

**Regular Meeting of County Commissioners**

**Tuesday, September 24, 2019**

The regularly scheduled meeting of the County Commissioners was convened at 2:03 p.m. with the following persons in attendance:

Reuben B. Collins II, Esq., President, County Commissioner  
Bobby Rucci, Vice President, County Commissioner  
Gilbert O. Bowling, III, County Commissioner  
Thomasina O. Coates, M.S., County Commissioner  
Amanda M. Stewart, M.Ed., County Commissioner  
Mark Belton, County Administrator  
Wesley Adams, County Attorney  
Carol A. DeSoto, Acting Clerk to the Commissioners

**Open Session**

Commissioner Collins called the meeting to order and led the pledge of allegiance

**Recognition: Proclamation 2019-36 - Charles County Opioid Overdose Awareness Day**

The Commissioners proclaimed September 24, 2019 as Charles County Opioid Overdose Awareness Day. Proclamation 2019-36 was received by members of the Charles County Department of Health.

**Recognition: Citation - Charles County Sheriff's Correction Officers CFC Eric Keys and CPL**

**Phillip Norris**

The Commissioners presented Officers Eric Keys and Officer Phillip Norris, Charles County Sheriff's Correction Officers with citations honoring their courageous act of heroism to save the life of an injured woman.

**Recognition: New Employee Introductions; Employee Years of Service (August and September) and Retirees**

The Commissioners recognized new employees; those employees celebrating milestone years of service and retirees in the months of August and September 2019.

**Commissioners' Comments**

There were no comments.

**Approval of the Minutes of September 17, 2019**

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the minutes of September 17, 2019.

**Notice of Tentative Agenda of October 1, 2019**

Ms. Carol DeSoto, Acting Clerk, announced the tentative agenda for October 1, 2019.

**Approval Items**

*Ebuds:*

*FY2020 Budget Transfer Request #7201 Land Acquisition*

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this transfer would move funding from the FY16 Rural Legacy Program to the FY20 Agricultural Preservation Program for the acquisition of a conservation easement of a property located in Nanjemoy contiguous with property owned by the Nature Conservancy. This property is located within a high

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priority area of preservation. The Agricultural Land Preservation Advisory Board voted to transfer the funding from the Rural Legacy Capital Improvement Program (CIP) to the Agricultural Preservation account.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Transfer Request #7201 Land Acquisition for two hundred thousand dollars (\$200,000.00).

*FY2020 Budget Transfer Request #7214 Stoddert Construction*

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this transfer would cover the remaining contract value for the General Contractor for the Stoddert Renovation Project. There is available funding in the Board of Education Contingency-Inflation Project.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Transfer Request #7214 Stoddert Construction for two hundred and forty-six thousand dollars (\$246,000.00).

*Budget Information:*

*Fund Balance Policy*

Ms. Jenifer Ellin, Director, Fiscal and Administrative Services, reviewed the few redline changes to the Fund Balance Policy.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the changes to the Fund Balance Policy.

*Fiscal Year 2021 Budget Calendar*

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that the first step to the FY2021 Budget process was the approval of the two (2) budget calendars. Mr. Dyer read the proposed FY2021 Budget Calendars.

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the Fiscal Year 2021 Budget Calendars.

*Standard Operating Procedure:*

Ms. Danielle Mitchell, Associate County Attorney, II, reviewed the redline changes to the proposed Standard Operating Policy (SOP) State Annual and Local Legislative Package-Process/Guidelines.

Commissioner Stewart commented that all the requested revisions were reflected in this redline version of this standard operating policy.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the Standard Operating Policy: State and Local Legislative Package-Process/Guidelines-CP.CAT.01.001.

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*Letters:*

*Draft Reimbursement Letter -Holly Hall*

Mr. Wes Adams, County Attorney, explained that he was seeking approval for the wording of this letter which would refund five hundred and eighty-five thousand dollars (\$585,000.00) for the termination of the Development Rights and Responsibilities Agreement (DRRA) for Holly Hall Subdivision. He said that if this letter was approved and is accepted by the developer then a public hearing should be held.

