

**Regular Meeting of County Commissioners**  
**Tuesday November 14, 2023 (Legislative Day)**

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 9:07 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

\*\*Bond Sale: Consolidated Public Improvement Bonds of 2023 (Electronic Bids Via PARITY®)\*\*

**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.

**Additional Proclamation(s) Issued for November 2023**

2023-94 National Family Caregivers Month

**Recognition**

\*\*TO BE RESCHEDULED\*\* Recognition: Employee Length of Service, July-September 2023; Top Performer, Second Quarter (April- June, 2023) Third Quarter (July-September, 2023)

**Approval of the Minutes of October 31, 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 October 31, 2023.

**Announcement**

Next Scheduled Session(s): November 28 and 29, 2023.

**Approval Items**

Budget Amendments and Budget Transfers:

*FY2024 Budget Transfer Request #636 Holiday Pay Compensation Model- General Fund*

*FY2024 Budget Transfer Request #637 Holiday Pay Compensation Model-Environmental Services Fund*

*FY2024 Budget Transfer Request #638 Holiday Pay Compensation Model- Solid Waste Fund*

*FY2024 Budget Transfer Request #639 Holiday Pay Compensation Model- Water and Sewer Fund*

(Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative)

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve these four (4) FY2024 Budget Transfer Requests. *FY2024 Budget Transfer Request #636 for one hundred and sixty-eight thousand five hundred dollars (\$168,500.00); FY2024 Budget Transfer Request #637 for forty-three thousand eight*

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*hundred dollars (\$43,800.00); FY2024 Budget Transfer Request #638 for fifty-one thousand two hundred dollars (\$51,200.00); FY2024 Budget Transfer Request #639 for nineteen thousand four hundred and fifty dollars (\$19,450.00).*

**Commission for Veterans Affairs Request to Use Community Support Funds-Polo Shirts**  
(Ms. Pearl Zimmerman, Commission for Veterans Affairs)

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve the Commission for Veterans Affairs use of Community Support Funds for three hundred and fifty dollars (\$350.00).

**Commission for Veterans Affairs Request to Use Community Support Funds-Holiday Event**  
(Ms. Pearl Zimmerman, Commission for Veterans Affairs)

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve the Commission for Veterans Affairs use of Community Support Funds for four hundred dollars (\$400.00).

**Briefing: Bi-Annual Charles County Health Department Update**

Dr. Dianna Abney, Health Officer, Charles County Department of Health, provided the bi-annual update on the Charles County Health Department. This presentation took in an-depth look at current COVID-19 variants, vaccination options, and eligible individuals for the COVID-19 vaccine. Dr. Abney also discussed Respiratory Syncytial Virus (RSV) and the new immunization to protect against severe RSV as well as the Flu vaccine. She also reviewed disease prevention and health promotion; maternal and child health; nursing program updates; Administrative Care Coordination Unit (ACCU); dental care program; developmental disabilities program; behavioral health services; virtual Narcan training program; environmental health services; rabies clinic; free community health programs, the healthy kids' meal legislation, and data on the current status on the Public Health Accreditation process in Charles County.

**Discussion: Policy for Outside Participation in Charles County Government Activities**

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, led the discussion related to a concern raised by Commissioner Collins about an outside organization's participation at a County event. Mr. Adams explained that there was not a Standard Operating Procedure (SOP) used in the County. He explained the difficulty related to creating an SOP since this policy related to the First Amendment Rights since this is highly protected speech and would need to address each on a case-by-case basis. Allowing certain speech is not endorsing the idea only endorsing County policy.

Commissioner Bowling stressed the importance of not accepting harassment, bullying and discrimination from County employees, residents, and Commissioners and having consistency for all people. Cannot pick and choose, need a policy discussion to move forward. Commissioner Stewart concurred and felt a deeper community conversation was needed.

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The Commissioners reached a consensus to have the County Attorney craft a guideline (not SOP) related to Community standards within the confines of the First Amendment parameters. He will bring this back in January 2024.

**Discussion: Adequate Public Safety Ordinance (APSO)**

Mr. Jason Groth, Acting Director, Department of Planning and Growth Management Ms. Michelle Lilly, Director, and Mr. Tony Rose, Deputy Director, Department of Emergency Services, joined the Commissioners to discuss how to address providing all services to Charles County residents. Mr. Groth suggested the need to do a comprehensive evaluation of all services needed to support residential growth in the County and consider an impact fee format to cover these costs.

