

Regular Meeting of County Commissioners
Tuesday March 21, 2023

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 9:00 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.

Recognition: Appreciation: Oath of Office Event Support-Certificates and Photo

The Commissioners recognized staff and Galazio Restaurant for the support and service for the Oath of Office Ceremony on December 6, 2022.

Comments

There were no comments.

Approval of the Minutes of March 14 and 15, 2023

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the minutes of March 14, 2023.

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the minutes of March 15, 2023.

Announcement

Next Scheduled Commissioner Session(s): March 28 and 29, 2023.

A motion was made by Commissioner Bowling, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to reschedule the public hearings scheduled on Tuesday April 18, 2023 and Wednesday April 19, 2023 on Bill 2023-03 ZMA 22-01 Maryland Garden Property to Tuesday April 18, 2023 at 6pm in the Government Building at 200 Baltimore Street La Plata, MD for both in-person comments and virtual comments.

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.

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Ms. Mitchell informed the Commissioners that this was the last three weeks of the General Assembly session. All the Commissioners' proposals received hearings by the crossover date of March 20, 2023.

- SB519 *Charles County-Alcoholic Beverages- Unlicensed Establishments*
Out of Senate going to the House.
- SB520/HB1033 *Code Counties – Legislative Procedure – Notice Requirements*
Awaiting both committee votes.
- SB521/HB948 *Property Tax – Credit for Volunteer Emergency Responders*
Passed Senate with two hundred and fifty thousand dollars (\$250,000.00) income limit. Amended in House with one hundred- and fifty-thousand-dollar (\$150,000.00) income limit. Awaiting House vote. Most likely that the Senate Bill will be amended to the one hundred- and fifty-thousand-dollar (\$150,000.00) income limit.
- SB374/HB948 *Motor Vehicle Registration - Exceptions for Golf Carts and Low Speed Vehicles - Cobb Island*
Struck “low speed vehicle” as it was not needed since addressed in other legislation.
- SB539/HB1037 *Economic Development-Tri-County Council for Southern Maryland Membership*
Awaiting both committee votes.
- Bill SB130 *Economic Development – Maryland Stadium Authority – Charles County Sports and Wellness Center*
Awaiting Senate Committee vote. No cross-file.
- SB926/HB294- *County Boards of Education - Due Process Proceedings for Children With Disabilities - Burden of Proof*
Passed House. Awaiting Senate Committee hearing.
- HB431- *Speed Monitoring Systems on Maryland Route 210 3 (Indian Head Highway) – Penalties*
No committee vote. No cross-file.

FY2024 Budget Work Session: Enterprise Funds (Water & Sewer Operating Budget, the Water & Sewer CIP, the Recreation Enterprise Fund Operating Budget, and the Cable Franchise Operating Budget)

Ms. Jenifer Ellin, Director, Mr. Jacob Dyer, Chief of Budget, and Ms. TaTanya Bowman, Assistant Chief of Budget, Department of Fiscal and Administrative Services, provided a Fiscal 2024 Budget Work Session on the Enterprise Funds Operating and Capital Improvement Projects, as well as fees and charges. Overviews of the Water and Sewer Fund with a proposed FY2024 budget of fifty four million seven hundred and forty four thousand five hundred dollars (\$54,744,500.00) and Water and Sewer Capital Improvement Program; Recreation Fund with a FY2024 proposed budget of two million and fifty one thousand nine hundred dollars (\$2,051,900.00); and the Cable Fund with a FY2024 proposed budget of three million seven hundred and fifty six thousand six hundred dollars (\$3,756,600.00) were provided.

The proposed water and sewer fund budget was increased to add staff for engineering, maintenance and program management, and one-time costs for wastewater maintenance projects. Capital projects include new water tower construction and maintenance, improvements to aging wastewater

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infrastructure, and expanded connections and waterlines throughout the county. Anticipated fees and charges would be adjusted to pay for these investments.

The budget public hearing is scheduled on Wednesday April 26, 2023.

