

Regular Meeting of County Commissioners
Tuesday January 30, 2024 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 8:59 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.

Commissioners Bowling, Patterson, and Collins were in person; Commissioners Coates and Stewart were virtual.

Recognition: Employee Length of Service, October -December 2023; Top Performer, Fourth Quarter (October -December, 2023)

The Commissioners recognized employees' years of service for October through December 2023. The Top Performers for the fourth quarter, William Thompson, SCADA Systems Specialist, Department of Public Works-Utilities; and Daniel Myers, Network Specialist III, and Matthew Goddard, Network Manager, Department of Fiscal and Administrative Services, were recognized.

**Break 9:10 a.m. – 9:15 a.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.

Commissioners' Comments

Note: Summary of Public Comments on January 23, 2024 were attached to the agenda.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to make today, January 30, 2024 a Legislative Day.

Commissioner Bowling explained that his comments about the Charter Board was about policy and not personal. He wanted to express concerns and wanted to stress the need to always be respectful. He does not agree with the Commissioners not being able to comment after the public comment session, but it is a new process.

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Commissioner Patterson echoed Commissioner Bowling's comments about civility and ability to express opinions civilly.

Approval of the Minutes of January 23, 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 January 23, 2024.

Announcement

Next Scheduled Session(s): February 7, 2024.

Approval Items

Budget Amendments and Budget Transfers

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

There were no Budget Amendments/Transfers or Approval Items.

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:

- *HB477 Landlord and Tenant - Residential Leases and Holdover Tenancies - Local Just Cause Termination Provisions*
Hearing on February 13, 2024.
- *SB14 Economic Development - Tourism Zones - Designation and Benefits*
- *HB 440 Motor Vehicle Registration - Exceptions for Golf Carts and Low Speed Vehicles - Cobb Island*
First reading.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present voting in favor to send a letter of support.

- *LR2750 A proposal to adopt legislation that would prohibit an unlicensed establishment from allowing the consumption of alcohol on their premises*
Awaiting Draft; changes were made from original proposal; may be favorable with amendments.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson to send a letter of support with amendments. Both this motion and second were removed until input from the Charles County Board of License Commissioners (Liquor Board) is received.

The Commissioner requested that their lobbyist speak with the Delegation about this proposed bill.

- *HB690 Charles County - Adult Protective Services Review Board - Membership*

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A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present voting in favor to send a letter of support.

- HB687 *Charles County – Governing Bodies of Common Ownership Communities – Member Training*

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present voting in favor to send a letter of support.

The Commissioners requested more information on the bill related to tax revenues lost for projects like GenOn, and why the bill died last session.

Commissioner Bowling expressed concerns about unintended consequences:

- HB0538 (SB0484) *Land Use – Affordable Housing – Zoning Density and Permitting (Housing Expansion and Affordability Act of 2024)*
- SB323 *Income Tax - Subtraction Modification - Public Safety Volunteers*

Commissioner Collins explained the Maryland Association of Counties (MACo) may support with amendments. But agreed that counties should be at the table.

Commissioner Coates requested more information on legislation related to gas price gauging.

The Charles County Legislative Proposals not moving forward or awaiting Bill number:

- To change the minimum age requirement to run for Charles County School Board from twenty-one (21) years old to eighteen (18) years old.
Not moving forward
- To enable Charles County to pass a local law to regulate off-the-road motorcycles and all-terrain vehicles, that may include impoundment, conditions for release from impoundment.
Not moving forward. Broader efforts being made for State Bill.
- LR2459 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.
Awaiting Bill Number.

Briefing and Request to Introduce and Schedule a Public Hearing: Proposed Bill 2024-02 Code of Ethics

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, reviewed the administrative changes that corrects the updates from 2017 and reflects the change in State law. The changes included definitions for principal address and secondary home, added a one-year prohibition barring a former lobbyist, who is subsequently elected to office, from participating in certain matters, and other changes.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to introduce Bill 2024-02 Code of Ethics.

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, February 27,

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2024 at 6:00 p.m. in the Government Building at 200 Baltimore Street La Plata, Maryland to be held hybrid, in-person and virtually.

Briefing and Request to Introduce/Schedule a Public Hearing: Proposed Bill 2024-(03) Zoning Text Amendment 23-177 Transit Oriented Development Zone

Mr. Joel Binkley, Planning Supervisor, and Mr. Kirby Blass, Planner III, Department of Planning and Growth Management, explained that the amendment would allow motor vehicle fuel sales use and car washes in the Transit Oriented Development (TOD) District with conditions. The Planning Commission contends that the uses may be allowed with a Special Exception and only one (1) of the proposed uses shall be allowed in the entire TOD. The staff's position is that such uses should continue to be excluded from the TOD District.

The Commissioners requested staff to send a copy of the Zoning Officer's determination related to this zoning.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to introduce Bill 2024-(03) Zoning Text Amendment 23-177 Transit Oriented Development Zone.

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, February 27, 2024 at 6:00 p.m. in the Government Building at 200 Baltimore Street La Plata, Maryland to be held hybrid, in-person and virtually.

Briefing: Update on Resilience Authority of Charles County Activities

Ms. Stacy Schaefer, Executive Director, and Ms. Jenifer Ellin, Treasurer, Resilience Authority of Charles County, provided a presentation that reviewed the Resilience Authority's 2023 Annual Report. Highlights included updated bylaws, hired first Executive Director, developed and adopted mission/vision statement, five (5) year strategic plan, annual work plan, budget policies and delegated authorities, and procurement policy. Ms. Schaefer reviewed the following projects: Innovative Financing Study and Model Development; Charles County Climate Adaptation Report Card; Popes Creek Waterfront Park Living Shoreline; Concrete to Green Elite Gymnastics Stormwater Park; Continuing Partnership Residential Stormwater Drainage Improvement; Urban Tree Canopy; and Charles County Resilience Authority Youth Corps. Ms. Ellin provided a fiscal update for the Resilience Authority of Charles County.

