

Regular Meeting of County Commissioners
Tuesday April 23, 2024 (Legislative day)

The regularly scheduled meeting of the County Commissioners was convened hybrid, at 1:02 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
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. Commissioners Bowling, Stewart, Patterson, Collins were present.

**Commissioner Coates was absent.*

Commissioners Bowling, Stewart, Patterson and Collins were in person.

Commissioners' Comments

Commissioner Patterson spoke on informative events he attended. He met with Ms. Lucille Walker, The Southern Maryland Heritage Area Consortium; attended the Board of Education's forum on their budget process; and Oasis Fresh Market in Indian Head.

Commissioner Stewart announced her town hall meeting on Thursday April 25 at Trinity Baptist Church in Waldorf; topic is on Waldorf Station.

Commissioner Bowling announced his town hall meeting on Thursday April 25 at the Waldorf Senior and Recreation Center; topics on Charter and the Budget.

Approval of the Minutes of April 16, 2024

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 approve the minutes of April 16, 2024. **Commissioner Coates was absent for the vote.*

#1 Minutes of Notice of Attendance and #2 Minutes of Notice of Attendance April 13, 2024

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 approve the minutes of April 13, 2024 #1 and #2 Notice of Attendance. **Commissioner Coates was absent for the vote.*

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Announcement

Next Scheduled Session(s): April 30-May 1, 2024

Approval Items

Budget Amendments and Budget Transfers

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

There were no Budget Amendments or Budget Transfers.

Change Order #63 Mattawoman Inflow and Infiltration

(Ms. Alicia Afroilan, Engineering Supervisor, and Mr. Andrew Balchin, Chief of Infrastructure Management)

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 Change Order #63 for one hundred and ninety thousand eight hundred and eighty-one dollars and sixty cents (\$190,881.60). **Commissioner Coates was absent for the vote.*

Change Order #64 Mattawoman Inflow and Infiltration

(Ms. Alicia Afroilan, Engineering Supervisor, and Mr. Andrew Balchin, Chief of Infrastructure Management)

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 approve Change Order #64 for two hundred and seventy-five thousand three hundred and seventy-three dollars and twenty cents (\$275,373.20). **Commissioner Coates was absent for the vote.*

Change Order #5 Piney Branch Sewer Interceptor Upgrade Phase II -Project 7402007050

(Mr. Charles Strawberry, Capital Services Program Manager, Mr. Ed Gorham, Chief of Technical Support, and Mr. Wilson Cochran, Deputy Director, Department of Public Works-Utilities)

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 approve Change Order #5 for a net credit of one hundred and fifty-six thousand one hundred and twenty-nine dollars and twenty-seven cents (\$156,129.27). **Commissioner Coates was absent for the vote.*

Change Order #5 Landfill Leachate Pretreatment Facility- Project 9401008041 Emergency Generator Size Increase

(Mr. Charles Strawberry, Capital Services Program Manager, Mr. Ed Gorham, Chief of Technical Support, and Mr. Wilson Cochran, Deputy Director, Department of Public Works-Utilities)

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Patterson and Collins present, voting in favor to approve Change Order #5 for one hundred and eighty-nine thousand six hundred and sixty-six dollars and twenty-six cents (\$189,666.26). **Commissioner Coates was absent for the vote.*

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Legislative Wrap Up: 2024 Maryland General Assembly Session

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney; Ms. Jenifer Elin, Acting Deputy County Administrator, Office of the County Administrator; Mr. Joseph Green, Ms. Jeanette Tejada de Gomez, and Ms. Sherrie Simms, Lobbyists, GS Proctor and Associates, Inc. provided a review of the 2024 Maryland General Assembly Session that concluded on April 8, 2024. Mr. Green outlined the approach his firm used, the big issues of the general assembly, an overview of the State budget, State aid to local governments and legislative appropriations, the Governor's legislative initiatives, and a review of legislative proposals passed by the legislature. Three million dollars (\$3,000,000.00) in projects for Charles County was in the budget. These Projects include: Angels Watch Shelter, Boys and Girls Club of Southern Maryland-Waldorf Club Park, Civil Air Patrol, La Plata Phoenix Run Community Center, La Plata Police Station, Lions Camp Merrick, Maryland Technology Center at Indian Head, and Promise Landing Farm, Inc.

