

TOWN OF FOREST HEIGHTS COUNCIL WORK SESSION MEETING

Tuesday, September 6, 2022

7:30 pm

Municipal Building

Zoom Dial-In 1-301-715-8592

Meeting ID Meeting ID: Meeting ID: 860 0831 6885

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 July 4, 2022, and July 20, 2022
- VI. Public Period (limit 2 minutes)
- VII. Presentation from Forest Heights Elementary Principle, Mr. Peter Thompson, Ed.D. (5min)
- VIII. Reports
 - a. Treasurer
 - b. Public Works Director
 - c. Ombudsman
 - d. Police Chief
 - e. Town Administrator
- IX. Councilmember/Mayor Report
 - a. Ward I
 - b. Ward II
 - c. Ward III
- X. Legislation
 - a. **RESOLUTION 50-22** A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND ACCEPTING THE RESIGNATION OF MS. LEITTIA VAUGHN FROM THE OFFICE OF TOWN TREASURER.
 - b. **RESOLUTION 51-22** A RESOLUTION APPROVING THE APPOINTMENT OF AN INTERIM OR ACTING PUBLIC WORKS DIRECTOR.

TOWN OF FOREST HEIGHTS

COUNCIL WORK SESSION MEETING

- c. **RESOLUTION 53-22** A RESOLUTION TO DEADLINE AND/OR SELL POLICE EQUIPMENT.
- d. **RESOLUTION 54-22** A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT ON BEHALF OF THE TOWN OF FOREST HEIGHTS (THE "TOWN") TO OBTAIN A BOUNDARY SURVEY WITH A METES AND BOUNDS DESCRIPTION AND AN ANNEXATION PLAT FOR THE PROPOSED TENTH EXTENSION TO INCLUDE THE BUTLER PARCELS CONSISTING OF SIX (6) PARCELS AND CERTAIN LANDS OF THE MARYLAND STATE ROADS COMMISSION IN ORDER TO PREPARE CERTAIN DOCUMENTS IN ACCORDANCE WITH A PRE-ANNEXATION AGREEMENT NECESSARY FOR MUNICIPAL ANNEXATION.
- e. **RESOLUTION 55-22** A RESOLUTION INCREASING THE COMPENSATION OF PUBLIC WORKS EMPLOYEES.
- f. **RESOLUTION 56-22** A RESOLUTION TO DECLARE AND DISPOSE OF A POLICE CRUISER AS SURPLUS PROPERTY TO ANOTHER MUNICIPAL CORPORATION.
- g. **ORDINANCE 05-22** AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND AMENDING ARTICLE 2 (ADMINISTRATION) OF THE TOWN ORDINANCE CODE, BY AMENDING SECTIONS 2.4 (FULL TIME EMPLOYEES), TO CLARIFY AND PROVIDE THAT DEPARTMENT HEADS SHALL SERVE AS "AT WILL" EMPLOYEES WITHOUT CERTAIN MERIT PROTECTIONS AFFORDED SUBORDINATE EMPLOYEES INCLUDING DISCIPLINARY HEARINGS; AND PROSCRIBE CERTAIN FORMS OF NEPOTISM, AND GENERALLY RELATING TO TOWN EMPLOYEES AND ADMINISTRATION.

XI. New Business

XII. Closed Session

XIII. Adjournment

The Town of Forest Heights
Cash Report
August 2022

	TD Bank (GF - Checknd)	TD Bank (ARPA)	TD Bank (Speed Camera)	TD Bank (Rainy Day - Money Mkt)	Totals
Beginning Balances	\$434,887.11	\$161,743.13	\$2,243,491.26	\$166,132.40	\$3,006,253.90
Unrestricted Funds:					
Checks Cashd/Other	(\$445,495.16)	(\$30,000.00)	\$0.00	\$0.00	(\$475,495.16)
Interest/Investment Income	\$762.39	\$0.00	\$0.00	\$0.00	\$762.39
Pending Transfers	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
ARPA	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Internal Transfers In/Out	\$350,000.00	\$0.00	\$0.00	\$0.00	\$350,000.00
Transfers In - Other Agencies	\$22,659.92	\$1,264,047.98	\$0.00	\$0.00	\$1,286,707.90
Transfers In	\$6,205.05	\$0.00	\$0.00	\$0.00	\$6,205.05
Transfers Out	\$0.00	\$0.00	(\$350,000.00)	\$0.00	(\$350,000.00)
Deposits	\$29,023.27	\$0.00	\$0.00	\$0.00	\$29,023.27
Subtotal - Unrestricted Deposit Fund Activity	(\$36,844.53)	\$1,234,047.98	(\$350,000.00)	\$0.00	\$847,203.45
Restricted Funds:					
ACH - Gaiso	\$0.00	\$0.00	\$61,060.00	\$0.00	\$61,060.00
ACH - Optotrafic	\$0.00	\$0.00	\$121.86	\$0.00	\$121.86
ACH - Municipal Collections	\$0.00	\$0.00	\$71,231.88	\$0.00	\$71,231.88
Subtotal - Restricted Fund Activity	\$0.00	\$0.00	\$132,413.74	\$0.00	\$132,413.74
Total Cash Available Before Disbursements	\$398,042.58	\$1,395,791.11	\$2,025,905.00	\$166,132.40	\$3,985,871.09
Other Disbursements:					
Payroll - Net Salary	(\$121,251.40)	\$0.00	\$0.00	\$0.00	(\$121,251.40)
Payroll - Taxes	(\$46,573.80)	\$0.00	\$0.00	\$0.00	(\$46,573.80)
Payroll - Fees	(\$478.60)	\$0.00	\$0.00	\$0.00	(\$478.60)
Non-payroll Electronic Disbursements	(\$117,460.90)	\$0.00	\$0.00	\$0.00	(\$117,460.90)
Service Charge	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Cash Disbursed	(\$285,764.70)	\$0.00	\$0.00	\$0.00	(\$285,764.70)
Ending Balance @ 08/31/2022	\$112,277.88	\$1,395,791.11	\$2,025,905.00	\$166,132.40	\$3,700,106.39

NOTES

General Fund
- Real Estate Tax Revenue - \$15,092.76

ARPA Account:
- 2nd round payment received
- 3 disbursements for aid; \$10K each

The Town of Forest Heights

Department of Public Works

July/August 2022

Town Appearance:

- Maintenance and upkeep of the Community Garden
- Maintenance and upkeep of the Community Gather Space Park next to Henry's
- Daily Trash pickup throughout the town
- Monthly inspection of the Tot Lot
- Patching of potholes, Arapahoe Dr., Shawnee, Intersection and Alden way
- Leaf Pick up
- Cleaning storm drains and curbs of leaves and grass
- Cutting/removal of fallen trees
- Maintaining the Pet Waste Stations
- Monitoring of the Big-Belly Trash Compactors

Town Infrastructure:

- The grass cutting season is already upon us and grass is being blown out into the streets
- Installation of speed humps and sidewalks have been placed in the CIP
- Cleaning curbs every day. Removing dirt and vegetation.

