

# TOWN OF FOREST HEIGHTS

## TOWN MEETING

Wednesday, September 21, 2022

8:00 pm

Municipal Building

Zoom Dial-In 1-301-715-8592

Meeting ID Meeting ID: Meeting ID: 563 484 463

### 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 Consent Agenda
  - a. The minutes Tuesday, July 5, 2022
  - b. Wednesday July 20, 2022
  - c. Tuesday September 6, 2022
- VI. Approval of Agenda
- VII. Public Period (limit 2 minutes)
- VIII. Legislation
  - a. **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.
- IX. New Business
- X. Adjournment

**Town of Forest Heights  
Work Session- 7:30 PM  
Tuesday, July 5, 2022  
Meeting Minutes  
In-Person Meeting**

**Call to Order: 7:30 PM**

**Roll Call:** CW Hines, CM Barnes, CW Noble, CM Kennedy II, CP Lilly, Mayor Washington present. CM Atkinson not presented. Quorum established.

**Moment of Silence:**

**Pledge of Allegiance:**

**Approval of Agenda:** Motion by Mayor Washington to approve the agenda seconded by CW Hines.

**Public Period:** None

**Staff Reports:** (Can be picked up from the Clerk office and is also available on the Town Website)

**Public Work:**

CM Lilly requested that we repair the pothole on Shawnee Dr.

Melvin Watkins Public Works Lead stated that he would look into the pothole.

CW Noble suggested that the report be more thorough like when it comes to correcting or replacing potholes, and that the locations where the work is being done be provided.

**Police Report:**

CW Noble ask Chief Rease does the Town response to the County calls?

Chief Rease answered that we only react when asked and that the Town is not listed as a caller.

CW Noble I notice we have a garbage contract in front of us. Is there any way we can have all contracts before the deadline, so we don't have to select a vendor since we missed the deadline?

I see that we have a trash contract are there any other contract coming up and can we in the further bring up contracts in front of the board ahead of time. Also, I'd want to know the progress of the community garden. When will the community garden have water?

Mr. Robinson Town Administrative that would not be a problem having all contracts prior to the due date.

Mrs. Hawkins Town Clerk Yes, I was waiting for the previous Redskins Commanders, and Senator Patterson indicated that they would give us some funds, but because we did not have the funding, I had to seek elsewhere. So John O'Connell suggested that we utilize part of the proceeds from the opera, and that is where we are now. We may be able to use part of that funds, according to Open Space. I'm proceeding since we now have a source. We will have access to water by the summer of 2023.

**Ward Reports:**

**Ward I:** CM Barnes asked if we could start sending out the newsletter before the end of the month. People are concerned that they are not obtaining their newsletter or information in a timely manner.

Mayor Washington indicated that we are striving to improve the newsletter. The newsletter is posted on the town website before the beginning of each month. It's also now available in Spanish, but we're all working hard to get it to you before the middle of the month.

CP Lilly informed that they would be biking on August 29th from 9 a.m. to 12 p.m. They requested that everyone come out and meet the community, as well as indicate what they want to see more of in the neighborhood. He also thanked everyone and the staff for attending and organizing the movie night. The CDC also held a picnic. Thank you to every one of the council members who came out and participated in the event.

**Ward II:** CM Kennedy, II had nothing to say but to congratulate Chief Rease on the addition of a newborn girl to their family.

**Ward III:** CW Noble said Creek Dr. phase one is about finished, nice job, and that in the future, if they could have more notice about automobiles that need to be relocated for phase two, that would be great.

**Mayor's Report:** Mayor Washington announced the newsletter will be out shortly. The newsletter will now be delivered in English and Spanish.

**Legislation:**

**Resolution 42-22** A Resolution of the Town of Forest Heights adopting a speed hump policy and providing criteria for the installation of speed humps on municipal roads within the town; and creating an application and review process for speed hump installation; and generally relating to traffic calming and public safety. Motion by Mayor Washington to waive the full reading seconded by CP Lilly; all in favor; yes: discussion

CW Noble Anywhere in the resolution that has Town Management substituted with Town Administrative.

