

Regular Meeting of County Commissioners
Tuesday October 1, 2024 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in person, at 12:34 p.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, Ed.D., County Commissioner
Jenifer Ellin, Acting Deputy County Administrator
Wes Adams, County Attorney
Carol A. DeSoto, Clerk to the Commissioners

**Ralph Patterson, II, M.A., Vice President, County Commissioner was absent and joined session later this day as noted.*

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, Coates, Stewart and Collins were present in person
**Commissioner Patterson was absent.*

Charles County Proclamations for October 2024

2024-75 Global Diversity Awareness Month
2024-76 Domestic Violence Awareness Month
2024-77 National Cybersecurity Awareness Month
2024-78 National Breast Cancer Awareness Month
2024-79 National Disability Employment Awareness Month
2024-80 Child Health Day and Month
2024-81 National Bullying Prevention Month
2024-82 Fire Prevention Week
2024-83 White Cane Awareness Day
2024-84 First Responders Appreciation Day
2024-85 Pregnancy and Infant Loss Awareness and Remembrance Month

The Commissioners were joined by staff from the Charles County State Attorney's Office to receive proclamation 2024-76 Domestic Violence Awareness Month; Staff from the IT division, Department of Fiscal and Administrative Services to receive proclamation 2024-77 National Cybersecurity Awareness Month; Members of the Sisters at Heart Organization to receive proclamation 2024-78 National Breast Cancer Awareness Month; Staff from the Charles County Health Department and the NAACP to receive proclamation 2024-80 Child Health Day and Month; the Krzywda family to receive proclamation 2024-85 Pregnancy and Infant Loss Awareness and Remembrance Month; Members from the National Federation of the Blind to receive proclamation 2024-83 White Cane Awareness Day; and Staff from Melwood and members of the Commission for Individuals with Disabilities to receive proclamation 2024-79 National Disability Employment Awareness Month.

**Break 1:03 p.m.- 1:15 p.m.*

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Session resumed in hybrid format, virtually and in person.

Roll Call

A roll call was taken. Commissioners Bowling, Coates, Stewart, and Collins were present in person.
**Commissioners Patterson was absent.*

Commissioners' Comments

Commissioners Bowling and Stewart requested a discussion on a future agenda to consider allowing the Commissioners to respond after public comments are received. Commissioner Collins was open to this discussion.

Approval of the Minutes of September 24, 2024

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Coates, Stewart and Collins present, voting in favor to approve the minutes of September 24, 2024. **Commissioner Patterson was not present for the vote.*

Announcement

Next Scheduled Session(s): October 8-9, 2024.

Approval Items

Budget Amendments and Budget Transfers

(Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative Services; and Ms. Frances Sherman, Chief of Environmental Services, Department of Public Works)

FY2025 Budget Amendment Increase #926 FY2024 Funds Allocated for Stake Truck Ordered

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Coates, Stewart and Collins present, voting in favor to approve FY2025 Budget Amendment Increase #926 for eighty thousand five hundred and eighty dollars (\$80,580.00).
**Commissioner Patterson was not present for the vote.*

Request for Approval: Board of Education FY2025 Inter-Category Budget Transfers

(Ms. Karen Acton, Chief Financial Officer, and Ms. Sherri Fischer-Davis, Budget Manager, Charles County Public Schools)

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Stewart and Collins present, voting in favor to approve the Board of education's Inter-Category Budget Transfer for one point five (\$1.5) million dollars.
**Commissioner Patterson was not present for the vote.*

Mattawoman Flow Equalization Basin Budget Amendment Request and Change Order #31

(Mr. Olin Straus, Senior Project Manager-Utilities, Mr. Ed Gorham, Chief of Technical Support-Utilities, Mr. Samuel Walter, Program Manager-Utilities, Mr. Bernard Cochran, Deputy Director-Utilities, and Mr. Martin Harris, Director, Department of Public Works)

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Coates, Stewart and Collins present, voting in favor to approve FY2025 Budget Amendment Increase # 375 for one hundred and seventy-two thousand two hundred and fifty dollars (\$172,250.00).

