

Regular Meeting of County Commissioners
Tuesday January 24, 2023 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 9:01 a.m. with the following persons in attendance:

Reuben B. Collins II, Esq., President, County Commissioner
Gilbert O. Bowling, III, County Commissioner
Thomasina O. Coates, M.S., County Commissioner
Amanda M. Stewart, M.Ed., County Commissioner
Ralph Patterson, II, M.A., County Commissioner
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.

Comments

There were no comments.

Approval of the Minutes of January 10, 2023

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the minutes of January 10, 2023.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the minutes of January 11, 2023

Announcement

Next Scheduled Commissioner Session(s): January 21 and February 1, 2023

Approval Items

Change Order #55 Mattawoman Inflow and Infiltration (FS#7144)

(Ms. Alicia Afroilan, Engineering Supervisor, Mr. Andrew Balchin, Chief of Infrastructure Management, Ms. Deborah Carpenter, Director, Department of Planning and Growth Management; and Mr. Jacob Dyer, 1 Chief of Budget, and Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services)

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve Change Order #55 for one hundred and eighty-six thousand three hundred and thirty nine thousand dollars and eighty four cents (\$186,339.84).

Request Letter of Support: Letter of Support: Friends of Old Waldorf School (FOWS) Legislative Bond Initiative to Complete Renovation Windows/Exterior Stabilization of Historic Waldorf School

(Ms. Sandra Middleton, President, Friends of Old Waldorf School Foundation, Inc.)

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve this letter of support.

Regular Meeting of County Commissioners
Tuesday January 24, 2023 (Legislative Day)

Legislative Update: 2023 Maryland General Assembly Session

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney; Ms. Deborah Hall, Deputy County Administrator, Office of the County Administrator; Mr. Steve Proctor; Mr. Joseph Green; and Ms. Sherrie Simms, Lobbyists, GS Proctor and Associates, Inc. joined the Commissioners to provide an update on the 2023 Maryland General Assembly Session.

Ms. Mitchell reviewed a few potential legislative topics that will be discussed during this General Assembly, which are related to Marijuana legalization; Abortion; Ability to Sue Child Abuser; Education-review of the Kirwan Blueprint.

Ms Mitchell explained that the Charles County Delegation did not act on three (3) of the nine (9) Charles County proposed legislative proposals submitted in the Charles County 2023 Legislative Package. These proposals were: the proposal that would prohibit an unlicensed establishment from allowing consumption of alcohol on their premises; the proposal special registration plates for individuals with disabilities; proposal related to Administrative Law Judges to serve on the Trial Boards.

The Charles County Legislative Proposals that are awaiting draft bill are:

- Code Counties – Legislative Procedure – Notice Requirements
- Property Tax – Credit for Volunteer Emergency Responders
- Motor Vehicle Registration - Exceptions for Golf Carts and Low Speed Vehicles - Cobb Island
- To enable Charles County to pass a local law to regulate off-the-road motorcycles and all-terrain vehicles, that may include impoundment, conditions for release from impoundment.
- To enable Charles County to create a body corporate and politic known as a Revenue Authority for the purpose of developing and operating real estate projects
- To amend Economic Development Article 13-603 to allow for one citizen voting member of TCCSMD for every forty five thousand (45,000) residents

Ms. Mitchell reviewed proposed legislation that the legislative team will be following:

- *SB1 Criminal Law – Wearing, Carrying, or Transporting Firearms – Restrictions (Gun Safety Act of 2023)*
In Senate Hearing scheduled on February 7, 2023
- *SB118 Criminal Law – Prohibitions on Wearing, Carrying, or Transporting Firearms*
- *HB176 Local Public Campaign Financing - Expansion to Additional Offices*
In House Hearing scheduled on January 31, 2023
- *SB95 Counties - Construction of Sidewalks and Crosswalks - Safe Alternative Routes to Public Schools*
Bill imposes a local government mandate, which is a directive in a bill requiring a local government unit to perform a task or assume a responsibility that has a discernible fiscal impact on the local government. Introduced in a prior session as: SB0065 Session: 2020 Regular Session.

