

Regular Meeting of County Commissioners
Tuesday March 7, 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
Ralph Patterson, II, M.A., Vice President, County Commissioner
Gilbert O. Bowling, III, County Commissioner
Thomasina O. Coates, M.S., County Commissioner
Amanda M. Stewart, M.Ed., 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.

Additional Charles County Proclamations Issued in March 2023

2023-12 National Women's History Month
2023-19 National Agriculture Day

The Commissioners were joined by members of the Charles County Commission for Women to receive proclamation 2023-12 National Women's History Month.

The Commissioners were joined by members Charles County Farm Bureau, Southern Maryland Agricultural Development Commission, Charles County 4-H, and the Charles County Agricultural Business Manager, to receive proclamation 2023-19 National Agriculture Day.

Comments

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present voting in favor to make today March 7, 2023 a legislative day.

Commissioner Bowling commented on challenges in the school system and wanted to confirm the follow up meeting was scheduled on Supporting Youth Programs. This joint meeting is scheduled for April 18, 2023.

Approval of the Minutes of February 28 and March 1, 2023

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve the minutes of February 28, 2023.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve the minutes of March 1, 2023.

Announcement

Next Scheduled Commissioner Session(s): March 14 and 15, 2023.

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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 explained that the six (6) Bills proposed by Charles County have had Senate hearings. She reviewed the following:

- SB520/HB1033 *Code Counties – Legislative Procedure – Notice Requirements*
Both hearings have been completed.
- SB521/HB947 *Property Tax – Credit for Volunteer Emergency Responders.*
Senate’s Bill has two hundred and fifty thousand dollars (\$250,000.00) household income; House ‘s Bill has one hundred and fifty thousand dollars (\$150,000.00) household income.
- SB374/HB948 *Motor Vehicle Registration - Exceptions for Golf Carts and Low Speed Vehicles - Cobb Island*
House hearing on March 14, 2023.
- SB539/HB1037 *Economic Development-Tri-County Council for Southern Maryland Membership*
Commissioner Patterson will provide virtual testimony.
- SB519 *Charles County-Alcoholic Beverages- Unlicensed Establishments*
Favorable out of committee.
- SB926/HB294- *County Boards of Education - Due Process Proceedings for Children With Disabilities - Burden of Proof*
Maryland Association of Boards of Education and the Charles County Board of Education are opposed to this Bill. The Charles County Delegation has not taken a position on this Bill at this time.

Approval Items

Request for Approval: Board of Education's FY2024 Capital Improvement Project (CIP) Budget Increase for Construction of Elementary School #23

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services; Mr. Michael Heim, Chief of the Office of Operations and Supporting Services, and Mr. Steven Andritz, Director of Planning and Construction, Charles County Public Schools.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the Board of Education FY2024 Capital Improvement Project (CIP) Budget Increase for Construction of Elementary School #23

FY2024 Charles County Annual Transportation Priority Letter to Maryland Department of Transportation

Ms. Ashley Hudson, Planner I, Mr. Jason Groth, Deputy Director, Ms. Cathy Thompson, Planning Supervisor, Mr. Charles Rice, Acting Planning Director, Department of Planning and Growth Management, and Mr. Martin Harris, Director, Department of Public Works.

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A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the FY2024 Charles County Annual Transportation Priority Letter to Maryland Department of Transportation.

Commissioner Collins requested staff to prepare for a future discussion on how the County can tell their story, such as a dashboard of these projects or a gallery walk open house as suggested by Ms. Jennifer Harris, Chief of Media Services, Office of the County Administrator.

Proposed Changes to Standard Operating Procedures Commissioners Accounts

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County and Ms. Deborah Hall, Deputy County Administrator, and Mr. Johnnie Coleman, Senior Internal Auditor, Office of the County Administrator.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the County Commissioners Expense Policy SOP as presented with the addition of 1.5.2.1 *that each Commissioner will sign each monthly report of their transactions.*

Briefing and Request to Introduce and Schedule a Public Hearing: Proposed Bill 2023-03 Zoning Map Amendment 22-01, Maryland Garden Property

Ms. Kelly Palmer, Planner III, and Mr. Charles Rice, Acting Planning Director, Department of Planning and Growth Management, explained that this proposed zoning map amendment addresses the property within the Development District, and is identified on the 2016 Land Use Plan as Residential. From the neighborhood map and noting the existing uses and those under construction, the current zoning categories need to be amended to reflect the change in the neighborhood. The proposal is to change the Residential/Office Zone (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. The area is located at the corner of Billingsley Road, Old Washington Road, and Crain Highway in White Plains.

