

Regular Meeting of County Commissioners
Tuesday September 12, 2023 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 9:03 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 not present.*

Proclamation(s) Issued for September 2023

2023-60 National Preparedness Month
2023-61 National Hispanic Heritage Month
2023-62 National Recovery Month
2023-63 National Suicide Prevention Week
2023-64 Direct Support Professionals' Week
2023-65 Constitution Week
2023-66 Law Enforcement Torch Run for Special Olympics Day
2023-67 Car Free Day
2023-68 Diaper Need Awareness Week
2023-69 National Sickle Cell Awareness Month

The Commissioners were joined by staff from the Department of Emergency Services to receive proclamation 2023-60 National Preparedness Month; members from Charles County Board of Education Staff and Students for English for Speakers of Other Languages (ESOL) and members of Charles County Hispanic Heritage Celebration Committee to receive proclamation 2023-61 National Hispanic Heritage Month; staff from the Charles County Health Department to receive proclamation 2023-62 National Recovery Month; representative from the American Foundation for Suicide Prevention to receive proclamation 2023-63 National Suicide Prevention Week; staff from the Spring Dell Center to receive proclamation 2023-64 Direct Support Professionals' Week; Regent for the Port Tobacco Chapter of the National Society Daughters of the American Revolution to receive proclamation 2023-65 Constitution Week; members of Charles County Sheriff's Office to receive proclamation 2023-66 Law Enforcement Torch Run for Special Olympics Day; members from the Tri-County Council for Southern Maryland to receive proclamation 2023-67 Car Free Day; members from the Charles County Maryland Diaper Bank to receive 2023-68 Diaper Need Awareness Week; and Mr. Brandon Pinder to receive proclamation 2023-69 National Sickle Cell Awareness Month.

Regular Meeting of County Commissioners
Tuesday September 12, 2023 (Legislative Day)

**Break 10:01 a.m. – 10:07 a.m.*

Roll Call

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

**Commissioner Coates was not present.*

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 three (3) 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 Stewart:

- Expressed her belief that the meeting that was held on August 29, 2023 could have waited until today, September 12, 2023 at which time the Open Meetings Commission's letter could have been read. The letter of the law was followed to read it at next Board of Commissioners meeting which was August 29. Noone expected a meeting to be held in August.
- The issue with ground water has gotten worse. She explained that she disagreed with Commissioner Collins about Affordable Housing being a top priority goal. She felt the goal should be to address the water issues especially as the Town of La Plata is building large developments and the need for additional water resources.
- She expressed her concern related to the Bryans Road Sub Area Plan and the need for better communication with the people. She does not agree with the Bryans Road Sub Area Plan. She expressed the need for the Board of Commissioners to listen to the people and be responsible and focus on infrastructure, schools and roads.

Commissioner Bowling:

- Expressed his feelings of taking the job seriously since the decisions made today will impact the community years down the line.
- He expressed his issue and lack of understanding about why the two (2) items on the agenda that were rescheduled, the Work Session on the Bryans Road Sub Area and the Briefing related to the Charter Board. He may not agree about the Charter Board, but he has respect for the process.
- He does not believe that we need to keep building more house. Need to focus on quality of life and focus on the water issue.

Regular Meeting of County Commissioners
Tuesday September 12, 2023 (Legislative Day)

Commissioner Patterson:

- Addressed the Open Meetings violation and said he should have done better since his attendance created a quorum issue. There was no intent to hide anything, he made a mistake.
- He wants mor interaction with the public. He will hold more town hall meetings and will be more available to the public.
- He indicated that he was a life long resident of District 2. He expressed the need to bring more into the Bryans Road Area since nothing has been for so long.

Commissioner Collins:

- He read a letter he received related to the Charter Board.
- He addressed the Open Meeting violation that occurred on May 17, 2023. He admits that he should have known better when a third Commissioner joined the meeting. He takes responsibility for the violation. He indicated that the meeting was recorded and was primarily to educate the public. The request to hold the meeting on August 29, 2023 was at the request of the County Attorney’s Office to address a legal matter. Since it was the next meeting of the Board of Commissioners, the Open Meeting violation had to be read then. It was not to limit the public from the letter.
- He stressed that the article related to the water issue being a Charles County issue, clarified that the article was talking about a National problem. He also was not supporting more house being built but more affordable houses for current residents. Affordable Housing is a National Challenge, and the County needs to be responsive.
- He explained the reason he postponed the items on the agenda was because Commissioner Coates was not here today. He would offer the same courtesy to any of the other Commissioners.

Mr. Jason Groth, Acting Director, Department of Planning and Growth Management, addressed the article about ground water and that he was misquoted in the article. He explained that the County has been aware of this issue and has been working on a thirty five (35) to forty (40) year plan.

Commissioner Stewart commented on Commissioner Collins indicating that the meeting at which the Open Meeting violation took place was recorded. She felt it was important that the community did not hear from all five (5) Commissioners since she and Commissioner Bowling were not there. She also asked for clarification about items being postponed since a Commissioner is not present. She was going to submit an agenda request to have this to the Commissioners’ Rules of Procedures.