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

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A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Coates, Stewart and Collins present, voting in favor to approve Change Order #31 for one hundred and seventy-two thousand two hundred and forty-five dollars and twenty-one cents (\$172,245.21).

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

Request for Funds: Interfaith Commission Clergy Breakfast

(Ms. Katherine Heichler, Chair, Interfaith Commission and Ms. Michelina Coates, Commissioner Specialist/Staff Support, Office of the Commissioners)

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Coates, Stewart and Collins present, voting in favor to approve this funding request for up to one thousand dollars (\$1,000.00).

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

Work Session-Briefing and Request to Schedule a 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

**At about 1:26 p.m. Commissioner Coates recused herself from this work session*

Mr. Charles Rice, Planning Director and Ms. Cathy Thompson, Assistant Chief of Planning, Department of Planning and Growth Management; and Ms. Kelly Robertson-Slagle, Director, Department of Economic Development, joined the Commissioners for the continuation of the work session from July 9, 2024 where the Commissioners amended the area proposed for rezoning by reducing the area for consideration *See Map attached (Attachment 1)*. This was a reduction of three hundred and twenty-nine (329) acres, or fifty eight percent (58%) from the original proposal. The Commissioners requested the amended proposal go back to the Planning Commission for their consideration and recommendation. The Planning Commission held their work session on September 16, 2024 where they ultimately recommended two (2) changes *See Map attached (Attachment 1)*:

- *Further reduce the area of Aviation Business Park (ABP) within the southern portion of the parcel located on the east side of the Airport property (Parcel 157) that removes another forty-one (41) acres.*
- *Change the zoning of (Parcel 505) on Ray Drive from Watershed Conservation District (WCD) to Industrial General (IG) (Tomar Trucking).*

The Planning Commission recommended approval of Zoning Text Amendment #23-176 and Zoning Map Amendment #23-02 Aviation Business Park with these two (2) changes.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, and Collins present, voting in favor to schedule the public hearing on the County Commissioners' proposed map (*Attachment 1*) with the added amendment to include it being held on Tuesday, October 29, 2024 at 6:00 p.m. in the Government Building at 200 Baltimore Street, La Plata, MD to be held hybrid, in-person and virtually. **Commissioners Coates and Patterson were not present for the vote.*

**At about 1:41 p.m. Commissioner Coates rejoined the session.*

Briefing and Request for Approval: Sheriff's Office Retirement Plan (SORP) Fixed Income

Assets

Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative Services; and Mr. Alton Fryer, Direct of Client Services, Bolton, reviewed the recommended changes the Charles County Sheriff's Office Retirement Plan (SORP) to the Fixed Income Investments. Bolton Investment recommends greater diversification within the Fixed Income Allocation. These recommendations have been reviewed and approved unanimously by the SORP Committee.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Coates, Stewart and Collins present, voting in favor to approve replacing the PIMCO Total Return Fund with the ALPS/Smith Total Return Fund. **Commissioner Patterson was not present for the vote*

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Coates, Stewart and Collins present, voting in favor to allocate the fixed income assets equally between the Dodge & Cox Income Fund, ALPS/Smith Total Return Fund, and Vanguard Total Bond Market Index Fund. **Commissioner Patterson was not present for the vote.*

Briefing and Request to Schedule the Public Hearing: Charles County Government 2024 Bond Issue

Mr. Jacob Dyer, Acting Director, and Ms. TaTanya Bowman, Assistant Chief of Budget, Department of Fiscal and Administrative Services reviewed the dates and process related to the 2024 Bond Issue. The proposed Bond size for 2024 is seventy-three million dollars (\$73,000,000.00) with thirty-five million six hundred thousand dollars (\$35,600,000.00) allocated to the Board of Education. Mr. Dyer reviewed the breakdown of the bond terms:

