

Regular Meeting of County Commissioners
Tuesday March 12, 2024

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 4:14 p.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
Jenifer Ellin, Acting Deputy County Administrator
Wes Adams, County Attorney
Carol A. DeSoto, Clerk to the Commissioners

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

**9:00 a.m.- 3:30 p.m. Secretary Jacob Day, Maryland Department of Housing and Community Development Visit to Charles County for Site Tour*

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, and Collins were present in person. *Commissioners Coates and Patterson were absent.*

Commissioners' Comments

Note: Summary of Public Comments on March 5, 2024 was attached to the agenda.

Commissioner Collins thanked staff for coordinating the site visit tour with the Secretary of Maryland Department of Housing and Community Development earlier today.

Commissioner Bowling commented on the Town Hall Meeting he attended on March 7, 2024 in Bryans Road that had over sixty (60) people attend in person and about sixty (60) people attend virtually. He noted that he was hosting the Town Hall Meeting in Bryans Road this week.

Commissioner Stewart mentioned the Town Hall meeting she had this past Saturday and will post additional Town Halls for April on the website.

**At about 4:18 p.m. Commissioner Patterson joined the session in person.*

Approval of the Minutes of March 5, 2024

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 approve the minutes of March 5, 2024. **Commissioner Coates was not present for the vote.*

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Minutes of March 7, 2024 (Notice of Attendance) NO Quorum/NO Minutes Required.

Announcement

Next Scheduled Session(s): March 19-20, 2024.

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.

The Charles County Legislative Proposals

- HB687 *Charles County – Governing Bodies of Common Ownership Communities – Member Training*
Letter of support sent. Hearing on March 8, 2024.
- 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*
Letter of support sent. Hearing on March 8, 2024.
- HB440 *Motor Vehicle Registration - Exceptions for Golf Carts and Low Speed Vehicles - Cobb Island*
Letter of support sent. Hearing on March 7, 2024. There was technical difficulty for oral testimony.

Ms. Mitchell reviewed other State proposed legislation:

- SB1041 *Alcoholic Beverages - Breweries, Wineries, and Distilleries - Direct Delivery*

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

- SB244 *Public Health - Clean Indoor Air Act - Revisions*
Prohibition amendments moved out to work group to study.
- HB974 *Prince George's County - Speed Monitoring Systems - Indian Head Highway PG 306-24*
No movement.
- HB692/SB985 *Economic Development - County or Municipality Economic Development Authority - Powers and Use of Proceeds*
No official amendments; Any changes to the language of this Bill will change the intent of the Bill.
No movement.
- HB1407 *County Tier 1 Renewable Sources – Generating Systems, Capacity, and Generation – Prohibition, Studies, and Plans*
No movement.
- HB690 *Charles County - Adult Protective Services Review Board - Membership*
Passed out of House moved to Senate.

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Charles County Boards and Commissions Annual Update

Briefing: Annual Update from Charles County Property Tax Assessment Appeal Board

Briefing: Annual Update from Charles County Board of Electrical Examiners

Staff and members of the Charles Property Tax Assessment Appeal Board and the Charles County Board of Electrical Examiners provided an overview of their 2023 Annual Reports.

Discussion: Collaborative Community Improvement Projects

Ms. Renesha Miles, Chief Equity Officer, Department of Human Resources; and Ms. Doria Fleisher, Community Engagement Coordinator-Media Services, Office of the County Administrator, joined the Commissioners to discuss an initiative for Collaborative Community Improvement Projects. The program is proposed as a twenty-one (21) month pilot program to gauge community feedback on needed improvements and create projects that align with Commissioner Goals & Objectives. Project planning would include collaboration between the Board of County Commissioners, government departments, community leaders and more. Communities for the pilot program would be selected in June 2024 with project construction to begin in February 2025.

Commissioner Collins suggested working with academia to review the history of Equity Emphasis Areas (EEA) and housing patterns that created these EEA's in Charles County.

The Commissioners present requested staff come back after the FY2025 Budget adoption in May.

Briefing and Request to Approve: FY2025 Annual Transportation Priority Letter to Maryland Department of Transportation

Mr. Joel Binkley, Planning Supervisor, Ms. Cathy Thompson, Assistant Chief of Planning, and Mr. Jason Groth, Acting Director, Department of Planning and Growth Management, provided a presentation overview of the Fiscal Year 2025 Annual Transportation priority letter to the Maryland Department of Transportation. The letter includes various priority projects for Charles County, including the Southern Maryland Rapid Transit Project (SMRT); pedestrian safety improvements along the US 301 Corridor in Waldorf and at the intersection of US 301 and Smallwood Drive and Hughesville Area improvements; State Highway Administration planning priorities; Maryland Transit Administration (MTA) priorities including restoration of WMATA Route W-19 of effective alternative service and Indian Head Rail Trail Extension.

