



## **PLANNING COMMISSION MEETING**

**Minutes of February 26, 2018 6:00 p.m.**

**County Commissioners Meeting Room  
La Plata, Maryland 20646**

The Charles County Planning Commission held its regularly scheduled meeting on Monday, February 26, 2018 at 6:00 p.m. in the Charles County Government Building, La Plata, Maryland.

The following persons were present:

Angela Sherard, Chairman  
Rosemin Daya, Secretary  
Buddy Bowling  
Nancy Schertler  
Vicki Marckel  
Rick Viohl  
Wayne Magoon  
Elizabeth Theobalds, Deputy County Attorney  
Jessica Andritz, Associate County Attorney  
Steve Kaii-Ziegler, Director of Planning and Growth Management  
Christina Pompa, Acting Planning Director  
Karen Wiggen, Planner III  
Jason Groth, Chief of Resources and Infrastructure Management  
Charles Rice, Program Manager  
Yolanda Hipski, Program Manager  
Heather Kelley, Planner III  
Sheila Geisert, Acting Clerk

1. **Call to Order:**

The Chairman called the meeting to order at 6:00 p.m. with a quorum of seven members.

2. **Approval of the Agenda:**

Mr. Magoon proposed a change to the agenda. Mr. Bowling moved that the

amended agenda be approved; it was seconded by Ms. Daya and approved unanimously.

3. **Approval of the Minutes:**

A **MOTION** was made by Ms. Schertler to approve the January 22 minutes with the revisions offered by Ms. Schertler, was **SECONDED** by Mr. Bowling. The vote was all in favor. The **MOTION** was approved.

4. **Chairperson's Comments:**

Chairperson Sherard said a farewell and thank you to Mr. Steve Ball and Ms. Theresa Pickerel. She then welcomed Ms. Christina Pompa as the Acting Planning Director and technical advisor.

5. **Personal Appearances:**

None

6. **Public Hearing:**

None

7. **Public Meetings:**

**Briefing and Public Meeting on Draft Charles County Watershed Assessments**

Gilbert Swamp Watershed Assessment; Nanjemoy Creek Watershed Assessment; Upper, Middle, and Lower Potomac River Watershed Assessment; Wicomico River Watershed Assessment; and Zekiah Swamp Watershed Assessment. This briefing and public meeting is an opportunity for the Planning Commission and the public to provide comments.

The Comment period will be open for thirty (30) days and end on March 28, 2018. All comments received will be addressed in a written format, which will be included with the assessments when they are forwarded to the Maryland Department of Environment for review.



Presenters: Karen Wiggen (Planner III);  
Michael Pieper, Senior Project Mgr., KCI Technologies, Inc.

Staff introduced Michael Pieper to the Planning Commission. Mr. Pieper is a consultant to the County and presented their watershed assessment findings.

Chairperson Sherard thanked Ms. Wiggen and Mr. Pieper for the detailed report and advised the Planning Commission that as a briefing and public meeting, this requires no motions by the Planning Commission. She reminded the commission members as well as the public that comments should be submitted to Ms. Wiggen on this the Watershed Assessments report. Any comments pertaining to the Charles County Watershed Assessments will be received until March 28, 2018. Comments should be emailed to [wiggenk@charlescountymd.gov](mailto:wiggenk@charlescountymd.gov) or Charles County Planning Department, 200 Baltimore St., La Plata, MD 20646. At the close of the comment period, a report with comments will be sent to the Maryland Department of the Environment.

Many questions were raised by commission members regarding the report. Mr. Pieper reminded commission members the scope of work for this study is urban stormwater. Staff advised that the county has a robust Capital Improvement Project (CIP) through the Charles County Department of Public Works (DPW). DPW manages two Bay Restoration Fund Grants. For failing septic systems: there is a grant to assist in the upgrade of a septic system and another grant to connect a home with an existing failing septic system to the sewer system. The other is the County's septic pump-out reimbursement fund which will partially reimburse the homeowner.

A commission member pointed out that Page 112 of the Charles County Watershed Assessments report stated that Cobb Island had no sewer service, and Page 116 of the Charles County Watershed Assessments report stated that Swan Point had no sewer service, both those areas have sewer service. Ms. Wiggen agreed and said the information would be corrected. The record would be kept open until March 28, 2018 for comments on the Charles County Watershed Assessments report.

During public comment, Ms. Redding spoke to the Planning Commission members and staff. She recommended Charles County adopt the philosophy of King George, VA requiring septic tanks be pumped out every five years.



8. **Work Session:**

**Review of Capital Improvement Projects for Consistency with the Comprehensive Plan**

Annual Presentation for the Planning Commission to make a determination of consistency, for each new Capital Project with the 2016 Charles County Comprehensive Plan.

Presenter: Jason Groth, Chief, Resource & Infrastructure Management

After staff presentation and several questions, a **MOTION** was made by Mr. Magoon that Chairperson Sherard sign an amended letter to the County Commissioners having approved 33 Capital Improvement Projects for funding in the 2019-2023 fiscal year.

A **SECOND** was made by Mr. Bowling. The vote was all in favor. The **MOTION** was approved.

Mr. Viohl requested that next year this report include an indication of which projects were previously funded and which are new projects.