- Fifteen (15) Year Bonds: Forty million dollars (\$40,000,000.00) for eligible General Government, Board of Education, Parks, Roads, Water & Sewer, Environmental Resources, and Watershed Projects
- Ten (10) Year Bonds: Twenty million dollars (\$20,000,000.00) for School Excise Tax Bonds for eligible Board of Education Projects and for eligible Water Projects.
- Thirty (30) Year Bonds: Thirteen million dollars (\$13,000,000.00) for eligible Water, Sewer & Watershed Projects.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Coates, Stewart, and Collins present, voting in favor to schedule the public hearing on Tuesday, October 29, 2024 at 6:00 p.m. in the Government Building at 200 Baltimore Street, La Plata, MD to be held hybrid, in-person and virtually. **Commissioner and Patterson was not present for the vote.*

Briefing: Update on FY2025 Summer Youth Employment Program

Ms. Fredina James, Local Care Team Convener, Ms. Laura Gustafson, Deputy Director, Ms. Jessica Gross, Local Management Board Specialist, and Ms. Sapreen Khalaifeh, Local Management Board Supervisor, Department of Community Services provided a review of the 2024 Summer Youth Employment Program. They reviewed the results and data on the youth, host sites, and key take aways.

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Briefing: Update on the Mallows Bay Visitors Center Feasibility Study

Mr. Sam Drury, Deputy Director, and Ms. Elena Gilroy, Mallows Bay Operations Manager, Department of Recreation, Parks, and Tourism; Ms. Christa Kerrigan and Ms. Mary Burkholder, WRA, provided a review the feasibility study for the Mallows Bay-Potomac River National Marine Sanctuary Heritage Center. This study was funded through the Rural Maryland Economic Fund Grant, involves community engagement and public survey, public and stakeholder meetings, market analysis, economic impact analysis, matrix of pros/cons for each potential location and a final report in November 2024. Ms. Kerrigan reviewed the feedback and summary of public survey related to potential locations. She reviewed the four (4) areas of consideration, Mallows Bay Park, Nanjemoy, Marbury, and Indian Head. Mr. Drury concluded with an overview of the next steps.

Briefing: Update and Request for Approval Collaborative Community Improvement Projects Community Selection

Ms. Jenifer Ellin, Acting Deputy County Administrator, and Ms. Doria Fleisher, Community Engagement Coordinator-Media Services, Office of the County Administrator; and Ms. Renesha Miles, Chief Equity Officer, Department of Human Resources provided an overview of the process for community selection. Each of the five (5) areas considered are within the Equity Emphasis Area (EEA) which are census tracts identified as having higher concentrations of low income and/or minority residents. These areas are:

- 8501.02/8502.02 Bryans Road/Indian Head
- 8515.02 West Waldorf/Billingsley
- 8509.01/8509.06 St. Charles
- 8512 Cobb Neck
- 8504 Indian Head/Nanjemoy

Staff provided an overview of current projects, future projects, community connections, and other considerations for each area. Staff recommended 8501.02/8502.02 Bryans Road/Indian Head for the pilot of this program and outlined their reasons.

**At about 2:41 p.m. Commissioner Patterson joined session virtually.*

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the selection of Census Tract 8501.02/8502.02 Bryans Road/Indian Head for the pilot of this program.

(Continued) Work Session: 2025 Preliminary State Legislative Proposal Package

Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney for Charles County, continued her review of the proposals to include in the Charles County Legislative Proposal Package for 2025.

- A proposal to remove the required petition of support for applicants for an alcoholic beverage license.
Proposed by: Kathleen Quade, Chair Board of License Commissioners

Ms. Mitchell provided information about how other jurisdictions handle this. The Commissioners present reached a consensus to NOT include this proposal.

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- A proposal to make mini golf exempt from Charles County Admission and Amusement tax.
Proposed by: Doug Roth of Scary Strokes

Ms. Mitchell provided information about other jurisdictions handle this.

The Commissioners present reached a consensus to NOT include this proposal.

- A proposal for state funding to support a public-private partnership for school construction to address space needs of full day prekindergarten under the Blueprint.
Proposed by: Commissioner Collins

The Commissioners reached a consensus to include this proposal and include the Courthouse.

