

Official Minutes of the City of Mount Rainier

MAYOR AND CITY COUNCIL MEETING

DATE: June 5, 2018

COUNCIL CHAMBERS, UPPER-LEVEL CITY HALL

Call to Order

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

Presiding Officer

Mayor Malinda Miles

Officials Present

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

Staff Present

City Manager Miranda Braatz

Minutes provided by:

City Clerk

Public Hearing on Budget

Mayor Malinda Miles allowed for public comment on the FY19 Budget.

- Susan Bell – She said that the Business Property Tax revenues and others have gone up considerably. There has to be an explanation of the huge jumps in revenue to residents. She submitted her notes on the budget to Mayor and Council.
- Cindy Isaiah – 02-218 Resolution Budget Schedule was set, but it was changed for tonight. Problem is your taking comments on the same day your voting. She wants FY16 audited budget sent to her. She felt that residents should have budget actuals.

Mayor and Council will give her the budget.

- Charnelle Brown 3200 Block – She also wants actuals on what has been spent.

Mayor Malinda Miles said the budget calendar is a guide to keep Mayor and Council on track. Mayor and Council did find they did not hold a budget hearing for the public, so they are holding it tonight. Regarding actuals, Mayor Malinda Miles asked for the actuals to date in response to resident's request. City staff said that they cannot add actuals now due to their current work load trying to complete audit for FY17 and FY18. The previous Finance staff did not have resources to handle all the finance work, and the City fell behind. There has also been staff change over in management and finance which caused more work to fall behind. The City is in the process of getting new auditors via an RFP, and new finance

staff is in place. Mayor and Council are still trying to review the FY16 audit via auditors Murphy and Murphy. The need to come to a meeting and present their work for review and approval by Mayor and Council.

Director of Finance Kevin Greenville started at City Hall on Oct. 16, 2017. There was no FY18 Budget when he came. He said that he, the City Manager, and Mayor and Council have been building a Finance Dept. from the ground. The City will get online banking on July 1, 2018. It has been a challenge because financial management goes back a very long time. The RFP for auditing services will be issued by mid-June to get FY17 done and FY18 done by extension. He has permission from Mayor and Council to switch from current auditors, Murphy and Murphy, to a new one. He feels this is in the best interest of the City. He stated that the City records are not in the best shape, so the auditors have had to do much extra work. He understood the frustration with not have actuals. Department classing is a problem that his team is working on, but they will not happen overnight.

Councilmember Celina Benitez said we did have public comments on the budget even though it was on the agenda. Councilmember Bryan Knedler said Mayor and Council Budget Schedule allows for alternative vote date of June 19.

City Manager Miranda Braatz offered to review line items that were listed in the document handed in by Susan Bell.

Mayor Malinda Miles said that information would be given to the public at a later date.

Public Comment

- Ophelia Baxter – Agreed with the decision not pay Murphy and Murphy, but added they should reimburse the City. What are the next steps? Why is the RFP for new auditor out? She said that she wants to hear the plan for this day forward to get the finance issues fixed. She wants a concrete tonight. She wanted to confirm that there is no budget vote tonight. Mayor Malinda Miles said that June 19 is an alternative date.
- Cathy Boston - She is disappointed in Mayor and Council and City Administration regarding transparency, accountability, and planning. Residents need to know what is going on. Everyone needs to step up.
- **Charnelle Brown** – Can the budget be delayed because the numbers will not be sound for the public to see a proper budget by June 19th.
- Kelly B – FY16 Audit has not been presented, how much has Murphy and Murphy been paid? Mayor Malinda Miles said they have presented to staff, but they have not for Mayor and Council. They have an initial payment but not been paid in full. Kelly suggested they should be taken to court.

Councilmember Bryan Knedler we have to present the budget by June 30 by State Law. He asked when for actuals for FY17 would be ready. Director of Finance said FY18 would be ready soon and he will have reconciled budget by August. However FY17 numbers are misclassified, and it's a time-consuming process to match hard receipts to all transactions and reclassify them. City Manager Miranda Braatz added it's an uphill battle that we have been working on for six months.

Councilmember Shivali Shah suggested that when there is less urgency, City needs to communicate to the public what they mean by past Finance problems. There needs to be a report on Financial issues in

the City that is communicated to the residents. I understand that you are putting out fires, but City needs to publicly state issues with Finance Dept. and what you're doing to fix it. She does hear a plan from Finance Dept. to fix these issues.

