

Official Minutes of the City of Mount Rainier
MAYOR AND CITY COUNCIL LEGISLATIVE SESSION
DATE: December 03, 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

Officials Present

Councilmember Celina Benitez
Councilmember Scott Cecil
Councilmember Luke Chesek
Councilmember Bryan Knedler

Staff Present

Interim City Manager Latasha C. Gatling
City Clerk John Hoatson

Minutes provided by:

City Clerk

Call to Order and Pledge of Allegiance

Reading of the Agenda by Councilmember Scott Cecil

Motion to Approve the Agenda: Mayor Malinda Miles

Move: Councilmember Celina Benitez

Second: Councilmember Luke Chesek

Vote Recorded: 4-0-0, Motion Passed

Announcements

Maryland National Park and Planning Commission Update and Q&A

Daniel Sams from MNPPC Community Planning Division is working on the rewrite zoning for the County. He came to update the Mayor and Council on the Neighborhood Conservation Overlay Zone, which is the zone that applies to the City Mount Rainier. He reviewed areas of the Zoning Code that related to comments from the City and residents. A meeting will be held on December 16, 2019 at the Mount Rainier Nature Center where he will present the draft of the Zone Overlay as it is currently conceived to the City residents. Timing is crucial as the Zone is to be finalized in March. He presented the Draft Code and the comments from City. He reviewed key City comments on Draft Code and the County response:

- 2. Zoning Team retained fence permitting, but will not be a part of the zoning code
- 5. No Response from the Zoning Team
- 6. Zoning Team included definition of what are the Single Family Home use types
- 7. Zoning Team will not use the language “existing building patterns,” but the Zoning Team will continue to use “existing development” which conforms with the rest of the zoning code language
- 8. Reference to County’s Arts District has been removed
- 10. Definitions are not included, the Zoning Team said the definitions will not be in the code but they will be in a supplement and he suggested a cheat sheet for the City
- 11. Zoning Team made a clarification, Net Lot Area and uncovered stoops and decks are not included
- 12. Zoning Team stated that Front Lot is now considered 100% of front yard area
- 13. Zoning Team rejected definition for public right away
- 14. Zoning Team deleted the shingle section because it did not give leeway for interpretation
- 15. Zoning Team agreed to the 35Ft limit
- 16. Zoning Team kept original language and rejected the City’s
- 17. Zoning Team changed sidewalk was changed to pedestrian path
- 18. Zoning Team sidewalk setback is 2 ft for accessory structures
- 19. Zoning Team will set an maximum allowable height for accessory structures but they want the City to state their objections more clearly

Councilmember Bryan Knedler said these rules apply to County permit as necessary. If your increasing your structure to less than 15% gross floor area, you don’t need a building permit. If your building new structure, you will go over 15% and will need a permit. This zoning will mostly affect new builds and mayor renovations. There was a discussion of dormers and they will be discussed at Dec. 16, meeting for additional comment.

Public Comment

Sederhoff, Resident and Chair of Design Review Board – DRB recommends 15 ft accessory building for loft/granny flats areas and to give enough room for these structures. He also said accessory buildings or lofts are good for diversity of housing and multifamily housing. He wants accessory dwelling units to be included in the Zoning code. Additional Design Review Board Committee members asked many questions about the Zoning Code and have issues with

language that makes it harder to improve home and hampers architectural diversity. There needs to be more communication to public about these rules. Councilmember Bryan Knedler said the City is responding to the County's new zoning.

Actions:

- Councilmember Bryan Knedler will get in touch with Mr. Sams about accessory structures and dormers.
- Mr. Sams said you cannot add a use to the zone but he will look at removing the height requirements and will review no. 15 and the 35ft limit.
- Mr. Sams said there will be another meeting in January.

Councilmember Scott Cecil noted the DRB comments were out of order as it was not time for public comment.

