

Regular Meeting of County Commissioners
Tuesday April 9, 2024 (Legislative day)

The regularly scheduled meeting of the County Commissioners was convened 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
Amanda M. Stewart, M.Ed., County Commissioner
Deborah Hall, Acting County Administrator
Jenifer Ellin, Acting Deputy County Administrator
Wes Adams, County Attorney
Carol A. DeSoto, Clerk to the Commissioners

**Thomasina O. Coates, M.S., County Commissioner was absent for the morning in person portion of the agenda.*

Call to Order/Pledge

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

Invocation

Pastor William Buck, Church of the Harvest, shared an opening prayer.

Roll Call

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

**Commissioner Coates was absent.*

Commissioners Bowling, Stewart, Patterson and Collins were in person.

Recognition

The Dynamic Flair Aspire Synchro Team, The Figure Skating Club of Southern Maryland (FSCSM), First Place Maryland Regional Competition

Archbishop Neale School Varsity Boys Basketball Team, Southern Maryland Youth Basketball League (SMYBL) Championship

Proclamation(s) Issued for April 2024

2024-19 Fair Housing Month
2024-20 National Child Abuse Prevention Month
2024-21 Autism Acceptance Month
2024-22 Archaeology Month
2024-23 National Library Week
2024-24 National Public Health Week
2024-25 National Animal Control Officer Appreciation Week
2024-26 National Public Safety Telecommunicator Week
2024-27 National Volunteer Week
2024-28 National Crime Victims' Rights Week
2024-29 National Financial Literacy Month
2024-30 National Arab American Heritage Month

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The Commissioners were joined by Charles County Animal Control Officers to receive proclamation 2024-25 National Animal Control Officer Appreciation Week; Members of the Department of Emergency Services to receive proclamation 2024-26 National Public Safety Telecommunicator Week; Staff from the Charles County Department of Health to receive proclamation 2024-24 National Public Health Week; Staff from the Department of Community Services to receive proclamation 2024-19 Fair Housing Month and proclamation 2024-27 National Volunteer Week; Staff from Charles County Department of Social Services and staff from the University of Maryland Charles Regional Medical Center to receive proclamation 2024-20 National Child Abuse Prevention Month; Ms. Cara Bean, President, and Ms. Susanne Malebranche, Vice President, Erin's Star, to receive proclamation 2024-21 Autism Acceptance Month; Members of the Charles County Archeology Society of Maryland, Inc., to receive proclamation 2024-22 Archaeology Month; Members of the Charles County Regional Library and the Library Board of Trustees to receive proclamation 2024-23 National Library Week; Staff from the Charles County State's Attorney's Office to receive proclamation 2024-28 National Crime Victims' Rights Week; and Ms. Lisa Ambers, Beyond the Classroom, and Mr. Kenneth Wayne Thompson, Director, Charles County Regional Library, to receive proclamation 2024-29 National Financial Literacy Month.

**At about 9:25 a.m. Commissioner Stewart left session.*

**Break 9:59 a.m. - 10:07 a.m.*

Roll Call

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

**Commissioners Coates and Stewart were absent.*

Commissioners Bowling, Patterson and Collins were in person.

Commissioners' Comments

Commissioner Collins acknowledged the end of the Islamic Ramadan thirty (30) days of fast and that the Eid-al-Fitr celebration, festival of the breaking of the fast will begin tomorrow.

**At about 10:11 a.m. Commissioner Coates joined session virtually.*

Approval of the Minutes of March 19, 2024

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Coates, Patterson, and Collins present, voting in favor to approve the minutes of March 19, 2024. **Commissioner Stewart was not present for the vote.*

Announcement

Next Scheduled Session(s): April 16-17, 2024

Announcement: Change of Public Hearing Dates The Public Hearing on Bill 2024-07 Zoning Text Amendment 22-174 Mixed Use originally scheduled for today April 9, 2024 has been rescheduled to Tuesday June 11, 2024 at 6:00 p.m. in the Charles County Government Building to be held in person and virtually.

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The Public Hearing on Amendment to Indenture - Docket 250, Villages at Swan Point scheduled for April 30, 2024 has been rescheduled for Tuesday May 14, 2024 at 6:00 p.m. in the Charles County Government Building to be held in person and virtually

Approval Items

Budget Amendments and Budget Transfers

(Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative Services)

FY2024 Budget Amendment Increase #220 To Cover Increased Vetting Adoptable Animals and Food Costs

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Coates, Patterson, and Collins present, voting in favor to approve FY2024 Budget Amendment Increase #220 for eighty-five thousand dollars (\$85,000.00). *Commissioner Stewart was not present for the vote.

