

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

REGULAR TOWN MEETING

Tuesday, December 11, 2018 – 7:00 p.m.

TENTATIVE AGENDA

Call to Order

- Roll Call
- Pledge of Allegiance
- Consent to the Agenda

Approval of Meeting Minutes & Financial Reports

- Approval of the November 20, 2018 Regular Town Meeting minutes
- Approval of the November 27, 2018 Work Session minutes
- Approval of the Treasurer's Report, as of November 30, 2018.

Reports

- Staff & Committee Reports
- Commissioner Leonard
- Commissioner Pennoyer
- President Turner

Business

- Ordinance 2018-09: Surplus Real Property (Board vote)
- Ordinance 2018-10: Special Events (Board vote)
- Emergency Ordinance 2018-11: To Amend Vehicles and Traffic (Board vote)
- General/Administration issues

Public Comment

Adjournment

*All meetings are subject to closure in accordance with the State Open Meetings Act—House Bill 217
See back of Agenda for Public Comment Procedures*

Wanda Leonard
Commissioner

Tonga Y. Turner
Commissioner/ President

Linda Pennoyer
Commissioner/ Treasurer

Town of Upper Marlboro

REGULAR TOWN MEETING

November 20, 2018

unApproved Minutes

Call to Order

The meeting was called to order at 7:30 p.m.

Roll Call: Tonga Turner, President of the Board of Town Commissioners;
Wanda Leonard, Commissioner; Linda Pennoyer, Commissioner/Treasurer

Staff present: M. David Williams, Town Clerk/Administrator; Kevin J. Best, Esq./Town Attorney; William Morgan/Financial Director; Kyle Snyder/Chief of Staff

Also present: EC Chair Jeremy Gunnoe; TUMHC Archivist Brian Callicott and various citizens and interested parties.

Pledge of Allegiance

Approval of Meeting Minutes & Financial Reports

President Turner asked for consent to the Agenda. Approval was granted by all Commissioners present. The Town Meeting minutes from October 9, 2018, and, the Work Session minutes from October 23, 2018 were acknowledged by the Board as reviewed. Commissioner Pennoyer motioned to approve both sets of minutes, Commissioner Leonard seconded. All minutes from October's Town Meeting and Work Session were unanimously approved.

President Turner then handed the floor to Financial Director William Morgan, to review the new financial report format and address some internal accounting issues and changes, such as: 1.) Created separate Disbursement Account; 2.) Quickbooks software program reconciliation; 3.) Unbalanced Budget Amendment; 4.) Implementing Purchase Order procurement procedures; 5.) Auditors will be checking Town financials regularly.

The President gave a reply to recent "baseless" statements that propose the Town is overspending its Budget, noting that the October Financial Report shows the Town is under budget in all Departments.

A resident asked, how is the new format more transparent than the old itemized format. Mr. Morgan explained that the line items did not necessarily explain the different components that make it up, where it comes from and where it goes to (i.e.; Fines & Licenses.) The President reiterated that those with specific questions can obtain more detailed information by direct request to Mr. Morgan during normal work hours.

Reports

Staff/Committees: This line item was moved to the "General Administration" section of the Agenda.

Commissioner Leonard: Reported that she participated in the last MVFD monthly meeting, and also attended the October and November meetings of the PGMA, and the MML/HEPAC meeting. She added that she has just completed the last 2 courses required in order to earn her Fellowship through the MML/UMD Academy of Excellence program. She noted the CERT had 18 members at their last meeting and had 2 members recently graduate from the "Train the Trainer" program, bringing the total number of qualified trainers in the UM/CERT to four, plus one member is now certified by the State as an Emergency Manager. She added more members are continuing their training to also earn certifications.

Commissioner Pennoyer: Reported on the PGMA Legislative Priorities for 2018-2019: 1.) Art in Public Places/community beautification & involvement; 2.) Secure measures for Public Safety Body-Cam video storage; 3.) Growing Municipal Revenues—regulating Internet Sales taxes & online Sports-Betting. She noted the MML's Legislative Priorities have yet to be released. On another note, she added that the Sustainable Communities application for renewal should be submitted by next week.

President Turner: Delivered updates on the following topics: 1.) Submitted to State Delegation \$600K Bond Bill for the Old Stone Building at 14500 Church Street; 2.) A grant request for \$250K to install a playground has been co-signed by State Delegates; 3.) Submitted a \$500K Federal grant request co-

signed by Congressman Anthony Brown with consent from Congressman Steny Hoyer, for Downtown Streetscape Improvement Projects; 4.) Working with President David Harrington of the PGC Chamber of Commerce (CoC) to help with the Town's Economic Development program—The PGC/CoC is working to open a Branch in Upper Marlboro—UM/CoC Advisory Board membership to have Town business representation; 5.) Town Hall-day Party postcard invitations have been mailed out.

