

# TOWN OF FOREST HEIGHTS COUNCIL WORK SESSION MEETING

Monday, November 7, 2022

Municipal Building

ForestHeightsFacebook

Zoom Dial-In 1-301-715-8592

Meeting ID Meeting ID: Meeting ID: 845 182 1852

## 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. Minutes October 3, and 19, 2022
- VI. Approval of Agenda
- VII. Public Period (limit 2 minutes)
- VIII. Reports
  - a. Treasurer
  - b. Public Works Lead
  - c. Ombudsman
  - d. Police Chief
  - e. Program Manager
  - f. Town Administrator
- IX. Councilmember/Mayor Report
  - a. Ward 1
  - b. Ward 11
  - c. Ward 111
- X. Legislation
  - a. **Resolution 61-22** A resolution to approve a sub-recipient agreement between the town and the Greater Oxon Hill Community Development Corporation for use of American Rescue Plan Act Funds
  - b. **Resolution 62-22** A resolution of the Mayor and Council of the Town of Forest Heights, Maryland, to approve the full-time employment and appointment of Daryl Green as a Code Enforcement Officer, with collateral duties as an Animal Control Officer, to serve within the Forest Heights Police Department
  - c. **Resolution 63-22** A resolution to approve a proposal and contract with Choice Concrete Construction, Inc. for Sidewalk and Curb replacement to improve water flow between 5901 Shoshone St and 5812 Choctaw Drive
  - d. **Resolution 64-22** A resolution of the Mayor and Council of The Town of Forest Heights, Maryland to approve the employment and appointment of Zaequan Prailow as the Automated Enforcement Clerk to serve within the Forest Heights Police Department
  - e. **Resolution 65-22** A resolution to approve a contract with Maryland-National Capital Park and Planning Commission for the establishment of a Community Maintenance & Beautification Program

- f. **Resolution 66-27** A resolution of the Mayor and Council of the Town of Forest Heights, Maryland to approve the employment and appointment of Anthony Williams as a police officer to serve within the Forest Heights Police Department and to approve a reimbursement agreement
- g. **Resolution 67-66** A Resolution of the Mayor and Council of the Town of Forest Heights, Maryland to approve the employment and appointment of Hunter Elmore as a Police Officer to serve within the Forest Heights Police Department and to approve a Reimbursement Agreement
- h. **Resolution 68-22** A resolution of the Mayor and Council of the Town of Forest Heights, Maryland to approve an Annexation Concept Plan Supporting the Future Growth, Public Safety, Economic
- i. **Ordinance No. 3-22** An Ordinance of the Mayor and Council of The Town of Forest Heights, Maryland Revising Article 15 (Parking and Traffic) of The Town Ordinance Code, by Changing, or amending Section 15.3.2 (Parking and Truck Restrictions) to require “Right Wheel To Curb” Parking except on One Way Streets; and to amend Section 5.5 (Speed Prohibited) to increase the General Speed Limit Along Municipal Streets from 20 Mph to 25 Mph and generally related to the regulation of Parking and Traffic within the Town of Forest Heights.
- j. **Charter Amendment Resolution Number 02–22** A Charter Amendment Resolution of the Mayor and Council of the Town of Forest Heights, Maryland, Amending Section 33–1 (Incorporated; General Powers) of the Charter of the Town of Forest Heights, Maryland, to Change the name of the Town to the City of Forest Heights; and generally relating to the corporate name of the municipality.

- XI. New Business
- XII. Adjournment

**RESOLUTION 61-22  
THE TOWN OF FOREST HEIGHTS**

**A RESOLUTION TO APPROVE A SUB-RECIPIENT AGREEMENT BETWEEN THE  
TOWN AND THE GREATER OXON HILL COMMUNITY DEVELOPMENT  
CORPORATION FOR USE OF AMERICAN RESCUE PLAN ACT FUNDS**

Introduced By: Mayor Calvin Washington

WHEREAS, under the funding administered by the State of Maryland pursuant to the American Rescue Plan Act (the Act), there is a Coronavirus State and Local Fiscal Recovery Funds (CLFRF) program, where every level of government will receive funding, regardless of size; and

WHEREAS, pursuant to Section 603(c) of the Act, fiscal recovery funds may be used to enable local governments to respond to the COVID-19 public health emergency, provide premium pay to essential workers, supplement revenue reductions incurred during the pandemic, and to make necessary investments in water, sewer, and broadband infrastructure; and

WHEREAS, on or about July 15, 2021, the Town received confirmation by email from Hagerty Consulting, an agent and contractor of the State of Maryland's Department of Budget and Management, of its request made in compliance with the American Rescue Plan Act of 2021 Coronavirus Local Fiscal Recovery Funds (CLFRF) disbursement; and

WHEREAS, said email further stated that the Town's final allocation is \$2,526,205.34, of which 50%, or \$1,263,102.67, was disbursed to Forest Heights in a first tranche, and pursuant to the U.S. Treasury, the remainder of the funds will be distributed in no less than 12 months by the Md. Department of Housing and Community Development, who is responsible for disbursing the funds; and

WHEREAS, unlike eight (8) of the larger cities in Maryland, the Town of Forest Heights is a non-entitlement municipality under federal Community Development Block Grant (CDBG) program and CLFRF funding will be distributed based on population with estimates for Prince George's County's non-entitlement municipalities to be approximately \$160,941,034 with Forest Heights' share initially estimated at \$2,142,984, later increased, according to the Congressional Research Service, but the amount awarded may not exceed an amount equal to 75 percent of the most recent budget as of January 27, 2020; and

WHEREAS, non-entitlement units ("NEU's"), such as the Town, that receive funding from the State and Local Fiscal Recovery Funds Programs are required to meet compliance and reporting responsibilities including submission of annual Project and Expenditure Reports to the Department of the Treasury until the end of the CLFRF award period on December 31, 2026, and activities funded under this process must be documented in writing by September 30 of each year; and

WHEREAS, in addition to an annual Project and Expenditure Report, NEU'S are further required to report key information provided on Projects, Expenditures, Project Status, Project

**RESOLUTION 61-22**  
**THE TOWN OF FOREST HEIGHTS**

Demographic Description, Subawards, Civil Rights Compliance, and Programmatic Information, and further provide added documentation and information such as a signed award terms and conditions agreement, signed assurances of compliance with Title VI, and provision of various budget documentation; and

WHEREAS, the Town Charter, §33-19(25) authorizes the Council to have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State to pass ordinances for the specific purposes of accepting gifts and grants of Federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made; and

