

Regular Meeting of County Commissioners
Tuesday May 14, 2024 (Legislative day)

The regularly scheduled meeting of the County Commissioners was convened in person, at 9:01 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, Coates, Patterson, and Collins were in person. Commissioner Stewart was virtual.

Commissioners' Comments

Commissioner Patterson:

- Congratulated the Department of Economic Development's Business Growth Advantage Program graduates.
- Congratulated the students who graduated on Monday from the College of Southern Maryland (CSM)

Approval of the Minutes of Notice of Attendance on May 2, 2024 and Minutes of May 7, 2024

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the minutes of May 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 notice of attendance on May 2, 2024.

Announcement

Next Scheduled Session(s): May 21-22, 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 transfers for approval.

Regular Meeting of County Commissioners
Tuesday May 14, 2024 (Legislative day)

Letter of Response: To Board of Fire and Rescue Related to Fire and Emergency Medical Services (EMS) Assessment Final Report

(Ms. Deborah Hall, Acting County Administrator, Office of the County Administrator; and Ms. Michelle Lilly, Director, Department of Emergency Services)

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

Joint Use Agreement for Charles County Public Schools and Department of Recreation, Parks, and Tourism

(Mr. Sam Drury, Deputy Director, Mr. Tim Drummond, Chief of Parks and Grounds, and Mr. Ju'Wann Jones, Chief of Recreation, Department of Recreation, Parks, and Planning; Mr. Marc Potter, Associate County Attorney, Office of the County Attorney for Charles County; and Mr. Michael Heim, Chief of Operations and Supporting Services, Charles County Public Schools)

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

**Break 9:18 a.m.- 9:29 a.m.*

Roll Call

A roll call was taken. Commissioners Bowling, Coates, Patterson, and Collins were present. Commissioners Bowling, Coates, Patterson, and Collins were in person. *Commissioner Stewart was not present.

**At about 9:34 p.m. Commissioner Stewart joined session virtually.*

Briefing: Update on the Charles County Mediation Center

Ms. Julie Walton, Director, Charles County Community Mediation Center at College of Southern Maryland (CSM), provided a presentation on the Charles County Community Mediation Center (CCCMC). The overview included the history of the CCCMC which began in 2015; the financials; the staff and volunteers and required training and certification; a review of conflict resolution services and data; a review of restorative justice services and data; and a list of referral partners and opportunities of service.

Bi-Annual Health Department Report

Dr. Dianna Abney, Health Officer, and Ms. Amber Starn, Director of Community Health and Evaluation, Charles County Department of Health, provided the bi-annual report on the Charles County Department of Health. The presentation included a review of COVID-19 and Charles County low positivity rate; the second annual Pride Walk Health and Wellness Festival; maternal and child health programs and events; nursing program updates; Administrative Care Coordination Unit (ACCU); Maryland's Children's Health program and Family Medicaid Program; developmental disabilities programs; Behavioral Health Services; virtual Narcan training program; and weekly focus for the month of May for Mental Health Awareness month.

**At about 10:33 a.m. Commissioner Stewart joined session in person.*

Briefing: Update on SB783/HB1435 Renewable Energy – Net Energy Metering Aggregation, Solar Renewable Energy Credits, and Taxes on Solar Energy Generating Systems (Brighter Tomorrow Act)

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney; Ms. Jenifer Ellin, Acting Deputy County Administrator, Office of the County Administrator; Mr. Joseph Green; and Ms. Jeanette Tejeda de Gomez, Lobbyists, GS Proctor and Associates, Inc. provided a briefing on the Brighter Tomorrow Act, which affects Solar Energy Generating Systems in the state. The law, passed during the 2024 Maryland General Assembly, requires the establishment of the Small Solar Energy Generating System Incentive Program, extending the duration of renewable energy credits, and other changes.

The Commissioners requested Maryland Association of Counties (MACo) include this topic in their discussion during their scheduled in the fall of 2024 meeting with the Commissioners.

Briefing: Feasibility of Logo on Water Tower to Promote the County

Mr. Martin Harris, Director, Mr. Charles Strawberry, Capital Services Program Manager, and Mr. Bernard Cochran, Deputy Director-Utilities, Department of Public Works; and Ms. Kelly Robertson-Slagle, Director, Department of Economic Development, provided a presentation on the feasibility of placing a logo on a Water Tower in Charles County to promote the County. The presentation discussed the current and future towers in the County, the visibility of each current tower, and sample pricing for placing a logo on a tower. The Commissioners discussed the potential for the Bryan's Road tower as a promotional vehicle for the Charles County Western Technology Corridor.

