

Regular Meeting of County Commissioners
Tuesday February 7, 2023 (Regular 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.

Additional Charles County Proclamations Issued in February 2023

2023-11 National Angelman Day

The Commissioners were joined by Mr. Kevin Ross and Mrs. Lindsey Ross to receive Proclamation 2023-11 National Angelman Day.

Comments

There were no comments.

Approval of the Minutes of January 31, 2023

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the minutes of January 31, 2023.

Announcement

Next Scheduled Commissioner Session(s): February 14-15, 2023

Update: Health of the County

Dr. Dianna Abney, Health Officer, Charles County Department of Health, provided an update on infectious diseases in Charles County. Charles County has a twelve point five five (12.55) percent positivity rate for COVID-19; a case rate of eleven point two nine (11.29) per one hundred thousand (100,000) and is still in the low COVID-19 community level. In Charles County, seventy four (74) percent of residents have been fully vaccinated against COVID-19. Dr. Abney explained that the Biden administration plans to end the COVID-19 national emergency on May 11, 2023. This means coverage for COVID-19 will become more like coverage for other medical conditions. This does not mean that the virus has been eradicated. CDC still advises everyone to get vaccinated and latest booster, use at home tests and stay home if sick, and wear a high quality mask when COVID-19 levels are high. Dr. Abney's report on the flu indicated that overall respiratory illnesses Maryland is minimal with a four point six (4.6) percent positivity rate. Dr. Abney indicated that she would try to give monthly updates.

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Legislative Update: 2023 Maryland General Assembly Session

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney; Ms. Deborah Hall, Deputy County Administrator, Office of the County Administrator; Mr. Steve Proctor; Mr. Joseph Green; and Ms. Sherrie Simms, Lobbyists, GS Proctor and Associates, Inc. joined the Commissioners to provide an update on the 2023 Maryland General Assembly Session.

The Charles County Legislative Proposals reviewed:

- *SB520 Code Counties – Legislative Procedure – Notice Requirements*
Awaiting hearing date.
- *SB521 Property Tax – Credit for Volunteer Emergency Responders*
Hearing scheduled for February 22, 2023.
- *SB374 Motor Vehicle Registration - Exceptions for Golf Carts and Low Speed Vehicles - Cobb Island*
Hearing scheduled for February 15, 2023.
- *SB373 To enable Charles County to pass a local law to regulate off-the-road motorcycles and all-terrain vehicles, that may include impoundment, conditions for release from impoundment.*
Hearing scheduled for February 15, 2023.
- *SB539 To amend Economic Development Article 13-603 to allow for one citizen voting member of TCCSMD for every forty five thousand (45,000) residents*
Hearing scheduled for February 21, 2023.
- *SB519 Charles County-Alcoholic Beverages- Unlicensed Establishments*
At last update, this was not supported. Now it is supported and received a Bill number. Hearing scheduled for February 24, 2023.
- *SB543 Charles County - Cemeteries - Sediment Control, Stormwater Management, and Forest Conservation*
This was reintroduced from 2022 SB685. Hearing scheduled for February 24, 2023.
- *SB491 Charles County Board of Education - School Bus Contractor Employees - Negotiations*
No Hearing date has been set.

Closed Session

At 9:33 a.m., motion was made by Commissioner Coates, 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)(10) of the General Provisions Article of the Annotated Code of Maryland to receive update on public safety report; discuss potential land acquisitions; receive update on one (1) lease agreement; discuss one (1) legal response to letter received; and to discuss appointments to Boards, Commissions and Committees as well Commissioner Committee Assignments. The reason for going into closed session is to keep legal advice and strategies and personnel information confidential.

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Summary Closed Session Items

At 9:46 a.m. the Commissioners went into closed session.

3-305 (b)(7)(10) Public Safety Update

Present Commissioners Collins, Bowling, Coates, Stewart, Patterson, Mark Belton, Deborah Hall, Wes Adams, Carol DeSoto, and John McConnell

Mr. John McConnell, Chief of Central Services reviewed the Charles County Government Facility Security Report dated February 7, 2023. He reviewed each of the County Buildings with a current status, summary and pictures.