- A proposal for state funding to support a county sidewalk program to enhance the walkability of the Waldorf Urban Redevelopment Corridor (Old Washington/Leonardtown Rd)
Proposed by: Commissioner Collins

The Commissioners reached a consensus to include this proposal and requested that staff from the Department of Planning and Growth Management provide more detailed language to describe areas near schools, neighborhoods, mixed use commercial.

- A proposal to create Urban Bike Trail to connect the existing Indian Head Rail Trail to various destination on or near the Potomac River and points north, terminating at National Harbor. **Proposed by: Commissioner Collins**

The Commissioners present reached a consensus to NOT include this proposal.

- A proposal to commit state resources to the development of a ferry service connecting Indian Head to National Harbor and Alexandria, VA.
Proposed by Commissioner Collins

The Commissioners reached a consensus to include this proposal and directed staff to have the lobbyist determine potential funding sources.

- A proposal for enabling legislation to establish a classification of real property known as “blighted property” and to implement a higher property tax rate on that class of properties.
Proposed by: Commissioner Collins

Staff is scheduled to present a briefing on this issue.

- A proposal seeking state funding to establish a mentorship program designed to reduce violent acts committed by and against the youth of Charles County.
Proposed by: Commissioner Collins

The Commissioners present reached a consensus to NOT include this proposal

The Commissioners directed staff to have the lobbyist determine potential funding sources.

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- A proposal seeking state funding to create real-time crime centers.
Proposed by: Commissioner Collins

The Commissioners reached a consensus to include this proposal.

- A proposal seeking state funding to support the creation of murals throughout the county.
Proposed by: Commissioner Collins

The Commissioners directed staff to have the lobbyist determine potential funding sources.

- A proposal seeking state funding to support the creation of an application competition.
Proposed by: Commissioner Collins

The Commissioners directed staff to have the lobbyist determine potential funding sources.

- A proposal seeking state funding to assist with the creation of a housing trust fund.
Proposed by: Commissioner Collins

The Commissioners reached a consensus to include this proposal.

The Commissioners directed staff to have the lobbyist determine potential funding sources.

Closed Session

At 3:53 p.m., a motion was made by Commissioner Bowling, 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)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to meet with a State appointed personnel selection; to review a lease agreement; and to discuss a litigation matter. The reason for moving into closed session is to keep legal advice, negotiations, strategies, and personnel information confidential.

Summary Closed Session Items

At about 4:19 p.m., the Commissioners went into closed session.

3-305(b)(1) Introduction of State's Selection for an Appointed Position

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Wes Adams, Carol DeSoto, Jenifer Ellin, Dina Barclay, Daniel Waite, and Appointee

Mr. Daniel Waite, Maryland Department of Human Services Deputy Secretary for Talent & Customer Service, introduced the States selection for the Director of Charles County Department of Social Services.

The Commissioners directed staff to send a letter to the Deputy Secretary concurring with their decision.

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3-305(b)(7) Lease Renewal

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Wes Adams, Carol DeSoto, Jenifer Ellin, and Danielle Mitchell.

Staff reviewed the terms in the proposed lease renewal agreement.

The Commissioners reached a consensus on this agreement. Official action will take place on October 8, 2024 under Approval Items- Lease Renewal.

3-305(b)(7)(8) Discuss Litigation Matter

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

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, informed the Commissioners that the County received notice of a litigation matter and that his office has sent a response.

At 4:48 p.m., a motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to end this close session.

At about 5:00 p.m. the Commissioners returned to open session.

Roll Call

A roll call was taken. All Commissioners were present. Commissioners Bowling, Coates, Stewart and Collins were in person. Commissioner Patterson was virtual.

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.

There were four (4) people who provided comments in person and no virtual comments provided. Any written comments received were added to the website for the public to view.

Summary of Public Comments

In Person:

- Speaker expressed concerns tax oversight and audit to funding to fire departments and the use of their buildings and signs to promote anti Charter; felt Commissioners, as elected officials, need to be careful with words; questioned which political party Commissioner Bowling is serving.
- Speaker question Charter and who is promoting it; in State Code it would take twenty percent (20%) of registered voters to petition to amend any article in Charter if passed, which is twenty-five thousand (25,000) people; and spoke on other concerns related to how things are approved in Charter Form of Government.
- Speaker indicated that former Chair of the Charter Board and Ms. Butler-Washington are making false claims about her, they are claiming she is a republican lobbyist which may be a

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reflection of the three Commissioners who accept bias behavior against staff; The Charter was to be written by the people for the people but feels the Charter Board was not this; feels issues related to County staff need to be resolved before the election since it affects all County employees.

