



**Minutes for the City of Mount Rainier  
Mayor & Council Meeting**

**Date: 6-4-2013**

**Place: One Municipal Place, Mount Rainier MD 20712**

**Presiding officer: Mayor Malinda Miles**

**Councilmember's present: Brent Bolin, Jesse Christopherson, Jimmy Tarlau and Ivy Thompson**

**Councilmember's absent: Mayor Malinda Miles**

**Staff present:**

**City Manager Jeannelle Wallace, Assistant City Manager Mike Jackson, Chief Scott, Public Works Director Luther Smith and City Clerk Janis Lomax**

**Meeting called to order at 7:00pm**

**Agenda**

**Streetsense and Neighborhood Development Company Presentation**

**Public Comment**

**Review/ Approve Agenda and Minutes**

**Official Reports**

***New Business***

**Ordinance 7-2013 Implementing the various fee and rate changes per the adopted FY 2014 City Budget**

**Ordinance 8-2013 adopting a FY 2014 Pay Scale for city employees**

**Resolution 8-2013 Declaring a public works vehicle inoperable and disposition for public auction**

***Old Business***

**Ordinance 2-2013 amending the city code regarding placement of trash receptacles**

**Ordinance 3-2013 banning the sale of synthetic drugs**

**Ordinance 6-2013 amending Chapter 7A Commercial District Management Authority**

**Council may vote to go to closed session to obtain legal advice regarding the terms of the 3200 Rhode Island Avenue of Land Disposition Agreement**

**3200 Rhode Island Avenue Presentation**

Representative of the development team at the meeting include Guy Silverman and Bruce Leonard from Streetsense and Juan Powell and Diarra McKinney from Neighborhood Development Company. Streetsense and Neighborhood Development Company are both developers on the project.

Four Primary Objectives for the development- Guy Silverman

1. Project can stand the test of time; will not be outdated for 10-15 years.
2. Stimulate growth

3. Create a street landscape with retail that activated the street with a sense of community, a place residents can dine, shop and visit.
4. Citizens of Mount Rainier are proud of the project.

#### Architectural Design- Bruce Leonard

- 20,000 sq. ft.
- Shallow leasing depth for small shops, neighborhood goods and service retail and restaurants
- 191 unit housing
- 200,000 gross building area
- 270 parking spaces. Parking spaces will be screened from the street
- Parking ratios- retail is 4 per 1,000 sq./ft., 1 space per residential unit.
- 4 different buildings with distinct façade types
  1. flatiron building-contemporary architecture
  2. entrance to parking area-designed as coach house
  3. neo-tradition loft- arch windows, expanses of glass, timeless look that holds value
  4. Traditional Washington 1930s architecture – off Eastern Ave., lighter brick
- sidewalk section – micro parks, café and seating areas, water feature, public arts
- Storefronts will have variety and will be designed by retailers
- Parking deck behind screen with ivy wall. It will have air circulation and transparency. It sits low at 3 levels.
- The 840 foot fall keeps with height of buildings surrounding.
- 5-8 retail tenants on the first floor. Residential units above.
- 30-40% 2 bedroom units
- 60-70% 1 bedroom units
- studio units
- It is largely designed to serve the community, not be a regional destination

#### Questions

Councilman Tarlau: The number one question people would have is what is the timeline? When would you break ground? What do you see as the next steps?

Mr. Leonard: After MUTC approval, we have to apply for the plan of subdivision with the county. Subdivision is broken in two steps; each one is about six months. Best case scenario is nine months, typically a year. We would get our full approvals a little over a year from now. We would break ground sometime summer or fall. Hopefully, we would be ready for building permits in late spring.

Councilman Tarlau: Is there a process for receiving public feedback?

Mr. Silverman: Certainly, people can reach out to us directly. Information is public. We are open to what you would like. If you have ever been in our office, we have an open door policy.