Commissioners Stewart and Coates requested the Department of Emergency Services to provide monthly response time reports.

The Commissioners reached a consensus to hire a consultant to take a comprehensive look at all services and evaluate the needs/goals and the cost to meet those goals. Staff was directed to come back with a budget request to start this process and set tight parameters.

*\*Break 10:43 a.m.-10:50 a.m.*

**Roll Call**

A roll call was taken. All Commissioners were present.

**Briefing: Naval Surface Warfare Center Indian Head (NSWC IH) Smart Arsenal Initiative**

Mr. Ashley Johnson, Technical Director, NSWC IH; Ms. Kelly Robertson-Slagle, Director, Mr. Taylor Yewell, Chief of Business Development, and Ms. Michelle Frye, Deputy Director, Department of Economic Development, provided a presentation on the Smart Arsenal Initiative. Mr. Johnson reviewed the Naval Surface Warfare Center Indian Head (NSWC IH) mission to Research, develop, test, evaluate (RDT&E), manufacture and provide in service support of energetics and energetic systems; and provide soldiers, marines, sailors and airmen with information and technology to detect, locate, access, identify, render safe, recover, exploit and dispose of explosive threats. He explained how this Navy strategy is to bolster its munitions capability and capacity and how the Energetics Comprehensive Modernization Plan (ECMP) will fully restore the Navy's Arsenal infrastructure over the coming years. NSWC IH will focus on the three key areas: Smart Infrastructure, Smart Workforce, and Smart Partnerships.

**Closed Session**

At 10:29 a.m., motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to move into Close Session where all or a portion of this session may be closed pursuant to Section 3-305 (b)(7) of the General Provisions Article of the Annotated Code of Maryland to review contract proposals; and to receive an update on a non-compliance issue with a contract. The reason for moving into closed session is to keep legal advice, negotiations strategies, confidential.

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**Summary Closed Session Items**

At 11:38 a.m., the Commissioners went into closed session.

**3-305(b)(7) Update on Non-Compliance Issue with a Contract**

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

Ms. Dina Barclay, Director, Department of Community Services, reviewed the reporting requirements on a Memorandum of Understanding (MOU) that were not met, and recommendations related to payments.

*\*At about 11:52 a.m. Commissioner Collins left closed session.*

The Commissioners present reached a consensus to have staff proceed as discussed.

**\*\*TO BE RESCHEDULED\*\* 3-305(b)(7) Contract Proposals**

**\*\*TO BE RESCHEDULED\*\* 3-305 (b)(1)Personnel- Committee Assignments for 2024**

**\*\*TO BE RESCHEDULED\*\* 3-305(b)(1) Personnel: BCC Appointments**

At 11:54 a.m., a motion was made by Commissioner Bowling, seconded by Commissioner Coates 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 about 2:17 p.m.

**Roll Call**

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

*\*Commissioners Coates and Collins were not present.*

**Bond Award Approval: 2023 Bond Award**

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 LLP; and Mr. Joseph Mason and Ms. Jennifer Diercksen, Davenport & Company, LLC reviewed the winning bid for the fifty-five million dollars (\$55,000,000.00) for the General Obligation Consolidated Public Improvement Bonds for 2023. The winning bid was from morgan Stanley & CO., LLC of a fixed rate of three point seven five three nine nine six (3.753996).

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 Resolution 2023-17 Award of the County Commissioners of Charles County Consolidated Public Improvement Bonds of 2023. *\*Commissioners Coates and Collins were not present for the vote.*

**Action on Boards and Commissions**

There was no action taken.

### 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 six (6) people who provided comments in person and seven (7) people who presented virtual comments. Written comments were added to the website for the public to view.

#### Summary of Public Comments:

- The Charles County Employee Human Resource Committee read the following letter. Note: after the three (3) minute time limit, Commissioner Bowling completed reading the letter during his comments:

“The Human Resources Employee Committee's (HREC) mission is to be a trusted voice of Charles County Government personnel. The committee is dedicated to volunteering their time to enhance our workforce culture through engaging employees and responding to their needs.