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to introduce Bill 2023-03 Zoning Map Amendment 22-01, Maryland Garden Property.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to schedule the public hearing on Tuesday April 18, 2023 at 6pm in the Government Building at 200 Baltimore Street La Plata, MD for an in-person meeting/comments and on Wednesday April 19, 2023 for the virtual meeting/comments.

Briefing on Hughesville Village Water and Sewer Project

Mr. Andrew Balchin, Chief of Infrastructure Management, Ms. Alicia Afroilan, Engineering Supervisor, Ms. Aimee Castillo, Engineer II, Ms Cathy Thompson, Planning Supervisor, and Mr. Jason Groth, Deputy Director, Department of Planning and Growth Management, provided an update presentation on the Hughesville Village Water and Sewer Project. . The project's goal is to develop a publicly owned water distribution and sewer system to Hughesville Village. Site selection and procurement are scheduled to occur later this year, with planning and design to follow over the next

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three years. The scope of project will include two (2) wells, a water tower, a water distribution system, a packaged wastewater treatment plant, land application site, and sewer collection system.

**** To Be Rescheduled**Discussion: County Expenditure for Legal Costs for Commissioner Coates' Appeal**

Closed Session

At 10:54 a.m., motion was made by Commissioner Patterson, seconded by Commissioner Stewart to move into Close Session where all or a portion of this session may be closed pursuant to Section 3-305 (b)(7) of the General Provisions Article of the Annotated Code of Maryland to receive a legal update on a departmental process. The reason for going into closed session is to keep legal advice and strategies confidential.

After the discussion, before a final vote was taken, this motion and second were withdrawn.

During the discussion Commissioner Stewart indicated that she felt the discussion on agritourism should be held in open session. Commissioner Collins agreed.

Mr. Wes Adams, County Attorney, Office of the County Attorney, explained that closed session is up to the discretion of the Board and not a requirement. It protects the Board by giving legal advice and strategies. If the discussion is in open session it is based on the policy discussion and no specific applicant/business name is used. The first discussion should focus on the policy and how it impacts with zoning and how it is applied. No individual project should be addressed at this time.

Commissioner Stewart requested that an agenda request item to discuss the agritourism policy be added to the agenda for open session. She indicated that in order to give staff time to prepare that it be added to the agenda for March 21 or March 28, 2023. It will be a conversation on the policy and process.

**Break 11:09 a.m. - 5:00 p.m.*

Roll Call

A roll call was taken. All Commissioners were present.

**** To Be Rescheduled**Briefing: Southern Maryland Designated as a National Heritage Area**

Discussion: E-Comment Feature Use on the Board of County Commissioners Agenda

Ms. Carol DeSoto, Clerk to the Board of County Commissioners, provided instructions on how the public can provide feedback on meeting agenda items by using “e-comments” feature that is being tested for Commissioner agenda items on the County’s website.

Commissioner Bowling felt that this feature should be made public.

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Mr. Wes Adams, County Attorney, Office of the County Attorney, explained that any public comment forum is traditionally viewed with strict scrutiny and most protected speech in the First Amendment. It would need to include all unfiltered speech.

The agreement of the Commissioners' is to not open this feature at this time.

Briefing: Potential Addition of Monthly Community Forum/Comments to Board of County Commissioners' Meetings

Ms. Deborah Hall, Deputy County Administrator, Ms. Jennifer Harris, Chief of Media Services, and Ms. Doria Fleisher, Communication Coordinator, Office of the County Administrator, joined the Commissioners to review options for including additional public forum at regularly scheduled Commissioners' meetings.

Ms. Hall, explained the Options:

Option 1

To maximize the Commissioners' Agenda and to limit the number of staff needed the Commissioners could:

- Limit public comments to no more than two (2) board meetings each month.
- Add a specific agenda item for public comment during a regularly scheduled meeting.
- Schedule the public comment agenda item when other public hearings are already scheduled, to maximize efficiency.
- Set aside no more than thirty (30) minutes for general public comments, both in-person and virtually.
- Residents must register to speak in advance with the Clerk's Office, or immediately prior to the meeting (in-person only), if space is available.
- Limit speakers to no more than three (3) minutes each, and no more than ten (10) persons can register to speak at each meeting.