Councilman Tarlau: It would be great for you to do a public forum to give people a chance to speak and for you to hear some of the issues on the project moving forward.

Mr. Silverman: We can do that.

Councilman Christopherson: I am excited about this development. It will fill a lot of needs in our community. There are a lot of concerns with our constituents about size, it sort of looms over r the downtown area. I think there are a few questions like that to work out before the residents of Mount Rainier feel completely comfortable with this project. And like you said, we are not all going to feel completely comfortable before done, but I still think there are still concerns to be resolved with the residents.

Mayor Miles: There is a major concern that I have heard. We have talked about a 4-5 story building and now we are hearing about a 6 story building and other things about the height. What is the height and why?

Mr. Leonard: In our discussions with the county, for the project to be meaningful for them, we have to hit a certain density target and that is about 180 units. So if you do the basic math and the size of the units, there is a certain threshold we have to get. In working with the MUTC, the thought was that it was better to have one section be a little higher and another section significantly lower. The back part of the building is 3 stories. The coach house (parking) is 3 stories. The tip on the end is 4 stories and the major gateway building (Gateway Corner), which calls for more height... I think the height is 1 less story we are providing. That is the rational.

6 stories means 68ft to parapet. 18ft retail level, H subsequent floors, 10-10.5 ft. You do 5 floors over 1, which is 6. That equals 50 ft. plus retail level. That is the highest section of the project. The parking deck is 30 ft. The Flatiron building is just under 60 ft.

Mayor Miles: One question I got in an email...If you look downtown in Hyattsville and everywhere else, you don't see 6 stories anything. There had to be compensations for some of the reasoning there. Is there no other way to get what you need without doing a 6 ft.-story building on any portion?

Mr. Silverman: The short answer is no. There are the county needs and the other reason is that we also had three residential houses from Eastern Avenue included in the original plan. As it turns out, the one directly adjacent to our building is in foreclosure and tied up.

Mayor Miles: If you got the property would you still need to go 6 stories?

Mr. Silverman: If we got all those properties, no we would go back our original plan. I would imagine we have to go to a different type of construction to build there. The reasons behind the density ensure the vitality and success of retailers. There is an amount of density that retailers are looking for to come down. Where we have to build the 6 stories, the corner not by the residences, the construction does go up.

Councilman Christopherson: I have a question that touches on design and financing. My understanding is that county assistance depends on there being 200 units. So what assurance do you have that 190 units are going to trigger the county's assistance?

Mr. Silverman: Discussions

Councilman Christopherson: that has to happen. We need more assurance for the city. If you could loop us in on those discussions with the county... I know that that is a concern.

Are the questionnaires available anywhere else? Can you make them available online?

Mr. Silverman: Sure. I can email you and you can put it up on the Mount Rainier Website if you want.

Councilman Christopherson: That would be great. I want people when they arrive in Mount Rainier to feel and say that they have arrived somewhere...special, different from the Rhode Island Corridor in DC. One efficient and effective way to do that is a landmark design. I see the banner but I want something you can't miss, right in the middle of the street or spanning across. I have put together a pdf of some ideas.

The vines on the parking area, Ivy is definitely bad. We are trying to get rid of our English Ivy. A native species like honey suckle or morning glory would be great or something evergreen.

Councilwoman Thompson: I am pleased to see things moving forward.

Councilman Bolin (Liaison to MUTC Committee): We have a MUTC zone under 34<sup>th</sup> and Rhode Island corner. These properties are within that zone. There is a book of rules and design guidelines that apply to that zone. MUTC is a technical committee appointed by the planning board. We [MUTC Committee] look at signage all the way to projects like this. We compare the plans to what is in the book. To make the process work better, we have introduced informal consultation before you submit an application. The committee has reviewed the initial plans. They have changed every time we met. Streetsense has been very receptive to the input of the committee. The people that serve on this committee are your neighbors that volunteer their time and expertise.

