

Regular Meeting of County Commissioners
Tuesday December 12, 2023 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 9:03 a.m. with the following persons in attendance:

Reuben B. Collins II, Esq., President, County Commissioner
Ralph Patterson, II, M.A., Vice President, County Commissioner
Gilbert O. Bowling, III, County Commissioner
Amanda M. Stewart, M.Ed., County Commissioner
Deborah Hall, Acting County Administrator
Wes Adams, County Attorney
Carol A. DeSoto, Clerk to the Commissioners

**Thomasina O. Coates, M.S., County Commissioner was absent*

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. Commissioners Bowling, Stewart, Patterson and Collins were present.

**Commissioner Coates was not present.*

Recognition: Charles County Government Truck Rodeo Awards

Mr. John McConnell, Chief of Central Services and Ms. Rebecca Quade, Risk Manager, Office of the County Administrator, joined the Commissioners to present awards to participants and winners of the 2023 Charles County Government Truck Rodeo.

**Break 9:19 a.m. - 9:59 a.m.*

Roll Call

A roll call was taken. All Commissioners were present.

Commissioners' Comments

Commissioner Bowling shared information from the Maryland Association of Counties (MACo) conference about the State's mandates for solar energy.

Commissioner Collins shared information from the Governor's speech at the MACo conference related to the challenges the State faces for the FY2025 budget. He also informed the public that the funding is in the Consolidated Transportation Plan (CTP) for the Southern Maryland Rapid Transit (SMRT) project.

Commissioner Collins also mentioned the presentation on Artificial Intelligence (AI) and would like a future agenda item and invite the presenters from the MACo Conference.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to make today, December 12, 2023 a Legislative Day.

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Approval of the Minutes of December 5, 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 December 5, 2023.

Announcement

Next Scheduled Session(s): January 9-10, 2024.

Approval Items

Budget Amendments and Budget Transfers

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

FY2024 Budget Transfer Request #704 Close Benedict Central Sewer from Water and Sewer Capital Improvement Projects (CIP) to Sewer Inflation Contingency Fund

The Commissioners reached a consensus to defer this item until January 9, 2024 at the request of Commissioner Bowling since he was holding a town hall meeting in Benedict later this week.

FY2024 Budget Transfer Request #707 Create New Benedict Central Sewer Feasibility Study Project

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve FY2024 Budget Transfer Request #707 for one hundred and seventy thousand dollars (\$170,000.00).

FY2024 Budget Transfer Request #322 Centennial Street Building Capital improvement Project (CIP) Additional Funding

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve FY2024 Budget Transfer Request #322 for three hundred and fourteen thousand dollars (\$314,000.00).

Change Order #23 Mattawoman Wastewater Treatment Plant Flow Equalization Basin, ITB20-35

(Mr. Olin Straus, Senior Project Manager, Department of Public Works-Utilities Division)

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve Change Order #23 for one hundred and sixty-three thousand one hundred and nineteen dollars and sixty eight cents (163,119.68).

Approval: Standard Operating Policy (SOP) Delegated Authorities for Procurement Awards (CP.FAS.05.001)

(Ms. Jenifer Ellin, Acting Deputy County Administrator, Office of the County Administrator; Mr. Jacob Dyer, Acting Director, and Ms. Shanna Reese, Chief of Purchasing, Department of Fiscal and Administrative Services)

A motion was made by Commissioner Patterson, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve the Standard Operating Policy (SOP) Delegated Authorities for Procurement Awards (CP.FAS.05.001).

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Letter to the State Delegation: College of Southern Maryland (CSM) Pool
(Ms. Kelli Beavers, Director, Department of Recreation, Parks, and Tourism)

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve this letter.

Proposed Resolution: The Temporary Suspension of Zoning Ordinance Section 297-30(A)
(Mr. Jason Groth, Director, Department of Planning and Growth Management)

A motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve Resolution 2023-18 The Temporary Suspension of Zoning Ordinance Section 297-30(A) entitled Temporary Uses.

Work Session: Bill 2023-(09) Healthy Meals for Children

Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney for Charles County, reviewed the amendments the Commissioners approved on December 5, 2023. The Commissioners agreed to hear additional comments from Dr. Dianna Abney, Health Officer, Charles County Health Department. She expressed her concern with not excluding juice as a serving option and flavored milk due to the high sugar content in both.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to amend this proposed Bill with Dr. Abney's recommended changes and bring this back on January 9, 2024.

