

Regular Meeting of County Commissioners
Tuesday, February 11, 2020

The regularly scheduled meeting of the County Commissioners convened at 9:04 a.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
Wes Adams, County Attorney
Susan Ramsey-Claggett, Clerk to the Commissioners

Open Session

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

Introduction of Students: National Groundhog Shadow Day

The Commissioners introduced their assigned students by reading submitted bios.

Recognition: Winter Coat Drive of General Smallwood Middle School Student Government Association

The Commissioners recognized students who initiated, orchestrated and participated in their school's coat drive to assist their community.

Proclamation 2020-04: Black History Month

The Commissioners proclaimed the month of February as Black history month. Proclamation 2020-04 was received by Ms. Dyotha R. Sweat, President, Charles County NAACP and Dr. Warren Legget Representing Omega Psi Phi Fraternity, Inc. Tau Lambda Lambda Chapter.

Proclamation 2020-05: Project Linus – Make a Blanket Day February 21, 2020

The Commissioners proclaimed February 21, 2020 as Make a Blanket Day. Proclamation 2020-05 was received by Ms. Karen Huffman, Coordinator for Project Linus of Charles County and Members: Ms. Kaye Webb, Ms. Carol Magno and Ms. Sarah Carlson.

Commissioners' Comments

There were no comments.

Approval of the Minutes of February 4, 2020

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the minutes of January 28, 2020.

Notice of the Tentative Agenda of February 25, 2020

Ms. Susan Claggett, Clerk, announced the tentative agenda for February 25, 2020.

Approval Items

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eBuds:

FY2021 Budget Transfer #7475 – Detention Center Roof

Presenter: Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services

Mr. Dyer stated this budget transfer was for the total replacement of the Charles County Detention Center roof replacement project. He stated Capital Services is requesting to transfer funds from their contingency budget earmarked for the roof project.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci to approve Budget Transfer #7475, and passed.

FY2021 Budget Transfer #7476 – Detention Center Annex

Presenter: Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services

Mr. Dyer stated this budget transfer was also for the replacement of the Charles County Detention Center roof replacement project. He stated there are funds on their contingency budget for the replacement of the Charles County Detention Center Annex roof replacement project.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci to approve Budget Transfer #7476, and passed.

Lease Approval for Space for Capital Clubhouse – GymFit

Presenters Mr. Sam Drury, Chief of Recreation, Department of Parks, Recreation and Tourism and Ms. Daniëlle Mitchell, Associate County Attorney

Mr. Drury stated he was seeking approval to lease a portion of the second floor of Capital Club House. He stated there is approximately twelve hundred (1200) feet available. He stated GymFit Physical Therapy is seeking a two (2) year lease commencing April 1, 2020 for one thousand three hundred dollars (\$1,300) per month.

Commissioner asked if this was a similar lease presented last year. Mr. Drury replied it was a different lease for a sportings good store and who is currently on the premises.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates to approve Lease Approval for Space for Capital Clubhouse – GymFit, and passed.

Broadband Draft Letters of Support - Senators and Delegates

Presenter: Ms. Deborah Hall, Deputy County Administrator

Ms. Hall stated she was seeking approval for four (4) letters to State Senators and Delegates as a requirement for the grant. She explained that these letters are a requirement in the grant application process of notification to the State representatives that the County has applied for this grant. She reminded the Commissioners the deadline for submission is February 21, 2020, and therefore time-sensitive.

Commissioner Coates asked to include a letter to Delegate Proctor.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates to approve Broadband Draft Letters of Support - Senators and Delegates and to add an additional letter to Delegate Proctor, and passed.

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Charles County Legislative Summary

Presenter: Ms. Danielle Mitchell, Associate County Attorney.

Ms. Mitchell briefed Commissioners on legislative activities and referred them to the Legislative Tracking Report giving updates and statuses of several legislative items in the presented tracking record sponsored by the Charles County Delegation.