The President noted that she had asked the Town Attorney to attend tonight's meeting, then read aloud a prepared statement to be put into the record. The statement addressed a breach of confidentiality among the Board members.

Mr. Best noted municipalities are subject to the Open Meetings Act and the Maryland Public Information Act, and the Town has its own Ethics Ordinance enacted in 2016. He added that every public record preserves confidentiality until classified to release, and citizens have several avenues to obtain public records upon request. Mr. Best noted a Court made law called the Doctrine to Fiduciary Duty, to hold confidentiality, and gave several examples of the consequences of disclosure of confidential information. Civic violations, closed sessions, Roberts Rules of Order and disciplinary actions were then discussed. The President added she is withholding the offender's name out of respect, but would like to deal with this situation swiftly.

Business

Ordinance 2018-08: Classify Real Property (Board vote): The ordinance introduction title was read aloud by the President and confirmed by the Town Attorney as a safeguard to enable leverage and different tax rates. No public comment had been received to change the draft ordinance to date. Commissioner Leonard motioned to approve the ordinance as presented, Commissioner Pennoyer seconded. Ordinance 2018-08 to Classify Real Property was unanimously approved.

Resolution 2018-06: Town Parking Meter Rates: The resolution was reviewed by the President who explained the new rate would now be more in sync with other municipality's parking rates. She noted more meters will also be installed in newly designated parking zones to provide citizens visiting the courthouse with safer and more convenient options to park. Some concerns were then expressed by attending residents about the new rates and hours, and the President announced that the Resolution will be posted for Public Comment for 30-days, and scheduled for introduction and passage at a later date.

Ordinance 2018-09: Surplus Real Property (introduction): The ordinance was officially introduced by the President who explained that the 4K square-foot old water tower site was land-locked and not large enough for development. She added that the owners of the adjoining lot had been mowing and weeding the property for years, without compensation, and are now requesting an opportunity to acquire the property as their own. A Board vote will be conducted at the next Town Meeting.

Special Event Application: The Board reviewed an application from the DC Running Club to hold an event on January 1, 2019. It was noted that approval will be contingent on receipt of a Communication Plan due by December 15, 2018 at the latest, so as, Town businesses effected can be notified of the event. Commissioner Leonard motioned to approve the application as presented and amended, Commissioner Pennoyer seconded. The Special Event application was unanimously approved.

Proclamation: A proclamation for the 2018 MML/Municipal Government Works! Month (MGW) was reviewed by the Clerk and read aloud by the President. Commissioner Leonard motioned to approve the proclamation, Commissioner Pennoyer seconded. The MGW Proclamation was unanimously approved.

General/Administration issues: A motion was made by Commissioner Pennoyer to accept the October 2018 Treasurer's Report, Commissioner Leonard seconded. With all in favor, the October 2018 Treasurer's Report was accepted unanimously.

Chief-of-Staff Snyder noted Town Offices would be closed on Thanksgiving Day, noting recycling will be picked-up the day after on Friday.

TUMHC Archivist Brian Callicott reported that the Darnall's Chance's Halloween Campfire event went very well, and that the next TUMHC Quarterly meeting will be on November 15 (no Archiving Session is planned for their December meeting) and, they will be participating at the Town Hall-day Party. He acknowledged they had 735 Facebook followers, and he added a thank-you to Donald Strine for forwarding historical documents from the MVFD for the Town Archives.

EC Chair Jeremy Gunnoe reported that the Trunk-or-Treat event downtown on Halloween went better than expected, and the Town Hall-day Party is still on track for December 15th. He added there will be a

Poetry Slam event on the 18th, and he noted that all events to date have come in under budget. He added that the new Town Banners recently put up around Town look great, and the President asked all to submit their event ideas for upcoming 2020 events.

Closing of the Meeting: President Turner asked for a motion to close the open Work Session, under statutory authority to close session General Provisions Article §3-305(b)(1) in order to seek legal counsel on certain matters with the Town Attorney and preserve attorney-client privilege, as well as, to discuss contractual agreements between the Town and other entities. A motion was made by Commissioner Leonard to close the open session for the previously stated reasons, and was seconded by Commissioner Pennoyer. With all in favor, the meeting moved into closed session at 8:57 p.m.