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 approve the FY2025 Annual Transportation Priority Letter to Maryland Department of Transportation as presented. *Commissioner Coates was not present for the vote.

**Break 5:37 p.m. – 6:00 p.m.*

Roll Call

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

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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 Omyni Harrell and James Wade as Citizen Members to the Commission for Veterans Affairs. **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 Michael Wilson, Richard Gilpin, Sarabit Suri and Anthony Wilson and appoint Guruprasad Swami as the Clergy Member to the Interfaith Commission. **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 send letter of recommendation to the Governor's Appointment Office to reappoint Kevin Marek and to appoint Jon Gustin as the Alternate Member to the Property Tax Assessment Appeal Board. **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 Sheila Tyson as a Citizen Member to the Nuisance Abatement Hearing Board. **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 Maxine Somerville as a Citizen Member to the Ethics 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 reappoint Mathew Cook as the Chair and appoint James Sherman and Tia Sanders Smith as At-Large Members to the Animal Matters Hearing Board. **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 David Bird as a District 1 Representative and Marcus Taylor as a District 4 Representative to the Charles County Police Accountability Board. **Commissioner Coates was not present for the vote.*

**At about 6:08 Commissioner Coates joined the session virtually.*

Budget Amendments and Budget Transfers

(Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative Services; Ms. Elizabeth Theobalds, Deputy County Attorney, Office of the County Attorney for Charles County; and Mr. Kevin Karpinski, Outside Counsel, Karpinski, Cornbrooks, and Karp, P.A.)

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FY2024 Budget Transfer Request #152 Legal Fees

Legal Costs: Budget Transfer for Continuing Defense Costs Through Final Injunctive Order Legal Costs: Budget Transfer for Continuing Appellate Defense Cost

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, and Collins present, voting in favor to approve FY2024 Budget Transfer Request #152 for four hundred and twenty-six thousand three hundred dollars (\$426,300.00). *Commissioners Coates and Patterson were opposed. A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Coates-no; Commissioner Stewart-yes; Commissioner Patterson-no; Commissioner Collins-yes. The motion passed three (3) to two (2).

Discussion and Approval: Legal Costs for Charles County Interlocutory Appeal Costs

(Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative Services; Ms. Elizabeth Theobalds, Deputy County Attorney, Office of the County Attorney for Charles County; and Mr. Kevin Karpinski, Outside Counsel, Karpinski, Cornbrooks, and Karp, P.A.)

Commissioner Stewart and Commissioner Bowling commented that the original agreement of the Board of County Commissioners was that once a final order was given, the County would not pay for the plaintiff appeal (Commissioner Coates) costs. Once a final decision was made it was believed and understood that it would not be appealed. At the December 2022 meeting, no next step appeal was discussed or approved by the Board of County Commissioners.

Commissioner Collins concurred that they did not talk to this specificity. He contends that the interlocutory was before the final decision.

Commissioner Coates indicated that she was not part of these discussions. Commissioner Collins replied that it was generally discussed.

Mr. Kevin Karpinski, Outside Counsel, that these are discretionary funds that the four (4) Commissioners would decide, and that Commissioner Coates could not vote based on his legal opinion and the Ethics Commission's opinion.

There was no motion related to these fifty-five thousand five hundred dollars (\$55,500.00) budget request.

Commissioner's New Business

Commissioners Bowling, Patterson, Collins and Stewart shared upcoming Town Hall meetings that each had scheduled.

Closed Session

At 6:29 p.m., motion was made by Commissioner Patterson, seconded by Commissioner Bowling 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 receive an update on a potential litigation issue and discuss one (1) Commissioner Committee assignment. The reason for moving into closed session is to keep legal advice, negotiations, strategies, and personnel issues confidential.

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Summary Closed Session Items

At 6:34 p.m., the Commissioners went into closed session.

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

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Wes Adams, Carol DeSoto, Jenifer Ellin, Terrah Dews, Suzanne Sangree, and Viola Vetter.

Outside Counsel reviewed a proposed settlement agreement and provided recommendations.

A motion was made by commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to authorize outside counsel to settle for *specific amount and to conclude action with specified party*.

A motion was made by commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to change status *in this specified litigation* and authorize Commissioner Collins to sign documents.

3-305(b)(1) Personnel: Proposed New Commissioner Committee Assignment

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

Ms. Carol DeSoto, Clerk to the Board of County Commissioners, reviewed the proposed new committee assignment request.

The Commissioners reached a consensus and provided directions.

At 6:54 p.m., a motion was made by Commissioner Patterson, seconded by Commissioner Bowling 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