Building Infrastructure:

- The Town Hall building and FHPD trailer are being cleaned and sanitized by DPW daily.
- Ciminelli's Landscape repair the pervious sunken bricks and the sink hole in the front rain garden.

Equipment Maintenance

- Ford 2021 F-250 Tune up and Routine Maint.
- Ford 2010 F-250 Serpentine Belt.
-

Other Areas:

- DPW putting out signs for the different events/ meetings
- Prepared for all Town Events
- Answering Resident's concerns
- Making/receiving phone calls, follow ups and meetings with contractors and vendors daily.

TOWN OF FOREST HEIGHTS
AUTOMATED SPEED ENFORCEMENT OMBUDSMAN
July 2022
Ombudsman Report
Ronald B Govan

For the month of July, the Town of Forest Heights had

- **6** Late fees requested.
- **4** Late fee requests granted.
- **1** Late fee requests denied
- **7** Cancel citation.
- **11** Flag Release

John E O'Connor
Program Manager
Monthly Report, August 2022

Mayor and Council,

The following is a list of action items that have been undertaken by the Program Manager in conjunction with the Staff of the Town of Forest Heights.

1. American Rescue Plan Future Planning and Operations. Establishing new plan. Assisting economically impacted residents and advertising, Draft Plan Submitted to Town Administrator
2. Council Updated at work session for Side-walk retro fit program.
3. Mayor and Council for approved Speed Hump Ordinance. This outlines all requirements to be set, citizen requests, input, and conformance with the Manual for Uniformed Traffic Control Devices. Work has begun to facilitate the speed hump updating.
4. BoardDocs is being implemented and training will be scheduled late September. We are on schedule.
5. Worked with Ms. Vaughn for the FY23 Budget and alignment of the funds for the COPS Grant requesting approval.
6. QuickBooks online is underway. This will facilitate an online platform to assist with audits in the future and provide an ease of day-to-day operations for the Finance Department.
7. Town Staff has fully implemented and deploy Bill.Com. Bill.com is fully integrated except for QuickBooks which should happen in the next 90 Days. The processes have been successful in keeping bills paid on time and accounted for.
8. Continue Working with the Finance Department to establish and Automated Speed Enforcement Enterprise fund policy regarding fund limits and percentages. This will allow for the fund to be appropriately utilized and ensure the long-term sustainment of funding through the various programs and annexations processes that the Town is seeing.
9. Attended Staff meetings and coordinated with the Town Administrator to facilitate forward momentum and government readiness for services.
10. Purchase of 5 Electric Vehicles has been completed and delivered. Coordinating for additional charging station not connected to Pepco.
11. Worked with Police Department to facilitate the purchase and acquisition of two police facilities utilizing future ARPA funds.
12. Drafted job descriptions for CFO, Receptionist, and Accounts receivable/payable positions for advertisement.
13. Completed several CIP sheets for future projects that will help facilitate grant funding.
14. Worked with Police Department for Automated Enforcement Options and Vendors for a smooth transition.
15. Met with Contractor for Painting and Striping of curbs in Town



The Town of Forest Heights POLICE DEPARTMENT

Anthony Rease, Chief of Police

Incident Type	Total
911 DISCONNECT	16
ACCIDENT	6
ANIMAL COMPLAINT	2
ARMED PERSON	1
ARMED PERSON REPORT	1
ASSIST	1
BREAK IN IN PROGRESS	1
BREAK IN REPORT	1
CHECK WELFARE	7
CHECK WELFARE COMBINED	6
DISORDERLY	10
DOMESTIC	5
DOMESTIC STANDBY	1
DWI DRIVER	1
FAMILY DISPUTE	2
FOUND	1
FRAUD	2
HIT AND RUN	1
IMPOUND	1
LOST PROPERTY	1
LOUD MUSIC COMPLAINT	4
MISC POLICE INCIDENT	13
MISSING PERSON	1
NEIGHBOR COMPLAINT	1
OPEN DOOR WINDOW	1
OVERDOSE ALS COMBINED	1
PARTY COMPLAINT	1
PREMISE CHECK	209
PROPERTY ALARM COMMERCIAL	2
RESIDENTIAL ALARM	6
SHOPLIFTING	1
STOLEN VEH	2
SUBJECT STOP	26
SUSPICIOUS AUTO	10
SUSPICIOUS OCC AUTO	7
SUSPICIOUS PERSON	2

THEFT FROM AUTO	3
THEFT FROM AUTO J O	1
THEFT J O	4
THEFT REPORT	2
TRAFFIC COMPLAINT	6
TRAFFIC HAZARD	2
TRESPASSING COMPL	1
UNKNOWN TROUBLE	7
VEHICLE ACCIDENT COMBINED	1
Total Calls -->	381

STATISTICAL REPORT

Arrest:

OnView-6

Warrants-1

Recovered Firearms-2

Administrative Office: 301-839-4040 | Non-Emergency: (301) 352-1200 | Emergency Dial: 911

5508 Arapahoe Drive Forest Heights, Maryland 20745 Follow us    @ForestHeightsPD

Town Council Report For 9.6.22 Work Session

(Town Administrator)

National View Project Status

Petra Development has received approval (with conditions) of their *Conceptual Site Plan* for the mixed-use project from the Maryland National Capital Parks & Planning Commission. The Conceptual Plan depicts where the applicant plans to place the buildings, entrances and exits to the site, and other development on the property.

The Conceptual Plan was formally accepted by the M-NCPPC on or about March 22ND and approved at a hearing early this summer.

One of the next major steps forward in connection with this approval is that the Town is now expected to annex certain development related property into our corporate limits as a stipulation associated with our approved Pre-Annexation Agreement.

Town staff is currently in the process of completing a metes & bounds survey which is needed to begin the annexation process.