Briefing: Update on Boards and Commissions Marketing

Ms. Christina Elkins, Assistant Clerk to the Commissioners, and Ms. Tina Kozloski, Project Manager, Media Services Division, Office of the County Administrator, joined the Commissioners to provide an update on the Marketing Campaign to promote the Boards and Commissions for Charles County Government. The presentation reviewed the plans to increase public awareness, outreach and develop community partnerships. Ms. Elkins shared information on the central "hub" area created in the County Government Building lobby, the print materials created, and updates to the website and social media.

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#1 Closed Session

At 11:12 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)(3)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to receive an update on a litigation issue; to review one (1) contract; to review one (1) lease agreement; to discuss a potential land acquisition; and to review appointments to Commissioner appointed Boards and Commissions. The reason for moving into closed session is to keep legal advice, negotiations, and personnel information confidential.

**Break 11:13 a.m. - 4:02 p.m.*

Summary Closed Session Items

At 4:02 p.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, Kyle McGee

Mr. Kyle McGee, Outside Counsel, reviewed the settlement strategy and recommendations.

The Commissioners reached a consensus and provided staff with directions to gather further required information.

3-305(b)(7) Contract Review

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

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

The Commissioners provided feedback and reached a consensus on the terms. Official action will take place in open session on February 7, 2024 under Approval Items.

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

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

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

The Commissioners reached a consensus and official action will take place in open session in an upcoming agenda.

3-305(b)(3)(7) Potential Acquisition of State-Owned Property

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

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Staff reviewed the potential property acquisition and recommended next steps.

The Commissioners reached a consensus to have staff proceed as outlined.

3-305(b)(1) Personnel- Appointments to BCC

Took Place during the second closed session later this day.

At 5:06 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to end this closed session.

The Commissioners returned to open session at 5:10 p.m.

Roll Call

A roll call was taken. Commissioners Bowling, Stewart, Patterson, and Collins were present. *Commissioners Bowling, Patterson, and Collins were in person; Commissioner Stewart was virtual. *Commissioner Coates was 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 seven (7) people who provided comments in person and three (3) people who provided virtual comments. Any written comments received were added to the website for the public to view.

Summary of Public Comments

In Person:

- Proposed changes to the Swan Point Docket 250 amendment; concerned with potential harm to community and that the Planning Commission not addressing community concerns.
- Spoke to the public on concerns that Commissioner Patterson does not recuse himself from issues related to Commissioner Coates related to her abuse of county employees since she was his largest contributor to his campaign which had a very small margin winning and feels every three (3) to (2) vote is tainted. Commissioner Patterson does not explain his votes.
- Vice President of the Fraternal Order of Police Lodge 24, representing the members (Sworn Officers of the CCSO and majority of retired officers), spoke on concerns related to 2017 decision related to healthcare benefits for retirement. He also expressed concerns of not getting information back yet related to a Freedom of Information request.
- Expressed concerns that the Planning Commission making decisions without discussion of factual testimony submitted and failed to articulate how and why they come to their conclusions. She indicated this issue with the Swan Point Docket 250.
- Expressed concerns with Swan Point Docket 250 and concerns raised with the Planning Commission that were never addressed or even mentioned at their work session. He also mentioned private events taking place on the public beach and potential wetland violations.

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- Concerned that the Charter Government Issue was raised on the heels of the Board of County Commissioners legal issues and approved by the three (3) Commissioners involved in the legal issue. Struggles to yet to hear a good reason for Charter given the cost, why is it better for residents. The most emphasized reason she heard was “it gives us the opportunity.
- Concerned with public safety, mentioned shooting at the mall. The Sheriff’s Office is arresting these people, and they are being released right back into the community. Is this a State issue? Need some type of community forum to discuss who is responsible for what. Wanted to know where past minutes can be found.

Summary of Public Comments

Virtual:

- Talked about a PIA request for recordings and transcripts for a house fire on December 8, 2023 and has not heard anything yet.
- Reminded people about the last Town hall meeting for the Charter Board and encouraged people to let their voices be heard. Mentioned potential Bill for Commissioners to be paid full-time salaries and benefits. Mentioned doing an exploratory study related to public safety.
- Requested assistance for the Fieldside Neighborhood in Waldorf related to an abandoned property since 2019. And need to get this situation handled for the health and safety of the community.

**At about 5:42 p.m. Commissioner Coates joined session virtually.*

Charles County Boards and Commissions Annual Update

Briefing: Annual Update from Charles County Planning Commission

Briefing: Annual Update from Charles County Board of Appeals Board

Briefing: Annual Update from Charles County Board of License Commissioners (Liquor Board)

Staff and members of the Planning Commission, Board of Appeals, and Board of License Commissioners (Liquor Board) provided an overview of their 2023 Annual Reports.

Commissioner’s New Business

Commissioner Bowling will bring an agenda request forward related to Developers Bond release process and policy.

#2 Closed Session

At 6:18 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 review appointments to Commissioner appointed Boards and Commissions. The reason for moving into closed session is to keep legal advice, and personnel information confidential.

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Summary Closed Session Items

At 6:30 p.m., the Commissioners went into closed session.

3-305(b)(1) Personnel- Appointments to BCC

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

Ms. Christina Elkins, Assistant Clerk to the Commissioners reviewed vacancies and membership issues on Boards and commissions.

The Commissioners reached a consensus and provided directions on how to proceed. Official action will take place in open session on February 7, 2024 agenda under Approval Items, Actions on Boards and Commissions.

At 7:22 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Patterson 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