Bolin attributes variance in height of new design to the meetings and explains that the three homes mentioned on Eastern Avenue are not in the MUTC zone. They would require an additional zoning process. That factored into the decision too.

Mr. Leonard: Shadowing has dramatically improved because we are moving the building back. When people are outside and want to enjoy their backyard, there is very little shadowing.

### **Public Comment**

**Dawn Davis (3100 block Perry Street):** My property would be directly behind the 6 story building. I sent you [Mayor] a detailed email. I think that all of these artistic renderings are very nice. No other buildings have been attached in these drawings because this is a towering building they want to put at the gateway to our city right next to my house. We strenuously object to this building. I want to remind you Mayor that we voted and supported you to buy the property. We supported that Streetsense be the developer. I testified on all of these issues. We believe this is the right developer, but the wrong building. It is not going to be what has been envisioned for Mount Rainier in the last 10 years that I have been here.

Let's envision the EZ storage building, which none of us like is a five story building. This building will be 15 feet taller and sitting on that corner right there. Regardless of what they say, that is what they are proposing to build.

I was told it was originally a 6-story building all across and it was reduced to a 4-5 story, but now it is reduced to a 3-story in some areas. Professionally, I represent thousands of architects as a federal and state lobbyist. The architect is telling you they can't solve the problem is ridiculous. The building could be set back. They can use step backs on the upper levels if they needed them. They can add more residential on these areas where there is a 3-story to get one story lower and maybe a 5-story building, something that is more scaled to the property.

Some significant issues are the county guideline requirements, minimum allotment sizes, open space requirements, the shadowing, floor-space ratio, and site-coverage. City needs to do due diligence on what is provided. Is it independent and empirical? There is concern about not following setbacks. All these things I was held to by the city and county when I built my house. It is very disconcerting to me.

The process by which these meetings took place with the design committee, I did not hear about them until a week and a half ago when a council member came by my house to tell me that these decisions were pretty much made and it was a done deal. This is the way we are going. It was not an open process. We were not included and I was not made aware. The city must do the outreach to the community to make sure they are involved and they need to do the due diligence to insure the information that they are getting is correct.

### **Kevin Hilgess (3800 block 32<sup>nd</sup> Street)**

3 Points

- It would be helpful to know which parts of the plan are flexible and up for debate.
- What happened to the gas station on the property? That was reflected in the MUTC design guidelines. Can that be preserved because it is meaningful for Route 1, a historic auto route?
- What are we going to do to protect the historic facades in the commercial area? If the gas station goes, then the whole block would lose any historic buildings on it. Also, the art space building. Once these things are gone, they are gone for good. We do not want to lose our character as a historic main street.

### **Mary Abe (31<sup>st</sup> Street)**

I am very pleased to see this move forward. I am concerned that it is lacking character that is due Mount Rainier. I would like to see a discernible green presence when you come downtown. I don't care if you have to put 6" caliber trees in the installation if that is how you potentially negate the height problems of the building but I think that should be part of what the city requires to sell this property because that directly affects us.

I do not see any renderings for a green roof. I see this as an opportunity to go that route. I understand it would be more expensive, but that would be a great statement. It is the largest green roof in PG County in Hyattsville. I don't think we want to be caught a little less.

You all raised the taxes by \$.07. When you sell this property, are you all going to take that away?

Anne Lecure (3200 block Bunker Hill Road) offers ideas on public discourse.

- In addition to the questionnaire, a discussion among residents in the community about retail could be really helpful in order for us to get a realistic sense of what is possible in that space and figure out what we really want.
- Talk about the design of the public art, particularly with the gas station. We may not be able to retain because of its current quality, but I would like to engage a public artist to memorialize and commemorate that part of our history
- Green Wall and Green Space- maybe the building could produce food? We definitely need to be greener than Hyattsville.
- I want a robust process for notice and documents, not a minimal process. Not the letter of the law, but the spirit of the law. We are so good at civic dialogue. We can master that and be even better at it. We have many more of these conversations and they will be easier if we do them right the first time.
- LEED certification- that hasn't come up yet as promised in early conversations
- The pieces shown here do not express the iconic design we are looking for. Ask the architect to use artistic sensibility to get us there.
- Involve artists in the hardest part, not the easiest. They are going to give you a solution in the hardest part.