Re-opening of Work Session: The closed session was adjourned at 9:46 p.m. by unanimous vote of the Board after a motion by Commissioner Leonard and a second by Commissioner Pennoyer. The President then reopened the Work Session at 9:47 p.m. and noted that all 3 Commissioners in attendance adhered to the topics of discussion as outlined at the closing of the Work Session on Appendix C.

The President also noted that Chief-of-Staff Kyle Snyder and Town Attorney Kevin Best were also in attendance for the duration of the closed session, along with the full roster of Board members.

Public Comment

There was no additional Public Comment at this time.

Adjournment

Commissioner Pennoyer made a motion to adjourn, Commissioner Leonard seconded the motion. With all in favor, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

M. David Williams
Town Clerk/Administrator

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772 • 301-627-6905

Work Session Minutes

Tuesday, November 27, 2018 - 7:00 p.m.

unApproved

Call to Order

- Meeting was brought to order at 7:04 p.m.
- Roll Call – President Tonga Turner; Commissioner Wanda Leonard; Clerk M. David Williams, Chief-of-Staff Kyle Snyder. Commissioner Linda Pennoyer (communicated absence). Other guests included: Director of Finance William Morgan; Michelle Knox; Darrell Carrington; TUMHC Chair Patti Skews, TUMHC Archivist Brian Callicott; and, interested citizens.
- Pledge of Allegiance

Reports

Commissioner Leonard: Announced that the CERT is currently planning and developing its “Be Prepared” New Year’s Resolution campaign as it pertains to Emergency Preparedness.

President Turner: In order to be more responsive to the immediate community, the President reported that the Board and Town Staff will be conducting a door-to-door survey throughout the Town on December 8, 2018 to talk to, and gather input from, residents in regards to their experience(s) with their Town Government over the past year.

The Town has engaged with the Prince George’s County Chamber of Commerce (PGC/CoC) to help get support for the Town’s business community. By working with the PGC/CoC President, David Herrington, the Chamber is looking into opening a Branch of the PGC/CoC in Upper Marlboro. An Advisory Board will be created that will include representation from the TOUM Business community.

A vehicle has hit the old Primary School over the weekend. The OCS and the HPC have been notified, and updates will be posted on the Town’s website and Social Media feeds.

Postcard invitations have been sent out for the Town Hall-day Party on December 15th.

Business

PGC Chamber of Commerce MOU: The President explained that the MOU establishes an Advisory Board that will have Town business representatives as voting members. Commissioner Leonard motioned to approve the MOU, President Turner seconded the motion. With a majority vote of the Board, the MOU was approved.

Ordinance 2018-09: Surplus Real Property: The draft ordinance which was introduced at the November Town Meeting was briefly discussed. Mr. Snyder noted that the State assessment of the property was \$400, which is the price that it will be sold at.

Ordinance 2018-10: Special Events: The ordinance to update the old Ordinance 97-2 will be posted for Public Comment on the Town website, and introduced at the next Town Meeting. A revised/updated application was submitted as an attachment.

Resolution 2018-07: Establishing Town Committees: First drafts of Resolution 2018-07: To establish a Town Events Committee, and, Resolution 2018-08: To establish a Town CERT were briefly discussed.

Emergency Ordinance 2018-11: To Amend Vehicles & Traffic: Due to the lack of a full majority of the Board, this item was tabled until an unspecified future date.

Closure of Work Session

The President asked for a motion to close the November Board Work Session under statutory authority to close session General Provisions Article §3-305(b)(1), in order to discuss personnel matters in regard to the hiring of the new Town Chief of Police.

Commissioner Leonard motioned to enter into closed session, President Turner seconded. The motion was unanimously approved. The November 27, 2018 Board Work Session was closed at 7:24 p.m. It was noted that Chief-of-Staff Snyder and Finance Director Morgan will stay in attendance for the closed session. The closed session was adjourned at 7:32 p.m.

Re-opening of Work Session

Commissioner Leonard motioned to reopen the November Board Work Session to the general public, President Turner seconded. With all in favor, the meeting was reopened at 7:33 p.m.

The President reminded closed session participants of their legal duty to protect confidentiality of the topics disclosed in the closed session.

Business (continued)

UMPD Chief/contract: The President asked for a motion to accept the employment agreement for the Town Chief of Police as discussed in the closed session. Commissioner Leonard motioned to accept the agreement, President Turner seconded. With no one opposed, the motion passed.

General/Administration issues: There were no items brought before the Board at this time.

Adjournment

Commissioner Leonard motioned to adjourn, President Turner seconded. With all in favor, the meeting was adjourned at 7:33 p.m.