CM Kennedy II stated that it is encouraging to see that we have a strategy in place to deal with the speed hump. CM also noted are we working on getting the town sign to the proper height.

**Town of Forest Heights  
Work Session- 7:30 PM  
Tuesday, July 5, 2022  
Meeting Minutes  
In-Person Meeting**

**Resolution 44-22** A resolution approving a settlement agreement. Motion by Mayor Washington to waive the full reading seconded by CM Kennedy, II; all in favor; yes: discussion; None  
Motion by Mayor Washington to adopt Resolution 44-22 seconded by CW Noble; discussion; None. Vote 5 Yes; 0 No.

**Resolution 45-22** A resolution to approve a sub-recipient agreement between the Town and Forest Heights Baptist Church for the use of American Rescue Plan Act funds. Motion by Mayor Washington to waive the full reading seconded by CM Kennedy, II and it to waive the full reading of all three resolution 45, 46, 47; all in favor; yes: discussion.

CW Noble ask how we went about deciding who to donate the funds.

Mayor Washington stated that for Fiscal Year 22, we will give the CDC \$10,000, and that the program will provide \$50,000 to the community.

**Resolution 46-22** A resolution to approve a sub-recipient agreement between the Town and the Oxon Hill Volunteer Fire & Rescue Company, Inc. for the use of American Rescue Plan Act funds.

**Resolution 47-22** a resolution to approve a sub-recipient agreement between the Town and Saint Mark AME Church for use of American Rescue Plan Act funds.

**Resolution 48-22** A resolution to approve a contract with GCI Residential, Inc. for residential trash removal services within the Town of Forest Heights. Motion by Mayor Washington to waive the full reading seconded by CP Lilly; Motion by Mayor Washington that we adopt resolution 48-22 seconded by CM Kennedy, II; discussion.

CW Noble subject that we put bids out in July since this contract is a one-year contract.

CP Lilly ask about the ask about the changes that they made to this contract Mr. Robinson stated that they were in the document but not as extent as it is and the document that they have in front of them

Vote 5 Yes, 0 No motion passed.

**Resolution 49-22** A resolution to purchase five (5) Electric Vehicles to replace five (5) Fossil Fuel Vehicles that are no longer serviceable. Motion by Mayor Washington to waive the full reading; seconded by CP Lilly; all in favor; yes: discussion.

CW Noble stated that the resolution said 4 electric Vehicles should be 4 or 5. Mayor stated that it 4 vehicles and 1 truck.

**Emergency Ordinance 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. Motion by Mayor Washington to waive the full reading seconded by CM Kennedy, II all in favor yes; Mayor motion to adoption Emergency Ordinance 03-22 seconded by CW Noble, discussion

Town Attorney Mr. Best stated that we change the language in Section 6 of the document to read 8050. Vote 5 Yes, 0 No.

**Emergency Ordinance 05-22** An emergency ordinance of the Mayor and Council of the Town of Forest Heights, Maryland authorizing and approving the lease of real property located at 5410 Indian Head Highway (tax account no. 12-1354836) as office space for the police department near the Town of Forest Heights; and generally relating to the leasehold acquisition of real property for a public purpose. Motion by Mayor Washington to waive the full reading; seconded by CM Barnes; all in favor; yes: Motion by Mayor Washington to adopt Emergency Ordinance 05-22 seconded by CW Noble; discussion; None. Vote 5 Yes; 0 No.

**New Business:** CP Lilly mention that we need to have the crosswalk repair on Comanche Dr.

Mayor Washington stated if it's on the easement of Comanche then that is State Highway

Mr. Best, the town attorney, stated that the town has a memorandum of understanding with the state to restore the sidewalk on this side of Comanche, which is a State Highway.

CP Lilly stated that he contacts the state regarding the Livingston Rd crossing. Please notify us if you hear anything or if you do not hear anything within a couple of days. We are also looking forward to Forest Heights Day, which is coming up on August 6.

Mayor Washington mentioned National Night Out on August 2, 2022. He also added that if you haven't been to the town community garden, you should go. It is one of the nicer ones he has seen.

CW Noble also mentioned that they started their community garden at Saint Marks on Wednesdays please come out.