Option 2:

Maintain the current Quarterly Town Hall forum and fully implement the public comment capability in Peake Agenda for residents to weigh in on items that are on the Commissioners' meeting agenda. This option provides an in-person option and a virtual option and maximizes the efficiency.

Commissioner Coates expressed concerns of holding twice a month public forum and quarterly town hall meeting in one month. She also was unsure of the process for limiting to ten (10) people.

Commissioner Collins concerns is if the public forum is held during the day may be during a time when the public cannot be available. He also wanted more clarity on the process. He felt that have the quarterly town hall meetings and individual Commissioner 's town hall meetings allowed for public comments. He felt that the current issues the County is facing will subside along with the need for additional public forum to comment.

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Ms. Deborah Hall, Deputy County Administrator, Office of the County Administrator, suggested a six (6) month pilot program to be held through November and starting in April 2023.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling Stewart, and Patterson present, voting in favor to approve a six (6) month trial period to allow public comments as a listening session, twice a month for thirty (30) minutes with the amendment to have the quarterly town hall meetings remain as is. **Commissioners Coates and Collins were opposed.* A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Patterson-yes; Commissioner Stewart-yes; Commissioner Coates-no; Commissioner Collins-yes. The motion passed three (3) to two (2).

The Commissioners agreed to look at options of potentially adjusting the time of the Commissioners' meeting and to explore as many options for public engagements. This agenda request would be submitted by the Commissioners' Office Staff.

Commissioner's New Business

There was no new business discussed.

**Break 5:54 p.m. - 6:05 p.m.*

The County Commissioners reconvened at 6:05 p.m. to conduct Public Hearing in Hybrid format (both in-person and virtual.)

Roll Call

A roll call was taken. All Commissioners were present.

Public Hearing: Community Development Block Grant (CDBG) Westdale Stream Relocation Review of Funds Used

The Commissioners held a hybrid public hearing on the Community Development Block Grant (CDBG) Westdale Stream Relocation Review of Funds Used. Mr. John Stevens, Chief of Capital Services, Ms. Candis Stretcher, Project Manager II, Department of Public Works; and Ms. Dina Barclay, Director, Ms. Rita Wood, Chief of Housing Authority, and Ms. Barbara Farmer, Community Development Supervisor, Department of Community Services, provided an overview pictorial presentation, which included project location, existing conditions, stream relocation objective, pre-construction conditions, and post-construction conditions. The purpose of the stream relocation and restoration project is to treat water runoff and repair eroded areas of a stream that runs through Acton Village. This project also helps the County toward meeting its National Pollutant Discharge Elimination System (NPDES) MS4 Permit requirements. The project seeks to relocate the stream off private properties to reduce ongoing property damages while increasing water quality and improving wildlife habitat.

There were no public comments.

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Commissioner Stewart requested an understanding and expectation of the Resilience Authority to seek future grants for potential future projects.

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

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

**Break 6:22 p.m. -6:35 p.m.*

Roll Call

A roll call was taken. All Commissioners were present.

Discussion: Senator Ellis' Bill SB130 Economic Development – Maryland Stadium Authority – Charles County Sports 3 and Wellness Center

Senator Arthur Ellis, Delegate Patterson, Mr. Craig Dixon, CEO, St. James; Mr. Jack Lavoie, Senior Partner, Southern Maryland Blue Crabs, 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 virtually to discuss Senator Ellis' Senate Bill 130. This Bill requests the Maryland Stadium Authority to review and make recommendations regarding the acquisition, financing and construction of the Charles County Sports and Wellness Center, to be transferred and owned by Charles County Government. The center is proposed by Senator Ellis to be located adjacent to Southern Maryland Blue Crabs Stadium.

The Commissioners liked the concept of the proposed Sports and Wellness Center.

Commissioner Stewart questioned if the County would be responsible for the debt if the revenue generated is insufficient to cover the bond. Senator Ellis stated that the State would be responsible.

Delegate Patterson indicated that the delegation supports SB130 but it has not been crossed filed yet.

Commissioner Coates requested a letter of support. The Commissioners agreed to handle this during their next legislative update.

Senator Ellis agreed to have the County's fiscal Staff work with the State on this proposal.

At 7:11 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adjourn.

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President