WHEREAS, on June 23, 2021, the Council passed Emergency Ordinance 02-21 approving the FY 22 Budget and found that said ordinance and/or the supplemental detailed line-item budget referenced in said Emergency Ordinance would necessitate further amendment to receive and appropriate the Town's allocation of Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act of 2021 ("ARPA"), also called the COVID-19 Stimulus Package or American Rescue Plan, Pub L. No. 117-2; and

WHEREAS, pursuant to Section 33-45 of the Town Charter, the budget shall be prepared and adopted in the form of an ordinance, and pursuant to the Common Law of Maryland, the budget ordinance may be amended by resolution if so authorized pursuant to ordinance such as the original budget ordinance enacting the initial fiscal year budget; and

WHEREAS, on or about November 17, 2021, the Town Council passed Resolution 41-21 to amend the FY 2022 Budget and the detailed line-item budget to add revenue and expenditure line items in the amount of \$1,263,102.67 for line items 6200 and 8200 (ARP Coronavirus Funds) respectively to said budget documents for the first tranche; and

WHEREAS, staff prepared a document entitled "Town of Forest Heights Recovery Plan – State and Local Fiscal Recovery Funds – 2021 Report" (4 pp.), that includes a Table of Expenses by expenditure category outlining the anticipated categories in which the Town will operate its CLFRF programs.

WHEREAS, on or about September 2, 2022, the Town received its second tranche of American Rescue Plan Act funding from the U.S Treasury in the amount of \$1,263,102.67 and is currently in the process of preparing and finalizing the Town of Forest Heights Recovery Plan 2022 Report that will include an updated Table of Expenses by expenditure category outlining the anticipated categories for program operations; and

WHEREAS, one of the approved category of expenses in said Plan includes the allocation of ARPA funds to be distributed as "Aid To Non-Profit Organizations" under the plan category of "Negative Economic Impacts" in connection with the pandemic; and

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**THE TOWN OF FOREST HEIGHTS**

WHEREAS, the Town of Forest Heights routinely partners with the Greater Oxon Hill CDC on a number of projects that benefit the Town and citizens; and

WHEREAS, the Town is currently partnering with the Greater Oxon Hill CDC, which is utilizing a grant and resources from the Neighborhood Design Center, to complete the first phase of a Commercial Façade Improvement Program for businesses within the town limits to improve the overall aesthetics of the town’s commercial node and the overall municipality; and

WHEREAS, the Town wishes to provide \$22,000.00 of its ARPA funds within the category of Aid To Non-Profit Organizations to the Greater Oxon Hill CDC, a duly registered Maryland non-profit organization in good standing, for general project and program administration and to help defray the costs associated with completing phase one and future phases of the commercial façade improvement program and for other purposes consistent with the use of these funds.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby approves the attached Sub-Recipient Agreement contained herein and referenced as Exhibit A, which sets forth the parameters connected to receipt of the ARPA funds including, understanding the use of said funds, conditions associated with the funds awarded, performance measures, and documentation to be maintained, submitted and reported by the sub-recipient.

BE IT FURTHER RESOLVED, that the Mayor is authorized to sign the attached Sub-recipient Agreement on behalf of the Town and 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 November 2022.

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

**RESOLUTION 61-22  
THE TOWN OF FOREST HEIGHTS**

ATTEST:

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

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

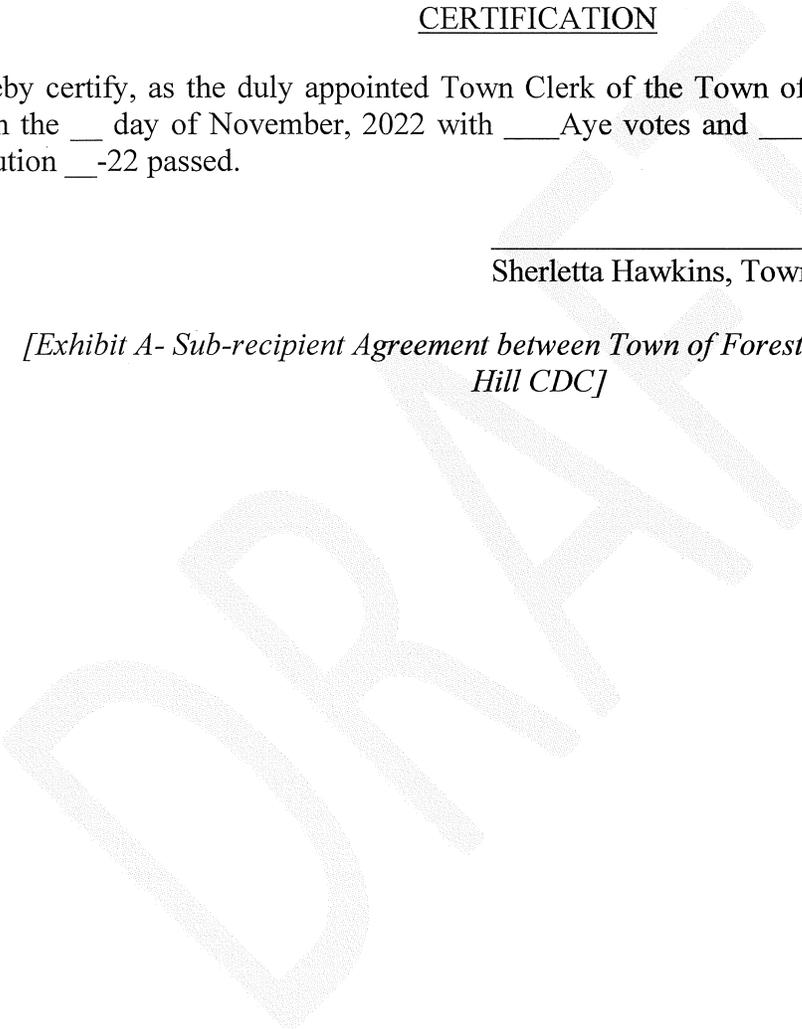
By: \_\_\_\_\_  
Calvin Washington, Mayor

CERTIFICATION

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

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

*[Exhibit A- Sub-recipient Agreement between Town of Forest Heights and Greater Oxon Hill CDC]*



TOWN OF FOREST HEIGHTS  
RESOLUTION 62-22

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO APPROVE THE FULL-TIME EMPLOYMENT AND APPOINTMENT OF DARYL GREEN AS A CODE ENFORCEMENT OFFICER, WITH COLLATERAL DUTIES AS ANIMAL CONTROL OFFICER, TO SERVE WITHIN THE FOREST HEIGHTS POLICE DEPARTMENT**

Introduced By: Mayor Calvin Washington

**WHEREAS**, pursuant to Section 33-18(b) of the Charter, all full-time subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the Mayor with the consent of the Council, in accordance with rules and regulations of any merit system which may be adopted by the Council; and