If you have any questions, please contact the Town Administrator, or visit the Town website and click on the "Our Community" link for updates.

Town Treasurer Departure

Town Treasurer Leittia Vaughn recently submitted her resignation, and her last day of employment with us was August 31st.

Mrs. Vaughn has served the Town of Forest Heights as Treasurer since 2011.

We wish her well in all her future endeavors.

During the transition period until we hire a new Treasurer, Ms. Shelley Dorsey has taken on these duties in a part time Financial Consultant capacity.

Please contact me if you have any questions.

Town Council Report For 9.6.22 Work Session

(Town Administrator)

Townhouse Construction Project Proposed for Talbert Drive

Mayor Washington and I were contacted in April by a developer (Women at Work, LLC) who is interested in constructing a townhouse development on six vacant lots along Talbert Drive. Although only in the conceptual phase, the developers' vision for *Forest Heights Cove* is to assemble property owned by several entities in the vicinity of Talbert Drive to construct approximately 15-20 townhomes. The project would include several surplus lots along Talbert Drive that Prince Georges' County would deed to the Town of Forest Heights.

I have recently submitted a proposed "Plan" to the County Land Acquisition and Real Property Office describing how the Town might develop the project in partnership with the developer, which is required to reserve and convey the lots to the Town.

Please contact the Town Administrator for more information.

Acting Public Works Department Manager

Please be reminded that Lead Crewman Melvin Watkins has been temporarily assigned as Acting Public Works Department Manager as of June 17th.

The Town is currently advertising to fill the vacant Public Works Director (Supervisor) position. Several candidates have responded to our advertisement, and we are in the process of developing a short list to start the interview process.

Feel free to reach out to Mr. Watkins with any concerns related to this department. He can be reached at 240.640.3518.

Please let me know if you have questions or wish to discuss specifics.

THE TOWN OF FOREST HEIGHTS
RESOLUTION 50-22

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND ACCEPTING THE RESIGNATION OF MS. LEITTIA VAUGHN FROM THE OFFICE OF TOWN TREASURER

Introduced By: Mayor Calvin Washington

WHEREAS, the Town Treasurer by letter to the Mayor dated August 18, 2022 has indicated that she intends to resign from her appointed office; and

WHEREAS, the Town Council appointed Ms. Leittia Vaughn to serve as the Treasurer pursuant to Resolution 22-11 approved on or about May 2, 2011; and

NOW THEREFORE BE IT RESOLVED, and enacted that the Town Council hereby approves and accepts the resignation of Ms. Leittia Vaughn as an employee and as the Town Treasurer; and

BE IT FURTHER RESOLVED, that pursuant to Sections 3.40 and 4.10 of the Employee Handbook, the above-named employee shall upon retirement, dismissal or voluntary separation from the Town shall be paid for unused accumulated vacation leave, and shall be entitled to vested and accrued retirement benefits in accordance with the approved plan for such benefits; and

BE IT FURTHER RESOLVED, that the Mayor or his designee shall cause all pertinent financial or bonding institutions and bank records to be informed and/or modified to reflect the change in status of said departing Town official.

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

PASSED this ___ day of September 6, 2022.

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

LILLY	_____
KENNEDY II	_____
NOBLE	_____
BARNES	_____
HINES	_____
WASHINGTON	_____
ATKINSON	_____

THE TOWN OF FOREST HEIGHTS
RESOLUTION 50-22

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 ___ of September 2022 with ___ Aye votes and ___ Nay vote the aforesaid Resolution ___-22 passed.

Sherletta Hawkins, Town Clerk

RESOLUTION 51-22
THE TOWN OF FOREST HEIGHTS

A RESOLUTION APPROVING THE APPOINTMENT OF AN INTERIM
OR ACTING PUBLIC WORKS DIRECTOR

Introduced By: Mayor Calvin Washington

WHEREAS, the Mayor and Council find that a vacancy exists in the position of Director of Public Works; and

WHEREAS, due to recent departure of key personnel, the Mayor has temporarily assigned the duties of the Director of Public Works to the Public Works Lead Crewman; and

WHEREAS, the subject employee possesses the skills, zeal and potential to step into the Director's position and lead the department until the Town can search for a new Public Works Director to permanently fill the executive position; and

WHEREAS, pursuant to Section 3.30.A. of the Employee Handbook, salaries and wages shall be evaluated annually, and adjustments will be considered on the basis of performance, standard of service and current finances, and the various factors that influence salary adjustment and advancement are as follows: knowledge of work, quality of work, length of service, use of working time, initiative, ability to work with others, loyalty and conduct, personal appearance, public relations, absenteeism and tardiness, care and maintenance of equipment, ability to adapt, leadership, acceptance of responsibility, self-motivation and cost control; and

WHEREAS, the Mayor and Council find that certain municipalities in Maryland implement personnel policies that allow their employees to step into a vacant senior position and receive extra compensation for temporarily performing the duties of the higher level of responsibility; and

WHEREAS, the Mayor and Council find that the following is an excerpt from the Town of Cottage City Employee Handbook, Section V. Employment Practices, dated May 12, 2021:

D. PAY FOR EMPLOYEES SERVICE IN AN ACTING CAPACITY

1. A Town employee assigned on a temporary basis to perform substantially all duties and responsibilities of a higher classification for a period in excess of 120 calendar days shall ordinarily receive pay commensurate with the position, commencing on the 121st consecutive calendar day. 2. Once an

The Town of Forest Heights
Resolution 51-22
Page 1

RESOLUTION 51-22
THE TOWN OF FOREST HEIGHTS

employee assumes an acting position, the increased pay for this position will begin on day 121. 3. The increased pay must be initiated by a Department Head. If a Department Head is involved the Commission will make the decision. 4. The "Acting Capacity" status shall terminate when either the position is filled, the incumbent employee returns to work, or these additional duties are removed from the employee's job responsibilities. The employee's salary shall then revert to his/her previous positions pay.

