

Regular Meeting of County Commissioners
Tuesday June 13, 2023 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 9:00 a.m. with the following persons in attendance:

Reuben B. Collins II, Esq., President, County Commissioner
Ralph Patterson, II, M.A., Vice President, County Commissioner
Gilbert O. Bowling, III, County Commissioner
Amanda M. Stewart, M.Ed., County Commissioner
Deborah Hall, Acting County Administrator
Wes Adams, County Attorney
Carol A. DeSoto, Clerk to the Commissioners

**Thomasina O. Coates, M.S., County Commissioner was absent*

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, Stewart, Patterson and Collins were present.

**Commissioner Coates was absent.*

Additional Proclamation(s) Issued for June 2023

2023-54 Family Investment Administration Appreciation Month.

2023-55 National Homeownership Month

The Commissioners were joined by staff from the Charles County Department of Social Services to receive proclamation 2023-54 Family Investment Administration Appreciation Month; and members of the Southern Maryland Association of Realtors (SMAR) to receive proclamation 2023-55 National Homeownership Month.

Recognition: Charles County Youth

The Commissioners recognized Ms. Aaliyah Jegals for being chosen as one (1) of twenty (20) Maryland students for the 18th Annual high School Juried Art Show to be displayed at the Reginald F. Lewis Museum of Maryland African American History and Culture.

The Commissioners recognized Ms. Sydnie C. Collins for being chosen as one (1) of twenty five (25) Prudential Emerging Visionary winners she founded “Perfect Timing,” an international podcast that promotes youth positivity by giving young people the space to celebrate their achievements and combat mental health stigmas. Ms. Collins was also recognized for meeting a goal to raise funds to purchase one hundred (100) tickets to the live-action Disney film, “The Little Mermaid,” ensuring young girls the opportunity to view a representation of themselves in a large cinematic format.

Approval of the Minutes for May 24, 2023

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Stewart, Patterson and Collins present, voting in favor to approve the minutes of May 24, 2023. **Commissioner Coates was not present for the vote.*

Regular Meeting of County Commissioners
Tuesday June 13, 2023 (Legislative Day)

Announcement

Next Scheduled Session(s): June 27-28, 2023

Approval Items

Budget Amendments and Budget Transfers

(Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services)

FY2023 Budget Transfer Request #23 Charles County Sheriff's Office Basement Renovation Costs

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve FY2023 Budget Transfer Request #23 for fifty thousand dollars (\$50,000.00). *Commissioner Coates was not present for the vote.

FY2023 Budget Transfer Request #739 Public Works Utilities Increase in Assets and Insurance Premiums

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve FY2023 Budget Transfer Request #739 for sixty-nine thousand seven hundred and twenty dollars (\$69,720.00). *Commissioner Coates was not present for the vote.

FY2023 Board of Education Inter-Category Budget Transfer Request

(Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative Services; Ms. Karen Acton and Ms. Sherri Fisher-Davis, Charles County Public Schools)

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve the Board of Education's Inter-Category Budget Transfer Request for eight point five (\$8.5) million dollars.

*Commissioner Coates was not present for the vote.

Letter of Support: Charles County Public Library for Jerry Kline Award Nomination

(Mr. Lloyd Jansen, Deputy Director, Charles County Public Library)

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

Lease Agreement- Fuller House

(Ms. Deborah Hall, Acting County Administrator)

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve this lease agreement. *Commissioner Coates was not present for the vote.

Change Order 19 Mattawoman Waste Water Treatment Plant (WWTP) Flow Equalization Basin Contract, ITB 20-35

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

Regular Meeting of County Commissioners
Tuesday June 13, 2023 (Legislative Day)

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve Change Order 19 for eight hundred and thirty three thousand two hundred and ninety seven dollars and two cents (\$833,297.02). **Commissioner Coates was not present for the vote.*

Modification of Access Management Tables of the Charles County Road Ordinances

(Mr. Andrew Balchin, Chief of Infrastructure Management, Department of Planning and Growth Management; Mr. Hugh Voehl, III, Mr. Thomas Short, Southern Maryland Electric Cooperative (SMECO); Mr. Louis Jenkins, Jenkins Law Firm, LLC.; and Staci Lagana, Lorenzi Dodd, and Gunnill)

