

Official Minutes of the City of Mount Rainier
MAYOR AND CITY COUNCIL WORK SESSION MEETING

DATE: May 15, 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 arrived at 9:30pm
Councilmember Bryan Knedler
Councilmember Shivali Shah

Staff Present

City Manager Miranda Braatz

Minutes provided by:

City Clerk

3100 Block of 31st Street

Mrs. Alba and Mr. Thompson that live on 3100 Block of 31st are remodeling their house. They have County permits and they do not need a variance. They showed diagrams that have submitted to City Code Enforcement and Councilmember Bryan Knedler has reviewed them. Since they do not need a variance the Mayor and Council did not vote. The couple can proceed with their remodel. Code Enforcement **Alma Ferrufino** will file their documents with the City and process the permit.

Ordinance 8-2018 To Adopt Fee Schedule

Mayor and Council have debated the Ordinance to adopt and change Fee Schedule. This is the first reading of the Ordinance. Councilmember Shivali Shah has read a fair summary of the Ordinance which will allow the City to adopt a Fee Schedule to identify and list City applications permits, license fees, and penalties. Mayor and Council have approved 5 changes that have been discussed over several meetings and they will be effective FY19 on July 1, 2018.

Ordinance 7-2018 to Move Fees from the Code to a Fee Schedule

Councilmember Shivali Shah read a fair summary at first reading of the Ordinance to move fees from the City Code and into Fee Schedule. This is being done by Mayor and Council because it allows them to easily update and amend fees as needed with the burden of changing the City Code.

Comments and Questions from Council

Councilmember Bryan Knedler said these Ordinances benefit the public because now the fees will no longer be buried in the City Code where we could not find them and where we forgot about them, instead there will be a list of fees so residents and the public will know exactly what fees the City has and how much they are. Mayor Malinda Miles that this is the second reading and next will be the vote.

Motion to Close the Special Session: Mayor Malinda Miles

Move: Councilmember Celina Benitez

Second: Councilmember Shivali Shah

Ayes: 4-0-0

Vote Recorded: 4-0-0, Motion Passed

Call to Order for Work Session

Reading of Agenda into Record

Councilmember Shivali Shah read the Agenda into record.

Approval of Agenda with Amendments

Motion to Adopt the Agenda as Amended: Mayor Malinda Miles

Move: Councilmember Shivali Shah

Second: Councilmember Celina Benitez

Ayes: 4-0-0

Vote Recorded: 4-0-0, Motion Passed

Rolling Agenda

Councilmembers updated following items on the rolling agenda:

Councilmember Bryan Knedler

- Reminded Mayor and Council to keep eye on items that also need to be raised during budget.
- Structural Engineer is working with architect to get estimates for Potts Hall.
- Councilmember Bryan Knedler will review Mayor's comments on Rolling Agenda by tomorrow. Mayor will send her comments to entire Council.

Councilmember Shivali Shah

- June 25 – Aug. 3, 2018, two youth from the Summer Employment Program will be working with departments in City Hall.

- Terms for Ethic Commission members will expire in a few weeks. If residents want to join the Commission, please let City Hall or Council Member know. Councilmember Shivali Shah wants the Mayor and Council to review the role of the Commission in the June Work Session. All current members of the Ethic Commission will be invited to the June Work Session. Mayor Malinda Miles said we need to look at City Code Ordinance to make sure the language is up to date.

Announcements were made.

Closed Session Reports

Mayor Malinda Miles said reports will be read later in the meeting for the record. They will be voted on in a public session and recorded in the minutes. Forms will be filled out by Vice-Mayor and signed by Mayor.

Legislative Transparency Agreement

Mayor Malinda Miles said that Mayor and Council has heard from the Community that they should not pass any policy or code where the corrections are not included at the time of vote/passing. Councilmember Bryan Knedler is working on language for an Agreement that allows the public to know about any last-minute major changes to a policy, ordinance, or budget change above 20K. Mayor and Council cannot vote on a budget change of more than 20K, change tax rate, and no ordinances or charter can be changed beyond typographical errors on the same night as the change was made. It has to be voted on 2 weeks later at a meeting. These rules can be overruled by supermajority in emergency with explanation to public. This Agreement is not a change to the Charter, but state how Mayor and Council will operate. This will not be voted on now, it but will come up again.

Memorial Park Update

Director of Economic Development Samantha Olatunji gave an update on the Memorial Park. Menkiti is working with the City to get funding to improve 30 feet of right of way in front of their property. They have a landscape plan that has been given to the Council for 25K. They are asking for the Council for 25K for the project construction drawings. Mayor Malinda Miles wants to know who Menkiti is talking to for funding to see where she can put her efforts. Director of Economic Development Samantha Olatunji said Councilmember Luke Cheseck has been talking to Denny's Office but she does not have that update.