WHEREAS, the Mayor and Council find that the job description for the Public Works Lead requires experience and training and a minimum education such as a High School Diploma or GED and at least three years of experience performing maintenance, repair and construction of streets, storm drainage and landscape management, and at least two years' experience in a senior level maintenance worker or lead classification or comparable experience and basic knowledge of Microsoft Office products, including Word and Excel and, furthermore, job requirements include Maryland driver's license preference, preferably a CDL training in first aid and CPR, and eventual completion of the hazardous material training during the first year of employment; and

WHEREAS, the Mayor and Council find that the job description for the Director of Public Works ("DPW") includes the following experience and training; minimum education: high school diploma with some college studies in Engineering or documented experience in the areas outlined in the job description, and prior experience in construction, personnel supervision, project management, experience with engineering plans and experience with long- and short-range plans, and job requirements: Maryland driver's license, and 3-6 years of municipal public works supervisory experience and or supervisory experience in general construction, or in a civil engineering is preferred, and First Aid and CPR certification, and special training or experience: considerable knowledge of civil engineering principles or experience in the general construction field in a supervisory capacity, and knowledge regarding OSHA, especially annual reports, and work experience in positions similar or related to this job: six years' experience in the area of sidewalk construction, street overlay, bidding, personnel supervision, hiring, OSHA reports, and budgeting, purchasing control

WHEREAS, the Mayor recommends that the Council appoint PW Lead Melvin Watkins as the interim or Acting Public Works Director with an appropriate level of compensation until the Town hires a successor PW Director; and

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby authorizes and approves the designation and assignment of Mr. Melvin Watkins, the Public Works Lead, to

The Town of Forest Heights
Resolution 51-22
Page 2

RESOLUTION 51-22
THE TOWN OF FOREST HEIGHTS

serve as the Interim Public Works Director for a period of up to six months until the Town can recruit and assign a new Director of Public Works; and

BE IT FURTHER RESOLVED, that said employee shall be compensated as Interim or Acting Public Works Director at a salary that exceeds his current annual salary by \$10,000 or \$50,000.00 while serving in said interim position to be paid using the appropriated budgetary line item typically appropriated for the PW Director with the potential for meritorious and incremental pay increases approved by the Mayor, with the consent of the Council; and

BE IT FURTHER RESOLVED, that said employee's compensation as Interim or Acting Public Works Director shall include the payment of salary retroactively to the date when he originally received and accepted the assignment to serve in this capacity as determined by the Town Administrator; and

BE IT FURTHER RESOLVED, that the assignment as Interim Public Works Director shall be considered to be for a probationary and temporary period not to exceed six (6) months, which may be extended for up to six months provided both the employee and the Mayor agree, and should the employee request to return to his former position or be returned to his permanent position as Public Works Lead, he shall resume his former salary with any relevant COLA allowances, step increases or other pay adjustments approved by the Council during the period in which he served as Interim Public Works Director; and

BE IT FURTHER RESOLVED, that the Mayor and the Town Administrator have performed a classification and compensation review of the Town's public works department in order to recommend changes to the compensation, classification, staffing levels and job descriptions of the Town's public works employees; and

BE IT FURTHER RESOLVED, that the results and recommendations from said study shall be forwarded to the Town Council by way of a separate Resolution for consideration of passage; and

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

PASSED this ___ day of September 2022.

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

The Town of Forest Heights
Resolution 51-22
Page 3

**RESOLUTION 51-22
THE TOWN OF FOREST HEIGHTS**

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

LILLY	_____
KENNEDY II	_____
NOBLE	_____
BARNES	_____
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 ___ of September 2022 with ___ Aye votes and ___ Nay vote the aforesaid Resolution ___-22 passed.

Sherletta Hawkins, Town Clerk

The Town of Forest Heights
Resolution 51-22
Page 4

THE TOWN OF FOREST HEIGHTS
RESOLUTION 52-22

A RESOLUTION TO APPROVE AN AGREEMENT BETWEEN THE TOWN OF FOREST HEIGHTS (THE “TOWN”) AND REDSPEED MARYLAND LLC (“REDSPEED”) FOR THE TOWN’S AUTOMATED SPEED ENFORCEMENT PROGRAM AND GENERALLY RELATING TO CONTRACTUAL SERVICES FOR SPEED MONITORING SYSTEMS

Introduced By: Mayor Calvin Washington

WHEREAS, the Charter, Section 33-90 authorizes the Mayor and Council to pass certain legislation of a non-permanent or administrative nature by formal resolution in lieu of ordinance; and

WHEREAS, the Charter, Section 33-63 authorizes the Mayor and Council to enter into all purchases and contracts on behalf of the Town; and

WHEREAS, on August 19, 2009, Resolution 43-09 was approved establishing school zones within the Town, and that same day Resolution 44-09 authorized the use of speed cameras, and also on that same day Resolution 45-09 approved an initial speed camera service agreement with Optotraffic; and

WHEREAS, on January 9, 2017, the Mayor and Council approved a subsequent speed camera vendor service agreement with Gatso USA, Inc. now known as Sensys Gatso USA, Inc. (“Gatso”), which had been amended three times; and

WHEREAS, the Town, on or about September 7, 2022, intends to deliver to Gatso a Notice to Terminate for Convenience the said Service Agreement on November 15, 2022; and

WHEREAS, the Mayor and Town Council finds Redspeed Maryland LLC is registered to do business and is in good standing with the State of Maryland; and

WHEREAS, the Mayor and Town Council further finds that it is in the best interest of the Town to hereby provide notice to terminate the existing contract with the current vendor and instead enter into a new service agreement with RedSpeed; and

WHEREAS, the parties desire to approve a new speed monitoring services agreement with RedSpeed in accordance with the terms and conditions as set forth therein.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby approves and authorizes the Mayor to execute on behalf of the Town an “Agreement Between RedSpeed USA LLC and the Town of Forest Heights, Maryland for Speed Monitoring System” with exhibits by and between The Town of Forest Heights, Maryland and RedSpeed (the “Agreement”), including any terms, conditions or obligations found therein, dated the 1st, day of September, 2022, which is attached hereto and incorporated by reference herein as Exhibit A; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to sign the above-referenced agreement and any other ancillary agreements including but not limited to any pilot

The Town of Forest Heights

Resolution 52-22

Page 1

THE TOWN OF FOREST HEIGHTS
RESOLUTION 52-22

program agreements or confidentiality and non-disclosure agreements, reviewed for legal sufficiency, and included herein with the Agreement, as Exhibits B & C, in order to carry out the intent of this Resolution; and

BE IT FURTHER RESOLVED, that upon consultation and coordination with Sensys Gatso USA, Inc., RedSpeed USA LLC, the Forest Heights Police Department, the State Highway Administration's District Engineer and the Director of the Prince George's County Department of Public Works and Transportation, and at the appropriate time the Mayor or his designee shall continue with the transition to a new vendor; and

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

PASSED this ___ day of September 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

HINES

WASHINGTON

ATKINSON

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS, MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President

THE TOWN OF FOREST HEIGHTS
RESOLUTION 52-22

[Exhibits A, B, & C- (i) Agreement Between RedSpeed USA LLC and the Town of Forest Heights, Maryland for Speed Monitoring System, (ii) Confidentiality and Disclosure Agreement, and (iii) Pilot Program Agreement for AVA]

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the ___ day of September 2022 with ___ Aye votes and _____ Nay votes the aforesaid Resolution 52-22 passed.