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to approve the Modification to Charles County Road Ordinance Table F.12 as described to relocate Access point “B” to Sta. 5+15. **Commissioner Coates was not present for the vote.*

Discussion: Purchasing and Flying the Juneteenth Flag at County Buildings

(Commissioner Collins, Ms. Terri Kahouk, Deputy Director, Department of Public Works Facilities; Ms. Alexis Blackwell, Director, and Ms. Elain Pollard, Diversity, Equity, and Inclusion Human Resource Specialist, Department of Human Resources)

The Commissioners and staff discussed flying the Juneteenth Flag at County Buildings. Commissioner Stewart requested that flags be purchased from an American owned company and that the County establish protocol/procedures related to requests to fly other flags.

The Commissioners directed staff to bring back a Standard Operating Procedure (SOP) related to flying other flags. They also directed staff to light the Charles County Courthouse once again with red and green colors, in recognition of Juneteenth and to do this each year.

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 approve staff purchasing Juneteenth Flags from an American owned company for each County Building and to include Commissioner Stewart’s amendment to fly the Juneteenth flag the week of Juneteenth, June 19-23, 2023. **Commissioner Coates was not present for the vote.*

Briefing and Request to Introduce and Schedule a Public Hearing: Bill 2023-05 Zoning Map Amendment 22-02 Bragg Property

Ms. Kelly Palmer, Planner III, Department of Planning and Growth Management, joined the Commissioners to request introduction of this zoning map amendment and to schedule a public hearing. She reviewed the zoning map amendment request related to the two (2) properties known as St. Mary’s Gateway property and the Williams property, formerly under the ownership of Mary Bragg family, located along the northeastern boundary line between Charles and St. Mary’s Counties in the Hughesville/Charlotte Hall area. There is no legal or physical address to the St. Mary’s Gateway property within Charles County, Maryland. The Williams property is located within Charles County.

Regular Meeting of County Commissioners
Tuesday June 13, 2023 (Legislative Day)

The portion of both properties that are within Charles County are Zoned Rural Residential (RR) and the portions of the properties within St. Mary's County are Zoned Town Center Mixed Use (TMX). This Zoning Map Amendment application, dated August 1, 2022, was filed by Sue Greer, Esq., to change the current zoning of the Charles County portion of these properties from Rural Residential (RR) to Community Commercial (CC).

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to introduce Bill 2023-05 Zoning Map Amendment 22-02, Bragg Property and to schedule the public hearing on Tuesday July 25, 2023 at 6pm in the Government Building at 200 Baltimore Street La Plata, MD to be held in-person and virtually. *Commissioner Coates was not present for the vote.

Briefing: Elementary School #23 Water and Sewer

Mr. Jason Groth, Deputy Director, Mr. Andrew Balchin, Chief of Infrastructure Management, and Ms. Deborah Carpenter, Director, Department of Planning and Growth Management and Mr. Steven Andritz, Director of Planning and Construction, Charles County Board of Education, provided a briefing to the Commissioners on the issuance of a water and sewer permit for a new elementary school that is being constructed in the St. Charles community. Staff clarified that the timing of the permit approval was consistent with Docket 90 and not ahead of the proposed Docket 90 zoning map amendment that is still pending approval by the Board of County Commissioners.

Discussion: Guidelines for Commissioners' Public Comment Sessions

Ms. Deborah Hall, Acting County Administrator, Ms. Carol DeSoto, Clerk to the Board of County Commissioners, Ms. Crystal Hunt, Chief of Staff, Commissioners' Office, Office of the County Administrator, discussed staff recommendations for additional guidelines for the Commissioners' Public Comment Sessions.

The Commissioners reached a consensus to move forward with the June 28, 2023 Quarterly Town Hall meeting then evaluate the quarterly town hall meetings and public comment sessions after November 2023.

The Commissioners also accepted staff's additional guideline recommendations for the Commissioners' Public Comment Sessions.

Commissioners' Public Session Guidelines

- Public comments will be scheduled no more than two (2) meetings each month as a specific agenda item, scheduled at alternate times, morning, afternoon, evening.
- There will be a specific time allowance, one (1) hour, for public comments on the agenda, rather than a specific number of speakers.
- To speak during the public comment agenda item, residents must register in advance with the Clerk's Office, prior to the meeting to speak virtually or in-person.
- Participants cannot determine when they speak or request a different speaking position. Speakers are taken in the order they signed up.
- No Speaker can delegate their time to another speaker.