Councilmember Luke Chesek stated that Mayor and Council and the City Administration are working to fix and update the Finance Dept. Last year budget did not have actuals, and no one said anything. We have now have consolidated 20 bank accounts and have online banking. Next, the audits will be completed. He stressed the Mayor and Council and the City management are not trying to hide information or not be transparent. Councilmember Shivali Shah said that the last three budget did not have actuals. Mayor Malinda Miles said the only the FY17 and FY18 did not have actuals.

Councilmember Celina Benitez said we are working on transparency we have added Saturday meeting to be more transparent. Budget hearings we have gone line by line via the budget and each line was explained. The conversation will continue on budget and transparency.

Public Comment

- Susan Bailey – Forget the audit, you need actual numbers. No actuals are unexpected. There was no bad budgeting in the past. If you changed the classifications, that is a problem.
- Cindy Alexander – She addressed Councilmember Shivali Shaw saying she was insulted she thinks residents don't understand the budget. She also said she waited till 11:30 pm for a public hearing, but no one was left. She said she informed Council there were not actuals, and the City Manager told her on tape she took them out to make it easier to read.
- Daniele Cutter – I went through budget last year, and there were no actuals. We all working on communications. How long are we going to wait for RFP and audit? A year will be too long. To get the information corrected and presented to residents. Maybe we need to hire more temps or assistants.
- Ophelia Baxter – Why doesn't the City put the financial issues in The Message, so residents are informed.
- Charette – June 30 there is a mandate on the budget. Can we not get an extension? Can we look at the old budget and compare columns to get information? Mayor Malinda Miles said there is a serious penalty for not turning in the budget. The lines have changed on the budget so the comparison would not work. Charette asked that we get a budget with actuals after June 30 and make amends. Mayor Malinda Miles said that this work would be critical.

Councilmember Shivali Shah agreed that we need actuals and look forward that next budget has actuals. She also wants them for FY18. She wants more public discussions on departments with the public. She discussed ideas of how more information can be given to residents on City Departments included reports at Legislative Meetings and taped updates to shown on MRTV. Your seeing goals but not the whole picture.

Motion to Close Public Meeting: Mayor Malinda Miles

Move: Councilmember Bryan Knedler

Second: Councilmember Celina Benitez

Ayes: 4-0-0

Vote Recorded: 4-0-0, Motion Passed

Open of Legislative Meeting by Mayor Malinda Miles

Pledge of Allegiance and Intermission

There was a discussion of Councilmember Shivali Shah Closed Session public reporting. She needs a list of attendees. Councilmember Celina Benitez there has been no votes in closed session so far.

Councilmember Bryan Knedler wants Closed Session Summary Report signed by the Mayor. Mayor Malinda Miles said a Summary of Closed Session should have:

- Date
- Names of attendee
- Names of who voted for Closed Session
- What is the Issue and why was Closed Session called
- Summary of what was discussed
- What was the consensus
- What was voted on
- Signature

Councilmember Shivali Shah read May 22, Closed Session Summary as approved by City Lawyer.

Date: May 22, 2018

Attendees: Mayor and City Council, City Manager Miranda Bratz, Judal McKenzie, Consultant Code Enforcement

Rationale/Discussion: Closed Session was called because it discussed personnel matters in Code Enforcement Department and MRPD investigation on finances and personnel issues

Approval of Agenda with Amendments

Motion to Adopt the Agenda as Amended: Mayor Malinda Miles

Ayes: 4-0-0

Vote Recorded: 4-0-0, Motion Passed

Reading of Agenda into Record

Announcements

Mayor and Council discussed chickens in the City. Mayor Malinda Miles said chickens are not legal in the County or City of Mount Rainier.

General Public Comments

- Cindy Alexander – We need meeting summaries for Closed Sessions from April 6, 10, 17, 20, and 24 and May 9. Next public meeting needs to have the written summaries made public and taken care of. May 1 Agenda it says that the “police Investigation has opened peoples eyes.” You can put may name to that.

- Chanelle – Concerned about the proposed work to connect the City Hall, Potts Hall, and Library. There is an alley behind City Hall she and some of her neighbors use to park their cars. She not allowed to get driveways. Will the alley be accessible? Will the construction affect her? Mayor and Council said that the development would not happen for another five years.
- Charnelle also said that residential parking is a problem in her neighborhood. There are signs out there. Mayor Malinda Miles said there is a need in City Hall to find the background information on the original work done to create the residential parking permit. Ms. Carragen still lives there and knows the history.

