

Regular Meeting of County Commissioners
Tuesday May 17, 2022 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 9:11 a.m. with the following persons in attendance:

Reuben B. Collins II, Esq., President, County Commissioner
Bobby Rucci, Vice President, County Commissioner
Gilbert O. Bowling, III, County Commissioner
Thomasina O. Coates, M.S., County Commissioner was absent
Mark Belton, County Administrator
Deborah Hall, Deputy County Administrator
Wesley Adams, County Attorney
Carol A. DeSoto, Clerk to the Commissioners

** Amanda M. Stewart, M.Ed., County Commissioner was not present in session until 10:12 a.m.*

Call to Order/Pledge

Commissioner Collins called the meeting to order, and Commissioner Bowling led the Pledge of Allegiance.

Roll Call

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

**Commissioner Stewart was absent.*

Comments

Commissioner Collins requested a moment of silence to remember those impacted by the loss of lives during the May 14, 2022 mass shooting in Buffalo, New York. He stressed the importance of unity in our County and in the Country.

Approval of the Minutes of May 10, 2022

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci, and Collins present, voting in favor to approve the minutes of May 10, 2022. **Commissioner Stewart was not present for the vote.*

Announcement: Next Commissioners' Session(s) are Scheduled for May 18, May 24 and May 25, 2022.

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next Commissioners' sessions are scheduled for May 18, 2022 for a public hearing on Bill 2022-02 Code of Ethics and Local Legislative Proposals. Sessions are also scheduled for May 24, and May 25, 2022.

Briefing and Request to Introduce: Proposed Bill 2022- 04 Zoning Text Amendment 21-165 Independent Living Senior Housing Complex

Ms. Kelly Palmer, Planner III, Mr. Charles Rice, Assistant Planning Director, and Mr. Jim Campbell, Planning Director, Department of Planning and Growth Management, explained that would amend provisions in the zoning ordinance to add independent living senior housing complex for persons fifty-five (55) years or older with conditions within the Watershed Conservation District (WCD) Zone.

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A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci, and Collins present, voting in favor to introduce Bill 2022-04 Zoning Text Amendment 21-165 Independent Living Senior Housing Complex. *Commissioner Stewart was not present for the vote.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci, and Collins present, voting in favor to schedule the public hearing on Wednesday July 27, 2022 at 6:00 p.m. in the Government Building using a hybrid format. *Commissioner Stewart was not present for the vote.

Final Recap and Adoption: FY2023 General Fund Operating Budgets and FY2023-FY2027 Capital Improvement Projects

Ms. Jenifer Ellin, Director and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services provided a final review of the FY2023 General Fund Operating Budgets and the FY2023-FY2027 Capital Improvement Projects.

1. A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to adopt Ordinance 2022-03 for the Fiscal Year 2023 General Fund Operating Budget in the amount of: four hundred ninety-four million four hundred forty-six thousand two hundred dollars (\$494,446,200.00); and to approve the fiscal year 2023 new position list for General Fund operations which includes adding to the authorized strength of the Sheriff's Office, two (2) Station Clerks, three (3) Court Security Officers, a full-time reduced hour Teen Court Specialist, one (1) Digital Forensic Unit Tech, one (1) Fleet Specialist, one (1) Forensic Science Tech, and one (1) Automated Enforcement Unit Supervisor. Includes adding to the authorized strength of the State's Attorney's Office, two (2) Administrative Staff positions, and to the Circuit Court, one (1) Case flow Management Coordinator and two (2) part time Bailiffs. Also includes additional positions throughout County Government operations. *Commissioner Stewart was not present for the vote.
2. A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to adopt Resolution 2022-04 for the Fiscal Year 2023 Capital Budget in the amount of: one hundred eighty-seven million four hundred fifty-five thousand dollars (\$187,455,000.00); and the Fiscal Year 2023-2027 Capital Improvement Program in the amount of: eight hundred forty-two million eight hundred ten thousand dollars (842,810,000.00); and the associated water and sewer connection fee rates as proposed to support related projects and; and the associated

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school excise tax rates as proposed to support new school construction projects. **Commissioner Stewart was not present for the vote.*

3. A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to adopt the Fiscal Year 2023 Inspection & Review Enterprise Fund -Operating Budget in the amount of: five million four hundred sixty-two thousand three hundred dollars (\$5,462,300.00).