Regular Meeting of County Commissioners
Tuesday June 13, 2023 (Legislative Day)

- Written public comments will be posted on the website and a link to these comments will be added on the agenda for the public to view. They will not be read during the Commissioners' Public Comment agenda item.
- The Commissioners will not respond to public comments during the public comment portion of the agenda, only during the Commissioner Comment portion of the agenda.
- Commissioner Comments will follow the public comments so that the Commissioners, if needed, can address the public comments, or provide additional information to the public.
- The Citizen Response Office (CRO) will document and track the issues discussed during the public comment agenda item and provide the appropriate follow up.

The Commissioners agreed to allow the Clerk, County Administrator and/or County Attorney to act in a Sargeant at Arms role related to procedures and conduct during these session items.

Ms. Hall will bring back in September, suggestions on how to incorporate the Executive Leadership and Chiefs and their role during these Commissioners' Public Comment Sessions and bridge the gap to provide concise response similar to Quarterly Town Hall Meetings.

Closed Session

At 11:18 a.m., motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor move into Close Session where all or a portion of this session may be closed pursuant to Section 3-305 (b)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to receive one update on one (1) potential litigation issue; and discuss one (1) agreement The reason for moving into closed session is to keep negotiations, strategies, advice, confidential. **Commissioner Coates was not present for the vote.*

Summary Closed Session Items

At 11:39 a.m. the Commissioners went into closed session.

3-305(b)(7) Legal: Agreement

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

Ms. Zhypar Beishenalieva, Associate County Attorney, Office of the County Attorney, presented a final agreement based on the Commissioners' directions from previous sessions.

The Commissioners present reached a consensus on the language of the agreement and directed County Attorney's Office hold agreement until broader discussion on July 11, 2023.

3-305(b)(7)(8) Legal Potential Litigation

Present: Commissioners Bowling, Stewart, Patterson, and Collins, Wes Adams, Deborah Hall, Carol DeSoto, Danielle Mitchell, Doria Fleisher, and Judy Michaels.

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney for Charles County, reviewed the status of an agreement and potential litigation and recommended action.

The Commissioners reached a consensus to proceed as recommended.

Regular Meeting of County Commissioners
Tuesday June 13, 2023 (Legislative Day)

At 12:30 p.m., 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 end this closed session. . *Commissioner Coates was not present for the vote.

The Commissioners returned to open session at 2:03 p.m.

Roll Call

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

Additional Approval Items

There were no additional approval items.

Public Comments

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 seven (7) citizens who provided comments in person. Written comments were added to the website for the public to view.

Commissioners' Comments

Each of the Commissioners provided remarks and feedback related to the comments received during the Public Comments portion of the agenda.

Commissioner Collins:

- Requested that staff consider hiring a marketing firm through a Request for Purchase (RFP) process to educate public on the Charter Government and Charter Board process. As a neutral party to educate the public. He requested that this comes back as a future agenda item before the Board with ideas and funding source.

Commissioner Patterson:

- Thanked everyone for coming out to present comments.
- Will look into legislative proposals Mr. Childs commented on.
- Wants more information and research related to take home vehicles for Charles County Sheriff's Office and more incentives.
- Agrees that there needs to be more civility for everyone, Commissioners included.

Commissioner Bowling:

- Will defer comments related to local legislation until the work session.

Regular Meeting of County Commissioners
Tuesday June 13, 2023 (Legislative Day)

- These Public Comment sessions important has a variety of comments and great idea to continue moving forward.
- Agrees that more education needed to address challenges to weed out people based on integrity, character, and honesty but that this is the basis for decisions being made. During tough times to do the right thing.
- Public comments important for the Commissioners to meet with the public face to face.
- Believes things could end today if choose to do so.

