

# Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

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## REGULAR TOWN MEETING

Monday, October 8, 2019 – 7:00 p.m.

### AGENDA

#### Call to Order

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

#### Approval of Meeting Minutes & Financial Reports

- Approval of the September 10, 2019 Regular Town Meeting minutes
- Approval of the September 24, 2019 Board Work Session minutes
- Approval of the Treasurer's Report, as of September 30, 2019.

#### Reports

- Department Reports — Public Safety, Public Works, Clerk's Office
- Committee Reports — Historical, Events, Sustainable Communities, CERT
- Commissioner Reports

#### Business

*Public comment will be taken prior to Business line items (2 minutes per item)*

- 1) Ordinance 2019-07 Amending Ord 2016-02 Vehicle and Traffic/To add Vehicle Booting: (Board vote)
- 2) Resolution 2019-10 Authorization of Lease Agreement/Purchase of Police Vehicles: (Board Vote)
- 3) Special Event Application/Douglass HS Homecoming (Board approval)

#### Administrative Updates

- 4) Legislation, Projects and Initiatives
- 5) General Board & Administrative Staff items

#### Public Comment

*For public comment on items not on the immediate agenda (3 minutes per item)*

#### 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*

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**Kai Bernal-LeClaire**  
Commissioner

**Wanda Leonard**  
Commissioner/President

**Linda Pennoyer**  
Commissioner/Treasurer

## PUBLIC COMMENT PROCEDURES

Your Town government appreciates citizen input. So, in an effort to maximize effective resolutions on resident's issues, we encourage Town residents and businesses to contact us at Town Hall first, weekdays: 9 a.m.–5 p.m., or by written correspondence (or email to [info@uppermarlboromd.gov](mailto:info@uppermarlboromd.gov)). You are always welcome to schedule an appointment with the President or a Commissioner to discuss municipal problems and quality-of-life issues one-on-one, and work together towards a satisfactory solution.

Agendas for meetings are posted on our website and a synopsis of the monthly Town Meeting Agenda is also provided in the “On the Agenda” column of our monthly newsletter, the *Landings*. Outreach and notices of legislative items are also posted on the Town's social media accounts (Facebook & Twitter).

Our meetings are open to the public, and we ask that residents who want to comment to please follow the rules that have been established by “Resolution 2019-02: Adoption of Rules of Order and Regulations for Public Meetings” . . .

### III. Citizen Input

A. At regular and special meetings, residents of the Town may have the opportunity to address the Board on any item on the agenda provided a resident is recognized and allowed to speak by the President. Recognized public comment and/or questions that are germane to the immediate agenda item shall be limited to (1) minute. Furthermore, each regular meeting shall also have an agenda item for citizen input regarding any municipal question, during which time any resident of the Town may address the Board for up to three (3) minutes on matters or items not necessarily placed on the agenda. Individuals not residing in the Town may speak at regular or special meetings under conditions specified by the Board. The President or the Board may uniformly change or adjust the time limitations for all speakers depending on the circumstances or provide additional time for experts or other officials.

B. Except in instances where the presiding officer expressly invites or allocates time for public testimony, questions, comments, or other forms of participation, or when public participation is otherwise authorized by law, no member of the public attending an open meeting session may actively participate in the session. Public comment by members of the public is not typically designed or intended for interactive dialogue between the Commission and the public, unless the presiding officer specifically allows it or the Commission elects to suspend its rules to allow such colloquy.

C. Speakers shall state their name for the record, and their address (**street name only**). Ordinarily, for each agenda item, including citizen input, speakers shall have one opportunity to speak and may not poll or ask questions of individual commissioners, staff or public officials. Otherwise, the Board shall determine the conduct of the public discussions on any issue and may set reasonable time limits for such.

D. Ordinarily, work sessions are open to public observation only and public participation is at the discretion of the Board. At work sessions, residents and non-residents may be allowed to speak on any municipal issue, but only under conditions specified by the Board.

**Each individual speaker must stand, state their name and home of record (street name only) and approach the Board to a designated position in order to be recognized by the Chair of the Board, and to be heard by the recording Clerk, as well as others in attendance.**

# **Town of Upper Marlboro**

## **REGULAR TOWN MEETING**

**September 10, 2019 • 7:00 p.m.**

unApproved Minutes

### **Call to Order**

The meeting was called to order at 7:00 p.m.

Roll Call: Commissioner Kai Bernal-LeClaire; Wanda Leonard, President of the Board of Town Commissioners; Linda Pennoyer, Commissioner/Treasurer

Staff present: M. David Williams, Town Clerk/Administrator; UMPD Chief David Burse; UMPD Sgt Samuel Irby; William Morgan/Director of Finance; Superintendent Darnell Bond/Public Works; Vickie Stewart/Executive Assistant; and, Kyle Snyder/Chief of Staff

Also present: SCW Chair Evelyn Stephens; EC Chair Jeremy Gunnoe; TUMHC Chair Patti Skews Archivist Brian Callicott; plus, various citizens and interested parties.