The City will research the issue of Perry St. Parking, and Mayor and Council need to address it.

- Cathy Boston – Who is the Communication Manager? Who is responsible for minutes? Mayor Malinda Miles said there is no one person responsible. The City has in the past used The Message. In 2016, she introduced a media policy for social media. The pages that are out are not the City's. The Dept. of Economic Development she responsible for some of the marketing but its geared for the City's economic development. Cathy asked about whether there will be a Town Hall meeting as per her suggestion. Mayor Malinda Miles said it is on the Agenda for discussion tonight.

- Ophelia Baxter – We need someone to go around to find and fix pot hole. She listed pots holes to be fixed:

- 34 St in front of Nicey and Glut
- Queens Chapel and Chillum
- Bunker Hill on Mount Rainier side near firehouse (Brentwood fixed the one on their side).
- Allison and 34th flooding is also a problem. Will the levy work fix this? Mayor Malinda Miles said it is in Brentwood. Mayor Rosio is aware of the problem.

Is there a policy for pot holes? Mayor Malinda Miles said she and Dept. of Public Works does go out to fix them. The rain has prevented some work, so we must play catch up.

Ordinance 4 -2018 Amendment to Chapter 2 on Taxes and Fees Tax Rate on Vacant Properties

Director of Finance Kevin Greenville read into the record the second reading of Ordinance 4-2018 amending Chapter 2 on assessment of taxation and fees of the City Mount Rainier Code to establish that the municipal tax rate on vacant properties will be set by the City Budget and Tax Rate Ordinance.

Public Comment

Ophelia Baxter – What is the tax rate? City Manager Miranda Bratz said its on page 7 in the Budget. Councilmember Luke Chesek explained the tax. Tax is now \$5 for \$100 of assessed value.

Motion to Adopt Ordinance 4 -2018 Amendment Taxes and Fees Tax Rate on Vacant Properties: Mayor Malinda Miles

Move: Councilmember Bryan Knedler

Second: Councilmember Luke Chesek

Vote Recorded: 4-0-0, Motion Passed

Ordinance 5-2018 to Remove Fees from City Code

City Manager Miranda Braatz read into the record the second reading of Ordinance 5-2018 Amendment that will remove fees from City Code and establish a separate fee schedule that you see in proposed FY19 Budget. Councilmember Bryan Knedler expressed the fee schedule will help the public know the fees upfront. Councilmember Shivali Shah thanked City Manager Miranda Braatz for this work.

Public Comment

Charette – She wanted clarification on page 2 on Work over 10K Building Permits and installation of the new fence. If you are replacing a fence you don't need a permit.

City Manager Miranda Braatz said if you are doing over 10K work on the home you need a permit. If the work over 50K you need to come to Council with plans. Mayor and Council told her she does not need a permit to replace a fence.

Motion to Adopt Ordinance 5-2018 to Remove Fees from City Code

Move: Councilmember Bryan Knedler

Second: Councilmember Shivali Shah

Vote Recorded: 4-0-0, Motion Passed

Ordinance 6-2018 to Establish Schedule of Fees

City Manager Miranda Braatz read into the record the second reading of Ordinance 6-2018 Amendment that establishes a separate Schedule of Fees, which is a list of fees, from the City Code as proposed by Ordinance 5-2018. Schedule of Fees will be in each budget to be reviewed by Mayor and Council. Mayor Malinda Miles, they will be on the new City Website and made readily available to the public.

Motion to Adopt Ordinance 6-2018 to Establish Schedule of Fees

Move: Councilmember Celina Benitez

Second: Councilmember Shivali Shah

Vote Recorded: 4-0-0, Motion Passed

Ordinance 7-2018 FY19 Budget Establishing Tax Rates

City Manager Miranda Braatz read into the record the second reading of this Ordinance 7-2018 FY19 Budget effective July 1, 2018, to June 30, 2019, and establishes the following:

- Constant Yield Tax Rate: .07738 cents per \$100 Value
- Real Property Tax Rate: .84 cents per \$100 Value
- Personal Property Tax Rate: .99 cents per \$100 Value
- Operating Property with Public Utilities Tax Rate: \$2.50 per \$100 Value
- Vacant Developed Property Tax Rate: \$2.50 per \$100 Assessed Value