**WHEREAS**, pursuant to Section 23.9 of the Town Code, the appointment of the Code Enforcement Officer shall be approved by ordinance or resolution, and a Code Enforcement Officer shall be appointed by the Mayor with the consent of the Council; and

**WHEREAS**, the Mayor and the Town Administrator finds that it is in the best interest of the Town to appoint a full time Code Enforcement Officer with collateral duties as Animal Control Officer at this time; and

**WHEREAS**, Daryl Green is to be hired to fill the vacancy for Code Enforcement Officer and will have the Collateral Duties of Animal Control Officer; and

**WHEREAS**, The Chief of Police has advised that Mr. Green has the necessary training, knowledge, and experience to serve as a full-time Code Enforcement Officer with collateral duties as Animal Control Officer; and

**WHEREAS**, the Chief of Police advised in order to maintain Code Enforcement coverage and provide Animal Control Services the Police Department will need to hire full-time personnel; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Council hereby approves, consents to, and ratifies the appointment of Daryl Green to the position of Code Enforcement Officer with the Collateral Duty of Animal Control Officer

**BE IT FURTHER RESOLVED**, that said Code Enforcement officer's salary shall be paid from line item 7056 Salary from the FY2023 Budget; and

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

TOWN OF FOREST HEIGHTS  
RESOLUTION 62-22

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

PASSED this \_\_\_ day of November 2022.

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

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

ATTEST:

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

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

By: \_\_\_\_\_  
Calvin Washington, Mayor

CERTIFICATION

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

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

**THE TOWN OF FOREST HEIGHTS  
RESOLUTION 63-22**

**A RESOLUTION TO APPROVE A PROPOSAL AND CONTRACT WITH CHOICE  
CONCRETE CONSTRUCTION, INC. FOR SIDEWALK AND CURB REPLACEMENT  
TO IMPROVE WATER FLOW BETWEEN 5901 SHOSHONE ST AND 5812  
CHOCTAW DRIVE**

Introduced by: Mayor Calvin Washington

**WHEREAS**, the Charter, Section 33-73 (Public ways, control) states that the Town of Forest Heights (the "Town") shall have control of all public ways in the Town except such as may be under the jurisdiction of the State Roads Commission of Maryland or Prince George's County and that subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

**WHEREAS**, the Town has undertaken various activities in the past designed to improve water drainage of streets, roads, alleys and by-ways in the Town, which began with the preparation of the Drainage Assessment and Inspection Report and the Pedestrian Facilities Assessment and Transition Plan prepared by Pennoni Associates Inc. on January 22, 2011 (the "Report"); and, this was an undertaking generally referred to by the Town as the "Forest Heights Permeable Green Streets Project;" and

**WHEREAS**, the Report provides information on the Town's storm drainage infrastructure, and Appendix F (Drainage Phase Plan) of the Report is a town-wide Drainage Inlet Map with colorized phases (phase 1-14) recommending phases of repair of the stormwater infrastructure systems; and

**WHEREAS**, on October 7, 2013, the Mayor and Council pursuant to Resolution 70-13 approved an engineering proposal by Pennoni Associates, Inc., for design of the reconstruction of North Huron Drive, which included an allowance to subcontract with A.D. Marble & Company ("A.D. Marble") whereby Pennoni would incorporate final drainage, SWM, E&S and landscape designs developed by A.D. Marble to prepare a comprehensive set of final design plans, and to further allow Pennoni to incorporate construction specifications, estimates and permits/approvals obtained by A.D. Marble into the final construction and bidding documents; and

**WHEREAS**, the North Huron Drive Sidewalks – Phase I Project (Contract No. FHRFB 2-17) included reconstruction of more than 2,300 linear feet of pervious concrete sidewalk, reconstruction/upgrades to driveway aprons, construction of ADA compliant concrete ramps, tree and fence removal and installation, and pavement markings to allow for pedestrian flow and access to the area schools; and

**WHEREAS**, the Mayor and staff reports that for years because of the topography of Forest Heights, rainstorm events have caused water to rush severely from Shoshone and Choctaw Drive, and that this stormwater, following through the natural topographic flow, floods, encroaching upon driveways, front yards and threatens infiltrating the homes of several residents; and

**WHEREAS**, the Mayor and staff further reports that one major contributing factor is that the sidewalk is in disrepair is little to no curbing to catch and divert the water due to historic repaving of

**THE TOWN OF FOREST HEIGHTS  
RESOLUTION 63-22**

the street, layer upon layer, reducing the curb height and rendering it ineffective; therefore, in response to the problem, the administration has asked Choice Concrete to provide a proposal to address the matter and their solution described in its proposal, attached hereto as Exhibit A; and

**WHEREAS**, the Charter, Section 33-66(g) (Purchases and contracts) states that the Mayor and Council by a two-thirds vote may waive the competitive bidding requirements of said section for good cause shown for sole source procurements of unique products and services provided written findings are made as to the basis of such waiver shall be placed in the journal of the Council's proceedings; and

**WHEREAS**, the Council finds that some of the rationale for waiving Town competitive procurement requirements are as follows: (i) the bidding process would add at least 30 days to the procurement process and the winter months and colder weather may not allow the project to start until next year; however, Choice Concrete is prepared to mobilize as soon as possible to schedule the project, (ii) the Town has a history of numerous successful repaving and stormwater related projects completed by Choice Concrete, (iii) when the Town had requested bids for similar projects, Choice Concrete has a history of submitting the lowest cost bid with quality service as recently demonstrated with the completed Cree Drive project, (iv) such a stormwater mitigation project should be considered a public safety issue or, at the least a potential "infrastructure hazard" that could expose the Town to legal liability since street maintenance is considered under Maryland law to be a proprietary interest without the typical governmental immunities, (v) the Town is currently in the process of completing a Draft Capital Improvement Plan (CIP) which will prioritize Town Capital and Infrastructure projects and identify funding sources tied to the Budget, and funding has been identified for this project; and

**WHEREAS**, the Council further finds that time is of the essence and only one named supplier can meet needs within the expedited timeframe; and

**WHEREAS**, the Staff recommends awarding a contract to Choice Concrete Construction, Inc., a business in good standing with the State and, as stated, having performed numerous contracts with the Town; and

**WHEREAS**, the Town wishes to enter into an agreement with Choice Concrete Construction, Inc. to perform the above-described repairs in the amount of \$36,520.00

**NOW, THEREFORE BE IT RESOLVED** that the Town Council hereby accepts the aforementioned Proposal entitled " Proposal No. 22 – 643: Remove and replace existing installed sidewalks, curb and aprons on Shoshone Street to Choctaw Drive." dated October 3rd, 2022, and further approves and authorizes the Town to proceed with the said contract quoted at \$36,520.00 (plus a 10% contingency amount not exceeding a total project amount of \$40,172.00) with certain terms and conditions enumerated therein, prepared by Choice Concrete Construction, Inc., a Maryland company that is in good standing with the State, which is attached hereto and incorporated by reference herein as Exhibit A.