### **Pledge of Allegiance**

### **Consent to the Agenda**

The President received unanimous consent to the Agenda.

### **Approval of Meeting Minutes & Financial Reports**

Commissioner Bernal-LeClaire motioned to approve the Regular Town Meeting minutes from August 13, 2019, the Public Hearing minutes from August 27, 2019, the Work Session minutes from August 27, 2019, and, the Treasurer's Report as of August 31, 2019. Commissioner Pennoyer seconded. All of August's Board Meetings and Forum minutes, and the August 2019 Treasurer's Report were unanimously approved.

### **Reports**

Departments/Committees: Sergeant Irby reported for Chief Burse, delivering the UMPD report for the month of August 2019, a handout was provided. It was noted that the statistics in the report are collated with those from the PGC Police reports for the immediate area.

Chief of Staff Snyder reported for Superintendent Bond, delivering the Public Works report for the month of August 2019, a handout was provided. It was noted that one of the three (3) free parking spaces on Old Mill Road needs to be striped as a Handicapped Only space.

TUMHC Chair Skews reported that the Committee held their Quarterly meeting on August 17<sup>th</sup>. They also attended the August 24<sup>th</sup> Cruzin' Main Street Car Show where they obtained signatures for a petition against the de-designation of the OMES buildings as County Historic Sites. She added that the TUMHC also attended the September 5, 2019 Historic Preservation Commission (HPC) Meeting, and plan to attend the upcoming Town Roundtable Discussion on the 12<sup>th</sup>, plus, the Public Hearing concerning the OMES buildings being held in the PG Council Chambers at the CAB at 7:00 p.m. on the 17<sup>th</sup>. She also announced that the next TUMHC Archiving & Planning Session will be held on September 21, 2019. It was noted the petition was available tonight for those who would like to add their signatures. Commissioner Pennoyer motioned to sanction the petition as a formal show of support by the Board. Commissioner Bernal-LeClaire seconded. The motion was unanimously approved by the Board.

EC Chair Gunnoe reported that the last Movie Night on August 17<sup>th</sup> saw about 100 attendees. He said the EC is looking into purchasing their own movie equipment to find out which is most cost effective. He added that the EC will be assisting at the next CERT Meeting next Saturday, and, have scheduled the Main Street Trunk or Treat Event for October 26<sup>th</sup> starting at 6:00 p.m. He noted a Veterans' Day event will be held on Monday, November 11<sup>th</sup>. He added that the Town's Holiday Party in December will be held at the

Marlboro Volunteer Fire Department (MVFD), so as to, accommodate more people. He also noted an EC "Arts Club" Sub-Committee has garnered support from 30 or so interested citizens.

SCW Chair Stephens stated the State has just approved two (2) outstanding applications for the Town's Façade Improvement Program (FIP), adding the SCW is now planning to submit two (2) more. She announced that the Sustainable Community Designation renewal application has been approved by the State with a contingency for the Town to address a few comments made concerning Transportation, Housing and Parking objectives. She noted a suggestion put forth for the Town to look into conducting a feasibility study to acquire county property located between Old Mill Road and the OMES buildings. The SCW is currently considering changing their monthly meeting date and time schedule.

Commissioner Bernal-LeClaire: Announced he had attended both the Grand Opening of the Main Street Coffee & Treats on August 23<sup>rd</sup>, and the Cruzin' Main Street event on the following day.

Commissioner Pennoyer: Reported that the PGCMA Board has begun reviewing legislative priorities for the new fiscal year that includes Food Truck legislation as it relates to Municipal control. A complete list of PGCMA legislative priorities should be available by September 19<sup>th</sup>.

President Leonard: Delivered updates on the following topics: 1.) September is Emergency Preparedness Month. CERT to conduct a Blood Drive event on Saturday the 28<sup>th</sup>, and a "Preparedness" class on the 14<sup>th</sup> at Town Hall; 2.) Contractor ClearWater to assist Public Works with installation of 5 new parking meters; 3.) A Town-hosted "Municipal Government Academy" (MGA) is being created in observation of Municipal Government Works! Month (MGW) in November. A sign-up sheet was made available; 4.) Working to update the Town's Cable Channel 19 and the Web portal; 5.) A County Historic Preservation Grant will help with the Old Stone Building Project renovations; 6.) CERT assisted at the 4-day PG County Fair; 7.) Attending the MML/HEPAC meeting this Saturday in Annapolis; 8.) Working with the County Courthouse to provide for them a few temporary parking spaces in the Church Street Lot until their garage is repaired; 9.) Commissioner Bernal-LeClaire to attend the MML Fall Conference; and, 10.) Commissioner Pennoyer and President Leonard to graduate the UMD Academy of Excellence Fellowship Program on Sept. 29<sup>th</sup>.