Sherletta Hawkins, Town Clerk

THE TOWN OF FOREST HEIGHTS

RESOLUTION 53-22

A RESOLUTION TO DEADLINE AND/OR SELL POLICE EQUIPMENT

Introduced by: Mayor Calvin Washington

WHEREAS, pursuant to Forest Heights Code (Article 20) Financial Management and Internal Controls §20.4 (Procedures) subsections ((a) 8, 9, & 10), the legislative body has incorporated the procedures to dispose of equipment; and

WHEREAS, the Town of Forest Heights Police Department currently has items listed on Exhibit A which is currently inoperable; and

WHEREAS, the items on Exhibit A require extensive costly repairs; and

WHEREAS, the Town would like to explore various options of said property hereby declared by the Town Council to be the surplus property of the Town.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Town Council of Town of Forest Heights, Maryland hereby agrees to deadline and/or sell listed property on Exhibit A, and that said transaction shall comply with said §20.4 and shall be disposed of by competitive sale or by gift to a governmental or non-profit organization per the Mayor’s discretion.

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign or execute any other related documentation needed to carry out the intent of this Resolution.

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

PASSED this ___ day of September 2022.

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

ROLL CALL VOTE

YEA/NAY/ABSTAIN/ABSENT

LILLY

THE TOWN OF FOREST HEIGHTS

RESOLUTION 53-22

KENNEDY II _____
NOBLE _____
BARNES _____
HINES _____
WASHINGTON _____
ATKINSON _____

ATTEST:

THE MAYOR AND COUNCIL OF THE TOWN OF
FOREST HEIGHTS, MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President

Exhibit A

**TOWN OF FOREST HEIGHTS
RESOLUTION 54-22**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT ON BEHALF OF THE TOWN OF FOREST HEIGHTS (THE "TOWN") TO OBTAIN A BOUNDARY SURVEY WITH A METES AND BOUNDS DESCRIPTION AND AN ANNEXATION PLAT FOR THE PROPOSED TENTH EXTENSION TO INCLUDE THE BUTLER PARCELS CONSISTING OF SIX (6) PARCELS AND CERTAIN LANDS OF THE MARYLAND STATE ROADS COMMISSION IN ORDER TO PREPARE CERTAIN DOCUMENTS IN ACCORDANCE WITH A PRE-ANNEXATION AGREEMENT NECESSARY FOR MUNICIPAL ANNEXATION

Introduced By: Mayor Calvin Washington

WHEREAS, the Town is authorized by the Town Charter and provisions of the Local Government Article, Section 4-401 *et seq.* of the Annotated Code of Maryland (the "Maryland Code") to expand its municipal boundaries by annexing lands which are adjoining and contiguous; and

WHEREAS, the Mayor and Town Council approved Resolution 13-21 entitled "A Resolution to Approve and Support the Mixed-Use Development of the Property located within and abutting the corporate limits of the Town of Forest Heights known as "National View" supporting the mixed-use development known as National View (formerly Harbor View) on April 12, 2021, which included certain additional stipulations or conditions to be placed into a Pre-annexation Agreement; and

WHEREAS, Harbor View Development, LLC (the "Developer") owns real property located generally South of Cree Drive that includes areas located in and outside the current corporate limits of the Town (the "Development Site"); and

WHEREAS, the Developer proposes to build a mixed-use development on the Development Site consisting of a range of multifamily dwellings, retail, and commercial space upon 20.1 +/- acres of land which runs along the southern terminus of Bald Eagle Drive on the south side of the Property, and which is situated along Cree Drive on the north side of the site; and

WHEREAS, the portion of the Development Site not located within the Town consists of approximately 9.0242 +/- acres containing several parcels (Parcels 26-27, 32-33, 35 and 36-37), each containing approximately 1-2 +/- acres; and

WHEREAS, the Town and the Developer entered into a Pre-annexation Agreement on June 15, 2022 whereby the Town agreed that upon receiving an annexation petition and payment of the non-refundable fee from the Developer, the Town shall introduce an annexation resolution pursuant to and in accordance with the provisions of MD Local Government Article, § 4-404 to annex the entire Annexation Area (the "Annexation Resolution"), and

**TOWN OF FOREST HEIGHTS
RESOLUTION 54-22**

concurrent with the introduction of the Annexation Resolution, the Town shall also combine in the resolution or introduce a separate annexation resolution to also annex lands of the State Roads Commission (.486 ac.) abutting the Capital Beltway ; and

WHEREAS, said Article of the Maryland Code requires that a metes and bounds survey description of the property proposed for annexation be included in the annexation resolution as well as referenced in other related public documents to be prepared in accordance with applicable law; and

WHEREAS, the Charter of the Town of Forest Heights (the “Charter”), Section 33-63 permits the Council to forego the competitive bidding process in order to negotiate professional services contracts such as law, engineering and surveying services; and

WHEREAS, the Council finds that it is in the best interest of the Town to proceed with the proposed annexation to be known as Extension 10 and prepare the necessary documents to initiate the municipal annexation process for the aforesaid properties.

NOW THEREFORE BE IT RESOLVED, that the Town Council authorizes the Mayor to enter into a contract/proposal, attached hereto as Exhibit A and incorporated by referenced herein (“Contract”), and thereby obtain land surveying services from Charles P. Johnson & Associates, Inc., dated September 2, 2022 for the Annexation Property at a cost not to exceed \$3,750.00; and

BE IT FURTHER RESOLVED, the Treasurer shall utilize Line Item # 7025 “Legal Services” for this expenditure in the amount not to exceed \$3,750.00; and

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

PASSED this ___ day of September 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

HINES

WASHINGTON

ATKINSON

**TOWN OF FOREST HEIGHTS
RESOLUTION 54-22**

ATTEST:

THE MAYOR AND COUNCIL OF 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 September 2022 with ___ Aye votes and ___ Nay votes the aforesaid Resolution ___-22 passed.