**AND, BE IT FURTHER RESOLVED** that the Town Council hereby authorizes the finalized written contract with Choice Concrete Construction, Inc. to be paid pursuant to FY23

**THE TOWN OF FOREST HEIGHTS  
RESOLUTION 63-22**

Budget Line Item(s): 8200 (*American Rescue Plan Act Expenditures*) with any proofs of insurance and indemnifications deemed necessary by the Town Administrator to protect the Town and carry out the performance of the project described herein.

**AND, BE IT FURTHER RESOLVED**, that prior to the Mayor signing the approved proposal or contract and notwithstanding anything in said contract to the contrary, the authorized representative of said company or firm shall provide proof of insurance indemnifying the Town, to the satisfaction of the Town Administrator, and that the Contractor shall agree by signing a release and waiver that it will provide and maintain at all times during the term of this agreement, or any other contract it has with the Town, such insurance coverage (Commercial General Liability, Business Automobile Liability, and Workers' Compensation) to adequately protect the Town or as otherwise required by law and that the Contractor shall cover any claim that may arise while engaged in work under any agreement with the Town.

**AND, BE IT FURTHER RESOLVED** that the Town Council by a two-thirds vote hereby waives the competitive bidding requirements of Section 33-66 of the Town Charter for good cause shown for sole source procurements of unique products and services.

**AND, BE IT FURTHER RESOLVED** that the Town Administrator and Town Treasurer shall ensure that the Annual Budget Ordinance, as amended, and any duly authorized amendatory budget resolutions, and the detailed line-item budget/quarterly financial reports are properly introduced, enumerated and amended to accommodate, validate and reflect the intent of this Resolution.

**AND, BE IT FURTHER RESOLVED** that the Mayor, on behalf of the Town, is hereby authorized to enter into the subject Proposal/Contract and execute any other necessary documents needed to carry out the intent of this Resolution prior to the commencement of any work; and

**AND, BE IT FURTHER RESOLVED**, that the Mayor shall ensure that the Acting or Interim Public Works Supervisor obtains and reviews for sufficiency any necessary traffic control or barricading plans in order to protect the travelling public during the course of construction described in the above approved proposal/contract;

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

PASSED this \_\_\_ day of November 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

\_\_\_\_\_

\_\_\_\_\_

**THE TOWN OF FOREST HEIGHTS  
RESOLUTION 63-22**

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 \_\_ day of November 2022 with \_\_\_ Aye votes and \_\_\_ Nay (2/3rds supermajority) votes the aforesaid Resolution \_\_-22 passed.

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

[Exhibit A - Choice Concrete Construction, Inc. *Proposal/Contract (dated October 3<sup>rd</sup>, 2022, 2022)*]

\_\_\_\_\_

**TOWN OF FOREST HEIGHTS**

**RESOLUTION 64-22**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO APPROVE THE EMPLOYMENT AND APPOINTMENT OF ZAEQUAN PRAILOW AS AN ADMINISTRATIVE POLICE CLERK TO SERVE WITHIN THE FOREST HEIGHTS POLICE DEPARTMENT**

Introduced By: Mayor Calvin Washington

**WHEREAS**, pursuant to Section 33-66 of the Charter of the Town of Forest Heights (the "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 the Charter or other state law and to operate the Town government; and

**WHEREAS**, pursuant to Section 33-18(b) of the Charter, all full-time subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the Mayor with the consent of the Council, in accordance with rules and regulations of any merit system which may be adopted by the Council; and

**WHEREAS**, pursuant to Section 23.9 of the Town Ordinance Code, certain minimum qualifications for an Administrative Police Clerk is stated therein, and the Chief of Police has verified to the Mayor and Council that the candidate is of good moral character and emotionally stable, as determined by a comprehensive background investigation, which includes fingerprinting of the applicant and a search made of local, state and criminal records, including a check of military, selective service, employment and driving records; and

**WHEREAS**, pursuant to Section 7.90 of the Employee Handbook each new or promoted employee shall be notified of his or her probationary status, and unless other law, regulation or valid contract states otherwise (as in the case of existing merit employees), and at the end of 180 days and satisfactory evaluation by the Supervisor, Police Chief and Mayor, and should the performance evaluation be unsatisfactory, the Police Chief and Mayor may extend the probation period for an additional 180 days; and

**WHEREAS**, the Council finds that Zaequan Prailow has shown that he has the necessary experience, training, and knowledge to serve as an Administrative Police Clerk in the Police Department and it is in the best interest of the Town to appoint Mr. Prailow as an Administrative Police Clerk.

**NOW THEREFORE BE IT RESOLVED**, that the Town Council hereby consents to the Mayor's appointment of Zaequan Prailow as an Administrative Police Clerk at the annual salary of \$47,000; and

**BE IT FURTHER RESOLVED**, that said officer's salary shall be paid from line item 7401 Salary from the FY2023 Budget; and

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

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

**TOWN OF FOREST HEIGHTS**

**RESOLUTION 64-22**

PASSED this \_\_\_ day of November 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 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 November 2022 with \_\_\_ Aye votes and \_\_\_ Nay (2/3rds supermajority) votes the aforesaid Resolution \_\_\_-22 passed.

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

**RESOLUTION 65-22  
THE TOWN OF FOREST HEIGHTS**

**A RESOLUTION TO APPROVE A CONTRACT WITH MARYLAND-NATIONAL  
CAPITAL PARK AND PLANNING COMMISSION FOR THE ESTABLISHMENT OF A  
COMMUNITY MAINTENANCE & BEAUTIFICATION PROGRAM**

Introduced By: Mayor Washington

WHEREAS, pursuant to Article 21 of the Town Code and Resolution 57-21, the Mayor and Council has created committees including a Beautification and Appearance Committee, which shall advise and assist the Town Council by identifying, recommending, developing programs and projects to improve community appearance, including but not limited to identification of appearance problems, preparing plans to improve community appearance, recommending policies, programs, projects. Seeking grant opportunities and coordinating volunteer beautification projects; and

