

Regular Meeting of County Commissioners
Tuesday April 25, 2023 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 9:02 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
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

**Thomasina O. Coates, M.S., County Commissioner was absent*

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. Commissioners Bowling, Stewart, Patterson and Collins were present.

**Commissioner Coates was not present.*

Comments

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Stewart, Patterson and Collins present, voting in favor to make April 25 and 26, 2023 Legislative days. **Commissioner Coates was not present for the vote.*

Recognition: Employee Length of Service, January- March 2023; Top Performer, First Quarter (January-March, 2023)

The Commissioners recognized employees' years of service for January through March 2023. The Top Performer for the first quarter, Kimberly Moyer, Care Manager from the Department of Community Services, was announced and recognized.

Legislative Wrap Up: 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. provided a review of the 2023 Maryland General Assembly Session. The overview included the Governor's Legislative Initiatives that were passed which included items related to the budget, education, broadband, public safety, economic development, and reforming cannabis policies; a review of nearly four (\$4) million dollars in bonds and grants that were allocated to Charles County for local projects and nonprofit programs; and the results of local bills submitted by the Charles County Delegation, and summary of other legislation of interest to Charles County Commissioners was discussed.

Charles County Legislation:

- SB0373/HB0944 *Charles County - Motorized Minibikes - Regulation and Enforcement* Failed.

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- SB374/HB948 *Motor Vehicle Registration - Exceptions for Golf Carts and Low Speed Vehicles - Cobb Island*
Failed.
- SB519 *Charles County-Alcoholic Beverages- Unlicensed Establishments*
Failed.
- SB520/HB1033 *Code Counties – Legislative Procedure – Notice Requirements*
Failed.
- SB521/HB947 *Property Tax – Credit for Volunteer Emergency Responders.*
Passed.
- SB539/HB1037 *Economic Development-Tri-County Council for Southern Maryland Membership*
Failed.

Other Legislation of Interest:

- SB0001 *Criminal Law - Wearing, Carrying, or Transporting Firearms - Restrictions (Gun Safety Act of 2023)*
Passed.
- SB0491 *Charles County - Task Force to Study School Bus Operator Contracts and Wages*
Passed.
- SB0516/HB0556 *Cannabis Reform*
Passed.
- HB0692 *Public Service Commission – Certificates of Public Convenience and Necessity – Local Permits*
Passed.

Approval of the Minutes of April 18, 2023

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve the minutes of April 18, 2023 with amendment to the minutes,. *Commissioner Coates was not present for the vote.

Amendment: Include Commissioner Stewart’s request at the public hearing on Bill 2023-03 held on April 18, 2023 to have Ms. Greer add clarifying language to be consistent on the petition for local map amendment to change base zone of property documents.

Announcement

Next Scheduled Session(s): May 2-3, 2023

Reminder Public Hearing: Tonight, April 25, 2023 (In Person):

#1 Public Hearing: Draft Bill 2023-02 Maryland Commercial Property Assessed Clean Energy Program (MD PACE)

#2 Public Hearing: Docket 90 Amendment #22-90(22) Wooded Glen and Piney Reach Master Plan

Reminder Public Hearing: Tomorrow, April 26, 2023 (In Person/Virtual): FY2024 Constant Yield FY2024 Budget

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 Services, Ms. Terri Kahouk, Deputy Director-Facilities,

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Mr. Bernard Cochran, Deputy Director-Utilities; Mr. Samuel Walter, Program Manager, Utilities, and Mr. Martin Harris, Director, Department of Public Works; Ms. Elizabeth Theobalds, Deputy County Attorney, office of the County Attorney for Charles County; and Captain Kevin Leahy, Ms. Bonnie Lancaster, Senior Budget Analyst, Charles County Sheriff's Office)

FY2023 Budget Amendment Increase #176 Set Up Capital Improvement Project Pay Go Stormwater-Drainage Projects

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve FY2023 Budget Amendment Increase #176 for ten million dollars (\$10,000,000.00). *Commissioner Coates was not present for the vote.