Commissioner Collins indicated that it was a courtesy of rescheduling items if a Commissioner was not present if it was in their district. He questioned the need to legislate this courtesy. Commissioner Stewart countered that the Rules and Procedures was administrative. Commissioner Bowling added that it would add transparency to the public and show accountability.

Regular Meeting of County Commissioners
Tuesday September 12, 2023 (Legislative Day)

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 make today September 12, 2023 a Legislative Day. * *Commissioner Coates was not present for the vote.*

Approval of the Minutes of July 25 and 26 and August 22 and 29, 2023

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 minutes of July 25, 2023. * *Commissioner Coates was not present for the vote.*

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 minutes of July 26, 2023. * *Commissioner Coates was not present for the vote.*

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 August 22, 2023. * *Commissioner Coates was not present for the vote.*

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 minutes of August 29, 2023. * *Commissioner Coates was not present for the vote.*

Announcement

Next Scheduled Session(s): September 19-20, 2023 and a reminder of the Public Hearing on 2024 Legislative Proposals on Wednesday September 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 #453 Update Countywide Total Maximum Daily Load (TMDL) Stormwater implementation Plan

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 FY2024 Budget Amendment Increase #453 for sixty four thousand seven hundred and ninety dollars (\$64,790.00). * *Commissioner Coates was not present for the vote.*

Board of Education FY2023 Inter-Category Budget Change

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

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 Board of Education FY2023 Inter-category Budget Change for two million dollars (\$2,000,000.00). **Commissioner Coates was not present for the vote.*

Regular Meeting of County Commissioners
Tuesday September 12, 2023 (Legislative Day)

Lease-College of Southern Maryland (CSM)Center for Transportation Training
(Ms. Jenifer Ellin, Acting Deputy County Administrator, Office of the County Administrator)

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 the College of Southern Maryland Center for Transportation Lease. * *Commissioner Coates was not present for the vote.*

Expand VanGO Service for College of Southern Maryland (CSM) to Connect Hughesville Campus and La Plata Campus

(Mr. Jeffry Barnett, Chief of Transit, and Mr. Jason Groth, Acting Director, Department of Planning and Growth Management; and Dr. Yolanda Wilson President, and Mr. William Comey, College of Southern Maryland)

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 Interagency Agreement for the expanded service. **Commissioner Coates was not present for the vote.*

Commissioners' Pre-Hearing Invocation Standard Operating Policy (SOP)

(Mr. Marc Potter, Associate County Attorney, and Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County)

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 Commissioners' Pre-Hearing Invocation SOP. **Commissioner Coates was not present for the vote.*

Approval of the Board of County Commissioners 2024 Session Calendar

(Ms. Carol DeSoto, Clerk to the Charles County Board of County Commissioners)

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 the Board of County Commissioners' 2024 Session Calendar with the amendment to have no session scheduled on February 13 and 14, 2024 and to have session scheduled on Wednesday February 7, 2024 and have no session on Tuesday February 6, 2024. **Commissioner Coates was not present for the vote.*

Discuss and Approve Additional Holiday Leave

(Commissioner Stewart)

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 additional holidays off: Friday December 22, 2023; Tuesday December 26, 2023; Tuesday January 2, 2024; and February 12, 2024; and with the amendment to add Wednesday November 22, 2023. **Commissioner Coates was not present for the vote.*

Commissioner Patterson will talk to staff and put in an agenda request related to additional Personal Time Off (PTO) hours.

Briefing and Request to Introduce/Set Public Hearing on Bill 2023-(09) Healthy Meals for Children

Ms. Danielle Mitchell, Associate County Attorney II, Office of the County Attorney for Charles County reviewed the proposed Bill which includes what it would accomplish, defines what a healthy meal consists of, and outlines the implementation, enforcement, and effective dates for the bill.

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson and Collins present, voting in favor introduce Bill 2023-09 Healthy Meals for Children with the amendment to change the Title of the new Chapter 35 to a more generic title such as Health and Wellness. **Commissioner Coates was not present for the vote.*

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 schedule the public hearing on Tuesday October 24, 2023 at 6:00 p.m. in the Government Building at 200 Baltimore Street, La Plata, Maryland to be held in-person and virtually. **Commissioner Coates was not present for the vote.*

The Commissioners directed staff to research other areas that have these other types of establishments.

**** To Be Rescheduled** Briefing: Senate Bill 291 Budget and Taxation Appropriations**

Closed Session

At 12:19 p.m., motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Patterson, and Collins 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) 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 an update related to a property acquisition; to receive update legal update on a finding of facts letter; 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. **Commissioner Coates was not present for the vote.*

It was noted that two (2) topics in closed session will be rescheduled.

Summary Closed Session Items

At 12:43 p.m., the Commissioners went into closed session.