Respectfully submitted,

M. David Williams
Town Clerk/Administrator



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

Tel: (301) 627-6905
Fax: (301) 627-2080

info@uppermarlboromd.gov
www.uppermarlboromd.gov

Town of Upper Marlboro Budget vs. Actuals Report July - November, 2018

	Actual	Budget	Total Remaining	% of Budget
Revenue				
Fines, Licenses, Permits	36,016.51	897,600.00	861,583.49	4.01%
Grants	50,803.25	150,453.00	99,649.75	33.77%
Intergovernmental	20,012.31	50,925.00	30,912.69	39.30%
Other Revenue	122,015.52	265,315.00	143,299.48	45.99%
Taxes	203,123.20	474,658.00	271,534.80	42.79%
Total Revenue	\$ 431,970.79	\$ 1,838,951.00	\$ 1,406,980.21	23.49%
Expenses				
Reconciliation Discrepancies				
General Government	243,869.51	502,012.00	258,142.49	48.58%
Public Safety	95,020.69	547,075.00	452,054.31	17.37%
Public Works	128,026.56	392,392.00	264,365.44	32.63%
Total Expenses	\$ 466,916.76	\$ 1,441,479.00	\$ 974,562.24	0.99

Committee Overview

Historical Committee	0.00	\$1,500.00	\$1,500.00
CERT Team	0.00	\$1,500.00	\$1,500.00
Celebration/Tricentennial	\$11,682.29	\$13,000.00	\$1,317.71

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner



Town of Upper Marlboro

Town Hall, 14211 School Lane
Upper Marlboro, MD 20772

Tel: (301) 627-6905
Fax: (301) 627-2080

info@uppermarlboromd.gov
www.uppermarlboromd.gov

Monthly Narrative

The Town of Upper Marlboro seen a slight dip in its monthly tax income. A blemish that has come to light when speaking on business real property taxes. The Town has several businesses that are delinquent in real property taxes, some dating back to 2014. This, along with other revenue generator initiatives will enhance opportunities that this Board has to offer to it constituents.

1. Capital Outlay
2. Code Enforcement
3. Delinquent Taxes

Town of Upper Marlboro Profit and Loss November 2018

	<u>Total</u>
Revenue	
Fines, Licenses, Permits	6,562.14
Intergovernmental	696.37
Other Revenue	26.63
Taxes	42,939.92
	\$
Total Revenue	50,225.06
Expenses	
General Government	42,412.87
Public Safety	4,707.54
Public Works	16,472.46
Total Expenses	63,592.87

Linda Pennoyer
Commissioner/ Treasurer

Tonga Y. Turner
Commissioner/ President

Wanda Leonard
Commissioner

The Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

BOARD OF COMMISSIONERS FOR THE THE TOWN OF UPPER MARLBORO

DRAFT-1

ORDINANCE: 2018-09

SESSION: Regular Town Meeting

INTRODUCED: November 20, 2018

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO DECLARING PARCEL 51 OF GRID E2, MAP 101 LOCATED WITHIN THE TOWN OF UPPER MARLBORO TO BE SURPLUS PROPERTY AND AUTHORIZING OR RATIFYING THE TRANSFER OF SAID PROPERTY LOCATED AT 14212 SCHOOL LANE, UPPER MARLBORO, MD 20772 AND THE EXECUTION OF A DEED BY THE TOWN CONVEYING SAID LOT TO THE ABUTTING PRIVATE LOT OWNERS; AND GENERALLY RELATING TO THE DISPOSAL OF SURPLUS REAL PROPERTY.

WHEREAS, Md. Ann. Code, LG Art., § 5-204 and § 82-81 of the Town Charter authorizes the Town to acquire real, personal, or mixed property within or without the corporate limits of the Town for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, convey, or otherwise dispose of or encumber any property belonging to the Town, at public or private sale after 20 days public notice, and convey to the purchaser any real or leasehold property belonging to the municipality if the legislative body of the municipality determines that the property is no longer needed for public use; and

WHEREAS, the Town of Upper Marlboro is the fee simple owner of Parcel 51, legally described as "Marlboro Hgts, Tower Lot Eq 110.0 X 417" pursuant to a deed recorded in the Land Records of Prince George's County at Liber 928 and Folio 345, and located at 14212 School Lane in the Town of Upper Marlboro, Maryland; and

WHEREAS, the declaration of said property as surplus property is hereby ratified and declared as such to allow the sale of said property to the abutting landowners, Mr. and Mrs. Grant Duckett of land consisting of Parcel 51, also known as Tax ID #03-0246553 for consideration of \$400.00; and

WHEREAS, the Town Commissioners find it to be in the best interest of the Town to approve and ratify said sale and transfer of surplus real property deemed not needed for a public purpose.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, that said Board hereby authorizes, declares and approves the transfer of certain surplus real property located in the Town of Upper Marlboro located at 14212 School Lane in the Town of Upper Marlboro, Maryland as further described in the above recitals for a purchase price of \$400.00 provided that all costs of effecting the transfer shall be borne by the grantees and they shall be responsible for the payment of any prorated portion of the current year's real estate taxes.