General Fund \$6,620,045 Revenue by Line Item:

- Expenditures: \$6,620,045
- Tax Revenue: \$4,836,250
- License and Permits Revenue: \$657,850
- Intergovernmental Revenue: \$305,115

- Charges for Services: \$45,500
- Fines and Porticures: \$43,200
- Misc. Revenues: \$ 60,850
- Funds from Restricted Revenue: \$58,000
- Funds from Undesignated Revenue: \$254,480

Mayor Malinda Miles said more changes are needed so there will be a not vote on Amendments tonight. Councilmember Luke Chesek asked for discussion about changes to budget at the previous meeting. He presented changes he wanted to discuss:

- There was consensus not to go with compost program now because the County is experimenting with compost pilot. So, the consensus is to let the City roll out the new trash and recycling this year and wait for County pilots to end and to come back to City compost next year.
- He wants an art mural on ZZ Pizza Wall that faces Bunker Hill. He conferred with Alonzo Washington about a price, and they agreed on 25K, and he reached out to Rhonda Dallas of Prince George's Arts and Humanities Council for an Art Grant. Councilmember Shivali Shah wants his permission first, and the owner should put up money for it. Councilmember Bryan Knedler says that it is a process if City money is used. All business owner would need to have the opportunity to have a mural. Councilmember Celina Benitez is on board with the idea but wants four corners at Bunker Hill to be thought of the area to highlight with art.
- He asked for an in-kind commitment from the City on Kaywood Project contingent on Sutton Hoo bringing money to the table. He asked for 25K for Kaywood. Councilmember Shivali Shah Wants financials on Sutton Hoo. She wants to see partners that bring to City. She is not there yet. Councilmember Bryan Knedler is not ready to discuss it. Councilmember Celina Benitez would put a market aside.
- He wants to put small truck for Dept. of Public Truck. Councilmember Shivali Shah and Councilmember Bryan Knedler are on board with the small truck.

Councilmember Luke Chesek asked for the \$79K for Compost to go to redevelopment of Memorial Park or Menkiti development landscaping. Mayor Malinda Miles said that she wants money to go to City-owned property. She wants the money to go to City Hall. She wants a City Art Committee to recommend where art should go in the City. She backs getting a small truck. She does not want more money into the Kaywood at this time, but she loves the project. She needs to see where Sutton Hoo get more money. She met with Matt White and M+J Architects last week. They know they must bring money to the table. Wants we see there money. She would be open to matching money. She wants to see Memorial Park there. She knows the money is in the State. We need to go get the money. City will attend Municipal League and the funders will be in the room. Mayor and Council needs plan to get the money to those State Secretary. The City has a composting project that we have to keep as is for now, the priority is implementing the new trash and recycle project happen. Mayor Malinda Miles took the Pet Waste program off the book and will not consider spending 10K on this project now. She is opposed to moving and adding monies to line items until she sees actuals.

Mayor Malinda Miles has proposed that after the FY19 Budget is passed by the June 30th deadline, the actuals should be added and the FY19 Budget should be again reviewed.

Motion to Move \$79K for Capital Improvement Plan from Compost Program to Budget Line for Repair of Potts Hall: Mayor Malinda Miles
Move: Councilmember Bryan Knedler
Second: Mayor Malinda Miles

Councilmember Bryan Knedler said to correct the address of Potts Hall in FY19 Budget on page 60, 61.

There was a discussion between Mayor and Council of the amount of money for the Potts Hall repair and how it will be repaired. Councilmember Luke Chesek wants to amend the Motion. He wants \$33,250 from Memorial Park and remainder of \$45,750 to be allocated to Potts Hall.

Motion to Amend Move of \$79K for Capital Improvement Plan from Compost Program to Go to Potts Hall to Memorial Park will be allocated \$33,250 of \$79K, and Remainder goes to Potts Hall Repair: Mayor Malinda Miles
Move: Councilmember Luke Chesek

Public Comment

- Charette – I would like to see art at Memorial Park. I don't see what you want to do. Councilmember Luke Chesek said I want to create comfortable park space where people congregate near restaurants. Charette what are we going do about loitering in this space.
- Ophelia – Put all the money to Potts Hall something the residents use. Work a deal with the restaurant to fix Memorial Park.

Instead of putting a Mural on ZYPizza, put way finder at Bunker Hill to point to Bike Coop and Joe's. Mayor said there is Officer grant for that.

