

Regular Meeting of County Commissioners
Tuesday January 10, 2023 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 9:01 a.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, M.Ed., County Commissioner
Ralph Patterson, II, M.A., County Commissioner
Deborah Hall, Deputy County Administrator
Wes Adams, County Attorney
Carol A. DeSoto, Clerk to the Commissioners

Call to Order/Pledge

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

Roll Call

A roll call was taken. All Commissioners were present.

Charles County Proclamations Issued in January 2023

2023-01 Martin Luther King, Jr. Day of Service and Beyond
2023-02 National Mentoring Month
2023-03 National Pan-Hellenic Council Recognition Month
2023-04 National School Choice Week
2023-05 Catholic Schools Week

The Commissioners were joined by members of the Southern Maryland Pan-Hellenic Council to receive Proclamation 2023-23 National Pan-Hellenic Council Recognition Month.

Comments

Commissioner Collins announced rescheduling voting on Commissioner Vice President and Commissioners' Committee assignments.

Commissioners Bowling requested considering having staff look potentially on how to impeach or remove a County Commissioner; find out what other jurisdictions do and bring back this information.

Commissioner Stewart clarified to get guidance on what can or cannot be done.

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, clarified that this type of request should be done in "New Business."

Commissioner Bowling requested that the "New Business" item be moved to the next item discussed on the agenda to be respectful of the community in attendance.

Commissioner Collins denied that request.

Commissioner Stewart expressed her disappointment that two (2) sitting Commissioners denied the request to have legal counsel get the requested information. A poll of the Commissioners decision was

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two (2) to three (3); there was no consensus or agreement of the majority of the Commissioners to have legal provide this information.

Commissioner Stewart also stated that she disagreed to rescheduling the vote on the Commissioner Vice President and the Commissioner Committee Assignments.

Commissioner Collins noted that it was due to the pending legal matters for the Board of Commissioners.

Commissioner Bowling asked Mr. Adams to clarify who would have authority if no Vice President selected in the absence of the Commissioner President. Mr. Adams clarified that under County Policy Rules, it would be the District One (1) Commissioner.

Approval of the Minutes of December 13, 2022

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the minutes of December 13, 2022.

Announcement

Next Scheduled Commissioner Session(s): January 24 and 25, 2023

Reminder: Public Hearing on January 11, 2023 on Bill 2022-14 Weapons and Firearms Prohibited on County-Owned or Operated Property

Closed Session

At 9:24 a.m., Commissioner Patterson made a motion, 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 Section 3-305(b)(1)(3)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss appointments to Commissioner Tri-County Council Board; to discuss one (1) lease; and to receive an update on a property acquisition. The reason for going into closed session is to keep legal advice, strategies and personnel information confidential. A portion of this session will also concern the administrative function of the County Commissioners in their executive role.

Summary Closed Session Items

At 9:50 a.m. the Commissioners went into closed session.

3-305 (b)(7) Update Lease-Needed Repairs

Present: Commissioners Collins, Bowling, Coates, Stewart, and Patterson, Wes Adams, Deborah Hall Carol DeSoto, Terri Kahouk, Martin Harris, and Danielle Mitchell

Ms. Deborah Hall, Deputy County Administrator reviewed a summary document related to a current lease and needed building repairs. She reviewed staff recommendations.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve money request for replacement costs *repair* but to find a local or Maryland Company to do the work.

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

Present: Commissioners Collins, Bowling, Coates, Stewart, and Patterson, Wes Adams, Deborah Hall Carol DeSoto, Judy Michael, Danielle Mitchell, Terri Kahouk, Martin Harris, and Gina Markovich, Jenifer Ellin

Ms. Deborah Hall, Deputy County Administrator reviewed a summary document providing an update/review to the Commissioners direction from September 20, 2022. Official Action took place later this day under Approval Items.

Commissioners reached a consensus to bring up in New Business, directions to staff to provide update on available properties in the County. Official Action took place later this day under Approval Items.

