

Regular Meeting of County Commissioners
Tuesday September 26, 2023

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.

Recognition: Employee Length of Service, April-June 2023; Top Performer, Second Quarter (April-June, 2023)

The Commissioners recognized employees' years of service for April through June 2023. The Top Performer for the second quarter, the team of Stanley "TJ" Rollins, Aleksander Wonders, Stephan Johnson and Kevin Gilman, Department of Public Works, was announced and recognized for stopping to provide aid until medical personnel arrived at a major car accident.

Approval of the Minutes of September 19, 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 September 19, 2023.

Announcement

Next Scheduled Session(s): October 3-4, 2023.

Approval Items

Budget Amendments and Budget Transfers

(Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative; Mr. John McConnell, Chief of Central Services, Office of the County Administrator; Mr. Charles Strawberry, Jr., Program Manager-Utilities and Mr. Bernard Cochran, Deputy Director-Utilities, Department of Public Works)

FY2024 Budget Transfer Request #57 Central services Property and Liability Insurance Budget

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2024 Budget Transfer Request #57 ninety-two thousand one dollars (\$92,000.00).

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FY2024 Budget Transfer Request #1083 Water and Sewer Upsize and Realign Waterline and Storm Drain System

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve FY2024 Budget Transfer Request #1083 for one million three hundred and seventy-six thousand and eighty dollars (\$1,376,080.00).

Briefing Social Media Use Standard Operating Procedure (SOP) and Request for Approval Community Support Fund Standard Operating Procedure (SOP)

(Ms. Jennifer Harris, Chief of Media Services, and Ms. Jenifer Ellin, Acting Deputy County Administrator, Office of the County Administrator)

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the changes to the Community Support Policy Standard Operating Policy (SOP) #CP.CC.01.005 as presented.

Discussion and Approval: Additional Personal Time Off (PTO)

(Commissioner Patterson, Ms. Alexis Blackwell, Director, Department of Human Resources; and Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative Services)

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve an additional eight (8) hours of personal time off for employees who work two thousand eighty (2080) hours a year and those who work two thousand one hundred and eighty-four (2184) hours a year; and seven point five (7.5) hours for employees who work one thousand nine hundred and fifty (1950) hours a year. This will take effect on October 6, 2023 and expire on December 31, 2023.

Briefing: Kaiser Permanente Project Update

Ms. Kelly Robertson-Slagle, Director, Department of Economic Development; Ms. Sue Greer, Attorney, The Law Offices of Sue A. Greer, P.C.; and Kaiser Permanente Representatives, briefed the Commissioners on the Kaiser Permanente Project. The facility will be located in Waldorf and the master plan allows for several expansions of the facility to grow as membership in Charles County grows. Presenters shared that there are approximately seventeen thousand (17,000) Kaiser Permanente members, who live in Charles County and Kaiser Permanente currently owns and operates thirty-five (35) medical centers and partners with twelve (12) premier hospitals within the Washington D.C, Maryland and Virginia region. Prior to its anticipated opening in 2026, Kaiser is already connecting to Charles County in two major ways: Investments are being made to non-profits, contributing fifty thousand dollars (\$50,000.00) in funds; and every Tuesday, Kaiser Permanente provides a mobile health vehicle, delivering free care to Kaiser Permanente members and non-members at Jaycees Community Center, offering routine lab tests, blood pressure monitoring, and various immunizations.

Bi-Monthly Update: Western Parkway Roadway Improvements

Mr. Brian Kagarise, Acting Program Manager, and Mr. Martin Harris, Director, Department of Public Works, provided an update on the Western Parkway Roadway Improvements. Mr. Kagarise reviewed progress and provided the status and next steps for the projects and permits.

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Commissioner Stewart requested that the next update be a high-level update on the connection of the roads. The Commissioners stressed the need for State support.

Briefing: Communications and Engagement Update and Proposed RFP for Charter Board Support

Ms. Jennifer Harris, Chief of Media Services, and Ms. Doria Fleisher, Community Engagement Coordinator, Office of the County Administrator, presented a briefing on communications regarding the Charter Board and the current level of community engagement surrounding this topic. This update reviewed the communications goal, stakeholders, and what information is needed. Ms. Fleisher and Ms. Harris reviewed the proposed mailer “Resident’s Guide to Understanding Charter versus Code Home Rule Government” which would cost about twenty thousand dollars (\$20,000.00). The Request for Proposal (RFP) for a contractor to provide communication services and potential scope of work was discussed. Ms. Harris stressed the difficulty that staff has in providing information to the public that is a balanced neutral message.

Commissioner Stewart and Bowling stressed the need for the Board of Commissioners to stay out of the marketing campaign to educate the public and nothing should be sent out or done until after a Charter is drafted by the Charter Board.

