

**Official Minutes of the City of Mount Rainier
MAYOR AND CITY COUNCIL WORK SESSION
DATE: December 17, 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 Bryan Knedler

Motion to Approve the Agenda: Mayor Malinda Miles

Aye: All

Nay: None

Vote Recorded: 4-0-0, Motion Passed

Announcements

Litigation on Opioid Epidemic as Related to City of Mount Rainier

Gene Lynch of Scarlet Oak Strategies joined the table and Kevin Royer Law Firm of Theodore Oranger joined by phone to present to the Mayor and Council on law suits and potential settlement related to opioid crisis. Ms. Lynch reviewed the option for the City that included:

- **Joining the Ohio Federal Case**
- **Filing your case in state court**
- **Do Nothing**

They reviewed the federal cases and then how various municipalities in Maryland are reacting. He compared the opioid lawsuits to those against tobacco firms. Mr. Royer said they are looking to learn how opioids have affected the City. Mayor Malinda Miles said she is not clear of why a lawsuit is the way to go for the City. Also there are other drugs with similar social affects as opioids. Are they included? Mr. Royer said to determine harm to City from opioids, he gave a preliminary look at the City budget. He noticed higher costs for Police that seem to correlate with rise in opioids. The other drugs at play are recognized by the courts via deaths coded using standard medical billing codes. He looked at Prince George's County data (City data is protected) and noticed a high rate of death due to opioids and fentanyl. Those deaths usually start with a prescription and that can be proven. Mr. Royer said the state court route would be best for the City. In other cities things like overdoses in parks or response in general by City police is an recoverable expense. Narcan costs are recoverable.

Mayor Malinda Miles wanted to know what is the ask from the City to move forward. Mr. Royer said he needs to talk with the Chief of Police, Directors of Finance and Personnel, and anyone that is working with monitoring deaths in the city such as a coroner. These will be 15 minutes interviews to start. Engaging his firm will not cost the City anything upfront. Mayor Miles clarified that his ask is whether the City is interested in engaging with his firm to explore whether the City can join a suit. Mr. Royer said yes. The Chief of Police wanted to confirm that the firm is looking for police records from 2011 to 2017. Mr. Royer said he only needs an interview with the person or persons in the Police Department most knowledgeable of this issue.

Councilmember Scott Cecil says he works on these issues in his lay life. He is concerned Fentanyl as a substance is demonized when it is lifesaving for those that need it. The key is that Fentanyl needs to be administered under controlled circumstances. Also, he noted that the Ohio case is moving the fastest of all the cases, which can mean an early payout. He suggests the City attach to that case. Also, he wants any money from a win to go to fighting abuse of drugs and its related issues in City of Mount Rainier and not another cause. He noted that the Police records are being digitized so accessing them at the moment is a problem.

Councilmember Scott Cecil is for joining the litigation. Councilmember Luke Chesek does not see any risk to signing on and trying to recover costs. Is the state trial a jury trial? Mr. Royer said yes. Councilmember Luke Chesek and Councilmember Celina Benitez is in favor of joining a state lawsuit by trial. Councilmember Bryan Knedler will await opinion from the City Lawyer.

Action: Mayor and Council are generally in favor of the lawsuit, but will await the review of the proposal presented tonight by the City's Lawyer. They will get back to Mr. Royer as whether they will move forward.

Public Comment

- Resident – There is no direct cost, but there is secondary cost to providing documents/interviews for the case. Please keep this in mind.
- Ophelia 30th St. - It seem PG County is not that high on the chart compared to other counties in MD. Are we doing this for five people, will this cost us more than it is worth? How many dogs do we have in this fight? Mayor Miles said PG is low on Opioids, but high in Fentanyl and other street drugs which the lawsuit covers too. The City does have NARCAN cost. Councilmember Scott Cecil said PG County looks good on its numbers because the death rate in places like Baltimore County is so high. PG looks good by comparison.

Mount Rainier Elementary School PTO Effort to Redesign Grounds

Valerie Woodall is Mount Rainier Elementary School Parent Teacher Grounds Committee Chair. The Committee engaged Neighborhood Design to improve the grounds of Mount Rainier Elementary School. They are working on the entrance now that has two dumpsters. They are working on implementing a design that is more pleasing and reflects the artistic neighborhood, gives parents a place on congregate and get information, and provides shelter from weather. They are applying for a grant from the Redevelopment Authority Community Impact Program. She wants a letter of support from Mayor and Council. Mayor Miles said it does not need a vote but consensus. Councilmember Celina Benitez is in favor and feels it will help encourage more walkers. Councilmember Scott Cecil is in favor but feels it is a shame the County has underfunded the schools and the grant is needed. Councilmembers Luke Chesek and Bryan Knedler were in favor.

