

**Regular Meeting of County Commissioners**  
**Tuesday November 28, 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.

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

The Commissioners recognized employees' years of service for July through September 2023. The Top Performers for the second quarter, Stanley "TJ" Rollins, Aleksander Wonders, Stephen Johnson, and Kevin Gilman, Department of Public Works Environmental Resources Division were recognized.

The Top Performers for the third quarter, Mark Butler, Darold Butler, Kevin Yates, Raymond Rosier, Deon Clark, Eddie Lee, De'l Bannister. Fred Fox, Anthony Maddox, James Jones, David Yount, Mike Williams, Kobe Powell, Jason Weisman, Tyler Vock, Chris Hamilton, and George Bacon, Department of Public Works- Utilities, were recognized.

**Commissioners' Comments**

Commissioner Stewart expressed her appreciation for the condolences she received for the loss of her son. She also expressed her appreciation for the staff and the public who provided public comments at the last session.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to make today, November 28, 2023 a Legislative Day.

**Approval of the Minutes of November 14, 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 November 14, 2023.

**Announcement**

Next Scheduled Session(s): December 5-6, 2023.

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*\*At about 9:25 a.m. Commissioner Stewart left session.*

**Approval Items**

Budget Amendments and Budget Transfers

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

**FY2024 Budget Amendment Increase #139 Charles County Sheriff's Office Set Up Overtime Budget for School Year (SY)2023-2024**

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 approve FY2024 Budget Amendment Increase #139 for two hundred and sixty-four thousand two hundred and eighty-six thousand dollars (\$264,286.00). *\*Commissioner Stewart was not present for the vote.*

**Board of Education FY2024 Inter-Category Budget Transfer Request and Budget Amendment Increase**

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

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 approve the Board of Education FY2024 Inter-Category Budget Transfer for six hundred and five thousand dollars (\$605,000.00). *\*Commissioner Stewart was not present for the vote.*

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 approve the Board of Education FY2024 Budget Increase for twenty-two million three hundred and sixty-seven thousand five hundred and ninety-six dollars and fifty-seven cents (\$22,367,596.57). *\*Commissioner Stewart was not present for the vote.*

**Martin Luther King, Jr. Breakfast Sponsorship from Community Support Funds**

(Ms. Michelina Coates, Commissioner Specialist, Commissioners' Office)

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 approve the one thousand dollars (\$1000.00) sponsorship from Commissioners Coates, Stewart, Patterson and Collins portion of the Community Support Funds in the amount of two hundred and fifty dollars (\$250.00) each. Commissioner Bowling will purchase the additional ticket from his expense account for eighty-two dollars (\$82.00). *\*Commissioner Stewart was not present for the vote.*

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**Letters of Commitment for Grants: Popes Creek, Elite Gymnastics, Residential Stormwater Drainage Improvement**

(Ms. Stacy Schaefer, Executive Director, Resilience Authority of Charles County)

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 approve these letters of commitment \*Commissioner Stewart was not present for the vote.

**Briefing and Request to Introduce and Schedule a Public Hearing: Bill 2023-(13) Zoning Text Amendment 22-73 Independent Living Senior Housing Complex**

Ms. Kelly Palmer, Planner III, Department of Planning and Growth Management, reviewed proposed Bill 2023-13 Zoning Text Amendment 22-73 Independent Living Senior Housing Complex as a permitted use within the Watershed Conservation District.

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Coates, Patterson, and Collins present, voting in favor to introduce Bill 2023-13 Zoning Text Amendment 22-73 Independent Living Senior Housing Complex. \*Commissioner Stewart was not present for the vote.

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 schedule a public hearing on Tuesday January 9, 2024 at 6:00 p.m. in the Government Building at 200 Baltimore Street, La Plata, Maryland to be held in-person and virtually. \*Commissioner Stewart was not present for the vote.

**Briefing and Request to Introduce and Schedule Public Hearing: Bill 2023-(14) Clarify Definition of Charles County Sheriff's Office Merit System Positions (Exclusions of Appointed Positions from the Merit System for the Charles County Sheriff's Office)**

Ms. Misty Goode, Associate Legal Counsel, Charles County Sheriff's Office, reviewed proposed Bill 2023-14 Exclusions of Appointed Positions from the Merit System for the Charles County Sheriff's Office, which would clarify the definition of appointed positions in the Sheriff's Office to exclude them from the merit system. This change would have no impact on the budget or operations of the Charles County Sheriff's Office.

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 introduce Bill 2023-14 Exclusions of Appointed Positions from the Merit System for the Charles County Sheriff's Office. \*Commissioner Stewart was not present for the vote.

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 schedule a public hearing on Tuesday January 9, 2024 at 6:00 p.m. in the Government Building at 200 Baltimore Street, La Plata, Maryland to be held in-person and virtually. \*Commissioner Stewart was not present for the vote.