AND BE IT FURTHER ORDAINED AND ENACTED, that the Town Board of Commissioners further authorizes the President to execute a deed, on or immediately after the effective date of this Ordinance, in the form attached hereto and incorporated by reference herein as Exhibit A or in a similar form, conveying the aforesaid real property to Grant and Janice V. Duckett in exchange for payment of the aforesaid purchase price.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this _____ day of _____, 2018.

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

Tonga Turner, President

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

Ordinance 2018- Schedule:

Board Discussion/First Reading/Formal Intro.– Nov. Town Meeting _____November 20, 2018

Resident Requested Input Due– Nov. Board Work Session _____November 27, 2018

Second Reading/Approval/Board Vote– Dec. Town Meeting _____December 11, 2018

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Clerk of the Town of Upper Marlboro, Maryland, that on the ____ day of December 2018 with ____ Aye votes and ____ Nay votes, the aforesaid Ordinance 2018-09 passed.

M. David Williams, Town Clerk

Reviewed and Approved for Legal Sufficiency

_____ Date: _____

**BOARD OF COMMISSIONERS
FOR THE
THE TOWN OF UPPER MARLBORO**

ORDINANCE: 2018-10 DRAFT
SESSION: Regular Town Meeting
INTRODUCED: December 11, 2018

**AN ORDINANCE OF THE TOWN OF UPPER MARLBORO REGULATING
PARADES, SPECIAL EVENTS, AND OTHER USES OF PUBLIC PLACES**

WHEREAS, the Board of Town Commissioners enacted Ordinance 97-2 regulating parades, special events, and other uses of public places and providing the violation thereof, as amended; and

WHEREAS, the purpose of this Ordinance is to authorize the Town of Upper Marlboro to regulate parades, special events, and other uses of public places; authorizing the Clerk, or appointee, to receive applications; authorizing the Board of Town Commissioners to issue permits, providing standards for issuance thereof; establishing procedures for appeal upon rejection of applications; requiring compliance with permit conditions; establishing a standard application fee; and, prescribing penalties for the violation of its provisions.

Section 1.

BE IT ENACTED AND ORDAINED by the Board of Commissioners for the Town of Upper Marlboro, that Ordinance 97-2 is hereby repealed, and Ordinance 2018-09 be and hereby is, enacted and shall read as follows:

Section 2.

I. DEFINITIONS

(1) A “parade” is any parade, march, ceremony, show exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in the Town of Upper Marlboro.

(2) A “special event” is any scheduled function not in the ordinary course of business taking place in the Town of Upper Marlboro that has a direct impact upon the streets, sidewalks, alleys, and footpaths or traffic, whether pedestrian or vehicular, within the Town of Upper Marlboro limits.

II. PERMIT REQUIRED. No person shall engage in, participate in, aid, form or start any parade or special event, unless a parade or special event permit shall have been obtained from the Board of Town Commissioners.

(1) Exceptions.

This ordinance shall not apply to:

- (a) Funeral processions;
- (b) Students going to and from school classes or participating in educational activities,

providing such conduct is under the immediate direction and supervision of the proper school authorities and does not have a direct impact on the streets, sidewalks, alleys, and foot paths or traffic within the Town limits.

III. APPLICATION

A person seeking issuance of a parade or special event permit shall file an application with the Clerk on forms provided by the Town.