Mayor Miles: We are not in competition with Hyattsville. Based on what I know, Mount Rainier is one of the greenest cities in this entire area. We have been going green since the late 60's, early 70's. We had the green roof first.

**Jesse Ellis (former 3700 block 35<sup>th</sup> Street resident)**

I am hoping to buy a property on 3100 block Perry Street. I am new to Mount Rainier but my history is long. My parents lived here in 1970's. My father wrote a book about his experience here called *Living on Clay Street*. My cousin Alex Martin has lived here over a decade. We decided to move to the DC area. The only place we wanted to live was Mount Rainier so we relocated here three years ago. I spent last summer trying to figure out what makes this place so special. I am a teacher and that is what I wanted to do with my time. I spoke with neighbors, friends, tenured residents, relatively new arrivals, Mayor Miles, and my question was simple, "what brought you here to this city?" They all said more or less the same thing in different words; they loved the porches, the people on them in the evenings, the walk of old tree-lined streets, the family-owned businesses, the focus on the arts, an interest in sustainability and more than anything, diversity. More than one person including the Mayor said that Mount Rainier was one part city and one part country. I love Mount Rainier for this very reason.

So what does that mean for our development? Mount Rainier is special because it is a small town. It is not exactly a suburb. It is special because the neighbors know one another, because the people who came here care about community and so I have a concern about the Streetwise development. I love a lot about the plans. My concern is the size. We are looking to stay in Mount Rainier but these plans give me pause. I do not want to live in Silver Spring, Arlington, the new NOMA district College Park or Hyattsville. I want to live in Mount Rainier. The new 6-story, nearly 200 unit complex proposed threatens to destroy the nature of our city.

I am here tonight to strongly advocate for a project of a smaller scale that maintains the integrity of our town and community. The 6 stories simply are not going to work for us. Thank you for all your hard work and I hope you continue working.

**Jimmy Russell (3200 block, Perry Street)**

The property will go up behind our house. The concern is the drainage in the street. Perry Street is at the bottom of the hill. Although we were told when we bought the house that it is not a flood plain, the house does flood. The new property is going to have a lot of coverage that is going to drain somewhere. Are you going to redo the drains? Is there going to be a huge system? Where is the water going to go? I will be mad if it comes into my house.

Mayor Miles: We will ask that question.

**Daniel Vin (3700 Eastern Avenue)**

I am one of the three properties off Eastern Avenue the developers originally planned to include in the project. I did not have a problem with Streetsense or relocating in Mount Rainier. My concern is the number of rental units and the amount of traffic they will bring. Also, the three houses mentioned will be facing a gigantic wall. The other sides of the development have pretty sidewalks and features. The developer focus I on how many stories we can build and not doing what it takes to acquire those properties and build at a more reasonable level.

I understand the issues about zoning, but the building is forever. I am willing to negotiate. I do not like the fact that what I go out and see as sky and sunrise is going to be a 6-story wall.

**Allan Benstock (4200 block 31<sup>st</sup> Street)**

I am a long-time resident, artist, and registered architect. I applaud the council for taking the first step in densifying the area and giving the area commercial carter.

When the MUTC was formed, it is my good memory that it was an open process, which means announcements. I would beg you do that. That would take care of a lot of issues here.

It's incumbent upon the council to do their homework. This isn't a schematic. You can do some sections through the building to show how they step down. I am seeing a wall as well. I am seeing a lost opportunity. This is the only corridor that is already there. Hyattsville had to fabricate it. I think you can do a taller building down towards the far end towards the northern most piece of it and cut back half a floor so that 6 steps to 5 by the alley. Or look at other options. There is a lot of room for creative exploration.