**Motion by Mayor Washington to enter a closed session by seconded by CP Lilly; all in favor  
For a meeting closed under the statutory authority cited above:**

**Town of Forest Heights  
Work Session- 7:30 PM  
Tuesday, July 5, 2022  
Meeting Minutes  
In-Person Meeting**

Time of closed session: 9:40 pm

Place: 5508 Arapahoe Drive and virtual meeting

This meeting will be closed under General Provisions Art. 3-305(b) only:

- (1) To discuss the appointment, employment, assignment promotion discipline demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdictional ny other personnel matter that affects one or more specific individuals
- 7 To consult with counsel to obtain legal advice

Members who voted to meet in closed session: CP Lilly, CM Barnes, CM Kennedy II, CM Hines, CM Noble and Mayor Washington

Persons attending closed session: CP Lilly, CM Barnes, CM Kennedy II, CM Hines, CM Noble and Mayor Washington, Attorney Best, Town Administrator Mr. Robinson, Chief Rease, Capt. Jones, Grants Management O'Connor, Town Clerk Mrs. Hawkins and Mr. Vaughn.

- (1) Authority under § 3-305 for the closed session: (2) To discuss the appointment, employment, assignment promotion discipline demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdictional ny other personnel matter that effects on e or more specific individuals and (7): to consult with counsel to obtain legal advice

Topics actually discussed: closed session is referencing a Town of Forest Heights complaint

Each recorded vote: None

End of Closed Session 10:30pm

Meeting Adjourned: 10:37 PM

**Town of Forest Heights  
Work Session- 8:00 PM  
Wednesday, July 20, 2022  
Meeting Minutes  
In-Person Meeting**

**Call to Order: 8:00 PM**

**Roll Call:** CW Hines, CW Noble, CM Kennedy, II, CP Lilly, Mayor Washington present. CM Atkinson, and CM Barnes not presented. Quorum established.

**Moment of Silence:**

**Pledge of Allegiance:**

**Approval of Consent Agenda:** Motion by Mayor Washington to approve the consent agenda; seconded by CP Lilly; all in favor; discussion; None

**Approval of Agenda:** Motion by Mayor Washington to approve the agenda; seconded by CW Hines.

**Public Period:** None

**Legislation:**

**Emergency Ordinance 05-22** An Emergency Ordinance of the Mayor and Council of the Town of Forest Heights, Maryland and amend the Fiscal Year 2022 Budget.

Mayor Washington read the full reading of the Emergency Ordinance; Motion by Mayor Washington to adopt Emergency Ordinance 05-22 seconded by CP Lilly; discussion; None. Vote 5 Yes; 0 No.

**New Business:**

CW Hines praises the Police Department for sponsoring the community walk and the Department of Public Works for participating. She just wanted to say thank you to everyone who came out and commented on the walk.

CM Kennedy, II asked if research had been done about the public works salary?

Mayor Washington stated that it has, and that a resolution for the higher salary would be presented in September.

CP Lilly mentioned that they have a community bike ride on July 30 from 9-11 a.m. And Forest Heights Day is almost approaching. Saturday August 6, 2022.

CW Noble mentions that we will have National Night out. Tuesday August 2, 2022.

CP Lilly let's not forget the farmers market over at St. Mark's every Wednesday.

Mayor Washington talked about begin the new trash service collection on Monday, August 1, 2022. The Eastside is the side on which the Town Building is located. On Monday, everything classified as trash, recyclable, yard waste, and bulk will be picked up on Monday. Starting Monday, on the west side near Henry Soul Food, on Monday you're recycling and yard waste will be picked up. On Thursday there will be Trash and Bulk pickup.

**Meeting Adjourned: 8:29 PM**

**Town of Forest Heights  
Work Session- 7:30 PM  
Tuesday, September 6, 2022  
Meeting Minutes  
In-Person/Virtual Meeting**

**Call to Order: 7:30 PM**

**Roll Call:** CW Hines, CM Kennedy, II, CM Barnes, CW Noble, CP Lilly, Mayor Washington present. CM Atkinson not presented. Quorum established.