Sherletta Hawkins, Town Clerk

[Exhibit A – Proposal of Charles P. Johnson & Associates, Inc., dated September 2, 2022 for the Annexation Property - Proposed Tenth Extension, National View, Prince George's County, Maryland]

THE TOWN OF FOREST HEIGHTS

RESOLUTION 55-22

**A RESOLUTION INCREASING THE COMPENSATION OF
PUBLIC WORKS EMPLOYEES**

Introduced By: Mayor Calvin Washington

WHEREAS, pursuant to Section 33-67 of the Town Charter, the Mayor and Council may provide by ordinance for a merit system for Town employees and to carry out this purpose, the Council shall have the power to adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary, and among other things, these rules and regulations may provide for competitive examinations, the use of eligible lists, a classification plan, a compensation plan, a probation period, an unclassified service, appeals by employees included within the classified service from dismissal or other disciplinary action, and vacation and sick leave regulations; and

WHEREAS, pursuant to Section 33-69 of the Town Charter, the compensation of all officers (except the Mayor and Councilmen) and employees of the Town shall be set from time to time by a resolution passed by the Council; and

WHEREAS, pursuant to Section 2.5 of the Town Ordinance Code, the Town Council may, from time to time, by resolution issue such rules and regulations governing: 1) the use of Town property by officers, employees, and volunteers and 2) the compensation, discipline, performance, safety, separation and all other matters pertaining to the employment, supervision or management of the Town's officers, employees, and volunteers, as it deems appropriate; and

WHEREAS, the Maryland Municipal League partners with Technology Net, LLC to provide an easy-to-use, web-based solution for local government compensation data and has obtained for the Town a report entitled, "Advanced Comparison Detailed Report for Public Works - Pay Comparison (June 2022)" attached hereto as Exhibit A.

WHEREAS, pursuant to Section 3.20 of the Employee Handbook salaries and/or wages shall be paid to all Town employees as recommended by the Mayor and Town Administrator with consent of the Mayor and Council, and the Mayor and Town Administrator hereby make the following recommendation to provide a compensation increase for public works employees as reflected in the table below; and

NOW THEREFORE BE IT RESOLVED, that the Town Council approves and authorizes the following compensation increase for Public Works employees to be paid commencing as of October 1, 2022, and paid throughout the current fiscal year:

THE TOWN OF FOREST HEIGHTS

RESOLUTION 55-22

PUBLIC WORKS Town Job Title	MML Survey Job Title	FY '23 Town Pay	Rec'd. Pay Increase (7%)	MML Survey Range	MML Survey Average
Public Works Supervisor	Director	\$65,131	\$69,690	\$71,314 – \$117,106	\$100,483
Lead	Crew Supervisor	\$39,411	\$42,169	\$41,513 – \$65,153	\$50,328
Crewman 2	Crew Leader	\$37,719	\$40,359	\$38,858 – \$67,853	\$49,506
Crewman 1	Maint. Wkr Sr.	\$35,316	\$37,788	\$29,508 – 49,463	\$42,158
Crewman 3 (PT)	--	\$15,478	\$16,561	--	--
Building Custodian (PT)		\$14,905	\$15,948	--	--

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign this Resolution on behalf of the Council; and

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

PASSED this ___ day of September 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
HINES
WASHINGTON
ATKINSON

ATTEST:

THE MAYOR AND COUNCIL OF THE
TOWN OF FOREST HEIGHTS, MARYLAND

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President

THE TOWN OF FOREST HEIGHTS

RESOLUTION 55-22

[Exhibit A- Adv. Comparison Detailed Report for Public Works - Pay Comparison (6-2022)]

CERTIFICATION

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

Sherletta Hawkins, Town Clerk

**TOWN OF FOREST HEIGHTS
RESOLUTION 56-22**

**A RESOLUTION TO DECLARE AND DISPOSE OF A POLICE CRUISER AS SURPLUS
PROPERTY TO ANOTHER MUNICIPAL CORPORATION**

Introduced by: Mayor Washington

WHEREAS, pursuant to the Forest Heights Town Code (Article 20) Financial Management and Internal Controls, §20.4 (Procedures) subsections ((a) 8, 9, & 10), the legislative body has incorporated the procedures to dispose of equipment and personal property of the Town; and

WHEREAS, pursuant to the Forest Heights Town Code (Article 20) Financial Management and Internal Controls, §20.4(A)(9) (Procedures; method of disposal) once authorized, the Mayor may dispose of personal property by trade in or exchange for other needed goods, or, after notice in the Town newsletter or in a newspaper of general circulation in the area, by a sealed bid process, or by public auction, and if the value of the property to be sold at one time is less than \$1,500 as determined by Council, then bids may be solicited by any or all of the following methods: consignment, direct mail request to prospective buyers; by telephone; by advertisement in a newspaper of general circulation, by publication in the Town newsletter, the Town website, or on the Town bulletin board, and/or on the public access channel, and sales of surplus personal property shall be based, whenever possible, upon at least three competitive bids, quotes or offers and in lieu of sale, the Council may convey title to an item at no cost or by donation to a governmental or non-profit organization. (Emphasis added.); and

WHEREAS, Resolution 20-22 was approved on May 20, 2022, which (as listed in Exhibit A, thereof) authorizes the Mayor to deadline or dispose of several police vehicles, including a surplus cruiser with the description of 2007 FORD CROWN VICTORIA POLICE, VIN: 2FAHP71WX7X160124, SEDAN 4 DR, 4.6L V8 F SOHC GASOLINE, REAR WHEEL DRIVE to “The Town of Fairmount Heights, Maryland”; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of Town of Forest Heights, Maryland hereby declares the above-described property to be surplus and that title to said vehicle may be conveyed to the Town of Fairmount Heights, Maryland.

AND BE IT FURTHER RESOLVED, that prior to delivery, the Chief of Police shall obtain assurance in writing that the Town of Fairmount Heights is willing to duly receive and accept title to said vehicle in “AS-IS” condition, and further waives liability and indemnifies the Town from any and all claims or liabilities that may arise concerning said vehicle upon accepting responsibility for the surplus motor vehicle.

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

PASSED this ___ day of September 2022.

