

Regular Meeting of County Commissioners
Tuesday September 19, 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
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.

Recognition

The Commissioners recognized the Southern Sprinters Elite Youth Track Club youth organization (based in Waldorf) for their participation in the AAU Track and Field Junior Olympics. From July 31, 2023- August 5, 2023, the team represented Maryland at the AAU Track and Field Junior Olympics at Drake University in Des Moines, IA. Out of the forty-two (42) athletes who qualified, thirty-eight (38) attended, and eighteen (18) earned All-American Status placing in the top eight (8) in the country for their respective events.

- Leila Wiseman earned gold in the one-hundred-meter (100m) and two hundred meters (200m) for eleven (11)-year-old girls, eighth (8th) place four hundred meter (400m).
- Madison Barnes thirteen(13)-year-old girls four-hundred-meter (400m) fourth (4th) place, thirteen-fourteen (13–14)-year-old girls four by four-hundred-meter (4x400m) relay.
- Ozias Tulloch fourteen (14-year)-old boys sixth (6th) place two-hundred-meter (200m) hurdles, thirteen-fourteen (13-14) year old boys four by four-hundred-meter (4x400m) relay third (3rd) place
- Terrence Dorsey third (3rd) place thirteen (13)-year-old boys four-hundred-meter (400m), third (3rd) place thirteen-fourteen (13-14)-year old boys four by four-hundred-meter (4x400m) relay.
- Zayden Saxton fourth (4th) place twelve (12)-year-old boys four-hundred-meter (400m), third (3rd) place eleven-twelve (11-12) year old boys four by four-hundred-meter (4x400m) relay.
- Yeshua McKinley seventh (7th) place thirteen (13)-year-old boys.
- Chase Elliott third (3rd) place eleven-twelve (11-12) year old boys four by four-hundred-meter (4x400m) relay.
- Anna Camp third (3rd) place thirteen-fourteen (13-14) year old girls four by four-hundred-meter (4x400m) relay.
- Antonique Virgil third (3rd) place thirteen-fourteen (13-14) year old girls four by four-hundred-meter (4x400m) relay.
- Sky Simmons third (3rd) place thirteen-fourteen (13-14) year old girls four by four-hundred-meter (4x400m) relay.

Regular Meeting of County Commissioners
Tuesday September 19, 2023 (Legislative Day)

Commissioners' Comments

There were no comments.

Approval of the Minutes of September 12 and 13, 2023

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

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve the minutes of September 13, 2023.

Announcement

Next Scheduled Session(s): September 26-27, 2023.

Approval Items

Budget Amendments and Budget Transfers

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

FY2024 Budget Amendment Increase #990 Repairs to Electrical System Dorchester Pump Station

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve FY2024 Budget Amendment Increase #990 for two hundred and nineteen thousand one hundred and thirty dollars (\$219,130.00).

FY2024 Budget Amendment Increase #1054 Carryover Awards for Cognitive Health of Older Adults

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve FY2024 Budget Amendment Increase #1054 for thirty-seven thousand seven hundred dollars (\$37,700.00).

FY2025 Budget Calendar

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve the FY2025 Budget Calendar.

Letter: Deer Cooperator Permit Letter-Shlagel Farms

(Mr. Russell Schlagel, Schlagel Farms and Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney, Charles County; and Mr. Russell Shlagel, Shlagel Farm)

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the Deer Cooperator Permit Letter.

Modification of Rosewick Road Access Management Table, Appendix F, Charles County Road Ordinance

(Mr. Andrew Balchin, Chief of Infrastructure, Department of Planning and Growth Management; Ms. Danielle Conrow, Team Leader, Rodgers Consulting; and Mr. Steve Scott, Attorney, Scott Law, LLC.)

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and failed, with Commissioners Bowling and Stewart present, voting in favor to approve tabling this discussion with

Regular Meeting of County Commissioners
Tuesday September 19, 2023 (Legislative Day)

the amendment, until after the major site plan was finalized. Commissioners Coates, Patterson, and Collins were opposed. A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Coates-no; Commissioner Stewart-yes; Commissioner Patterson-no; Commissioner Collins-no. The motion failed two (2) to three (3).

