

Regular Meeting of County Commissioners
Tuesday July 25, 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
Thomasina O. Coates, M.S., 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

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.

Proclamation(s) Issued for August 2023

2023-58 National Black Business Month

2023-59 National Immunization Month

The Commissioners were joined by staff from the Department of Economic Development to receive proclamation 2023-58 National Black Business Month and members of the Charles County Department of Health to receive proclamation 2023-59 National Immunization Month.

Approval of the Minutes of July 11 and July 12, 2023

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the minutes of July 11, 2023.

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the minutes of July 12, 2023.

Announcement

Next Scheduled Session(s): September 12-13, 2023.

Approval Items

Budget Amendments and Budget Transfers

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

FY2024 Budget Amendment Increase #470 Public Works Facilities-Replace Bucket Truck

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve FY2023 Budget Amendment Increase #470 for one hundred and fifty-five thousand dollars (\$155,000.00).

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FY2024 Budget Transfer Request #547 ARPA Funding -Continuity of the Department of Economic Development BGAP Program

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve FY2024 Budget Transfer Request #547 for seventy-four thousand five hundred dollars (\$74,500.00).

FY2023 Budget Amendment Increase #1002 Declaratory Judgement Lawsuit Funding

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 #1002 for one hundred thousand dollars (\$100,000.00).

FY2024 Budget Amendment Increase #656 Declaratory Judgement Lawsuit Funding

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2024 Budget Amendment Increase #656 for three hundred and seventy-five thousand dollars (\$375,000.00).

Request to Reallocate Funding for the Summer SNAP Program

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve returning/reallocating these funds back to the Charles County Department of Social Services Programs in the amount of fifteen thousand five hundred and thirteen dollars (\$15,513.00).

Letter of Support- Senator Van Hollen's Legislation-Chesapeake National Recreation Area (CNRA)

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve this letter of support.

Letter of Support- St. Mary's Catholic Church, Newport Grant Application from Maryland Historical Trust to Conduct Architectural/Archeological Assessment

(Ms. Claire Chiamulera, Grant Coordinator and Reverend Matthew Fish, St. Mary's Church)

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve this letter of support.

Resilience Authority (RA) Changes to Bylaws

(Ms. Terrah Dews, Associate County Attorney, Office of the County Attorney for Charles County; Ms. Deborah Carpenter, Director, Department of Planning and Growth Management; Ms. Stacy Schaefer, Executive Director, Resilience Authority of Charles County; and Ms. Jenifer Ellin, Acting Deputy County Administrator/Treasurer to the RA)

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve changes to the Resilience Authority Bylaws as presented.

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Proposed Changes to Resolution 96-45 Boards and Committees Attendance

(Mr. Donovan Griffin and Ms. Clara Watkins, Project Management Interns, Offices of the County Administrator and the Commissioners' Office)

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve *newly numbered* Resolution 2023-11 Attendance Policy for Boards, Commissions and Committees.

Bi-Annual Charles County Health Department Report

Dr. Dianna Abney, Health Officer, Charles County Department of Health, briefed the Commissioners on the state of public health in Charles County. Dr. Abney provided a presentation highlighting immunizations, childhood and infant health, as well as free community programs available to adults in Charles County. Dr. Abney provided an update on the Healthy Kids Meal proposal, sharing that it's an important strategy given the most recent data that fifteen-point five percent (15.5%) of Charles County high school students are obese and sixteen-point one percent (16.1%) are overweight.

Briefing and Request to Introduce/Set Public Hearing: Bill 2023-08 Property Tax Credit for Volunteer Emergency Responders and Discussion on House Bill (HB)508 and Senate Bill (SB)61

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney for Charles County; Ms Jenifer Ellin, Acting Deputy County Administrator, Office of the County Administrator; and Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative Services, joined the Commissioners to review proposed legislation to establish, by local law, a tax credit against the property tax imposed on an owner-occupied residence of certain emergency responders and their surviving spouses.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to introduce Bill 2023-08 Property Tax Credit for Volunteer Emergency Responders.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson, and passed with all Commissioners present, voting in favor to schedule the public hearing on Tuesday September 19, 2023 at 6pm in the Government Building at 200 Baltimore Street La Plata, MD to be held in-person and virtually.