## **Business**

- 1.) Town Recreation Priorities letter to the M-NCPPC: The draft letter discussed at the last August Board Meeting, outlining a prioritized list of desired Recreation Facility projects to the M-NCPPC, was discussed. Commissioner Bernal-LeClaire motioned to approve signing and sending the letter as drafted, Commissioner Pennoyer seconded. The motion was unanimously approved.
- 2.) Resolution 2019-10 Authorization of Lease Agreement/Purchase of Police Vehicles: The Clerk read aloud the introduction to the Resolution authorizing a lease agreement purchase for three (3) new police vehicles. President Leonard reviewed the history of the newly established maintenance agreement with the County and the safety issues concerning the current fleet. In Chief Burse's absence, Sergeant Irby answered questions put forth by Commissioner Bernal-LeClaire and attending citizens. A lengthy discussion ensued which resulted in the Board's agreement to table the line item until the next regular meeting of the Board.
- 3.) Ordinance 2019-07 Amending Ord 2016-02 Vehicle and Traffic (introduction): After the Clerk introduced the ordinance, the President announced the Ordinance will be voted upon at the October Regular Town Meeting.
- 4.) General Administration issues: There were no issues brought before the Board at this time.

## **Public Comment**

TUMHC Archivist Callicott expressed thanks to Chief of Staff Snyder for seeing through the removal of palettes left behind by the Corp of Civil Engineers in the Western Branch. He also noted the need for all government entities to be extra cautious and alert concerning current Ransomware scams.

Board members and citizens discussed the OMES de-designation and details concerning the upcoming Town Roundtable Discussion next Thursday, and the County Council Hearing on September 17, 2019.

A resident asked for status reports on the current Town Playground and Water Trail projects. CoS Snyder said that the Trail Project is on hold awaiting completion of the Western Branch levy work being conducted by the Army Corps of Engineers. He noted all the funding for the Playground had been released and that a final updated proposal was currently being completed. He added that the County Hearing to surplus the Old Stone Building to the Town was approaching in the coming weeks. It was noted that a couple of developers had responded to the Town's RFP on Adaptive Reuse of the OMES, providing proposals that included multiple ideas for needed services and amenities for the community at large.

### **Adjournment**

Given no further comment, the meeting was adjourned at 8:26 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, September 24, 2019 - 7:00 p.m.

unApproved

### Call to Order

- Meeting was brought to order at 7:00 p.m.
- Roll Call – President Wanda Leonard; Commissioner Kai Bernal-LeClaire; Commissioner Linda Pennoyer; Town Clerk M. David Williams; Director of Finance William Morgan; UMPD Chief David Burse; and, Chief of Staff Kyle Snyder.
- Pledge of Allegiance

### Reports

Commissioner Bernal LeClaire: Attended the September 17<sup>th</sup> Prince George's County Council Hearing meeting concerning the OMES de-designation and also provided testimony.

Commissioner Pennoyer: Attended the Historic Preservation Commission (HPC) Meeting on August 24<sup>th</sup>. Also attended and testified at the Council Hearing on September 17<sup>th</sup>; Attended the PGCMa Meeting on September 19<sup>th</sup>, and the CSA23 LC Meeting on the 18<sup>th</sup> at Town Hall.

President Leonard: The President shared a draft letter with Board members to be included in a package of documentation which will be submitted to the County by October 2, 2019 to support the Town's position on the OMES. She then delivered updates on the following topics: 1.) State Delegation Meeting here on October 4 at 10:00 a.m. with Senator Peters, Delegate Holmes and Delegate Watts; 2.) Capital Horse Show at Show Place Arena this Friday through October 6<sup>th</sup>; 3.) Met with Sheriff High last Friday concerning the annual Purple Lights Night. Town will have free purple bulbs available for residents; 4.) County just voted on Resolutions to support the Town becoming a Food Truck Hub; and, 5.) Pocket Park designs to utilize an empty lot on Main Street (P.89) are in preliminary planning stages, and, the Town is investigating if State funding can be obtained to acquire the unused property that cannot be used for structural development.

Clerk's Office: Clerk Williams presented a comp design for an Ad to be placed in the MML Digital Directory. He indicated the Ad could help advertise Town Special Events. Board approval was granted to proceed with a final to submit to MML by September 30<sup>th</sup>.