3-305 (b)(1) Nomination for Appointment to Tri County Council

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

Ms. Carol DeSoto, Clerk to the Commissioners, explained that the Commissioners Collins approved discussing the nominations to the Tri-County Counsel of Southern Maryland today (even though all other Commissioner Committee assignments will be discussed at the end of the month) since it was time sensitive since the full Council for Tri-County will be voting on these nominations next week.

The Commissioners reached a consensus for the nomination of the Charles County At Large member. Official Action took place later this day under Approval Items- Action on Boards, Commissions, and Committees.

The Commissioners had a majority agreement for the Charles County Commissioner nomination for Chairperson and nomination of the Third Vice Chair. Commissioners Coates, Patterson and Collins were for this option. Commissioners Bowling and Stewart were against this option. Official Action took place later this day under Approval Items- Action on Boards, Commissions, and Committees.

Approval of Closed Session Minutes December 13, 2022

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

Ms. Carol DeSoto, Clerk to the Commissioners, provided each Commissioner a written copy of the minutes of December 13, 2022 informing them that she would collect them back once the Commissioners were done with them.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and failed, with Commissioners Stewart and Bowling voting in favor of the approval of the minutes of December 13, 2022. Commissioners Coates and Collins were against. Commissioner Patterson abstained. The motion failed two (2) to two (2); one (1) abstained.

Administrative Update on Process for Public Comments at Public Hearings

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

Ms. Deborah Hall, Deputy County Administrator, Office of the County Administrator, explained the process staff and security recommended for the Public Hearing on January 11, 2023 on Bill 2022-14 Weapons Ban on County Property, since it indicates that it would have high numbers of attendees.

Future public hearing process was also discussed. There was general agreement to this process. Commissioner Stewart was not in agreement.

**Break 11:18 a.m.- 11:28 a.m.*

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Approval of Closed Session Minutes December 13, 2022

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

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, and Patterson voting in favor to approval the Minutes of December 13, 2022. Commissioners Coates and Collins were opposed. A roll call of the vote was taken: Commissioner Stewart-yes; Commissioner Bowling-yes; Commissioner Patterson-yes; Commissioner Coates-no; Commissioner Collins-no. The motion passed three (3) to two (2)

At 11:30 a.m., a motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to end this Closed Session.

At about 1:16 p.m. the Commissioners returned to Open Session.

Roll Call

A roll call was taken. All Commissioners were present

Approval Items

Budget Amendment(s) and Budget Transfer(s)

(Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services; Ms. Deborah Hall, Deputy County Administrator, Office of the County Administrator; Ms. Deborah Tarbox, Financial Support Manager; Mr. Sam Simanovsky, Chief of Operations and Maintenance Utilities, Mr. Bernard Cochran, Deputy Director-Utilities; Mr. John Earle, Chief of Building & Trades Facilities; Ms. Terri Kahouk, Deputy Director-Facilities; and Mr. Martin Harris, Director, Department of Public Works; Mr. Jim Campbell, Planning Director, Ms. Deborah Carpenter, Director, and Mr. Jason Groth Deputy Director, Department of Planning and Growth Management)

FY2023 Budget Amendment Increase #108 Purchase Building in La Plata

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve FY2023 Budget Amendment Increase #108 for five million five hundred and thirty nine thousand dollars (\$5,539,000.00).

FY2023 Budget Amendment Increase #111 Public Works- La Plata Building

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve FY2023 Budget Amendment Increase #111 for one hundred and twenty six thousand dollars (\$126,000.00).

FY2023 Budget Amendment Increase #248 Contractor Invoice Payments

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve FY2023 Budget Amendment Increase #248 for thirty seven thousand seven hundred and forty dollars (\$37,740.00).

FY2023 Budget Transfer Request #325 Purchase Vacuum Priming Panel for GRIT System at Mattawoman Plant

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve FY2023 Budget Transfer Request #325 for fifty five thousand nine hundred dollars (\$55,900.00).