Ms. Mitchell reported there are a total of eight (8) House Bills in the tracking report, seven (7) House Bills scheduled for hearings and noted that there have not been any changes to House Bill 205, Rapid Transit Project. She is requesting a Letter of Support for House Bill 335, Public Safety – Buildings Used for Agritourism.

By consensus, the Board of Commissioners approved the Letter of Support for House Bill 335.

Ms. Mitchell stated that every House Bill has been cross-filed with a Senate Bill, with the exception of House Bill 344, Video Lottery Operation License – Expansion and Alterations. However, House bill 344 is scheduled for a hearing in the Ways and means Committee on February 20, 2020. Ms. Mitchell requested a Letter of Support for House Bill 344, Video Lottery Operation License – Expansion and Alterations. By consensus, the Board of Commissioners approved the Letter of Support for House Bill 344.

Ms. Mitchell requested a Letter of Support for House Bill 384, Charles County Illegal Disposal of Bulky Items. By consensus, the Board of Commissioners approved the Letter of Support for House Bill 344.

Ms. Mitchell noted that the Blueprint for Maryland's Future is currently under review with many funding options under consideration.

15 Minute Break

Session Resumed at 9:59 a.m.

Briefing: Government Alliance on Racial Equity (GARE)

Presenters: Ms. Deborah Hall, Deputy County Administrator and Ms. Alexis Blackwell, Director of Human Resources.

Ms. Hall began by introducing her team, Ms. Catherine Reisinger, Department of Planning and growth Management, Mr. Jon Filer, Department of Emergency Services and Ms. Dina Barclay, Department of Community Services. Ms. Blackwell offered an overview the GARE approach. She stated there are 3 stages within the GARE approach beginning with “normalizing” which normalizes the conversation about race and use a racial equity framework going forward. She continued with the second stage of GARE as “organizing”, to train staff on racial equity and the use of equity tools. Ms. Blackwell moved to the final stage of the GARE approach, the goal of implementing racial equity tools, disaggregating data by race, paying attention to what the data reveals and then taking action.

Ms. Hall explained the five (5) dimensions of the racial equity tool as proposals, data, community engagement, analysis and strategies, and implementation. Based on the data received, Ms. Hall announced that the GARE project will be focused on public transportation needs.

Commissioner Stewart questioned the procedure of how the survey was delivered or sent out. Ms. Hall responded that surveys were handed-out to riders for approximately a week to collect data. Commissioner Stewart stated she believes there are flaws within distribution and delivery of the surveys because it does not include those who cannot ride the bus for various reasons. She stated the importance of surveying the County as a whole because the data does not reflect those who would be willing to ride on public transportation, however, are unable due to current scheduling and routes. She encouraged the GARE team to find ways to broaden the survey.

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Ms. Hall agreed with Commissioner Stewart and stated they are working on their strategy to include meeting with 30 local organizations. She stated there is much more data, but only pulled out relevant portions of data for today's presentation.

Ms. Blackwell reviewed the data presented and stated there was two (2) reasons the GARE Team chose public transportation as their project. She explained the first reason was the large percentage (78%) of riders are people of color. She stated her team felt they could have the greatest impact due to the percentage of people of color using public transportation as a way to get to and from their employment.

Ms. Hall explained the next steps included review of the cost proposal and to determine service options with the greatest impact on people of color.

Commissioner Stewart noted the absence of scheduled stops within the large neighborhoods off of Route 228. She challenged the GARE Team and the Director of VanGo to amend the schedule to include stops within the neighborhoods, so people are not waiting for VanGo on Route 228.

Commissioner Coates stated there is a general lack of transportation on the County's westside.

Ms. Hall stated these were points of discussion and would be addressed.

Ms. Hall stated the GARE Team is on step three, community outreach. She added before moving forward, the GARE Team is requesting a commitment on a range of funding from the Commissioners, whether that be pre-budget or post-budget before speaking with the community.