Councilmember Bryan Knedler said Mayor and Council have to decide if we going to move the Memorial to near City Hall. Mayor Malinda Miles wants more info to commit 25K design costs. She also wants the City to get free state technical assistance. Director of Economic Development Samantha Olatunji said that two firms gave us that price and she will reach out to University Maryland Senior Design Studio.

Public Comment

- Resident Danielle 3200 Block of Sheppard Street – We have residents that can do this work, why not create contest for residents to design the space. It would save the City money and use the brains of residents that will actually use the space.
- Ophelia Baxter 3200 Block - Wants to know what Mayor and Council will do with the Memorial? Will it be destroyed? Mayor Malinda Miles said she and Council has made no decision on the Memorial, but she will not vote to destroy it. She has reservations about moving the Memorial but thinks it could make the point on the Plaza look very nice. The Council said what happens to the Memorial depends on cost. Mayor wants to make the project work and is open to moving it. Council did not commit to leave or move it.

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| <ul style="list-style-type: none"> • Ophelia Baxter said to ask the Community for their input about what will happen with Memorial Park and should be put in the newsletter. Councilmember Celina Benitez and Mayor said there is no urgency on the project and there is ample time for Community input. |
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3200 Block at Rhode Island and Eastern Ave. Site

City is in exclusive negotiations with Landex Development for property at 3200 Block at Rhode Island and Eastern Ave. Real Estate Attorney and the City has engaged a law firm **O'Malley, Miles, and Gilmore** to help with the negotiation and execution of sale. Mayor and Council should have updated Memo from our attorney in next week. In the meantime, the property has been cleared and made into a park named Easter Rhodes Public Place with grant money that the City needed to spend. Development will not start till 2019 so the Park will be a dog park and used for public programming. Site has a Alan Bienstock glass structure and will have vibrant signage. There will be grand opening in June. Site is not locked. Rules are for use are posted and signage is coming. City Manager Miranda Braatz said parking is a problem. Mayor Malinda Miles said that area has been public parking for anyone. Since the use has now changed we need to post parking sign and then give it over to enforcement.

Public Comment

- Cindy Alexander 34th – She asked about where the grant fund came from and when the money has to be spent. Director of Economic Development Samantha Olatunji said the grant was from State of Maryland Department of Housing and Community Development and funds must be spent by December 2018.
- Ophelia 1400 Block of 30th Street – How much is left over from the grant and what we do with it? Will it be spent on programming or use it for building up the park? Director of Economic Development Samantha Olatunji said that grant is for capital costs for predevelopment, not programming so we have to be creative in using it. We still need WSSC to do for water for dog owners. We will have 50K left over. Monies could be potentially spent for environmental and traffic studies.

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| <ul style="list-style-type: none"> • Danielle asked do you want to ideas from Community? How about outdoor movies. Director of Economic Development Samantha Olatunji said she does want ideas from the community. |
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Economic Development Fund

Director of Economic Development Samantha Olatunji said that the Mayor and Council passed legislation to support the Fund and they asked her was to develop a package. She has worked on a

brochure/ad that lays out the program to promote the Fund. She will put it in the Mayor and Council mailbox. She is working on the incentive package and will have first draft by the summer and final draft by the Fall. Mayor and Councilmember Shivali Shah expressed confusion and disappointment because they thought that the rules and regulations for the program would be ready for their review now, but are now being told they will not be ready for review till June. Councilmember Bryan Knedler said monies have been allocated in the Budget FY18 for the Fund and without Mayor and Council approval of the rules and procedures this monies cannot be spent by June 31st.

Councilmember Shivali Shah said we preliminary passed monies for FY18, but for FY19 Budget consideration Mayor and Council made clear they were expecting an administration and outreach plan and rules and procedures to be completed for review now, so the Fund could be considered for full or partial funding in FY19 Budget.

Since Director of Economic Development Samantha Olatunji does not have the material tonight it would go to June Work session or later when Mayor and Council will vote on the FY19 budget. There is not enough time for review and vote for FY19 Budget. She clarified there was no expectation that money will be spent on the Fund in FY18. Mayor and Councilmember Bryan Knedler did have expectation that money would be spent.

