

**Official Minutes of the City of Mount Rainier**

**MAYOR AND CITY COUNCIL MEETING**

**DATE: May 1, 2018**

**COUNCIL CHAMBERS, UPPER-LEVEL CITY HALL**

**Call to Order**

7:13 PM, Council Chambers, City Hall, One Municipal Place, Mount Rainier MD

**Presiding Officer**

Mayor Malinda Miles

**Officials Present**

Councilmember Celina Benitez  
Councilmember Luke Chesek  
Councilmember Bryan Knedler  
Councilmember Shivali Shah

**Staff Present**

City Manager Miranda Braatz

**Minutes provided by:**

City Clerk

**Call to Order and Pledge of Allegiance**

**Review and Approval of Agenda with Amendments**

Motion to Adopt the Agenda as Amended: Mayor Malinda Miles Move: Councilmember Celina Benitez Second: Councilmember Bryan Knedler Vote Recorded: 4-0-0, Motion Passed
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**Announcements**

**Bike Co-op Presentation**

Representative Neighborhood Design Center Ally O'Neal presented on the remodel of the Bike Co-op. They are trying to set up the Bike Coop to be able to run all of its programs via enhancements, make necessary repairs to the building, and make sure the property is pleasing to neighbors. First phase will remodel the inside and phase two will improve outside of the house and landscaping. They will add storage and increase ceiling height. They will make the inside hardy. One wall will be removed, attic entrance will be moved, site lines will be opened. The bathroom will be made ADA compliant.

Externally they will fix trim, gutters and electrical. They will paint. They also work on drainage and create a ramp for the front door. They will install attractive bike rack in the front lawn. She presented renderings of all the improvement plans. The Council thanked Mayor for getting carpenters to volunteer to do the work. Mayor and Council are very happy about the project.

### **Public Comments**

- Resident (No Name) told the Mayor and Council that the Police Investigation has opened people eyes. The lack of inexperience of the City Manager is causing problems in the City. She noticed the closed business. She lamented about how the Police Investigation has been handled. It seems to be all be a City Manager issue and she wants an accounting.
- Johnathan Abraham 3800 Block 31<sup>st</sup> Street – Economic Development problems happen over years not months. That cannot be blamed on the City Manager. He asked for more information on why 25% of Mount Rainier Police are on leave. He does not want the Police to be revenue generator or militarized. In light of the Police issues with the City Manager, he wants agreement on having civilian oversight on Police Department.
- Marilyn Mott 49<sup>th</sup> Street – If the Police go, the City Manager must go. I throw rat poison under my porch. There were two rats in my backyard. I had to get rid of my dog due to chickens. Chickens are not legal in Mount Rainier.
- Former Councilmember Devin Brown 3500 Block of 42<sup>nd</sup> Street - He said he is a 20-year Federal Investigator and investigation process must be respected. Do not try to undermine and intimidate people involved in the investigation. Investigation must be allowed to go forward.
- Former Councilmember Susan Daly – She was concerned with the open meeting law in the City. She said the Citizen of Mount Rainier demand open meetings. Has anyone been trained in the Open Meeting Law? Mayor Malinda Miles said she and Council were trained. The Closed Meetings were approved by the City lawyer. The Minutes and Summary are available. Susan Daly said Minutes/Summary don't have votes on them. Mayor Malinda Miles said no votes are held in closed meetings. Former Councilmember Susan Daly She said she wants the date of meeting where they voted for closed meeting about the Police Investigation. said she wants Mayor and Council to take close look at the Open Meetings Law.
- Former Councilmember Amir and Resident 4200 34<sup>th</sup> Street – 25 year resident said that for that time the City has not had economic development. City Manager Miranda Braatz cannot be blamed for the development, she has been here for two years. It requires extra effort to bring development. We don't know the facts of the Police case, so residents should not attack City Manager Miranda Braatz.