The consensus of the Commissioners was to have staff begin the process for the Bryan's Road tower and to develop policies pertaining to placing logos on water towers. They also directed the Department of Public Works to incorporate a review of future water towers size and location for potential additional signage in the County.

Final Recap and Adoption: FY2025 General Fund Operating Budgets and Fiscal Year 2025-2029 Capital Improvement Projects

Mr. Jacob Dyer, Acting Director, Ms. TaTanya Bowman, Assistant Chief of Budget, Department of Fiscal and Administrative Services, provided a final recap of the FY2025 General Fund Operating Budgets and the FY2025-2029 Capital Improvement Projects budget. The briefing included a final review of the budget process, the budget changes, including Commissioners' changes to the general fund and the capital improvement projects.

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to set the fiscal year 2025 real property tax rate at the current rate of one point one four one dollars (\$1.141) per one hundred dollars (\$100.00) of assessed value; and to set the Personal Property tax rate for all railroad personal & public utility property, corporate personal and business personal property subject to taxation at the current rate of two point eight five two five dollars(\$2.8525) per one hundred dollars (\$100.00) of assessed value.

Regular Meeting of County Commissioners
Tuesday May 14, 2024 (Legislative day)

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to set the Fire and Rescue real property tax rate at the current rate of six point four (\$0.064) cents per one hundred dollars (\$100.00) of assessed value; and to set the Fire and Rescue business personal property tax rate at the current rate of sixteen (\$0.16) cents per one hundred dollars (\$100.00) of assessed value.

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to set the fiscal year 2025 La Plata Town Tax Differential Rate at fourteen point two (\$0.142) cents per one hundred dollars (\$100.00) of assessable base and; the Indian Head Town Tax Differential Rate at three point nine (\$0.039) cents per one hundred dollars (\$100.00) of assessed value.

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to set the semi-annual real property tax payment option rate which has been calculated to be one point four eight two (1.482) percent.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to set the 2025 Income Tax rate at the current rate of three point zero three (3.03) percent.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adopt Ordinance 2024-03 for the Fiscal Year 2025 General Fund Operating Budget in the amount of five hundred sixty-one million three hundred thirty-eight thousand six hundred dollars (\$561,338,600.00); and to approve the fiscal year 2025 new position list for General Fund operations which includes adding to the authorized strength of the Sheriff's Office, ten (10) Sworn Officers, four (4) Record Technicians, one (1) DNA Analyst, one (1) AEU Specialist, and upgrading an After School Coordinator position from part-time to full-time reduced hour. Includes adding to the authorized strength of the Circuit Court, one (1) Special Projects Manager and adding to the authorized strength of the State's Attorney's Office three (3) Body Worn Camera Support Staff, two (2) Administrative Assistants, and one (1) Investigator. Also includes additional positions throughout County Government operations.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to adopt Resolution 2024-04 for the Fiscal Year 2025 Capital Budget in the amount of one hundred eighty-three million nine hundred forty-four thousand dollars (\$183,944,000.00); and the Fiscal Year 2025-2029 Capital Improvement Program in the amount of one billion seventy-two million eight hundred sixty-nine thousand dollars (\$1,072,869,000.00), and the associated water and sewer connection fee rates as proposed to support related projects, and the associated school excise tax rates as proposed to support new school construction projects.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2025 Inspection & Review Enterprise Fund Operating Budget in the amount of ten million four hundred thirty-eight thousand three hundred dollars (\$10,438,300.00).

Regular Meeting of County Commissioners
Tuesday May 14, 2024 (Legislative day)

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2025 Recreation Enterprise Fund Operating Budget in the amount of two million one hundred seventy-three thousand four hundred dollars (\$2,173,400.00).

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2025 Landfill Enterprise Fund Operating Budget in the amount of fourteen million four hundred twenty-five thousand eight hundred dollars (\$14,425,800.00) and as proposed to increase the tipping fee to one hundred and one dollars (\$101.00) per ton with a minimum charge of fifteen dollars (\$15.00).

A motion was made by Commissioner Patterson, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adopt Ordinance 2024-06 for the Fiscal Year 2025 Water and Sewer Operating Budget in the amount of fifty-six million nine hundred thirty-one thousand dollars (\$56,931,000.00) and to increase the associated water and sewer user fee rates as proposed by approximately three point zero (3.0) percent on the average water and sewer bill to fund the budget.