FY2023 Budget Amendment Increase #177 Set Up Infrastructure Improvement Program Watershed Protection Fund

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve FY2023 Budget Amendment Increase #177 for ten million dollars (\$10,000,000.00). *Commissioner Coates was not present for the vote.

FY2023 Budget Amendment Increase #825 Charles County Sheriff's Office Reimburse Sworn Officers Overtime Fund

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve FY2023 Budget Amendment Increase #825 for twenty-five thousand five hundred dollars (\$25,500.00). *Commissioner Coates was not present for the vote

FY2023 Budget Transfer Request #882 Public Works Anticipated Overruns Various Expense Accounts

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve FY2023 Budget Transfer Request #882 for two hundred and fifty-seven thousand three hundred and seventy dollars (\$257,370.00). *Commissioner Coates was not present for the vote.

FY2023 Budget Transfer Request #1028 Public Works Capital improvement Project-Water/Sewer

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve FY2023 Budget Transfer Request #1028 for three hundred and twenty thousand dollars (\$320,000.00). *Commissioner Coates was not present for the vote.

FY2023 Budget Amendment Increase #1429 Charles County Sheriff's Office Community Programs

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve FY2023 Budget Amendment Increase #1429 for forty-three thousand two hundred dollars (\$43,200.00). *Commissioner Coates was not present for the vote.

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FY2023 Budget Amendment Increase #1879 Increase to County Attorney's Office for Declaratory Judgement Lawsuit

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve FY2023 Budget Amendment Increase #1879 for three hundred and seventy-five thousand dollars (\$375,000.00). *Commissioner Coates was not present for the vote.

Changes to the personnel Policy and Procedure Manual-Compensatory Time for Exempt Employees (Ms. Megan Donnick, Deputy Director, and Ms. Alexis Blackwell, Director, Department of Human Resources)

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve the changes as presented. *Commissioner Coates was not present for the vote.

Maryland DHS - Maryland Summer SNAP Additional Nutrition Program Fiscal Year 2024 Grant Application

(Ms. Therese Wolf, Director, Charles County Department of Social Services)

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve the grant application. *Commissioner Coates was not present for the vote.

Briefing: State of Emergency Services FY2024 and Future

Ms. Michelle Lilly, Director, and Mr. Tony Rose, Deputy Director, Ms. Lori Cherry, Chief of EMS & SOD, Mr. Jeffrey Clements, Chief of Public Safety, and Mr. Edward Tucker, Chief of Animal Control, Department of Emergency Services, Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services briefed the Commissioners on the state of emergency services in Charles County, from 2017-2022. Ms. Lilly and Mr. Rose provided an overview of total calls, volunteer versus career response to calls and provision of transport, peak hours analysis, and disparate impacts in different parts of the county as service calls increase. Staff provided examples of how disparities in coverage affect the department's capacity to respond to increasingly complex and competing calls for service throughout the county.

The Department of Emergency Services presented data on how growing demands are affecting both staff and volunteers. They explained how the increased demands for service have stretched the staff, resources, and assets of the department beyond its capacity to effectively respond to emergencies. Staff reviewed the current budgetary request for more employees and funding, and discussed how these resources would be deployed to deliver more equitable outcomes that meet the needs of all County residents. They also shared projections on additional staffing that will be necessary in the future to provide efficient and effective services as Charles County continues to grow.

Commissioner Stewart requested Ms. Deborah Hall, Deputy County Administrator, Office of the County Administrator to review options for incentives specifically for Emergency Services training.

**** RESCHEDULED TO THIS AFTERNOON ** FY2024 Budget Work Session: General Fund**

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Closed Session

At 12:17 p.m., motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to move into Close Session where all or a portion of this session may be closed pursuant to 3-305 (b)(7) of the General Provisions Article of the Annotated Code of Maryland to receive an update on two (2) potential agreements; and receive an update on a lease agreement; and The reason for moving into closed session is to keep negotiations and strategies confidential.

**Commissioner Coates was not present for the vote.*

Summary Closed Session Items

At 12:35 p.m. the Commissioners went into closed session.