Commissioner Collins presented the three (3) motions that he was seeking:

1. To approve twenty-two thousand dollars (\$22,000.00) for the postcard/mailed that staff presented and directing staff to find the funding source.
2. To authorize County survey platform to collect information from residents about the Charter Government general process.
3. To proceed with the RFP process in a neutral tone to respond after Charter is drafted.

Commissioner Stewart opined that the questions for the survey should come from the Charter Board to help in the process of drafting the Charter. She also felt that the mailer presented was expensive and felt a simpler version that included a Quick Response (QR) code that would link to the Charter Board meetings and survey would be sufficient. The savings could then be used for the RFP process.

The Commissioners engaged in a back-and-forth dialogue related to educating the public.

A motion was made by Commissioner Coates to approve the twenty-two thousand dollars (\$22,000.00) postcard mailed with staff to come back with another less expensive option. After clarification by the other Commissioners, Commissioner Coates withdrew her motion.

The Commissioners reached a consensus that staff would bring back another option to the postcard mailed that was a more simplified two (2) sided version that includes a QR code that pushes to social media and website for information.

The Commissioner directed the Acting County Administrator and Assistant Deputy County Attorney to gather questions from the Charter Board related to drafting the Charter to be used in creating surveys using the County’s surveying platform.

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A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed with all Commissioners present, voting in favor to authorize County staff to use the County surveying platform to gather public input at the direction of the Acting County administrator and the Assistant Deputy County Attorney.

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to proceed with creating a RFP for a marketing campaign that is neutral and will begin after the Charter is drafted, (using the parameters presented by staff) with the amendment to the Scope of Services to read “which may include” then listing the four categories outlined (See language below) The Acting County Administrator will oversee the RFP process.

Language Change Under Scope of Services, from Request for Proposals – Charter Government Education, Outreach, and Public Engagement presented:

*“The Contractor shall designate an account executive who will maintain close communication with the Board of County Commissioners’ designated representative and who will be required to meet with County and Charter Board representatives regularly. The frequency of such meetings will be established after the contract award. The Contractor may be requested to provide public relations and outreach services **which may include:***

(1) Content Design and Development: Create promotional materials to effectively communicate about the draft charter process and implementation, and the changes it would bring to the operations of county government. The Contractor would propose, design, print, and distribute educational materials that may include brochures, fliers, infographics, posters, and printed information.

(2) Digital/Social Media Campaign: Create and implement a digital media campaign, including social media promotion, online videos and commercials, and other audio/visual promotional content to raise awareness and engage the community.

(3) Public Outreach and Community Meetings: Organize and conduct public outreach (e.g., town hall meetings, workshops, webinars) to educate and address the community’s questions and concerns regarding the charter form of government.

(4) Paid Media Campaign: Design, direct, and produce materials for paid media campaign. Outreach may include television and movie theater ads, billboards, radio spots, streaming service, and newspaper ads, among others. The Contractor shall provide a quarterly spend plan for both traditional media and digital media outlets. The Contractor shall negotiate, schedule, and maintain media buys in accordance with the approved media plan. All placements shall be billed at net amounts to the County. The Contractor shall provide ongoing evaluation of media through post-buy analysis reconciliation and quarterly meetings as necessary. This evaluation shall include media buy schedules and budget recaps....”

Closed Session

At 12:10 p.m., motion was made by Commissioner Stewart, seconded by Commissioner Bowling 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)(4)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to receive an update related a settlement on a potential

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litigation issue; and to receive an update on a potential new business in the County. The reason for moving into closed session is to keep legal negotiations and strategies confidential.

Summary Closed Session Items

At 12:31 p.m., the Commissioners went into closed session.

3-305(b)(4) Proposed New Business in the County

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Wes Adams, Deborah Hall, Carol DeSoto, Jenifer Ellin, Kelly Robertson-Slagle, Taylor Yewell, Louis Jenkins, Brian Norris, Steve Proctor, and Jeff Ludwig.

Ms. Kelly Robertson-Slagle, Director, Department of Economic Development, provided a general overview of the potential new business in the County. The parties present reviewed the proposed business and answered questions related to the project.

**At about 1:34 p.m., Commissioner Collins left session.*

3-305(b)(7)(8) Legal: Update on Settlement Related to a Potential Litigation Issue

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

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, shared information related to a settlement agreement that was reached.

At 1:37 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Coates, Stewart, and Patterson present, voting in favor to end this close session. **Commissioner Collins was not present for the vote.*

The Commissioners returned to open session at 2:31 p.m.

Roll Call

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

**Commissioner Collins was not present.*

Annual Update: Docket 90

Mr. Mark Anderson, Director of Land Development, Lennar, and Mr. Rick Barnas, Barnas Engineering, provided the annual update on the Docket 90 report on the St. Charles community. This update highlighted the remaining areas being developed in the St. Charles Community, school allocation overview, St. Charles High School wetland mitigation site, and the construction status on St. Charles Neighborhood Clubhouses for the Parklands and the Highlands neighborhoods.