**At about 10:16 a.m. Commissioner Stewart joined session in person.*

FY2024 Budget Amendment Increase #392 Additional Construction Cost Waterline Pipes

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve FY2024 Budget Amendment increase #392 for one hundred and ninety-four thousand five hundred dollars (\$194,500.00).

FY2024 Budget Amendment Increase #753 Replace Damaged Emergency Services Vehicle

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2024 Budget Amendment increase #753 for fifty-nine thousand two hundred and eighty dollars (\$59,280.00).

Request for Approval: VanGO Facility Construction Grant Application

(Mr. Jeffry Barnett, Chief of Transit, and Mr. Jason Groth, Acting 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 for the construction grant application.

Amend: FY2025 Annual Transportation Priority Letter to Maryland Department of Transportation

(Mr. Joel Binkley, Planning Supervisor, Ms. Cathy Thompson, Assistant Chief of Planning, and Mr. Jason Groth, Acting 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 amended FY2025 Annual Transportation Letter.

TO BE RESCHEDULEDRequest for Approval: Charles County Commission for Veterans Affairs Amended Bylaws

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Legislative Update: 2024 Maryland General Assembly Session

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney; Ms. Jenifer Ellin, Acting 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 2024 Maryland General Assembly Session.

Ms. Mitchell explained that last evening (April 8, 2024) was Sine Die, which is the end of the 2024 Maryland General Assembly. She provided a brief update and informed the Commissioners that a more in-depth update/wrap up will be provided on April 16, 2024.

The Charles County Legislative Proposals

- *HB440 Motor Vehicle Registration - Exceptions for Golf Carts and Low Speed Vehicles - Cobb Island*
Did not pass, but a statewide enabling legislation did pass.
- *HB972 Motor Vehicles – Off-Highway Vehicles – Clarifications and Revisions*
Did not pass.
- *HB690 Charles County - Adult Protective Services Review Board - Membership*
Passed, along with a statewide Bill that also passed.
- *HB1321 A proposal to enact a Parkland Dedication Ordinance to require property developers pay a fee to be used instead of dedicating land (i.e., "fee-in-lieu"), or a combination of dedication or construction of recreational facilities.*
Passed.
- *HB687 Charles County – Governing Bodies of Common Ownership Communities – Member Training*
Did not pass.

Ms. Mitchell reviewed other State proposed legislation:

*HB1092/SB0649 Public Safety Answering Point Personnel-Training in Telecommunications
Cardiopulmonary Resuscitation*
Passed.

- *HB899/SB691 Higher Education – Firefighters and EMS Recruitment and Retention – Scholarship and Loan Repayment Assistance.*
Passed.
- *SB783/HB1435 Renewable Energy – Net Energy Metering Aggregation, Solar Renewable Energy Credits, and Taxes on Solar Energy Generating Systems (Brighter Tomorrow Act)*
Passed with amendments.
- *SB0014/HB1281 Economic Development - Tourism Zones - Designation and Benefits*
Passed with amendments.

Ms. Mitchell also noted the Charles County Delegation Bond Bills for Maryland Technology Center at Indian Head and Lions Camp Merrick were approved.

Southern Crossing and Indian Head Grocer Initiative were not approved.

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Ms. Mitchell informed the Commissioners that the previously approved three (3) million dollars of restricted funds approved for Charles County are now unrestricted.

Briefing and Request to Introduce and Set Public Hearing: Proposed Bill 2024-(09) Zoning Map Amendment (ZMA) 23-03 Martin Knapp Properties

Mr. Kirby Blass, Planner III, and Mr. Charles Rice, Planning Director, Department of Planning and Growth Management, explained that this proposed Bill would change the zoning designation of eight point one (8.1) combined acres from Central Business (CB) to High-Density Suburban Residential (RH). The Planning Commission voted unanimously to recommend approval of ZMA #23-03 for adoption, based upon the rationale that there has been a substantial change in the character of the neighborhood; and in recognition of the properties designation within the Qualified Census Tracts (QCT) which incentivizes affordable housing.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to introduce Proposed Bill 2024-(09) Zoning Map Amendment (ZMA) 23-03 Martin Knapp Properties.