### Business

Resolution 2019-08: Town Position on CR- 072-2019: The Clerk read aloud the Resolution's introductory summary opposing the removal of the historic designations of the Old Marlboro Elementary School(s). After explaining the time sensitive nature of the legislation due October 2, 2019, President Leonard asked for any additional dialog from the Board. Commissioner Bernal-LeClaire requested public input from all citizens present who care to speak, and it was noted the total number of County historic sites in Upper Marlboro might be 21 versus 15. The Clerk's Office will confirm. After discussion, President Leonard asked for a motion to approve Resolution 2019-08. Commissioner Bernal-LeClaire motioned to approve Resolution 2019-08, Commissioner Pennoyer seconded. With all in favor, the Resolution was unanimously passed.

Resolution 2019-10: To Lease Police Vehicles: Chief Burse fielded questions from the Board and the citizens in attendance. Concerns included: 1.) Total number of Fleet vehicles on force after Lease Agreement purchase; 2.) Target number of UMPD personnel desired; 3.) Take-Home vehicle policy & Fleet requirements; 4.) Routine preventative vehicle maintenance schedules and records; 5.) Timetables and details for the acquisition process; and, 6.) Patrol alternatives (foot, bike, etc.) After discussion, President Leonard noted that in-light of a Board request to look in to purchasing 2 vehicles versus 3, a redraft of the Resolution and Lease Purchase Agreement will be

required. She requested all additional questions be brought to Chief Burse and/or Director of Finance Morgan, and that the Resolution will be up for a Board vote at the next Town Meeting.

Public Comment Procedures: Chief of Staff Snyder presented a 2-page Memo addressing how to better accommodate Public Input prior to the Business line items to be voted on, and/or reviewed, by the Board. It was noted that the Town is one of the few municipalities in the County that does publish its Board Meeting Packets online at least 4 days prior to the meeting. How Board Members and Staff can best request items be put on the Agenda was also reviewed. Commissioner Pennoyer suggested an "Old Business" line item to better update the Board and public about ongoing projects and initiatives.

General/Administration issues: Chief of Staff Snyder reviewed a list of updates for business agenda items coming up for Board action at their next Meeting: 1.) Resolution 2019-10 will be redrafted and presented to the Board for a vote; 2.) Ordinance 2019-07 has not received any Public Comment to date but will be up for a Board vote at the October Regular Town Meeting; and, 3.) Frederick Douglass HS to submit a Special Event Application for Board approval.

It was noted that Purple Lights Night will be held on October 1<sup>st</sup> at Prince George's County Community College.

More discussion about the expediency of the vote on Resolution 2019-10, plus Board voting at Work Sessions, ensued. A timeline of Lease Purchase discussions was provided by the Chief and the Director of Finance to answer Commissioner Pennoyer's concerns. It was noted that the Resolution and Board discussions purposely remained on hold until the empty Board position was filled, and, it was also noted that since the Lease Purchase Agreement drafting, the Federal Reserve has lowered interest rates, and may do so again in the near future.

SCW and TUMHC participant Patricia Finn stated she spoke with the District Council Attorney and learned that the Council is required to provide for the record exparte communications concerning CR-72-2019. She suggested that the Town act upon this by requesting this information. Secondly, she stated she hoped the Board would consider filing an injunction to prevent the District Council from voting on CR-72-2019. It was noted that Town's Counsel advised that a Town action to appeal the District Council vote would be more successful. Ms. Finn urged the Circuit Court also be asked to provide any exparte communications on the issue.

## **Adjournment**

With all in favor, the meeting was adjourned at 8:34 p.m.

Respectfully submitted,

M. David Williams  
Town Clerk/Administrator



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## Town of Upper Marlboro Budget vs. Actuals July 2019 - August 2019

	Actual	Budget	% of Budget
<b>Revenue</b>			
Fines, Licenses, Permits	\$58,186.16	\$567,935.00	10%
Grants	\$7,559.50	\$750,829.00	1%
Intergovernmental	\$1,764.45	\$41,315.00	4%
Other Revenue	\$129,627.31	\$379,432.00	34%
Taxes	\$54,670.77	\$813,209.00	7%
<b>Total Revenue</b>	<b>\$251,808.19</b>	<b>\$2,552,720.00</b>	<b>10%</b>
<b>Expenses</b>			
General Government	\$165,912.33	\$1,624,167.00	10%
Public Safety	\$60,327.59	\$524,882.00	11%
Public Works	\$59,155.03	\$403,671.00	15%
<b>Total Expenses</b>	<b>\$285,394.95</b>	<b>\$2,552,720.00</b>	<b>11%</b>

### Committee Overview

Historical Committee	\$80.00	\$1,500.00	5%
CERT Team	\$0.00	\$1,500.00	0%
Events Committee	\$3,332.68	\$12,500.00	26%





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## MONTHLY NARRATIVE

September is the first full month of new parking meter changes. We have experienced a significant amount of increased revenues and with the new mobile application feature we believe it will enhance the convenience of paying for parking spaces.