Briefing and Request for Approval: Additional Update to Local Legislation on the Maryland Commercial Property Assessed Clean Energy Program (MD PACE)

Ms. Kelly, Robertson-Slagle, Director, and Ms. Michelle Frye, Deputy Director, Department of Economic Development; Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney for Charles County; Ms. Jenifer Ellin, Acting Deputy County Administrator, Office of the County Administrator; Mr. Jacob Dyer, Acting Director, and Mr. Eric Jackson, Chief of Treasury, Department of Fiscal and Administrative Services, presented the recommendation by Abacus Property Solutions to remove the provision that required an energy audit that demonstrated power savings over the life of the loan. Staff stated that removal of the provision would give additional flexibility for those interested in using the program.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to introduce the newly numbered Bill 2023-15 Revised Clean Energy Loan Program.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to schedule the public hearing on Tuesday January 9, 2023 at 6:00 p.m. in the Government Building at 200 Baltimore Street La Plata, MD to be held in-person and virtually.

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Discussion: Southern Crossings- American Rescue Plan Act (ARPA)

Ms. Jenifer Ellin, Acting County Administrator, Office of the County Administrator; Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative Services, discussed Commissioner Collins request to look at the option of utilizing ARPA funds for a transitional housing project like Southern Crossing. Mr. Wes Adams, County Attorney, Office of the County Attorney, explained the County's policy to fund grant money through the Charitable Trust to distribute through their process to nonprofit organizations in the County. He discussed a potential option to distribute these funds through an established Memorandum of Understanding (MOU) since these are not funds from the County and are one-time federal funds. This process would also need to be open to other organizations that may be qualified to provide these services. He would need to review policy and potential options.

Commissioner Stewart expressed her concerns of not considering using these funds for other priorities such as water/sewer and broadband. She stressed the need to have these funds available to all organizations especially since there may be a conflict of interest for some Commissioners with this proposed organization.

Commissioner Bowling reminded the Commissioners that the State cut funding for transportation items such as trash and road clean up and may want to consider using these funds for this area. He also noted that the Southern Crossings project has changed scope from only transitional housing to include permanent housing as well.

The Commissioners reached a consensus that staff would look at using seven hundred and fifty thousand dollars of the ARPA funds for capital expenditures for a Transitional Housing project.

The Commissioners directed staff to work with the Charitable Trust to identify Non-Profits that have a project that would meet the ARPA requirements for this type of project; research any potential conflict of interest; and clarify if these funds can be distributed as discussed.

#1 Closed Session

At 11:25 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 review two (2) potential land acquisition; to review two (2) lease agreements and review two (2) potential agreements. The reason for moving into closed session is to keep legal advice, negotiations strategies, confidential.

Summary Closed Session Items

At 11:45 a.m., the Commissioners went into closed session.

3-305(b)(7) Discuss Lease Request for Land Improvements on County Owned Property

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

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Ms. Jenifer Ellin, Acting Deputy County Administrator, Office the County Administrator reviewed the request from the College of Southern Maryland and draft response letter.

The Commissioners reached a consensus and will take official action in open session later this day under Additional Approval Items-Letter: College of Southern Maryland Center for Transportation.

3-305(b)(7) Legal: Review Potential Agreement -MOU

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

Mr. Jason Groth, Acting Director, Department of Planning and Growth Management, reviewed the proposed agreement.

The Commissioners reached a consensus and will take official action in open session later this day under Additional Approval Items- Southern Maryland Rapid Transit (SMRT) MOU.

3-305(b)(7) Review Potential Agreement- MOU

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

Ms. Elizabeth Theobalds, Deputy County Attorney, office of the County Attorney, reviewed a potential agreement and next steps in the process.

3-305(b)(3)(7) Update on Potential Land Acquisition

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

Staff provided an overview of a potential land acquisition, appraisal, and next steps.

The Commissioners agreed to accept the appraisal but took no action at this time.

3-305(b)(3)(7) Acquisition: Potential Land Donation

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

Staff reviewed the process for the potential land donation and cost of the application process for the potential entities.

The majority of the Commissioners agreed to allow staff to reach out to the proposed entities on the application process as discussed. Commissioners Coates, Patterson, and Collins were in favor and Commissioners Bowling and Stewart were opposed.