Ms. Mitchell continued her briefing with a presentation on property tax credit for disabled law enforcement officers and rescue workers and public safety officers outlined in HB508 and SB61. She provided a synopsis of both bills. She reviewed existing Charles County tax credit for surviving spouse of fallen law enforcement or rescue worker.

The Commissioners reached a consensus to have staff draft local legislation for a property tax credit for and options for the Board of County Commissioners to review. They directed staff to think outside the box and look at fiscal impact and potential revenue sources to support it.

**Break 10:49 a.m. – 10:55 a.m.*

Roll Call

A roll call was taken. All Commissioners were present.

Discussion: Update from Maryland State Comptroller

Ms. Brooke Lierman, Esq. Comptroller, State of Maryland, provided a briefing on the state of the economy in Maryland and specifically in Charles County. Ms. Lierman highlighted that it is important to the Maryland Comptroller's office to account for every dollar in and every dollar out in addition to ensuring that the state's economy is working for everyone. The Comptroller's current mission statement is "Dedicated to creating communities that are more equitable, more resilient, and more prosperous so that every Marylander can reach their full potential." Ms. Lierman talked more in depth about the following three priorities for the Comptroller's Office:

1. Implement critical agency-wide improvements to help make state government work better by investing in the workforce and modernizing the agency;
2. Ensuring that the resources and expertise of the office create opportunity for a positive impact on Maryland families, communities, and businesses; and
3. Ensure that Maryland is well positioned for responsible long-term economic growth and success.

Ms. Lierman will be providing a State of the Economy Report after Labor Day.

Discussion: Residential Renewable Energy Legislation

Commissioner Bowling shared information on federal and state tax incentives for installation of solar energy systems, and discussed how the introduction of a local tax incentive could benefit Charles County residents. He requested that staff draft a funding ordinance to have a policy in place. Commissioner Collins agreed that this topic should be revisited.

Briefing: Potential Micro Transit for Certain VanGO Routes

Mr. Jeffry Barnett, Chief of Transit, and Ms. Deborah Carpenter, Director, Department of Planning and Growth Management, provided a briefing on VanGo Micro-transit Option to provide additional bus services to areas that residents requested new routes and to provide public transit in areas where there currently is no service. The potential would be to implement Micro-transit to transport patrons to the Waldorf transfer point. Micro-transit would dispatch buses via app or phone call to operations center; service area would be defined by geofencing such as pre-defined distance within neighborhoods; bus pickup would be within a fifteen (15) minute timeframe to take passengers to Waldorf transfer point. Mr. Barnett outlined potential costs and pros and cons of all options of providing additional services to neighborhoods. He will be continuing to evaluate these options and conduct survey to determine recommendations to bring back to the Commissioners.

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Closed Session

At 11:45 a.m., motion was made by Commissioner Bowling, 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)(8) of the General Provisions Article of the Annotated Code of Maryland to discuss one (1) lease agreement; to receive one (1) update related to a County owned property; to receive update legal advice on two (2) potential litigation issues and potential land acquisition; and to discuss appointments to Commissioner appointed Boards, Commissions, and Committees. The reason for moving into closed session is to keep legal negotiations, strategies and personnel information confidential.

Summary Closed Session Items

At 12:04 p.m., the Commissioners went into closed session.

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

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

Staff reviewed a lease agreement that needed to be updated. They reviewed the new lease agreement.

The Commissioners reached a consensus to move the new draft lease agreement through the required public notice process and bring back for approval in September 2023.

3-305(b)(7) Legal: Update Disposition of a County Property

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Wes Adams, Deborah Hall, Jenifer Ellin, Carol DeSoto, Danielle Mitchell, Jacob Dyer, Judy Michael, and Gina Markovich.

Staff reviewed the appraisal of the property and requested approval of the appraisal and schedule the public sale. Once auction is completed a public meeting will be held.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to accept the appraisal and set date of public sale.

3-305(b)(7)(8) Legal Advice: Potential Litigation Issue

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Wes Adams, Deborah Hall, Jenifer Ellin, Carol DeSoto, Olin Straus, Bernard Cochran, Martin Harris, and Ed Gorham.