Councilmember Shivali Shah was concerned Mayor and Council will not have information they need to vote on the inclusion of the Fund in Budget FY19. Samantha apologized for her misunderstanding the timeline of deliverables to Mayor and Council and she said she was willing to do whatever she can to get back on track. Councilmember Bryan Knedler acknowledged that Mayor and Council did delay vote but at that point there was no need to take up debate and voting time at meetings on this issue. It could have waited into the materials were ready. Councilmember Celina Benitez expressed frustration that the materials were not in the packets and stressed that this wastes Mayor and Council's time.

Mayor Malinda Miles feels that this Director of Economic Development Samantha Olatunji should go back to the drawing board and forget the timeline. She should come back to the Mayor and Council with all requested materials when they are properly prepared. Mayor Malinda Miles did not think that could happen by recess.

Councilmember Shivali Shah said since Department Heads do not sit in on all Council meetings, there needs to be better communication between the City Manager Miranda Braatz, Department Heads, and the City Clerk to make sure everyone knows what expectations or instructions from the Mayor and Council that is relevant to their Department. Departments Heads need to watch the meetings online.

Mayor Malinda Miles suggested that we switch to action minutes that are up and ready by the next meeting so you can refer to them to see what happened, actions needed, and who is responsible.

Councilmember Celina Benitez wanted to make sure outreach materials for the Fund are in Spanish.

Public Comment

- Dorothy Boston Rainier Ave. – What will happen if the money is not utilized? Councilmember Bryan Knedler says the money will stay in the general fund. Mayor Malinda Miles said nothing has been done because we don't have procedures and other requested information.
- Dorothy Boston Rainier Ave. – This exactly the breakdown the public is seeing. This is why the public does not have information. You all are having communication breakdown. Mayor Malinda Miles that Mayor, Council and Staff have heard from public and dedicated to fixing problems. They will get minutes to inform the public.
- Cindy Alexander 34th Street – This is such an important thing. Get everything together and look at budgeting in FY20.

Mayor Malinda Miles said the Mayor and Council and City Manager need to give Department of Economic Development Samantha Olatunji clear goals of how to move forward on the Fund.

Potts Hall Update

Councilmember Bryan Knedler has no update. He asked Dept. of Public Works Director Mr. Kamali to update on fixing the lift. He said the State inspected today. The sticker will be lifted this week.

Air Conditioning City Hall

City Manager Miranda Braatz said that all the companies that have looked at the system say it needs to be replaced. Dept. of Public Works Director Mr. Kamali has two quotes to replace the AC. One vendor quote 55, 675K and another is 98K. He is investigating the proposals to see why there is a cost difference. It will take two weeks to implement once a vote is made to get AC.

Mayor Malinda Miles said Mayor and Council need to review the email with the details, make a decision, and find the money so City workers have AC. Council agreed. This needs to go on Agenda or Special Meeting.

Councilmember Shivali Shah wants to know why the quotes are so different. Dept. of Public Works Director Mr. Kamali is working on getting this information and will email the Council and Mayor with the information tomorrow. Council and Mayor will vote on this by next meeting.

Mount Rainier Day

Mayor Malinda Miles discussed financial and administrative history of Mount Rainier Day. Currently she was in dispute with the Director of Finance Kevin Greenville and City Manager Miranda Braatz over her cash payments for Mount Rainier Day. The dispute is that Director of Finance Kevin Greenville wants to change past practice and have all vendors fill out W9s and be paid by check. He does not want cash prizes to be handed out either. There were also questions of how donations should be handled. Mayor Malinda Miles felt the standard practice was cash for the band and winners of games. She was also offended by how her email and in person requests for the money and emails were handled by Director of Finance Kevin Greenville and City Manager Miranda Braatz. She felt personally disrespected and attacked. There were tense exchanges. Director of Finance Kevin Greenville expressed that he felt

attacked by Mayor Malinda Miles when he is only trying to do his job and implement control on the City Finances that have been lacking.

City Manager Mirand Braatz wanted Council to intervene and settle the matter and added it to the Agenda Mayor Malinda Miles asked Council to let her know how to proceed. Council reached consensus agreed:

- The vendors that requested cash will come to Director of Finance Kevin Greenville for cash and sign on receipt. Marachi band will be paid \$550
- \$500 in Prizes will be paid by cash and receipt for each winner (winners get certain amount of \$500)

City Manager Miranda Braatz said that the City has no procedure/policy of how the City handles cash. She apologized to Mayor how the conversation got to this point, but this is important discussion. Mayor Malinda Miles apologized for her behavior.