Commissioner Stewart stated she feels it would be inappropriate to allocate funds at this time, however agrees focusing on the marketing plan and additional community surveying would be appropriate.

Commissioner Collins agreed with Commissioner Stewart. He added he is prepared to agree with the GARE concept as a model program template in incorporating analysis and prioritizing transportation. He reiterated that agreement on the GARE concept be adopted first, followed by allocation of funds to move forward.

Ms. Hall stated the GARE Team will return after developing plan with Media Department, with a cost proposal to be more in-line with budget and list of project priorities.

Briefing: Watershed Conservation District Recommendations Timeline

Presenters: Ms. Jeni Elin, Director, Department of Fiscal and Administrative Services, Mr. Jason Groth, Planning Director, Department of Planning, Growth and Management, Mr. Charles Rice, Assistant Chief of Planning, Planning Growth and Management, Mr. Taylor Yewell, Redevelopment Manager, Economic Development.

Mr. Groth stated the briefing was based on a prior directive from the Board of Commissioners to have staff complete a physical impact analysis to include property values within the Watershed Conservation District (WCD) and the overall impact on the larger community. Mr. Rice offered the back-ground on the WCD and rezoning of properties from various rural, residential and commercial properties that fell into the new zoning. He added the rezoning was implemented in order to meet and implement the goals and objectives of the 2016 Comprehensive Plan. Mr. Rice listed the general requirements and purposes of the rezoning. He stated the Department of Natural Resources (DNR) issued a report quantifying the eco system services of Charles County's natural resources. He added DNR looked at six (6) perimeters that included wild habitat, stormwater, nutrients, ground water, air pollution and carbon. Mr. Rice stated the State quantified the total eco system service to be five hundred seventy-seven million dollars (\$5,077,000) per year. Mr. Rice stated the storm water mitigation economic value is three hundred seventy-one million seven hundred sixteen thousand eight hundred sixty dollars (\$371,716,860).

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Ms. Ellin reviewed recent State Assessment Data which indicated increases property values within the WCD from January 2017 to January 2020, with the exception of nine (9) Commercial Residential properties and three (3) Apartment properties. She noted that there was an increase of a six-point six percent (6.6%) overall.

Commissioner Stewart queried the reason for the assessed values of these properties increased so drastically. Ms. Ellin stated she was not certain however she believed the Department of Planning Growth and Management (PGM) might be able to expound as to the increases.

Mr. Yewell gave a briefing on the economic assessment of the Bryans Road area. He indicated the scope of analysis of PGM is smaller as it focuses specifically on the Bryans Road area, to include the Maryland Airport. Mr. Yewell emphasized the analysis focuses on demographic and socioeconomic trends, retail and commercial assessments, housing market, implications to the economic development due to the rezoning.

Mr. Rice highlighted current changes such as the Zoning Text Amendment 19-155 and the WCD Zone Transitional and Grandfather Provision and the rezoning of the Maryland Airport. He added that an amendment for Intrafamily Transfers of Property, density and lot size requirements and the use of Transferrable Development Rights (TDR) in areas served by public water and sewer.

Commissioner Coates inquired as to what the implications of the amendments within the WCD might be and whether there was had been a study regarding possible implications. Mr. Rice responded that the amendments remained in synch with the overall recommendations from the environmental agencies.

Commissioner Rucci requested that Mr. Rice to bring the amendments back before the Commissioners to explain each one to the Board of Commissioners at the next scheduled discussion. Commissioner Rucci stated he recalled there were possibly eighteen (18) to twenty (20) amendments added and adopted without a Public Hearing by the prior presiding Board of Commissioners. Mr. Rice concurred with Commissioner Rucci. Mr. Rice stated that PGM believes the information that Department of Economic Development provides in the pending report will offer additional information to help form new recommendations for the Commissioners to consider. Mr. Yewell stated the report should be delivered in early March 2020.