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with Commissioners Coates, Patterson, and Collins present, voting in favor to approve the Modification of Rosewick Road Access Management Table, Appendix F, Charles County Road Ordinance. Commissioners Bowling and Stewart were opposed. A roll call of the vote was taken: Commissioner Bowling-no; Commissioner Coates-yes; Commissioner Stewart-no; Commissioner Patterson-yes; Commissioner Collins-yes. The motion passed three (3) to two (2).

**Rescheduled to Afternoon Session* Change Order #59 Mattawoman Inflow and Infiltration*
**Rescheduled to Afternoon Session* Change Order #60 Mattawoman Inflow and Infiltration*

Annual Update: Maryland Association of Counties (MACo)

Mr. Calvin Ball, President, and Mr. Michael Sanderson, Executive Director, Maryland Association of Counties (MACo) joined the Commissioners to provide an annual update on the state of counties in Maryland and a brief overview of MACo's legislative work on the State budget policy in the 2023 General Assembly. They indicated that this is not a robust economy and may cause budget strains in counties this year. They also discussed the Maryland Family and Medical Insurance Program (FAMLI) and the Maryland Time to Care Collaborative established as well as the Cannabis legislation.

**Break 10:21 a.m.-10:27 a.m.*

Briefing and Request to Introduce and Set Public Hearing: Bill 2023-10 Zoning Text Amendment (ZTA) 22-170 WCD Watershed Conservation District

Ms. Melissa Hively, Planner I, and Mr. Charles Rice, Planning Director, Department of Planning and Growth Management, provided an overview of the Watershed Conservation District Zone and the proposed amendments related to changing the minimum lot size requirements from twenty (20) acres to three (3) acres with the same density requirements of one (1) unit per twenty (20) acres; removal of ten (10) year ownership qualification for intrafamily transfers; and the elimination of conflicts between the Base Zone Regulations and the Amended 2016 Comprehensive Plan.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to introduce Bill 2023-10 Zoning Text Amendment 22-170 WCD Watershed Conservation District.

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 November 14, 2023 at 6:00 p.m. in the Government Building at 200 Baltimore Street La Plata, MD to be held in-person and virtually.

Briefing and Request to Schedule a Public Hearing: Amendments to Keswick Developers Rights and Responsibilities Agreement (DRRA)

Regular Meeting of County Commissioners
Tuesday September 19, 2023 (Legislative Day)

Ms. Elizabeth Theobalds, Deputy County Attorney, Office of the County Attorney for Charles County, and Ms. Heather Kelley, Planning Supervisor, Department of Planning and Growth Management, explained the proposed amendments to the Keswick DRRA are for consistency with the 2016 Comprehensive Plan.

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 November 14, 2023 at 6:00 p.m. in the Government Building at 200 Baltimore Street La Plata, MD to be held in-person and virtually.

Briefing and Request for Approval: Maryland Family and Medical Leave Insurance Program (FAMLI)-Maryland Time to Care Collaborative

Ms. Alexis Blackwell, Director, Department of Human Resources; and Mr. David Johnson, Vice President, Bolton USA, provided an overview of the Maryland Time to Care Legislation that establishes a paid family and medical leave insurance program to which employers, employees, and self-employed individuals will make contributions. It provides up to twelve (12) weeks of paid leave to care for oneself or a qualifying family member. They reviewed the effective date, coverage, description of “family member,” how much is paid; and the cost. The options to meet this new required insurance plan are: 1. default into the State plan; 2. self-administer alternative plan; 3. Contract out alternative plan. Mr. Johnson reviewed the Time to Care Act Collaborative option and benefits.

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve Charles County’s participation in the Time to Care Collaborative.

