

TOWN OF FOREST HEIGHTS

TOWN MEETING

Wednesday, June 15, 2022
8:00 pm
Municipal Building

Agenda

- I. Call to Order
- II. Roll Call
- III. Moment of Silence
- IV. Pledge of Allegiance to the Flag of the United States of America
- V. Approval of Agenda
 - a. Minutes from May 18, 2022,
 - b. Minutes from June 6, 2022
- VI. Public Period (limit 2 minutes)
- VII. Legislation
 - a. Resolution 40-22 Establish Fiscal year 2023 Tax Rates.
 - b. Resolution 41-22 A resolution to amend resolution 29-22 to re-approve with minor changes and ratify a pre-annexation agreement between the Town of Forest Heights and Harbor View Development, LLC for a nearby tract of land to be developed along with land already located within the Town's Corporate Limits.
 - c. Emergency Ordinance no. 03-22 an Emergency Ordinance of the Mayor and Council of the Town of Forest Heights, Maryland authorizing and approving the purchase of real property located at 5529 Livingston Road (tax account no. 12-1217678) in the Town of Forest Heights; and generally relating to the acquisition of real property for a public purpose.
- VIII. New Business
- IX. Closed Session
- X. Adjournment

Zoom:

Dial-In: 301-715-8592

Meeting ID: 563484463

<https://us02web.zoom.us/j/563484463>

**MAYOR AND TOWN COUNCIL
THE TOWN OF FOREST HEIGHTS**

RESOLUTION 40-22 – Establish Fiscal Year 2023 Tax Rates

INTRODUCED BY: MAYOR & TOWN COUNCIL

ENACTED: _____

WHEREAS, the Mayor and Town Council passed Ordinance No. 03-13 on July 22, 2013 making it effective for the tax year beginning July 1, 2014, and for each tax year thereafter unless altered by subsequent enactment of the Town Council, the classifications of property subject to municipal taxation, with respect to those properties, businesses or utilities located within the municipal boundaries of the Town of Forest Heights, shall be as enumerated herein below.

BE IT RESOLVED that the tax rates and waste removal fees for fiscal year 2023 for all real, personal and other property which is subject to taxation by the Town of Forest Heights and as previously approved pursuant to Resolution 22-22 specifically the noncommercial, commercial and rented residential real property tax rate are hereby restated, ratified and approved to be as follows:

Residential Real Property	\$.4654	per \$100.00 of assessed valuation;
Commercial Real Property	\$.5313	per \$100.00 of assessed valuation;
Rented Residential Real Property	\$.4654	per \$100.00 of assessed valuation;
Business Personal Property	\$	1.75	per \$100.00 of assessed valuation;
Public Utility Property	\$	3.00	per \$100.00 of assessed valuation;
Waste Removal	\$	297.00	per household/flat fee.

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect July 1, 2022.

PASSED this ____ day of June 2022.

APPROVED:

By Order of the Town Council of
The Town of Forest Heights, Maryland

ATTEST:

MAYOR AND COUNCIL OF THE TOWN OF
FOREST HEIGHTS, MARYLAND

(SEAL)
Sherletta Hawkins, Town Clerk

Calvin Washington, Mayor

Troy Lilly, Council President

CERTIFICATION

Town of Forest Heights
Resolution 40-22
Page 1 of 2

**MAYOR AND TOWN COUNCIL
THE TOWN OF FOREST HEIGHTS**

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ___ day of June 2022 this Resolution ___-22 was enacted and approved with ___ Aye votes and ___ Nay votes.

Sherletta Hawkins, Town Clerk

THE TOWN OF FOREST HEIGHTS
RESOLUTION 41-22

A RESOLUTION TO AMEND RESOLUTION 29-22 TO RE-APPROVE WITH MINOR CHANGES AND RATIFY A PRE-ANNEXATION AGREEMENT BETWEEN THE TOWN OF FOREST HEIGHTS AND HARBOR VIEW DEVELOPMENT, LLC FOR A NEARBY TRACT OF LAND TO BE DEVELOPED ALONG WITH LAND ALREADY LOCATED WITHIN THE TOWN’S CORPORATE LIMITS

Introduced By: Mayor Calvin Washington

WHEREAS, Resolution 29-22 entitled “A Resolution to Approve with Minor Changes a Pre-Annexation Agreement Between the Town of Forest Heights and Harbor View Development, LLC for a Nearby Tract of Land to be Developed Along with Land Already Located within the Town’s Corporate Limits” was approved on May 18, 2022, by the Town Council; and

WHEREAS, attorneys representing Harbor View Development, LLC (the “Developer”) have agreed to the final version of said Agreement on behalf of their client provided certain minor substantive changes agreeable to the staff and counsel are made to the language proposed by the Town in Paragraph 7.d; and

NOW, THEREFORE, BE IT RESOLVED, by the Town Council for The Town of Forest Heights, that the Town Council hereby authorizes the Mayor to enter into a revised Pre-Annexation Agreement Between The Town of Forest Heights and Harbor View Development, LLC, subject to the terms and conditions stated therein, attached hereto and incorporated by reference herein as Exhibit A, and to execute all necessary instruments or documents necessary to carry out and effectuate the intent of this Resolution.