Regular Meeting of County Commissioners
Tuesday January 24, 2023 (Legislative Day)

- *SB103 Income Tax – Maryland Residential Solar Investment Tax Credit*
In Senate Hearing on January 19, 2023.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to send a letter of support to the Charles County Delegation.

- *SB130 Economic Development - Maryland Stadium Authority - Charles County Sports and Wellness Center*
In Senate Hearing on January 19, 2023.

The Commissioner Collins directed staff to provide briefing on the details of this legislation at the next Legislative Update.

- *SB134 Property Tax Credit for Disabled Veterans – Established*
In Senate Hearing on January 19, 2023.
Bill imposes a local government mandate, which is a directive in a bill requiring a local government unit to perform a task or assume a responsibility that has a discernible fiscal impact on the local government unit.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to send a letter of support to the Charles County Delegation.

Request to Introduce and Schedule a Public Hearing; Bill 2023-01 Collective Bargaining for Covered Employees in the Department of Emergency Services

Ms. Danielle Mitchell, Associate County Attorney II, Office of the County Attorney for Charles County; Ms. Alexis Blackwell, Director, and Ms. Megan Donnick, Deputy Director, Department of Human Resources; Ms. Deborah Hall, Deputy County Administrator, Office of the County Administrator; and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, joined the Commissioners to review the proposed legislation. Ms. Blackwell clarified the makeup of the current collective bargaining unit; and proposed language to include Hazmat Technician and Mobile Integrated Healthcare Nurse.

Commissioner Stewart queried about potential other amendments to the collective bargaining agreements. It was agreed that Commissioner Stewart would send email details to Ms. Deborah Hall, Deputy County Administrator to review with the collective bargaining negotiation team then at an appropriate time complete a closed session agenda request to review with the Board of Commissioners with staff recommendations.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to introduce Bill 2023-01 Collective Bargaining for Covered Employees in the Department of Emergency Services.

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to schedule the public hearing on Tuesday February 28, 2023 at 6pm in the Government Building at 200 Baltimore Street La Plata, MD for an in-person meeting and comments and on Wednesday March 1, 2023 for the virtual meeting and comments.

Regular Meeting of County Commissioners
Tuesday January 24, 2023 (Legislative Day)

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, explained that the Commissioners adopted a new format for public hearings to be held over two (2) days to include one day for in-person public hearing and the continuance of the public hearing on the second day for a hybrid/virtual public hearing. It is only a change in the format.

Briefing and Request to Schedule a Public Hearing: Docket 90 Amendment #22-90(22) Wooded Glen and Piney Reach Master Plan

Ms. Heather Kelley, Planning Supervisor, Mr. Charles Rice, Assistant Chief of Planning, Department of Planning and Growth Management, reviewed the proposed Docket 90 Amendment #22-90(22):

1. The middle school has been eliminated from what was previously shown as a combined elementary and middle school site within the Village of Wooded Glen Neighborhood #3 (Highlands Neighborhood) located along St. Charles Parkway. Charles County Public Schools (CCPS) desired to have the new middle school relocated to Piney Reach Neighborhood #2 along Piney Church Road to allow for sufficient land mass for each respective school.
2. Requesting a waiver of the “85% rule” as it applies to the Village of Piney Reach Neighborhood 3 located along Billingsley Road. General Note #3 of the currently approved Master Plan specifies that no residential construction of any kind shall begin in the Village of Piney Reach until 85% of all residential construction has been completed in the Village of Wooded Glen.
3. Updated “Rt. 488 Viewshed Analysis” dated August 2022.
4. Parcel N within Wooded Glen Neighborhood 3 (Highlands) has been designated for Public Use, as it is planned for a future County water storage tower.
5. General Note #32 has been updated to reflect that the revised Habitat Protection Plan was approved on July 13, 2018
6. Revisions have been made to the Area Summary Table to reflect revisions above. There have also been graphical/drafting changes to the land use colors on the plan itself to correctly reflect the designation of Public Use parcels. These graphical changes were reflected on an updated exhibit that has been recorded with the last Amendment to Revised and Restated Docket #90 Order and Master Plan Amendment and were tracked internally as PDZA #21- 90(21).

