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CITY MANAGER REPORT

SEPTEMBER 30 – OCTOBER 6, 2009

Facade Improvement Program

After leaving two voice mail messages over the past two weeks, the city manager received return call today from Express Signs concerning the status of the sign for Island Style Ice Cream. According to the information received from Gateway CDC, Express Signs was paid 50% of the total cost of \$6,577.48 on September 23, 2008. Thus, the balance owed is \$3,288.74. In addition, there is \$1,500.00 due for the electrical work to connect the sign once it is installed. This brings the total owed to \$4,788.74. The representative from Express Signs that is processing this order is to forward to the city manager the file so that the city and the Mount Rainier Business Association can pay the remaining amount owed. Upon receipt of the file and the issuance of all required permits this project should be complete within the next few weeks.

Express Signs also has completed some preliminary plans for both Nisey's Boutique and Quest for Fresh. Management will review those plans following the completion of the signage for Island Style.

Graffiti Removal

The County's Graffiti Removal Task Force arrived on schedule today and indicated that they had no way to reach the graffiti on the building at 3308 Rhode Island Avenue and left without further discussion or recommendation. The Mount Rainier Police Department staff (i.e., Chief Scott and Captain Stoots) has a plan in place to take care of the matter this Thursday, October 8, 2009 at approximately 10:00 AM. Mount Rainier Cable Television (MRTV) plans to video this event.

Fiscal Year 2009 Audit Progress

The fiscal year 2009 audit is in its final stages and by all accounts the city will submit the required documents on time on November 1, 2009. The audit firm of Bridgette Mock &

Associates is preparing for a Mayor and Council debriefing on Tuesday, October 27, or Wednesday, October 28, 2009, whichever date is convenient for the Council.

Queenstown Apartments Re-inspection

200 units of the 750 units that were initially inspected had to be re-inspected by the assigned code enforcement officer. The re-inspection is now concluded and all deficiencies were corrected. The rental license was issued today. All associated fees are up-to date and have previously been forwarded to the city.

Meetings

City staff met with the development team of Maryland-National Capital Park and Planning Commission (M-NCPPC), the architects of Cunningham and Quill, and the city's contractual firm of Torti Gallas to discuss the schedule and scope of work of both firms to revise the town center guidelines and develop an overall architectural theme for the city's downtown. Both firms will engage in consultations, community meetings, and planning meetings concerning revitalization of the town center. A Memorandum of Understanding (MOU) is to be drafted by M-NCPPC for all parties to sign based upon the discussion.

The Design Review Board met at the request of the city manager to discuss the historic preservation project of one resident in the 4200 block of 29th Street. Recommendations regarding window replacements and materials were provided to the homeowner. The board also interviewed two perspective applicants to serve on the remaining seat of the committee. A recommendation was made to the Mayor and Council and an appointment confirmation is expected at the October 6, 2009 council meeting.

The board has also been asked to recommend a storm door installation to a resident in the 4000 block of 31st street who is interested in preventing air and water intrusion and preserving the existing door on the historic property.

The Centennial Committee meeting scheduled for October 6, 2009 has been rescheduled for October 9, 2009 at city hall. Tentative time of the meeting is set for 4:00 pm.

Management staff conducted meetings with public works and code enforcement to discuss suggestions and improvement of services. A Do's and Don'ts trash informational booklet has been produced by public works with review and input from the management staff. The booklet is ready for distribution to each household this week and is attached to this report.

Leaf Schedule

A revised leaf schedule for this fall has been reproduced as well and is also attached for your convenience. This schedule is based on research by the management team of best practices at other major cities including Washington DC. Previous years resulted in schedules that were difficult to adhere to due to unforeseen circumstances including inclement weather. This year,

the schedule is divided up into four service areas, indicating dates that residents should rake leaves to the curb with weekly anticipated pick-up dates for the assigned areas by streets. It is anticipated that this schedule can be adhered to more efficiently. The flyer pertaining to the leaf pick-up schedule will be distributed to every household along with the trash booklet. Anyone not receiving this information should contact the public works department at (301) 985-6583 or City Hall at (301) 985-6585.

In addition to the booklet and informational flyer, the city manager, assistant city manager, assistant director of public works, and one of the public works drivers participated in a recent taping of CityScape providing a video update on the trash service and associated violations. Watch for airing of this update on MRTV the week of October 4, 2009. Check the program guide schedule.

Code Enforcement

During the September 15, 2009 council work session, there was some preliminary discussion of some complaints concerning code enforcement, the issuance of Notices of Violations, misconceptions about the department as a whole, and whether management is effectively supervising the staff, and concerns regarding the necessity for council direction. Hopefully, many of the ill perceived perceptions will be adequately addressed at the October 6, 2009 council meeting. Code Enforcement staff as well as the department of public works will be present to address questions and provide clarity to this issue in conjunction with the city manager's live report.

Some of the statements made at the September 15th council meeting that were not factual but presumptuous are addressed below. Please note that the statements appearing in quotations are paraphrased or summarized:

“The code enforcement staff only stickers the properties of homeowners while the blighted commercial buildings are ignored or there is little to no follow-up”.