Commissioner Stewart stated it would be interesting to compare 2015-2016 data to the most current data to understand how an account of the WCD is taken. She asked the economic impact and revenue that the county's waterways be included in the information gathering.

Commissioner Stewart stated that she and her colleagues must be responsible as they consider received data on the eco systems and putting policies in place. She challenged her colleagues to consider the possibility of no longer being the Southern Maryland once remembered as children and to leave the eco system and waterways for our children to take pride in. She challenged her colleagues to spend money to fix the existing water and sewers ways, not building new water and sewer ways. Commissioner Stewart challenged her colleagues to consider the next ten (10) years that the County's monies and revenues should be focused on fixing the County's failing infrastructure. She stated she looks forward to a balanced discussion of both sides of the economic development issue as well as the benefit of the Southern Maryland lifestyle. Commissioner Stewart reminded the Planning Commission the first Annual report for 2021 will be due soon.

Commissioner Coates concurred with Commissioner Stewart's statements of the importance of the Southern Maryland eco system. She stated she would like more information as to the implications of the twenty-two (22) unvetted and reckless amendments imposed on the WCD and challenged her staff to gather additional information. She also stated that it is good to "share the wealth" as there are other waterways that are impacted in other districts and that she looking for additional avenues to share the burden with other districts. Commissioner Coates stated she believes all the districts share the responsibilities of the WCD impact.

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Commissioner Stewart stated she is open to a conversation with Commissioner Coates should she be interested in looking at other waterways that are protected within the County. She stated she was present when the referred amendments were discussed and would be happy to review the rationale behind the decisions of the WCD. Commissioner Stewart suggested that Commissioner Coates reach out to the actual persons who developed and created the amendments with questions and to review the actual recording of the Commissioner Meeting. She opined that a review of the Tier maps may offer zoning answers and add clarity for the public on this issue. She encouraged staff to include this issue in the next discussion.

Commissioner Coates agreed stating she believes the amendments should have been more comprehensive with a more sensible solution.

Commissioner Stewart disagreed. She stated it is important to say she does not think the recommendations were based on data but based on the will of a few people.

Commissioner Coates stated she disagreed that Commissioners or any other persons influenced Planning Growth and Management (PGM) staff. She added she knew she had not influenced the staff of PGM and that she had a briefing the previous day and did not believe the data or recommendations presented were biased. Commissioner Coates stated she did not think the report was as comprehensive as it should be and this may be an opportunity for PGM to bring it back with additional comprehension to the report.

Commissioner Stewart stated one of the arguments since 2016 and 2017 was that homeowners would loose property values and it has been proven false through State assessments. She asked that the next discussion include the State assessments of properties across the county.

Commissioner Rucci inquired as to whether a motion is warranted to bring back the twenty-two (22) amendments for discussion. He recalled there was no discussions, no briefings right before the amendments were adopted from the comprehensive plan. He added he thought the adoption of these amendments were vindictive against some people in the County and that they were not briefed before the vote took place. Commissioner Rucci stated he was very upset after this vote.

Commissioner Collins stated he did not believe a motion was required to bring the referred amendments back for a more thorough discussion, but that he wanted a discussion, a more clinical review in terms of how they would respond because it caused divisions within the community. He agreed with Commissioner Stewart's comment of the State assessments on resident's property to a great reason why this was done objectively in terms of the information offered to the public at large. He added he wants this to be a clinically driven data-based response to looking at the WCD. Commissioner Collins stated there will be ample opportunity for additional discussions, to include public input, with a follow up to related economic impact and analysis of actual property values.

Mr. Adams asked that future discussions, data and analysis include any type of impact of the Water Treatment Plant as the County seeks the MS4 permit. Commissioner Stewart concurred with Mr. Adam's request and added ample time be added to future discussions for these purposes. She reminded the other Commissioners that they have a responsibility to the State and to consider the financial impact on the County.