Commissioner Stewart expressed her disagreement with the waiver of the eighty five percent (85%) but did agree with the new school site.

Commissioner Bowling discussed concerns with the buffer zone related to easement and revegetated buffer and felt the need for more clarification.

Commissioner Stewart and Bowling agreed that a work session on the Docket 90 Agreement is needed to get more information.

A motion was made by Commissioner Patterson to schedule the public hearing on Tuesday February 28, 2023 at 6pm in the Government Building at 200 Baltimore Street La Plata, MD for an in-person

Regular Meeting of County Commissioners
Tuesday January 24, 2023 (Legislative Day)

meeting and comments and on Wednesday March 1, 2023 for the virtual meeting and comments. There was not a second. The motion died.

Briefing and Request to Schedule a Public Hearing: Zoning Map Amendment 22-01, Maryland Garden Property

Ms. Kelly Palmer, Planner III, and Mr. Charles Rice, Assistant Planning Director, Department of Planning and Growth Management reviewed Zoning Map Amendment 22-01 which would change the Residential Office (RO) to Community Commercial (CC) zoning over the entire tract, reconfigured to reflect compatibility with adjoining land uses that have developed since the property was last zoned in 1996.

A motion was made by Commissioner Patterson to schedule the public hearing on Tuesday February 28, 2023 at 6pm in the Government Building at 200 Baltimore Street La Plata, MD for an in-person meeting and comments and on Wednesday March 1, 2023 for the virtual meeting and comments. There was not a second. The motion died.

Work Session: Adoption of Zoning Map Amendment 21-02 Critical Area Zone Layer/Bill 2022-10 Zoning Text Amendment #21-169 Update Critical Area Overlay Zone

Mr. Charles Rice, Assistant Chief of Planning, Mr. Kyle Redden, Planner I, Mr. Jim Campbell, Planning Director, and Ms. Lynn Knaggs, Planning Supervisor, Department of Planning and Growth Management joined the Commissioners to provide follow up update and refinement of this legislation. Mr. Rice reiterated this Commissioner Work Session was the conclusion of what has been a long process for adoption of the States' updated Critical Area Maps. He reviewed the public process to date which included:

- Planning Commission Public Hearing on 9/19/2022
Planning Commission recommended approval to the Commissioners on 9/19/2022
- Staff briefed the County Commissioners on 10/4/2022
- County Commissioners held a Public Hearing on 11/2/2022
- County Commissioners left the record open for 60 days (no additional comments were received).

Mr. Rice then reviewed that as a result of the public comments, staff made some refinements to the draft, which included:

- Effective date language for the Zoning Map Amendment and Zoning Text Amendment now includes the required approval by the Critical Area Commission
- The words "initial" and "and/or construction" have been deleted from the text of the Zoning Text Amendment and now refers directly to the Growth Allocation and Docket 250 Indenture for Swan Point
- County Commissioner signature lines were updated

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adopt Resolution 2023-02 Zoning Map Amendment 21-02 Adoption of Critical Area Zone Layer 2022.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adopt Bill 2022-10 Zoning Text Amendment 21-169

Regular Meeting of County Commissioners
Tuesday January 24, 2023 (Legislative Day)

Updating the Boundary of the Critical Area Overlay Zone and Revising Lot Coverage Limitations Standards Within the limited Development Zone (LDZ) and Resource Conservation Zone (RCZ).

Commissioner's New Business

There was no new business discussed.

At 10:06 a.m., a motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to adjourn.

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President