

Regular Meeting of County Commissioners
Tuesday October 3, 2023 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 9:01 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 October 2023

2023-70 Global Diversity Awareness Month
2023-71 Domestic Violence Awareness Month
2023-72 National Cybersecurity Awareness Month
2023-73 National Breast Cancer Awareness Month
2023-74 Italian American Heritage Month
2023-75 National Disability Employment Awareness Month
2023-76 White Cane Awareness Month
2023-77 Child Health Day and Month
2023-78 Economic Development Week
2023-79 National Bullying Prevention Month

The Commissioners were joined by members from the Interfaith Commission and Melwood Organization to receive proclamation 2023-70 Global Diversity Awareness Month; staff from the Charles County States Attorney's Office to receive proclamation 2023-71 Domestic Violence Awareness Month; staff from Information Technology (IT) to receive proclamation 2023-72 National Cybersecurity Awareness Month; members of Sisters at Heart Breast Cancer Support Group of Southern Maryland to receive proclamation 2023-73 National Breast Cancer Awareness Month; Mr. Wes Adams to receive proclamation 2023-74 Italian American Heritage Month; representatives from Melwood Organization to receive proclamation 2023-75 National Disability Employment Awareness Month; members from the National Federation of the Blind of Maryland to receive proclamation 2023-76 White Cane Awareness Day; staff from the Charles County Health Department and the NAACP to receive proclamation 2023-77 Child Health Day and Month; staff from the Department of Economic Development to receive 2023-78 Economic Development Week; and representatives from Unity in the Community to receive proclamation 2023-79 National Bullying Prevention Month.

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Approval of the Minutes of September 26, 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 26, 2023.

Announcement

Next Scheduled Session(s): October 17-18, 2023.

Approval Items

Budget Amendments and Budget Transfers

There were none.

Maryland International Agriculture and Environment (MDINTAG) Conference and El Salvador
Delegation Visit to Charles County on October 12, 2023

(Commissioner Bowling)

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed with Commissioners Bowling, Stewart and Collins present, voting in favor to approve this as a County Sponsored event with the stipulation only if this event is approved by the State as well. *Commissioner Coates was opposed, and Commissioner Patterson abstained. A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Coates-no; Commissioner Stewart-yes; Commissioner Patterson-abstained; Commissioner Collins-yes. The motion passed three (3) to one (1) and one (1) abstaining.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed with Commissioners Bowling, Stewart and Collins present, voting in favor to approve allowing the use of the Community Support Funds for this event. *Commissioner Coates was opposed, and Commissioner Patterson abstained. A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Coates-no; Commissioner Stewart-yes; Commissioner Patterson-abstained; Commissioner Collins-yes. The motion passed three (3) to one (1) and one (1) abstaining.

Discussion: Potential Change to the Scheduled October 31, 2023 Commissioner Public Comment
Session

An initial motion was made by Commissioner Bowling, seconded by Commissioner Patterson to reschedule the Commissioners' Public Comment Session to 2:30 p.m. on October 31, 2023. After further discussion this motion and second was removed from the floor.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to cancel the Commissioners' Public Comment Session on October 31, 2023 with the added amendment to end session by 2:30 p.m. on October 31, 2023.

Briefing and Request to Introduce and Schedule Public Hearing: Bill 2023-(11) Zoning Map
Amendment (ZMA) 23-01 Dash-In Food Stores, Inc

Mr. Kirby Blass, Planner III, and Mr. Charles Rice, Planning Director, Department of Planning and Growth Management reviewed the requested zoning map amendment 23-01 Dash-In Food Stores, Inc.

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The parcel is currently zoning is Rural Conservation (RC) and requesting to change the zoning to Community Commercial (CC) since the applicant believes that there has been substantial change to the character of the neighborhood.

Commissioner Stewart requested that staff look at zoning changes at the same time and for the future. It should not be a linear process.

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to introduce Bill 2023-11 Zoning Map Amendment 23-01 Dash-In Food Stores, Inc.

