

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

**MAYOR AND CITY COUNCIL MEETING**

**DATE: April 2, 2019**

**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 (By Phone)

**Officials Present**

Councilmember Celina Benitez (Vice Mayor)

Councilmember Luke Chesek

Councilmember Bryan Knedler

Councilmember Shivali Shah

**Staff Present**

City Manager Miranda Braatz

Acting City Clerk John Hoatson

**Minutes provided by:**

Acting City Clerk John Hoatson

**Call to Order and Pledge of Allegiance**

**Reading of Agenda into Record by Councilmember Celina Benitez**

Motion to Approve the Agenda: Mayor Malinda Miles

Move: Councilmember Bryan Knedler

Second: Councilmember Shivali Shah

Vote Recorded: 4-0-0, Motion Passed

**Announcements**

**Reading of Summary of Closed Session by Councilmember Celina Benitez**

March 19, 2019 at 10:40pm at City Hall there was a Closed Session to discuss sale of 3200 Rhode Island with City Real Estate Agent. Those who voted for the session were Mayor Malinda, Councilmember Celina Benitez, Councilmember Luke Chesek, Councilmember Bryan Knedler, and Councilmember Shivali Shah. The entire Mayor and Council attended along with City Manager, Director of Economic Development, and City Real Estate Agent.

## **Memorial Park Street Presentation by UMD**

Councilmember Luke Chesek reviewed of the Memorial Park Street Project. The objective of this project is to create a space people want to be in and stay in. This is in concert with the Menkiti Development of the old Singer building. It is part of the redevelopment of the town core. He reintroduced the UMD Team and thanked them and acknowledged other stakeholders. UMD reviewed issues with the space, community involvement, and positives of the space. They walked Mayor and Council through the final design. This is the final presentation of the design by the UMD after three community meetings and resident surveys. The final design addresses storm water and drainage issues at the site using aesthetically pleasing paving and greenery. It will have color display, mist park and nature play for children, food truck area, and streetlights for Perry and evening events. They highlighted a wall and outdoor seating. It also addresses parking issues. If approved, final design they will go to technical design and engineering phase. The design team had a wonderful time working on the project and hoped the City loves it. If the design is approved, April 12, the City will go to State Secretary Mr. Holt to apply to community legacy grant. The Secretary has visited the City of Mount Rainier and is supportive of the project. Councilmember Bryan Knedler said there is still the issue of diagonal parking on 33<sup>rd</sup>. UMD team should get back to Mayor and Council and residents on parking. Mayor Malinda Miles said parking is going to be an issue and so is maintenance. She said that grants need to have funds included for five years of maintenance and ways to ensure parking and lighting is addressed. Mayor and Council want to move forward and approve the design with issues of parking, lighting, and maintenance to be addressed as the projects moves forward.

## **Director of Finance Report**

Director of Economic Development Ronald talked about the ISSC meeting where City had a economic development display. He distributed the Mount Rainier swag that was given out at the meeting. He passed out a flyer with picture of City's display. He invited residents to register their kids for the Global Sleep Over Digital Camp. A free program for children. Mayor Malinda Miles asked him to contact the local elementary schools and have flyer on the event sent home with the students.

- Daniel Carter Recreation Committee – April 27<sup>th</sup> there will be event for hand crafts. They are seeking crafters, musicians, and other vendors, but they need to apply to the recreation committee. They have winners of the t-shirts contest and they will debut at the Craft Fair.
- Brooke Kid President of Mount Rainier Business Association (MRBA)– MRBA has two new staff members Desire Dubose, Local Business Coordinator/Communications and Events and Jimmy Tarlau Outreach and Advocacy Coordinator. She praised Ronald Hopkins as new Economic Development Director. MRBA has been working with the City's Code Enforcement and Police to help local businesses to stay up to code and that business are safe for workers and clientele. 2<sup>nd</sup> Wednesday of the month MRBA is business opportunity meeting. MRBA is exploring how to support entrepreneurs and home-based business in the City. They want to discuss the vacant lot on 34<sup>th</sup> and it can be collaboratively used between MRBA and the City.
- MJ Park Little Friends for Peace – For 25 years they have had a peace camp in the City to teach practice of peace and nonviolence. May is the month of peace in the City. It has been neglected. She came to reinvigorate the peace month by sponsoring some events. She would

like to reproclaim the month. Mayor Malinda Miles said it was probably proclaimed in 2011/12. She will look for it in City records. MJ will work with the City's Recreation Committee and the City Event Coordinator to plan events.

Motion to Reactivate May as Peace Month in City of Mount Rainier with Events: Mayor Malinda Miles  
Move: Councilmember Celina Benitez  
Second: Councilmember Bryan Knedler  
Vote Recorded: 4-0-0, Motion Passed

### **Second Reading Ordinance 04-2019 Mount Rainier Youth Scholarship**

Councilmember Celina Benitez described Ordinance 04-2019 establishes an application process for Mount Rainier Youth Scholarship award and procedures. The scholarship will be for \$1000. Changes made since last reading.