**At about 2:47 p.m. Commissioner Collins joined the session.*

Work Session: 2024 Preliminary State Legislative Proposal Package

Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney for Charles County, reviewed the legislative proposals presented at the public hearing on September 13, 2023 for the Commissioners to provide directions on how to proceed.

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Proposals:

- A proposal to adopt legislation to legalize golf carts and low speed vehicles on Cobb Island.
Proposed by: Faye Hilton, Vice President Cobb Island Citizen Association

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve adding this proposal to the Charles County 2024 Legislative Proposal Package.

- A proposal to change to Maryland Law 14-402 on behalf of the Adult Guardianship Review Board to change the Board's membership composition requirement for a psychiatrist.
Proposed by: Linda Stansbury, Chairperson Adult Guardianship Review Board

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve adding this proposal to the Charles County 2024 Legislative Proposal Package.

- A proposal to adopt legislation that would prohibit an unlicensed establishment from allowing the consumption of alcohol on their premises.
Proposed by: Charles County Sheriff's Office

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 adding this proposal to the Charles County 2024 Legislative Proposal Package. **Commissioner Coates was opposed.*

A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Coates-no; Commissioner Stewart-yes; Commissioner Patterson-yes; Commissioner Collins-yes. The motion passed four (4) to one (1).

- A proposal to adopt legislation to prohibit operating unregistered motor vehicles, such as all-terrain vehicles, from being operated on a highway
Proposed by: Charles County Sheriff's Office

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 adding this proposal to the Charles County 2024 Legislative Proposal Package. **Commissioner Coates was opposed.*

A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Coates-no; Commissioner Stewart-yes; Commissioner Patterson-yes; Commissioner Collins-yes. The motion passed four (4) to one (1).

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- A proposal to impose an accommodation tax on all short-term rentals (e.g., Airbnb, VRBO)
Proposed by: Dept. of Recreation, Parks & Tourism

Ms. Mitchell recommended that this not be included in the proposal package and that staff come back with a briefing.

Commissioner Collins directed Ms. Mitchell to come back with draft legislation.

At about 3:12 p.m. Commissioner Coates left session.

- A proposal to enact a Parkland Dedication Ordinance to require property developers pay a fee to be used instead of dedicating land (i.e., "fee-in-lieu"), or a combination of dedication or construction of recreational facilities.
Proposed by: Dept. of Recreation, Parks & Tourism

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 adding this proposal to the Charles County 2024 Legislative Proposal Package. *Commissioner Coates was not present for the vote.

- A proposal to impose air conditioning requirements for residential rental properties.
Proposed by: Carlos Childs

A motion was made by Commissioner Bowling to approve adding this proposal to the Charles County 2024 Legislative Proposal Package. There was no second. The motion failed.

- A proposal to commission a lead testing study to direct the Maryland Department of Health to offer J.C. Parks Elementary and Matthew Henson Middle school's students, faculty, and their families free blood lead testing and lead test at school.
Proposed by: Carlos Childs

This is an issue that needs to be handled by the Charles County Health Department.

- A proposal to change the minimum age requirement to run for Charles County School Board from twenty-one (21) years old to eighteen (18) years old.
Proposed by: Carlos Childs

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 adding this proposal to the Charles County 2024 Legislative Proposal Package. *Commissioner Coates was not present for the vote.

- A proposal to amend the municipality incorporation process.
Proposed by: Carlos Childs

This cannot be amended.

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- A proposal to allow Maryland educators to use any accrued personal leave or leave without pay to provide a public service to any local government and/or non-profit organization for compensation or volunteer capacity.
Proposed by: Derrick Terry

This is handled by the Board of Education and contract negotiations

- A proposal to allow Maryland educators to accrue compensatory time (max of ninety (90) hours per academic year) for performing educational work duties and/or responsibilities outside of contractual working hours.
Proposed by: Derrick Terry

This is handled by the Board of Education and contract negotiations.

- A proposal to provide one hundred percent (100%) to seventy five percent (75%) reimbursement to Maryland educators for graduate school or educator renewal courses in exchange for remaining in school system for specified number of academic years (i.e., four (4) years after all courses are completed)
Proposed by: Derrick Terry

This is handled by the Board of Education and contract negotiations.

- A proposal to require certain training be completed by those individuals appointed or elected to the governing body of a common ownership community.
Proposed by: Ayana Moore and Eileen Lynch-Britt on behalf of Charles County HOA & Civic Association Alliance

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 adding this proposal to the Charles County 2024 Legislative Proposal Package. **Commissioner Coates was not present for the vote.*

Staff were directed to look for mechanisms to hold HOA accountable and Annual Report from the Homeowners Association Dispute Review Board and bring back how to implement and monitor.