The Commissioners provided comments and suggestions for future safety plans.

3-305 (b)(3)(7) Potential Land Acquisitions

Present Commissioners Collins, Bowling, Coates, Stewart, Patterson, Mark Belton, Deborah Hall, Wes Adams, Carol DeSoto, Judy Michael, Gina Markovich, Jeni Ellin, Jason Groth, and Danielle Mitchell

Ms. Deborah Hall, Deputy County Administrator, Office of the County Administrator, provided an update on potential land acquisitions.

The Commissioners provided staff with directions for future briefings and updates.

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

Present Commissioners Collins, Bowling, Coates, Stewart, Patterson, Mark Belton, Deborah Hall, Wes Adams, Carol DeSoto, and Christina Elkins.

Ms. Christina Elkins, Assistant Clerk to the Commissioners, reviewed vacancies on the Property Tax Assessment Appeal Board, Animal Matters Hearing Board, Board of Appeals, Planning Commission, and Interfaith Commission.

The Commissioners reached a consensus on some of the vacancies. Official Action took place later this day under Approval Items-Action on Boards, Commissions, and Committees. The Commissioners provided Ms. Elkins with further directions related to vacancies on the Boards and Commissions.

3-305 (b)(1)Personnel- Committee Assignments

Present Commissioners Collins, Bowling, Coates, Stewart, Patterson, Mark Belton, Deborah Hall, Wes Adams, Carol DeSoto.

Ms. Carol DeSoto, Clerk to the Commissioners, reviewed the Commissioner Committee Assignments and the Commissioners provided input and reached consensus or majority agreement. Official Action took place later this day under Approval Items-Action on Boards, Commissions, and Committees.

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

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Present Commissioners Collins, Bowling, Coates, Stewart, Patterson, Mark Belton, Deborah Hall, Wes Adams, Carol DeSoto, Judy Michaels, Jennifer Harris, and Danielle Mitchell.

Ms. Deborah Hall, Deputy County Administrator, Office of the County Administrator, and Ms. Danielle Mitchell, Associate County Attorney II, Office of the County Attorney, provided an update on a lease and provided further recommendations.

The Commissioners reached a consensus to proceed with staff recommended actions.

3-305 (b)(7) Legal Advice: Response to a Letter

Present Commissioners Collins, Bowling, Coates, Stewart, Patterson, Mark Belton, Deborah Hall, Wes Adams, Carol DeSoto.

Ms. Deborah Hall, Deputy County Administrator, reviewed the letter received by the Commissioners.

The Commissioners reached a consensus that no response would be given at this time.

At 12:17 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.

At 2:01 p.m., the Commissioners returned to open session.

Roll Call

A roll call was taken. All Commissioners were present.

Approval Items

Letter of Support: Maryland Women's Memorial at Maryland Veterans Museum at Patriot Park
Mr. Lawrence Abell, Maryland Veterans Museum

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve

Approve Vice President for the Board of Charles County Commissioners

Commissioner Bowling recommended Commissioner Stewart as Vice President since she was the most senior member on the Board and having a woman as a Vice President offered diversity in leadership. He clarified that he had respect for Commissioner Patterson but felt the Vice President should be the most senior member of the Board.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and failed, with Commissioners Bowling and Stewart present, voting in favor to approve Commissioner Stewart as Vice President. Commissioners Coates, Patterson, and Collins were opposed. A roll call of the vote

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was taken: Commissioner Patterson-no; Commissioner Stewart-yes; Commissioner Coates-no; Commissioner Bowling- yes; Commissioner Collins-no. The motion failed two (2) to three (3).

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

Commissioner Patterson acknowledged Commissioner Bowling's comments and indicated that he looked forward to working with him to move forward and leave the past the past and move to the future.

Commissioner Stewart commented that Commissioner Collins lacked leadership since he let Commissioner Coates walk over him and deny her (Commissioner Stewart) being the Vice President and deny her (Commissioner Stewart) committee assignments. Commissioner Stewart stated that she still has a voice and that she will still voice what is right and will not be silenced and will be more vocal.

