

Regular Meeting of County Commissioners
Tuesday October 18, 2022 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 9:03 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 was absent
Amanda M. Stewart, M.Ed., County Commissioner
Mark Belton, County Administrator
Deborah Hall, Deputy County Administrator
Wes Adams, County Attorney
Carol A. DeSoto, Clerk to the Commissioners

Call to Order/Pledge

Commissioner Collins called the meeting to order and began with the Pledge of Allegiance.

Roll Call

A roll call was taken. All Commissioners were present.

Announcement of Additional Proclamation(s) Issued in October 2022

The Commissioners were joined by members of the Department of Economic Development and Economic Development Advisory Committee, to receive Proclamation 2022-70 Economic Development Week

Comments

Commissioner Stewart announced her Town Hall Meeting on October 24, 2022 at the Waldorf Senior Center.

Approval of the Minutes of October 4 and 5, 2022

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the minutes of October 4, 2022.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the minutes of October 5, 2022.

Announcement

Next Scheduled Commissioner Session(s): October 25 and 26, 2022.

Reminder: October 19 Public Hearings at 6:00 p.m.:

Update on the Community Development Block Grant
Amendments to the Charles County Forest Conservation Ordinance
Bill 2022-08 County Commissioner Elections

Regular Meeting of County Commissioners
Tuesday October 18, 2022 (Legislative Day)

Approval Items

Change Order No. 7-Final and Secondary Clarifier Upgrades Project (ITB #20-23; UN-1121-C)

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve Change Order No. 7-Final and Secondary Clarifier Upgrades Project (ITB #20-23; UN-1121-C)

Change Order No. 11-Mattawoman Waste Water Treatment Plant (WWTP) Flow Equalization Basin (RFP19-09)

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve Change Order No. 11-Mattawoman Waste Water Treatment Plant (WWTP) Flow Equalization Basin (RFP19-09)

Briefing: United Way Campaign Kick Off

Mr. Melvin Brennan, Chief Executive Officer, United Way of Southern Maryland, and Ms. Dina Barclay, Director, Department of Community Services presented a review of the current work of the United Way of Southern Maryland and information on the United Way Campaign Kick Off program. A video was shown to highlight some of the services provided.

The Commissioners requested a breakdown of Charles County numbers related to services provided and how monies were spent.

Briefing and Request to Introduce and Schedule a Public Hearing: Bill 2022-(12) Zoning Text Amendment #21-166 Core Employment/Residential (CER) Zone

Mr. Kirby Blass, Planner III, Ms. Cynthia Bilbra, Planning Supervisor, and Mr. Jim Campbell, Planning Director, Department of Planning and Growth Management, explained that this amendment will encompass approximately 101 acres located entirely with the Bryans Road Sub Area and Development District. The proposal would enable infill development that is comprised of solely residential uses on currently undeveloped properties. Eligible properties must consist of no less than two (2) acres and no greater than nine (9) acres; and must have a least fifty percent (50%) of the non-street perimeter of the subject property (side and/or rear lot lines) developed with single-family dwellings or higher intensity residential uses.

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to introduce Bill 2022-(12) Zoning Text Amendment #21-166 Core Employment/Residential (CER) Zone

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to schedule the public hearing on Wednesday November 16, 2022 at 6pm in the Government Building Conference Room with both in-person and virtual options.

Briefing and Request to Introduce and Schedule a Public Hearing: Bill 2022-(13) Zoning Text Amendment #22-169 Event Venue and Mobile Food Service Facilities

Mr. Kirby Blass, Planner III, Ms. Cynthia Bilbra, Planning Supervisor, and Ms. Jessica Andritz, Assistant Chief and Legal Counsel Zoning & Enforcement, explained that this bill would establish certain conditions of approval; and clarify that Mobile Food Services Facilities providing food and beverages at Event Venues and/or in conjunction with Agritourism/Ecotourism are exempt from the

Regular Meeting of County Commissioners
Tuesday October 18, 2022 (Legislative Day)

requirement of obtaining a Zoning Permit from the Department of Planning & Growth Management prior to operating at such events and activities.

