements will not include personal attacks.
 - (v) Candidates may provide links to their websites and their email addresses for more information.
 - (vi) A disclaimer will be published that states:

“Each candidate was asked to submit a statement of no more than 100 words in English. The statements are published as submitted if they comply with the newsletter editorial guidelines. No endorsement of any candidate is intended. Every effort was made to provide equal access to all of the candidates.”
- (e) Ballot questions. The newsletter will publish arguments for and against City ballot questions and initiatives. The editor will determine the word limit, which will be applicable to both sides of each question or initiative.
- (f) The Board of Elections is permitted to exceed the 200 word limit for City boards and commissions when providing information about an upcoming election; however, the editor may limit the word count and provide a link to the City’s website where more detailed information can be provided.

Section 8. Community Organizations and Events

- (a) The printed newsletter is constrained by a budget, space limits, and ability of the editor to oversee production, including translation into other languages.
- (b) The only organizations and events that will be provided space in the newsletter other than as part of a Councilmember report are those that are City Council sponsored or funded.
- (d) Community organizations' events may be included in a list of upcoming events that provides, date, time, place, short event description, and contact information for further details.

Section 9. Graphics and Photographs.

- (a) Graphics and photographs should be used sparingly and are of lower priority than textual information. An article may offer a link to a photograph or graphic or provide an email address that can be used to request such material.
- (b) The editor will determine the best formatting for photographs.

Section 10. Opinions and Rebuttals

Letters to the editor and rebuttals are not published.

Section 11. Enforcement and Severability

- (a) The editor and City Manager are responsible for compliance with this editorial policy.
- (b) If any part of these guidelines are found to be invalid or otherwise unenforceable by a court of competent jurisdiction, such finding shall not operate to invalidate any other part or section of these guidelines.

Attest:

Miranda Braatz, City Manager

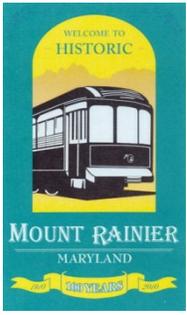
Malinda Miles, Mayor

Luke Chesek, Councilmember Ward 1

Celina Benitez, Councilmember Ward 1

Shivali Shah, Councilmember Ward 2

Bryan Knedler, Councilmember Ward 2



City of Mount Rainier
One Municipal Place, Mount Rainier, MD 20712
Phone: (301) 985-6585 Fax: (301) 985-6595

NOTICE OF CLOSED SESSION
MAYOR AND CITY COUNCIL CLOSED SESSION
Tuesday April 2, 2019
FOLLOWING THE LEGISLATIVE MEETING
OF THE MAYOR AND CITY COUNCIL
City Hall

According to the Annotated Code of Maryland, the Mayor and City Council of the City of Mount Rainier Maryland have the statutory authority to close a session under general provisions article § 3-305b for the reasons of subsections three (3), four (4) and five (5): **(3)**___ *“To consider the acquisition of real property for a public purpose and matters directly related thereto”*; **(4)**___ *“To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State”*; **(5)**___ *“To consider the investment of public funds”*

The Mayor and City Council propose to go into Closed Session on Tuesday, April 2, 2019, following the Legislative Meeting of the Mayor and City Council at City Hall to discuss the sale of 3200 Rhode Island Avenue with the City Real Estate Agent.