Discussion: Proposed Funding Support for Southern Maryland Agricultural Development Commission (SMDAC) Maryland Market Money (MMM) Program

Ms. Jenifer Ellin, Director, Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, provided an update on Commissioners' request to identify a funding source for transferring two hundred and twenty thousand dollars (\$220,000.00) for the Maryland Money Market (MMM) program. Two hundred thousand dollars (\$200,000.00) would go toward the MMM program for Charles County Residents and twenty thousand dollars (\$20,000.00) toward administrative costs. The funds would assist Charles County residents experiencing food insecurity to purchase fresh foods from local farmers markets, farm stands and Community Supported Agriculture (CSAs). Ms. Elin recommended that Commissioners consider transferring American Rescue Plan Act (ARPA) funds to support this initiative.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve using American Rescue Plan Act (ARPA) funds.

Closed Session

At 10:17 a.m., motion was made by Commissioner Patterson, 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)(4)(7) of the General Provisions Article of the Annotated Code of Maryland to review vacancies on two (2) Commissioner appointed Boards and Commissions and receive an update on a potential new business in the County. The reason for moving into closed session is to keep negotiations and strategies and personnel information confidential.

Summary Closed Session Items

At 10:47 a.m. the Commissioners went into closed session.

3-305 (b)(4)(7) Legal: Potential Business in Charles County

Present: Commissioners Collins, Bowling, Coates, Stewart, and Patterson, Wes Adams, Deborah Hall, Carol DeSoto, Jennifer Ellin, and Kelly Robertson-Slagle.

Ms. Kelly Robertson-Slagle, Director, Department of Economic Development, reviewed the status of a potential new business in Charles County. Staff will come back with more information and future plan.

3-305 (b)(1)Personnel: Review of Vacancies on Boards and Commissions

Present: Commissioners Collins, Bowling, Coates, Stewart, and Patterson, Wes Adams, Deborah Hall, and Carol DeSoto.

The Commissioners reached a consensus and agreement on the appointments to the Planning Commission and Board of Appeals.

Official action took place later this day under Approval Items-Action on Boards, Commissions, and Committees.

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At 10:58 a.m., a motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to end this Closed Session.

The Commissioners returned to open session at 3:00 p.m.

Roll Call

A roll call was taken. All Commissioners were present.

Approval Items

Budget Amendments and Budget Transfers:

(Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services; Ms. Frances Sherman, Chief of Environmental Resources, Department of Public Works-Facilities; Mr. Andrew Balchin, Chief of Infrastructure Management, Department of Planning and Growth Management)

FY2023 Budget Amendment Increase #157 Plan Reviews Overruns

A motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve FY2023 Budget Amendment Increase #157 for two hundred and ninety six thousand four hundred dollars (\$296,400.00).

FY2023 Budget Transfer Request #560 Public Works Environmental Services Overruns

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve FY2023 Budget Transfer Request #560 for ninety-six thousand one hundred and fifty dollars (\$96,150.00).

Letter of Support: Federal Transit Administration 5339 Bus and Bus Facilities Grant

(Mr. Jeffrey Barnett, Chief of Transit, and Ms. Deborah Carpenter, Director, Department of Planning and Growth Management)

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

Action on Boards, Commissions, and Committees

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to reappoint Kevin Wedding and appoint Denard Earl to the Planning Commission.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to appoint Cynthia Ybanez-Casarez to the Board of Appeals.

Briefing: Southern Maryland Designated as a National Heritage Area

Ms. Lucille Walker, Executive Director, Destination Southern Maryland, Tri-County Council for Southern Maryland, briefed Commissioners on the recent designation of Southern Maryland as a National Heritage Area. This federal designation recognizes that this region has “natural, cultural and historic resources combine to form a cohesive, nationally important landscape. A formal celebration is planned on Sat, May 25, at 12:00 p.m. at Piscataway Park in Accokeek, MD.

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Briefing: Charles County Military Alliance Council Update

Ms. Kelly Robertson-Slagle, Director, Department of Economic Development; Ms. Pam Frank, Executive Director, and Ms. Steve Mitchell, Chairman, Charles County Military Alliance Council, briefed Commissioners on its role in advocating for the important role of the Naval Support Facility Indian Head. Representatives shared the goals, economic impact, and community support it provides to Charles County.