Staff from the Department of Public Works reviewed a potential litigation issue and potential options to mediate this issue out of litigation.

**Commissioner Collins left closed 12:40 p.m. and returned at 1:01 p.m.*

The Commissioners reached a consensus on recommended next steps.

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

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

Ms. Christina Elkins, Assistant Clerk to the Commissioners, reviewed vacancies on the Area Council on Aging, Animal Matters Hearing Board, the Police Accountability Board, and the Resilience Authority.

The Commissioners' reached a consensus on these boards and official action took place on July 26, 2023 under Approval Items- Action on Boards, Commissions, and Committees.

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3-305(b)(3)(7)(8) Update on Potential Litigation Settlement Proposal

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

Ms. Elizabeth Theobalds, Deputy County Attorney, Office of the County Attorney for Charles County, reviewed requested settlement.

The Commissioners reached a consensus on the appraisal and negotiation parameters.

At 1:25 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to end this close session.

The Commissioners returned to open session at 2:16 p.m.

Roll Call

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

**Commissioner Coates was absent.*

Commissioners' Public Comment Session

Commissioners held an open session to receive public comments on any issue. This agenda item was added for the Commissioners to listen to feedback only, twice each month during their regular meetings.

There were five (5) citizens who provided comments in person and one (1) citizen who provided comments virtually. 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 Stewart:

- Addressed citizen to assure her that she felt they were like minded and don't take kindly to unethical behavior. She feels more information for the public the better.
- She will follow up about the Bryans Road Sub Area plan and send link and listed all the meeting dates held related to this plan. She also indicated that she and Commissioner Bowling were against the increased houses and town houses in La Plata. She stressed the need for residents to reach out to Commissioner Coates and the other Commissioners who voted in favor.
- She announced her ninth (9th) annual Back to School event on August 5, 2023 at Regency Stadium.

Commissioner Bowling:

- Addressed quarterly town hall meetings indicating that each Commissioner has town hall meetings to get out into the community to talk to people. Need to deliver what the people want

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and speak up for the people in each district. The Commissioner Public Comment Sessions are on a trial basis but feels they work and should become permanent.

Commissioner Collins:

- Stated that all written comments will be reviewed and answered through the Citizen's response Office (CRO).
- The Commissioners are exploring all options related to public input and this current process is for six (6) months to review best approach. Will be reviewing quarterly town hall meetings, too.
- Bryans Road Sub Area Plan describes what plan is and needs to be articulated better and provide as much information as possible in order to make an informed decision. He encouraged residents to reach out to him directly on why he believes it is a good plan for Bryans Road.

Commissioner Patterson:

- Agrees more communication is better than less and committed to doing a town hall meeting every month.
- He believes in the quality of life in the Bryans Road area and will work with his colleagues to hear more about what people are saying.
- He thanked Ms. Kornegay

Briefing: Update on Development Bonding Process

Mr. Raymond Shumaker, Chief of Codes, Permits, and Inspection Services (CPIS), Mr. Andrew Balchin, Chief of Infrastructure Management, Ms. Heather Kelley, Planning Supervisor, and Mr. Charles Rice, Planning Director, Department of Planning and Growth Management, reviewed and provided an update on 2022 spring local legislative proposals regarding public notification for revisions to approved preliminary subdivision plans, amenity standards and signage for public notification along with recommendations and fiscal impacts. They also provided information regarding the Bonding Process including the requirements, approval process, construction process, final inspection process and Bond release process.

Discussion: Options Related to Heirs Legislation Senate Bill (SB) 92

Ms. Elizabeth Theobalds, Deputy County Attorney, Office of the County Attorney for Charles County, presented a briefing on the Heirs' Property & Maryland Partition of Property Act, which is intended to assist families to preserve their wealth and legacies in the form of real property by providing a more equitable process to clear title, minimizing opportunity for quick sale transactions among co-tenants, and promoting communications among co-tenants to ensure the needs of various ownership interests are met. She shared how local governments can support residents by promoting existing resources, providing funding, and conducting outreach.