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

4. A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to adopt the Fiscal Year 2023 Recreation Enterprise Fund - Operating Budget in the amount of: one million nine hundred seventy-six thousand six hundred dollars (\$1,976,600.00). **Commissioner Stewart was not present for the vote.*

5. A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to adopt the Fiscal Year 2023 Landfill Enterprise Fund - Operating Budget in the amount of: thirteen million seven hundred twenty-one thousand seven hundred dollars (\$13,721,700.00); and as proposed to increase the tipping fee to eighty-five dollars (\$85.00) per ton. **Commissioner Stewart was not present for the vote.*

6. A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to adopt Ordinance 2022-06 for the Fiscal Year 2023 Water and Sewer - Operating Budget in the amount of: forty-eight million two hundred sixty thousand four hundred dollars (\$48,260,400.00); and to increase the associated water and sewer user fee rates as proposed by approximately seven point five percent (7.5%) on the average water and sewer bill to fund the budget. **Commissioner Stewart was not present for the vote.*

7. A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to adopt Ordinance 2022-05 for the Fiscal Year 2023 Environmental Service Fee Enterprise Fund - Operating Budget in the amount of: eight million three hundred thirty thousand two hundred dollars (\$8,330,200.00); and to increase the Environmental Service Fee to one hundred and

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forty dollars (\$140.00) per improved property tax account for properties outside the municipal limits of La Plata and Indian Head and proposes to increase the fee for properties located within La Plata and Indian Head to twenty one dollars (\$21.00) per improved property tax account.

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

8. A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to adopt the Fiscal Year 2023 Watershed Protection and Restoration Enterprise Fund -Operating Budget in the amount of: six million six hundred ninety-three thousand nine hundred dollars (\$6,693,900.00); and as proposed to increase the Stormwater Remediation Fee to one hundred and twenty seven dollars (\$127.00) per improved property tax account for properties outside the municipal limits of La Plata and Indian Head. Includes adding to the authorized strength of the Charles Soil Conservation District one (1) Engineer I position. **Commissioner Stewart was not present for the vote.*
9. A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to adopt the proposed Fiscal Year 2023 Fees and Charges for County government services. **Commissioner Stewart was not present for the vote.*

Set the Fiscal Year 2023 Property and Income Tax Rate

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services joined the Commissioners as they set the FY2023 Property and Income Tax Rate.

1. A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to set the fiscal year 2023 real property tax rate at the current rate of one point one four one dollars (1.141) per one hundred dollars (\$100.00) of assessed value; and to set the Personal Property tax rate for all railroad personal and public utility property, corporate personal and business personal property subject to taxation at the current rate of two point eight five two five (2.8525) dollars per one hundred dollars (\$100.00) of assessed value. **Commissioner Stewart was not present for the vote.*
2. A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to set the Fire and Rescue real property tax rate at the current rate of six point four (6.4) cents per one hundred dollars (\$100.00) of assessed value; and to set the Fire and Rescue business personal property tax rate at the current rate of sixteen (16) cents per one hundred dollars (\$100.00) of assessed value. **Commissioner Stewart was not present for the vote.*

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3. A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to set the fiscal year 2023 La Plata Town Tax Differential Rate at fourteen point two (14.2) cents per one hundred dollars (\$100.00) of assessable base and; the Indian Head Town Tax Differential Rate at three point nine (3.9) cents per one hundred dollars (\$100.00) of assessed value.
**Commissioner Stewart was not present for the vote.*
4. A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Coates, Rucci, and Collins present, voting in favor to set the semi-annual real property tax payment option rate which has been calculated to be zero point zero three,three percent (0.033%). **Commissioner Stewart was not present for the vote.*
5. A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to set the 2023 Income Tax rate at the current rate of three-point zero three percent (3.03%)
**Commissioner Stewart was not present for the vote.*

Approval Items

FY2022 Budget Transfer Request #9919 Piney Branch Sewer Interceptor Upgrade Phase II Project

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Coates, Rucci, and Collins present, voting in favor to approve FY2022 Budget Transfer Request #9919 for one hundred and twenty-six thousand dollars (\$126,000.00).

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

FY2023 Budget Transfer Request #9967 T.C. Martin Renovation Project-Inflation

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Rucci, and Collins present, voting in favor to approve FY2023 Budget Transfer Request #9967 for five million five hundred and sixty-nine thousand dollars (\$5,569,000.00).