1. Parking meters (revenue actuals)
2. Business license and taxes

## **Town of Upper Marlboro**

### **Profit & Loss**

September 2019

#### **REVENUE**

FINES, LICENSES, PERMITS	28,450.19
GRANTS	\$4,794.75
INTERGOVERNMENTAL	\$1,414.30
OTHER REVENUE	\$845.30
TAXES	\$36,752.86
<b>TOTAL REVENUE</b>	<b>\$72,257.40</b>

#### **EXPENSES**

GENERAL GOVERNMENT	\$36,624.96
PUBLIC SAFETY	\$14,655.74
PUBLIC WORKS	\$13,913.11
<b>TOTAL EXPENSES</b>	<b>\$65,193.81</b>



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## Town of Upper Marlboro Balance Sheet As of September 30, 2019

	<u>Total</u>
Cash on Hand and in Banks	0.00
1000 PGFSB Operating Checking	40,206.23
1001 Petty Cash	300.00
1010 PGFSB Payroll Account	473.76
1040 M&T Checking	11,452.13
1060 Sona CD 7977	108,506.00
1063 Sona CD 1577	0.00
1068 SONA Bank CD 8641	268,355.11
1075 Sona CD 8153	0.00
1076 Sona Bank CD 1697	0.00
1077 Sona Bank CD 9681	0.00
1078 SONA CD 2705	0.00
1079 Sona Bank CD 9137	0.00
1084 SONABANK CD 5101	0.00
1117 Old Line Bank	101,948.20
1119 Community Bank of Tri-County	0.00
1120 Old LineBank/Washington Savings	0.00
1121 Arundel Federal Savings Bank	0.00
1122 Congressional Bank CD 5756	209,724.87
1123 Severn Savings Bank	0.00
1140 MLGIP	11,815.60
Total Cash on Hand and in Banks	<u>\$ 752,781.90</u>



# Town of Upper Marlboro Police Department

14211 School Lane, Upper Marlboro, MD 20772 Tel: (301) 627-6905

## Monthly Town Police Department Report For the Month of September 2019

### Incidents Reported in Town:

Accident Report 3		
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### Last Month Incidents:

Accident Report 1		
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Chief Burse attended the Maryland Chief's and Sheriff's Association annual conference and training in Ocean City, Maryland.

Chief Burse attended the swearing-in of Chief Towers of the Cheverly Police Department.

Chief Burse attended the Criminal Justice Coordinating meeting.

Chief Burse attended a Building Security Meeting at the Courthouse.

Chief Burse participated in the City of Bowie Public Safety Brunch and Awards.

Chief Burse attended the District 2 Coffee Club meeting and discussed the Town's Trunk or Treat.

Chief Burse and Town staff had a meeting with Prince George's County Sheriff High.

Chief Burse had a meeting with several Prince George's County Municipal Chiefs to discuss agreements and MOU's.

Chief Burse attended a walk-thru of the new District 8 Police station.

Chief Burse attended Mt. Rainier's Public Safety Event.

**Kai Bernal-LeClaire**  
Commissioner

**Wanda Leonard**  
Commissioner/President

**Linda Pennoyer**  
Commissioner/Treasurer



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**Date:** Tuesday, October 1, 2019

**Subject:** Public Works Status Report

**RE:** September 2019 – Monthly Status Report

**Capital Improvements** – PW Superintendent attended the MMLPWA meeting in North Beach, MD. While there, Superintendent Bond sat in on a presentation by Dossier Fleet Management Systems. PW staff also had an in-house presentation by Mrs. Denise Jordan of the Share Corporation, who specializes in specialty anti-corrosion chemicals, tools, and safety equipment.

To better serve our residents, PW will be adopting an 8 am-4 pm schedule for all employees.

**Maintenance and Beautification** – Trucks 215 and 003 had multiple tires plugged externally. Truck 216 had one tire plugged internally. Kubota Tractor had fuel filters replaced in-house. PW staff pressure washed our Town Hall building and surrounding sidewalks.

**Street and Sidewalk Repairs** – Three quotes were received to remove, backfill and pave Elm St. sinkhole. Ultimately, the sinkhole was filled and roller packed by PG DPW&T. Eighteen storm drain inlets were painted and stenciled with “Chesapeake Bay Drainage”.

**Refuse Accumulations** – Bulk day accumulations for solid wastes (Landfill) are: 4.26 tons or \$251.04. Bulk day accumulations for yard waste collections are: 2.79 tons or \$77.00.

**Trainings** – PW staff were trained in Dump Body Safety, Loader Tractor Safety, X-Mark Walk Behind Mower Safety, X-Mark Zero Turn Mower Safety, Echo Power Equipment Safety, Truck And Trailer Pre-Trip, and Personal Protective Equipment (PPE).