Commissioner Bowling initially made a motion to introduce Bill 2022-13 Zoning Text Amendment #22-169 Event Venue and Mobile Food Service Facilities, but later withdrew this motion.

Commissioner Stewart raised some concerns related to some of the language in the bill and wanted this language clarified and defined related to alcoholic verses non-alcoholic; defining entertainment; and hours and days specified. She sought advice from Ms. Wes Adams, County Attorney, Office of the County Attorney for Charles County, on how to proceed.

Mr. Adams explained that if the Commissioners had substantial changes then this would need to go back to the Planning Commission. The Commissioners could schedule a work session to review and discuss proposed changes before deciding if they will introduce this bill or send it back to the Planning Commission.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to schedule a work session on November 1, 2022 to discuss this proposed bill.

Briefing and Request to Schedule a Public Hearing: Fall 2022 Cycle Water/Sewer Service Category Amendments

Mr. Fahad Hassan, Engineer, and Ms. Alicia Afroilan, Engineering Supervisor, and Mr. Jason Groth, Deputy Director, Department of Planning and Growth Management, joined the Commissioners to review the proposed water/sewer service category amendments for the Fall 2022 cycle and request a public hearing.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to schedule the public hearing on Wednesday November 16, 2022 at 6pm in the Government Building Conference Room with both in-person and virtual options.

Staff Update: Requests from the Commission for Veterans Affairs; and Request to Review Community Support Funds for Boards, Commissions, and Committee

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services; Ms. Julie Bryson, Assistant Chief of Staff, Commissioners' Office, provided an update on the Commission for Veteran Affairs' requests for fundraising, memorial, as well as a request to review community support funds for Boards, Committees, and Commissions (BCC). Staff recommended to revise the Standard Operating Policy (SOP), CP.CC.01.005 Community Support Policy, to expand the use of these funds for use by Boards, Commissions, and Committees that have a community engagement mission outlined in the bylaws; a yearly amount for each eligible BCC not to exceed one thousand five hundred dollars (\$1,500.00); and that all requests are to be in writing.

The Commissioners directed staff to bring back a draft copy of this SOP with these proposed changes and to include an additional revision that any requests to allocate funds for Boards, Committees, and Commissions must come before the Board of County Commissioners for full Board approval.

Regular Meeting of County Commissioners
Tuesday October 18, 2022 (Legislative Day)

#1 Closed Session

At 10:47 a.m., Commissioner Stewart made a motion, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to move into Close Session where all or a portion of this session may be closed pursuant to Section 3-305(b)(1)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss one (1) personnel issue; and review vacancies on Commissioner Appointed Boards, Commissions, and Committees. The reason for going into closed session is to keep personnel information confidential. A portion of this session will also concern the administrative function of the County Commissioners in their executive role.

Summary Closed Session Items

At 11:19 a.m. the Commissioners went into closed session.

Administrative

Present Commissioners Collins, Rucci, Bowling, Coates, Stewart, Mark Belton, Deborah Hall, Wes Adams, and Carol DeSoto.

Ms. Carol DeSoto, Clerk to the Board of County Commissioners, shared an invitation to have dinner meeting with GS Proctor to discuss legislative strategies for the 2023 Legislative Initiatives.

3-305 (b)(1)Personnel

Present Commissioners Collins, Rucci, Bowling, Coates, Stewart, Mark Belton, Deborah Hall, Wes Adams, and Carol DeSoto.

Ms. Wes Adams, County Attorney for Charles County, reviewed potential changes related to benefits to elected personnel once they leave office and the process to change these benefits.

The Commissioners reached a consensus to have Mr. Adams to present this proposal to the Other Post Employee Benefit (OPEB) Committee and to bring back to the Board for approval.

