

The Town of Upper Marlboro

RESOLUTION: 2019-13
SESSION: Regular Town Meeting
DATE: December 10, 2019

A RESOLUTION OF THE BOARD OF COMMISSIONERS FOR THE TOWN OF UPPER MARLBORO PLACING ADVISORY QUESTIONS ON THE TOWN'S JANUARY 2020 GENERAL ELECTION BALLOT REQUESTING RESIDENTS TO VOTE ON CERTAIN NONBINDING QUESTIONS CONCERNING THE FUTURE OF THE OLD MARLBORO ELEMENTARY SCHOOL SITE, AS WELL AS, CERTAIN PROPOSED TOWN CHARTER AMENDMENTS CONCERNING (I) THE CHANGING OF THE DATE OF THE TOWN'S GENERAL ELECTION, (II) AUTHORIZING THE ADDITIONAL TITLE OF MAYOR, (III) INCREASING THE NUMBER OF COMMISSIONERS SERVING ON THE BOARD FROM THREE TO FIVE, AND (IV) RESIDENT PREFERENCE FOR THE FUTURE OF THE OLD MARLBORO ELEMENTARY SCHOOL AND PRIMARY SCHOOL SITE.

WHEREAS, Ordinance No. 2019-08 provides that the Town Board of Commissioners upon its own action and without a formal petition may order by written resolution an advisory question or questions to be placed on the ballot at any regular or special Town election, provided that the question involves a municipal question and provided that said resolution shall fix the exact language to appear on the ballot and shall be approved at least fifteen (15) days before the subject election; and

WHEREAS, the Board desires to receive advice or input from the Town's voters concerning the future of the Old Marlboro Elementary School Site, as well as, certain proposed Town Charter amendments concerning (i) the changing of the date of the town's general election, (ii) authorizing the additional title of Mayor, and (iii) increasing the number of commissioners serving on the Board from three to five; and

WHEREAS, these issues are matters over which the Commission and/or the municipal voters have authority.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF UPPER MARLBORO that the following advisory questions (with background statements) shall appear on the ballot on the first Monday, which is not a legal holiday, in January 2020, at the Town general election:

ADVISORY BALLOT QUESTION # 1 – Changing/proposing an amendment to the Town Charter to formally provide for and authorize the usage of the title “President” or “Mayor” interchangeably.

Shall the Town Board of Commissioners amend the Town Charter to formally authorize the use of the titles “President” or “Mayor” interchangeably, as the Town's chief executive officer (CEO) and others deem appropriate?

For: _____ Against: _____ (Check One.)

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Background Statement: The Town of Upper Marlboro's elected officials are known as "commissioners" and the Town CEO's legal title is "President of the Board of Town Commissioners." This title causes some confusion, as the majority of citizens are most familiar with the title "Mayor." The Charter Amendment would allow the CEO to officially and legally use either the title "President" or "Mayor" to help reduce confusion, and to more effectively communicate the proper status or role of this particular municipal elected official. Such a change to the Charter will not change the powers of the CEO's office or the structure of Town government.

ADVISORY BALLOT QUESTION # 2 – Changing/proposing amending the Town Charter to hold the Town's General Election in the month November rather than in January.

Shall the Board of Commissioners explore amending the Town Charter to move the Town's General Election from the month of January to November?

For: _____ Against: _____ (Check One.)

Background Statement: Residents who have run for the office of Commissioner in the Town of Upper Marlboro have routinely expressed frustration with Election Day being held on the first Monday of January. It has been noted that the date discourages potential candidates and voters who are either out of Town or hampered by inclement weather when trying to campaign or arrive at the polls to vote.

ADVISORY BALLOT QUESTION # 3 – Changing/proposing amending the Town Charter to increase the number of elected Commissioners from three (3) to five (5) members.

Shall the Board of Commissioners explore a change to amend the Town Charter to increase the number of elected Commissioners from three (3) to five (5)?

For: _____ Against: _____ (Check One.)

Background Statement: Currently the Town of Upper Marlboro has a Board of Commissioners made up of three (3) Commissioners, and if just two (2) Commissioners happen to discuss Town business with one another, the Maryland Open Meetings Act considers that encounter to be a quorum of the elected body which requires an official meeting and compliance with the Act's public notice requirements and other formalities. For most municipalities who have five (5) or more members of the governing body, the meeting or simultaneous communication between two (2) elected officials regarding municipal business is not considered to be a quorum; however, for the Town of Upper Marlboro Board of Commissioners it is, which makes pre-decisional conversations or coordination among elected officials difficult if not legally impermissible. Increasing the number of commissioners would also increase the number of individuals available on the governing body to study or coordinate various municipal initiatives.

ADVISORY BALLOT QUESTION # 4 – The Board of Town Commissioners is seeking input from residents on what they would like to see happen to the Old Marlboro Elementary School and Primary School Site located at 14524 Elm Street.

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My preference for the future of the Old Marlboro Elementary School and Primary School Site is one of the following results: *(Check One.)*

- A. Rehabilitate & Preserve the Structures for Mixed-Use Development. ____
- B. Rehabilitate & Preserve the Structures and allow the placement of a school for at-risk youth. ____
- C. Demolish the structures and build a new school for at-risk youth. ____

Background Statement: On November 19, 2019, the County Council of Prince George's County sitting as the District Council adopted Resolution CR-98-2019 approving a Minor Amendment to the 2010 Prince George's County Historic Sites and Districts Plan to remove the Old Marlboro Primary School (Historic Site 79-019-51) and the Old Marlboro High School (Historic Site 79-019-52) from the functional plan, which guides and controls certain zoning and land use decisions in the County. This decision of the County Council removed the site's historic preservation protections for these two vacant and deteriorating buildings and makes them eligible for demolition. In their place, the County and the Circuit Court wish to build a new academy for at-risk youth. The Town has requested that these vacant historic County-owned structures and land be turned over to the Town for mixed-use development that may benefit the residents, guests and workforce of the Town. Notwithstanding any future re-development of the site, the Doctor William and Sarah Beanes Cemetery Tomb (Historic Site 79-019-22) designation on site has not been removed and will continue to be protected and preserved.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage and that the President/Mayor is authorized to sign this Resolution on behalf of the Board.

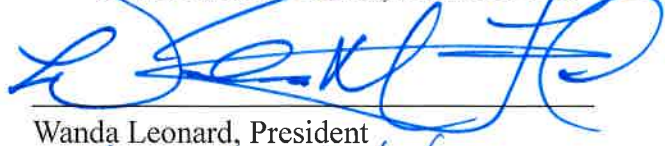
AND BE IT FURTHER RESOLVED that the Clerk shall certify and announce the results of the vote on the Advisory Questions at the next regular meeting of the Commission following the election.

PASSED by the Board of Commissioners of the Town of Upper Marlboro, Maryland at a regular meeting on the 10th day of December, 2019.

ATTEST:


M. David Williams, Clerk

BOARD OF COMMISSIONERS OF THE TOWN
OF UPPER MARLBORO, MARYLAND


Wanda Leonard, President


Kai Bernal-LeClaire, Commissioner


Linda Pennoyer, Commissioner

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CERTIFICATION

I, the undersigned, hereby certify that I am the 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 10th day of December, 2019.




M. David Williams, Town Clerk