Sincerely,

Darnell F. Bond III  
*Public Works Superintendent*

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**Kai Bernal-LeClaire**  
Commissioner

**Wanda Leonard**  
Commissioner/President

**Linda Pennoyer**  
Commissioner/Treasurer

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

**DRAFT**

ORDINANCE: 2019-07

SESSION: Regular Town Meeting

INTRODUCED: September 10, 2019

**AN ORDINANCE OF THE TOWN OF UPPER MARLBORO TO AMEND ORDINANCE 2016-02 ENTITLED “VEHICLE & TRAFFIC” TO MODIFY THE DEFINED PARKING METER ZONE FOR JUDGE’S DRIVE; AND AUTHORIZE THE POLICE DEPARTMENT TO IMMOBILIZE USING A “BOOT” OR OTHER DEVICE OR TAKE INTO CUSTODY AND IMPOUND ANY UNATTENDED VEHICLE, INCLUDING THOSE VEHICLES REGISTERED WITHIN THE STATE OF MARYLAND, FOR WHICH THREE (3) OR MORE OUTSTANDING PARKING OR PARKING METER VIOLATION CITATIONS HAVE BEEN ISSUED WITHIN A PRIOR CONSECUTIVE EIGHTEEN (18) MONTH PERIOD; BY PROVIDING FOR AN INFORMAL HEARING BEFORE THE CHIEF OF POLICE OR HIS DESIGNEE TO DETERMINE WHETHER PROBABLE CAUSE EXISTS TO CONTINUE TO IMMOBILIZE, OR TOW AND IMPOUND THE VEHICLE; TO REQUIRE NOTICE BY MAIL TO THE OWNER; TO REQUIRE THAT ALL OUTSTANDING UNPAID CITATIONS PAID PRIOR TO VEHICLE RELEASE AND GENERALLY RELATING TO VEHICLES AND TRAFFIC.**

**WHEREAS**, the Town Charter, Section 82-63 states that the Town shall have control of all public ways in the Town except such as may be under the jurisdiction of the Maryland State Roads Commission or the County Commissioners for Prince George’s County and subject to the laws of the State of Maryland and said Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

**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**, on July 12, 2016, the Board of Commissioners enacted Ordinance 2016-02 (Vehicle and Traffic Ordinance) thereby consolidating, revising, updating and codifying eighteen separate ordinances of the Town of Upper Marlboro enacted beginning in 1976 through 2014; and

**WHEREAS**, on August 14, 2018, the Board of Commissioners enacted Emergency Ordinance 2018-05 thereby designating new parking meter zones along Judges Drive; and

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CAPITALS	:	Indicate matter to be added to existing law
[Brackets]	:	Indicate matter to be deleted from existing law
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

**WHEREAS**, on November 27, 2018, the Board of Commissioners enacted Emergency Ordinance 2018-11 thereby designating new parking meter zones along Governor Oden Bowie Drive and part of Elm Street; and by further amending, ratifying and reenacting Subsection B (Commercial vehicle and recreational vehicle) of Section 5 (Parking restrictions), and amending, ratifying and reenacting Subsection E (Boot fee) of Section 10 (Penalties and fees); and

**WHEREAS**, the Town and Prince George's County have entered into an agreement dated June 10, 2019 whereby the Town has assumed control over all on street metered parking within the Town; and

**WHEREAS**, the Board finds it to be in the best interest of the Town to further amend Ordinance 2016-02, as amended, as stated hereinbelow.

**NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO, STATE OF MARYLAND, DOES ORDAIN AND ENACT** the following changes or amendments to Ordinance 2016-02, as amended:

## **VEHICLE & TRAFFIC ORDINANCE**

\* \* \*

### Section 6. Parking Meters

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#### 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 entirety 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]~~ FIVE (5) SPACES OF street parking along ~~[the entirety]~~ A PORTION of Judges Drive (OP 4662) NEAR PRATT STREET.
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.

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CAPITALS	:	Indicate matter to be added to existing law (Ord. 2016-02, as amended)
[Brackets]	:	Indicate matter to be deleted from existing law
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.