Action: It will be voted on in the first January meeting, but the letter is approved as is and will be given to Ms. Woodall tonight.

47th Delegation of State Representative Meeting

47th Delegation meeting is tonight, but Mount Rainier Council meeting is tonight too. Mayor Malinda Miles did put in the City's budget requests. The 47th Delegation has been invited to the City.

Action: Councilmember Celina Benitez will provide dates to Mayor Miles of when the 47th should come.

Schedule of Fees

Mayor Malinda Miles said staff has not completed the material needed. However, residents at meeting were asked to come to the table for their comments.

- Bob 3804 38th Street – He is involved in a grant for special sidewalk that helps runoff to Chesapeake. He paid a permit fees for the City for \$60 and then another fee for \$250.

He feels the City provides no advice or help for the permit and it took three trips to get it. He asked Mayor and Council to look at fees and service provided by the City.

- Ophelia 30th St. - What is purpose of the City fees on work on homes in the City if the County charges a fee? Mayor Miles said some other local municipalities have lower fees than City of Mount Rainier. The question is to look at all the fees. City uses fees to pay Code Enforcement for inspection. The decision on the fees has not made. Ophelia asked are code enforcement officers certified? Mayor Miles said they are working on it. Councilmember Luke Chesek said any resident interested in this issue can contact him.
- Sean – Will those who have paid high fees in the past be reimbursed if they are lowered? Mayor Miles said they will consider this. Sean said that PG County fees is \$55 a permit and Mount Rainier is \$250 and that is five times more than the County. Mayor Miles has asked for a schedule of fees from the County in comparison to City fees. Recently he did work in the City and the work cost \$300 and City fees were \$500. What is time frame to resolve the fees? Mayor Miles there is no time frame.
- Resident – Three years ago he worked on his house and it was half of what the County charges. Can we go back to that? Mayor Miles would like to use the County standard.
- Scott Remmer 4015 29th - As new resident to the City, the fee and tax structure was a shock. I went from vacant taxes to now \$8700 a year. He wants to do additional work, but is worried about fees. Also, his house was a quick flip and it is not up to code. Since these fees are so high, he feels the City should be libel for the inspections that did not catch the code violations. City needs to back up inspections that he had to pay for via fees. Right now, he paid a lot of money for the house and he now has to pay more for a house that is not up to code. He holding off on his garage until the fee issue is settled. He hopes it fixed quickly.
- Cindy – We had fees but they did not duplicate the County. The County did our inspections and the fees were minimum. Fees wre there to only to let the City to know that the work was being done. We want to encourage repairs, renovation, and revitalization. The City will get the revenue with the increased property assessment. The City should back off and let the County inspect and have the liability.
- Scott Remmer 4015 29th - Were the fees raised to cover cost of more code enforcement? Mayor Malinda Miles said no, but she feels the fees are too high and it is wrong.

Councilmember Scott Cecil said the fees are too high and not in sync with other local cities. He feels all fees are on the table and realizing change moves slow but wants it fixed by next fiscal year. Councilmember Celina Benitez said we are trying to get to the root of the problem versus a quick fix. Have faith we are listening to you and feel free to reach out to councilmembers by email or we can set up a meeting. Councilmembers can come to you. She wants less barriers to fixing their homes. Councilmember Bryan Knedler said at next Council meeting the ordinance can be revoked to remove the \$250 fee. He needs to know from Finance how that will affect the budget. Director Blackwell said there is a surplus in the line. Mayor Miles said we need more time to review fees with all the data, take in the comments, and recommendations.

City Manager Latasha C. Gatling said the agenda item for tonight was to move the penalties to Schedule of Fees from City Code. She wants to know if the Mayor and Council were on board to approve the recommendations presented last month of the fees. Councilmember Luke Chesek said yes. Councilmember Scott Cecil said he was not ready to approve the recommendation because he thought they would be fixed while also reviewing impact on the City's budget during the budget review process that happens next year.

Action: Director of Finance will send current City fees and the recommended fees; City fees from 2016 or before the hike; and current County fees to Mayor and Council for review.

Tree Commission Appointments Presented

Resumes for appointments for Tree Commission were presented. Councilmember Bryan Knedler said Jackie Sabbath and Brad Ball are nominated to the Commission.

Action: Vote for their appointment will happen during the January meeting.

Exceptional Tree Nomination

A large Eastern Hemlock adjacent to Spring Park has been nominated as "Exceptional" it is large and usually old. It is rare due because disease/insect have ravaged the population and climate change. Councilmember Bryan Knedler said that City has to install a plaque next to the exceptional tree. Mayor Miles said we have also two trees in Rogers Park can be designated exceptional. Councilmember Celina Benitez said the process should be streamlined. Should it be yearly nomination? We have a lot of trees that could qualify. It would help with cost of plaques if the City buys them at the same time.