**At about 3:03 p.m. Commissioner Coates joined session.*

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

Ms Heather Kelley, Planning Supervisor, Mr. Kirby Blass, Planner III, Mr. Charles Rice, Planning Director, Department of Planning and Growth Management, reviewed the proposed Bill and the process through the public hearing on June 13, 2023 at which time the public record was held open for thirty (30) days. No written comments were received.

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed with all Commissioners present, voting in favor to adopt Bill 2023-04 Zoning Text Amendment #22-175 Standards and Procedures for Approval of Amendments to Master Plans and/or Conditions of Zoning Approval with the amendment to include a five (5) year time limit.

Work Session: 2023 Local Legislation

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney for Charles County, presented suggested revisions, changes and updated drafts and recommendations.

The Commissioners reviewed and discussed the draft Bill related to the removal of an elected County Commissioner. Ms. Mitchell indicated that the Ethics Code needs to be updated on the State level.

Commissioner Collins indicated that clearly defined standards need to be in place, then adjudicated by civil court, then Ethics commission, then petition for removal. He stressed the need for clear concise standards that trigger an Ethics violation

Commissioner Stewart felt the problem would come since the Board of County Commissioners appoints to the Ethics Commission.

Commissioner Bowling indicated that the voters could go to referendum.

The Commissioners directed Ms. Mitchell to come back and include civil court and pure petition.

Commissioner's New Business

There was no new business discussed.

**Break 4:51 p.m. -5:30 p.m.*

Roll Call

A roll call was taken. All Commissioners were present.

Public Hearing: Community Development Block Grant Program Performance Catholic Charities Homeless Operations Shelter and Hotel Placement

The Commissioners held a hybrid, virtual/in-person, public hearing on Community Development Block Grant Program Performance Catholic Charities Homeless Operations Shelter and Hotel Placement. Ms. Barbara Farmer, Community Development Supervisor, Department of Community Services; Ms. Sandy Washington, Chief Executive Officer, Lifestyles Maryland Foundation; Ms. Blair Copeland, Director of Women and Family Shelters; Ms. Kathy Ruben, Senior Program Manager, Angels Watch Emergency Family Shelter; Ms. Amanda Chesney, Executive Director, Homeless and

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Housing Services joined the Commissioners to provide and review program performance and status updates of the homeless shelter operation and hotel placement.

There were no public comments.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to close the public record.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to end this public hearing.

**Break 5:39 p.m. - 6:00 p.m.*

Roll Call

A roll call was taken. All Commissioners were present.

Public Hearing Bill 2023-06 Revisions to Purchasing Procedures and the Minority and Women-Owned Business Enterprise Program

The Commissioners held a hybrid, virtual/in-person, public hearing on Bill 2023-06 Revisions to Purchasing Procedures and the Minority and Women-Owned Business Enterprise Program. Ms. Kelly Robertson-Slagle, Director, Ms. Lucinia Mundy, Small and Minority Business Development Specialist, Ms. Lucretia Freeman-Buster, Chief of Business Development, and Ms. Michelle DeSoto, Deputy Director, Department of Economic Development; Ms. Shanna Reese, Chief of Purchasing, Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative Services; Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney for Charles County, joined the Commissioners to review the proposed changes and updates to the purchasing code Chapter 203.

There were no public comments.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to keep the public record open for thirty (30) days.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to end this public hearing.

Public Hearing: Bill 2023-07 Revised Prevailing Wage Requirements

The Commissioners held a hybrid, virtual/in-person, public hearing on Bill 2023-07 Revised Prevailing Wage Requirements. Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney for Charles County provided a review of the expansion of the prevailing wage local law.

There were no public comments.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to close the public record.

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A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to end this public hearing.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to adopt Bill 2023-07 Revised Prevailing Wage Requirements.

Public Hearing: Bill 2023-05 Zoning Map Amendment 22-02 Bragg Property

The Commissioners held a hybrid, virtual/in-person, public hearing on Bill 2023-05 Zoning Map Amendment 22-02 Bragg Property. Ms. Cyntia Bilbra, Planning Supervisor, Department of Planning and Growth Management, joined the Commissioners to review the proposed zoning map amendment changes.

There were two (2) residents who provided public testimony.

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to keep the public record open for thirty (30) days.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to end this public hearing.

At 7:06 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adjourn.

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President