****To Be Rescheduled** Briefing and Request to Schedule a Public Hearing: 2022-2031 Solid Waste Management Plan (SWMP) Amendment**

Closed Session

At 11:31 a.m., motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to move into Close Session where all or a portion of this session may be closed pursuant to Section 3-305 (b)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss one (1) contract; to receive an update related to a County property and acquisition; and to receive a legal update on a finding of facts letter. The reason for moving into closed session is to keep legal negotiations and strategies confidential.

Summary Closed Session Items

At 11:48 a.m., the Commissioners went into closed session.

3-305(b)(7) Legal Update Finding of Facts

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

Mr. Wes Adams, County Attorney, Office of the County Attorney, reviewed the procedural finding of facts letter from the last Board of County Commissioner session along with his recommendations.

Regular Meeting of County Commissioners
Tuesday September 19, 2023 (Legislative Day)

The Commissioners reached a majority agreement four (4) to one (1) agreement; with Commissioner Coates opposed to adjust letter to include Commissioner Patterson's name given this letter is being sent now when he is the member of the Board of Commissioners.

The Commissioners reached a majority agreement three (3) to one (1) to sign the opinion letter. Commissioner Coates declined to sign. Commissioner Patterson did not vote since he was not a Board member when this topic was discussed and voted on.

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

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

Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney for Charles County reviewed the contract amendment.

The Commissioners provided directions for the additional information requested.

The Commissioners reached a consensus on this contract. Official action took place later this day under the Additional Approval Items-Contract.

3-305(b)(3)(7) Update: County Property and Lease

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

Staff provided a review of the County Property and the recommended short-term lease.

The Commissioners reached a consensus to move forward with the short-term lease process. After the required advertisement, official action will take place during an October meeting in open session under Approval items.

At 12:24 p.m., a motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to end this close session.

The Commissioners returned to open session at 3:30 p.m.

Roll Call

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

**Commissioner Bowling was not present.*

Additional Approval Items

Contract Renewal-Lobbyist

(Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney for Charles County)

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

Change Order #59 Mattawoman Inflow and Infiltration

(Ms. Alicia Afroilan, Engineering Supervisor, Mr. Andrew Balchin, Chief of Infrastructure Management, Department of Planning and Growth Management)

Regular Meeting of County Commissioners
Tuesday September 19, 2023 (Legislative Day)

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with Commissioners Coates, Stewart, Patterson and Collins present, voting in favor to approve Change Order #59 for the Mattawoman Inflow and Infiltration. **Commissioner Bowling was not present for the vote.*

Change Order #60 Mattawoman Inflow and Infiltration

(Ms. Alicia Afroilan, Engineering Supervisor, Mr. Andrew Balchin, Chief of Infrastructure Management, Department of Planning and Growth Management)

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

Briefing: American with Disabilities Act (ADA) Compliance in Charles County Government Buildings

Mr. John McConnell, Chief of Central Services, Office of the County Administrator; Mr. John Earle, Chief of Buildings and Trades-Facilities, Ms. Terri Kahouk, Deputy Director-Facilities, Department of Public Works presented a briefing on the Charles County Government buildings' compliance with the American with Disabilities Act (ADA). Mr. McConnell provided details on how Charles County Government buildings are currently being compliant and how any new construction or building upgrades will incorporate ADA compliance protocols.

The Commissioners requested staff to review plans to ensure to accommodate individuals who are hearing impaired.

Briefing: Charles County Government 2023 Bond Issue

Mr. Jacob Dyer, Acting Director, and Ms. TaTanya Bowman, Assistant Chief of Budget, Department of Fiscal and Administrative Services, briefed the Commissioners on the proposed Charles County Government 2023 Bond Size of fifty-five million dollars (\$55,000,000.00) and the list of bond projects. In addition, Mr. Dyer reviewed the important dates of public hearing; rating agency meetings, bond sale, and closing of bond sale.