- Resident – It is awesome idea. She wants regular maintenance for the trees even for those on private property.
- Ophelia – Why is it historical vs. Expectational? Mayor Miles said we can play with wording. Ophelia said if it historic we can get some grants, wording may be important.

Budget Calendar

Mayor and Council are okay with the Calendar.

Action: The Budet Calendar will be voted on next meeting.

Credit Card Policy

There was three credit cards with City Manager. They are now with Finance, Police Department, and Public Works. The original policy said one credit card, not three. There are questions about who is using the card. Director of Finance Blackwell reviewed the current policy with proposed amendments. Mayor Miles said Mayor and Council need to review the current policy.

Councilmember Luke Chesek and Councilmember Celina Benitez would like language can say what the credit card can be used for and add purchase limits. Interim City Manager said there were three credit cards in the City. She had them given back to the Finance Dept. She asked that each Dept. Head to check them out from Finance with City Manager has to approval. She wants language amendments to the current policy. She also said credit cards are necessary for emergency or necessary purchases. Mayor Miles recommend the policy be reviewed and come back to it for discussion. Councilmember Scott Cecil wants the credit card statements with receipts sent to the Mayor and Council monthly.

Public Comment

- Ophelia – Is the person that uses the card turning in the receipts? Director of Finance said they are. Is there a policy? Yes there is but the Council and Mayor want it revised as the newer policy was not approved by them. Mayor and Council feel it has too many loop holes.
- Resident – There was misuse of credit card? Councilmember Scott Cecil said there was one instance but it was rectified. Resident suggested Mayor and Council get the policy reviewed by the City Lawyer.

Action: Credit cards need to be reviewed ASAP along with the fees.

Check Signing Policy

Councilmember Bryan Knedler asked is there a written financial procedures? Director of Finance Blackwell said that the City does not written finance procedures. He created a process that was documented and given to the auditors for compliance. Mayor Miles wanted to know who is authorized to sign checks. Mr. Blackwell said any one that is signatory on the bank account can sign checks. Interim City Manager does not sign the checks. Right now Director of Finance and Council sign checks. Councilmember Scott Cecil asked City Manager/Finance to write the policy and present it to the Mayor and Council.

Action: From today, checks should be issued by Finance, then signed by City Manager (add her as a signatory), and then signed a Councilmember.

Public Comments

- Ophelia – It is scary listening to what has going on. There are policies that are missing. As a resident this seems like you don't know what is going on. Council and Mayor get it together.
- Intezar 4300 Block – I was on the Council. It was a wreck then, but it still is. We are focused on Hollywood building projects versus important administrative functions and taking care of residents.
- Resident – She has been screaming about these things for two years and now you starting to see the results. She is so impressed with efforts to fix these issues.
- Sopanda, City Senior Accountant – She suggested that all policies be put in the cloud.
- Charnette - Streetscape grant monies is admirable. She asks for a barrier be put so people won't run across the street. Also, she wants stop signs around the circle

considered. Without audits what are we basing our budget on? Councilmember Scott Cecil we have actuals now for FY19 Budget. FY17 Auditors now have everything from the City they need to complete FY17. Once it done, we should be easier and faster complete FY18 and FY19. Director of Finance Blackwell explained the audit process.

Retention Raises

Councilmember Luke Chesek said there is not a policy for when an employee is offered a position in another municipality and asks the City for a match or they will leave. He presented a policy where if the employee has an real offer there is agreed amount of match or step up and that employee has to agree to stay for least a year. The policy would limit the amount of retention raises. The policy was not printed out, but is in an email from Dec. 3rd from Councilmember Luke Chesek.

Action: Mayor Miles said this issue will be put on the next work session.

Public Comment:

- Ophelia – I want the Mayor and Council to look a pay equity between older staff and new employees that are better paid. Training and other incentives should look at.
- Ron Hopkins – Does this cover merit increases? Mayor Malinda Miles said raises are in employee handbook covers this. He felt the handbook was not descriptive enough.
- Resident - Please note budgeting for retention rate is complex.

City Audits

Councilmember Scott Cecil said he won't vote for a budget or emergency spending without the audits being done. Councilmember Luke Chesek asked are their resources the Finance Dept. needs to move the audit and how to push third parties to finish their part. Mr. Blackwell said he have someone working on audit full-time and we cannot push a third party. Councilmember Luke Chesek asked can we ask the auditor if additionally monies will help push it.

Action: Director of Finance will ask the auditors to see if additional money would help them get the audits faster and to respond by written statement.

- Resident – How much are we paying if three year of audits? Director of Finance will get her the numbers.