**Steve Lerch (3800 block 31<sup>st</sup> street)**

Two words- Bass Liquor and Abdulas. Abdulas was torn down to put up artist lofts. I like Abdulas and didn't like the lofts. Now I like the lofts. I moved here when there were prostitutes, guns, liquors and drugs and am glad to see change. We need a statement coming into the city and I think this is it. I am sad to see the gas station go. If there is something we can do that would be great. But just like Abdulas I may be upset but I will get over it.

We need a tax base in this city. We need businesses. We need density. That is business money that is not property tax.

The city needs to communicate to its citizens much better. I found out about this through a random email on the listserv. I saw nothing about the MUTC meetings.

Mayor Miles: You all are going to have to tell us how to do that better. We put it on the website, in the newsletter, on cable...

Mr. Lerch: When? They are always late or last minute.

Mayor Miles: We will promise to try to do better.

Mr. Lerch: Every time I come up here the issue is communication. This is a small town.

**Adrian Charles (4400 30<sup>th</sup> Street)**

What is the LEED certification? Gold, Silver, Platinum. There was no discussion.

Financing- How will it affect the city since we have a tight budget and had to cut a lot of things? Can we do fewer units and lower floors? How will that affect the cost?

**John Carnum (3200 block Otis Street)**

- He warns residents on the backside of Eastern Avenue to pay attention to traffic. Consider service trucks, employees, patrons.
- I live behind the businesses on the other side of Eastern Avenue. These are small businesses but they have a big impact.
- Shadowing- You talked about the streets behind, but what about the streets across?
- Communication- Give more information in plain English. It would help me as a citizen to know what is being discussed.

Jimmy Russell: Gateway sign is a fantastic idea. Make it an open completion with in the community where people can submit designs.

### **Mayor and Council 101 on TIFs- June 6**

Mayor Miles (to developers): We are going to ask you some of these questions in writing.

**Motion to approve the minutes with corrections submitted to city clerk by close of business on Friday.**

**Councilman Tarlau**  
**2<sup>nd</sup> Councilman Bolin**  
**Vote 4-0**

### **Official Reports**

#### **Ward II**

##### **Councilwoman Thompson**

- **Movie Night - June 28th and July 26.** Flyers will be distributed at the Nature Center.
- **Bus Stop Bangladesh-** The spring/ summer schedule is on postcards. It is one of the Art Lives Here Projects. Phase II of Art Lives Here was funded through the Art Place Grant.
- Councilwoman Thompson has made it a goal to educated everyone on TIFs and helped plan the work session on June 6
- **June 6- Someone will come and speak to the council about TIFs at the work session.** This work session will replace the normal work session on the 3<sup>rd</sup> Tuesday of the month
- The design review board is meeting tomorrow night at 6:30pm at City Hall to review a variance request.

##### **Councilman Bolin**

- Green team and Environmental Protection Board. We are moving forward to seek a **Chesapeake Conservation Core Intern** to come work with us. We are looking for someone to work with the city for a year, coordinate green team activities and help with the grant writing. We want a point person to work with staff and volunteers. I went to the job fair for the program and met a number of promising people. A subset of Green team is reviewing resumes. We are going to do phone interviews next week.
- This past Saturday the Gateway CDC had an excellent fundraiser at Joe's Movement Emporium with art and craft beer. About 175 people came and sampled beers. There was beer brewed and stines and drinking vessels made by people in the community.
- MUTC Committee meets the second Wednesday of every month. Streetsense's formal application has yet to come. Next week he expects them to submit a formal application. The public is welcome to come. That is a technical group. The council is better to provide your feedback on the development. The committee's job is not to say if this is a good project for Mount Rainier. That is the Citizen's and Council's role.
- **June 12<sup>th</sup> @ 7pm in the council meeting chamber is the next MUTC meeting.**

#### **Ward I**

##### **Councilman Christopherson**

- Councilman Tarlau, Chief Scott and I had a meeting yesterday evening at St. John's Episcopal Church on 34<sup>th</sup> and Shepherd. We acted as a mediator for a noise complaint caused by events at the church. Father Draco was conciliatory and willing to reduce the noise.