9. **Old Business:**

**A. 2018 Election of Officers**

The Commissioners appointed Ms. Sherard as the Chairperson for a term ending December 31, 2018. Ms. Sherard called for nomination of Officers for the positions of Vice Chair and Secretary. Ms. Schertler nominated Mr. Bowling as Vice Chairman, Mr. Magoon seconded the nomination. Ms. Schertler called for the close of nominations, seconded by Mr. Magoon. A **MOTION** was made by Ms. Schertler and **SECONDED** by Mr. Magoon. The vote was unanimous, and the **MOTION** was approved to appoint Mr. Bowling as Vice Chairman.

Mr. Magoon nominated Ms. Daya as Secretary, Ms. Schertler seconded the nomination. Mr. Magoon called for the close of nominations, which

was seconded by Ms. Schertler. A **MOTION** was made by Mr. Magoon and **SECONDED** by Ms. Marckel. The vote was unanimous, and the **MOTION** was approved to appoint Ms. Daya as Secretary.

#### **B. Planning Commission Rules of Practice and Procedure**

The matter under discussion was regarding the recusal process. Staff presented a recommendation. Any member who has a direct or indirect personal or pecuniary interest in a matter before the Commission shall recuse themselves. The intention to recuse must be stated prior to the staff presentation and the recusing Planning Commission member must not be present in the meeting room during the presentation, the discussion, and the vote.

Ms. Schertler asked to change the language to read “*Any member who has a **conflict of interest personal or financial** in a matter before the Commission shall recuse themselves. The intention to recuse must be stated prior to the staff presentation and the recusing Planning Commission member must not be present in the meeting room during the presentation, the discussion and the vote*”. Abstaining from a vote to adopt the proposed change to the rules changed the language for: “Each member can abstain from a vote and cannot be compelled to vote. Any member who intends to abstain from a vote must state his intent to abstain prior to the staff presentation”.

A **MOTION** was made by Ms. Daya to adopt the amended changes to the Rules of Procedure and was **SECONDED** by Mr. Magoon. The vote was unanimous, and the **MOTION** was approved.

- C. Mr. Magoon submitted a Letter to the Planning Commission members to request the members consider a Motion for Reconsideration of Woods Edge Preliminary Plan, XPN 15-0007. After much discussion of the procedure, Mr. Magoon asked that his letter be withdrawn from consideration. Mr. Bowling, made a **MOTION** to have the letter of reconsideration withdrawn, it was **SECONDED** by Ms. Marckel. The vote was unanimous, and the **MOTION** was approved.



10. **New Business:**

**Motion for Reconsideration of Woods Edge Preliminary Plan,  
XPN 15-0007**

Under Article V: of the Planning Commission Rules of Practice and Procedures, Ms. Marckel made a **MOTION** to accept the reconsideration/revision request for the decision made by the Planning Commission on the Woods Edge Preliminary Plan, XPN #15-0007. As grounds for reconsideration, Ms. Marckel referred to the applicant's letter of submittal dated February 5, 2018 for the Planning Commission to either revise and/or modify. The applicant's letter raised a mistake of fact, law, and a change in circumstances as a basis for revision and/or modification. The **MOTION** was **SECONDED** by Mr. Magoon.

A roll call vote was taken. The results were as follows:

Mr. Bowling – Yes  
Mr. Magoon – Yes  
Ms. Marckel – Yes  
Ms. Schertler – No  
Mr. Viohl – No  
Ms. Daya – No  
Ms. Sherard – Did Not Vote

The **MOTION** failed because the reconsideration would have required five (5) votes in accordance with Article V, Section 4.b.iii(a)(2) of the Planning Commission Rules of Practice and Procedure. The Chair did not exercise her right to vote as it would not have affected the outcome.

There was discussion between Ms. Daya, Ms. Theobalds, Ms. Sherard, Ms. Schertler, and Mr. Kaii-Ziegler about who will represent the Planning Commission majority vote at the Board of Appeals hearing. The issue as expressed by Ms. Schertler is that the Zoning Ordinance indicates it is the Zoning Officer that represents the County, which is a problem because the Zoning Officer does not agree with the majority vote. Mr. Kaii-Ziegler stated that the language in the Zoning Ordinance is for cases where the Planning Commission has approved a project that is later appealed by a member of the public. In that case, the staff is in support of the Planning

Commission's decision. This is a different scenario and as such the Planning Commission will be represented by their legal counsel as there is a difference of opinion between the Planning Commission decision and the recommendation of the County Staff.

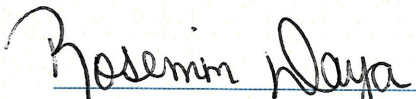
Ms. Schertler asked for the results of the two Preliminary Plans which were approved by the Planning Commission and were then overturned by the Board of Appeals. She would like the Planning Commission to be supplied a status for those rulings. Ms. Theobalds will obtain the information requested and provide the status at a subsequent meeting.

**11. Director's Report:**

Ms. Pompa provided information requested at a previous meeting regarding the four (4) projects in the pipeline which were approved since the Comprehensive Plan was adopted and became effective on July 12, 2016. As the hour was late, she recommended the documents provided be discussed at a subsequent meeting.

**12. Adjournment:**

A **MOTION** was made by Mr. Bowling, **SECONDED** by Ms. Daya to adjourn the meeting. The meeting adjourned at 10:10 p.m.

  
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Rosemin Daya, Secretary

  
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Sheila Geisert, Clerk