



City of Mount Rainier

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CITY MANAGER REPORT For the period July-August 2011

Meetings

The following meetings were sponsored and/or attended by management staff:

- Management Staff met with PEPCO representatives, Mayor Miles and the Tree Commission concerning an analysis of the condition of street trees and the process for removal. PEPCO had identified approximately 1,000 trees that required some trimming away from PEPCO wires.
- CM Wallace also met with WMATA representatives at the request of Prince George's Councilmember Campos about the long-pending transfer of ownership of the WMATA bus lane to Maryland-National Capital Park and Planning Commission (M-NCPPC) who were also in attendance. Representatives from both agencies indicated that attorneys for both entities were reviewing the legalities of the transfer and it was felt by all that this matter would be resolved before the end of this year. At issue was who was going to be responsible for the maintenance of the bus shelter. The discussion also focused on an urban park in front of the plaza but no concrete decision or recommendation was finalized. WMATA indicated that operationally they have no problem with what has already been approved. New appraisals have been ordered and once completed an Exchange Agreement (conveyance) will be entered into between the two agencies. It was felt that the earliest this could happen would be the third week in September 2011. WMATA did indicate that they had a problem with the proposed civic green in the new MUTC guidelines. This proposed park would require the removal of the bus terminal and in order to obtain what is referred to as operational property, the city would have to propose an alternative replacement site for buses an operators to stand between schedules. Doing this on a state highway is not an option. There must be adequate space to park buses, adequate waiting areas and restrooms for bus operators. Discussion pertaining to the name change of the West-Hyattsville Metro station and the procedure and policy for requesting the changes to the current name. WMATA indicated that the minimal cost to the municipality would be \$125,000 which must be funded by someone other than WMATA.
- Management staff has met with numerous property owner concerning code violations along with code enforcement officers. Staff meetings were held with code officials,

public works and the management team concerning repeat offenders and the best approach to resolving some of these issues.

- Department of Environmental Resources was consulted about numerous vacant properties and asked to consider condemning these properties in support of city initiated action against the property owners. DER indicated that some were not condemnable it could be declared unfit, followed by a list of violations that would have to be corrected within 90 days, followed by unfit posting for one (1) year, followed by a request to circuit court adjudication to require repair/renovations or authorize the city to raze the property. No such process is currently in place for commercial property although DER is currently trying to revise and come up with a standard for dealing with nuisance commercial properties. The current laws around property maintenance standards in Prince George's County is one of the weakest in the State of Maryland (if not the weakest) and the Nation. Unfortunately municipalities have to rely on county court systems to municipal infractions. This means that regardless of the strength of municipal codes, the enforcement including fines and penalties must be withheld in circuit court. Larger jurisdictions like the District of Columbia and Baltimore City have their own court systems with which to handle violations. Prince George's County has the unfortunate history of being lenient towards property owners as we have learned from the Town Hall meeting held with administrative judges and the 47th delegation. There were also numerous meetings with code officials from the majority of the 27 municipalities in Prince George's County hosted by former State's Attorney Glen Ivey with no substantive outcome in prosecuting these cases. **Case in point** –in January 2009 the city took a resident to Circuit Court for Prince George's County on a criminal trial for trash and litter. This was a precedent because no other municipality has attempted this. The case was initially arraigned on January 30, 2009 but the defendant (city resident) failed to appear. There was a motions hearing March 27, 2009, a trial date scheduled for April 13, 2009 which was continued until June 6, 2009. On June 10, 2009 the resident (who is not the property owner but resides at the affected property) withdrew the plea of not guilty and entered a plea of guilty to Count 1 – Depositing Litter and Waste Material on Private Property. The court accepted the Plea and the defendant was sentenced to the jurisdiction of the County Correctional Facility for a period of One (1) year which was all suspended. The defendant was ordered unsupervised probation for a period of 4 years and assessed court costs of \$145. Bench warrants were recalled and any bond discharged. The court costs have not been paid and this has subsequently been referred to the collections unit of the court. The city was under the impression that violation of the court order would be subsequent imprisonment. However, the unsupervised probation does not indicate this. So now management has to write a letter to the presiding judge with a copy to the state's attorney who handled this matter that the defendant is now and continues to be in violation of the county litter law in addition to city codes.

In the city manager's report for the month of June it was reported that property tax liens were requested for \$9,000 for code abatements and court judgments. Currently there are several thousand more judgments and code abatement costs that will be requested this week for violators. The city staff works diligently against the many and varied violators of the city codes. Stronger county legislation is required to support our efforts.

Grants Management

Federal Transit Administration has been working with both CM and ACM to finalize the application process for the remaining \$101,000 to re-surface the former Blue Bird Cab Lot. ACM Jackson completed the required Title VI Compliance documents. Management is currently awaiting the review of the internal auditors to move forward with this project.

The city has received three bid responses to the Buchanan Street Bio-Retention Project. These responses have not yet been reviewed but a recommendation with all responses will be forwarded to the Environmental Protection Board and the Chesapeake Bay Trust for review.

Assistant City Manager Jackson attended the mandatory training for Main Street Designation and will be the primary preparer for the application

Councilmember Thompson submitted the application for the Department of Natural Resources Grant for acquisition of the 33rd and Perry Street lot and renovations to Memorial Park with the assistance of staff.

Management staff submitted the application for the 2012 Tree ReLeaf Grant to Prince George's County. The city's tree commission was instrumental in putting together the requests for planting of approximately 30 trees this fall. The application is under review in the County Executive's office and DER is awaiting approval.

Staff is still working on acquiring all the necessary documents for Sustainability designation and will submit the application for round 2.\

Council Action Requested

Council action is requested on the following matters:

1. Formal vote to approve membership \$5.00 to Anacostia Hours
2. Formal letter to the Board of License Commissioners concerning Urban Eats Café. Hearing is scheduled for September 27, 2011 at 10:00 am.
3. Appointment to Gateway CDC Board. Currently Mayor Miles and Ivy Thompson are the liaisons; however, the commitment needs to be for 15 hours per month and completion of several Gateway CDC forms according to Gateway Director Mike Gumpert. Please consider a citizen or other appointment due to the heavy work schedules of the Mayor and Council.