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*\*At about 9:50 a.m. Commissioner Stewart joined the session.*

**Discussion: Aquatics Use of College of Southern Maryland (CSM) Pool**

Ms. Kelli Beavers, Director, and Mr. Sam Drury, Deputy Director, Department of Recreation, Parks, and Tourism, provided a presentation of aquatic services in Charles County and the use of the College of Southern Maryland's (CSM) swimming pool at the La Plata campus. Ms. Beavers and Mr. Drury provided an overview of current aquatics facilities in Charles County, an assessment of future aquatics needs, and the costs associated with renovating and operating CSM's swimming pool. The proposed use does not meet the community's needs and the cost does not fit within the current Capital Improvement Program (CIP) budget. They proposed that the Commissioners consider during the FY25-FY29 CIP budget process for funding to be moved up to construct a multi-generational recreation facility that includes aquatics, with initial funding to be allocated in fiscal year 2025.

The Commissioners reached a consensus to follow staff's recommendations to move up this funding in the CIP and not repair the CSM pool. The Commissioners also directed staff to prepare a detailed letter to the state delegation outlining the challenges associated with renovating and operating the CSM pool, and stating a preference for using bond funding for construction of a multi-generational recreational facility that includes aquatics into the project. This letter should be brought back for approval on December 12, 2023.

**Closed Session**

At 10:36 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)(1)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to review a potential litigation; review contract proposals; and to discuss appointments to Commissioner appointed Boards and Commissions and Commissioner Committee Assignments. The reason for moving into closed session is to keep legal advice, negotiations strategies, personnel information, confidential.

**Summary Closed Session Items**

At 10:50 a.m., the Commissioners went into closed session.

**3-305(b)(7)(8) Update Potential Litigation**

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Deborah Hall, Wes Adams, Carol DeSoto, Jenifer Ellin, Terrah Dews, Sam Simanovsky, Suzanne Sangree, and Kyle McGee .

Ms. Terrah Dews, Associate County Attorney, Office of the County Attorney for Charles County and outside counsel reviewed a potential settlement offer and provided their recommendations.

The Commissioners reached a consensus to follow the recommendations of counsel.

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**3-305(b)(7) Contract Proposals**

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

Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney for Charles County, reviewed proposed contracts.

The Commissioners reached a consensus. Official action will take place on December 12, 2023 under Approval Items.

**3-305 (b)(1)Personnel- Committee Assignments for 2024**

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

The Commissioners reviewed the Commissioners' Committee Assignments for 2024.

The Commissioners reached a consensus. Official action took place later this day under Additional Approval Items- Actions on Boards and Commissions.

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

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

Ms. Carol DeSoto, Clerk to the Board of County Commissioners, reviewed the vacancies on the Commissioner appointed Boards and Commissions.

The Commissioners reached a consensus. Official action took place later this day under Additional Approval Items- Actions on Boards and Commissions.

At 11:45 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 about 5:00 p.m.

**Roll Call**

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

*\*Commissioner Coates was not present.*

**Additional Approval Items Action on Boards and Commissions**

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to appoint Commissioner Bowling to: the Board of Fire and Rescue; The Tri-County Council of Southern Maryland (TCCSMD) Executive Board; The Patuxent River Commission with Paula Proctor as staff designee; The Maryland Association of Counties (MACo) Rural Counties Coalition with Commissioner Stewart as 1<sup>st</sup> alternate; and the Metropolitan Washington Council of Governments

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(COG) Food and Agriculture Regional Member (FARM) Committee with Commissioner Collins as 1<sup>st</sup> alternate. *\*Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to appoint Commissioner Coates to: The Area Council on Aging; The CC Homeless and Emergency Shelter Committee with Rita Wood as Staff Designee; The Commuter Ferry Stakeholder Group with Jeff Barnett as Staff Designee; and The Naval Support Activity South Potomac Civilian-Military Community Relations Council (COMREL) General Meetings with The Department of Economic Development as Staff Designee. *\*Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to appoint Commissioner Stewart to: The Board of Social Services; The Comcast/Verizon Negotiation Committee; The Fire/EMS Scholarship Committee; The Library Board of Trustees; and The Metropolitan Washington Air Quality Committee with Jason Groth as 1<sup>st</sup> Alternate. *\*Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to appoint Commissioner Patterson to: The CC Chamber of Commerce Board of Directors with Taylor Yewell as Staff Designee; The Chesapeake Bay Critical Area Commission; The Drug and Alcohol Abuse Council with Deborah Hall as Staff Designee; The Local Emergency Planning Committee; The Tri-County Council of Southern Maryland (TCCSMD) Veterans Regional Advisory Committee with the Commissioner Office Staff as Staff Designee. *\*Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to appoint Commissioner Collins to: The Charles County Criminal Justice Coordinating Council Executive Committee; The Maryland Association of Counties (MACo) Legislative Committee with Commissioner Coates as 1<sup>st</sup> Alternate; The Metropolitan Washington Council of Governments (COG) Board of Directors with Commissioner Coates as 1<sup>st</sup> Alternate and Commissioner Stewart as 2<sup>nd</sup> Alternate; The Metropolitan Washington Council of Governments (COG) Legislative Committee; The Metropolitan Washington Council of Governments (COG) Transportation Planning Board (TPB) with Jason Groth as Staff Designee; The Naval Support Activity South Potomac Civilian-Military Community Relations Council (COMREL) Executive Committee; and The Southern Maryland Tri-County Community Action Council (SMTCCAC) Board of Directors. *\*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 appoint Christina Elkins to the Charles County Scholarship Fund Committee; Appoint Eric Jackson to the Local Government Insurance Trust (LGIT) Board of Trustees; Appoint Jason Groth as Staff Designee and Beth Groth as Staff Alternate to the Metropolitan Washington Council of Governments (COG) Chesapeake Bay Policy Committee; Appoint Beth Groth as Staff Designee and Karen Wiggins