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

FY2022 Budget Transfer Request #9964 Project Savings to T.C. Martin Renovation Project

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Rucci, and Collins present, voting in favor to approve F2022 Budget Transfer Request #9964 for five hundred thousand dollars (\$500,000.00).

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

FY2022 Budget Amendment Increase #9969 T.C. Martin Renovation Project-State

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci, and Collins present, voting in favor to approve FY2022 Budget Amendment Increase #9969 for three million five hundred and thirty-one thousand dollars (\$3,531,000.00).

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

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Board of Education FY2022 Intercategory Budget Transfer Request

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci, and Collins present, voting in favor to approve the Board of Education's FY2022 Intercategory Budget Transfer Request for twelve point nine (\$12.9) million dollars. **Commissioner Stewart was not present for the vote.*

FY2024 COPS Hiring Grant Application

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci, and Collins present, voting in favor to approve the FY2024 COPS Hiring Grant Application as presented. **Commissioner Stewart was not present for the vote.*

Briefing: La Plata Annexation Petition 306.5 Acres Hawthorne Road

Mr. Joel Binkley, Planner III, and Ms. Cathy Thompson, Planning Supervisor, and Mr. Charles Rice, Assistant Planning Director, Department of Planning and Growth Management, reviewed a presentation on the proposed La Plata Annexation Petition "The HUB," to annex three hundred and six point six (306.6) acres north of Hawthorne Road and east of Mitchell Road – northwest of the current Town boundary. The La Plata Town Council is holding a hearing on the annexation on May 24, 2022. Ms. Sue Greer, Attorney for the applicant joined the discussion as well.

The Town's annexation process is controlled by the Town's Comprehensive Plan and through the County's Comprehensive plan for future growth.

The Town is required to inform the County of any annexation petitions and to give the County an opportunity to provide comments.

**At about 10:12 a.m. Commissioner Stewart joined open session.*

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to send a letter to the Town of La Plata requesting that they keep the record open for public comments for thirty (30) days. The motion was amended to include the direction to copy the Board of Education on this letter.

The Commissioners also requested scheduling a briefing from the developer about this project.

Work Session: Community Service and Pretrial Release Program

Ms. Danielle Mitchell, Associate County Attorney, and Mr. Wes Adams, County Attorney, Office of the County Attorney, Charles County, lead the discussion during the work session on the Community Service and Pretrial Release Program. House Bill 1072 passed the General Assembly during the 2021 session, which enables the Charles County Commissioners to establish and provide for the administration of a community service program and a pretrial release program as a criminal justice resource. These programs may be utilized pursuant to a court order.

The Commissioners directed Mr. Adams to follow up with Judge West and the Criminal Justice Coordinating Committee (CJCC) about potential eligibility criteria for this program.

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A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to introduce Bill 2022-05 Community Service and Pretrial Release Program. **Commissioner Stewart was able to vote due to technical connectivity issues.*

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to schedule a public hearing on Wednesday, July 27 at 6 p.m. in hybrid format. **Commissioner Stewart was able to vote due to technical connectivity issues.*

Closed Session

At 11:34 a.m., Commissioner Coates made a motion, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci, and Collins present, voting in favor to move into Closed 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 review land acquisitions for conservation easements; review (1) potential agreement; and receive one (1) update on status on an issue related to a personnel concern. The reason for going into closed is to keep legal approaches and negotiations and personnel information confidential. **Commissioner Stewart was unable to vote due to technical connectivity issues.*

Summary Closed Session Items

At 3:30 p.m. the Commissioners went into virtual closed session.

3-305 (b)(3)(7) Review Potential Land Acquisitions for Conservation Easements

Present: Commissioners Rucci, Bowling, Coates, Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, and Charles Rice.

Mr. Charles Rice, Assistant Planning Director, Department of Planning and Growth Management, reviewed six (6) potential Rural legacy Land Conservation Easements.