Commissioner Collins stated that it was the majority of the Board,

Commissioner Stewart stated that he is responsible for leading not rubber stamping what is wrong.

Action on Boards, Commissions, and Committees

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve Robin Barnes as Chairperson for the Planning Commission.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed with all Commissioners present, voting in favor to appoint Gabrielle Gonzales as a citizen member; Shari Olson as the Humane Society Representative and Appoint Christine Montgomery as the Vice Chair of the Animal Matters Hearing Board.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to appoint Eric Jackson as the Charles County representative to the Local Government Insurance Trust (LGIT) Board of Trustees.

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed with all Commissioners present, voting in favor to appoint Commissioner Coates and appoint Jeffry Barnett as Designee to Commuter Ferry Stakeholders Group.

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed with all Commissioners present, voting in favor to appoint Commissioner Bowling to Chesapeake Bay Critical Area Commission.

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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 appoint Commissioner Stewart to Library Board of Trustees.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to appoint Commissioner Stewart to Metropolitan Washington Air Quality Committee (MWAQC).

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with all Commissioners present voting in favor to appoint Commissioner Collins to the MACo Legislative Committee.

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with Commissioners Patterson, Coates, and Collins present voting in favor to appoint Commissioner Coates as alternate to the MACo Legislative Committee. Commissioners Bowling and Stewart were opposed. A roll call of the vote was taken: Commissioner Patterson-yes; Commissioner Coates-yes; Commissioner Bowling-no; Commissioner Stewart-no; Commissioner Collins-yes. The motion passed three (3) to two (2).

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with Commissioners Coates, Patterson, Collins present, voting in favor to appoint Commissioner Patterson to the Charles County Department Social Services Committee. Commissioners Bowling and Stewart were opposed. A roll call of the vote was taken: Commissioner Patterson-yes; Commissioner Stewart-no; Commissioner Coates-yes; Commissioner Bowling-no; Commissioner Collins-yes. The motion passed three (3) to two (2).

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed with all Commissioners present, voting in favor to appoint Commissioner Bowling to the Board of Fire and Rescue.

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed with all Commissioners present, voting in favor to appoint Commissioner Bowling to Local Emergency Planning Committee (LEPC).

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed with all Commissioners present, voting in favor to appoint Commissioner Bowling to the Fire/EMS Scholarship Committee.

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed with Commissioners Patterson, Coates, and Collins present, voting in favor to appoint Commissioner Coates to the Area Council on Aging. Commissioners Bowling and Stewart were opposed. A roll call of the vote was taken: Commissioner Patterson-yes; Commissioner Coates-yes; Commissioner Bowling-no; Commissioner Stewart-no; Commissioner Collins-yes. The motion passed three (3) to two (2).

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A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed with all Commissioners present, voting in favor to appoint Christina Elkins as designee to the Charles County Scholarship Fund Committee.

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to appoint Commissioner Collins to COMREL Executive Meetings.

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with Commissioners Coates, Patterson, Collins present, voting in favor to appoint Commissioner Coates to COMREL General meetings and appoint Dept. of EDD as the designee. Commissioners Bowling and Stewart were opposed. A roll call of the vote was taken: Commissioner Patterson-yes; Commissioner Coates-yes; Commissioner Bowling-no; Commissioner Stewart-no; Commissioner Collins-yes. The motion passed three (3) to two (2).

A motion was made by Commissioner bowling, seconded by Commissioner Stewart and failed, with Commissioners Bowling and Stewart present, voting in favor to appoint Commissioner Stewart to the College of Southern Maryland Advisory Committee. Commissioners Patterson, Coates, and Collins were against. A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Stewart-yes; Commissioner Coates-no; Commissioner Patterson-no; Commissioner Collins-no. The motion failed two (2) to three (3).