This is not the case at all. The facts are that many of the commercial buildings both occupied and vacant are posted several times per year and the department has pictures of these postings of code violations. Of particular concern during the discussion was the Singer Building located at 3300 Rhode Island Avenue. This property has been well documented about the on-going problems existing well before this century. The building has on-going code violations that have never been corrected. There is no need to continually post for several reasons: (1) the city has numerous invoices for code abatements handled by the city with pictures to prove that abatement was done; (2) the property was included in the list of properties declared as blight in a 2008 Resolution adopted by the Mayor and Council as well as contributing to the overall decay of the city's business district; (3) the city manager has successfully placed property liens against this property exceeding \$8,000; just this week another \$5,021.50 has been requested as a result of court judgments entered on behalf of the city by the District Court for Prince George's County. The Assistant City Manager successfully defended the city's municipal infractions in District Court. Code Enforcement Officers have another court date scheduled for this property in November for failure to pay and register the property as vacant.

At the request of the council, code enforcement recently submitted a detailed report on all court cases pending, adjudicated, and resolved. These court cases or citations (municipal infractions) that have been paid and/or pending total 45.

“There seems to be a lack of communication between management and code enforcement, or a lack of consistency regarding follow-up, a lot of things seem to fall through the cracks and are missed.”

The management team meets regularly with code enforcement officers to conduct follow-up on emails, complaints, assignments and court cases. Meetings are conducted weekly and in fact a drive through the city is done weekly or bi-weekly. The city manager and assistant manager surveys the city on an unscheduled basis to determine which properties continue to violate city codes. The drive through surveys are conducted with and without staff, and are done in teams that include the entire department, management staff, the municipal clerk and the administrative resource officer of public works. The rationale for including both the municipal clerk and the administrative resource officer is that they are the first point of contact concerning incoming complaints and take the full brunt of attacks from irate citizens who feel that their rights have been violated because they received a notice of violation.

The fact of the matter is that some violations are going to be missed. Why you might ask? Because we all are human and are going to make some mistakes. But the mistakes are minimal when you take into account that the council might get 10-20 complaints in a week. Compare that to 9,000 residents with hundreds of violations that occur each week. During the first quarter of this fiscal year, code enforcement averages 120 cases per month, not including court adjudications, trash detail, and inspections of over 2,942 apartment units and residential rental housing.

The city manager has formally taught communication techniques including communication impediments including blocks and barriers to effective communication. One of the problems encountered by the department personnel is that frequently information relative to a complaint is received third hand. Anytime a conversation is repeated there is the opportunity for miscommunication which is why anytime a resident feels that he or she has been the recipient of a Notice of Violation or Municipal Infraction that was unwarranted, or if they have any questions or concerns, these issues should be directed to the department personnel or management. Notices of Violation have names and contact numbers of the issuing officer. When code enforcement staff encounter questions in the field pertaining to trash service, bulk pick up, etc., they are often directed immediately to speak with the administrative resource officer at public works via the code officer's city issued cell phone.

“The code officers are focusing on minor infractions while the more serious violations are ignored”.

This is another misconception. Oftentimes when a resident receives a Notice of Violation, they feel that the notice was unnecessary and rarely admit that they were in fact in violation of a city code. It is not the intent of the department nor is it factual that serious violations are not dealt

with accordingly. In most cases the code officer is waiting for a court date for the case to be heard in District Court. This on average takes from three to four months just to get the case on the court docket. Even at that point, cases are delayed or continued for various reasons beyond the city's control, i.e., the defendant is ill, on assignment and can't make the court appearance. Even when there is a no show, the judges will continue the case. These matters cannot be discussed with anyone other than the parties involved. Making assumptions that the matter is not being addressed is unfair to those who work hard in their profession. Often violations that appear minor to some, are most irritating to elected officials who get the complaint calls and to those citizens who frequently call to complain. There will be an example of this presented at the October 6th council meeting.

“Notices of Violation written by the code enforcement officers are confusing”.

Once again, anyone receiving a Notice of Violation should contact the issuing code officer. They make every attempt to return the call within 48 hours. The calls should be made to their respective cell phones because most of the time they are in the field. Notices of Violation have limited fields for actually writing out in sentences the violation. Oftentimes there are numerous violations indicated on one form. All appropriate items are checked and additional violations may be written out. Examples of the Notice of Violation will be shown at the October 6th meeting.

Please keep in mind that in addition to the code violations, the inspectors are also responsible ensuring that building permit applicants for home additions, decks, etc., have not exceeded lot allowances, they ensure that building permits are posted and have not expired, they inspect all rentals of apartments and single family homes, respond to complaints from citizens and council, as well as management staff, all commercial businesses have to be inspected annually, they inspect for variances required for fence permits, temporary signage requests/violations, permanent signs, temporary storage units. They also ensure that persons who have county and city building permits are engaged only in those activities reported on the application. The officers also are routinely engaged in processing serving, researching and locating absent property owners.

There is also conflicting rules in the Gateway Art Sector Plan, MUTC guidelines, and County issued permits that are in direct violation of city codes and unenforceable by the Department of Environmental Services, (DER) M-NCPPC zoning division. The proof of the fact that violations are unenforceable is the A&P Warehouse that was determined and posted as unsafe and in violation of city and county codes, State Codes, fire codes, and the State Vehicle Task Force, the funeral home, the permit issued in error for the check cashing business on Rhode Island Avenue that was never resolved or held a court hearing, the numerous Willoughby properties that DER has posted as condemned and uninhabitable.