Commissioner Stewart questioned if the original DRRA agreement has a provision to refund the DRRA. She questioned the original date of this DRRA and when it would expire.

Mr. Adams responded that there is no obligation to refund the DRRA to the developer and that this original agreement was signed over ten years ago and would expire in twelve years, 2019. He explained that this request is different since the land will not be developed. The property will be preserved.

Commissioner Stewart continued to voice her concerns that this would open the line for other developers and that no policy was presented that the County that would allow giving back this money. She felt that this was not the proper way to present this since it was a larger conversation and not just one landowner.

Mr. Adams clarified that the legal ramification was that there was no legal obligation to refund the money. It would be a policy decision not a legal decision. From a policy perspective, this situation was incredibly unique.

Commissioner Bowling read the proposed letter out loud and stated that it would not transfer the DRRA and would put the land in preservation. He felt that this would be best for the County.

Commissioner Rucci felt that the County was not losing anything since it did not cost the County anything to hold this money.

Commissioner Stewart explained that it was not this property or land that was the issue. She could not support this decision since it was not based on any written policy.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Rucci, Bowling, Coates and Collins present, voting in favor to approve the draft reimbursement letter-Holly Hall as drafted. Commissioner Stewart was opposed. A roll call vote was taken with Commissioner Bowling-yes; Commissioner Stewart-no; Commissioner Coates-yes, Commissioner Rucci-yes; and Commissioner Collins-yes. The motion passed four (4) to one (1).

*Letter of Support- Southern Maryland Agricultural Development Commission (SMADC)*

Commissioner Bowling explained that this letter of support is requesting the Governor for level funding for the Southern Maryland Agricultural Development Commission's Fiscal Year 2021 budget. This would be the same amount collected every year.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the Letter of Support for the Southern Maryland Agricultural Development Commission (SMADC).

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*Letter of Request-Governor's Budget*

Mr. Mark Belton, County Administrator, reviewed notes on his discussion on September 17, 2019, in which the Commissioners were informed of the opportunity to make a request for consideration in the Governor's budget submission to the General Assembly. He reviewed the three (3) options for consideration:

1. Funds to be used toward a Visitor's Center for the Mallows Bay National Marine Sanctuary
2. Rich Hill Farmhouse.
3. Route 301 Interchange.

A motion was made by Commissioner Bowling to request funds for option one (1). He later withdrew his motion.

Commissioner Stewart felt that option three (3) the Route 301 Interchange had a huge implication and will show the Governor that Charles County needs the Route 301 Interchange. She felt the other projects were important but could be worked on in the County and through the Capital Improvement Program (CIP) during the budget process. She felt the Route 301 project would align with the Governor's funding of transportation and to help build the economy in our County.

Commissioner Collins added that no money was guaranteed. He looked at the practicality of option one (1) but felt Commissioner Stewart was persuasive. He agreed and felt persuaded by our own need and felt that option three (3) was an extremely important priority.

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor of option three (3), the Route 301 Interchange.

**Commissioners' New Business**

There was no new business discussed.

*\*Break 3:24 p.m. -3:33 p.m.*

**Work Session: 2020 State Legislative Proposals**

The Commissioners were joined by members of the Charles County Delegation, Senator Arthur Ellis, Delegate Edith Patterson, Delegate CT Wilson and Delegate Debra Davis, to discuss proposals presented at the September 10, 2019 Public Hearing on the 2020 State Legislative Proposals. Ms. Danielle Mitchell, Associate County Attorney, II, read each proposal for consideration to include in the Charles County Legislative Package. During the discussion it was clarified that proposals that have statewide implications would not be considered for the Charles County Legislative package. Only Charles County proposals.

1. *Medical Marijuana Use in a Correctional Facility.*

The Commissioners requested that this proposal be brought back on October 1, 2019 for further discussion and consideration.

2. *Service of Emergency Commitment Orders.*

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The Commissioners requested that this proposal be brought back on October 1, 2019 for further discussion and consideration.

3. *Transparency of Extreme Risk Protective Orders.*

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to not include this proposal in the Charles County Legislative Package.