June 30, 2017 Audit Update by CohnReznik

Dan Kinney, Partner, and Alicia Dennis, Manager, from CohnReznik came to present the update on completing City audit for 2017. He summarized a letter to Council that reviewed how they work. When the audit is complete, CohnReznik will send the City an AUC 260 Letter that will let the City know if any changes to your procedures are needed, any difficulties faced during the audit, complete review of the audit, and any compliance issues discovered. CohnReznik was contracted October 2018 but due to the City's personnel changes, the need for more through accounting research, and time for **CohnReznik, as the** new auditors, to get up to speed, actual work did not begin until Mid-July 2019. The main challenges have been that they are new auditors and the City's changing management. Councilmember Luke Chesek asked when will the audit will be done, Mr. Kinney he did not have a date. Councilmember Luke Chesek asked for a project management deliverable to Mayor and Council from the auditor that has benchmarks with dates. If the City gets X to you then auditor will complete task X by this date. Councilmember Celina Benitez asked about 2018 Audit. Mr. Kinney said that once 2017 is done, he can create project management benchmarks for 2018. Councilmember Scott Cecil said this is number one priority. Mayor Malinda Miles said she was speechless. She wanted to know if any of the work from Murphy and Murphy was turned over to you? Mr. Kinney said that CohnReznik received the 2016 Audit in March/April 2019, which caused more delay. Mayor and Council said that the auditors needed to talk to both the new City Manager and Mayor and Council if they are not getting information they need to complete the audit in a timely manner.

Closed Session November 7, 2019 Summary Read by Councilmember Bryan Knedler

This session was held to discuss interview for Interim City Manager.

Public Comment

- Jimmy Tarlau MRBA – This is Shop Local Week in the City and said it was the most active in memory. There are events at shops throughout the city. MRBA will also do assessment to see if this is the best week or time of year for it. MRBA party/meeting is Dec. 11 and they will vote on officers and new bylaws. FYI, the Councilmember Rep for MRBA is automatically on the Board of Directors. This means Mayor Miles is on the Board of Directors for MRBA.
- Mrs. Hameed – It is bad move to ignore the County ruling on Pitbulls. It will leave the City libel.
- Charnette Robinson – Why the City is not reciprocity in the County on Pitt Bulls? Her dog attacked a man and severely injured him and she was sued. She asked the City not repeal the Pitbull law. Why is permit parking not enforced?

Old Business

Resolution 14 –2019 Pitt Bull

Councilmember Scott Cecil asked Mayor and Council to review a previously sent email on Pitt Bull issues. Please get back to him via email. He does not need discussion tonight on the bill.

Ordinance 9-2019 Budget Amendment 1

The Director of Finance gave a fair summary of Budget Amendment 1. There will be 6 members of Code Enforcement Department.

- 3K from Vets to Census Committee
- 1500 Tax Credit to Equipment to City Hall
- 55K Code Enforcement Leave and Wages to MRTV Equipment
- 16K Professional Services City Hall to Audit Services City Hall
- 11K Salaries City Hall to Temp Labor City Hall
- 174K Police Reserves to Building Repair Police Dept.
- 10K Police Reserves to Community Policing
- 28K Police Reserves to Temp Labor Police Dept.
- 18K Salaries Police to City Hall Temp
- 17500K Salary Public Work for Rent Economic Development Rent
- 5K Medical Expenses to Temp Labor Economic Development

Total 345,750K

Councilmember Scott Cecil stressed the importance of completing audits. Councilmember Celina Benitez said that there should be a note in the budget that explains to residents why money is moved. She also wants next budget to have these items in the budget and then you won't have to move them by amendment. Councilmember Luke Chesek asked for three year actuals and forecast. Director of Finance said he can do that.