Commissioner Stewart:

- Will not respond to comments related to proposed local legislation at this time but will during work session on local legislation.
- She personally has not seen anything written report or is aware of the threat that Commissioner Coates stated that the KKK threatened her.
- Response related to lawsuit, she wanted to recognize staff and appreciate what staff is doing to keep moving forward. It is not about two (2) individuals. These issues started over five (5) years ago and that the knowledge is believed to know is only a snippet of what has occurred.
- Her fight is for all County employees, and read a letter received by Charles County Staff dated June 12, 2023:

“Dear Board of Charles County Commissioners:

On January 3, 2023, The Department of Human Resources (DHR) Employee Committee, acting as representatives of the employees of Charles County Government (CCG), sent you a letter to express County employee concerns regarding events surrounding issues that were brought up during the December 13th Board of County Commissioners meeting concerning discrimination. In that letter, we shared why the actions of the Board had damaged the culture of Charles County Government and its employees. We closed the letter by asking:

- *How will the Board acknowledge, respond to, and repair the damage that has occurred as a result of these actions?*
- *Will you ensure that in the future, a commissioner is held to the same standards as Charles County Government employees, including a process for removal?*

Many employees are angered that you, as a Board, did not acknowledge our initial letter nor respond to the questions above. And the concerns go beyond this: while this Committee made the intentional choice to write to you directly rather than speaking to the press, focusing on the facts rather than assumptions and accusations and attempting to start a conversation to understand the situation and try to repair damage and improve equitable processes, you as a Board did not offer the same respect to us.

- *You have yet to acknowledge our communication or respond to our request for more information sent over four months ago.*

Regular Meeting of County Commissioners
Tuesday June 13, 2023 (Legislative Day)

- *In May 2023, an elected official participated in a press conference and interview, and provided statements in a press release that spread information that we consider misleading according to data.*

Since the December 2022 Board of County Commissioners meeting, that initiated the initial letter, our workforce has participated in the following actions to address, improve, and attempt to repair employee morale, education, safety, and communication:

- *Human Resources coordinated All Hands meetings to encourage employee engagement, provide factual information, and share reminders about how employees can access resources related to equity/discrimination concerns.*
- *The Office of Diversity, Equity, and Inclusion (DEI) continued to facilitate in-house training and monthly dialogue to assist employees with understanding and applying equity to their daily tasks. The Office of DEI also worked with departments to perform equity reviews to address existing barriers and improve access to services and outcomes for all county residents.*
- *Employees have participated in Government Alliance on Race & Equity training, including a mini-series on community engagement and the Maryland Equity and Inclusion Leadership Program.*
- *The Media Services Division and the Office of DEI has collaborated to implement a program called Common Ground & Conversation to promote civil dialogue on polarizing issues within Charles County Government, and in the community.*

This Committee writes to you today because many employees feel disappointed that you, as our Board of County Commissioners, did not acknowledge or respond to our previous letter. It is our ethical and professional duty as employees of Charles County Government to correct misinformation shared about our organization by any representative of the County Government, including employees or elected officials. We want to address and correct the inaccurate statements recently shared by an elected official on public platforms in May 2023.

- *In a podcast interview with WHUR released on May 18, 2023, an elected official stated that the 2014 administration terminated 7 people.*
 - *This statement is incorrect. During that time, there were 4 employees who were terminated per their contracts.*
- *During that same May 18th podcast, an elected official stated that the County Administrator took one year to hire a Chief Equity Officer.*
 - *The factual timeline for this position is that during a Commissioner Session on May 7, 2019, there was consensus by the Board to delay the consideration until FY2020 with a midyear review. The position was approved on December 17, 2019. The Chief Equity Officer started in August 2020.*
- *During the podcast interview, an elected official made an inaccurate statement about the demographics of our workforce being 80% white.*
 - *As of March 2023, our workforce demographics are 38% Black, 2% Latino, 1% Native Hawaiian or Pacific Islander, 55% White, and 1% Two or More Races. We continue to encourage diversity in the recruitment process. During the equity update, the Chief Equity Officer will share information about workforce diversity later this month.*
- *The May 15, 2023 press release stated that “A recent Disparity Study showed that of the \$301 million spent over a 5-year period in Charles County 92.87% went to white owned businesses*

Regular Meeting of County Commissioners
Tuesday June 13, 2023 (Legislative Day)

and only 2.16% went to African American businesses despite African Americans making up more than 50% of the county's population."