**At about 1:19 p.m. Commissioner Stewart left session and returned at about 1:31p.m.*

The Charles County Legislative Proposals:

- *HB440 Motor Vehicle Registration - Exceptions for Golf Carts and Low Speed Vehicles - Cobb Island*
Failed, but a statewide enabling legislation passed.
- *HB972 Motor Vehicles – Off-Highway Vehicles – Clarifications and Revisions*
Failed
- *HB690 Charles County - Adult Protective Services Review Board - Membership*
Passed, and a statewide Bill also passed.
- *HB1321 Land Use - Southern Maryland Code Counties - Subdivision Regulations - Property Dedication and Fee*
Passed.
- *HB687 Charles County – Governing Bodies of Common Ownership Communities – Member Training*
Failed.

Legislation of Interest:

- *HB0043/SB0316 Motor Vehicle Registration - Exceptions for Golf Carts – Authorization*
Passed.
- *HB151 Charles County Board of Education – Vacancy Procedures - Timing and Video Streaming and Archiving*
Passed.
- *HB238/SB244 Public Health - Clean Indoor Air Act –Revisions*
Passed.

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- HB812/SB589 *Tri-County Council for Southern Maryland – Southern Maryland Agricultural Development Commission – Funding*
Passed.
- HB895/SB793 *Maryland Tort Claims Act - Sheriffs and Deputy Sheriffs - County Responsibility*
Passed.
- HB899/SB691 *Higher Education – Firefighters and EMS Recruitment and Retention – Scholarship and Loan Repayment Assistance (Higher Education - Charles W. Riley Firefighter and Ambulance and Rescue Squad Member Scholarship - Alterations)*
Passed.
- HB1115/SB1026 *County Boards of Education – Budgets –Notice (Transparency in Education Spending Act)*
Passed.
- HB1092/SB0649 *Public Safety Answering Point Personnel-Training in Telecommunications Cardiopulmonary Resuscitation*
Passed.
- SB270 *Adult Protective Services - Review Boards -Membership and Terms*
Passed.
- SB783/HB1435 *Renewable Energy – Net Energy Metering Aggregation, Solar Renewable Energy Credits, and Taxes on Solar Energy Generating Systems (Brighter Tomorrow Act)*
Passed.

The Commissioners agreed to Commissioner Bowling’s request for a future briefing related to the implications of this Bill as well as information from the Maryland Association of Counties (MACo) on this topic.

Commissioner Bowling also requested information and discussion on preservation of farms and land as it relates to solar farms and State requirements/goals for renewable energy.

Commissioner Bowling also requested more information on the Boys and Girls Club in Waldorf.

Update: Request to Amend Bill 2022-08 Charles County Commissioners Elections Word of “Plurality” to “Majority”

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, reviewed a memorandum he provided the Commissioners related to the request from Commissioner Patterson to Amend Bill 2022-08 Charles County Commissioners Elections related to a candidate being chosen by plurality versus majority. Mr. Adams stated that the County is pre-empted from enacting any legislation that could change the manner of voting in the County. He reviewed articles of the Maryland Constitution and opined that the Election Law Article mandates plurality voting, and the County would be pre-empted from enacting its own legislation on this issue.

Briefing and Request to Introduce and Set Public Hearing: Proposed Bill 2024-(11) Revisions to Hotel Rental Tax

Ms. Ashley Chenault, Chief of Tourism, and Mr. Sam Drury, Deputy Director, Department of

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Recreation, Parks, and Tourism; Ms. Danielle Mitchell, Assistant Deputy County Attorney, Office of the County Attorney, Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative Services; and Mr. Jason Groth, Acting Director, Department of Planning and Growth Management, reviewed proposed Bill 2024-11. Revisions to Hotel Rental Tax. The bill would establish a five percent (5%) tax on total services and other regulations on short-term rentals, defined as renting of any residential home unit or accessory building for a short period of time

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 approve introduce Proposed Bill 2024-(11) Revisions to Hotel Rental Tax. **Commissioner Coates was absent for the vote*