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as Staff Alternate to the Metropolitan Washington Council of Governments (COG) Climate, Energy, Environment Policy Committee; Appoint Michelle Lilly as Staff Designee and Tony Rose as Staff Alternate to the Metropolitan Washington Council of Governments (COG) Human Services Policy Committee; Appoint Jason Groth as Staff Designee and Charles Rice as Staff Alternate to the Metropolitan Washington Council of Governments (COG) Region Forward Coalition. *\*Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to reappoint Semia Hackett as a member to the Planning Commission. *\*Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to appoint Dennis Tomlinson as a Citizen Member to the Board of Fire and Rescue. *\*Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to reappoint Marian Ashton and Zebenoise Knapp and appoint Kathryn Young, Eliecer Olivares, Jacqueline Marshall and Tenisha Magee as members to the Board of Social Services. *\*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 appoint William Jackson as the retiree member to the Sheriff's Office Retirement Plan Committee (SORP). *\*Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson, and Collins present, voting in favor to appoint Sarah Hazeltine as a member of Ethics Commission. *\*Commissioner Coates was not present for the vote.*

**Briefing: Charles County Civitan Club**

Ms. Janice Wilson, President Elect, and Mr. Josh Felts, President, Charles County Civitan Club, joined the Commissioners to provide a briefing on their organization, which provides assistance to vulnerable populations in the community. They provided an overview of its history, its national support for individuals with developmental disabilities, and the local service projects they have hosted.

**Commissioner's New Business**

There was no business discussed.

*\*Break 5:37 p.m.-6:03 p.m.*

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**Roll Call**

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

**Public Hearing: Bill 2023-(11) Zoning Map Amendment (ZMA) 23-01 Dash-In Food Stores, Inc.**

The Commissioners held a hybrid, virtual/in-person, public hearing on 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, provided an overview of the zoning map amendment for Dash-In Food Stores, Inc., located at 3620 Mattawoman-Beantown Road in Waldorf. The amendment rezones one point seven four eight (1.748) acres of a split zoned three point zero two (3.02) acre property, identified as Parcel 50-R, from Rural Conservation (RC) to Community Commercial (CC) for zoning consistency on the entirety of the parcel.

In addition to testimony from the applicant and his attorney, there was one (1) virtual public comment provided.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with Commissioners Bowling, Stewart, Patterson and Collins present, voting in favor to 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 close 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 adopt Bill 2023-11 Zoning Map Amendment (ZMA) 23-01 Dash-In Food Stores, Inc. *\*Commissioner Coates was not present for the vote.*

**Public Hearing: Bill 2023-(12) Removal of Elected County Commissioner**

The Commissioners held a hybrid, virtual/in-person, public hearing on 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 Bill which 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.

There were no twelve (12) in person public comments provided and five virtual public comments provided.

Commissioner Collins read the following statement:



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*“The legislation in question was originally proposed as a mechanism to create a process to recall a sitting Commissioner. We learned through the thorough research of our legal staff that we couldn’t do that. The present Bill is flawed. There is not an example of any county government that has in place similar legislation. There is certainly not an example of Code Home Rule for of government that has in place similar legislation. Flawed legislation is never a sound option. I’ve maintained an open mind in considering this bill. My conclusion is that it would create bad precedent by moving forward with this Bill. There are processes in place to remove an elected official that has been determined to have violated the law. The people therefore are not without options.”*

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, and Patterson present, voting in favor to keep the public record open for ninety (90) days. *\*Commissioner Collins was opposed.* A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Stewart-yes; Commissioner Patterson-yes; Commissioner Collins-no. The motion passed three (3) to one (1). *\*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 close this public hearing. *\*Commissioner Coates was not present for the vote.*

At 7:58 p.m., 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 adjourn. *\*Commissioner Coates was not present for the vote.*

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Carol A. DeSoto, Clerk to the Commissioners

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Reuben B. Collins, II, Esq., President