AND BE IT FURTHER RESOLVED, by the Town Council, that the approval of and entry into said Annexation Agreement shall be contingent upon the performance of all of the material obligations of the parties thereto and the approval of an annexation resolution including the subject property enacted pursuant to State Law.

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage.

PASSED this ___ day of June 2022.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

LILLY	_____
KENNEDY II	_____
NOBLE	_____
BARNES	_____

THE TOWN OF FOREST HEIGHTS
RESOLUTION 41-22

HINES _____
WASHINGTON _____
ATKINSON _____

ATTEST: THE TOWN OF FOREST HEIGHTS,
MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ___ day of June 2022 with _____ Aye votes and _____ Nay votes the aforesaid Resolution ___-22 passed.

Sherletta Hawkins, Town Clerk

Exhibit A – REVISED PRE-ANNEXATION AGREEMENT BETWEEN THE TOWN OF FOREST HEIGHTS AND HARBOR VIEW DEVELOPMENT, LLC, attached hereto.

**MAYOR AND COUNCIL
THE TOWN OF FOREST HEIGHTS**

EMERGENCY ORDINANCE NO. 03-22

AN EMERGENCY ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND AUTHORIZING AND APPROVING THE PURCHASE OF REAL PROPERTY LOCATED AT 5529 LIVINGSTON ROAD (TAX ACCOUNT NO. 12-1217678) IN THE TOWN OF FOREST HEIGHTS; AND GENERALLY RELATING TO THE ACQUISITION OF REAL PROPERTY FOR A PUBLIC PURPOSE

Introduced By: Mayor Calvin Washington

WHEREAS, the Town Charter, § 33-80 authorizes the Town of Forest Heights to acquire real, personal, or mixed property for any public purpose by purchase, gift, bequest, devise, lease, condemnation, or otherwise and may sell, lease, or otherwise dispose of any property belonging to the Town; and

WHEREAS, the Town Charter, § 33-63(g) further authorizes the Mayor and Council by a two-thirds vote to waive the competitive bidding requirements of said Charter section for good cause shown for sole source procurements of unique products and services, and that written findings as to the basis of such waiver shall be placed in the journal of the Council's proceedings, and

WHEREAS, the Town Ordinance Code, § 20.4(a)(6) states that upon written findings entered into the journal, the Mayor and Council may exempt the purchase of a good or service from competitive selection processes when the purchase qualifies as a sole source procurement as a result of several circumstances including: One vendor is the only one qualified or eligible or is quite obviously the most qualified or eligible to provide the good or service or the procurement is of such a specialized nature or related to a specific geographic location that only a single source, by virtue of experience, expertise, proximity, or ownership of intellectual property rights, could most satisfactorily provide the good or service, and

WHEREAS, the Council adopted Resolution 32-2022 on May 9, 2022 to approve a conceptual plan for the acquisition of 5529 Livingston Road for the new public safety center building to house the police department; to rename the Modoc Lane Committee; and to approve a retainer agreement with the Law Offices of Byron L. Huffman, Esq. to represent the Town in the real estate transaction; and to delegate certain change order authority to transfer the project at the new site to the Mayor for the construction of a public safety center building; and

WHEREAS, the Council further finds that it is prudent and necessary for the health, safety and welfare of the Town to remove a neglected, vacant and blighted property from the neighborhood by purchasing certain real property located at 5529 Livingston Road (Tax account no. 12-1217678) without seeking competitive bids or other competitive procurement methods and that said real property, located along Livingston Road, is unique and can otherwise only be provided from a single source or owner, and

WHEREAS, the draft real estate contract indicates certain terms and conditions including the assumption by the Town of three loans of the seller and an earnest money deposit in the amount of \$5,000.00 in cash already paid by the Town; and

WHEREAS, the Council further finds that the proposed acquisition would be consistent with the Town's Sustainability Plan and that in lieu of condemnation, the Town prefers to negotiate the purchase of real property located at 5529 Livingston Road; and

WHEREAS, the Council further finds that this commercially zoned property has a history of being blighted, and in need to adaptive reuse to make it a useful and attractive property within the community, and

WHEREAS, the Town has unallocated or designated funds which can be utilized to purchase the property for public purposes without issuing bonds or otherwise creating debt for the Town; and

WHEREAS, the Town has been negotiating with the owner of said property and has reached an agreement on the purchase price.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, THE FOLLOWING:

SECTION 1.