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Stewart, Patterson and Collins present, voting in favor to schedule the public hearing on Tuesday, June 11, 2024 at 6pm in the Government Building at 200 Baltimore Street, La Plata, MD to be held hybrid, in-person and virtually. **Commissioner Coates was absent for the vote*

Briefing: FY2023 Annual Comprehensive Financial Report

Mr. William DeAtley, Chief of Accounting, Ms. Joan Thorp, Assistant Chief of Accounting, Mr. Jacob Dyer, Acting Director, Department of Fiscal and Administrative Services; and Mr. Remi Omisore, Clifton Larson Allen, LLP, provided the Commissioners a presentation on the FY2023 Comprehensive Financial Report. Mr. Omisore reviewed the Scope and Deliverables, the required communications, the Financial Reporting Risk Assessment Summary, an update on the Governmental Accounting Standards Board (GASB), Internal Control Matters and summary of financial results. The results of this audit showed no major findings.

FY2025 Budget Work Session: General Fund Overview and Governmental Capital Improvement Projects Overview

Mr. Jacob Dyer, Acting Director, Ms. TaTanya Bowman, Assistant Chief of Budget, Ms. Kelli Sherer, Budget Analyst II, and Ms. Marla Chicwak, Budget Analyst I, Department of Fiscal and Administrative Services, met with the Commissioners for a work session on the FY2025 Budget. This work session focused on a continued overview of the County's proposed General Fund budget by examining the budgets for all County-administered departments, which include the Department of Emergency Services, Department of Public Works, Department of Recreation Parks and Tourism, Department of Fiscal and Administrative Services, Department of Planning Growth and Management, Department of Community Services, Department of Economic Development, Office of the County Administrator, Office of the County Commissioners, Office of the County Attorney, and the Department of Human Resources. Staff also reviewed the Debt Service, Fringe Benefits, Central Services, Contingency, Other Post Employment Benefit (OPEB), Financing Uses, Conservation of Natural Resources, Other Category, Liquor Board, Orphans Court, and Other Criminal Justice Funds.

Commissioner Stewart requested an update on training line item related to paramedics.
Commissioner Bowling requested researching the Town of La Plata water usage.

At about 3:12 p.m. Commissioner Coates joined session virtually.

Charles County Boards and Commissions Annual Update

Briefing: Annual Update from Animal Matters Hearing Board

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Briefing: Annual Update from Agricultural Land Preservation Advisory Board
Briefing: Annual Update from Agricultural Reconciliation Committee

Staff and members of the Animal Natters Hearing Board, Agricultural Land Preservation Advisory Board, and the Agricultural Reconciliation Committee provided an overview of their 2023 Annual Reports.

Commissioner's New Business

There was no new business discussed.

Closed Session

At 3:53 p.m., motion was made by Commissioner Bowling, 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)(1)(3)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss a lease agreement; discuss appointments to Boards and Commissions; and receive an update on a potential land acquisition. The reason for moving into closed session is to keep legal advice, negotiations, strategies, and personnel confidential.

Summary Closed Session Items

At about 4:04 p.m., the Commissioners went into closed session.

3-305(b)(7) Legal: Discuss Lease Agreement

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

Ms. Jenifer Ellin, Acting Deputy County Administrator reviewed the proposed lease agreement.

The Commissioners reached a consensus on this lease. Official action will take place on April 30, 2024 under Approval Items-Leases.

3-305(b)(3)(7) Update Potential Property Acquisition

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Wes Adams, Deborah Hall, Carol DeSoto, Jenifer Ellin, Judy Michael, Danielle Mitchell, Kelli Beavers, Sam Drury, Martin Harris, Terri Kahouk, Kelly Robertson-Slagle.

Staff provided a status update on this potential acquisition.

The Commissioners reached a consensus to update the Letter of Intent (LOI) and to allow staff to proceed approach A as a priority and Approach B if needed as discussed with staff.

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

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

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Ms. Christina Elkins, Assistant Clerk to the Commissioners, reviewed Boards and Commissions with the Commissioners.

The Commissioners reached a consensus on these appointments and provided direction on how to proceed. Official action will take place on April 30, 2024 under Approval Items-Action on Boards and Commissions.

At 4:26 p.m., a motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to end this close session and adjourn.

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President