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to schedule the public hearing on Tuesday November 28, 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 Introduce and Schedule a Public Hearing: Bill 2023-(12) Removal of Elected County Commissioner

Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney for Charles County reviewed the proposed legislation which was requested during the local legislative public hearing. The draft legislation requires a sustained finding, by a state or federal court, of workplace misconduct and a violation of the code of ethics. Prior to any vote for removal, a public hearing must be held on the matter. If there is a unanimous vote to remove by all the Commissioners who are not subject to the finding of workplace misconduct, it shall take effect immediately and be followed by the appointment by the Governor to fill the vacancy according to the local government article of the annotated code of Maryland.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed with Commissioners Bowling, Stewart and Collins present, voting in favor to introduce Bill 2023-12 Removal of Elected County Commissioner as amended to include consistent language “... *an unanimous vote by all the Commissioners who are not subject to the finding, or a quorum, whichever is greater...*” *Commissioner Coates was opposed, and Commissioner Patterson abstained. A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Coates-no; Commissioner Stewart-yes; Commissioner Patterson-abstained; Commissioner Collins-yes. The motion passed three (3) to one (1) and one (1) abstaining.

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 schedule the public hearing on Tuesday November 28, 2023 at 6:00 p.m. in the Government Building at 200 Baltimore Street La Plata, MD to be held in-person and virtually. *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).

Briefing: Update and Overview of the Greenburg Gibbons Project

Representatives from Greenberg Gibbons, a Maryland-based real estate development company; Mr. Jason Groth, Acting Director, Department of Planning and Growth Management; Ms. Kelly Robertson-Slagle, Director, Department of Economic Development joined the Commissioners to provide an update on the status of the Waldorf Station development project. They shared status updates on infrastructure and residential elements and senior housing construction on the east side (Phase One), near Brentwood Drive and Waldorf Station Drive (across from Pinefield Road). Potential retail options are being explored for designated pad sites on the east side. Future retail expansion on the west side (Phase Two) of the development area is partially dependent on the completion of Western Parkway.

#1 Closed Session

At 11:11 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)(3)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss potential land acquisitions; to review a lease renewal; and to receive legal advice related to appointment process for appointment to a Commissioner appointed Board. The reason for moving into closed session is to keep legal advice, negotiations and strategies confidential.

Summary Closed Session Items

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

3-305(b)(3)(7) Land Acquisitions: Rural Legacy Conservation Easements

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

Ms. Charles Rice, Planning Director, Department of Planning and Growth Management, reviewed Rural Legacy Conservation Easement Applications.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed with all Commissioners present, voting in favor to approve making offers as outlined in the presentation.

3-305(b)(7) Legal: Lease Renewal

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

Ms. Jenifer Ellin, Acting County Administrator, Office of the County Administrator, reviewed a lease renewal agreement.

The Commissioners reached a consensus on this lease. Official action took place later this day under Additional Approval Items.

3-305(b)(7) Legal Advice: Appointment Process to Commissioner Appointed Board

Present: Commissioners Bowling, Coates, Stewart, and Patterson, 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 recommended administrative process for appointment process.

The Commissioners reached a consensus to have the Commissioner President approve these appointments.

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At 11:47 a.m., a motion was made by Commissioner Bowling, 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 2:35 p.m.

Roll Call

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

**Commissioners Coates and Collins were not present.*

Additional Approval Items (If Needed)

Port Tobacco USPS Lease Renewal

(Ms. Jenifer Ellin, Acting Deputy County Administrator, Office of the County Administrator; 3 and Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney for Charles County)

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart and Patterson present, voting in favor to approve the Port Tobacco United States Postal Service (USPS) Lease Renewal. **Commissioners Coates and Collins were not present for the vote.*

Operation Green Lights for Veterans

(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 lighting the courthouse in green from November 4-11, 2023 and allowing staff to remove on November 13, 2023.

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

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) residents who provided comments in person and no virtual comments. Written comments were added to the website for the public to view.

Summary of Public Comments:

- The Commissioners were served to receive public information.
- Support of the Commissioners' Public Comments sessions; request for follow up feedback related to local legislative proposal process with final determination.
- Concerns related to groundwater issues and discrepancy between New York Times article and County's position.
- Concerns and questions with the legislation document introduced for removal of County Commissioner; should require only ten (10) days for a Commissioner to appeal the decision if

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made; before public hearing is scheduled full facts should be shared with the public including voting and discussions.