- Students can apply scholarship to vocational school or higher education.
- It is not an economic-based scholarship.
- All applicants will be interviewed.
- The school attended can be located anywhere.
- Scholarships are only available to residents of City of Mount Rainier (at least one-year).
- Scholarship cannot benefit Mayor and Council or close relatives.

#### Public Comment

Brooke Kidd – Asked that they use fillable PDF for process. She would like the scholarship to be used for any school and any local high school.

Motion to Approve Ordinance 04-2019 Mount Rainier Youth Scholarship: Mayor Malinda Miles  
Move: Councilmember Bryan Knedler  
Second: Councilmember Shivali Shah  
Vote Recorded: 4-0-0, Motion Passed

Mayor stated resolution does not require an amendment

### **Second Reading Ordinance 01-2019 Move to Five Tax Classes**

City Manager Miranda Braatz read the proposed new tax classes are Single Family Residential, Townhouse Residential, Multifamily Residential, Commercial Properties, and Industrial. City's Economic Director was present. The definitions were expanded since last reading, but Mayor and Council said there were not enough significant changes and the vote can go forward. Councilmember Luke Chesek asked if the zones have been checked to make sure the businesses are zoned properly? How will tax classes will be enforced? The example given was the artists in industrial zone. Economic Director said that zones for the businesses can be changed. Councilmember Luke Chesek is concerned that in coming years how will be zones be corrected? Mayor Malinda Miles suggested an appeal process.

Mayor and Council want a process for checking current use, not zones. SDAT can provide the City list of how businesses are used. An appeals process and definitions are needed. Councilmember Bryan Knedler said the appeals are on done at State level. Economic Director said the City can decide use definitions, despite the zone, for the County/State. Appeals process can be similar to code enforcement process. Use will be based on how the City bills to the County. Mayor Malinda Miles said there must be documentation on how business use is determined. Economic Director will send Mayor and Council the PDF with SDAT file with current State/County use for properties in Mount Rainier.

Public Comment

- Jimmy Tarlau 2400 Block - He asked how Red Dirt Studio is categorized? There needs better clarity on these properties.
- Brooke Kidd – The definitions on commercial property is 40 years old. It needs to be updated and revised to include artist studios, coworking spaces, etc. The separation of commercial and industrial is not necessary.

Motion to Ordinance 01-2019 Move to Five Tax Classes: Mayor Malinda Miles  
Move: Councilmember Shivali Shah  
Second: Councilmember Bryan Knedler  
Vote Recorded: 4-0-0, Motion Passed

Economic Director will come back with information on business use in industrial zone by Friday. Also definitions of type of businesses will be given.

**Third Reading of Budget Amendment 2-FY2019**

City Manager Miranda Braatz summarized changes to the Budget Amendment 2 since last reading:

- 10K from Contingency to Bike Coop
- 25K from Contingency to 3909 Rhode Island/Library
- 10K from Parking Enforcement Regular Pay to 3909 Rhode Island/Code Enforcement Remodel

Motion to Amend Budget Amendment-2-FY2019 for 10K Bike Coop, 25K Library, and 10K Code Enforcement Remodel: Mayor Malinda Miles  
Move: Councilmember Celina Benitez  
Second: Councilmember Bryan Knedler  
Vote Recorded: 4-0-0, Motion Passed

Motion to Temporarily Suspend 2 Week Rules before Voting on Budget Amendment 2 -FY2019 & Allows for Vote Tonight: Mayor Malinda Miles  
Move: Councilmember Luke Chesek  
Second: Councilmember Celina Benitez  
Vote Recorded: 4-0-0, Motion Passed

Motion to Adopt Budget Amendment-2-FY2019 as Amended or 10K Bike Coop, 25K Library, and 10K Code Enforcement Remodel: Mayor Malinda Miles  
Move: Councilmember Luke Chesek  
Second: Councilmember Celina Benitez  
Vote Recorded: 4-0-0, Motion Passed

Councilmember Bryan Knedler will add article on Budget Amendment 2 to City newsletter.

### **Ordinance 3 to Establish a City of Mount Rainier Arts Commission**

Councilmember Luke Chesek reviewed how Arts Commission will be established and operate. The amendment language ensures artists that live or work in Mount Rainier are favored in the selection process.

Motion to Temporarily Suspend 2 Week Rules before Voting on Ordinance 3-FY2019 & Allows for Vote Tonight: Mayor Malinda Miles  
Move: Councilmember Luke Chesek  
Second: Councilmember Celina Benitez  
Vote Recorded: 4-0-0, Motion Passed

Motion to Adopt Ordinance 3-FY2019 as Amended to Domicile Artist or Those Working in Mount Rainier: Mayor Malinda Miles  
Move: Councilmember Luke Chesek  
Second: Councilmember Celina Benitez  
Vote Recorded: 4-0-0, Motion Passed

### **Public Comment**

Resident – How will this be paid for and will the artists be paid? Councilmember Luke Chesek said City will fund the Commission and their work. There will be in the budget and then they must look for other funds. Artist will be paid.