Proposed Acquisition Number One (1):

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Coates, Stewart, and Rucci present, voting in favor for staff to negotiate up to the proposed amount presented. **Commissioner Collins was not present for the vote.*

Proposed Acquisition Number Two (2):

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Stewart, and Rucci present, voting in favor for staff to negotiate up to the proposed amount presented. **Commissioner Collins was not present for the vote.*

Proposed Acquisition Number Three (3):

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A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Stewart, and Rucci present, voting in favor for staff to negotiate up to the proposed amount presented. **Commissioner Collins was not present for the vote.*

**At 3:38 p.m. Commissioner Collins joined closed session.*

Proposed Acquisition Number Four (4):

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor for staff to negotiate up to the proposed amount presented.

Proposed Acquisition Number Five (5):

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor for staff to negotiate up to the proposed amount presented.

Proposed Acquisition Number Six (6):

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor for staff to negotiate up to the proposed amount presented.

3-305 (b)(7) Legal Review of a Potential Agreement

Present: Commissioners Collins, Rucci, Bowling, Coates, Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Jason Groth, Alicia Afroilan, Jenifer Ellin, Jacob Dyer, and Terrah Dews.

Staff reviewed a power point presentation outlining the details of a potential agreement.

The Commissioners agreed to have staff present this agreement in open session in June for final approval.

3-305(b)(1)(7) Update on an Issue Related to a Personnel Concern

Present: Commissioners Collins, Rucci, Bowling, Coates, Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Michelle Lilly, Alexis Blackwell, Aldo Zambrana, Chief Stephen Finch.

Staff reviewed the issues raised by some staff members related to a potential health issue and the steps being taken to address these concerns.

The commissioners directed staff to provide an updated report on the status of this issue.

At 5:12 p.m., a motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to end this close session.

At 5:20 p.m., the Commissioners returned to open session.

Roll Call

A roll call was taken. All Commissioners were present.

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Mr. Wes Adams, County Attorney, informed the Commissioners that he had spoken with Judge West, and he has agreed to draft potential eligibility criteria related to the community service and pretrial release programs.

Update: Land Preservation, Parks, Recreation Plan (LPPRP)

Ms. Kelli Beavers, Director, Mr. Sam Drury, Chief of Recreation, and Mr. Tim Drummond, Chief of Parks, Department of Recreation, Parks, and Tourism; Ms. Lisa Wolff, Mr. Art Thatcher and Mr. Tom Diehl, Berry Dunn, provided a presentation on the Land Preservation, Parks, Recreation Planning process. They reviewed the community information and gathering summary, methodology, results and recommendations.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to schedule a public hearing on Wednesday June 8, 2022 at 6:00 p.m. in the Government building Conference Room in a hybrid format, virtual and in person.

Commissioner's New Business

There was no new business discussed.

At 5:49 p.m., a motion was made by Commissioner Rucci, 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

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FORM OF STATEMENT FOR CLOSING A MEETING

Location: Hybrid- In Person/Virtual- MS Teams

Date: May 17, 2022

Time: 11:34 a.m.

Motion By: Commissioner Coates

Seconded By: Commissioner Rucci

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Reuben B. Collins, II, Esq.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gilbert O. Bowling, III.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomasina O. Coates, M.S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Stewart, M.Ed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bobby Rucci	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

STATUTORY AUTHORITY TO CLOSE SESSION

General Provisions Article §3--305(b):

(1) To discuss:

(i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or

(ii) Any other personnel matter that affects one or more specific individuals.

(2) To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

(4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

(5) To consider the investment of public funds.

(6) To consider the marketing of public securities.

(7) To consult with counsel to obtain legal advice on a legal matter.

(8) To consult with staff, consultants, or other individuals about pending or potential litigation.

(9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

(10) To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:

(i) the deployment of fire and police services and staff; and

(ii) the development and implementation of emergency plans.

FORM OF STATEMENT FOR CLOSING A MEETING

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- (11) [] To prepare, administer or grade a scholastic, licensing, or qualifying examination.
- (12) [] To conduct or discuss an investigative proceeding on actual or possible criminal conduct.
- (13) [] To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.
- (14) [] Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

TOPICS TO BE DISCUSSED:

3-305(b)(1)(7)Update on an Issue Related to a Personnel Concern


REASON FOR CLOSING: Keep personnel information confidential.

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

REASON FOR CLOSING: To keep legal approaches, negotiations and strategies confidential.

3-305(b)(3)(7)Legal: Review Potential Land Acquisitions for Conservation Easements

REASON FOR CLOSING: To keep strategies confidential.



Reuben B. Collins, II, Esq., President