

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

Board of Town Commissioners

WORK SESSION

Tuesday, December 18, 2018 – 7:00 p.m.

AGENDA

Work Sessions are open to public observation, however,
public participation is at the discretion of the Board

Roll Call

Pledge of Allegiance

Commissioner & Staff Reports

- Commissioner Leonard
- Commissioner Pennoyer
- President Turner
- Clerk's Office

Business

- Resolution 2018-06: Town Parking Meter Rates (public input/discussion)
- Ordinance 2018-10: Special Events (draft discussion)
—*with revised draft Application*
- Surplus Equipment (Public Works/Public Safety)
- Amendment No.2 Customer Agreement/Gatso USA (Board vote)
- General/Administration issues

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

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). 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 2016-02: Adoption of Rules of Order and Regulations for Public Meetings” . . .

Before the meeting, please submit in writing to the Clerk any public comment/statement

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

14211 School Lane • Upper Marlboro, Maryland 20772

MEMORANDUM

To: Board of Commissioners, Town of Upper Marlboro

From: Chief of Staff Kyle Snyder

Date: Monday December 17, 2018

Re: Parking Rate Increase

Mayor & Commissioners:

The Town has received feedback on the Parking Meter Resolution both at the November 20th, 2018 Town meeting and one response online. Below are some of the issues/comments we received:

- Concerned with meters operating 24hrs a day
- Concerned that meters having a high rate after 6pm would discourage visitors and impact residents.
- Requesting resident parking passes or reduced rate for residents
- Supported a higher rate during Courthouse operating hours

Taking these comments into consideration, the Town Staff have recommended updating the Resolution to include the below changes to present at the January 8th Town Meeting for public comment:

Town Parking Meters will operate from 6am until midnight, Monday thru Saturday at a rate of \$2.50 per hour, with up to a \$1 credit card processing charge per transaction. The Town will put into place a permitting system in which registered Town residents receive one-hour free parking per day anytime after 6pm.

**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 possessions;
 - (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.

(c) Town Sponsored and Organized events

Commented [DC1]: Added after public comment/feedback at 12/11/18 Town Meeting.

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 of 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 \$75.00 dollars.

Commented [DC2]: Increased from \$50.00 to \$75.00 on recommendations from Town Staff after researching other municipalities.

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 up to \$1,000.00 for violation of provisions in section IV. Standards of Issuance.

Commented [DC4]: Added after public comment/feedback at 12/11/18 Town Meeting.

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

Commented [DC5]: Added after public comment/feedback at 12/11/18 Town Meeting.

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: _____

Town of Upper Marlboro

14211 School Lane • Upper Marlboro, Maryland 20772

MEMORANDUM

To: Board of Commissioners, Town of Upper Marlboro

From: Chief of Staff Kyle Snyder

Date: Monday December 11th, 2018

Re: Surplus Town Property Memo

Mayor & Commissioners:

Both Interim Chief Henderson and Public Works Superintendent Darnell Bond have requested that the Board vote to surplus two Town vehicles, one from each Department, listed below:

2012 Dodge Charger- Police Vehicle

Over the past several years this vehicle in particular has drained the Public Safety vehicle repairs budget due to heavy driving and lack of proper maintenance oversight. Most recently the power steering fluid pump has completely deteriorated and needing to be replaced, and the vehicle is also experiencing electrician systems issues. It is at the recommendation of Interim Chief Henderson that this vehicle be surplused and turned over to Colonial Auction to strip the vehicle of decals & equipment and go to auction.

VIN Number: 2C3CDXAG6CH305710

2015 Wells Cargo Trailer

With the completion of the new Public Works Office & Bathroom facilities, the need for the Town's portable toilet trailer at public works has been eliminated. While the Town has considered keeping the trailer for Town events and in the event of a Town emergency, Supervisor Bond has been unable to find a vendor willing or able to perform the necessary repairs to the trailer. As we are unable to locate a vendor to repair the unit, Supervisor Bond requests that the trailer be surplused and put up for auction at Colonial Auction.

VIN Number 575200C19FH289564