

Regular Meeting of County Commissioners
Tuesday February 27, 2024 (Legislative Day)

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
Jenifer Ellin, Acting Deputy 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. *Commissioners Bowling, Patterson and Collins were in person; Commissioners Coates and Stewart were virtual.*

Commissioners Bowling, Patterson, and Collins introduced the students who were present for Student Shadow Day:

Lauren Davis, Westlake High School; Kevin Jones, La Plata High School; Saunette Sanderson, Thomas Stone High School; and Charley Bowie, Thomas Stone High School.

Commissioners' Comments

Note: Summary of Public Comments on February 7, 2024 was attached to the agenda.

Commissioner Bowling acknowledged the public comments received on February 7, 2024:

- Super Bowl Monday was a day off for employees for appreciation and to promote a positive work environment.
- The Water issue expressed is being addressed.
- Homelessness- the County approved funding to help with accommodation during the cold weather and transitional housing.
- Charter Government- cost of government needs to be discussed.
- Watershed Conservation District (WCD).

Commissioner Patterson acknowledged Lackey Girls Basketball Team State Champions; the North Point State Champion Team; and La Plata High School for four (4) years State Champion Team. He also acknowledged St. Charles High School for hosting a Black History Month Event. Commissioner Patterson also discussed the rally he attended in Annapolis for Equal Rights, Equal Pay.

Commissioner Collins took time to recognize the Black History Month event hosted at Milton Summers School through the Arts.

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Mr. Kevin Jones, La Plata High School Student- Student Shadow announced the public Black History Month Event at La Plata High School this evening at 6:30 p.m.

Ms. Deboah Hall acknowledged Addie Donnicks' achievements.

Approval of the Minutes of February 7, 2024

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 February 7, 2024.

Announcement

Next Scheduled Session(s): March 5-6, 2024.

Announcement: The following Public Hearings originally scheduled for February 27, 2024 have been rescheduled to meet public notice requirements:

Bill 2024- 02 Code of Ethics Update

Bill 2024- 03 Zoning Text Amendment (ZTA) #23-177 Transit Oriented Development Zone (TOD)

Bill 2024-(04) 9-1-1 Fee Increase

Bill 2024-05 Critical Area Commission Update

NEW Date; March 19, 2024 at 6:00 p.m. to be held in in the Charles County Government Building both in person and virtually.

Approval Items

Budget Amendments and Budget Transfers

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

FY2024 Budget Transfer Request #84 Charles County Public Schools J.P. Ryon Construction Funding for Change Orders

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve FY2024 Budget Transfer Request #84 for ninety-eight thousand dollars (\$98,000.00).

FY2024 Budget Transfer Request #673 JC Parks Full Day Kindergarten Capitol Project Permit Fees and Additional Design Services

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve FY2024 Budget Transfer Request #673 for one hundred thousand dollars (\$100,000.00).

FY2024 Budget Transfer Request #351 Support New Personal Identification Number (PIN) for Administrative Associate Split Between County Administrators Office and Department of Fiscal and Administrative Services

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve FY2024 Budget Transfer Request #351 for twelve thousand eight hundred dollars (\$12,800.00).

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A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to approve the new PIN split evenly between the County Administrator's Office and the Department of Fiscal and Administrative Services.

Lease- United Way

The Commissioners reached a consensus to Commissioner Bowling's request to hold this item until he can receive legal advice in closed session. This topic was added to the closed session discussion scheduled for later this day.

VanGO 2025 Annual Transportation Plan Consolidated Grant Application

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve and execute Resolution 2024-01 Authorizing Resolution VanGO Annual Transportation Plan Consolidated Grant Application.

Action on Boards and Commissions

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to appoint Brandon Bataka-Johnson as a Citizen Member to the Commission on Individuals with Disabilities.

Legislative Update: 2024 Maryland General Assembly Session

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney; Ms. Jenifer Ellin, Acting Deputy County Administrator, Office of the County Administrator; Mr. Steve Proctor; Mr. Joseph Green; and Ms. Sherrie Simms, Lobbyists, GS Proctor and Associates, Inc., joined the Commissioners to provide an update on the 2024 Maryland General Assembly Session.

Ms. Mitchell reviewed proposed legislation:

- HB1092/SB0649 *Public Safety Answering Point Personnel - Training in Telecommunications Cardiopulmonary Resuscitation*
Hearing on March 8, 2024.