### **State of Police Department and Investigation**

Mayor Malinda Miles asked the Acting Police Chief Malley to read the Police Department statement on Police Investigation into record. He read the statement.

Public Comment on Police Department

- Marilyn Mott 49<sup>th</sup> Street said that she has not seen the Police on her street. Where are the police? Mayor Malinda Miles said despite the Police Investigations, the Police are doing their jobs. The City has MOU with other cities, but they have not had to use them in the past few weeks. She encouraged Police to knock on resident's door to let them know they are in their quadrant.

#### Mayor and Council Comment on Police Department

Councilmember Luke Chesek apologized about lack of communication from Mayor and Council about the Police Investigations and promised they will do better in the future. He said the Investigation is confidential, but no one has been charged. Keep the positives of the City in mind during this time such as improvement at public works, Potts Hall remodel, and closing sale on Rhode Island and Eastern Ave. He asks for resident's patience. Mayor Malinda Miles asks residents to be patience. Mayor and Council are not doing the investigation but are letting in happen. City of Mount Rainier Lawyer Ken Sigman said Mayor and Council are prohibited for talking about personnel matters. He did say the Council and Mayor need to get caught up on doing minutes. Councilmember Shivali Shah said that the investigation is just started and not over. It is ongoing. There are procedures they must follow and rules for dealing with employees and Police Union. She wants residents to know that Mayor and Council will update when there is news that can be legally shared, but there is no report coming soon. The 3<sup>rd</sup> party investigation must play out. If you contact Mayor and Council at [council@mountrainiermed.org](mailto:council@mountrainiermed.org) with concerns. Also, patrol cars from other cities in our City either off or on-duty is normal. You will see Mount Rainier Police cars in other cities. Some of our Police Officers live and work all over. Please let us know you concerns. Councilmember Celina Benitez said that the Mayor and Council has not named any individuals and all Police staff on leave are being treated as witnesses. It's a 3<sup>rd</sup>-party Investigation and Mayor and Council do not have all the answer. Council and Mayor did what they thought was right and those on leave should be treated as witness.

#### Mayor Malinda Miles Addressed City Charter

Mayor Malinda Miles stated that takes 3 votes for anything to pass. Mayor and Council make the policy and City Manager implements it. She explained roles of Council and Mayor vs. City Manager.

#### Vice Mayor Rotation

Councilmember Shivali Shah term as Vice-Mayor will end May 30, 2018 and then it moves to Ward 1 and to Councilmember Celina Benitez June 1, 2018 until new Council is sworn in.

Motion to Rotate Vice Chair to Councilmember Celina Benitez on June 1, 2018 till new Council is sworn in: Mayor Malinda Miles  
 Move: Councilmember Shivali Shah  
 Second: Councilmember Bryan Knedler  
 Vote Recorded: 4-0-0, Motion Passed

**Ordinance 04-2018 to Amend Vacant Property Chapter to Adjust Tax Rate for Vacant Property**

Director of Finance Kevin Greenville read first reading into record the Ordinance 04-2018. There will be second reading.

**Ordinance 05-2018 for Establishment of Tax Rate, Adopting Annual Budget, Appropriating Fund for FY19 (June 1, 2018 to July 1, 2019)**

Director of Finance Kevin Greenville read first reading into record the Ordinance 05-2018. There will be second reading.

**Comments from Council**

Councilmember Shivali Shah said there was an Open Meeting for the Budget on Saturday. She hopes more residents will come next year. City Manager Miranda Braatz said she and Director of Finance Kevin Greenville will have booth with paper copies of the City Budget in English, Spanish, French, Chinese and Farsi at Mount Rainier Day. They will answer any questions.

**City Website Vendor Selection**

Mayor and Council have previously selected Vision Technologies by consensus to be the vendor.