- *It's important to note that during this 5-year period, African Americans did not make up more than 50% of the county's population. The statement is misleading.*
- *This statement also fails to acknowledge the plan of action and efforts currently being undertaken by Economic Development staff to close gaps and address disparities since the completion of this study.*

As employees, we are responsible for promoting the efficient and equitable day-to-day and long-term operations of Charles County Government. We respond promptly to questions, concerns, and requests from our leadership and community stakeholders. We participate in various professional development opportunities for individual and collective growth. And we are held to strict standards when it comes to sharing information with the public and the press to maintain this organization's integrity. Many employees are frustrated that you, as a Board, have not held yourself to these same standards.

We closed our last letter by saying that while employees continue to serve our community and uphold the core values of Charles County Government, we remain hopeful that the Board of County Commissioners will do the same. Again, many employees are frustrated and disheartened that you – in our opinion—have not yet done this as a collective Board. We hope that we can count on you to do better in the future so that Charles County Government can improve, repair, grow, and demonstrate a pervasive and fiercely determined approach to providing equitable, ethical, and responsible leadership to our employees and services to our community.

We ask that you start by acknowledging and responding to this letter, including answering the original questions posed in January and again above of what the Board of County Commissioners will do to repair the damage that has been done, and support legislation that creates a removal process for an elected official. We plan to register to speak and share this letter at the June 27th Public Comment session.

-The Department of Human Resources Employee Committee

*cc: All Charles County Government Employees
Office of Governor Wes Moore
Charles County Maryland Delegation
MACo's Board of Directors"*

- *Commissioner Stewart apologized for no response to how to respond and repair the damage. She believes the first step has not occurred, which is to fully acknowledge problem which is for Commissioner Coates to take responsibility for where we are. Commissioners need to be held to same standards which will be brought up in local legislation work session*
- *Thanked Charles County Sheriff's Office and public who attended her town hall meeting on public safety.*
- *Asked staff to prepare options and send agenda request related to policy to buy American.*
- *Unionizing is not a decision for the Board of County Commissioners. Employees and Union organization need to follow the process and reach out to the County Administration and County Attorney on the process. The Commissioners need to stay out of this process.*

Regular Meeting of County Commissioners
Tuesday June 13, 2023 (Legislative Day)

- Clarified that Commissioner Collins and the Board of Commissioners agreed to cancel the June 28, 2023 Quarterly Town Hall meeting.
- She reminded public that Ms. Hall will bring back in September, suggestions on how to incorporate the Executive Leadership and Chiefs and their role during these Commissioners' Public Comment Sessions and bridge the gap to provide concise response similar to Quarterly Town Hall Meetings.

The consensus of the Commissioners was to cancel the June 28, 2023 Quarterly Town Hall Meeting and requested that the public to submit comments so that when the Commissioners review the pilot program and procedures for the Commissioners Public Comment Sessions in November.

Work Session: 2023 Local Legislation

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney for Charles County, led the discussion for this work session on 2023 local legislative proposals presented at the public hearing held on May 10, 2023. She was requesting that the Commissioners provide direction on how to proceed with each proposal.

Topic: All-Terrain Vehicles/Dirt Bikes Submitted by Dr. Karla Kornegay

Enabling Legislation from the State is needed before the County can pass a local law. This will be resubmitted for the 2024 State Legislative package if approved by the Board of County Commissioners

Commissioners requested to reach out to State Delegation now about this topic for the next State Legislative Session.

Topic: Sheriff's Office Vehicles Submitted by Mr. Carlos Childs

No additional questions from the public hearing. Charles County Sheriff's Office (CCSO) addressed the use of take-home vehicles as a necessary recruitment tool for CCSO. They objected to a change in policy. Home buyer assistance and property tax credit suggested as ways to incentivize officers to reside in the County.

Topic: Feral Cat Rescue Submitted by Ms. Alicia Dorr

The County does not currently have a Trap-Neuter-Return (TNR) program. The County does trap cats that are being complained of as a nuisance. Those cats may be adopted under our working cat program, that would allow them to be homed in a barn, warehouse, or similar area that is conducive for them and may help the owner keep the rodent population down. Any cat that is adopted from our shelter will be spayed or neutered first. St. Mary's nor Calvert have any TNR regulations or ordinances. Prince George 's County does have an ordinance that is community cat friendly. It prevents the cats from being deemed a nuisance or being deemed at large and provides a process for caretaker registration.