Briefing: Rural Planning and Zoning Task Force Recommendations

Presenters: Ms. Deborah Carpenter, Director, Department of Planning Growth and Management, Ms. Jessica Andritz, Acting Deputy Director of Department of Planning Growth and Management and Mr. Charles Rice, Assistant Chief of Planning, Planning Growth and Management.

Ms. Andritz stated the presentation will be presented in three (3) parts and would begin with revisions to the Zoning Ordinance with a request for consensus to move these items forward through the public process, followed by a briefing before the Planning Commission who will then have a Public Hearing. She stated the

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second part would focus on various zoning amendments and the third part of the presentation would be given by Ms. Carpenter who would present recommendations that affect the operations of Planning Growth and Management (PGM).

Commissioner Coates inquired about PGM's "Strengthen Aquaculture Industry" recommendation as to whether this would include development within in the Critical Area Buffer. Ms. Andritz responded there is the possibility of development within the Critical Area Buffers and this recommendation includes expanding existing properties, commercial components, for meaningful and educational interaction for the public learn and understand how these food products are harvested and packaged. She added that PGM staff have spoken to local watermen who are already harvesting and packaging foods and believes this would give credence and an opportunity to showcase this type of industry.

Ms. Andritz stated she is seeking a consensus from the Board of Commissioners to bring the legislative package before the Planning Commission. Commissioner Collins recalled from the previous presentation, PGM had requested new PINs He expressed his concern about the potential fiscal note regarding this request adding he felt this request was premature. Ms. Andritz stated this topic would be addressed later in the presentation and requested a consensus from the Board of Commissioners to bring the legislative package before the Planning Commission. Commissioner Collins replied that PGM may proceed with the legislative package.

Ms. Andritz began part two (2) of the presentation stating that it would involve proposed revisions to the Zoning Ordinance and the Subdivision Regulations that PGM believes requires additional study.

Commissioner Stewart inquired as to how the statement under point eight (8), "Encourage Cluster Subdivision in Agricultural Conservation and Conservation Zones: allowing cluster subdivisions on parcels that are less than fifty (50) acres to allow tracts of farmland and forested areas to remain in larger tracts" was rationalized and justified. Mr. Rice explained the only parcels that are eligible to cluster are the parcels of fifty acres. He stated PGM would like to look at the thirty (30) acre parcels for example. He added that PGM is attempting to find a balance and therefore will require additional study and analysis. Commissioner Bowling concurred adding it makes sense for the farming community.

Commissioner Bowling suggested, due to time constraints, that part two (2) be brought back in June with a fiscal note and timeline for further discussions. Commissioner Coates concurred adding many of the items in part two look to be a major over-haul in studies and resources.

Ms. Carpenter began part three (3) of the presentation by describing three operational recommendations of the task force. She stated one (1) and two (2) together as new PGM positions, an Advisory Board and a Liaison for the agricultural community. Ms. Carpenter explained PGM is currently in the RFP process, bringing in a third-party consultant to assess PGM operations and organizational structure in order to obtain an outside unbiased perspective for a holistic view and approach. Ms. Carpenter suggested revisiting these recommendations with the consultant during the assessment of PGM and afterwards conduct additional discussions how PGM can assist stakeholders.

Ms. Carpenter stated the third operational recommendation involves customer accessibility, the review and update of County ordinances and regulations to support the agricultural-based economy. She highlighted the implementation of Camino and the partnership with the Agricultural Business Development Manager in the Economic Development Department.

Ms. Carpenter requested a consensus from the Board of Commissioner regarding the operational direction of PGM. The consensus of the Commissioners present, Commissioner Collins, Bowling, Coates, Rucci and Stewart was to approve the operational direction of PGM as presented.

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Commissioners' New Business

There was no new business.