**No report from Councilman Tarlau**

### **Mayor Miles**

- Praises the police department for working with Mount Rainier Elementary with the Peace Parade.
- **Thomas Stone driveway** is nearing completion
- **Park near 37<sup>th</sup>** is almost complete
- The City is working with Michelle Obama and the White House on “**Let’s Move**”, exercise parks. We are on their webpages.
- Is attending MML Convention in Ocean City
- Mount Rainier Day was awesome. Applauds Janis Lomax, City Clerk, for her work. Even though it was raining, people who watched it streamlined, came outside.

### **City Manager Wallace Report**

- We are one of 17 communities using I-Net (Live streaming). We will use them in meetings.
- People are using the city’s bike racks and give positive feedback

Councilman Tarlau: Is there any way to notify people in the street that something is happening in that block?

Assistant City Manager Jackson: Notices were given when there was street work and cars needed to be moved. Notices were not given for sectional work (10-12ft section of concrete removed). Work was sporadic. People were notified if the work was directly in front of their house.

Facade status- We signed a contract with a general contractor. Notices were sent out with business owners to schedule a meeting to discuss in depth what will happen to their properties (ex. awnings, painting, and signage). Within two weeks you will start to see work.

Mayor Miles: If you find that street work is happening near you and you are repeatedly not getting notice, let us know. If it’s sporadically, we may not be able to do anything. The repairs on the sidewalks are for trip hazards. Some of the contractors are not being careful and they are hurting some of our trees. If you are seeing contractor negligence, please inform City Hall.

Councilman Christopherson: Arbory Day Proclamation was issued and brought up by Brian Knedler.

Councilwoman Thompson: School is out on Friday. Thank you to Thomas Stone and Mount Rainier Elementary for their help in the storm drain painting project.

### **Police Report- Chief Scott**

- National Night Out- August 6<sup>th</sup>, 6pm at Nature Center
- January thru May Crime Statistics
  - 3.3-3.6% crime increase for the year.
  - Increase in burglaries split 50/50 between single family and multi-family
  - Few juvenile arrests in Queens Chapel and Chillum Road.
  - All major crime is down
- Trying to hire four officers. We have made two contingent offers of employment so they can be a polygraph applicant. The next step is background checks.
- More details in the police report

### **Resolution 7-2013 Re-Appointing members to the City of Mount Rainier Ethics Commission**

Maryland General Assembly Act and Legislation requires local governments to adopt ethics ordinances for the purposes of guarding against the improper influence and to require city elected officials, employees and individuals appointed to boards and commissions to disclose their financial affairs and to set minimum standards for the conduct of local government business.

The city initially passed an ordinance in 2012 as our public ethics ordinance. The Maryland General Assembly made some changes and we passed another one. Ordinance 5-2012. The commission serves as an advisory body responsible for interpreting Chapter 1D in the City of Mount Rainier Code and advising persons subject to this

chapter regarding its application. We have two members currently serving on the commission whose terms have expired and this resolution is reappointing them for three-year terms.

The two people considered for reappointment are Adrian Charles, MD and Arthur Fuller.

Adrian Charles (4400 block 30<sup>th</sup> Street): Thank you Mayor, Council and City Staff for working with us. It has been a pleasure serving the community of Mount Rainier and we look forward to working with each of you in the coming years should you approve this resolution.

Councilman Tarlau: Thank you to Adrian. This is the first time we had a commission since I have been here. People slip up in the city government. It is good to have checks and balances.