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed with Commissioners Patterson, Coates, and Collins present, voting in favor to appoint Commissioner Coates to the College of Southern Maryland Advisory Committee. Commissioners Bowling and Stewart were opposed. A roll call of the vote was taken: Commissioner Patterson-yes; Commissioner Coates-yes; Commissioner Bowling-no; Commissioner Stewart-no; Commissioner Collins-yes. The motion passed three (3) to two (2).

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed with all Commissioners present, voting in favor to appoint Commissioner Bowling to the Patuxent River Commission and appoint Paula Proctor as the designee to the Patuxent River Commission.

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed with all Commissioners present, voting in favor to appoint Commissioner Collins the COG Board of Directors.

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed with Commissioners Patterson, Coates, and Collins present, voting in favor to appoint Commissioner Coates as first alternate to the COG Board of Directors. Commissioners Bowling and Stewart were opposed. A roll call of the vote was taken: Commissioner Patterson-yes; Commissioner Coates-yes; Commissioner Bowling-no; Commissioner Stewart-no; Commissioner Collins-yes. The motion passed three (3) to two (2).

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A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed with all Commissioners present, voting in favor to appoint Commissioner Stewart as second alternate to the COG Board of Directors.

A motion was made by Commissioner Patterson, seconded by Commissioners Bowling and passed, with all Commissioners present, voting in favor to appoint Commissioner Collins as member and Jason Groth as alternate to Transportation Planning Board (TPB) (COG).

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed with Commissioners Patterson, Coates, and Collins present, voting in favor to appoint Commissioner Coates to the Charles County Homeless & Emergency Shelter Committee and Rita Wood as designee. Commissioners Bowling and Stewart were opposed. A roll call of the vote was taken: Commissioner Patterson-yes; Commissioner Coates-yes; Commissioner Bowling-no; Commissioner Stewart-no; Commissioner Collins-yes. The motion passed three (3) to two (2).

A motion was made by Commissioner Patterson, seconded by Commissioners Coates and passed, with all Commissioners present, voting in favor to appoint Commissioner Bowling to the TCC Veterans Regional Advisory Committee and Julie Bryson as designee.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, Commissioners Bowling, Coates, Patterson, and Collins present, voting in favor to appoint Commissioner Patterson to the Charles County Chamber of Commerce Board of Directors and Taylor Yewell as designee. A roll call of the vote was taken: Commissioner Patterson-yes; Commissioner Coates-yes; Commissioner Bowling-yes; Commissioner Stewart-no; Commissioner Collins-yes. The motion passed four (4) to one (1).

A motion was made by Commissioner Coates, seconded by Commissioner bowling and passed, with all Commissioners present, voting in favor to appoint Commissioner Patterson to the Drug and Alcohol Abuse Council and Deborah Hall as designee.

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to appoint Commissioner Collins to the Comcast or Verizon Negotiation Committee.

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to appoint Commissioner Collins to the SoMD Tri County Community Action Council.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to appoint Deborah Carpenter as member and Jim Campbell as alternate to Region Forward Coalition COG.

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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 appoint Michelle Lilly as member and Tony Rose as alternate to Human Services Policy Committee-COG.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to appoint Beth Groth and Karen Wiggins as alternate to Climate Energy and Environment Policy Committee COG.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to appoint Deborah Carpenter and Beth Groth as alternate Chesapeake Bay resources policy Committee COG.

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to appoint Commissioner Bowling as member and Commissioner Collins as alternate to Food and Agriculture Regional Member Policy Committee.

Briefing: 2023-2026 Local Management Board Community Plan

Ms. Laura Gustafson, Local Management Board Coordinator, Ms. Sapreen Khalaifeh, Local Management Board Specialist, and Ms. Dina Barclay, Director, Department of Community Services, provided a presentation on the 2023-2026 Local Management Board Community Plan. The Charles County Advocacy Council for Children, Youth, and Families is an active part of twenty (20) external community initiatives that serve children and families in Charles County and directly funds eight (8) programs. The community plan captures a snapshot of their current and future efforts.