- Speaker requests continued public comment sessions into 2025; concerns on the lawsuit against a Commissioner who was found to have direct racial bias and abusive and hostile environment has cost the taxpayers millions and request the Commissioners to not pay for Commissioner Coates appeal; County employees wrote three (3) letters to the Commissioners because of the strain it puts on the employees. The appeal case is on Monday.

Work Session: Proposed Bill 2024-(06) Zoning Text Amendment (ZTA) 22-174 Mixed Use (MX) Zone Revision of Sections 297-106 and 297-49

Ms. Tetchiana Anderson, Planner III, and Mr. Charles Rice, Planning Director, Department of Planning and Growth Management, reviewed the requested amendment and position of the applicant which is seeking to create and incorporate “Housing for Specific Populations” into large residential developments in the Mixed Use (MX) Zoning District of Charles County and allow that housing to be substituted for commercial office and/or retail uses at the maximum permitted level; add a definition of Proposed Housing; add a new zone purpose to Mixed Use (MX) Zone; and add new language and note for proposed housing.

Staff continues to recommend denying this ZTA’s based on its position that substitutions of residential uses for commercial uses in the MX Zone can potentially cause a decrease in the commercial land base; and the possibility of losing the “mixed” component within this zone and would be inconsistent with the intent of the Charles County Zoning Ordinance and the 2016 Comprehensive Plan. The Planning Commission believes this amendment will provide flexibility in responding to and planning for market changes, but they also stated they wanted to make sure the intent of the Comprehensive Plan will be met with each proposed development.

Commissioner Collins questioned the County Attorney if he worked with the applicant since the public hearing and prior to this work session, to address his legal opinion with the applicant. Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, clarified that as the County Attorney, he does not render a legal opinion to the applicant but only to the Board of County Commissioners to help guide the Commissioners on how it affects the Comprehensive Plan. Commissioner Stewart clarified that it was not appropriate to have the County Attorney to provide a legal opinion to the applicant unless the Board of Commissioners direct staff to share in writing a legal opinion.

Commissioner Coates opined that staff should tell this applicants the problems and work with them so that the applicant can respond. Mr. Adams did not agree and expressed that the Board of Commissioners can do this. He also explained that he did tell Ms. Greer, Attorney for the applicant, that he opposed this amendment.

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The County Attorney's Office opinion is that this zoning text amendment (ZTA) runs afoul of the 2016 Comprehensive Plan in several respects, especially with the loss of the "mixed" nature of the MX Zone and reduction of commercial land base in the County; and indicated the Comprehensive Plan would have to be amended to adopt a new vision advanced by this ZTA; and believes zoning text amendment is not the proper mechanism to make such changes that are contrary to the Comprehensive Plan.

Mr. Adams furthered expressed that the appropriate way to change this zoning is by the County Commissioners changing the language in the Comprehensive Plan but not doing it with this zoning text amendment. He told Ms. Greer that he would be willing to meet with her to discuss their opposing opinions.

Commissioner Bowling expressed concerns that this zoning text amendment could affect the commercial area of the Morgantown Plant.

Commissioner Stewart expressed that she was not anti-residential but needs a balanced approach and should not go against the Comprehensive Plan.

Commissioner Coates believes the need is for commercial with residential.