3-305(b)(7) Legal Advice: Potential Agreement

Present: Commissioners Collins, Bowling, Stewart, and Patterson, Mark Belton, Wes Adams, Deborah Hall, Carol DeSoto, Jenifer Ellin, Zhypar Beishenalieva, Luke Patton, Jake Niemyer, Sarah Ingerson, Stacie Birenbach, and Kirsten Woelper

Ms. Zhypar Beishenalieva, Associate County Attorney, Office of the County Attorney, reviewed the proposed changes to a potential agreement. The Commissioners listened to the outside party's reasoning for these changes.

The Commissioners requested staff to come back to continue this discussion with legal in determining how to proceed.

3-305 (b)(7)Update on a Lease Agreement

The Commissioners postponed this topic until the next scheduled session since Commissioner Coates was not present.

3-305 (b)(7)Potential Agreement

Present: Commissioners Collins, Bowling, Stewart, and Patterson, Mark Belton, Wes Adams, Deborah Hall, Carol DeSoto, Evelyn Jacobson, and Danielle Mitchell

Staff reviewed the agreements and potential resolution related to Broadband.

The Commissioners reached a consensus and took official action in open session later this day under Additional Approval Item(s) Section.

At 1:47 p.m., a motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to end this closed session. **Commissioner Coates was not present for the vote.*

The Commissioners returned to open session at 2:04 p.m.

Roll Call

A roll call was taken. Commissioners Bowling, Stewart, Patterson, and Collins were present.

**Commissioner Coates was not present.*

Public Comments

Commissioners held an open session to receive public comments on any issue. This agenda item was

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added for the Commissioners to listen to feedback only, twice each month during their regular meetings.

There were four (4) citizens who provided comments.

Additional Approval Item(s)

ThinkBig North Nanjemoy Broadband Agreement

(Ms. Deborah Hall, Deputy County Administrator, Office of the County Administrator; Ms. Evelyn Jacobson, Chief Information Officer, Department of Fiscal and Administrative Services; and Ms. Danielle Mitchell, Associate County Attorney II, Office of the County Attorney for Charles County)

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve the Public Private Partnership Agreement with ThinkBig **Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve the Fiber Optic Sale and Maintenance Agreement **Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve Resolution 2023-05 Rural Broadband Expansion. **Commissioner Coates was not present for the vote.*

Briefing: Update Keep Charles County Beautiful Initiatives

Ms. Margaret Romero, Superintendent Recycling and Litter Control, Ms. Frances Sherman, Chief of Environmental Resources; and Mr. Martin Harris, Director, Department of Public Works; and Ms. Kelli Beavers, Director, Department of Recreation, Parks, and Tourism, provided a briefing on the “Keep Charles County Beautiful” initiatives. They highlighted efforts to clean up litter along highways, special events to engage volunteers in community cleanups, and additional outreach on litter prevention.

Briefing: Bryans Road Sub Area Plan

Mr. Charles Rice, Acting Planning Director, and Ms. Amy Blessinger, Planner III, Ms. Cathy Thompson, Planning Supervisor, Department of Planning and Growth Management; Mr. Taylor Yewell, Redevelopment Manager, Department of Economic Development; and Jamie Kendrick, Consultant, Mead & Hunt, presented the draft Bryans Road Sub-Area Plan, as recommended by the Planning Commission. The Plan will guide future land use decisions in the Bryans Road area by establishing a land use plan that creates four distinct neighborhoods, adds opportunity for senior housing and recreational facilities, preserves rural areas, and protects the culture and history in Bryans Road. They discussed the project’s community engagement activities and shared the public’s feedback on future growth and redevelopment. They analyzed potential constraints to commercial investment and attraction of retail amenities, and discussed population growth targets and infrastructure that are essential to move forward. The next recommended step would be to schedule a public hearing.

A motion was made by Commissioner Patterson to schedule the public hearing for Tuesday June 27, 2023. There was no second, so the motion failed.