Closed Session

At 11:52 a.m. a motion was made by Commissioner Coates, seconded by Commissioner Bowling, and passed, with all Commissioners present, voting in favor to go into closed session pursuant to Section 3-305(b)(1)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss one negotiation. The reason for closing is to keep negotiations approaches and strategies confidential. A portion of this session is to include the Administrative function to the Board of Commissioners.

Closed Session began at 12:35 p.m.

Summary Closed Session Items

Present: Commissioners Collins, Rucci, Bowling, Coates and Stewart, Mark Belton, Wes Adams, Susan Claggett.

3-106 Administrative – Open Session Minutes

Present: Commissioner Collins, Bowling, Coates, Rucci and Stewart, Mr. Mark Belton, Mr. Wes Adams and Ms. Susan Ramsey-Claggett.

The consensus of the Commissioners present, Commissioner Collins, Bowling, Coates, Rucci and Stewart was to institute a trial period of sixty (60) days of a summary of Open Session Minutes. The Commissioners directed a written notice be posted to BoardDocs, an announcement from the Commissioner President announcing a trial period of instituting a new Open Session Minute summary and invited public comments.

Greenwill- County Process and Policy for Submitting County Bond Bills

Present: Commissioner Collins, Bowling, Coates, Rucci and Stewart, Mr. Mark Belton, Mr. Wes Adams and Ms. Susan Ramsey-Claggett.

The Commissioners present, Commissioner Collins, Bowling, Coates, Rucci and Stewart discussed the County's processes and policies for submitting County Bond Bills.

3-305(b)(1) Board of Appeals and Planning Commission

Present: Commissioner Collins, Bowling, Coates, Rucci and Stewart, Mr. Mark Belton, Mr. Wes Adams Ms. Carol DeSoto and Ms. Susan Ramsey-Claggett.

Commissioners present, Commissioner Collins, Bowling, Rucci and Stewart approved the appointments of members to the Planning Commission and the Board of Appeals.

3-305(b)(7) Settlement Proposal- DRR A Termination: Mt. Tirzah Family Limited Partnership

Present: Commissioner Collins, Bowling, Coates, Rucci and Stewart, Mr. Mark Belton, Mr. Wes Adams, Ms. Jeni Ellin and Ms. Susan Ramsey-Claggett.

Commissioners present, Commissioner Collins, Bowling, Rucci and Stewart reviewed and discussed the County's remaining DRRAs.

3-305(b)(7) Legal Advice- Bel Alton History Overview

Present: Commissioner Collins, Bowling, Coates, Rucci and Stewart, Mr. Mark Belton, Mr. Wes Adams and Ms. Susan Ramsey-Claggett.

The consensus of the Commissioners present, Commissioner Collins, Bowling, Rucci and Stewart was to reschedule this item to the February 25, 2020 session.

3-305(b)(7) Legal Advice- Update on Threatened Litigation Wastewater Treatment

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Present: Commissioner Collins, Bowling, Rucci and Stewart, Mr. Mark Belton, Mr. Wes Adams and Ms. Susan Ramsey-Claggett.

Commissioners present, Commissioner Collins, Bowling, Rucci and Stewart discussed and reviewed the status of the Mattawoman Wastewater Treatment Plant.


3-305(b)(7) Legal Advice- Charles County Retirement Plan Participant's Benefits

Present: Commissioner Collins, Bowling, Rucci and Stewart, Mr. Mark Belton, Mr. Wes Adams and Ms. Susan Ramsey-Claggett.

Commissioners present, Commissioner Collins, Bowling, Rucci and Stewart discussed and reviewed the policies and processes of the Charles County Retirement Plan.

At 1:38 p.m., Commissioner Bowling made a motion to adjourn. His motion was seconded by Commissioner Rucci and passed with Commissioner Collins and Stewart voting in favor to adjourn and end Closed Session. *Commissioner Coates was not present for the vote.*

Susan Ramsey- Claggett, Clerk



Reuben B. Collins, II, Esq., President