The Commissioners reached a consensus for Mr. Tony Rose, Deputy Director, Department of Emergency Services to provide oral testimony related to this Bill.

- HB899/SB0691 *Higher Education – Firefighters and EMS Recruitment and Retention – Scholarship and Loan Repayment Assistance*

The Commissioners reached a consensus to send a letter of support.

- HB1090 *Revitalizing Neighborhoods Through Homeownership Program and Fund – Established*

Staff will track this Bill and provide additional updates.

- SB589/HB812 *Tri-County Council for Southern Maryland - Southern Maryland Agricultural Development Commission – Funding*

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The Commissioners reached a consensus to send a letter of support.

- SB651/HB882 *Business Regulation - Sale of Motor Fuel - Pricing Signage (Gas Price Gouging Act)*

The Commissioners reached a consensus to send a letter of support.

The Charles County Legislative Proposals

- HB440 *Motor Vehicle Registration - Exceptions for Golf Carts and Low Speed Vehicles - Cobb Island*
Letter of support sent. Hearing on March 7, 2024.
- HB972 *Motor Vehicles – Off-Highway Vehicles – Clarifications and Revisions*
Statewide with amendments.
- LR2750 *A proposal to adopt legislation that would prohibit an unlicensed establishment from allowing the consumption of alcohol on their premises*
Charles County Board of License Commissioners (Liquor Board) does not support amended Bill draft.
- HB690 *Charles County - Adult Protective Services Review Board - Membership*
Letter of support sent. Prefers our submitted language.
- HB1321 *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*
Staff will bring back on March 5, 2024.
- HB687 *Charles County – Governing Bodies of Common Ownership Communities – Member Training*
Letter of support sent. Hearing on March 8, 2024.

Briefing: College of Southern Maryland State of the College

Dr. Yolanda Wilson, President, Mr. Jose Gonzalez of the Board of Trustees, and Ms. Kaya Swan, Student College of Southern Maryland joined the Commissioners to provide an update on the State of the College. Dr. Wilson reviewed statistics of the College's ranking; student characteristics and enrollment; access, momentum, and mobility for students; legislative agenda; and future initiatives. Ms. Swan shared her experiences with the College and the opportunities she had been given. A video overview was also shared with the Commissioners.

Briefing: Internal Audit End of Fiscal Year Reporting for Commissioners Expenses

Mr. Johnnie Coleman, Senior Internal Auditor, Office of the Internal Audit, presented an overview of the audit of Commissioners FY2023 Budget and Expenses. He reviewed the internal audit objectives, the revised County Commissioners Expense Policy (SOP#CP.CC.01.002), and the audits findings and recommendations. Two (2) of the findings had high risk findings and two (2) had medium risk findings. He detailed the recommendations and management responses to each.

**Break 11:25 a.m.-11:33 a.m.*

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Roll Call

A roll call was taken. All Commissioners were present. *Commissioners Bowling, Patterson and Collins were in person; Commissioner Stewart were virtual. * Commissioners Coates was absent.*

**At about 11:38 a.m. Commissioner Coates joined the session virtually.*

Briefing: Historic Landmarks Designation

Ms. Esther Read, County Archaeologist, Mr. Joel Binkley, Planning Supervisor, Mr. Charles Rice, Planning Director, and Ms. Cathy Thompson, Assistant Chief of Planning, Department of Planning and Growth Management, joined the Commissioners to review a presentation about Local Historic Landmarks Designations. They explained the designation process, and the applications for Saint Nicholas Creek Cemetery in Benedict; Twiford's Store, Marbury; Joseph C. Parks House, Bryan's Road that were approved by the Historic Preservation Commission in March and April 2023.

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and pass with all Commissioners present, voting in favor to approve Saint Nicholas Creek Cemetery, Twiford's Store and Joseph C. Parks' House for Local Historic Landmark Designations.

Work Session: Swan Point Petition Project

Ms. Elizabeth Theobalds, Deputy County Attorney, and Ms. Terrah Dews, Associate County Attorney, Office of the County Attorney for Charles County, reviewed the Swan Point Petition Process and the public hearing the Commissioners held on January 23, 2024.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and pass with all Commissioners present, voting in favor to approve Resolution 2024-02 Committing the County to make the improvements or repairs and in exchange, the property owners agree to reimburse the County for the cost of the improvements or repairs on a pro rata basis over a period of time.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and pass with all Commissioners present, voting in favor to approve the Memorandum of Understanding (MOU) with the County for the County to make the improvements or repairs and in exchange, the property owners agree to reimburse the County for the cost of the improvements or repairs on a pro rata basis over a period of time.