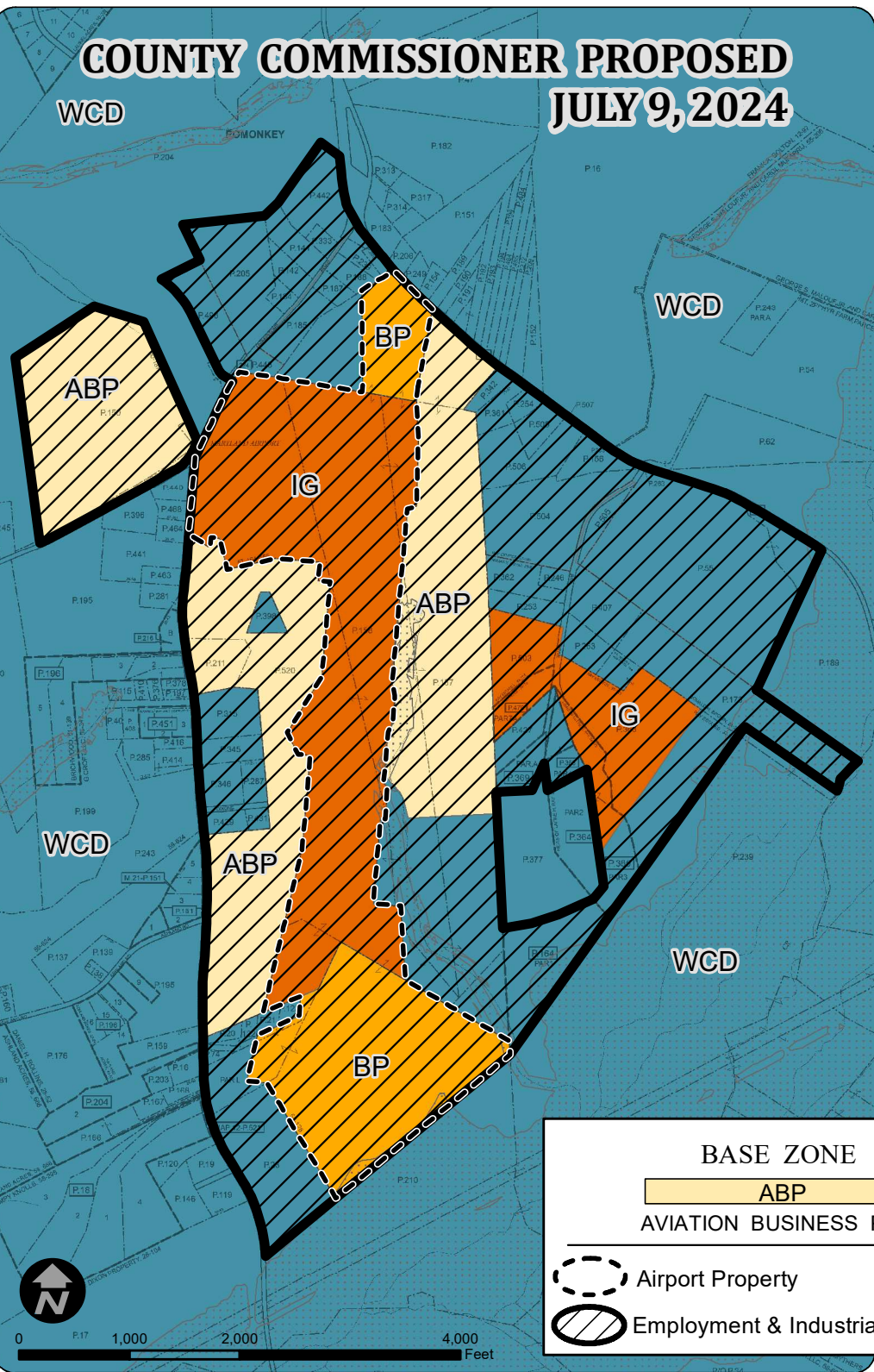
The Commissioners reached a consensus to schedule another public hearing. The date will be determined and approved at the next session on October 8, 2024.