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The Commissioners agreed to add this topic to another agenda as a work session before scheduling a public hearing.

Update: Charles County Public Schools Blueprint for Maryland's Future

Ms. Christina Mulhollan Miller, Coordinator of District Innovation, and Dr. Maria Navarro, Superintendent, Charles County Public Schools, presented an update on the Blueprint for Maryland's Future. They discussed each of the pillars embedded in the public education plan and summarized the government funding required to implement each of the initiatives.

**Break 4:14 p.m. – 4:24 p.m.*

Roll Call

A roll call was taken. Commissioners Bowling, Stewart, Patterson, and Collins were present.

**Commissioner Coates was not present.*

Joint Meeting with the Board of Education - 2023 School Allocation Cycle

Mr. Ben Yeckley, Planner III, Department of Planning and Growth Management; and members of the Board of Education, discussed the summary and analysis of the proposed school allocations for the 2023 cycle. This will serve as a basis for making allocation offers to eligible projects on the waiting list.

Commissioner Collins and Stewart stressed the need to have a working document with the Town of La Plata related to school seat allocations.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve the school seat allocations as presented. **Commissioner Coates was not present for the vote.*

FY2024 Budget Work Session: Governmental Capital Improvement Projects (CIP)

Ms. Jenifer Ellin, Director, Mr. Jacob Dyer, Chief of Budget, and Ms. TaTanya Bowman, Assistant Chief of Budget, Department of Fiscal and Administrative Services, reviewed the proposed Fiscal 2024 General Fund Budget and provided a recap of the Fiscal 2024-2028 Governmental Capital Improvement Projects. Staff also provided supplemental information related to Roads Surface Treatment as requested. Staff reminded the Commissioners to submit add/delete forms for the next work sessions.

Commissioner's New Business

There was no new business discussed.

**Break 5:50 p.m. - 6:04 p.m.*

Roll Call

A roll call was taken. Commissioners Bowling, Stewart, Patterson, and Collins were present.

**Commissioner Coates was not present.*

#1 Public Hearing: Draft Bill 2023-02 Maryland Commercial Property Assessed Clean Energy Program (MD PACE)

The Commissioners held an in person public hearing on the proposed Bill 2023-02 Maryland Commercial Property Assessed Clean Energy Program (MD PACE). Ms. Kelly Robertson-Slagle, Director, and Ms. Michelle DeSoto, Deputy Director, Department of Economic Development; Ms. Jenifer Ellin, Director, and Mr. Eric Jackson, Chief of Treasury, Department of Fiscal and Administrative Services; and Ms. Danielle Mitchell, Associate County Attorney II, Office of the County Attorney for Charles County, joined the Commissioners to provide discuss the need to revise local law concerning the Maryland commercial property assessed clean energy program to ensure consistency with the amended state enabling legislation that allows commercial property owners to participate in the program when implementing energy-saving improvements on their buildings, including building health and air quality, electric vehicle charging, environmental remediation and resilience projects.

There were no input/comments from the public.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to close the public record. **Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to close this in person portion of the public hearing. **Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to adopt Bill 2023-02 Maryland Commercial Property Assessed Clean Energy Program (MD PACE). **Commissioner Coates was not present for the vote.*

#2 Public Hearing: Docket 90 Amendment #22-90(22) Wooded Glen and Piney Reach Master Plan

The Commissioners held an in person public hearing on the proposed 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, provided a review of the proposed amendments. The applicant, St. Charles Community, LLC has requested three (3) changes to the Wooded Glen & Piney Reach Villages Master Plan:

1. Change in middle school site location
2. Change in “85% Rule”
3. Modification of Buffer Remediation Plan for MD Route 488 (La Plata Road)
3. Modification of Buffer Remediation Plan for MD Route 488 (La Plata Road)

There were nine (9) citizens who presented comments.

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A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to keep the public record open for sixty (60) days. **Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to close this in person portion of the public hearing. **Commissioner Coates was not present for the vote.*

At 7:05 p.m., a motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, , with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to adjourn. **Commissioner Coates was not present for the vote.*

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President