3-305 (b)(7)Discuss Lease and Related Cost for Clean-Up

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

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Staff reviewed the costs related to clean up on a property that the County owns and is leasing out.

The majority of the Commissioners agreed to allow staff to proceed as discussed. Commissioners Coates, Stewart, Patterson, and Collins were in favor and Commissioner Bowling was opposed.

At 1:05 p.m., a motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to end this closed session.

At 2:59 p.m. the Commissioners returned to open session.

Roll Call

A roll call was taken. All Commissioners were present.

Additional Approval Item(s)

Letter: College of Southern Maryland Center for Transportation

(Ms. Jenifer Ellin, Acting Deputy County Administrator, Office of the County Administrator)

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve this letter.

Southern Maryland Rapid Transit (SMRT) Memorandum of Understanding (MOU)

(Mr. Jason Groth, Acting Director, Department of Planning and Growth Management)

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve this MOU with the Acting County Administrator signing this agreement.

Discussion: Review of Commissioners' Public Comment Sessions

Ms. Carol Desoto, Clerk to the Board of County Commissioners; Ms. Renesha Miles, Chief Equity Officer, Department of Human Resources; Ms. Jennifer Harris, Chief of Media Services and Ms. Doria Fleisher, Community Engagement Coordinator, Office of the County Administrator, reviewed the Commissioners' Public Comment session process piloted between April and November 2023. The review included a summary of the quantity and types of comments received during the trial period; staff recommendations; and media staff recommendations of including the return of joint town halls in a bi-annual or annual format, separating commissioner comments from public comments, and making changes to the sign-up format to create more equitable access. Staff also recommended implementing a more equitable and inclusive Code of Conduct and developing a marketing campaign on the various ways the community can connect with Commissioners.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and failed, with Commissioners Bowling and Stewart present, voting in favor to continue the Commissioners' Public Comment Sessions with the recommendation to continue Commissioners comments following (limit time) the guidelines discussed for one (1) year. Commissioners Coates, Patterson, and Collins were opposed. A roll call of the vote was taken: Commissioner Stewart-yes; Commissioner Bowling-yes;

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Commissioner Collins-no; Commissioner Patterson-no; Commissioner Coates-no. The motion failed two (2) to three (3).

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 continue the Commissioners' Public Comment Sessions as a regular agenda item; hold twice a month, first session of the month and last session of the month; no Commissioner comments immediately following Public Comments (on next agenda as a scheduled agenda item); Commissioners hold individual town hall meetings as a minimum quarterly, more often if possible and provide updates to the Board during session; and the Commissioners hold an annual or bi-annual joint town hall meeting. *Commissioner Coates was opposed.*

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

Quarterly Update: Chief Equity Officer

Ms. Renesha Miles, Chief Equity Officer, and Ms. Alexis Blackwell, Director, Department of Human Resources, provided a quarterly update on the efforts to promote diversity, equity, and inclusion in Charles County Government. She reviewed why diversity matters; what inclusion means; and how equity works. She explained that diversity is not just black and white. It is a variety of elements that create differences. The workforce She reviewed the evolution of the County's Executive Leadership Team (ELT) and how the various perspectives and experiences are needed for major decisions. Inclusion is welcoming the whole person and their perspective. Ms. Miles reviewed current equity tools and initiatives are being used.

***TO BE RESCHEDULED* Briefing: Update on Charles County Climate Resilience and Sustainability**

Briefing and Request to Schedule a Public Hearing: Swan Point Petition Project

Ms. Elizabeth Theobalds, Deputy County Attorney, Office of the County Attorney for Charles County, reviewed the request by residents of the Swan Point Community to enter into an agreement with the County to establish a project for the repair, reconstruction and improvement to the community's storm drainage system and for the residents to repay the costs of the project as an annual assessment.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to schedule the public hearing on Tuesday January 23, 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's New Business

There was no business discussed.

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#2 Closed Session

At 5:23 p.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) of the General Provisions Article of the Annotated Code of Maryland to discuss a personnel issue. The reason for moving into closed session is to keep legal advice and personnel information confidential.

Summary Closed Session Items

At 5:27 p.m., the Commissioners went into closed session.

3-305(b)(1)Personnel- Equal Employment Opportunity Commission Complaint

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

Mr. Kevin Karpinski, Outside Counsel, explained the process and options related to the complaint.

The Commissioners reached a consensus to move to mediation.

At 5:38 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to end this closed session and adjourn.

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President