The HREC received comments in response to a discussion during the October 24<sup>th</sup> Board of County Commissioners meeting about waiving attorney client privilege - investigative report. Staff asked that some of the comments received by the HREC be shared with our elected officials to ensure that you are aware of the impact that some of your statements have on members of the Workforce.

- Concerned that Patterson wanted names because he's going to start a list of employees or something. Some people by the nature of their jobs had to provide information and were interviewed in the investigations. They are not treating people like people.
- Under absolutely no circumstances should the identities be released for employees who filed complaints of discrimination or testified regarding the discrimination of others-some of those did so with the assurance of attorney-client privilege, and others with the assumption of privacy.
- How are we supposed to continue to work and maintain our composure/cool. It's hard enough, but after 10/24/23 what are we supposed to do now?
- Not acknowledging us as people with families, we're instructed to do things per our job and wanting the names seems as if it's just to create biases. Can they say their intent is pure and with positive intent?
- So many people are just putting their heads down and just working. That's not a positive work culture.
- Can the employees have a meeting with the Commissioners?
- The comments from the meeting on Tuesday were interpreted as threatening. They are determined to find out who participated in the investigation, they don't care if some were just doing their jobs.
- BOCC is only out to protect themselves. Employees are powerless and helpless.
- My concern as an employee with 3 of our commissioners is that they obviously are not concerned with how one of their colleagues treats County employees. It was also disheartening to see that they wanted the names of the victims released to the party inflicting discrimination/retaliation. How are employees supposed to feel comfortable reporting further issues if they are not supported and risk having their name be public? Overall, I was extremely disappointed in Collins, Coates, and Patterson yesterday. It is clear they do not want to do what is right.
- Commissioner Patterson's comments during session today (10/24) requesting to reveal the employees' names in the 2nd Sargent report are absolutely disgusting and disheartening. As an employee, I am terrified to be working near/around/for people who so obviously are only out for their own benefit. To want so willingly to expose the employees who were brave enough to come forward... knowing what had

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happened to them and what likely would continue to happen because of who Coates is... I have no involvement in the report or investigation, but this conversation moved me to tears. I have never been scared to work here before, but I am now.

- I was incredibly angry and deeply concerned that a commissioner would ask that all names be revealed in the second investigation to the public and then directly to the accused... it was clear the motivation was to intimidate a commissioner; however, the blatant disregard for the protection of employees was sacrificed for what I can only assume is blind allegiance to one commissioner and/or retaliation against another commissioner. The entirety of the issue at hand is centered around the abuse and mistreatment of employees by a commissioner. Why then, are we as employees expected to not be outraged that another commissioner would then throw county employees under the bus in the direct line of site of that very same commissioner? I am angry that any employee who was asked to participate, who was interviewed, and especially those who brought accusations about Commissioner Coates is now fearful of potential retaliation. Retaliation from three commissioners ... not just Commissioner Coates. I say so because it is plainly evident that Commissioner Patterson and Collins have zero regard for staff if that means breaking allegiance to Commissioner Coates and in fact, have made it obvious to all that they don't care about the welfare of staff when it comes to any issue surrounding Commissioner Coates and especially any action that would seek to hold her accountable for her own actions.”
- Noted substantial contributions made by Commissioner Coates to Commissioner Patterson’s campaign and feels it impacts decision and feels Commissioner Patterson should recuse himself for votes related to commissioner Coates.
- No update given on legislative proposal status related to notification process and public signs.
- The Ethics Board should be dissolved and elected by the citizens of Charles County.
- Survey questions not clear; Palestine/Israel conflict; and universal health care.
- Discussed reviewing Constitution and apply its tenets.
- Wants Public Comments to continue; make easier to find on the website.
- Freedom of speech and how Commissioner Coates used other people to attack her and felt this behavior needs to stop.
- Wants public comments/hearings in auditorium; and division caused by actions of a Commissioner; that Commissioner should be removed.
- Commissioners should be held to the same standards and more transparency from the Commissioners.
- Stop changing Bryans Road. Need to hold meetings in Bryans Road with residents.
- Keep public comments; disappointed that the District Two Commissioner ignores and no response to resident; expect Commissioner to do her job.
- Keep public comments.