- (1) Filing Period. An application for a parade or special event permit shall be filed with the Clerk not less than thirty (30) days nor more than ninety (90) days before the date on which it is proposed to conduct the parade or special event.
- (2) Contents. The application for a parade or special event permit shall set forth the following information in the event application form or include:
 - (a) The name, address and telephone number of the person or organization seeking to conduct such parade or special event;
 - (b) If the parade or special event is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;
 - (c) The name, address and telephone number of the person who will be the parade or special event chairman and who will be responsible for its conduct;
 - (d) The date when the parade or special event is to be conducted;
 - (e) The route to be traveled, the starting point and the termination point;
 - (f) The approximate number of persons who, and animals and vehicles which, will constitute such parade or special event; the type of animals, and description of the vehicles;
 - (g) The hours when such parade or special event will start and terminate;
 - (h) A statement as to whether the parade or special event will occupy all or only a portion of the width of the streets proposed to be traversed;
 - (i) The location by streets of any assembly areas for such parade or special event;
 - (j) The time at which units of the parade or special event will begin to assemble at any such assembly area or areas;
 - (k) The interval of space to be maintained between units of such parade or special event;
 - (l) If the parade or special event is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the Clerk of the Town, a communication in writing from the person proposing to hold the parade or special event, authorizing the applicant to apply for the permit on his behalf.
 - (m) The application shall include a signed hold harmless and indemnification agreement holding the Town harmless for any damage, harm or law suit arising from or out of the parade or special event and indemnifying the Town from costs of legal fees and/or damages signed by the person in charge of the sponsoring organization.
 - (n) A certificate of liability insurance naming the Town of Upper Marlboro as an additional insured.
 - (o) Any additional information which the Board of Town Commissioners shall find reasonably necessary for a fair determination as to whether a permit should be issued.

- (3) Late Applications. The Board of Town Commissioners, where good cause is shown therefor, shall have the authority to consider any application hereunder which is filed less than thirty (30) days before the date such parade or special event is proposed to be conducted.
- (4) Application Fee. There shall be paid at the time of filing the application for a parade or special event permit a fee of \$50.00 dollars.

IV. STANDARDS FOR ISSUANCE

The Board of Town Commissioners shall issue a permit as provided for hereunder, when, from a consideration of the application and from such other information of the application and from such other information as may otherwise be obtained it finds that:

- (1) The conduct of the parade or special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- (2) The conduct of the parade or special event will not require the diversion of so great a number of police officers of the Town to properly police the line of movement and the areas contiguous thereto normal police protection to the Town;
- (3) The conduct of such parade or special event will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the Town other than that to be occupied by the proposed line of march and areas contiguous thereto;
- (4) The concentration of persons, animals and vehicles at assembly points of the parade or special event will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- (5) The conduct of such parade or special event will not interfere with the movement of fire-fighting equipment en route to a fire;
- (6) The conduct of the parade or special event is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;
- (7) The parade or special event is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays en route;
- (8) The parade or special event is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit.
- (9) It is the intent of the Board of Town Commissioners that generally one (1) lane of traffic on street will be available for travel during the parade or special event and that these parades or special events do not constitute an emergency for purposes of closing the streets, sidewalks, footpaths, and thoroughfares to all pedestrian and vehicular traffic.
- (10) It is the intent of the Board of Town Commissioners not to authorize more than three (3) parades or special events per month.

(11) Organizations sponsoring any parade or special event shall agree to provide such traffic control and security as deemed necessary by the Board of Town Commissioners.

(12) No event shall be held, or arrangements made, until a Special Event Permit is received.

(13) Applicants may need to apply with the Health Department for food vending and prepared meals onsite except for pre-packaged foods.

(14) The use of alcohol is strictly prohibited.

(15) Applicants granted a permit must coordinate all planning and logistics with the Events Coordinator for the Town of Upper Marlboro.

V. NOTICE OF REJECTION

The Board of Town Commissioners shall act upon the application for a parade or special event permit within fifteen (15) days after the filing thereof. If the Board disapproves the application, it shall notify the applicant within five (5) days after the date upon which the application was filed, a notice of its action.

VI. APPEAL PROCEDURE

Any person aggrieved shall have the right to request a reconsideration of the denial of a parade or special event permit by the Board of Town Commissioners. The reconsideration shall be taken within thirty (30) days after notice. The Board of Town Commissioners shall act upon the reconsideration within fifteen (15) days after its receipt.

VII. ALTERNATIVE PERMIT

The Board of Town Commissioners, in denying an application for a parade or special event permit, shall be empowered to authorize the conduct of the parade or special event on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternative permit shall, within ten (10) days after notice of the action of the Board, file a written notice of acceptance with the Board. An alternate parade or special event permit shall conform to the requirements of, and shall have the effect of a parade or special event permit under, this Ordinance.

VIII. NOTICE TO TOWN AND OTHER OFFICIALS

Immediately upon the issuance of a parade or special event permit, the Clerk shall send a copy thereof to the following:

- (1) President of the Board of Town Commissioners;
- (2) The Town of Upper Marlboro Chief of Police;
- (3) The Fire Chief;

IX. CONTENTS OF PERMIT

Each parade or special event permit shall state the following information:

- (1) Date;
- (2) Starting time;

- (3) Minimum speed;
- (4) Maximum speed;
- (5) Maximum interval of space to be maintained between the units of the parade or special event;
- (6) The maximum length of the parade or special event in miles or fractions thereof;
- (7) Such other information as the Board of Town Commissioners shall find necessary to the enforcement of this Ordinance.