3-305 (b)(1)Personnel: Boards, Commissions, and Committees

Present Commissioners Collins, Rucci, Bowling, Coates, Stewart, Mark Belton, Deborah Hall, Wes Adams, Carol DeSoto, and Kemberly Stephens.

Ms. Kenberly Stephens, Commissioner Specialist reviewed vacancies on the Nuisance Abatement Hearing Board, Board of Social Services, Charles County Pension Plan Committee, Commission for Women, Homeowner's Association Dispute Review Board and Length of Service Award Program (LOSAP) Board.

The Commissioners reached a consensus on several of the appointments and provided Ms. Stephens with direction on how to proceed with the other boards. Official action on these appointments took place this day under Action on Boards, Commissions, and Committees.

At 12:16 p.m., a motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to end this close session.

At 2:01 p.m., the Commissioners returned to open session.

Regular Meeting of County Commissioners
Tuesday October 18, 2022 (Legislative Day)

Roll Call

A roll call was taken. All Commissioners were present.

Action on Boards, Commissions, and Committees

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all the Commissioners present, voting in favor to appoint Ernesto Cerda and Aminat Odun Ewu-Seese as Homeowner Associations Resident Members and Tarshea Smith as the Housing Development/Real Estate Sales Professional Member to the Homeowner's Association Dispute Review Board.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all the Commissioners present, voting in favor to appoint Jonathan Stover and Isabell Williams as Citizen Members to the Nuisance Abatement Hearing Board.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all the Commissioners present, voting in favor to appoint Joyce Schmidt as the Retiree member to the Charles County Pension Plan Committee.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all the Commissioners present, voting in favor to appoint Seth Bacon, Brennon Groves, Markita Kelly, Sherrita Rose and Natalie Thomas as Citizen Members to the Board of Social Services.

Briefing: Update on Support Youth in Charles County

Dr. Maria Navarro, Superintendent; Mr. Michael Heim, Chief of Operations and Supporting Services; Ms. Sylvia Royster, Director of Community Engagement and Equity; Ms. Simone Young, Coordinator of STEM Education; Ms. Erica Williams, Principal, Benjamin Stoddert Middle School; Ms. Brenda Tillotson, Principal, General Smallwood Middle School, Charles County Public School; Mr. KennethWayne Thompson, Executive Director, Charles County Public Library; Dr. Tracy Harris, Vice President, Student Equity and Success, and Ms. Destini Baldwin, Program Coordinator, Student Equity and Success, College of Southern Maryland; Ms. Kelli Beavers, Director, and Mr. Sam Drury, Deputy Director, Department of Recreation, Parks, and Tourism; Ms. Laura Gustafson, LMB Coordinator Department of Community Services; Ms. Doria Fleisher, Community Engagement Coordinator, Office of the County Administrator; and Charles County Sheriff's Office Representative provided an update on supporting youth in Charles County. They shared their proposed initiatives and details on their pilot programs that are starting.

The participants agreed that the next step approach is that these agencies continue to dialogue and provide another update to the Commissioners in the first quarter of 2023.

**Break 3:36 p.m. – 3:36 p.m.*

Follow-Up Work Session: 2023 Preliminary State Legislative Proposals

Ms. Danielle Mitchell, Associate County Attorney II, Office of the Charles County, County Attorney, and Ms Deborah Hall, Deputy County Administrator, provided an update on the requested information from the September 27, 2022 work session.

Regular Meeting of County Commissioners
Tuesday October 18, 2022 (Legislative Day)

- A proposal to adopt legislation to reduce the speed limits at all Indian Head Rail Trail crossings to 30 miles an hour.
Proposed by: Carol DeHaven

Ms. Mitchell explained that staff from the Department of Planning and Growth Management are looking into this issue since there is no data available. She explained that this is an internal process, and the legislative proposal is not appropriate.

- A proposal to adopt legislation to reduce speed on Bannister Circle and allow use of speed cameras.
Proposed by: Robin Hoiler, Board of Directors, Bannister Neighborhood Association, Inc.