4. *Rural Planning and Zoning Task Force - Amend Maryland Public Safety Code §12-508 (e) to allow Charles County to join ten (10) other Maryland counties and opt-in to legislation which allows certain agritourism buildings certain exemptions from building codes.*

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to include this proposal in the Charles County Legislative package.

5. *A proposal to amend §11B-104(c) of the Real Property Article, Annotated Code of MD to allow the Homeowners Association Dispute Review Board (HOADRB) to enforce GOVERNING DOCUMENTS of the Homeowners Association (HOA), instead of "recorded covenants of restrictions" ...*

This is a Statewide issue.

6. *Southern Maryland Carousel Group - Legislative request for no match grant of \$300,000 to fund Southern Maryland Carousel and wood carving center.*

This is a Bond Bill which the Charles County Delegation will consider at the Public Hearing on October 15, 2019.

7. *Southern Maryland Carousel Group - Amendment to Authorizing act to extend the termination date of the existing grant in the amount of \$25,000, originally approved in 2012 and known as GO62.*

This is a Bond Bill which the Charles County Delegation will consider at the Public Hearing on October 15, 2019.

8. *A proposal to re-introduce H.B. 1051 – Charles County – Landlord and Tenant – Repossession for Failure to Pay Rent – Procedures, introduced by Del. Wilson in 2019 Session of Md General Assembly.*

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to not include this proposal in the Charles County Legislative Package.

9. *A Proposal to support the Veterans Medical Marijuana Safe Harbor Act*

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It was decided that this was a Statewide issue. It was suggested that the National Association of Black Veterans follow-up with the TriCounty Council of Southern Maryland.

10. *A proposal to establish commuter transportation service to/from Veterans Administration.*

It was decided that this was a Statewide issue. It was suggested that the National Association of Black Veterans follow-up with the TriCounty Council of Southern Maryland.

Charles County NAACP late additions, not-numbered:

- *A proposal to give Commissioner Line-Item VETO Power for any New Budget Items not in line with good order for the County without substantiated documentation and or Data to support the need for funding.*
- *A proposal to meet certain requirements before funding approval, to include data, justification, and public hearing.*
- *A proposal to implement an independent oversight committee to supervise, manage and update the Commissioners and the Community on disciplinary actions taken by CCPS involving PreK-2nd grade students.*

It was decided that these are issues that should be handled within the County with the duly elected Board of Education.

11. *A Proposal to Provide Broadband to All Parts of Charles County Not Currently Serviced, Funded by Legislation That Will Allow Slot Machines Over the Water of the Potomac River.*

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to include this proposal in the Charles county Legislative package.

12. *A proposal to amend Alcoholic Beverage Article, § 2-216 Ann. Code of MD to allow owners of small family farm wineries to also have an ownership interest in a small family-owned business establishment that sells alcohol.*

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to include this proposal in the Charles County Legislative package.

Senator Ellis and Delegate Wilson agreed to cross file this legislation.

13. *A proposal to introduce new legislation that would require all retail liquor establishments in Charles County to post a warning about the dangers of over-consumption of alcohol, which leads to DUI/DWI arrests and accidents.*

A motion was made by Commissioner Bowling but withdrawn when it was determined that this issue would be addressed in the County.

14. A proposal to Amend Alcoholic Beverages Laws in Charles County to allow the holder of a Class D -- license to apply for a different type of Class D license for the same location by exempting this type of new license from the current quota system.  
The Commissioners requested that this proposal be put on hold.

15. A proposal to amend the IRS Code to reduce tax rates and modify policies ... For senior citizens 65 and older...  
This is a Federal issue.

16. A proposal to eliminate income taxes on social security benefits....  
This is a Federal issue.

17. A proposal to implement a statewide annual registration fee for PHEV and EV vehicle registrations fees.  
This is a Statewide issue.

18. A proposal to install Automated Speed Enforcement (ASE) cameras in all identified problem areas.  
This is a Statewide issue.