X. DUTIES OF PERMITTEE

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances.

(1) Possession of Permit.

The parade or special event chairman or other person heading or leading such activity shall carry the parade or special event permit upon his person during the conduct of the parade or special event.

XI. PUBLIC CONDUCT DURING PARADE OR SPECIAL EVENT

(1) Interference.

No person shall unreasonably hamper, obstruct or impede, or interfere with any parade, or special event, or parade or special event assembly or with any person, vehicle or animal participating or used in the parade or special event.

(2) Driving through Parade or Special Events.

No driver of a vehicle, shall drive between the vehicles or persons comprising a parade or special event when such vehicles or persons are in motion and are conspicuously designated as a parade or special event.

(3) Parking on Parade or Special Event Route.

The Town of Upper Marlboro Chief of Police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof constituting a part of the route of a parade or special event. The Chief of Police shall post signs to such effect, and shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this Ordinance.

XII. REVOCATION OF PERMIT

The Board of Town Commissioners shall have the authority to revoke a parade or special event permit issued hereunder upon the application of the standards for issuance as herein set forth.

XIII. PENALTIES

Any person, business entity or corporation found in violation of this Ordinance shall be liable for a municipal infraction and upon conviction thereof, shall be assessed a fine in the amount of \$1,000.00.

This Ordinance shall be effective twenty days after passage, on the _____ day of _____, 2018,

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall repeal and supersede Ordinance 97-2, as amended on August 12, 1997.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this _____ day of _____, 2018.

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

Wanda Leonard, Commissioner

Linda Pennoyer, Commissioner

Attest:

M. David Williams, Clerk

Tonga Turner, President

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____

**BOARD OF COMMISSIONERS
FOR THE
TOWN OF UPPER MARLBORO**

EMRGENCY ORDINANCE: 2018-11

SESSION: Regular Town Meeting

INTRODUCED: November 27, 2018

**AN EMERGENCY ORDINANCE OF THE TOWN OF UPPER MARLBORO AMENDING
ORDINANCE 2016-02 (VEHICLE AND TRAFFIC) THEREBY DESIGNATING A NEW
PARKING METER ZONE ALONG GOVERNOR ODEN BOWIE DRIVE AND GENERALLY
RELATING TO THE REGULATION OF PARKING AND TRAFFIC**

WHEREAS, pursuant to Transportation Art., § 25-102(a)(1) and § 21-1001 *et seq.* of the Annotated Code of Maryland, the Town of Upper Marlboro (the “Town”) has the authority to regulate or prohibit the stopping, standing or parking of vehicles; and

WHEREAS, pursuant to LG Art., § 5-205(d)(1) of the Annotated Code of Maryland, a municipality may establish and collect reasonable fees and charges associated with the exercise of a governmental or proprietary function exercised by the municipality; and

WHEREAS, pursuant to § 82-16(2)(qq) of the Town Charter, the Board of Town Commissioners has the power to pass ordinances not contrary to the laws and Constitution of this State, for the specific purpose of installing parking meters on the streets and public places of the Town in such places as by ordinance may be determined, and by ordinance prescribe rates and provisions for the use thereof, except that the installation of parking meters on any street or road maintained by the State Roads Commission of Maryland must first be approved by the Commission; and

WHEREAS, as defined in Maryland Motor Vehicle Law, there are currently two “Local Authorities” in the Town having jurisdiction over metered parking and issuing parking citations, whereby the Town of Upper Marlboro Police Department issues Town citations for certain street metered parking, and the County Police and Revenue Authority also issues such citations within the Town for metered parking located along county roadways within the corporate limits; and

WHEREAS, Ordinance 2016-02 entitled “Vehicle and Traffic” was enacted by the Board of Town Commissioners on July 12, 2016, which replaced certain long-standing ordinances governing parking and traffic including the establishment of metered parking zones along public highways within the Town; and

WHEREAS, pursuant to Md. Ann. Code, Transp. Art., 21-1004(d) the State Highway Administration or any local authority may place signs that prohibit or restrict the stopping, standing, or parking of vehicles on any highway in its jurisdiction where to stop, stand, or park would endanger those using the highway, or interfere unduly with the free movement of traffic on the highway; and

WHEREAS, pursuant to Md. Ann. Code, Transp. Art., Section 25-102, “the provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising certain powers as to highways under its jurisdiction including regulating or prohibiting the stopping, standing, or parking of vehicles;” and