Closed Session

At 11:58 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)(8) of the General Provisions Article of the Annotated Code of Maryland to receive legal advice on an agreement; to receive an update on a potential litigation issue; and receive a legal response to two (2) complaints. And receive legal advice on the United Way Lease discussed in approval items earlier this day. The reason for moving into closed session is to keep legal advice, and negotiations, and strategies confidential.

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Summary Closed Session Items

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

3-305(b)(7) Legal Advice: Agreement

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

Staff reviewed the agreement and the requested changes and provided their recommendations

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 have staff respond to the request and state the County's position and not make any adjustments to the agreement. Commissioners 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).

3-305(b)(7) Legal Response to Two (2) Complaints Received

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

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County reviewed the two (2) complaints received and a copy of his response.

3-305(b)(7) Legal Advice: United Way Lease

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

Commissioner Bowling asked his question related to this lease. Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, provided his legal advice.

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, and Kyle McGee.

**At about 1:14 p.m. Commissioner Bowling left Closed Session.*

Mr. Kyle McGee, Outside Counsel, reviewed the potential litigation and settlement negotiation process and his recommendations.

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with Commissioners Coates, Stewart, Patterson, and Collins present, voting in favor to have Outside Counsel negotiate for a *specific amount*. **Commissioner Bowling was not present for the vote.*

At 1:18 p.m., a motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with Commissioners Coates, Stewart, Patterson, and Collins present, voting in favor to end this closed session. **Commissioner Bowling was not present for the vote.*

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The Commissioners returned to open session at 2:34 p.m.

Roll Call

A roll call was taken. All Commissioners were present. *Commissioners Bowling, Patterson and Collins were in person; Commissioners Coates and Stewart were virtual.*

Briefing: Artificial Intelligence (AI)

Mr. Nishant Shah, Senior Advisor for Responsible Artificial Intelligence - Maryland DoIT; Ms. Alexis Blackwell, Director, Department of Human Resources; Ms. Evelyn Jacobson, Chief of Information Technology, Department of Fiscal and Administrative Services; Ms. Jennifer Harris, Chief of media Services provided a briefing on a variety of topics related to the use of Artificial Intelligence in government operations. Mr. Shah discussed how the state plans to leverage Artificial Intelligence and develop a guard rail to ensure ethical use. Ms. Harris provided a video briefing which also simulated how AI is used. Ms. Jacobson recommended convening an artificial intelligence workgroup to develop guidance on how to implement and deploy artificial intelligence programs in a responsible manner in County operations.

The Commissioners directed staff to create a workgroup on how to implement and deploy artificial intelligence programs in the County.

****TO BE RESCHEDULED** Discussion: Collaborative Community Improvement Projects**

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. He reviewed phases 3A and 3B; permit status, future milestones and next steps.

Charles County Boards and Commissions Annual Update

Briefing: Annual Update from the Charles County Police Accountability Board and Administrative Charging Committee

Briefing: Annual Update from the Ethics Commission Briefing: Annual Update from the Board of Fire and Rescue

Staff and members of the Charles county police Accountability Board and Administrative Charging Committee and the Ethics Commission provided an overview of their 2023 Annual Reports.

Commissioner's New Business

There was no new business discussed.

**Break 4:46 p.m. - 5:01 p.m.*

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Roll Call

A roll call was taken. Commissioners Bowling, Stewart, and Collins were present. *Commissioners Bowling and Collins were in person; Commissioner Stewart was virtual.*

**Commissioners Coates and Patterson were absent.*

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 two (2) people who provided comments in person and one (1) person who provided virtual comments. Any written comments received were added to the website for the public to view.

Summary of Public Comments

In Person:

- Upset that Commissioner Patterson's goal for the Charter Government is opposite of his voting record regarding commissioner Coates and Collins. He referenced the Lagasse report and the Sargeant Report.
- Discussed Economic Development and its importance especially coming into the budget session.

Virtual:

- Appropriateness of the Commissioners who used the attorney to represent him in the litigation case related to Commissioner Coates to vote on Zoning Text Amendment 22-173 since this is the same lawyer representing this applicant. And discussed the bad money management related to the Commissioners Expenses outlined earlier.

At 5:13 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart and Collins present, voting in favor to adjourn.

**Commissioners Coates and Patterson were not present for the vote.*

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President