Motion to Approve Ordinance 3-FY2019 as Amended to include Domicile Artist or those Working in Mount Rainier: Mayor Malinda Miles  
Move: Councilmember Luke Chesek  
Second: Councilmember Celina Benitez  
Vote Recorded: 4-0-0, Motion Passed

### **First Reading of Ordinance 04 -FY2019 on Temporary Exclusion of Vacant Property Tax due to Death or Disaster**

Councilmember Shivali Shah summarized changes to Ordinance. Mayor and Council has passed a vacant property tax rate. This has helped many properties be sold and/or occupied after years and decades of vacancy. Exceptions in amendments are:

- Owner that died while residing at the property.
- Fire or flood not intentionally caused by owner.
- House is destroyed by natural disaster.

Other changes were read by Director of Finance regarding when vacant tax will be paid or refunded if exclusions apply. There was discussion about owners that pass at a nursing facility, hospital, or moved in with relatives for care but still own the house in Mount Rainier. Councilmember Shivali Shah said that as long as the owner was planning to return and kept the residence in Mount Rainier, they can get the exemption. There was discussion of probate that can drag on beyond one year. City Lawyer and Code Enforcement want an exemption is one-year, however, Councilmember Shivali Shah will extend the exemption to two years. She has learned that majority of vacancy in Mount Rainier are due to death of owner and legal issues tend to follow.

Motion to Amend on Ordinance 4 -FY2019 on Temporary Exclusion of Vacant Property Tax due to Death or Disaster to extend exclusion for two-years: Mayor Malinda Miles  
Move: Councilmember Shivali Shah  
Second: Councilmember Celina Benitez  
Vote Recorded: 4-0-0, Motion Passed

Councilmember Bryan Knedler added language to make sure owner/occupant that passes in nursing home, hospital estate is eligible for the exemption. He also defined domicile, so code enforcement does not have to be involved in the matter. Owner/occupant resided at the domicile but intended to return. It was clarified in this amendment applies to owners not renters.

Motion to Amend on Ordinance 4 -FY2019 on Temporary Exclusion of Vacant Property Tax due to Death or Disaster to extend 3B07A, 2 and to addition of definition of domicile: Mayor Malinda Miles  
Move: Councilmember Shivali Shah  
Second: Councilmember Celina Benitez  
Vote Recorded: 4-0-0, Motion Passed

### **First Reading Ordinance 05-2019 12D Regulating Sale of Tenants and Right Away**

City Manager Miranda Braatz summarized the Ordinance 5-2019 12D Regulating Sale of Tenants and Right Away. This requires companies establishing 5G connections to come to City of Mount Rainier and the Mayor and Council to consult on placement and aesthetics of poles.

Public Comment.

Charnette Robinson Perry Street – A pole has gone up in front of her house, she does not know who owns it. This was put up very recently. She questioned the person putting up the pole and they said they did not need it as long as they are putting up tree box. Is there a study about the radiation from

wires and utility polls? Mayor Malinda Miles said Pepco must get permission and Mobile Light has stop work order. She will have conversation about radiation. She follow up about pole in Ms. Robinson's case to see who owner is.

Mayor Malinda Miles said there is a tax the City can place on the pole. She will do a walk of the City with Pepco to look at Poles.

### **Amendment to Resolution 05-2019 City Newsletter "The Message" Procedures**

- There was discussion of typos that were corrected.
- Newsletter cannot be used to endorse political candidates.
- Everywhere it said 100 words for content submission is now 150. This is return to original amount of 150.

Motion to Support Amendments to Resolution 05-2019 City Newsletter "The Message" Procedures:  
Mayor Malinda Miles  
Move: Councilmember Celina Benitez  
Second: Councilmember Bryan Knedler  
Vote Recorded: 4-0-0, Motion Passed

Motion to Approve Amendments to Resolution 05-2019 City Newsletter "The Message" Procedures:  
Mayor Malinda Miles  
Move: Councilmember Celina Benitez  
Second: Councilmember Bryan Knedler  
Vote Recorded: 4-0-0, Motion Passed

### **Public Comment**

- Resident – I did not want "The Message" translated in Spanish. It not fair to other language speakers and more costly. Will it still be in Spanish? Council and Mayor said yes.
- Charnette Robinson – She wanted to know if non-city sponsored events can be listed in the "The Message." Councilmember Bryan Knedler said that yes, the events can be listed, but no articles. If your Councilmember wants to include the event in their report they can.

### **Closed Session**

Motion to Move to Closed Session 3200 Rhode Island with City Real Estate Agent: Mayor Malinda Miles  
Move: Councilmember Bryan Knedler  
Second: Councilmember Celina Benitez  
Vote Recorded: 4-0-0, Motion Passed