Motion to Approve the Agenda: Mayor Malinda Miles

Move: Councilmember Bryan Knedler

Second: Councilmember Celina Benitez

Mayor Malinda Miles has objections. Councilmember Bryan Knedler and Councilmember Luke Chesek want MRTV to be put on hold and monies can go to contingency. Director of Finance said the monies will have to be allocated in the budget for the upgrade of equipment, office, and furniture for MRTV whether it is today or in the next budget. Also, he said that MTRV monies cannot go the contingency fund. The Mayor asked for a vote. Councilmember Scott Cecil was not ready to vote because he feels there is no consensus. Councilmember Luke Chesek wants it amended to move MRTV monies to contingency. Vote was called on the budget amendment as is.

Vote Recorded: 3-0-1, Motion Passed (Councilmember Scott Cecil Abstained)

Mayor Malinda Miles said that her objection is how the money is being moved and why. She has concerns about the how Code Enforcement will be managed with new officers. She wants discussion on this on work session. She wants freeze on salaries since we don't have audits. Councilmember Luke Chesek said all of us are concerned about the budget, salary, and tax revenue. He is concerned with the language of the fair characterization of bills passed. There is a presumption that we doing something untoward. Councilmember Bryan Knedler said that his problem is the Mayor and Council were not consulted about eliminating code enforcement Director line. Councilmember Celina Benitez said moving budget lines is not the way to deal the personnel. Councilmember Scott Cecil said he won't vote on budget amendment he does not understand or feel 100% good about.

Action: This issue require further review and goes to next meeting.

Name Change Code Enforcement to Code Compliance

Vote to Approve Name Change of Code Enforcement to Code Compliance: Mayor Malinda Miles

Move: Councilmember Celina Benitez

Second: Councilmember Luke Chesek

Vote Recorded: 4-0-0, Motion Passed

Feedback on City of Mount Rainier Scholarship Applications Questions

Councilmember Celina Benitez asked for feedback on scholarship form. Councilmember Scott Cecil said to remove questions 6 and 7. He asked if the application is in other languages. Councilmember Celina Benitez will translate it into Spanish when the English version is done. Councilmember Luke Chesek likes 1, 3 and 4. Mayor Malinda Miles likes 2, 4, 9, but not 10.

Council accepts the form with suggested changes. There will be only 3 or 4 questions for the application to create a 500 word essay. April 18 – May 1, 2020, is application review window.
Action: Councilmember Celina Benitez will assemble packets and send them out ASAP.

Partial Day Absence for Salaried Exempt Employees

This is to dock employees comp time for being late or leaving early without approval. City Lawyer drafted language for this. The dock will be ½ hour. It will be .50 but say 30 minutes. Mayor Malinda Miles says this should just be added to the employee handbook. Councilmember Scott Cecil not fan of docking pay for salaried employees, he will vote not on this. If they are not meeting expectations, they should be fired. Councilmember Luke Cheseck agrees with Scott, but everyone is not salaried and there is equity. He is struggling with this. Councilmember Bryan Knedler says employees have a lot of comp time, but not using it for when they are late and we are paying them. Councilmember Celina Benitez agrees with Councilmember Bryan Knedler. Mayor Malinda Miles is in favor due to excessive comp time. Salaried employees should use comp time.

Vote to Adopt 6.10.5 Partial Day Absence for Salaried Exempt Employees As Amended : Mayor Malinda Miles

Move: Councilmember Bryan Knedler

Second: Councilmember Celina Benitez

Vote Recorded: 4-0-0, Motion Passed

Mayor Malinda Miles wants the Employee Handbook be printed and given to each employee. Each employee should sign for it.

Gateway CDC Annual Dinner \$500 Contribution

Vote to Gateway CDC Annual Dinner \$500 Contribution: Mayor Malinda Miles

Move: Mayor Malinda Miles

Second: Councilmember Bryan Knedler

Vote Recorded: 4-0-0, Motion Passed

City received an award at the Gala. The monies will come from City Hall budget.

Motion to Resume Closed Session from Nov 21: Mayor Malinda Miles

Move: Councilmember Celina Benitez

Second: Councilmember Scott Cecil

Vote Recorded: 4-0-0, Motion Passed