WHEREAS, pursuant to the Town Charter, §33-20, the Council shall have, in addition, the power to pass ordinances not contrary to the laws and Constitution of this State, for the following specific purposes: (11) (Cooperative activities) to make agreements with other municipalities, counties, districts, bureaus, commissions, and governmental authorities for the joint performance of or for cooperation in the performance of any governmental functions, and (10) (Community Services) to provide, maintain, and operate community and social services for the preservation and promotion of the health, recreation, welfare, and enlightenment of the inhabitants of the Town... and (25) (Grants-in-Aid) to accept gifts and grants of Federal or of State funds from the Federal or State governments or any agency thereof, and to expend the same for any lawful public purpose, agreeably to the conditions under which the gifts or grants were made; and

WHEREAS, by action undertaken pursuant to Maryland Annotated Code, Land Use Article, the governing body of Prince George's County, Maryland, has appropriated for the Town of Forest Heights (the "Town") certain funds totaling \$100,000 in Council Resolution CB-55-2022 for the establishment of a Community Maintenance & Beautification Program; and

WHEREAS, the Mayor and Council finds that Council Resolution CB-55-2022 was enacted for the purpose of approving the Prince George's County portion of the Maryland-National Capital Park and Planning Commission budget and making appropriations and levying certain taxes for Fiscal Year 2023 for the Maryland-National Capital Park and Planning Commission, pursuant to the provisions of the Land Use Article of the Annotated Code of Maryland, as amended ("Land Use Article"); and

WHEREAS, the Commission and the Town desire to cooperate with each other to provide for the establishment of the Community Maintenance & Beautification Program to coordinate and provide services for community-based programming for residents of District 8 and Prince Georges County; and

WHEREAS, the Town as contractor for the Commission will use these funds during the period of July 1, 2022 – June 30, 2023 (FY '23), for, the maintenance of public spaces, improved landscaping, improved signage, and litter abatement, as well as to coordinate with other public and

**RESOLUTION 65-22**  
**THE TOWN OF FOREST HEIGHTS**

private sector resources to accomplish program goals and, to conduct environmental education workshops for residents on planting, gardening and composting in service to people in District 8 pursuant to a budget stated in the proposed contract's scope of services; and

WHEREAS, the Mayor and Council finds that it may also be necessary to hire additional public works employees, contractors to provide analysis and feasibility studies, as well as landscape architects when necessary, and an individual to coordinate these activities; and

WHEREAS, local municipalities and funding is on a reimbursement basis and is often referred to as "Project Charges" or also referred to as "Legislative Mandates."

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby approves the above-referenced Contract with exhibits incorporated herein by reference as Exhibit A; and

BE IT FURTHER RESOLVED, that the Mayor with the assistance of the Town Administrator using existing Town personnel polices shall retain, hire or contract with qualified individuals to serve part time in part-time capacity to implement this program at salaries or contractual cost not to exceed the personnel costs contained within Exhibit A; and

BE IT FURTHER RESOLVED, that the Treasurer in cooperation with the Town Attorney shall prepare the necessary amendatory budget ordinances or resolutions, and any corresponding detailed line-item budgets to accommodate the necessary appropriations and authorized expenditures derived from the allocated funds totaling \$100,000 in Council Resolution CB-55-2022 for the establishment of the Community Maintenance & Beautification Program to provide a complete financial plan for the applicable budget year; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby appoint the following persons to serve on the Beautification and Appearance Committee with cognizance to provide advice and guidance regarding the subject grant proceeds and program:  
\_\_\_\_\_; and

BE IT FURTHER RESOLVED, that the Mayor is authorized to execute on behalf of the Council said contract and any other ancillary documents, exhibits, certificates, affidavits, waivers or related minor agreements with the Commission to provide said services relating to the Community Maintenance & Beautification Program and carry out the purposes of this Resolution; and

BE IT FURTHER RESOLVED, that the Mayor is further authorized to sign this Resolution on behalf of the Council for said funding providing such agreement is approved by the Council; and

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

PASSED this \_\_\_ day of November 2022.

**RESOLUTION 65-22  
THE TOWN OF FOREST HEIGHTS**

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 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 November 2022 with \_\_\_ Aye votes and \_\_\_ Nay votes the aforesaid Resolution \_\_\_-22 passed.

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

*[Exhibit A - Contract]*

**TOWN OF FOREST HEIGHTS  
RESOLUTION 66-22**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO APPROVE THE EMPLOYMENT AND APPOINTMENT OF ANTHONY WILLIAMS AS A POLICE OFFICER TO SERVE WITHIN THE FOREST HEIGHTS POLICE DEPARTMENT AND TO APPROVE A REIMBURSEMENT AGREEMENT**

Introduced By: Mayor Calvin Washington

**WHEREAS**, pursuant to Section 33-66 of the Charter of the Town of Forest Heights (the "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 the Charter or other state law and to operate the Town government; and

**WHEREAS**, pursuant to Section 33-18(b) of the Charter, all full-time subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the Mayor with the consent of the Council, in accordance with rules and regulations of any merit system which may be adopted by the Council; and

**WHEREAS**, pursuant to Section 23.2 of the Town Ordinance Code, certain minimum qualifications for police officers is stated therein, and the Chief of Police has verified to the Mayor and Council that the candidate is of good moral character and emotionally stable, as determined by a comprehensive background investigation, which includes fingerprinting of the applicant and a search made of local, state and criminal records, including a check of military, selective service, school and credit agency records; and

**WHEREAS**, pursuant to General Order No. 2016-1 (Ch. 2, § 3) sworn personnel will remain on probation until successfully completing twelve (12) consecutive months of full-time employment with the FHPD and authorized by the FHPD Chief of Police as having successfully completed the probation period; and

**WHEREAS**, the Council finds that Anthony Williams has shown that he has the necessary experience, training, MPTC certifications and knowledge to serve as a Police Officer in the Police Department and it is in the best interest of the Town to appoint Mr. Williams as a Police Officer.

**NOW THEREFORE BE IT RESOLVED**, that the Town Council hereby consents to the Mayor's appointment of Anthony Williams as Police Officer at the annual salary of \$50,000.00; and

**BE IT FURTHER RESOLVED**, that said officer's salary shall be paid from line item 8300 Salary from the FY2023 Budget; and

**BE IT FURTHER RESOLVED** that the Town Council hereby approves the Reimbursement Agreement, attached hereto, and incorporated herein, as Exhibit 1, which requires said Officer to reimburse the Town in an amount not to exceed \$5,000 should he be unwilling to serve the requisite minimum of two (2) years.

**TOWN OF FOREST HEIGHTS**

**RESOLUTION 66-22**

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

PASSED this \_\_\_ day of November 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 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 November 2022 with \_\_\_ Aye votes and \_\_\_ Nay votes the aforesaid Resolution \_\_-22 passed.