Public Comment

- Mount Rainier Day Committee Member Ophelia - If non-City entity gives a donations, why is the City placing jurisdiction on this money? Mayor said the money goes thru the City now and so it has to be accounted for. So now we need a cash policy and policy for pass-through donations. Council explained that the money needs to be accounted for in the Audit.
- Danielle – Marachi band may be undocumented and may not want to sign the W9. Councilmember Shivali Shah said she is an immigration lawyer and undocumented can get Tax Id.
- Dorothy there is no way for public input. We don't know what is going on in the City. Mayor and Council has to answer to public and City does not.
- Resident 4200 Block – You all are not communicating well. Director of Finance Kevin Greenville is new and the history of Mount Rainier Day was not communicated to him. Also, you all should not publicly attack each other. Mayor said that public should know that she has already spoken to Director of Finance Kevin Greenville on how we can work together.

Discussion for Summer Recess

Mayor asked for consensus for summer recess. Council agreed. This means their will be no regular meeting only called.

Public Comment

Resident - Mount Rainier Website up and running before recess. Mayor Malinda Miles says it will not be working by then. Councilmember Celina Benitez it will be in June newsletter.

Minutes Review and Approval

Give corrections by COB next Friday. They will be voted on next public meeting.

Department Head Meeting

Councilmember Shivali Shah explained Dept. Head Meeting are too long. She suggested rotating Dept. Heads can come during Legislative Session give and update (2x a year per Dept.) MRTV records Dept. Head updates for TV and online. Mayor Miles said that previous Council stopped Dept. Heads coming to meetings and written reports. Also Dept. Heads can do update that can be on TV. Councilmember Luke Chesek said we should rotate Dept. Heads at meetings and do written reports that are edited for newsletter. Councilmember Celina Benitez thinks there will still be too many present at meeting. Mayor Malinda Miles and Councilmember Shivali Shah said if Dept. Head item is on the agenda they have to come and one Dept. Head can come to talk about all their work at Legislative meeting. ‘

Mayor and Council agreed on following actions:

- Department Head will be on rotating schedule to come and present and update at Legislative Meetings.
- They will provide written reports to Mayor and Council of whatever they want to be on the report.
- Edited version of the summary will be in the newsletter.
- They will come to any Council meeting where an item related to their department will be on the agenda.

Reporting on the Closed Session

Councilmember Shivali Shah read summary report on closed session in work session. They will have to be read into record legislative session.

City has had recent closed session to:

- Discuss specific personnel matter and individual
- Obtain legal advice
- Consult with staff and City Lawyer about litigation
- Consult with outside consultants about litigation
- Protect privacy or reputation of individuals over matters not related to public business

Police Investigation Topic was discussed on April 6 and recessed and resumed April 10

Decisions:

- Put seven employees on legislative leave.
- Request City Lawyer to research legal questions of Mayor and Council
- Remove documents from Mount Rainier Police Dept.
- Establish next meeting date

April 17 Met Again,

- Discussion continued
- Decision recessed until further notice

April 20	<ul style="list-style-type: none"> • Request Finance Dept. research a forensic account • Get legal and finance questions answered from staff and legal council • Establish next meeting date
April 24	<ul style="list-style-type: none"> • Discussion continued • Contact personnel to communicate step forward
May 9	<ul style="list-style-type: none"> • Discuss personnel regarding the Police Investigation

Public Comment

Cindy Alexander – Was May 9 last session and when should they be read? Mayor Malinda Miles said no. They read in tonight and then read into record tonight. They should be read into minutes the next meeting after Closed Session. Councilmember Shivali Shah can report attendance, time, location, and voting that happened at closed session. This info is available and will be into the meeting. Mayor Malinda Miles said closed session minutes are sealed.

Budget Supplement 2

City Manager Miranda Braatz Budget Supplement 2 has updates from public budget hearing. Most Dept. heads are present to talk about their budgets. Kaywood Team is here to discuss their ask of Mayor and Council.

Kaywood Team Ask

Mayor Malinda Miles invited the Kaywood Team, Matthew White, Desire Dubose, and Talaya Grimes, joined Mayor and Council at table. Matthew White, Sutton Hoo Studios, said the Kaywood Feasibility Study interim report will be given to Kaywood Team next week and the full report will be done by mid-June. He asked for 10k a month or total of \$125K in line item that would be the City commitment to the project. This will be used for salaries, fundraising, legal consulting, and financial consulting. Desiree Dubose said the momentum of the project is growing and we just won't to keep going. Commitment from the City would speak volumes. We want the City to be our premier partner. Talaya Grimes said there is momentum for project she has given the proposal to Hollywood actors, County Development Officers, and anyone that could or would be interested in supporting the project. She stressed the County wants to be arts destination and use the arts for development, so the time is now to restore the Kaywood. She thanked Council for supporting the Feasibility Study that allowed Martinez and Johnson to work on the Project. Mayor Malinda Miles asked how much money have Kaywood Team raised. Matt said only the 29K for the Feasibility Study has been raised. The team has been putting personal time and resources. Councilmember Shivali Shah read letter from long-time resident Vernon Sears in support of the Kaywood.