WHEREAS, like the Town of Upper Marlboro, Prince George's County has its own ordinance governing parking and the use of parking meters pursuant to § 26-131 *et seq.* of the County Code; and

WHEREAS, the Board of Commissioners finds that the regulation of the parking of automobiles on public streets by a municipality is a valid exercise of the State's delegated police power, and that limited parking in the Town is a substantial public convenience and safety issue of concern, and that by increasing the number of metered parking spaces available to the public, the public in general and the Town will enjoy more efficient service and economies of scale, which is in the best interest of the Town and the motoring public; and

WHEREAS, pursuant to Md. Ann. Code, LG Art., Section 4-111, legislation enacted by a county does not apply in a municipality located in the county if the legislation that relates to a subject on which a public general law or the municipal charter grants the municipality legislative authority, and the municipality by ordinance or charter amendment specifically exempts itself from the county legislation; or generally exempts itself from county legislation covered by the type of grant of authority to the municipality; and

WHEREAS, the Board of Commissioners intends to establish a new municipal parking meter zone and install the appropriate traffic control devices and meters within and along the entirety of Judges Drive, owned and maintained by Prince George's County and designated as Route Number OP (Other Public) 4980 according to the Route Number Index Map published by the State Highway Administration, thereby specifically exempting itself from the county legislation as it applies to said newly created municipal parking meter zone.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES ORDAIN AND ENACT AN AMENDMENT TO ORDINANCE 2016-02 SUCH THAT SAID ORDINANCE SHALL HEREBY READ AS FOLLOWS:

VEHICLES & TRAFFIC ORDINANCE

D. Establishment of Parking Meter Zones

The below areas are authorized by the Board of Town Commissioners to be designated as metered parking areas.

1. All street parking in the 14500, 14600, 14700, 14800 & 14900 blocks of Main Street (Route 725), the entirety of Water Street, and the east side of Elm Street.
2. The Town-owned Church Street Parking lot located at 14525 Church Street.
3. The north side of Old Mill Road, and the south side of Pratt Street.
4. All street parking along the entirety of Judges Drive.
5. All street parking along the entirety of Governor Oden Bowie Drive.
6. Other areas as set by the Board of Town Commissioners by amending this Ordinance.

Section 5-B: Commercial Vehicle and Recreational Vehicle: No person shall park any commercial vehicle or recreational vehicle on any public street, residential property, or public right-of-way in the

Town between the hours of 5 p.m. and 7 a.m., Mondays through Fridays, or at any time on weekends or holidays. Exempted are vehicles in the process of making deliveries which do not park for more than a two-hour period. Also, exempted are vehicles for which a written permit for the same shall have been obtained from the Town Police Chief. Such permit shall be issued only for good cause and for a period not to exceed forty-eight (48) hours or unless a written permit for a longer period shall have been granted by action of the Board of Town Commissioners. In cases of unusual circumstances, the Board of Town Commissioners may grant a long-term permit for a period not exceeding one year, and such permit may be renewed only by action of the Board of Town Commissioners.

Section 10 E. Boot Fee: In addition to any other authorized charges, a boot or immobilization fee of \$150.00 (was \$50) shall be charged a vehicle owner who violates this Ordinance or is otherwise responsible which results in immobilization as described in this Ordinance to defray the Town's cost of installing, removing and maintaining the boot device.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board Commissioners of the Town of Upper Marlboro, Maryland that the Town hereby specifically exempts itself from any Prince George's County ordinances or other legislation as it applies to the regulation of parking and use of parking meters within the newly created municipal parking meter zone hereby designated along Judge's Drive within the corporate limits of the Town as established by this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that any prior ordinances adopting and enacting any provision of this Ordinance or any other ordinance or resolution previously adopted pertaining to a subject or subjects embodied by the title of this Ordinance or the provisions found in conflict herein shall be deemed amended, repealed and/or superseded by the provisions of this Ordinance, as applicable, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this ordinance shall become effective at the expiration of twenty (20) calendar days following approval by the Board of Commissioners.

BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance shall be posted in the Town Hall office, and it or a fair summary thereof, shall be published once in a newspaper of general circulation in the Town.

Adopted this _____ day of _____, 2018.

THE TOWN OF UPPER MARLBORO,
BOARD OF COMMISSIONERS

Tonga Y. Turner, President

Attest:

Linda Pennoyer, Commissioner

M. David Williams, Town Clerk

Wanda Leonard, Commissioner

Reviewed and Approved for Legal Sufficiency

Kevin J. Best, Esq.

Date: _____