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FY2023 Budget Transfer Request #327 Purchase UV System Parts

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2023 Budget Transfer Request #327 for two hundred thousand dollars (\$200,000.00)

Request Letter of Support: Bel Alton High School Alumni Association Legislative Bond Initiative Funding for Bel Alton High School Museum

(Mr. Matt Wills, Chairman, Bel Alton High School Alumni Association)

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve this letter of support with the inclusion of dollar amount and the County as recipient and Bel Alton High School Alumni Association as sub recipient since County owns the building.

Request for Commitment Mattawoman Waste Water Treatment Plant (MWWTP) Electrical and Automation Improvements Project

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

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve Commitment for the Mattawoman Waste Water Treatment Plant Electrical and Automation Improvements Project.

Request to Introduce Amendments to Bill 2022-14 Weapons and Firearms Prohibited on County Owned or Operated Property

(Ms. Danielle Mitchell, Associate county Attorney II, Office of the County Attorney for Charles County and Mr. John McConnell, Chief of Central Services, Office of the County Administrator)

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve amendments to proposed Bill 2022-14 Weapons and firearms Prohibited on County Owned or Operated Property as presented.

These amendments include removing the 100 yards provision, so the prohibition is for inside government-owned or operated buildings only; adding an exception to allow on-duty civilian employee of a law enforcement agency to carry a firearm; and removing all references to grounds and parks.

Request Changes to the Administrative Charging Committee Bylaws and Update the Administrative Charging Committee Resolution

(Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney for Charles County, and Mr. Guy Black, Chair, Administrative Charging Committee)

A motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve Resolution 2023-01 The Charles County Administrative Charging Committee.

This amends Charles County Administrative charging Committee Resolution 2022-08.

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A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve the Charles County Administrative Charging Committee Bylaws as presented.

Action on Boards, Commissions, and Committees

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to nominate Ellen Flowers-Fields as Charles County at large member to the Tri-County Council for Southern Maryland.

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with Commissioners Coates, Patterson, and Collins present, voting in favor to nominate Commissioner Patterson as Chairman representing Charles County to the Tri-County Council for Southern Maryland. Commissioners Bowling and Stewart were opposed. A roll call of the vote was taken: Commissioner Coates-yes; Commissioner Stewart-no; Commissioner Bowling-no; Commissioner Patterson-yes; Commissioner Collins-yes. The motion passed three (3) to two (2).

Commissioner Bowling expressed his frustration since this was not what was discussed earlier. He stated that he had confidence in Commissioner Patterson but felt Commissioner Stewart should serve the first two (2) years and Commissioner Patterson the second two (2) years.

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 nominate Commissioner Stewart as Third Vice Chair representing Charles County to the Tri-County Council for Southern Maryland. Commissioner Coates was opposed. A roll call of the vote was taken: Commissioner Patterson-yes; Commissioner Stewart-yes; Commissioner Bowling-yes; Commissioner Coates-no; Commissioner Collins-yes. The motion passed four (4) to one (1).

Commissioner's New Business

The Commissioners reached a consensus on Commissioner's Stewart request to direct staff to look at properties currently owned; what are the needs of the County and look at properties in areas to spur economic development in the areas that need help.

Commissioner Bowling requested to have staff research how to remove a County Commissioner and look at past precedence of other areas and to bring back this information to the Board of Commissioners since it would be a public process and the public sets standards for Elected Commissioners.

Commissioner Stewart added to bring back a legal opinion to just answer if this is feasible and process to do it. She also asked if the public could bring this request forward.

Mr. Wes Adams, County Attorney, Office the County Attorney for Charles County indicated that public could bring this forward but legal would still need to review if allowable and how the public process would take place.

Commissioner Collins stated that the timing is not right given the incidents brought to the attention of the public. He responded he did not know when the right time would be when Commissioner Bowling inquired about when the right time would be.

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There was not a majority agreement or consensus to this request. A poll of the Commissioners to this request was two (2) to three (3); there was no consensus or agreement of the majority of the Commissioners. Commissioners Bowling and Stewart for this request and Commissioners Coates, Patterson and Collins were against this request.

Commissioner Stewart mentioned that if a citizen brought this request for this type of legislation then legal would have to do the research.

At 2:18 p.m., a motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to adjourn.

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President