**TOWN OF FOREST HEIGHTS
RESOLUTION 56-22**

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

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

ATTEST:

THE MAYOR AND COUNCIL OF 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 September 2022 with ___ Aye votes and ___ Nay votes the aforesaid Resolution ___-22 passed.

Sherletta Hawkins, Town Clerk

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

ORDINANCE NO. 05-22

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND AMENDING ARTICLE 2 (ADMINISTRATION) OF THE TOWN ORDINANCE CODE, BY AMENDING SECTIONS 2.4 (FULL TIME EMPLOYEES), TO CLARIFY AND PROVIDE THAT DEPARTMENT HEADS SHALL SERVE AS "AT WILL" EMPLOYEES WITHOUT CERTAIN MERIT PROTECTIONS AFFORDED SUBORDINATE EMPLOYEES INCLUDING DISCIPLINARY HEARINGS; AND PROSCRIBE CERTAIN FORMS OF NEPOTISM, AND GENERALLY RELATING TO TOWN EMPLOYEES AND ADMINISTRATION.

Introduced By: Council President Lilly and Councilwoman Noble

WHEREAS, in the case of *Loudermill v. Cleveland Board of Education*, 470 U.S. 532 (1985), the United States Supreme Court held that certain non-probationary civil servants, when so designated having certain merit protections, had a property right to continued employment and such employment could not be denied to employees unless they were given an opportunity to hear and respond to the charges against them prior to being deprived of continued employment; and

WHEREAS, pursuant to Section 33-18(b) of the Town Charter, the Mayor, with the approval of the Council, shall appoint the heads of all offices, departments, and agencies of the Town government as established by the Charter or by ordinance, and all office, department, and agency heads shall serve at the pleasure of the Mayor and Council; and

WHEREAS, pursuant to Section 33-64, the Mayor, with the approval of the Council, shall appoint a Town Clerk; and

WHEREAS, pursuant to Section 33-66, the Council shall appoint the Town Administrator to an indefinite term by a majority vote its members, and thereafter may suspend or remove him or her with or without cause by a majority vote of its members, and the Town Administrator shall be considered subordinate to the Council, and an at-will employee serving at the pleasure of the Council; and

WHEREAS, pursuant to Section 23.1 of the Town Code, the position of Chief of Police was confirmed as established, and the appointment of the Chief of Police shall be approved by ordinance or resolution, and the Chief of Police shall assist the Mayor in the establishment and maintenance of a Police Department; and

WHEREAS, pursuant to Section 33-66(h) of the Town Charter, the Town shall have the power to employ such officers and employees as it deems necessary to execute the powers and duties provided by said Charter or other State law and to operate the Town Government; and

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.

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

ORDINANCE NO. 05-22

WHEREAS, pursuant to Section 33–67 of the Town Charter, the Mayor and Council may provide by ordinance for a merit system for Town employees and to carry out this purpose, the Council shall have the power to adopt such rules and regulations governing the operation of a merit system as it deems desirable or necessary; and

WHEREAS, the Mayor and Council finds that, albeit a department head, the position of Director of Public Work is not created by law and is not an appointed office of Town government; and

WHEREAS, the Mayor and Council further finds that it is in the best interest of the Town and for the good and efficient government thereof, that Section 2.4 of the Town Code shall be amended to clarify and provide that department heads shall serve as “at will” employees without certain merit protections including disciplinary hearings that may curtail the Mayor’s or the Mayor and Council’s ability to efficiently execute the laws of the Town or carry out the goals for which he or she is elected and; furthermore, to alleviate apparent or actual conflicts of interest in employment whereby certain employees are unduly influenced by working closely with other family or household members.

Section 1.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF FOREST HEIGHTS, that Article 2 (Administration) of the Ordinance Code of the Town of Forest Heights as written herein below is hereby enacted, adopted, revised and amended such that said Ordinance Code and Article shall henceforth read as follows:

* * *

ARTICLE 2 - ADMINISTRATION

* * *

Part I. Personnel

* * *

Section 2.4: Full Time Employees

A. Appointments and promotions. The appointment and promotion of all employees of the Town who are employed to work full-time shall require the affirmative vote of a majority of the Town Council, excluding any vacancies.

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.

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

ORDINANCE NO. 05-22

B. Merit protections. Subject to any applicable or superseding provisions of Section 33-93 (Code of Conduct) of the Town Charter, OR ANY OTHER RELEVANT PROVISION OF SAID CHARTER, and except as otherwise stated in this section, no full-time employee of the Town, who has been employed 12 months or longer, shall be reduced in pay (i.e., a demotion), suspended or permanently separated except for cause as stated in writing, and with the affirmative vote of a majority of the Town Council following a hearing.

C. Hearings. Prior to any decision of the Town Council to reduce in pay or permanently separate a full-time employee, the employee shall be afforded a preliminary hearing followed by an evidentiary hearing. Said evidentiary hearing shall occur at least 14 days after the preliminary hearing. An employee may be represented only by qualified legal counsel or pro se (i.e., by self) at the evidentiary hearing, but may not be represented by a layperson at either hearing. An employee or his or her legal counsel may present evidence and cross-examine witnesses. Unless other law states otherwise, an employee shall have no right to legal counsel at a preliminary hearing. Notwithstanding anything in this Section to the contrary, the Council may immediately suspend with or without pay a full-time employee pursuant to Subsection [B] D pending a subsequent evidentiary hearing.

D. Suspensions. The Mayor without the prior consent or approval of Council shall be authorized to suspend i) with pay any full-time employee for a period of up to 10 regular workdays, or ii) any full-time employee without pay for a period of up to two consecutive regular workdays or two separate workdays within any single pay period for cause stated in writing and presented to the employee. Any suspension imposed by the Mayor under this Section shall be approved, ratified, extended, reversed, modified or canceled by the Council after a hearing. The Council further reserves the right, subsequent to an evidentiary hearing, to impose a reduction in pay for a full-time employee equivalent to or exceeding the amount paid or previously paid to said employee during any suspension period with pay previously imposed by the Mayor.