**Moment of Silence:**

**Pledge of Allegiance:**

**Approval of Agenda:** Motion by Mayor Washington to amend the agenda to move the closing session before the new business. Motion to adopt the agenda as amended by CW Hines; seconded by CP Lilly.

**Public Period:** None

**Staff Reports:** (Can be picked up from the Clerk office and is also available on the Town Website)

**Treasurer:** CM Barnes asked when the new Treasurer was sworn in and bonded.

Mr. Robinson, the Town Administrator, stated that Mrs. Dorsey is only a temporary employee at the moment.

**Program Manger Mr. O'Connor:** MOU for MD 210 (Indian Head Highway) Maintenance from I-495-Ramps to Talbert Drive. Town Attorney, I have a couple of additional things to say Maryland 210 immediately connects to the Town of Forest Heights and contains municipal routes that are immediately within the state right away such as Arapahoe and Sachem. There are a few more currently, especially since the Town has been annexed and own territory all the way up to the DC boundary. I want to make sure that this contract or this MOU, and I'm not sure how extensive it is, is mowed by the Town, not the FHA. As a result, there are some county index numbers for those side roads that border Maryland, such as 210 north of Henry Soul Food and the Baptist Church on the east side. That is county. Those may be mowed by the county right now. So, we need to make sure we understand the extent of work because we don't want to infringe or signal to the highway administration that the town is taking over something that the county has been responsible for.

CP Lilly stated that Public Works will need to be trained for the project.

Mayor Washington has requested that CP Lilly and John O'Connie meet with State Highway again to go over the issues that were mentioned and bring them back before the Council.

**Ward Reports:**

**Ward I:** CP Lilly, I simply wanted to thank the Forest Heights Committee for all of your hard work. And that included personnel from the Town Clerk's administration office, the Department of Public Works, the Police Department, community vendors, community volunteers, Council members, the Mayor, and everyone else who was participating. I simply wanted to thank you for making the effort to come out. We hope you had a pleasant day. We're looking forward to Forest Heights Day 2023 and will begin organizing as soon as possible.

**Ward III:** CW Hines, I only have a few words concerning the back-to-school bag. We didn't have a large turnout, but we had one. So, I just want to thank everyone who put this together and say that we will deliver to the various schools. Thank you very much.

CW Noble, The Alsobrooks Youth Leadership Institute is accessible to all students in grades 9 through 11 from Prince George's County public charter, private, and homeschools. The program will run from January 2023 to December 2023. And applications will open tomorrow. They have their own webpage and we will place it on the Town's also. The children or parents applying must have a GPA of at least 2.5.

**Legislation:**

**Resolution 50-22** 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. Motion by Mayor Washington to waive the full reading; seconded by CM Barnes; discussion. Motion to adopt Resolution 50-22; discussion; CW Nobles asked when was her last date? August 31, 2022. Motion to amend resolution 50-22 to include an effective date of August 31, 2022. Seconded by CM Barnes. Motion passed as amended 6 yes, 0 no.

**Resolution 51-22** to approving the appointment of an interim or acting public works director. Motion by Mayor Washington to waive the full reading; seconded by CM Barnes; Motion to adopt Resolution 51-22 Seconded by CP Lilly; discussion.

CW Nobles asked if the public works director position was being advertised.

Town Administrator Mr. Robinson stated that it was being posted on numerous platforms. Motion passed as amended 6 yes, 0 no.

**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

**Town of Forest Heights  
Work Session- 7:30 PM  
Tuesday, September 6, 2022  
Meeting Minutes  
In-Person/Virtual Meeting**

relating to contractual services for speed monitoring systems. Motion by Mayor Washington to waive the full reading; seconded by CP Lilly; discussion. Motion to adopt Resolution 52-22; discussion; None; Motion passed 6 yes, 0 no.

**Resolution 53-22** to Deadline and/or Sell Police Equipment. Motion by Mayor Washington to waive the full reading; seconded by CM Barnes; Motion to adopt Resolution 53-22 Seconded by CP Lilly; discussion; None; Motion passed 6 yes, 0 no.