**At about 3:57 p.m. Commissioner Bowling joined the session.*

Briefing and Request for Approval: FY2023 Fourth Quarter General Fund Review

Mr. Jacob Dyer, Acting Director, and Ms. TaTanya Bowman, Assistant Chief of Budget Department of Fiscal and Administrative Services, reviewed with the Commissioners the FY2023 General Fund Fourth Quarter Report. This included FY2023 year-end estimate, revenues, expenditures, and fund balance break down. He reviewed the new proposed reserves for the Capital Improvement Plan (CIP) PayGo (Inflation Reserve); Hazmat Response Unit (replace current vehicle); Transit Local Match Reserve (Federal funding shortfall); Charles County Sheriff's Office (CCSO) Equipment/Capital Carryover; Diversity, Equity, and Inclusion (DEI) Consultant Carryover; and County Commissioner Furniture.

Regular Meeting of County Commissioners
Tuesday September 19, 2023 (Legislative Day)

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the New Proposed Fund Balance Reserves as presented.

Briefing: Update on American Rescue Plan Act (ARPA)

Ms. Jenifer Ellin, Acting Deputy County Administrator, and Mr. Jacob Dyer, Acting Director, Department of Fiscal & Administrative Services, reviewed the American Rescue Act Plan (ARPA) for the County. Ms. Ellin explained that by the next ARPA update staff will provide options to reallocate the two million dollars (\$2,000,000.00) listed in the Mattawoman Wastewater Treatment Plant (MWWTP) under Infrastructure. Some proposed projects will be related to housing assistance programs and road resurfacing since these projects can spend funds within the required timeline.

Work Session: 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; and Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney for Charles County, joined the Commissioners for a work session on Bill 2023-06 and to clarify some of the language.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adopt Bill 2023-06 Revisions to Purchasing Procedures and the Minority and Women-Owned Business Enterprise Program with the amendment to change under LOCAL BUSINESS (page 8 lines 26-29) to read:

HAS A BRANCH OR SATELLITE OFFICE IN THE COUNTY THAT GENERATES AT LEAST FIFTY PERCENT (50%) OF ANNUAL GROSS SALES OF THE BUSINESS WITHIN THREE YEARS OF REGISTRATION WITH THE CHARLES COUNTY SMALL LOCAL BUSINESS ENTERPRISE PROGRAM;

And to delete (page 8 lines 30-31):

TWENTY-FIVE PERCENT (25%) OF ITS NUMBER OF FULL-TIME EQUIVALENT EMPLOYEES ARE DOMICILED IN CHARLES COUNTY.

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to adopt Resolution 2023-12 Small Business Enterprise Program.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to adopt Resolution 2023-13 Establishing Diversity In County Procurement Program.

Work Session: Bill 2023-05 Zoning Map Amendment 22-02 Bragg Property

Mr. Kirby Blass, Planner III, Ms. Cynthia Bilbra, Planning Supervisor, and Mr. Charles Rice, Planning Director, Department of Planning and Growth Management, joined the Commissioners for a work session on Bill 2023-05. Mr. Blass reviewed that this zoning text amendment would rezone the Subject Property from Rural Residential (RR) to Community Commercial (CC).

Regular Meeting of County Commissioners
Tuesday September 19, 2023 (Legislative Day)

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to adopt Bill 2023-05 Zoning Map Amendment 22-02 Bragg Property.

Commissioner's New Business

Commissioner Collins requested that staff to bring back future projects that could use American Rescue Plan Act (ARPA) funding related to affordable housing. He also requested that staff research establishing a Housing Trust Fund. Commissioner Coates added for staff to look at matching grant opportunities.

**Break 5:43 p.m. - 6:02 p.m.*

Roll Call

A roll call was taken. All Commissioners were present.

Public Hearing: Bill 2023-08 Property Tax Credit for Volunteer Emergency Responders

The Commissioners held a hybrid, virtual/in-person, public hearing on Bill 2023-08 Property Tax Credit for Volunteer Emergency Responders. Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney for Charles County, reviewed Bill 2023-08.

There was one (1) in person comment provided.

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 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 Stewart and passed, with all Commissioners present, voting in favor to adopt Bill 2023-08 Property Tax Credit for Volunteer Emergency Responders.

At 6:11 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to adjourn.

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President