No additional follow-up requested for this topic.

Regular Meeting of County Commissioners
Tuesday June 13, 2023 (Legislative Day)

Topic: Litter Control

Submitted by Mr. Robert S. Sherouse

No follow-up questions on this proposal at the public hearing, nor was there any public comment.

The Commissioners directed staff to contact the Sheriff's Office and State Police about enforcement of litter laws. Requested that this be added to the July 25, 2023 agenda.

Topic: Charitable Trust

Submitted by Mr. Michael Kepferle

The County cannot control how State disburses gran funding.

No additional follow up requested.

Topic: Notice Provisions for Planning Commission

Submitted by Mrs. Nancy Schertler

Reviewed additional information on minor versus major revisions and what the Planning Director considers.

The Commissioners requested information concerning actual determinations of the Planning Director related to minor versus major revisions was requested and requested that this be added to the July 25, 2023 agenda.

Topic: Requirements to Receive Public Funding

Submitted by Mrs. Rosanna Swann

Topic: Requirements to Receive Public Funding

Submitted by Ms. Tina Wilson

The Commissioners present reached a consensus to have staff work on a Standard Operating Procedure (SOP) to streamline what the County will confirm about a business or nonprofit prior to disbursement of any county funds. Requested that this be added to the July 25, 2023 agenda.

Topic: Removal for Violating Workplace Standards

Submitted by Mrs. Margaret Larrick

Topic: Recall/Impeachment of Elected Official

Submitted by Ms. Ann Waters

Topic: Removal of Board of Commissioner's Member

Submitted by Mr. Douglas Rose

Topic: Removal of Board of Commissioner's Member

Submitted by Ms. Colleen Longhi

Topic: Removal/Impeachment of Elected Official

Submitted by Mr. Michael Kepferle

Topic: Removal/Impeachment of Board of Commissioner's Member

Submitted by Ms. Tina

Wilson

Ms Mitchell advised that the Commissioners may pass a law providing for the removal of an elected official, but this should be done in the context of an ethics violation and likely requires amending the ethics code to add removal procedures when a violation is found.

The Commissioners present reached a consensus to have staff work on legislation and bring it back July 25, 2023.

Topic: Solar Panels

Submitted by Mr. Carlos Childs

No additional information was requested at the public hearing.

The Commissioners requested information on what incentives currently exist and whether this would be an appropriate mandate for development in the Waldorf Urban Redevelopment Corridor (WURC) and requested that this be added to the July 25, 2023 agenda.

Regular Meeting of County Commissioners
Tuesday June 13, 2023 (Legislative Day)

Topic: Rent Stabilization

Submitted by Mr. Carlos Childs

No follow up questions from the public hearing.

The Commissioners present reached a consensus to hold follow-up briefing on rent stabilization to include the developer/property management.

Topic: Natural Gas Ban

Submitted by Mr. Carlos Childs

No follow up questions from the public hearing. This topic may be discussed in the context of the climate action plan.

Topic: Air Conditioning Mandate

Submitted by Mr. Carlos Childs

Ms. Mitchell provided Information on processes for landlord/tenant court and rent escrow. Local Code requires all mechanical systems to be kept in working order and failure to maintain an air conditioning unit provided to a tenant would be cause for an inspection by our code enforcement, and citation to the landlord if repairs are not made. State law does not mandate air conditioning.

Discussion: Commissioners Rules of Procedures

Commissioner Bowling explained that he requested this discussion on the agenda based on statements at Commissioner Coates' May 13, 2023 press conference. He said that false and inaccurate statements were made. False about him related to his retirement from the Prince George's County Police (PGC) saying that he was fired from the Prince George's County Police Department. He read from the Commissioners' Rules of Procedures amendment approved on June 9, 2020,

"...Commissioners should also treat each other with respect and professional decorum. While disagreement with other Commissioners may be a normal part of the political process, there is no justification for any Commissioner to harass, defame, or bully another Commissioner."

He indicated that these false and inaccurate statements defame him and his family. They also affect employees as well as indicated in the letter the employees sent.

He continued, reading from the Commissioners' Rules of Procedures,

"...Commissioners may not engage in retaliatory action against any person who brings a good faith complaint against a Commissioner. Any act of retaliation shall be deemed a violation of this policy."