**Commissioners’ Comments**

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

Commissioner Stewart:

- Expressed appreciation for people expressing their concerns and thoughts.

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- Appreciates the courage of County employees expressing their feelings
- Appreciates residents

Commissioner Bowling:

- Recommendations for changes related to the notification process is being made.
- Charter Board is to educate the public
- Bryans Road residents are being heard.
- Finished reading letter from the Charles County Employees Human Resource Committee

Commissioner Patterson:

- Appreciated comments
- Agrees to disagree about financial contributions to his campaign.
- Public comment sessions need to be tweaked
- He plans to hold monthly Town Hall meetings to get to know the people and get community involvement.

*At about 3:05 p.m. Commissioner Coates joined the session.*

**Briefing: Update on Rural Broadband Task Force**

Ms. Evelyn Jacobson, Chief Information Officer and Mr. Matthew Jacobson, Network Specialist III, Department of Fiscal and Administrative Services; Ms. Jenifer Ellin, Acting Deputy County Administrator, Office of the County Administrator; and Ms. Dina Barclay, Director, Department of Community Services, joined the Commissioners to provide an update on the Rural Broadband Task Force. This briefing included information on the County's current, upcoming, and completed broadband projects, the Federal Communications Commission (FCC) Mapping Project, and upcoming grant and project opportunities. Ms. Barclay reviewed the Connected Devices Project status, indicating that all five hundred (500) requested devices that were received under the grant were distributed. An additional three hundred (300) devices were requested in the second round of funding.

*At about 3:59 p.m. Commissioner Collins joined the session.*

**Briefing: Charles County Sheriff's Office Patrol Re-Districting Project**

Sheriff Troy Berry and Captain Andrew Schwab, Commander, North Patrol Division, Charles County Sheriff's Office, provided a presentation briefing the Commissioners on the Charles County Sheriff's Office Patrol Re-Districting project. Captain Schwab reviewed a breakdown of the patrol divisions in each district, research, projections, patrol statistics, and future redistricting plans and need for additional officers and staff.

Commissioner Collins requested the Sheriff's Office to provide data when consultants are reviewing needs related to services impact fees.

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**Commissioner's New Business**

Commissioner Bowling requested staff to conduct survey and get community input for budget priorities.

*\*Break 5:02 p.m.-6:03 p.m.*

**Roll Call**

A roll call was taken. All Commissioners were present.

**Public Hearing: Bill 2023-10 Zoning Text Amendment (ZTA) 22-170 WCD Watershed Conservation District**

The Commissioners held a hybrid, virtual/in-person, public hearing on Bill 2023-10 Zoning text Amendment 22-170 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.

There were six (6) in person public comments provided and three (3) virtual public comments provided.

Commissioner Stewart requested keeping the record open for sixty (60) days.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Coates, Patterson and Collins present, voting in favor to close the public record. *\*Commissioner Stewart was opposed.* A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Coates-yes; Commissioner Stewart-no; Commissioner Patterson-yes; Commissioner Collins-yes. The motion passed four (4) to one (1).

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Coates, Patterson and Collins present, voting in favor to close this public hearing. *\*Commissioner Stewart was opposed.* A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Coates-yes; Commissioner Stewart-no; Commissioner Patterson-yes; Commissioner Collins-yes. The motion passed four (4) to one (1).

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Coates, Patterson and Collins present, voting in favor to adopt Bill 2023-10 Zoning Text Amendment 22-170 Watershed Conservation District. *\*Commissioner Stewart was opposed.* A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Coates-yes; Commissioner Stewart-no; Commissioner Patterson-yes; Commissioner Collins-yes. The motion passed four (4) to one (1).

**Public Hearing: Amendments to Keswick Developers Rights and Responsibilities Agreement (DRRA)**

The Commissioners held a hybrid, virtual/in-person, public hearing on Amendments to Keswick Developers Rights and Responsibilities Agreement. 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, reviewed the amendments.

There were no public comments 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 Patterson and passed, with all Commissioners present, voting in favor of closing this public hearing.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor of approving the Amendments to the Keswick Developers Rights and Responsibilities Agreement.

At 6:54 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to adjourn.

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Carol A. DeSoto, Clerk to the Commissioners

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Reuben B. Collins, II, Esq., President