The consensus of the Commissioners was that this is not legislative, and that more analysis needs to be done through the County process, Traffic Safety Committee, and brought back to the Commissioners for an update.

- A proposal to adopt legislation that would prohibit an unlicensed establishment from allowing the consumption of alcohol on their premises.
Proposed by: Charles County Sheriff's Office
- A proposal to adopt legislation allowing for a creation of a new Alcohol Gift Basket Retailer to allow for alcohol to be included in personalized gift baskets.
Proposed by Yolanda Y. Dupree
- A proposal to amend the Alcoholic Beverages Article to include an "Agritourism License" in Charles County.
Proposed by: Sue Greer, Esq.

Ms. Mitchell explained that these three (3) proposals were discussed at the Board of License Commissioners (Liquor Board) meeting. The Liquor Board chose to not take any position on these three(3) proposals. Ms. Mitchell shared the Liquor Board's chairperson's personal input on these bills with the Commissioners.

The Commissioners did not add the proposals for the Alcoholic Gift Basket Retailer or the Agritourism License to their 2023 Legislative Proposal Packet.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart, and passed, with all Commissioners present, voting in favor to add the legislative proposal that would prohibit an unlicensed establishment from allowing the consumption of alcohol on their premises.

- A proposal to remove Charles County from the Tri-County Council of Southern Maryland
Proposed by Commissioner Coates

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to send a letter to the Delegation to amend the Code related to membership in the Tri-County Council of Southern Maryland based on population of each county, to add one (1) voting member per county for every fifty thousand (50,000) people in that county.

Regular Meeting of County Commissioners
Tuesday October 18, 2022 (Legislative Day)

- A proposal to provide a senior resident's tax discount.
Proposed by: Commissioner Vice President Bobby Rucci
- A proposal for a Property Tax Credit for Volunteer Emergency Responders
Proposed by Commissioner Bowling
- Disabled Veterans Tax Credit

The Commissioners directed staff to bring back options and fiscal note on all three of these proposed tax breaks.

- A proposal Heirs Property Rights
Proposed by Commissioner Stewart

Ms. Mitchell explained that a Senate Bill 92 Real Property- Partition of Property passed the General Assembly in 2022 which addresses this issue.

The Commissioners directed Ms. Mitchell to bring back the passed bill for further discussion.

Commissioner's New Business

There was no new business discussed.

#2 Closed Session

At 4:30 p.m., Commissioner Bowling made a motion, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to move into Close Session where all or a portion of this session may be closed pursuant to Section 3-305(b)(1)(7) of the General Provisions Article of the Annotated Code of Maryland to receive and update on one (1) lease agreement; and to discuss one (1) personnel contract. The reason for going into closed session is to keep strategies, negotiations and personnel information confidential.

**At 4:31 p.m. Commissioner Coates recused herself from these closed session discussions.*

Summary Closed Session Items

At 4:35 p.m. the Commissioners went into closed session.

3-305 (b)(7) Discussion – Update on Lease Agreement

Present Commissioners Collins, Rucci, Bowling, Stewart, Mark Belton, Deborah Hall, Wes Adams, Carol DeSoto, Judy Michael, Jenifer Ellin, Danielle Mitchell, and Francis Gray.

Staff discussed potential uses of a currently leased property.

The Commissioners provided direction to staff on how to proceed.

Regular Meeting of County Commissioners
Tuesday October 18, 2022 (Legislative Day)

3-305 (b)(1)(7) Personnel-Contract

Present Commissioners Collins, Rucci, Bowling, Stewart, Mark Belton, Wes Adams, and Carol DeSoto.

Mr. Mark Belton, County Administrator, presented the Commissioners with more information related to the contract option request.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed with Commissioners Bowling, Stewart, Rucci, and Collins present, voting in favor to allow the option presented and have the County Attorney draft specific language outlining this option. **Commissioner Coates was not present for the vote.*

At 5:18 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Rucci, and Collins present, voting in favor to end this close session and adjourn. **Commissioner Coates was not present for the vote.*

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President