Motion to Select Vision Technologies LLC as Vendor for City Website as accordance with RFP: Mayor Malinda Miles  
Move: Councilmember Bryan Knedler  
Second: Councilmember Celina Benitez  
Vote Recorded: 4-0-0, Motion Passed

Councilmember Bryan Knedler said it will take six-month to implement a new site. Councilmember Luke Chesek said their will be ways for community to have input. Mayor Malina Miles asked if the current City Website can be update in the interim. Please update staff and the front page.

**Street Sweeper MOU**

City of Mount Rainier will use City of Hyattsville Street Sweeper. It will cost the City \$750 each time it uses a sweeper under the MOU. Mayor Malina Miles asked for a motion to approve.

Motion to Approve MOU with City of Hyattsville to sharing their Street Sweeper as outlined in MOU: Mayor Malinda Miles  
Move: Councilmember Shivali Shah  
Second: Councilmember Celina Benitez  
Vote Recorded: 4-0-0, Motion Passed

Councilmember Bryan Knedler said that MOU allow the City two day to use the City of Hyattsville sweepers. He wanted to know about moving cars. Department of Public Works said they ask for patience as they work this out. Councilmember Bryan Knedler said the Mayor and Council would like to know priority streets with more trash. Councilmember Celina Benitez says the Green Team has a map of the worse place for trash. Department of Public Works could use it. Councilmember Shivali Shah asked for patience from resident as this program is implemented.

**City of Mount Rainier Banking RFP**

Director of Finance Kevin Greenville has recommended Sun Trust as the bank for City of Mount Rainier. The bank will allow City employee to cash their checks without an account. Councilmember Luke Chesek thanked Director of Finance Kevin Greenville for is hard work on this.

Motion to Approve RFP as SunTrust as Bank for City of Mount Rainie : Mayor Malinda Miles  
 Move: Councilmember Shivali Shah  
 Second: Councilmember Celina Benitez  
 Vote Recorded: 4-0-0, Motion Passed

**Allocate funding for Teacher Appreciation**

Mayor and Council have consensus to give \$500 to Thomas Stone and \$500 for Mount Rainier Elementary Schools for Teacher Appreciation.

Motion to Approve \$500 each for Thomas Stone ES and Mount Rainier ES: Mayor Malinda Miles  
 Move: Councilmember Celina Benitez  
 Second: Councilmember Shivali Shah  
 Vote Recorded: 4-0-0, Motion Passed

**Approval of Minutes Oct 17, 2017 – March 20, 2017**

Mayor Malinda Miles asked for a motion to approve minutes and any further corrections must be in by 3<sup>rd</sup> Tuesday in May. The minutes will be put on the website.

**Motion to Adjourn**

Motion to Adjourn Meeting: Mayor Malinda Miles  
 Mover: Councilmember Bryan Knedler  
 Second: Councilmember Shivali Shah  
 Ayes: 4-0-0

<b>Closed Session Summary</b>	Date:4/17/18	Location: City Hall	Time: 10:55pm
Closed Under Annotated Code # ___1_	Those in Attendance: Shah, Miles, Chesek, Benitez, Braatz, City Attorney	Topics Discussed: Personnel – Police Department Investigations	Relevant Notes: Update on personnel relating to the PD and the investigations

Those who voted to go into closed session: Unanimous of Elected Officials in Attendance	Actions Taken: no votes were taken, please see relevant notes.		

<b>Closed Session Summary</b>	Date:4/20/18	Location: City Hall	Time: 1:15pm
Closed Under Annotated Code # _1,2,7,8__	Those in Attendance: Miles, Benitez, Shah, phone – chesek, knedler, sigman In person – Braatz, LGIT Attorney, Greenville	Topics Discussed: Police Department personnel Investigations, how many investigations and next steps. Advice on legal matters relating to EEO and further personnel decisions	Relevant Notes: chesek, knedler, and sigman via phone
Those who voted to go into closed session: Unanimous of Elected Officials in Attendance	Actions Taken: no votes were taken, please see topics discussed.		