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to schedule the public hearing on Tuesday, May 14, 2024 at 6pm in the Government Building at 200 Baltimore Street, La Plata, MD to be held hybrid, in-person and virtually.

****TO BE RESCHEDULED** Briefing: Request to Introduce and Schedule Public Hearing Bill 2024-(10) Amendments to the Charles County Building Code**

**Break 10:50 a.m. – 10:56 a.m.*

Roll Call

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

**Commissioner Stewart was absent.*

Commissioners Bowling, Patterson and Collins were in person. Commissioner Coates was virtual.

**At about 11:00 a.m. Commissioner Stewart joined session in person.*

FY2025 Budget Work Session: Enterprise Funds, Operating and Capital Improvement Program (CIP) Fees and Charges- Water and Sewer, Recreation, Cable

Mr. Jacob Dyer, Acting Director, and Ms. TaTanya Bowman, Assistant Chief of Budget, Department of Fiscal and Administrative Services, provided an overview summary of the Enterprise Funds, Operating and Capital Improvement Program (CIP) Fees and Charges- Water and Sewer, Recreation, Cable funds. The Water and Sewer Fund has a proposed budget of fifty-six million nine hundred and thirty-one thousand dollars (\$56,931,000.00) which is out of balance and would require a rate increase. The Recreation Fund has a proposed budget of two million one hundred and seventy-three thousand four hundred dollars (\$2,173,400.00) which is balance. The Cable Franchise Operations Fund has a proposed budget of three million four hundred and thirty-eight thousand and two hundred dollars (\$3,438,200.00) which is balanced, but the revenue in this fund is declining.

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Closed Session

At 11:28 a.m., motion was made by Commissioner Bowling, seconded by Commissioner Patterson 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)(3)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss appointments to Commissioners' appointed Boards and Commissions and to discuss a potential land acquisition. The reason for moving into closed session is to keep legal advice, negotiations, personnel information, and strategies confidential.

Summary Closed Session Items

At about 11:45 a.m., the Commissioners went into closed session.

3-305(b)(3)(7) Potential Property Acquisition

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Wes Adams, Deborah Hall, Carol DeSoto, Jenifer Ellin, Judy Michael, Danielle Mitchell, Sam Drury, Martin Harris, Terri Kahouk, and Kelly Robertson-Slagle.

Staff provided an outline of the proposed property for acquisition.

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to authorize staff to negotiate up to *specified amount*.

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to have Commissioner Collins sign the Letter of Intent (LOI).

3-305(b)(1) Appointments to BCC

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

Ms. Christina Elkins, Assistant Clerk to the Board of County Commissioners reviewed vacancies on the Commission for Veterans affairs.

The Commissioners reached a consensus and official action will take place on April 16, 2024 under Approval items- Actions on Boards and Commissions.

At 12:25 p.m., a motion was made by Commissioner Bowling, 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.
Commissioners Bowling, Stewart, Patterson and Collins were in person. Commissioner Coates was virtual.

FY2025 Budget Work Session: Enterprise Funds, Operating and Capital Improvement 4 Program (CIP) Fees and Charges- Landfill, Stormwater, Environmental, Inspection Services

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Mr. Jacob Dyer, Acting Director, and Ms. TaTanya Bowman, Assistant Chief of Budget, Department of Fiscal and Administrative Services, provided an overview summary of the Enterprise Funds, Operating and Capital Improvement 4 Program (CIP) Fees and Charges- Landfill, Stormwater, Environmental, Inspection Services. The Landfill Operations Fund has a proposed budget of fourteen million four hundred and twenty-five thousand eight hundred dollars (\$14,425,800.00) with a proposed fee increase. The Environmental Service Fund has a proposed budget of ten million twenty-one thousand one hundred dollars (\$10,021,100.00) with a proposed fee increase. The Watershed Protection and Restoration Fund has a proposed budget of eight million two hundred and forty-six thousand nine hundred dollars (\$8,246,900.00) which is out of balance and would require a fee increase. The Inspection and Review Fund has a proposed budget of ten million four hundred and thirty-eight thousand three hundred dollars (\$10,438,300.00) which is balanced. Mr. Dyer also provided a brief overview of the new fees.

Update: Goals and Objectives- Economic Development

Ms. Kelly Robertson-Slagle, Director, Ms. Michelle Frye, Deputy Director, and Ms. Jack Street, Research and Special Project Manager, Department of Economic Development, provided a presentation on Commissioner Goal 1—Economic Development and a preview of the new OpenGov dashboard, a platform designed to track data to enhance government transparency and efficiency.