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 nineteen (19) residents who provided comments in person and four (4) residents who provided comments virtually. Written comments were added to the website for the public to view.

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Summary of Public Comments:

- Several comments related to Commissioners being held accountable for workplace bullying and racial offenses and hostile work environment. Request release of second investigative report related to Commissioner Coates.
- Make the Commissioners' Public Comment Session permanent after the trial period ends.
- Commissioners should announce why they will not be present for the session; and if Commissioner is virtual, they need to be visible and not conversing with third party during session. They need to show up for duty.
- Commissioner Coates only wanted a Black County Administrator and should be held accountable for her lies and racist behavior; Felt personally attacked by Commissioner Collins related to the "Charles County Club Pack" which is against "whites".
- Not enough outreach or public input for the Bryans Road Sub Area Plan; request for no more housing developments there; look at well water surrounding the airport and need for land study there.
- Request to review groundwater system that was created and being patented and permission to use.
- Agritourism permit that was not approved and issues with the process; and support from several speakers related to this farm project and request for this to be on the agenda.
- Request public comments added to the minutes; concern with the groundwater article in the New York Times.
- Charter Board update and request for public input and data.
- Request to remove the Commissioner; Restore County Administrator from administrative leave; release second report and request for an accounting of the Commissioners' expenses.
- Request four (4) minutes for public comments; and Commissioners to explain why they vote as they do.
- Keep the public informed and stop supporting and encouraging bad behavior of a Commissioner.
- Concern with removal of conservation district.

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:

- Encouraged Greenlight for Veteran Awareness.
- Believes workplace standards of conduct should be followed by Commissioners; and legislation to remove a Commissioner is scheduled for October 3, 2023.

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- Agrees that the public comment session should be permanent.
- Discussed Bryans Road Sub Area Plan notices.
- Interested in Rain Barrel collection and processing groundwater system and requested staff to reach out to this resident.
- Staff were directed to go through Agritourism Bill; Supports farm concept but needs to follow process; misinformation needs to be clarified.
- Commissioners need to uphold the law.
- Likes the idea of four (4) minutes for public comments.
- Even though the Charter Board Marketing was a divisive topic, the Commissioners agreed on how to move forward.
- Agrees Commissioners should explain why they vote as they do.

Commissioner Bowling:

- Believes second report should be released,
- Water issues in the County are a concern.
- Residents with water system invention will need to contact the health department for permits for well and septic.
- The agritourism farm issue felt personally attacked but felt he has reached out and offered many things to help but the plan keeps changing and rules need to be followed.

Commissioner Patterson:

- Agrees that even if don't agree with person and disagree and be respectful.
- Bryans Road Sub Area Plan is in the works and will listen to the public.
- Supports agritourism farm idea but system needs to support it.
- The water report information did not match.
- Must follow the rules.

Commissioner Collins:

- Agrees with public comment sessions
- Supports ideas like rain barrel and hopes to create programs for ideas and climate change tax incentives.
- The earlier Charter Board discussion demonstrates compromise efforts and de-escalation on all parts.
- Apologized if comments made by him were taken negatively. Not his intent was a joke.

Commissioner's New Business

Commissioner Bowling requested the following agenda requests: ROC Communities; Equity Emphasis in Cobb Neck; Adequate Safety Ordinance.

Commissioner Stewart requested the following agenda requests: Vivian Adams Road traffic study; Length and cost to add sidewalk , from school to development JP Ryon.

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Roll Call

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

Public Hearing: Community Development Block Grant (CDBG) Maryland Recovery Housing Program

The Commissioners held a hybrid, virtual/in-person, public hearing on the Community Development Block Grant (CDBG) Maryland Recovery Housing Program. Ms. Susie Thompson, Executive Director, and Ms. Susan Petroff, Grant Writer, The Jude House; Ms. Barbara Farmer, Community Development Supervisor, Ms. Rita Wood, Chief of Housing reviewed the Jude House grant application request to purchase a house for woman and children transiting in the next steps of recovery.

There were no public comments provided.

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 close the public record. **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 to end this public hearing. **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 to approve Resolution 2023-14 Submittal of application for Recovery Housing Program Funds with amendment to the resolution to include *and all associated costs.*

Amendment in resolution:

*...NOW, THEREFORE, BE IT RESOLVED, that the County Commissioners of Charles County authorize the submittal of an application Recovery Housing Program funds in the amount of \$1,200,000.00 for the following project: a purchase of a property **and all associated costs** for a Recovery Housing Program that will be targeted to women with children in recovery for substance abuse disorder.*

**Commissioner Coates was not present for the vote.*

At 7:18 p.m., a motion was made by Commissioner Bowling, 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.*

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Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President