- Concerned with costs related to Commissioner Coates' inappropriate behavior at near nine hundred and fifty thousand dollars (\$950,000.00) and not including staff time or outside investigation. After Judge Green's ruling, Commissioner Coates made a motion to reconsider. She needs to stop spending Charles County's money.

**At about 2:50 p.m. Commissioner Collins joined the session.*

Commissioners' Comments

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

Commissioner Patterson:

- Acknowledged service document.
- Agrees with request related to the legislative process.
- New York Times article is what it is.
- Interested in a one-on-one conversation related to legislation to remove a County Commissioner.
- He believes the County's expenses related to Commissioner Coate's case should be done.

Commissioner Stewart:

- Believes that the public hearing related to legislation to remove a Charles County Commissioner should be done in open session. The December 13, 2022 agenda should never have been set the way it was.
- Believes workplace standards of conduct should be followed by Commissioners; and legislation to remove a Commissioner is scheduled for October 3, 2023.
- Agrees that the public comment session should be permanent.

Commissioner Bowling:

- Agrees with comments related to legislative process.
- Water issues in the County are a concern but the plan is in place but expensive.

Commissioner Collins:

- Apologized for being late to session due to family matters.

Commissioner Stewart requested to add an Additional Approval Item related to Operation Green Light. Official action listed above under Additional approval items.

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Briefing: iRecycle Smart Partnership with Charles County Public Schools

Ms. Margaret Romero, Recycling and litter Control Superintendent, Ms. Francis Sherman, Chief of Environmental Resources, Department of Public Works; Ms. April Murphy, Supervisor of Operations, and Ms. Gina McCullough, Environmental Education Assistant, Charles County Public Schools, provided a presentation on the joint effort between Charles County Government and Charles County Public Schools to provide education and resources to improve the schools' recycling program. The program features a recycling mascot, named Chuck Itin, who engages with students on how to recycle successfully by reducing use of disposable products, reusing what they can, and rethinking choices whenever possible.

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

Commissioner's New Business

There was no new business discussed.

#2 Closed Session

At 3:15 p.m., an initial motion was made by Commissioner Patterson, seconded by Commissioner Bowling to move into Close Session where all or a portion of this session may be closed pursuant to Section 3-305 (b)(1)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss one (1) personnel issue. The reason for moving into closed session is to receive legal advice and keep personnel information confidential. After discussion the motion and second were removed.

**Break 3:18 p.m.- 3:22 p.m.*

Roll Call

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

**Commissioner Coates was absent.*

Mr. Kevin Karpinski, Outside Counsel, joined the session and explained that he would not recommend the second "Sargeant" report be read in open session. It is an attorney/client privilege. A waiver would need to be released in public. The five (5) Commissioners agreed to release the first report.

Commissioner Stewart explained that the Commissioners hired the outside counsel and are the legal body that can waive the attorney/client privilege.

After discussion about releasing the second report before Prompt Remedial Action. Commissioner Stewart requested that Commissioner Collins add this as an open session discussion on October 24, 2023 when Mr. Kevin Karpinski, Outside Counsel, is available.

The Commissioners present agreed to add this to the open session on the October 24, 2023 agenda.

**Break 3:38 p.m.-6:00 p.m.*

Roll Call

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

**Commissioner Patterson was not present.*

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Public Hearing: Charles County Government 2023 Proposed Bond Issuance

The Commissioners held a hybrid, virtual/in-person, public hearing on the Charles County Government 2023 Proposed Bond Issuance. Mr. Jacob Dyer, Acting Director, and Ms. TaTanya Bowman, Assistant Chief of Budget, Department of Fiscal and Administrative Services; and Ms. Anna Horevay, and Ms. Camille Pappy McGuire Woods joined the Commissioners to review the proposed 2023 bond issuance of fifty-five million dollars(\$55,000,000.00).

There were one (1) public comment provided.

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

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

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Coates, Stewart, and Collins present, voting in favor to approve Resolution 2023-15 Authorizing Charles County Government Issuance of Bonds 2023. **Commissioner Patterson was not present for the vote.*

At 6:13 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Coates, Stewart, and Collins present, voting in favor to adjourn. **Commissioner Patterson was not present for the vote.*

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President