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

**TOWN OF FOREST HEIGHTS**

**RESOLUTION 67-22**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO APPROVE THE EMPLOYMENT AND APPOINTMENT OF HUNTER ELMORE AS A POLICE OFFICER TO SERVE WITHIN THE FOREST HEIGHTS POLICE DEPARTMENT AND TO APPROVE A REIMBURSEMENT AGREEMENT**

Introduced By: Mayor Calvin Washington

**WHEREAS**, pursuant to Section 33-66 of the Charter of the Town of Forest Heights (the "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 the Charter or other state law and to operate the Town government; and

**WHEREAS**, pursuant to Section 33-18(b) of the Charter, all full-time subordinate officers and employees of the offices, departments, and agencies of the Town government shall be appointed and removed by the Mayor with the consent of the Council, in accordance with rules and regulations of any merit system which may be adopted by the Council; and

**WHEREAS**, pursuant to Section 23.2 of the Town Ordinance Code, certain minimum qualifications for police officers is stated therein, and the Chief of Police has verified to the Mayor and Council that the candidate is of good moral character and emotionally stable, as determined by a comprehensive background investigation, which includes fingerprinting of the applicant and a search made of local, state and criminal records, including a check of military, selective service, school and credit agency records; and

**WHEREAS**, pursuant to General Order No. 2016-1 (Ch. 2, § 3) sworn personnel will remain on probation until successfully completing twelve (12) consecutive months of full-time employment with the FHPD and authorized by the FHPD Chief of Police as having successfully completed the probation period; and

**WHEREAS**, the Council finds that Hunter Elmore has shown that he has the necessary experience, training, MPTC certifications and knowledge to serve as a Police Officer in the Police Department and it is in the best interest of the Town to appoint Mr. Elmore as a Police Officer.

**NOW THEREFORE BE IT RESOLVED**, that the Town Council hereby consents to the Mayor's appointment of Hunter Elmore as Police Officer at the annual salary of \$50,000.00; and

**BE IT FURTHER RESOLVED**, that said officer's salary shall be paid from line item 7057 Salary from the FY2023 Budget; and

**BE IT FURTHER RESOLVED** that the Town Council hereby approves the Reimbursement Agreement, attached hereto, and incorporated herein, as Exhibit 1, which requires said Officer to reimburse the Town in an amount not to exceed \$5,000 should he be unwilling to serve the requisite minimum of two (2) years.

**TOWN OF FOREST HEIGHTS  
RESOLUTION 67-22**

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

PASSED this \_\_\_ day of November 2022.

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 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 November 2022 with \_\_\_ Aye votes and \_\_\_ Nay votes the aforesaid Resolution \_\_\_-22 passed.

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

**TOWN OF FOREST HEIGHTS  
RESOLUTION 68-22**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO APPROVE AN ANNEXATION CONCEPT PLAN SUPPORTING THE FUTURE GROWTH, PUBLIC SAFETY, ECONOMIC DEVELOPMENT AND GENERAL WELFARE OF THE TOWN OF FOREST HEIGHTS**

Introduced By: Mayor Calvin Washington

**WHEREAS**, pursuant to the authority contained in Md. Code Ann., Local Gov't Art., Title 4, Subtitle 4, and Section 4-401 (a) of said Article the Town of Forest Heights may enlarge its boundaries by annexation as provided in the subtitle; and

**WHEREAS**, The Town has undertaken several annexation projects since 1949 and grown its incorporated limits utilizing an annexation plan throughout several of these projects as depicted on Exhibit A (Map of Ninth Extension by CPJ & Assoc. dated July 2021); and

**WHEREAS**, the Mayor and the Town Administrator finds that it is in the best interest of the Town to authorize staff to begin the planning and assembly of properties with requisite consents to be annexed into the jurisdictional boundaries of the Town of Forest Heights; and

**WHEREAS**, the Mayor and Council find that it is in the best interest of the Town of Forest Heights Government, residents, and service population to annex these properties for future growth, economic development, public works, and public safety

**WHEREAS**, the Town is prepared to offer municipal services to the proposed locations to be annexed; and

**WHEREAS**, the Mayor and Council further finds that properties abutting certain roadways are generally referred to as 5410 Indian Head Hwy (leasehold Parcel 10 rented for FHPD), Tayac Park (M-NCPPC/Forest Heights Local Park abutting Annex. Area 9), Salisbury Dr. (add properties near Annex Area 8), and Clipper Way (lots & parcels near Annex. Area 7) with surrounding properties as shown in Exhibit B (Annexation Concept Plan), attached hereto and incorporated by reference herein, and any relevant or surrounding homeowners associations will be contacted and possibly incorporated into the ongoing plan.

**NOW THEREFORE BE IT RESOLVED**, that the Town Council hereby approves, consents to, and authorizes staff to proceed with the annexation process and to procure the necessary permissions and professional work product necessary to produce any Annexation Plans, exhibits and Annexation Resolutions to carry forth the proposed annexations described in said concept plan.

**BE IT FURTHER RESOLVED**, that staff will provide to the Mayor and Council any supplemental growth plans and other detailed documents as the process progresses or changes and the annexation concept plan may be amended, expanded or decreased based on planning and

**TOWN OF FOREST HEIGHTS  
RESOLUTION 68-22**

operational tempo and staff is further authorized to proceed with any annexation processes or specific annexation project regarding the above-listed annexations as shown in Exhibit B and/or referenced in the above recitals.

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

PASSED this \_\_\_ day of November 2022.

**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>
WASHINGTON	_____
KENNEDY	_____
NOBLE	_____
BARNES	_____
HINES	_____
LILLY	_____
ATKINSON	_____

ATTEST:

THE TOWN OF FOREST HEIGHTS,  
MARYLAND

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

By: \_\_\_\_\_

Calvin Washington, Mayor

CERTIFICATION

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

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

*[Exhibits A & B- Exhibit A (Map of Ninth Extension by CPJ & Assoc. dated July 2021) and Annexation Concept Plan]*

**MAYOR AND COUNCIL  
THE TOWN OF FOREST HEIGHTS  
CHARTER AMENDMENT RESOLUTION NUMBER 02 - 22**

**A CHARTER AMENDMENT RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND AMENDING SECTION 33-1 (INCORPORATED; GENERAL POWERS) OF THE CHARTER OF THE TOWN OF FOREST HEIGHTS, MARYLAND TO CHANGE THE NAME OF THE TOWN TO THE CITY OF FOREST HEIGHTS; AND GENERALLY RELATING TO THE CORPORATE NAME OF THE MUNICIPALITY.**

**INTRODUCED BY:** Mayor Calvin Washington and Councilwoman Paula Noble

**WHEREAS**, the Town Council is authorized by Article XI-E, § 4 of the Constitution of the State of Maryland and Subtitle 3 of Title 4 of the LG Article of the Annotated Code of Maryland, to amend the Town Charter by a resolution of the legislative body of the municipal corporation; and