The Town Council of the Town of Forest Heights hereby finds that the purchase of said property will serve a public purpose and will further protect or provide for the health, welfare, and safety of the citizens of Forest Heights.

SECTION 2.

The Town Council of the Town of Forest Heights hereby declares its intent to purchase the property interests in 5529 Livingston Road (Tax Account No. 12-1217678) for a public safety building, and/or other municipal purposes in fee simple. Said property is further described as Part of Lots 9 and 10 in Block 2, in the Subdivision known as "Section 6, Forest Heights", as per plat thereof duly recorded among the land records of Prince George's County, Maryland, in Plat book BB10, at 24, being assessed as 22,465.00 square feet more or less.

SECTION 3.

The Town Council of the Town of Forest Heights hereby authorizes and approves the purchase of said property for a purchase price not to exceed \$1,500,000.00, including the amount of any unpaid taxes to be redeemed or paid for the seller and all closing costs and attorney fees. Said purchase sum shall include any title insurance and/or appraisal that may be obtained relating to said negotiation and sale of real property.

SECTION 4.

The Town Council of the Town of Forest Heights hereby authorizes the Mayor to enter into a Purchase Agreement or Land Sales Agreement with the seller of said property entitled an "Agreement For Purchase and Sale of Real Estate," attached hereto and incorporated herein as Exhibit A, and to execute any documents necessary to complete the sale and transfer of title in said property to the Town.

SECTION 5.

The Town Council of the Town of Forest Heights hereby ratifies and reauthorizes the Town Attorney in cooperation with Byron Huffman, Esq., an experienced real estate transactions attorney, to prepare any documents necessary to make the transfer of real estate possible and further to perform any other legal work necessary to effectuate the purchase of said real property. The Mayor is further authorized to continue on behalf of the Town to retain the services of Mr. Huffman pursuant to a previous approved retainer agreement tendered by said real estate transactions attorney and the Mayor is further authorized to execute and enter into on behalf of the Town any necessary agreements or other documents required to carry forth the intent of the Council in passing this Emergency Ordinance regarding said real property and in protecting the Town's interests in said property.

SECTION 6.

The Town Treasurer is hereby authorized and directed to pay the amounts set forth in the applicable agreements regarding said real estate transaction upon receipt of appropriate documentation. The Town Treasurer under the supervision of the Mayor is further authorized to expend from the FY23 Budget, as necessary, to enumerate, authorize and appropriate said real estate purchase, as found in Line Item: "Public Safety Center" which is to be approved by the requisite 2/3rds vote of the legislative body pursuant LG Art., § 5-205 of the Annotated Code of Maryland.

SECTION 7.

If any section or part of a section of this Ordinance shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Ordinance nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

SECTION 8.

This Emergency Ordinance shall take effect immediately upon its enactment, having been passed by the required yea and nay votes of the Mayor and Council of the Town of Forest Heights.

SECTION 9.

Upon passage, the Town Clerk shall cause to be published a fair summary of this Emergency Ordinance at least twice in the town newsletter or a newspaper having general circulation within the

Town of Forest Heights, and this Ordinance shall not be codified.

HAVING BEEN INTRODUCED AND HAVING BEEN READ as an emergency ordinance and passed by a yea and nay vote of the Mayor and Council of the Town of Forest Heights with the affirmative votes of at least five (5) of the members of the legislative body including the Mayor as indicated below at a Public Meeting of The Mayor and Council of the Town of Forest Heights held on this __ day of June, 2022, at _____ o'clock __.m., in the Municipal Building in Forest Heights, Maryland.

AND BE IT FURTHER ORDAINED, that this Emergency Ordinance shall take effect immediately upon passage.

PASSED this __ day of June 2022.

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
WASHINGTON	_____
ATKINSON	_____
BARNES	_____
HINES	_____
KENNEDY II	_____
LILLY	_____
NOBLE	_____

I HEREBY CERTIFY that the above Emergency Ordinance __ - 22 was passed by the required yea and nay vote of the Mayor and Council of Forest Heights on the __ day of June 2022.

ATTEST:

THE TOWN OF FOREST HEIGHTS

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President