Commissioner Bowling requested that members of the Business Cohort be invited for a future discussion.

Discussion: Solar and Renewable Energy Zoning Solar Farms

Commissioner Bowling; Mr. Jason Groth, Acting Director, Department of Planning and Growth Management; and Ms. Kelly Robertson-Slagle, Director, Department of Economic Development, discussed how staff was working behind the scenes with Maryland Association of Counties (MACo) related to solar legislation. Only SB783/HB1435 *Renewable Energy – Net Energy Metering Aggregation, Solar Renewable Energy Credits, and Taxes on Solar Energy Generating Systems (Brighter Tomorrow Act)* passed which is a bill which incentivizes solar. No land use or mandate legislation has been passed.

Commissioner’s New Business

There was no new business discussed.

**Break 4:30 p.m. - 4:59 p.m.*

Roll Call

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

**Commissioner Coates was absent.*

Commissioners Bowling, Stewart, Patterson and Collins were in person.

Commissioners’ Public Comment Session

Commissioners held an open session to receive public comments on any issue. This agenda item was added for the Commissioners to listen to feedback only, twice each month during their regular meetings.

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There were nine (9) people who provided comments in person and two (2) people who provided virtual comments. Any written comments received were added to the website for the public to view.

Summary of Public Comments

In Person:

- Spoke on the building density within the Watershed Conservation District (WCD) and requested to consider changing the density from one (1) unit per twenty (20) acres to one (1) unit per ten (10) acres
- Noted that the County Attorney had concerns about the legality of the zoning related to the Bill 2023-13 ZTA 23-173 Independent Senior Living. Commissioners Bowling and Stewart requested delaying the vote for thirty (30) days to investigate further but the vote was against this delay. It was also mentioned that Commissioner Patterson does not speak up during the meetings and suggested the Commissioner Patterson and Coates may be lame ducks since his mother Delegate Patterson is nearing retirement and may be preparing a spot for him. Noted that the County needed Commissioners who pay attention and ask questions.
- Discussed complaint that was submitted to the Homeowners Association Dispute Review Board (HOADRb). In September of 2023, he submitted a complaint to the HOADRb with all documentation and required fee and since then he has not had a hearing due to a clerical error on the County, the board meeting every other month and a lack of preparation in review of cases. Additionally, a particular board member had not shown for over three meetings. He feels as though the HOADRb is ineffective in their review of complaints as well as their meeting to review cases. Also spoke on the new Docket 90 amendment with the Board of Education stating that they do not want an Elementary and Middle School side by side and that they agree with applicant moving the previously approved site for the Middle School to a total separate location even though in the original approved plan. And spoke about the need for residents to have an opportunity to comment on the Bill to remove a County Commissioner.
- Spoke on the 2016 Comprehensive Plan to set guidelines for the growth of the County. Now Commissioner Collins changed the County's vision for the lands near the airport to industrialize and develop over five hundred (500) acres, which goes against the 2016 Comp Plan. The speaker also highlights the changes made in the Bryans Road Area and how the Bryans Road Sub Area Plan cannot be implemented without first amending the Comp Plan. The plan is currently just words on a page, and using consistency with the Sub Area Plan for approving any amendment is meaningless. The speaker is pointing out the misrepresentation of the Sub Area Plan in the new Airport zone amendments. They believe that the current vision for Bryans Road is what is written in the 2016 Comprehensive Plan and are requesting the reference to the "updated vision" be removed from the preamble of both bills to ensure accuracy.
- Expressed frustration with the planning process and how his hours of preparation for public hearings and letters seem to be boiled down to a single number in an up or down vote. He questions whether his comments are being heard and considered by the Commissioners particularly regarding the Masters Child site and the issue of spot zoning. He also raises

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concerns about a Commissioner's potential conflict of interest. Overall, he hopes that his research and data will inform the Commissioner's choices that the planning process will be more open minded and transparent.