## SECTION 9. VEHICLE IMPOUND AND TOWING

A. The Police Department may immobilize using a “boot” or other device, or take into custody and impound:

1. Any unattended vehicle [~~not registered within the State of Maryland~~] for which three (3) or more outstanding parking or parking meter violation citations issued within a consecutive eighteen (18) month period.
2. Any vehicle parked or disabled in a “no parking at any time, tow-away zone” zone; blocking a private driveway without the permission of the property owners; parked in an area designated as a fire lane; within ten (10) feet of a fire hydrant, or; parked on any sidewalk.
3. Any vehicle displaying improper, illegal or expired license plates or no plates at all parked or left standing, stored or operated on any public street or any property owned or leased by the Town, or upon private property except when the vehicle is parked within a fully enclosed garage, unless said vehicle shall have affixed or attached thereto license plates or markers displayed conspicuously on the front and rear of said vehicle in accordance with the provisions of the Annotated Code of Maryland or, in the case of a nonresident, the State, County or territory where such vehicle is registered.
4. The provisions of Title 25, Subtitle 2, of the Maryland Vehicle Law (§ 25-201 et seq. of the Transportation Article of the Annotated Code of Maryland) shall apply with respect to the removal, storage, reclamation and disposal of any vehicle taken into custody pursuant to Subsection A above.
5. WITHIN FOUR (4) DAYS FROM THE INITIAL DATE OF THE IMMOBILIZATION OR TOWING, THE OWNER MAY REQUEST AN INFORMAL HEARING BEFORE THE CHIEF OF POLICE OR HIS DESIGNEE TO DETERMINE WHETHER PROBABLE CAUSE EXISTS TO CONTINUE TO IMMOBILIZE, OR TOW AND IMPOUND THE VEHICLE. SAID RIGHT TO A HEARING SHALL BE DEEMED TO HAVE BEEN WAIVED FOUR (4) DAYS FROM THE INITIAL DATE OF THE IMMOBILIZATION OR TOWING.
6. WHENEVER A VEHICLE HAS BEEN IMMOBILIZED OR IMPOUNDED, THE POLICE OFFICER OR OTHER AUTHORIZED OFFICER SHALL NOTIFY THE REGISTERED OWNER BY MAIL OF ANY ACTION TAKEN.
7. THE TOWN SHALL NOT BE LIABLE FOR ANY DAMAGE TO A MOTOR VEHICLE DUE TO THE ACTIONS OF THE OWNER OR ANY OTHER UNAUTHORIZED PERSON ATTEMPTING TO REMOVE THE BOOT DEVICE OR OPERATE SUCH MOTOR VEHICLE WITH SUCH DEVICE ATTACHED.

C. In addition to any information required to be contained in the notices given under Title 25, Subtitle 2, of the Maryland Vehicle Law, information as to the nature and circumstances of the

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traffic or parking violation or violations on account of which a vehicle is impounded shall be given to the owner or other person normally in charge of such vehicle.

- D. In addition to paying all towing, preservation and storage charges or fees resulting from taking or placing the vehicle in custody, the owner or person normally in charge of such vehicle shall also be liable for any fine, fee or forfeiture resulting from the violation or violations for which the vehicle was impounded and/or immobilized, and such vehicle shall not be released until either written receipt is displayed showing payment of such fine, fee forfeiture and/or collateral, with said fine, fee, forfeiture and/or collateral amount to be set by ordinance or resolution of the Board of Town Commissioners, and such violation is posted for appearance of the owner or person normally in charge of such vehicle in the District Court of Prince George's County to answer the violation or violations on account of which the vehicle was impounded.
- E. Any vehicle found in violation of this section is subject to impoundment.
- F. VEHICLES IMMOBILIZED OR IMPOUNDED PURSUANT TO THIS ORDINANCE WILL BE RELEASED TO THEIR LAWFUL OWNER, OR PERSON ENTITLED TO POSSESSION, UPON A SHOWING OF ADEQUATE EVIDENCE OF A RIGHT TO ITS POSSESSION AND UPON THE PAYMENT OF ALL ACCRUED FINES, FEES AND COSTS FOR EACH OUTSTANDING UNPAID CITATION OR SUMMONS AND, IN ADDITION THERETO, THE CHARGES FOR BOOTING, TOWING AND STORAGE. THE RELEASE SHALL BE SIGNED BY AN AUTHORIZED OFFICER OR AGENT.

\* \* \*

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that said Board may set the fines, penalties, and fees associated with violating this Ordinance from time to time by resolution.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that said Board may set rates and time frames for parking metered zones established by this Ordinance by resolution.

AND BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners of the Town of Upper Marlboro, Maryland that said Board may establish and regulate parking zones, restricted parking zones, and permit parking zones by resolution, as long as it is advertised in a newspaper of general circulation no less than fifteen (15) days prior to the Town Meeting in which it is to be voted upon. However, the President of the Board has the authority to temporarily enact such restrictions for special circumstances for a period no longer than fifteen (15) days without the approval of the Board of Town Commissioners.

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 repealed and superseded by the provisions of this Ordinance, and should a previously enacted ordinance cover a provision or subject that is not covered by this Ordinance, it

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shall remain in full force and effect unless it directly conflicts with the express language of this Ordinance.

AND BE IT FURTHER ORDAINED AND ENACTED, by the Board of Commissioners of the Town of Upper Marlboro, Maryland that this Ordinance 2019-07 shall change and amend Ordinance 2016-02, as amended by Emergency Ordinance 2018-05 and Emergency Ordinance 2018-11.

AND 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.

AND 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 \_\_\_\_\_, 2019.