"...The Commissioners shall determine whether any action should be taken against the Commissioner or Commissioners against who the complaint was made. No action may be taken without the unanimous support of all Commissioners who are not the subject of the complaint. Remedial actions available to the Commissioners include, but are not limited to, public censure and/or suspension of the Commissioner's pay for one or more thirty (30) day periods..."

Regular Meeting of County Commissioners
Tuesday June 13, 2023 (Legislative Day)

He further explained that the Commissioners have the ability to act and felt these false and inaccurate statements need to stop. He acknowledged that Commissioner Coates was not here today and that he could bring this back when she was there. But he expressed that something needs to be done.

Commissioner Collins questioned the process related to the procedures on how to determine if there was a violation and thought the process was confidential. He also questioned Commissioner Bowling about trying to talk to Commissioner Coates privately to give her an opportunity to possibly admit she made a mistake. Commissioner Collins stressed his concerns on the process.

Commissioner Bowling expressed that Commissioner Coates statements were very public and not confidential, he was blasted out at the press conference and felt that this needed to be done in public, too. He did not reach out to her privately since he was concerned what she would say since he questioned her integrity to be truthful.

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, added that he too, would not speak to Commissioner Coates directly, since he was also named for being racially tinged in the County. He asked Commissioner Collins how he is going to address and handle this.

Commissioner Collins expressed that he did not feel challenging in open session was the way to do it and felt this could have been delayed since Commissioner Coates was not there. He felt that this process was not helping us move forward and that the process could be used as an opportunity to go after each other.

Commissioner Bowling responded that he was not going after Commissioner Coates and that she knew it would be on the agenda and that she could have even joined virtually.

Commissioner Stewart reiterated the complaint by Commissioner Bowling and the process outlined in the Commissioners' Rules of procedure and the actions the Commissioners can take. She clarified that Commissioner Bowling stated in the beginning he could wait to have this discussion when Commissioner Coates was there. Commissioner Bowling also indicated that no decision needs to be made on the day of the discussion but could be made on the agenda following the discussion.

The Commissioners agreed to add this discussion to the agenda as a running item until Commissioner Coates attends the discussion.

Discussion: Legal Fees for Ongoing Litigation for the Board of County Commissioners

Commissioner Patterson and Ms. Elizabeth Theobalds, Deputy County Attorney, Office of the County Attorney, discussed with the Commissioners the current legal fees and current status of the ongoing litigation among the Board of County Commissioners.

Regular Meeting of County Commissioners
Tuesday June 13, 2023 (Legislative Day)

Commissioner Patterson expressed his concern for these ongoing fees. He brought this discussion forth as a result of requests from his May town hall meeting. He wanted to urge his colleagues to come back to mediation, put feelings aside and get this issue resolved.

Commissioner Bowling agreed that this needs to be resolved. He indicated that Commissioner Coates refused to participate in two (2) rounds of mediation. A simple vote today could end this issue today.

Commissioner Stewart indicated that a perspective she heard related to Commissioner Coates was that she (Commissioner Coates) does not believe or understand that she did anything wrong and feels it is subjective. Even though Commissioner Stewart disagrees with this perspective since she has first hand knowledge of Commissioner Coates' actions, she does not blame Commissioner Coates for where the County is at with legal fees. Commissioner Stewart blames Commissioner Collins who sets the agenda and it all stems from his December 13, 2022 agenda which started all this. She agreed that this needs to end. She indicated that the four (4) Commissioners present have worked hard and have done the work and encouraged Commissioner Patterson to get Commissioner Coates to attend mediation. Everything that they have worked on and agreed on is not just for two (2) employees but for all employees.

Commissioner Stewart continued by telling Commissioner Collins that this falls on him and that he could stop this today or this week. There is agreement on all items except the last item which she pushed and firmly believe in. Commissioner Collins cautioned about items still in mediation. Commissioner Stewart challenged Commissioner Collins to end this today by admitting that the agenda he set on December 13, 2022, in hind sight, was not right, and not right for the County Government. The four (4) Commissioners could have their attorneys draft a final document and they could move forward. She said that this bill for over seven hundred and eighty seven thousand dollars (\$787,000.00) falls on him.