**WHEREAS**, the General Assembly of Maryland passed House Bill 615 during the 2018 session effective July 1, 2018, requiring the legislative body of a municipality to hold a public hearing and give at least 21-days’ notice by posting the notice in a public place before adopting a resolution initiated by the legislative body that proposes an amendment to the municipal charter; and

**WHEREAS**, according to *Maryland’s 157: The Incorporated Cities and Towns* (MML 7/1/2000) at p. 3, the designation of a municipal corporation as a city, town, or village does not imply any difference in municipal power or authority; [and] [t]here is no classification, to date, of municipal governments in Maryland, and that municipalities are recognized equally under state law regardless of population or wealth insofar as all of the powers conferred by Article XI-E of the Maryland State Constitution and Section 23A [recodified as the LG Art.] of the Annotated Code of Maryland are available to them through locally adopted charters; and

**WHEREAS**, the Council finds that 28 of the 157 municipalities of this State including Baltimore City designate their legal names by charter as being a “city;” and

**WHEREAS**, the case of *Town of Forest Heights v. Maryland-National Capital Park*, 463 Md. 469 (2019) the Court of Appeals of Maryland overruled the Circuit Court for Prince George’s County and upheld the Town’s legislation by ruling that the annexation of 736.85 acres of land located west and south of the Town was valid, which more than doubled the Town’s corporate land area; and

**WHEREAS**, since its incorporation in 1949, Forest Heights has extended its corporate limits nine times and as of the 2020 decennial census, the Town’s population grew 8.6% to 2,658; and

**WHEREAS**, the Town has entered into an agreement with Harbor View Development, LLC, to annex an additional 9.0242 +/- acres of territory containing several parcels (Parcels 26-27, 32-33, 35 and 36-37) to allow the development of a mixed-use development to be known as “National View” 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, which could more than double the Town’s current population by 2028; and

**WHEREAS**, the Mayor and Council further find that it is in the best interest of the Town to amend the Town Charter to change the name of the municipality to the City of Forest Heights in order to reflect the growth, progress and vision for the future of Forest Heights.

**Section 1. NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS** on this \_\_\_ day of December 2022, that the Charter of The Town of Forest Heights, Maryland including the specific sections enumerated below shall be and is hereby changed and amended to read as follows:

## **FOREST HEIGHTS**

### **GENERAL CORPORATE POWERS**

#### **Section 33-1. Incorporated; general powers.**

The inhabitants of the ~~[[Town]]~~ CITY of Forest Heights within the corporate limits legally established from time to time are hereby constituted and continued a body corporate by the name of "The ~~[[Town]]~~ CITY of Forest Heights" with all the privileges of a body corporate, by that name to sue and be sued, to plead and be impleaded in any court of law or equity, to have and use a common seal and to have perpetual succession, unless the Charter and the corporate existence are legally abrogated. ANY OTHER REFERENCE IN THIS CHARTER OR ANY ORDINANCE, RESOLUTION, OR REGULATION OF THE TOWN AND ANY LEGAL INSTRUMENT OR CONTRACT OF THE MUNICIPALITY REFERENCING THE LEGAL NAME AS “THE TOWN OF FOREST HEIGHTS” SHALL HENCEFORTH BE CONSTRUED TO MEAN “THE CITY OF FOREST HEIGHTS.” THE CHANGE OF THE MUNICIPALITY’S NAME TO THE “CITY OF FOREST HEIGHTS” SHALL NOT AFFECT THE ENFORCEABILITY, VALIDITY OR CONSTRUCTION OF ANY ORDINANCE OR REGULATION, NOR IMPAIR ANY RIGHTS OR OBLIGATIONS ARISING UNDER ANY CONTRACT OR AGREEMENT PREVIOUSLY ENTERED INTO BY THE TOWN UNDER ITS PREVIOUS LEGAL NAME.

\* \* \*

**Section 2. BE IT FURTHER RESOLVED** that this Charter Amendment Resolution is adopted on the aforementioned date, and that upon adoption by the Mayor and Council of The Town of Forest Heights, Maryland, a complete and exact copy of this Charter Amendment Resolution shall be posted in the Town Office for a period of at least forty (40) days following the date of its adoption. Additionally, a fair summary of the proposed Amendment shall be published in a newspaper of general circulation in The Town of Forest Heights not less than four (4) times at weekly intervals within the forty (40) days following the adoption this Charter Amendment Resolution.

**Section 3. BE IT FURTHER RESOLVED** that the Amendment initiated in this Charter Amendment Resolution shall take effect and shall become and be considered the Charter of The Town of Forest Heights, upon the fiftieth day after being so ordained or passed unless on or before the fortieth day after being so adopted and passed a referendum petition meeting the requirements of State law shall be presented to the Mayor and Council of The Town of Forest Heights, Maryland or mailed to it by certified mail, return receipt requested, bearing a postmark from the United States Postal Service.

**Section 4. BE IT FURTHER RESOLVED** that when the Charter Amendment hereby initiated becomes effective, as provided herein, or following a referendum election, the Town Clerk shall send separately, by certified mail, return receipt requested, to the Department of Legislative Services within 10 days after the charter resolution becomes effective, the following information concerning the Charter Amendment: (i) the complete text of this Charter Amendment Resolution; (ii) the date of the referendum election, if any held with respect thereto; (iii) the number of votes cast for and against this Charter Amendment Resolution by the Mayor and Council of The Town of Forest Heights, Maryland or a referendum election; and (iv) the effective date of the Charter Amendment.

**Section 5. BE IT FURTHER RESOLVED** that the Town Clerk of The Town of Forest Heights is specifically instructed to carry out the provisions of Sections 2, 3, and 4 hereof, as evidence of compliance herewith, the Town Clerk shall cause to be affixed to this Charter Amendment Resolution and to the Minutes of the Mayor and Council Meeting in which it is adopted (i) an appropriate certificate of publication of the newspaper in which the summary of the Charter Amendment Resolution shall have been published and (ii) return receipts of the mailing referred to in Section 4, and shall further complete and execute the Certificate of Effect attached hereto.

**PASSED** by the Mayor and Council of The Town of Forest Heights, Maryland at a regular or special meeting on the \_\_ day of December 2022.

