



# TOWN OF FOREST HEIGHTS

## PUBLIC HEARING

**Monday, December 5, 2022 @ 6:30PM**

5508 Arapahoe Drive,  
Forest Heights, MD 20745  
Town Hall

## AGENDA

- I. Call to Order
- II. **Presentation of Proposed A22-01:** 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.
- III. **Public Comment on Proposed A22-01:** 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.
- IV. **Adoption of 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.
- V. Adjourn

ForestHeightsFacebook

Zoom Dial-In 1-301-715-8592

Meeting ID Meeting ID: Meeting ID: 86008316885

**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

Re: Change Legal Name of Municipality

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.

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CAPITALS	:	Indicate matter added to existing law	Page 2 of 4 (CAR 02-22)
<del>[[Brackets]]</del>	:	Indicate matter deleted from existing law	
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.	

**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

Re: Change Legal Name of Municipality

\_\_\_\_\_  
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.