19. A proposal to amend Maryland Manual on Uniform Traffic Control Devices, Section 2B.04 by removing the word "should" from "(05) YIELD or STOP signs should not be used for speed control"  
This was a Statewide issue.

20. A proposal to amend Section 9-310 of the Tax Property Article, Annotated Code of Maryland, to allow for implementation of a real property tax credit for certain Senior Veterans.  
Commissioner Collins tabled this until there is a clear handle on the budget effect of Kirwan.  
He also expressed the need for the County to look at the duplication of services.

21. A proposal to provide individuals whose government issued identification expired while incarcerated a temporary updated/valid ninety (90) day identification/driver's license from the Motor Vehicle Administration upon release.  
This is a Statewide issue. Senator Ellis and Delegate Wilson agreed to cross file this legislation.

22. A proposal to add Charles County to Chapter 160 / H.B. 1155 -- Prince George's County -- Disposal of Bulky Items -- Penalties - which Passed the 2019 Session of the Maryland General Assembly and will allow Charles County to adopt an ordinance and impose certain penalties for illegal dumping in Charles County.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to include this proposal in the Charles County Legislative package.

23. A proposal to amend Section 9-310 of the Tax Property Article, Annotated Code of Maryland, to allow for implementation of a real property tax credit for certain County employees and volunteers.

Commissioner Bowling tabled this proposal.

24. A proposal to increase the mandated amount of funding to the Tri-County Council for Southern Maryland from \$9,000 to \$125,000.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to include this proposal in the Charles County Legislative package. Commissioner Stewart was opposed. The motion passed four (4) to one (1).

25. A proposal to allow certain County Government employees the right to organize, choose exclusive representative organizations and bargain collectively with the County over wages, hours, benefits, and other terms and conditions.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to include this proposal in the Charles County Legislative package.

26. A proposal for non-motor vehicle offenses to be exempt from reporting as a motor vehicle driving violation for the purposes of insurance coverage and employment.

This is a Statewide issue.

27. A proposal to expunge or otherwise remove collections/judgments/debits that have been satisfied, or that are a certain number of years old, reducing the impact of employment denial for our students, seniors and entire community.

This is a Statewide issue.

28. A proposal to convene a community outreach effort or task force to learn about the challenges faced by residents of communities governed by Homeowner's Associations.

This is a Statewide issue.

29. A proposal to assist college graduates with student loan interest debt relief while receiving state supplemented assistance or while actively seeking employment.

This is a Statewide issue.



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30. *A proposal to establish the Charles County Special Taxing Districts, specifically with regard to the financing of convention centers, conference centers and visitors' centers, similar to that contained in HB 616, PG 428-07, Page 3, Paragraph 5 Section ii, Subsection 1,2,3, and 4, allowing for the financing of the construction and maintenance of meeting and events facilities, as well as the marketing of said facilities.*

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to include this proposal in the Charles County Legislative package.

Economic Development Staff will provide Delegate Wilson the study related to this proposal.

31. A proposal requiring certain property owners to convey rights-of-way easements to the County for maintenance of roadway, installation and maintenance of water, sewer, stormwater management, drainage, or broadband infrastructure within the right-of-way under certain circumstances.

The Commissioners requested that this proposal be brought back on October 1, 2019 for further discussion and consideration.

The following proposals were submitted by Delegate Debra Davis who stated that these were Statewide issues and would be discussed with the Charles County Delegation on October 15, 2019:

- *Proposal to elect school board members by resident District, i.e., similar to Commissioner districts; propose one (1) representative from each Commissioner District and three (3) at-large representatives.*
- *Propose minimum education standard for school board members.*
- *Limiting powers of school resource officers.*
- *Pretrial diversion.*
- *Return of Sales Tax on "deposits."*

At the conclusion of this work session, Commissioner Collins stated that the Closed Session items scheduled for today would be rescheduled for October 1, 2019.