Ms. Charles: We are working towards making forms electronic.

Arthur Fuller (4000 block 35<sup>th</sup> Street): it is a pleasure serving the ethics committee and it is good to see transparency in government. Thank you for the opportunity to serve.

### **Motion to Approve Resolution 7-2013**

**Councilman Tarlau**

**2<sup>nd</sup> Councilwoman Thompson**

**Vote 4-0**

Public Works Report- Luther Smith

- Has been communicating with people doing work on the sidewalk and WSSC. I have been trying to keep up with it.
- **Electronic Pick-up Recycling- June 15<sup>th</sup> 9-1pm.** Please do not put the electronics on the street. Bring them down to public works.

Councilwoman Thompson: I noticed that there is an issue with people using the trash receptacles in multi-family for their own personal trash. Can we put more trash cans out or have them emptied more frequently, especially in the business district?

Mr. Smith: I have noticed this. I have also seen vehicles from DC, pull up and drop off their trash. We pulled up addresses and made some calls. Trash has gone up. Last month it was 73 tons. This month is 107 tons. The bulk trash is 14 tons. Last month 10 tons. Yard way has gone down. We dump the trash Monday, Wednesday, and Friday. Guys on Saturday and Sunday clean-up are dumping the cans as well.

Councilwoman Thompson: Maybe we can be creative on our approach. Having more receptacles does not mean they will be used. Maybe if we added more recycling bins.

Mayor Miles: If we introduce more recycling bins, it might reduce the trash in trash bins. Give them a choice.

Ms. Wallace: I encouraged public works to empty trash daily because of exterminator recommendation. Did we curtail that issue?

Mr. Luther: The four bins that we discussed for that issue, we do every day.

Ms. Wallace: I think we should try doing them all.

Councilman Tarlau: 3101 Webster called about damage to the tree because of construction.

Mr. Luther: That tree has dead limb. The roots are not in the soil. They are sticking out. I fear the tree may fall.

Councilman Christopherson will look into it and speak with Mr. Knedler.

### **New Business**

**Ordinance 7-2013 implementing the various fee and rate changes per the adopted FY 2014 City Budget. (1<sup>st</sup> reading, no vote)**

This is an ordinance to revise the local supplement to the state homeowners property tax percentage to clarify that the historic preservation tax credit program I subject to funding limits by the council and also to increase the rental occupancy license fees and to increase parking meter rates.

Councilman Tarlau: Do you have to collect by July 1<sup>st</sup>?

Ms. Wallace: When the licenses expire, the new fees go into effect.

Mayor Miles: We do not have to change the parking meter heads anymore.

Ms. Perlman: It would be preferable to pass before July 1. Section 5 is effective July 1. You can make effective at a later date.

Mayor Miles: We are looking at September 1. We have to have two weeks before we read it again. It is in our charter.

**Ordinance 8-2013 adopting a FY2014 Pay Scale for City employees (1<sup>st</sup> reading, no vote)**

Ordinance adopting the fiscal year 2014 pay schedule for city employees under the Mount Rainier Charter Articles 6 Section 606 states that the Mayor and Council shall set the compensation of all officers and employees of the City time to time by ordinance.

**Resolution 8-2013 Declaring a public works vehicle inoperable and disposition for public auction**

Resolution declaring a city owned personal property consisting of an inoperable vehicle, 2001 Chrysler Sebring, is in disrepair, no longer available by the city for public use and providing for the city to dispose of the vehicle for public auction or sale.

**Motion to Move Resolution 8-2013**

**Councilman Bolin**

**2<sup>nd</sup> Councilwoman Thompson**

**Vote 4-0**

**Motion to move that Mount Rainier City Council Recess for the months of July and August except by special meetings as needed**

**Councilman Bolin**

**2<sup>nd</sup> Councilman Christopherson**

**Vote 4-0**

**Old Business**

**Ordinance 2-2013 amending the city code regarding placement of trash receptacles**

Ordinance amending Chapter 11, Refuse Collection of the Mount Rainier Code to require dumpsters and refuse containers for non- residential properties to be placed on impervious surface.