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

Present: Commissioners Bowling, Stewart, Patterson, and Collins, Wes Adams, Deborah Hall, Jenifer Ellin, Carol DeSoto, Danielle Mitchell.

Staff reviewed an amendment to a lease agreement that needed to be updated.

Regular Meeting of County Commissioners
Tuesday September 12, 2023 (Legislative Day)

The Commissioners present reached a consensus and official action took place later this day under Additional Approval Items, Lease Amendment Hospice of Charles County.

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

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

Staff reviewed the results of the bids received.

The Commissioners present reached a consensus to hold on to the property at this time.

**** TO BE RESCHEDULED**3-305(b)(3)(7) Update: County Property**

**** TO BE RESCHEDULED**3-305(b)(7) Legal Update Finding of Facts**

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

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

Ms. Christina Elkins, Assistant Clerk to the Commissioners, reviewed vacancies on the Board of License Commissioners (Liquor Board), Commission for Veterans Affairs, Board of Appeals, Planning Commission, Charles County Police Accountability Board, and Commission for Women.

The Commissioners' reached a consensus on these boards and official action took place later this day under Approval Items- Action on Boards, Commissions, and Committees. The Commissioners provided Ms. Elkins with directions related to scheduling interviews.

At 1:22 p.m., 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 end this close session. **Commissioner Coates was not present for the vote.*

The Commissioners returned to open session at 2:00 p.m.

Roll Call

A roll call was taken. Commissioners Bowling, Stewart, Patterson, and Collins were present.
**Commissioner Coates was not present.*

Additional Approval Items

Memorandum of Agreement (MOA) with National Oceanic and Atmospheric Administration (NOAA)
Kayak Storage for Mallows Bay

(Ms. Kelli Beavers, Director, Mr. Sam Drury, Deputy Director, Department of Recreation, Parks, and Tourism; and Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative Services)

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 this MOA with NOAA. **Commissioner Coates was not present for the vote.*

Regular Meeting of County Commissioners
Tuesday September 12, 2023 (Legislative Day)

Memorandum of Agreement and Letter of Support for Maryland Solar Grant Application with Maryland Clean Energy Center (MCEC)

(Ms. Beth Groth, Climate Resilience and Sustainability Officer, Department of Planning and Growth Management)

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 this MOA and Letter of Support with MCEC for the Solar Grant Application. **Commissioner Coates was not present for the vote.*

Lease Amendment Hospice of Charles County

(Ms. Jenifer Ellin, Acting Deputy County Administrator, Office of the 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 the Lease Amendment for the Hospice of Charles County. **Commissioner Coates was not present for the vote.*

Action on Boards, Commissions, and Committees

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 appoint Dorothy Brawner as the District 4 Representative and Tamika Simmons as the At-Large Member to the Board of License Commissioners (Liquor Board). **Commissioner Coates was not present for the vote.*

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 reappoint Kabir Tompkins and Joan Sabree and to appoint Kelly Kester, Julie Bryson, Ramona Jones and Lawrence Moses to the Commission for Veterans Affairs. **Commissioner Coates was not present for the vote.*

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 reappoint Cynthia Yabanez-Casares as an At-Large Member and to appoint Timothy Treanor as an Alternate Member to the Board of Appeals. **Commissioner Coates was not present for the vote.*

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 appoint La Tisha Henderson, Lisa Elliott, Nicole Evans, Tamara Franklin-Gibbs, and Kawona Johnson as members to the Commission for Women. **Commissioner Coates was not present for the vote.*

Update: Procedure for Holiday Pay for County Government

Ms. Alexis Blackwell, Director, Department of Human Resources, presented a briefing to Commissioners on Charles County Government holiday pay policies. She reviewed the County's current practices, and how departments compensate employees who are required to work on holidays to provide essential services including emergency response, utilities operations, and recreation center staffing. A proposed holiday pay compensation adjustment was presented, and a summary of the net fiscal impacts was shared.

Regular Meeting of County Commissioners
Tuesday September 12, 2023 (Legislative Day)

The Commissioners present reached a consensus to move forward with this program. Staff will bring back a budget request for approval on this program.

Briefing: Maryland Legal Aid Scope of Services

Ms. Vicki Schultz, Executive Director, and Mr. Lee Heithoff, Chief Attorney, Maryland Legal Aid, Provided an overview of the Maryland Legal Aid scope of services, which include seeking to assist clients in resolving their most fundamental problems. These services include helping clients preserve and access safe and affordable housing, maintain custody of their children and to be safe from domestic violence, in addition to helping increase economic security, removing barriers to employment, accessing critical income support, and helping the most vulnerable in the community such as children and seniors.

**** TO BE RESCHEDULED** Briefing: Communications and Engagement Update and Proposed RFP for Charter Board Support**

**** TO BE RESCHEDULED** Work Session: Bryans Road Sub Area Plan**

Commissioner's New Business

Commissioner Bowling reminded everyone that the Charles Fair started this Thursday September 14, 2023.

At 3:19 p.m., 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 adjourn. **Commissioner Coates was not present for the vote.*

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President