**Closed Session \*\*Rescheduled**

*\*Break 5:36 p.m. - 6:02 p.m.*

**Public Hearing: Community Development Block Grant (CDBG) Program Haven of Hope**

Ms. Dina Barelay, Director, and Ms. Patricia King, Community Development Administrator, Department of Community Services, explained that this public hearing was to fulfill a requirement for the Department of Housing and Community Development, to hold a second and final public hearing on two (2) projects that received funds from the Community Development Block Grant Program (CDBG). The purpose of this second public hearing is for a brief project update to inform the public about the utilization of CDBG funds received in the County, but

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does not require any action by the Board of County Commissioners.

Ms. Barclay went on to explain that the Community Development Block Grant funds in the amount of three hundred and nine thousand dollars (\$309,000.00) were provided for the acquisition of a single family home in La Plata. The home is being operated by Lifestyles of Maryland to offer supportive housing for families who are homeless or at imminent risk of homelessness due to domestic violence. The property acquisition was completed at settlement with a local title company in December 2018. Ongoing performance reports from Lifestyles are required to meet the obligations of the grant, such as the number and demographic profile of persons who are housed at this location and services provided to them. She explained that the issues of domestic violence can be a very complex issue with many social implications, so there is also a requirement for Lifestyles to provide case management support to all participating families, in addition to the housing. She mentioned that Ms. Washington was here for programmatic questions, if needed.

There were no comments from the public.

A motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to close the public hearing.

**Public Hearing: Community Development Block Grant (CDBG) Program Waldorf Senior Center**

Ms. Dina Barclay, Director, and Ms. Patricia King, Community Development Administrator, Department of Community Services, briefed the Commissioners on the second final public hearing on the project that received funds from the Community Development Block Grant Program (CDBG).

Ms. Barclay explained that Department of Community Services received eight hundred thousand dollars (\$800,000.00) toward the acquisition of a thirty thousand (30,000) square foot building, located at ninety (90) Post Office Road in Waldorf. Eligibility for these CDBG funds was contingent upon operating a fully functional Senior Center. The County is required to provide ongoing performance statistics on the number of low-income older adults served at the Center. The department collects this type of data at all Senior Centers but will now submit these statistics to Maryland Department of Housing and Community Development (DHCD) to meet CDE requirements, in addition to its usual reporting. This facility is more than a Senior Center. The new Waldorf Center will serve persons of all ages through the partnership with Department of Recreation, Parks, and Tourism Recreation Division. She shared that the Center opened to the public this month and is already buzzing with activity. She stated that when employees arrived shortly before opening time on the very first day, there were about twenty (20) excited senior participants anxious to enter the Center. By mid-morning on the first day, the multi-purpose room was at about two thirds (2/3) capacity, and there were ninety (90) people registered for the daily lunch program. She mentioned that the official ribbon cutting will be on October 8, 2019.

There was one (1) comment from the public.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to close the public hearing.

**Public Hearing: Zekiah Watershed Rural Legacy Area Program Expansion**

Mr. Charles Rice, Program Manager, Department of Planning and Growth Management explained the Maryland Rural Legacy Program and how the Charles County's Rural Legacy Area Zekiah Watershed was designated. He

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Explained that the reasons for the proposed expansion was due to waning interest from property owners within the Existing area; strong interest in Allen's Fresh/Cobb Neck Region; existing zoning and Tier Maps support land Conservation; it falls directly within the Priority Preservation Area; and increasing State Funds available. He also Noted that that the Agricultural Land Preservation Advisory Board unanimously supports this expansion. If this Expansion is approved the grant application for expansion is due to Department of Natural Resources (DNR) in February 2020.

*\*Commissioner Stewart left the Dias at 6:51 p.m.*

There were twenty-three (26) people from the public who provided comments.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to keep the record open for fourteen (14) days. *\*Commissioner Stewart was not present for the vote.*

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with Commissioners Coates, Bowling, Rucci, and Collins present, voting in favor to close the public hearing. *\*Commissioner Stewart was not present for the vote.*

At 7:19 p.m., a motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with Commissioners Coates, Rucci, Bowling, and Collins present, voting in favor to adjourn. *\*Commissioner Stewart was not present for the vote.*



Carol A. DeSoto, Acting Clerk



Reuben B. Collins, II, Esq., President