**Motion to move Ordinance 2-2013**

**Councilman Tarlau**

**2<sup>nd</sup> Councilwoman Thompson**

**Vote 4-0**

Councilman Thompson: A resident asked her to inquire about the placement of the dumpsters on the pads. There is a concern that dumpsters can be placed in a driveway or elsewhere. I wanted to make sure that it was clear that it cannot be.

### **Ordinance 3-2013 banning the sale of synthetic drugs**

An ordinance amending Chapter 10, Peace and Order, of the Mount Rainier code prohibiting the sale and possession of synthetic drugs.

The Ordinance includes a whole section of definitions of the various drugs (pgs. 1-3)

Chief Scott: This ordinance is patterned after Ocean City's law which has benefitted them. The Maryland General Assembly passed a similar piece of legislation effective in the entire state starting October. My question was, is the effective date in the ordinance/

Mayor Miles: Normally, our effective date of an ordinance is the day that is approved unless otherwise stated.

Chief Scott: I had a discussion with the City Attorney. If it is not specified in the ordinance, it takes effect 20 days after you pass this.

I pushed for the law because some storeowners were selling Scooby snacks, a synthetic drug that mimics PCP. People on PCP act a certain way and have an odor. If they act like they are on PCP, but have no odor, you know they are on a snack. The problem is when people give them to their kids thinking they are a snack. We have to Taser these people and take them to the hospital so they can detoxify. These are dangerous. That is why we pursued this. Scooby is a synthesized name for a chemical with a long name.

Councilman Christopherson: Why do we need a city ordinance if the state is passing regulation?

Chief Scott: It allows us to operate more efficiently on a local level. It allows us to enforce our own regulations. When these fines come in, we can target these people that we know. It helps us on a local level to rely on our own ordinances as opposed to a state ordinance.

Ms. Wallace: A police officer cannot go behind a counter of a store and search. A code enforcement officer checks after he receives complaints and informs the police officer whether or not to take action.

Councilman Tarlau: Are there other ordinances that allow for imprisonment. If someone violates, where does it go from there?

Mayor Miles: Yes there are other ordinances that call for imprisonment.

Ms. Perlman: You can declare violations of your ordinances either misdemeanors or municipal infractions. This would be for the States Attorney Office, not civil.

Councilman Christopherson: If I was in possession of a small piece of marijuana, would that be a citation? Civil or Criminal?

Chief Scott: Yes. Criminal.

### **Motion to move Ordinance 3-2013**

**Councilwoman Thompson**

**2<sup>nd</sup> Mayor Miles**

**Vote 3-1**

Councilman Tarlau: My concern is the possession part. What if you get them by accident?

Ms. Wallace: That's why it says knowingly and with the intent...

Mayor Miles: Is ignorance of the law not a reason?

Ms. Perlman: Not that I know of.

Councilman Bolin: You have discretion in the law.

**Ordinance 6-2013 amending Chapter 7A Commercial District Management Authority**

An ordinance amending Chapter 7, Commercial District Management Authority, of Mount Rainier Code to increase the annual fees to businesses and business property owners and to increase the city's collection fee.

**Motion to move Ordinance 6-2013**

**Councilman Tarlau**

**2<sup>nd</sup> Councilman Christopherson**

**Vote 4-0**

Councilman Tarlau: Does the attorney need any due ration from us for the next few days that she needs us to have closed discussions?

Ms. Perlman: I am not sure we need a closed session. My thought was that the Streetsense people would stay but that didn't happen. It is up to you.

**Motion to Adjourn**

**Councilwoman Thompson**

**2<sup>nd</sup> Councilman Bolin**

**Vote 4-0**