Public Comment

Resident Thompson was leaving and gave a letter to Mayor – Request for a Town Hall Meeting on Police Investigation.

Council Comment -

- Councilmember Bryan Knedler said what if the project is not feasible and what if the space is rented out from under you? Matt said so far the feedback is that the project is very feasible and the other possible renter is a long shot.
- Councilmember Luke Chesek - What will 125K will be used for. Matt said it will be used to pay for legal work, fundraising, grantwriting, and financial work.

Public Comment

Resident Jackson said he was in support of Council. He sits in the Green Team and thinks the restore of Kaywood can be green.

Police Department Budget

Acting Police Chief answered previous question of Mayor and Council:

- What is a Forward Looking Infrared (FLIR)? – Handheld device that registers heat of someone hiding. Helps for officer safety and don't have to wait for canines. It helps alarm response. It follows foot prints. Help with mission persons and finding evidence.
- Can we share License Plate Readers? – They are not mobile. They are installed. We have one now. We are asking for 3 more so each squad has one.

- City Manager Miranda Braatz said the last cost for remodel basement is \$150K. Councilmember Bryan Knedler asked Speed Camera monies? Director of Finance Kevin Greenville said its \$339, 414K. He wants the 150K to repair the basement to use for City storage, Cert Team, and gym.

Mayor would like a new estimate and move move to fix the basement and UNO will be issues.

Code Enforcement Budget

Code Enforcement Rep Alma was present to ask questions from Mayor and Council. Alma is not full time. Councilmember Bryan Knedler asked is current staffing level is working. She is in talks with the City Manager about staff. City Manager Miranda Braatz will like to fill the Director position.

Department of Economic Development

Director Economic Development Samantha Olaltunji presented a breakdown of her budget breakdown as previously requested of the Council. Councilmember Shivali Shah said a lot goes into marketing and promotion. What event do you feel gives ROI for the outlay? Department of Economic Development Samantha Olaltunji felt that for first time the City went to Biz Now with an exhibit and speech. We had people visited the City the next weekend because she spoke at the event. People don't know Mount Rainier exists and we have to publicize to attract investment.

She will send budget breakdown to Mayor Malinda Miles via email as requested.

Department of Public Works Budget

Mr. Kamali answered previous questions of the Council. Mayor Malinda Miles asked for him to make a priority list.

- Fixing the Department of Public Works Parking Lot, Remote Gate, and Fence - Mayor and Council agreed this must get done it is a liability. Cost is 14K for iron gate and 9K for the fence. This is cheapest gate he found. Councilmember Bryan Knedler wants a chain link fence. Mayor Malinda Miles will do the paving first. Mr. Kamali said chain link cost 12K and iron is 14K.
- Compost – Mr. Kamali explained the program. DPW is using County model to implement a food composting program. 1000 homes will create 1.5 tons a week. He will combine yard and food waste pick up on Mondays. It will reduce tipping from \$59 to \$29. Residents will get compost cart and bags for the year and waste will go to County facilities.

There will need to be public hearing on the budget because it was not publicly stated for this one.

Mayor Malinda Miles requested City Manager to make copies of Budget 2 for the public to pick up at City Hall.

Public Comment

Resident Alexander – Asked for Budget FY18 with actuals as with previous budget. She said when the last audit was done? Mayor Malinda Miles said Mayor and Council did not ask the Finance for the actuals. The last audit is FY16. As of three weeks ago we have been going after new auditor. City has requested necessary extensions. It must be voted on by Mayor and Council.

City Manager Miranda Braatz said the Budget is correct the column was removed on purpose as the audits have not been done. Mayor and Council said the actuals should be there. Must have public hearing and see actuals. Director of Finance Kevin Greenville it will be significant amount of work to get actuals. However, we need audited numbers to be accurate. Mayor suggested that he run actuals from certain date.

Motion to Adjourn

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

Closed Session Summary	Date: 5/9/18	Location: City Hall	Time:8:45pm
Closed Under Annotated Code # <u>1,7,8</u>	Those in Attendance: Miles, Shah, Benitez, Chesek, Scott and Attorney, City Attorney	Topics Discussed: Personnel in the PD, Advice on a legal police matter from the city attorney	Relevant Notes: City Manager did not attend this session.

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