ATTEST:

THE TOWN OF FOREST HEIGHTS,  
MARYLAND

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk

\_\_\_\_\_  
Calvin Washington, Mayor

\_\_\_\_\_  
Troy Lilly, Council President

**CERTIFICATE OF EFFECT**

**I, HEREBY CERTIFY THAT THE FOREGOING CHARTER AMENDMENT RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS DESIGNATED CHARTER AMENDMENT RESOLUTION NO. 02 - 22, WAS DULY INTRODUCED, READ, AND WAS ADOPTED BY THE MAYOR AND COUNCIL AT A DULY ANNOUNCED PUBLIC MEETING AND THEREAFTER POSTED AND ADVERTISED FOR FOUR SUCCESSIVE WEEKS, IN ACCORDANCE WITH THE APPLICABLE PROVISIONS OF THE ANNOTATED CODE OF MARYLAND AND CHARTER OF THE TOWN OF FOREST HEIGHTS.**

ATTEST:

\_\_\_\_\_  
Sherletta Hawkins, Town Clerk  
Town of Forest Heights, Maryland

**CHARTER AMENDMENT RESOLUTION (“CAR”) SCHEDULE**

DATE OF 21-DAY PUBLIC HEARING NOTICE \_\_\_\_\_  
DATE OF CAR INTRODUCTION/PASSED \_\_\_\_\_  
40-DAY POSTING END DATE: \_\_\_\_\_  
FAIR SUMMARY NEWSPAPER \_\_\_\_\_  
WEEKLY PUBLICATION DATES (x 4): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
EFFECTIVE (50<sup>TH</sup> DAY) DATE: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
CAPITALS : Indicate matter added to existing law **Page 4 of 4** (CAR 02-22)  
[[Brackets]] : Indicate matter 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. 3-22**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS, MARYLAND REVISING ARTICLE 15 (PARKING AND TRAFFIC) OF THE TOWN ORDINANCE CODE, BY CHANGING, OR AMENDING SECTION 15.3.2 (PARKING AND TRUCK RESTRICTIONS) TO REQUIRE “RIGHT WHEEL TO CURB” PARKING EXCEPT ON ONE WAY STREETS; AND TO AMEND SECTION 5.5 (SPEED PROHIBITED) TO INCREASE THE GENERAL SPEED LIMIT ALONG MUNICIPAL STREETS FROM 20 MPH TO 25 MPH AND GENERALLY RELATED TO THE REGULATION OF PARKING AND TRAFFIC WITHIN THE TOWN OF FOREST HEIGHTS.**

Introduced By: Mayor Calvin Washington

**WHEREAS**, pursuant to § 33-20(a) of the Town Charter, the Council shall have the power to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or said Charter as it may deem necessary for the good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of the Town and visitors thereto and sojourners therein; and

**WHEREAS**, pursuant to § 33-73 of the Town Charter, the Town shall have control of all public ways in the Town except such as may be under the jurisdiction of the State Roads Commission of Maryland or Prince George’s County and subject to the laws of the State of Maryland and this Charter, the Town may do whatever it deems necessary to establish, operate, and maintain in good condition the public ways of the Town; and

**WHEREAS**, pursuant to § 25-102 of the TR Art. of the State Code, the provisions of the Maryland Vehicle Law do not prevent a local authority, in the reasonable exercise of its police power, from exercising the following powers as to highways under its jurisdiction: (1) Subject to the provisions of § 21-1003.1 of said article, regulating or prohibiting the stopping, standing, or parking of vehicles; ...(10) Altering speed limits as provided in Title 21, Subtitle 8 of said article; and

**WHEREAS**, pursuant to § 21-803(b) of the Transportation Article of Md. Ann. Code in school zones designated and posted by the local authorities of any municipality within each county may decrease the maximum speed limit in a school zone within the municipality to 15 miles per hour during school hours, provided the municipality pays the cost of placing and maintaining the

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

necessary signs; and

**WHEREAS**, the Council finds it to be in the best interest of the Town to amend the Town’s parking and traffic ordinances as provided herein below.

**SECTION 1.**

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOREST HEIGHTS**, that Article 15 (Parking and Traffic) of the Town of Forest Heights Ordinance Code as written herein below is hereby enacted, adopted, revised and amended such that said Ordinance Code and said Article shall henceforth read as follows:

\* \* \*

**ARTICLE 15 – PARKING AND TRAFFIC**

**Section 15.3.2. Parking and truck restrictions.**

Except as necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or a traffic control device, no person shall stop, stand or park any vehicle or operate a truck or commercial vehicle as stated below in any of the following places within the Town:

A. Within 60 feet of any designated school crosswalk between the hours of 8:00 a.m. and 5:00 p.m.;

B. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or traffic control signal located at the side of the roadway;

C. ~~[In such a position that either wheel on the side of the vehicle closest to the curb or edge of the paved street is more than 12 inches from said curb or edge]~~ EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, A VEHICLE THAT IS STOPPED OR PARKED ON A TWO-WAY ROADWAY SHALL BE STOPPED OR PARKED PARALLEL TO THE RIGHT HAND CURB OR EDGE OF THE ROADWAY, WITH ITS RIGHT HAND WHEELS WITHIN 12 INCHES OF THAT CURB OR EDGE OF THE ROADWAY, AND A VEHICLE THAT IS STOPPED OR PARKED ON A ONE-WAY ROADWAY SHALL BE STOPPED OR PARKED PARALLEL TO THE CURB OR EDGE OF THE ROADWAY, IN THE DIRECTION OF AUTHORIZED TRAFFIC MOVEMENT, WITH ITS RIGHT HAND WHEELS WITHIN 12 INCHES OF THE RIGHT HAND CURB OR EDGE OF THE ROADWAY OR ITS LEFT HAND WHEELS WITHIN 12 INCHES OF THE LEFT HAND CURB OR EDGE OF THE ROADWAY; or;

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

\* \* \*

**Section 15.5. Speed prohibited.**

A. No motor vehicle shall be operated upon any street, road or alley within the corporate limits of the Town, except Indian Head Highway, the Capital Beltway and Livingston Road, at a speed greater than [20] 25 miles per hour under any circumstances or conditions, except for emergency vehicles as permitted under the provisions of the Maryland Transportation Article, and the Motor Vehicle laws of Maryland.

B. No motor vehicle shall be operated at a speed greater than 15 miles per hour in school or playground areas or zones ALONG MUNICIPAL STREETS designated and posted by the Town Council pursuant to Section 15.3 and State law.

\* \* \*

**SECTION 2. AND BE IT FURTHER ORDAINED AND ENACTED**, that any prior ordinances adopting and enacting any provision of Article 15 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 herein shall be deemed repealed and superseded by the provisions of this Ordinance. Should a previously enacted ordinance cover a provision or 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 upon passage, the Town Clerk 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 November 2022.

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

<u>ROLL CALL VOTE</u>	<u>YE/NAY/ABSTAIN/ABSENT</u>
WASHINGTON	_____
ATKINSON	_____
BARNES	_____
HINES	_____
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 November 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: \_\_\_\_\_

\_\_\_\_\_

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