E. NEPOTISM. TO AVOID CONFLICTS OF INTEREST OR THE PERCEPTION OF FAVORITISM AND TO ASSURE AND MAINTAIN ACCOUNTABILITY, THE IMMEDIATE FAMILY MEMBERS OR ANY MEMBER OF THE SAME HOUSEHOLD OF ANY CURRENT TOWN EMPLOYEE WILL NOT BE EMPLOYED BY THE TOWN UNDER ANY OF THE FOLLOWING CIRCUMSTANCES: 1) WHEN ONE OF THE PARTIES WOULD HAVE FUNCTIONAL OR OPERATIONAL AUTHORITY OR ANY EXPRESS OR APPARENT POWER TO SUPERVISE, OVERSEE, HOLD ACCOUNTABLE, APPOINT, REMOVE, INFLUENCE SALARY OR COMPENSATION DECISIONS OR DISCIPLINE OF THE OTHER PARTY; 2) WHEN ONE PARTY WOULD HAVE THE DUTY TO PROVIDE OR ADMINISTER FINANCIAL OVERSIGHT OR ANY OTHER FISCAL RECOMMENDATION OR REVIEW OVER THE OTHER PARTY'S DEPARTMENT, OFFICE OR POSITION; OR 3) WHEN ONE PARTY WOULD BE RESPONSIBLE FOR AUDITING THE WORK OF THE

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.

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

ORDINANCE NO. 05-22

OTHER; OR 4) WHEN OTHER CIRCUMSTANCES EXIST THAT MIGHT LEAD TO POTENTIAL CONFLICT AMONG THE PARTIES OR CONFLICT BETWEEN THE INTEREST OF ONE OR BOTH PARTIES AND THE BEST INTERESTS OF THE TOWN. IF TWO EMPLOYEES OR AN EMPLOYEE AND AN ELECTED OFFICIAL MARRY, BEGIN SHARING LIVING QUARTERS WITH ONE ANOTHER, OR BECOME RELATED BY MARRIAGE OR ADOPTION AND, IF IN THE TOWN'S JUDGMENT, THE POTENTIAL PROBLEMS NOTED ABOVE EXIST OR REASONABLY COULD EXIST, ONLY ONE OF THE EMPLOYEES WILL BE PERMITTED TO REMAIN EMPLOYED BY THE TOWN OR IN CASES INVOLVING AN ELECTED OFFICIAL AND AN EMPLOYEE, THE EMPLOYEE SHALL BE INVOLUNTARILY TERMINATED UNLESS THE ELECTED OFFICIAL OR EMPLOYEE RESIGNS.

[E.] F. SCOPE; Exceptions. [~~Except for the Chief of Police, this~~] THIS section AND ANY MERIT PROTECTIONS AFFORDED HEREIN [~~does~~] DO not apply to DEPARTMENT HEADS, sworn law enforcement personnel, and hourly (FLSA non-exempt) employees of the Department of Public Works. Law enforcement officers of the Town shall have their employment rights primarily governed by the provisions of the [~~"Law Enforcement Officers' Bill of Rights"~~] "MARYLAND POLICE ACCOUNTABILITY ACT OF 2021," AS AMENDED, (Public Safety Article, SUBTITLE 1. (POLICE ACCOUNTABILITY AND DISCIPLINE)), § 3-101 et seq. of the Annotated Code of Maryland). All employees shall be further governed by the employee handbook and any other ordinances, rules, regulations, or policies governing Town personnel. THE TERM "DEPARTMENT HEAD" IN THIS SECTION SHALL MEAN THE FOLLOWING APPOINTED OFFICIALS: (I) THE TOWN ADMINISTRATOR, (II) THE TOWN CLERK, (III) THE TOWN TREASURER, (IV) THE CHIEF OF POLICE, AND (V) THE PUBLIC WORKS DIRECTOR.

[F.] G. Grandfather clause. Any full-time hourly (non-exempt) employee of the Department of Public Works separated but hired before March 16, 2016, shall be entitled to a post-termination hearing before the Council, provided that the employee requests such a hearing in writing within three days of the employee's termination date. Any termination by the Mayor appealed under this subsection shall be approved, ratified, extended, reversed, modified or canceled by the Council, and the Council may restore any lost compensation resulting from the Mayor's disciplinary action.

* * *

Section 2. AND BE IT FURTHER ORDAINED AND ENACTED, that any prior ordinances adopting and enacting any provision of Article 2 of said Code 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. Should a previously enacted ordinance cover a provision or

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.

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

ORDINANCE NO. 05-22

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.

Section 3. AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect thirty (30) calendar days following adoption by the Town Council, having been passed by the required ye and nay votes of the Mayor and Council of the Town of Forest Heights.

Section 4. AND BE IT FURTHER ORDAINED AND ENACTED, that subject to the publication of such change or correction posted no less than thirty (30) days in a conspicuous place in the Municipal Building, the Town Clerk shall be authorized to correct any non-substantive or typographical errors in this or any other ordinance passed by the Council including but not limited to errors in spelling, or the proper sequence or numbering of the sections or articles contained herein that are to be codified in the Town's Ordinance Code or in any other ordinance subsequently or previously passed by the Council. This Section shall not be construed to authorize the Town Clerk to revise the latest version of the duly enacted Ordinance Code with any newly adopted provision, language, section or correction having substance, such that said amendments would have the force of law, without approval of the Council by ordinance.

Section 5. AND BE IT FURTHER ORDAINED AND ENACTED, that upon passage, the Town Clerk, or in her absence, the Town Administrator shall cause to be published a summary of this Ordinance at least twice in the town newsletter or a newspaper having general circulation within the Town of Forest Heights.

HAVING BEEN INTRODUCED AND HAVING BEEN READ as an ordinance and passed by a ye and nay vote of the Mayor and Council of the Town of Forest Heights with the affirmative votes of at least four (4) 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 _____ 2022, at _____ o'clock __.m., in the Municipal Building in Forest Heights, Maryland.

PASSED this ___ day of September 2022.

ROLL CALL VOTE YEA/NAY/ABSTAIN/ABSENT

WASHINGTON	_____
ATKINSON	_____
BARNES	_____
HINES	_____

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.

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

ORDINANCE NO. 05-22

KENNEDY II _____
LILLY _____
NOBLE _____

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

ATTEST: THE TOWN OF FOREST HEIGHTS

Sherletta Hawkins, Town Clerk

By: _____
Calvin Washington, Mayor

By: _____
Troy Lilly, Council President

CERTIFICATION

I HEREBY CERTIFY that following its passage, a summary of this Ordinance No. __ -22 has been published at least twice in the Town newsletter or a newspaper having general circulation in the Town of Forest Heights and that an executed copy of this ordinance has been delivered to General Code, LLC for codification.

Date: _____

Sherletta Hawkins, Town Clerk

1st Reader: _____

2nd Reader: _____

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.