Briefing and Request for Approval: Establishing a Charter Form of Government Board

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney, provided a briefing on the Charter form of government. Her presentation included an overview of Commissioner County Government, Code Home Rule Government and Charter Government. She explained that in order to change to Charter Government the law would need to be amended and the citizens would vote by referendum. Ms. Mitchell explained that the Board of County Commissioners would have no input into the Charter prepared by the Charter Board if created.

Commissioner Stewart expressed concerns that requesting this type of government at this time and why this need for change. It is not the form of government that is as important as the right people in government. She also expressed her concern about the cost which initially will be high and in the current economic environment the Commissioners need to look at cutting costs in the upcoming budget. She felt that it is not the time to increase the size of government but focus on what can be done for residents.

Commissioner Collins explained that it will be the people who will create what the government would look like. It will be a participatory process.

Commissioner Bowling expressed concerns that changing to Charter Government did not pass before in 2014. He indicated that today's discussion should be only the start of the conversation not a vote to form a Charter Board to move forward. He expressed his concern that in Charter Government the County Executive would have a lot of power, whereas now each Commissioner has an equal vote. One person would have all the power and all top seats in the County would be appointed by one person. He questioned how this would improve the quality of life for the citizens. He expressed that this is a lot of power in one person's hands and that there is no mechanism now to even remove one elected official. Commissioner Bowling also questioned that the law was just changed for elections to vote Commissioners in by districts and felt that before a Charter Board was created forums should be held in each district to get input from the people.

Commissioner Patterson indicated that a County Executive was not required and the people should be in charge of what government looks like and what would change.

Commissioner Collins said doing this would bring it to the people.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and failed, with Commissioners Bowling and Stewart voting in favor to scheduling meetings in different parts of the County, by district, to educate on Charter Government and potential sign ups for a Charter Board before a vote on a resolution to establish the Charter Board. Commissioners Coates, Patterson, and Collins were opposed A roll call of the vote was taken: Commissioner Patterson-no; Commissioner

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Stewart-yes; Commissioner Coates-no; Commissioner Bowling-yes; and Commissioner Collins-no. The motion failed two (2) to three (3).

Commissioner Bowling suggested running the Charter through equal representation of each political party similar to the Redistricting Board. There was no agreement from the Commissioners. Commissioners Collins, Patterson and Coates said no.

Commissioner Stewart suggested a blind sampling of fifty applicants from all districts and randomly drawn by the County Attorney Representative so that there would be no outside influence to who is selected on the Board. There was no agreement from the Commissioners. Commissioners Collins, Patterson and Coates said no.

Commissioner Stewart suggested that the newly formed Charter Board members cannot be previous members who served on the 2013-2014 Charter Board.

Mr. Wes Adams, County Attorney, clarified that this would not be against the First Amendment Right when questioned by Commissioner Collins.

There was no agreement from the Commissioners. Commissioners Collins, Patterson and Coates said no to this suggestion.

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with Commissioners Patterson, Coates, and Collins in favor to approve Resolution 2023-04 Establishing a Charter Board with the added amendments that no less than four (4) public hearings be held, one (1) in each district; and to appoint two (2) members from each district and one at large member. Commissioners Bowling and Stewart were opposed. A roll call of the vote was taken: Commissioner Patterson-yes; Commissioner Stewart-no; Commissioner Coates-yes; Commissioner Bowling-no; and Commissioner Collins-yes. The motion passes three (3) to two (2).

Commissioners directed staff to immediately begin work by advertising the opportunity for community members to apply for appointment to the newly created Charter Board.

Briefing: Charles County Policy and Process Related to Agritourism Bill

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County; Ms. Deborah Carpenter, Director, Department of Planning and Growth Management, and Ms. Kelly Robertson-Slagle, Director, Department of Economic Development, briefed the Commissioners on the Agritourism Bill, which was developed based on input from the Rural Planning and Zoning Task Force to promote new opportunities for existing and proposed agritourism in Charles County. They highlighted the economic development, regulatory, and legal considerations for agricultural business operations.

The Commissioners directed staff to bring back modifications in the language to ensure clarity and options for updating the code after meeting with experts such as farmers and other businesses in agritourism.

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Commissioner's New Business

There was no new business discussed.

At 5:27 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