Councilmember Celina Benitez said if the money is not spent on Memorial Park it should be spent on Potts Hall. Memorial Park is there to recognize resident that have served in the military. Councilmember Shivali Shah said that there is a line item from Memorial Park and one for Rogers Park. The money will be added to the line for Memorial Park.

Motion to Amend Move \$79K for Capital Improvement Plan from Compost Program to:

- \$45,750 will be for Repair of Potts Hall
- Memorial Park and Roger's Park will have separate budget lines
- Memorial Park will be allocated \$33,250 of \$79K

: Mayor Malinda Miles

Move: Councilmember Bryan Knedler

Second: Mayor Malinda Miles

Ayes: 4-0-0

Vote Recorded: 3-0-0, Motion Passed (Councilmember Shivali Shah Abstained)

Town Hall Meeting

Mayor Malinda Miles said there are several requests for a Town Hall Meeting. It is now up for discussion. Cathy Boston and Ophelia requested this meeting. Councilmember Shivali Shah said she is in favor of public Town Hall and that Mayor and Council can give some information that will not make the City liable. Councilmember Bryan Knedler said we could not discuss specific topics that interfere with the investigation, but other than that we should have the Town Hall. Councilmember Shivali Shah said once investigation is over there will be another Town Hall Meeting. Councilmember Celina Benitez is in support of the Town Hall with privacy and liability issue clearly stated. The date for the Town Hall Meeting will be called by residents and Council, and Mayor will be invited. Independent Moderator will be there, and the City Manager will be invited too.

Route One Reporter is a new site and journalist attended the meeting.

Resolution 4-2018 Update to Council Rules and Procedures Legislative Transparency Agreement

First reading into the record of an amendment that allows constituents to give public comment on last-minute amendment changes. Mayor and Council can make amendment, but the vote must be at later session after public comment. Mayor and Council can vote in an emergency without public comment with a supermajority. There will be a second reading.

Ordinance 8-2018 Update to Election Procedures

First Reading into the record by Councilmember Bryan Knedler on changes to Election Procedures to help make elections run smoother. He thanked the Election Board for the work on these changes, which are:

- Specified what documents are required for candidates like campaign finance documents
- Write-ins are allowed and under what rules they are allowed they cannot be in City Sponsored election events
- The candidate does not have to be present that evening in-person they can designate a stand-in if they are sick
- Clarified process for Absentee ballots and where they go
- Specified that there will be an election plan with a calendar of events, publicity, vote registration
- Specified exactly how count will happen
- Clarified rules for Board of Elections
- Clarified rules for the referendum

Air Conditioning Funding for City Hall

City Manager Miranda Braatz said vendor Shapiro Duncan would put in the new air conditioning system and cost \$84,500. The City has talked to the insurance to get part of the repair covered.

Motion to Approve Air Conditioning for City Hall: Mayor Malinda Miles Move: Councilmember Celina Benitez Second: Councilmember Luke Chesek Ayes: 3-0-0

Vote Recorded: 4-0-0, Motion Passed

Councilmember Shivali Shah thanked the staff for working in the heat for weeks.

Public Comment:

Ophelia – Why did we get two bids instead of three. Councilmember Luke Chesek this is emergency issues.

Approval of Minutes

Group of minutes from November 2, 2017, to May 15, 2018, have been read into the record at least twice.

Motion to Approve Minutes to November 2, 2017, to May 15, 2018, with Changes to be Given to City Clerk: Mayor Malinda Miles
Move: Mayor Malinda Miles
Second: Councilmember Bryan Knedler
Ayes: 3-1-0
Vote Recorded: 3-1-0, Motion Passed (Councilmember Shivali Shah Opposed)

Motion to Adjourn

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

Closed Session Summary	Date: 5/22/18	Location: City Hall	Time: 7pm
Closed Under Annotated Code # 305 b-1_____	Those in Attendance: City Attorney Ken Sigman, Code Enforcement Consultant Jahdal McKenzie, Mayor Miles, Shah, Benitez, Chesek, Knedler, Braatz	Topics Discussed: Personnel	Relevant Notes: Personnel discussed next steps in code enforcement department, and personnel for which this body has authority over and their performance and discipline.
Those who voted to go into closed session: Unanimous of Elected Officials in Attendance	Actions Taken: no votes were taken, please see relevant notes.		