THE TOWN OF UPPER MARLBORO,  
BOARD OF COMMISSIONERS

\_\_\_\_\_  
Wanda Leonard, President

\_\_\_\_\_  
Linda Pennoyer, Commissioner

Attest:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Kai Bernal-LeClaire, Commissioner

Reviewed and Approved for Legal Sufficiency

\_\_\_\_\_  
Kevin J. Best, Esq.

Date: \_\_\_\_\_

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## The Town of Upper Marlboro

RESOLUTION: 2019-10 **DRAFT**  
SESSION: Regular Town Meeting  
DATE: October 8, 2019

### **A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO TO ENTER INTO A MASTER LEASE PURCHASE AGREEMENT FOR THE PROCUREMENT OF THREE (3) POLICE VEHICLES AND TO WAIVE THE REQUIREMENTS FOR COMPETITIVE SEALED BIDDING**

WHEREAS, pursuant to Section 82–81 (Acquisition, Possession, and Disposal [of Property]) of the Charter of the Town of Upper Marlboro, the Town may 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; and

WHEREAS, pursuant to Section 82–44 (Over–Expenditure Forbidden) of said Charter, no officer or employee shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for or transferred to that general classification of expenditure pursuant to this Charter, and that any contract, verbal or written, made in violation of the Charter shall be null and void, but that nothing in said section contained, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds, nor the making of contracts of lease, or for services for a period exceeding the budget year in which such contract is made when such contract is permitted by law; and

WHEREAS, the Board of Town Commissioners finds that tax-exempt leasing (sometimes referred to as "financing," "lease financing" or "lease purchase") is a financing tool that allows tax-exempt entities to acquire essential use equipment now and pay over time; and that under a tax-exempt lease, title to the equipment passes to the Town at lease signing and the Town owns the equipment at the end of the term with no liens attached, and that there is no residual at the end nor any end-of-lease buyout, and that because the Lessee is tax-exempt, the Lessor is not required to pay federal income taxes on the interest generated by the lease, thus lower financing rates are available; and

WHEREAS, the Board of Town Commissioners recognizes the need to rebuild and properly outfit the Town's Police force to protect the residents and visitors of the Town of Upper Marlboro; and

WHEREAS, the Board of Town Commissioners under Public Safety in the FY 2020 Condensed Budget has appropriated \$60,000 in FY '20 as Line Item 8330.2 (Capital Outlay – Vehicles); and

WHEREAS, the Board of Town Commissioners have deemed it in the best interest of the public safety welfare, and fiscal responsibility to enter into a Master Lease Purchase Agreement with Tax-Exempt Leasing Corp., an Illinois corporation, in the purchase and outfitting of three new police vehicles; and

WHEREAS, pursuant to Section 82–56 (Purchasing and Contracts) of said Charter, all expenditures for contracts and purchases with an anticipated cost of more than ten thousand dollars (\$10,000) shall be subject

## The Town of Upper Marlboro

to competitive sealed bidding unless the Board, by unanimous vote of the full Board, finds another method of procurement to be more advantageous; and

WHEREAS, the Board finds that according to Town Ordinance 2011-02, Section 6(a), that Tax-Exempt Leasing Corp. is a unique equipment finance company that provides innovative financing solutions to tax-exempt entities and municipalities nationwide and that this contract may be awarded without competition as the Board of Commissioners has determined and recorded in the minutes of a public meeting, after conducting a good faith review of available sources, that there is only one (1) reasonable source available for the required supply, service or construction item.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that the above-referenced Master Lease Purchase Agreement, attached hereto and adopted by reference herein, is hereby awarded without competition in accordance with Section 6(a) of Ordinance 2011-02, and approved in accordance with the terms and conditions stated therein; and

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage and that the President/Mayor is authorized to execute the subject Master Lease Purchase Agreement totaling \$119,000 spread over four Town fiscal years with bi-annual payments of \$16,262.45 with the above-referenced Tax-Exempt Leasing Corp., and any related addenda, resolutions, schedules or exhibits thereto pertaining.

**PASSED** by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular public meeting on the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

BOARD OF COMMISSIONERS OF THE TOWN  
OF UPPER MARLBORO, MARYLAND

\_\_\_\_\_  
M. David Williams, Clerk

\_\_\_\_\_  
Wanda Leonard, President

\_\_\_\_\_  
Kai Bernal-LeClaire, Commissioner

\_\_\_\_\_  
Linda Pennoyer, Commissioner

### CERTIFICATION

I, the undersigned, hereby certify that I am the Town Clerk of the Town of Upper Marlboro and that the Board of Town Commissioners of the Town of Upper Marlboro at a public meeting at which a quorum was present adopted this Resolution, and that said Resolution is in full force and effect and has not been amended or repealed. In witness whereof, I have hereunto set my hand and seal of the municipal corporation, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
M. David Williams, Clerk