Commissioner Collins responded that he agreed the need to move forward. He would not revisit the past. He takes responsibility for the agenda but not for the litigation. Going to litigation was a Board decision. The Board needs to work together. He indicated that he was down with ending this. He is open to exploring opportunities to do this, but he would not have this all fall on him.

Commissioner Bowling added that previous Board of Commissioners, four (4) Commissioners back then unanimously agreed (4) to one (1) with Commissioner Coates in opposition to take the steps, *Amendment to the Commissioners' Rules of Procedures, on June 9, 2020*, to protect the County Employees. He queried Commissioner Collins about what changed from December 12 to December 13, 2022 that he changed his mind and not to even have a discussion on it. Even after the current Board voted to go to litigation, things kept happening with employees after December 13, 2022 and are still happening.

Commissioner Collins indicated that he would not speak to issues or his mindset that led to December 13, 2022 decision since this issue is still in the litigation. He is open to try to resolve this and seeking

Regular Meeting of County Commissioners
Tuesday June 13, 2023 (Legislative Day)

potential options. He said don't put this all on him to end this since they are the plaintiffs and could dismiss this and end this. Let's work together. He respects all of the Commissioners and believe they can come up with a way to end this and move forward.

Commissioner Stewart reiterated that this could end today and the four (4) could sign off on the agreement and not go to court or be deposed. You can end this since you are Commissioner President, and we already did over sixteen (16) hours of mediation and have already agreed on the agreement We only need three (3) votes. Commissioner Collins does not feel they have an agreement, which is fair to all parties, but are close.

Commissioner Patterson believes they are closer than they were from beginning. We need to work harder since they all agree this needs to end.

Commissioner Bowling spoke to public comment made today to, "just buy them out and be done with this," Then who will be the next employee. There is a fundamental problem which is that if we all cannot say that what that one Commissioner did was wrong, then that is a fundamental problem. Lack of action is action. It is saying it is ok and is forcing employees out because of a Commissioner's action. It is against our democracy and values.

Commissioner Patterson expressed that we have the ability and will power to get it done. We just need to do it.

Commissioner's New Business

Commissioner Stewart announced again that the June 28, 2023 Quarterly Town Hall meeting has been cancelled. She also thanked Sheriff Berry and all who attended her town hall meeting.

Ms. Deborah Hall, Acting County Administrator, informed the Commissioners that she would be working with Ms. Crystal Hunt, Chief of Staff, Commissioners Office, to prepare agenda requests discussed today.

Commissioner Bowling announced his town hall meeting scheduled on June 24, 2023 at 8:00 a.m. at Cobb Island.

**Break 5:25 p.m. - 6:04 p.m.*

Roll Call

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

**Commissioner Coates was absent.*

***To Be Rescheduled * #1 Public Hearing: Spring 2023 Water and Sewer Category Cycle**

#2 Public Hearing: Bill 2023-04 Zoning Text Amendment #22-175 Standards and Procedures for Approval of Amendments to Master Plans and/or Conditions of Zoning Approval

The Commissioners held a hybrid, virtual/in-person, public hearing on Bill 2023-04 Zoning Text Amendment #22-175. Ms Heather Kelley, Planning Supervisor, Department of Planning and Growth Management, provided an overview of the current process to develop property within a Planned Development Zone, Master Plan and General Development Plan. The proposed zoning text amendment would broaden a property's owner's ability to amend an approved Master Plan by removing

- (1) Remains in conformance with the conditions of the zoning approval;
- (2) Is in substantial conformance with the original approved master plan;
- (3) Does not increase the number of residential development units or square footage of nonresidential development

and replacing it with other criteria requiring a justification of the request. The amendment would clarify that applications for Master Plan amendments could be filed at any time.

Representatives for the applicant, Mark Vogel Companies, Inc. provided additional information related to this requested zoning text amendment.

**At 6:33 p.m. Commissioner Patterson left session.*

**At 6:46 p.m. Commissioner Patterson returned to session*

There were no comments from the public.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to keep the record open for thirty (30) days. **Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor close this public hearing. **Commissioner Coates was not present for the vote.*

At 6:52 p.m., a motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor, to adjourn. **Commissioner Coates was not present for the vote.*

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President