At 6:15 p.m., a motion was made by Commissioner Coates, 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

COUNTY COMMISSIONER PROPOSED JULY 9, 2024



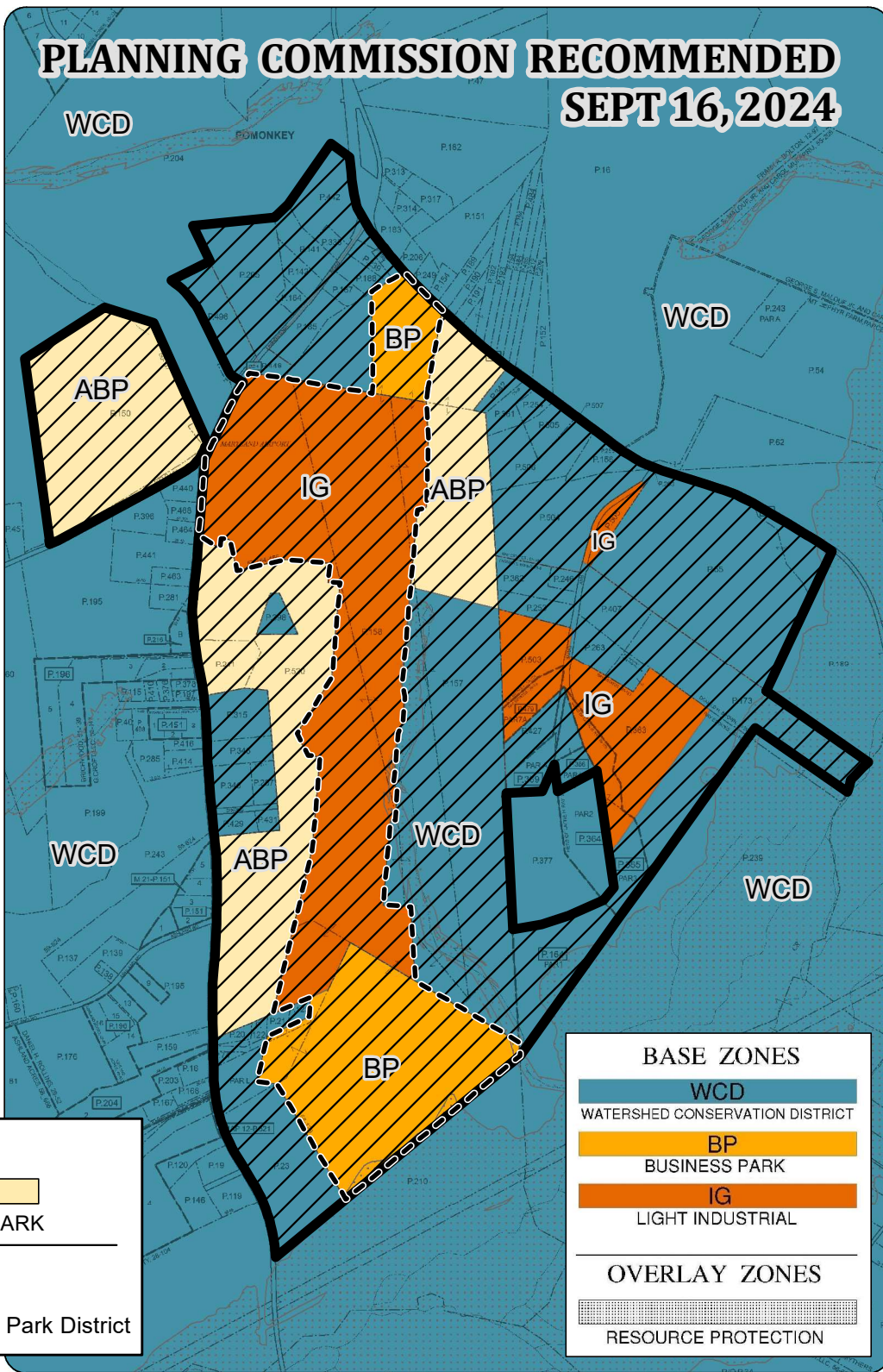
BASE ZONE

ABP
AVIATION BUSINESS PARK

Airport Property

Employment & Industrial Park District

PLANNING COMMISSION RECOMMENDED SEPT 16, 2024



BASE ZONES

WCD
WATERSHED CONSERVATION DISTRICT

BP
BUSINESS PARK

IG
LIGHT INDUSTRIAL

OVERLAY ZONES

RESOURCE PROTECTION



0 1,000 2,000 4,000 Feet