**Resolution 54-22** Authorizing the Mayor to enter into s 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. Motion by Mayor Washington to waive the full reading; seconded by CM Hines; Motion to adopt Resolution 54-22 Second by CP Lilly; discussion, none; Motion passed 6 yes, 0 no.

**Resolution 55-22** to increasing the compensation of public works employees. Motion by Mayor Washington to waive the full reading; seconded by CM Hines; Motion to adopt Resolution 55-22 Second by CP Lilly; Motion by Mayor to amend the Resolution 55-22 to add Jonathon Kennedy II as a Introduced by: Seconded; discussion; CM Kennedy, II proposed a 7% increase across the board and further study to determine the compensation rate for public workers.

CW Noble inquired whether the figure could be supported by the budget.

The Mayor indicated that he had met with the Treasurer before proposing the resolution. The motion passed as amended to include CM Kennedy II as an introduced. passed 6 yes, 0 no.

**Resolution 56-22** to declare and dispose of a police cruiser as surplus property to another municipal corporation. Motion by Mayor Washington to waive the full reading; seconded by CW Noble; Motion to adopt Resolution 56-22 Second by CM Kennedy, II; discussion.

Mayor Washington subject the Town donation a car to Fairmont Heights Municipality, where there is a police department. It is one of the better cars in which they may invest a modest sum of money in to have an additional cruiser on the road. We will not be putting any further funds in. Motion passed 6 yes, 0 no.

**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. Motion by Mayor Washington to waive the full reading; seconded by CW Noble; Motion to adopt Resolution 56-22 Second by CW Noble; discussion.

CP Lilly The way that the ordinance is currently written, the town has the purview to decide on a case-by-case basis. But generally, a department head who would have financial guidance or administration from another department head would not be able to be employed at the same time. So if one department head gets financial guidance or fiscal administration from another person who they're married to or who they are, a son or daughter of a person who they live with or share the same household with, the town has the purview to make a decision. So, it doesn't say that two employees can't be married. It just says in certain situations, the town has the option to review and make a decision and determine if a conflict of interest exists there or could exist in the future. First Reading 8:42 pm.

**Motion by Mayor Washington to enter a Closed Session; seconded by CM Kennedy II**

For a meeting closed under the statutory authority cited below:

Citation #-305(b)(7) To consult with counsel to obtain legal advice. Discuss topic to seek legal counsel on an existing contract.

Time of closed session: 9:06 pm

Place: Town Hall, 5508 Arapahoe Drive Forest Heights MD

Members who voted to meet in closed session: CP Lilly, CM Barnes, CM Kennedy II, CW Hines, CW Noble and Mayor Washington

**Town of Forest Heights  
Work Session- 7:30 PM  
Tuesday, September 6, 2022  
Meeting Minutes  
In-Person/Virtual Meeting**

Persons attending closed session: CP Lilly, CM Barnes, CM Kennedy II, CM Hines, CM Noble and Mayor Washington, Attorney Best, Town Administrator Mr. Robinson, Chief Rease, Capt. Jones, Grants Management Mr. O'Connor, Mr. Robinson, Town Clerk Mrs. Hawkins.

Authority under 3-305 for the closed session: (7) to consult with counsel to obtain legal advice

Topics discussed: to seek legal counsel on an existing contract.

Actions taken: The contract would be presented to the corporate attorney for approval by the Town Attorney.

Each recorded vote: None

Closed Adjourned: 10:12 pm

**New Business:** None

**Meeting Adjourned:** 10:27 PM

**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

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

**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.

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**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

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**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

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

**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 yea 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 yea 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

YE/NAY/ABSTAIN/ABSENT

WASHINGTON	_____
ATKINSON	_____
BARNES	_____
HINES	_____

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**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 yeas and nays 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

1<sup>st</sup> Reader: \_\_\_\_\_

2<sup>nd</sup> Reader: \_\_\_\_\_

\_\_\_\_\_  
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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 ye 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

1<sup>st</sup> Reader: Sept 6, 2022

2<sup>nd</sup> Reader: \_\_\_\_\_

\_\_\_\_\_  
CAPITALS : Indicate matter to be added to existing law  
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