- Stated that the Charles County Code of Ethics that emphasizes on maintaining impartiality and independent judgment of public officials and employees. It prohibits officials from participating in any decision-making process in which they or their qualified relatives have an interest. The speaker notes that Commissioner Coates must not participate in the BOCC's public hearings, discussion, and vote for ZMA 23-02 as one of the properties subject to the ZMA is owned by a qualified relative of Commissioner Coates.
- Concerns that no citizen can look at our budget and see what we are spending on Economic Development. That needs to change. Our county needs well-paying job growth and increases commercial tax base. But we can't even tell what we're spending on Economic Development. The reason is that the Economic Development budget number is inflated, because the Economic Development budget includes what we are spending on some purchasing activity. Purchasing is the work for the county to buy stuff. That is an administrative and compliance function. Feels the County needs focused, prudent, data-driven, business-oriented strategies and tactics to advance job growth and the commercial tax base. Put purchasing expenses and activities back in purchasing; Have our Economic Development budget reflect what we are spending on Economic Development and make sure the Director has what is needed to help advance job growth and commercial tax base; and pass legislation to remove a Commissioner for ethics violations, because that will be coming back to you in this Spring's legislative proposals.
- Expressed gratitude towards the County staff for their hard work and dedication. Also request the County Commissioners make it mandatory for a member to be physically present in the room during meetings unless there are extenuating circumstances. The speaker also emphasizes the importance of Commissioner Coates to be present in their own district and fulfill her responsibilities towards all citizens of Charles County.
- The need for Commissioner Coates to recuse herself from voting on Bill related to the Aviation Business Park Stated that the expansion should not include the east side of the airport which has steep stream valleys and that the Mattawoman would be destroyed by the seventy percent (70%) impervious surface allowed in the expansion

Summary of Public Comments

Virtual:

- Provided an update on the charter document. Mentioned what is not included in the charter such as a Police Department, career fire, and the appointment of a School Superintendent. He also talked about what the charter includes, such as term limits for both the proposed executive and the council, district voting code and town hall requirements. The charter document is resident-driven and elected officials cannot change it. All Charles County residents will vote on the charter in November.

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- Expressed gratitude towards the public officials for their service and encourages them to continue with public comments. Highlighted the need for ambulances, police officers and firefighters in Charles County. Additionally, mentioned the issues with charter government and urged the officials to address the problems faced by citizens, and mentioned a concerns about the recent increase in excise taxes.

**Break 5:34 p.m. – 6:41 p.m.*

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

**Commissioners Coates and Stewart were absent.*

Commissioners Bowling was in person; Commissioners Patterson, and Collins were virtual.

At about 6:42 p.m. Commissioner Stewart joined session virtually.

At about 6:49 p.m. Commissioner Coates joined session virtually.

Public Hearing: Bill 2024-(07) Zoning Text Amendment #23-176 Aviation Business Park and Bill 2024-(08) Zoning Map Amendment #23-02 Aviation Business Park

The Commissioners held a hybrid, virtual/in-person, public hearing on proposed Bill 2024-(07) Zoning Text Amendment #23-176 Aviation Business Park and Bill 2024-(08) Zoning Map Amendment #23-02 Aviation Business Park. Ms. Amy Blessinger, Planner III, Mr. Charles Rice, Planning Director, Mr. Joel Binkley, Planning Supervisor, and Ms. Cathy Thompson, Assistant Chief of Planning, Department of Planning and Growth Management; and Mr. Taylor Yewell, Chief of Commercial Development, Department of Economic Development, reviewed facts related to the Maryland Airport, Economic Development Objectives, and purpose of the Aviation Business Park Zone.

At about 7:02 p.m. Commissioner Collins joined session in person.

At about 7:11 p.m. Commissioner Stewart joined session in person

At about 7:14 p.m. Commissioner Patterson joined session in person.

There were twenty (20) people who provided in person comments and eight (8) people who provided comments virtually.

Commissioner Collins apologized for him being late. He also expressed the importance of finding a compromise since this project is important to economic development.

Commissioner Coates recused herself from the vote since she owns a business on Ray Drive.

Commissioner Stewart expressed the need for business growth but knowing the ecological impact is needed and must be mindful and should consider looking at the 210 corridor for economic development.

Commissioner Patterson believes that growth can be done safely and soundly.

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 keep the public record open for sixty (60) days. **Commissioner Coates recused herself from the vote.* The motion passed four (4) with one (1) recused.

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Commissioner Stewart requested inviting the owners of the airport to a meeting in the Bryans Road Area to discuss their vision for the future before the sixty (60) days record closes.

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 this public hearing. **Commissioner Coates recused herself from the vote.* The motion passed four (4) with one (1) recused.

At 8:46 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners present, voting in favor to adjourn.

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President