Briefing: FY2023 General Fund Review-Second Quarter

Ms. Jenifer Ellin, Director, Mr. Jacob Dyer, Chief of Budget, and Ms. TaTanya Bowman, Assistant Chief of Budget Department of Fiscal and Administrative Services, provided a presentation on the FY2023 General Fund Review for the Second Quarter. Highlights included additional details on property taxes, income taxes, expenditures, and the fund balance budget. The FY2023 Adjusted Budget includes thirty four (34) million dollars of fund balance use. Due to favorable revenues, it is projected that twenty eight point three (28.3) million dollars will be needed to offset the estimated net operating loss.

Commissioner Bowling questioned if LGIT would cover civil lawsuit costs for discrimination for current situation.

Wes explained that civil lawsuit is covered by the County; LEGIT covers Tort, contractual not covered by LEGIT.

Briefing: Update on American Rescue Plan Act (ARPA)

Ms. Jenifer Ellin, Director and Jacob Dyer, Chief of Budget, Department of Fiscal & Administrative Services, provided an update on the American Rescue Plan Act. These funds support local businesses and non-profits, public safety, infrastructure, and public health. A new webpage was developed to provide additional detail on how ARPA funds are being spent.

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Commissioner Collins discussed national the affordable housing project assessment and would like to consider the use of funds not used for affordable housing.

Commissioner's New Business

Commissioner Bowling read the following email received from Mr. Wes Adams, County Attorney, Office of County Attorney for Charles County:

“Dear Ms. Tadros and Commissioner Coates:

I am in receipt today of a one page notice of interlocutory appeal regarding the TRO entered by Judge Green. I am writing to inform you that the BOCC authorized the County Attorney's Office to pay for costs related to the Circuit Court proceedings to determine the narrow question of whether the Board's June 9, 2020 action survives into the new term and is binding on the commissioners. The BOCC did not authorize any member to appeal the decision and thus, did not authorize the expenditure of county funds on behalf of any appeal. In fact, Commissioner President Collins expressly raised the fact to Commissioner Bowling that he did not want the matter appealed (to prevent "dragging this matter out") which request was agreed to by Commissioner Bowling. Therefore, in my opinion, the Board implicitly rejected any authorization to expend county funds for any appeal of the circuit court's decision when it authorized this declaratory judgement suit. The explicit rules of engagement were for a circuit court proceeding - hence my language in the authorization letter I provided below that this was "a limited representation".

Therefore, while Commissioner Coates is certainly free to pursue an interlocutory appeal of the Circuit Court's TRO, the County will not pay for that expense, and you can direct any invoice for those services directly to Commissioner Coates, unless and until the full Board of County Commissioners authorizes that expenditure.

*Thank you,
Wes Adams”*

Commissioner Collins questioned why this was being brought up, since personnel matters or litigation is closed session.

Commissioner Bowling indicated that he was trying to find out if Commissioner Coates was seeking funding from the County for an appeal.

Commissioner Stewart clarified that this was not covered under the Open Meetings Act for closed session since it did not discuss legal strategies, it is only about funding.

Mr. Adams, clarified that this item should not be discussed now and that he sent it to Commissioner Collins as well for the decision to add to an agenda.

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Commissioner Stewart asked for clarification if a budget request is an open session discussion. Mr. Adams indicated that it would be an open session discussion.

Commissioner Stewart then went on to ask if the email from the County Administrator related to Commissioner Collins account was an open or closed session item. Mr. Adams indicated that it was a closed session discussion under personnel.

Commissioner Stewart that both these items be discussed at the agenda meeting tomorrow. It was clarified that the Commissioner scheduled to join the agenda meeting with Commissioner Collins was Commissioner Stewart and the meeting will be held tomorrow (Wednesday February 8, 2023 at 8:00 a.m.)

Commissioner Bowling indicated that he heard Commissioner Coates say that they would no longer be attending any agenda meetings. Commissioner Collins clarified that there has not been a change in the process that he is aware of, and that there was no change.

At 4:05 p.m., a motion was made by Commissioner Stewart, 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