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to adopt Ordinance 2024-05 for the Fiscal Year 2025 Environmental Service Fee Enterprise Fund Operating Budget in the amount of ten million twenty-one thousand one hundred dollars (\$10,021,100.00); and to increase the Environmental Service Fee to one hundred and sixty six dollars (\$166.00) per improved property tax account for properties outside the municipal limits of La Plata and Indian Head; and proposes to increase the fee for properties located within La Plata and Indian Head to twenty nine dollars (\$29.00) per improved property tax account.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2025 Watershed Protection and Restoration Enterprise Fund Operating Budget in the amount of eight million two hundred forty-six thousand nine hundred dollars (\$8,246,900.00); and as proposed to increase the Stormwater Remediation Fee to one hundred and fifty six dollars (\$156.00) per improved property tax account for properties outside the municipal limits of La Plata and Indian Head.

A motion was made by Commissioner Stewart, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to adopt the proposed Fiscal Year 2025 Fees and Charges for County government services.

**At about 11:45 a.m. Commissioner Bowling left session.*

Commissioners' New Business

There was no new business discussed.

Closed Session

At 11:46 a.m., 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 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

Regular Meeting of County Commissioners
Tuesday May 14, 2024 (Legislative day)

on two (2) litigation matters; and to discuss and a personnel matter. The reason for moving into closed session is to keep legal advice, negotiations, strategies, and personnel information confidential.

**Commissioner Bowling was not present for the vote.*

Summary Closed Session Items

At about 11:59 a.m., the Commissioners went into closed session.

3-305(b)(7)(8) Legal: Litigation Strategy

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

Mr. Wes Adams, County Attorney, and Mr. Marc Potter, Associate County Attorney, Office of the County Attorney for Charles County, provided an update on a litigation matter and presented options for the Commissioners on how to proceed.

The Commissioners reached a consensus on the next steps that should be taken.

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

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

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, provided an update on a litigation settlement matter.

**Break 12:16 p.m.- 12:31 p.m.*

3-305(b)(1) Personnel

Present: Commissioners Bowling, Stewart, Patterson, and Collins, Deborah Hall, Carol DeSoto, Jenifer Ellin, Alexis Blackwell, Kevin Karpinski, Kimberly Limbrick, and Winter Jordan.

Outside Counsel, provided an overview of the status of a personnel matter and discussed next steps.

The Commissioners provided feedback and requested further information.

The Commissioners present agreed to cancel the close session scheduled on May 15, 2024.

At 1:12 p.m., 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 end this close session. **Commissioner Coates was not present for the vote.*

At about 6:02 p.m. the Commissioners returned to open session.

Roll Call

A roll call was taken. All Commissioners were present in person.

Regular Meeting of County Commissioners
Tuesday May 14, 2024 (Legislative day)

Public Hearing Bill 2024-(10) Amendments to the Charles County Building Code

The Commissioners held a hybrid, virtual/in-person, public hearing on the proposed Bill 2024-10. Mr. Don Litten, Building Code Official- Codes Permits and Inspections Services (CPIS); and Mr. Raymond Shumaker, Chief of Codes Permits and Inspections Services (CPIS), Department of Planning and Growth Management reviewed local amendments in this updated building code.

There were no in person comments or virtual comments provided.

A motion was made by Commissioner Bowling, seconded by Commissioner Patterson and passed, with all Commissioners present, voting in favor to close the record.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to end this public hearing.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to

Public Hearing: Proposed Bill 2024-(09) Zoning Map Amendment (ZMA) 23-03 Martin Knapp Properties

The Commissioners held a hybrid, virtual/in-person, public hearing on the proposed Bill 2024-09. Mr. Kirby Blass, Planner III, and Mr. Charles Rice, Planning Director, Department of Planning and Growth Management, reviewed the current zoning, Central Business (CB) and the requested change to High Density Residential (RH) based on a substantial change to the character of the neighborhood which is the basis of staff recommendation to approve this rezoning.

Mr. Faras Oumseya, Applicant and Ms. Sue Greer, Attorney, provided testimony related to this rezoning application.

There was one (1) citizen who presented in person comments and no virtual comments provided.

Commissioners Bowling and Stewart expressed concerns with the proposed housing project related to the Area Median Income (AMI) and school seats open in that area and expressed interest in keeping the record open for thirty (30) days.

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with Commissioners Coates, Patterson, and Collins present, voting in favor to close the public record. Commissioners Bowling and Stewart were opposed.

A roll call of the vote was taken: Commissioner Bowling-no; Commissioner Coates-yes; Commissioner Stewart-no; Commissioner Patterson-yes; Commissioner Collins-yes. The motion passed three (3) to two (2).

Regular Meeting of County Commissioners
Tuesday May 14, 2024 (Legislative day)

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with Commissioners Coates, Patterson, and Collins present, voting in favor to close this public hearing. Commissioners Bowling and Stewart were opposed.

A roll call of the vote was taken: Commissioner Bowling-no; Commissioner Coates-yes; Commissioner Stewart-no; Commissioner Patterson-yes; Commissioner Collins-yes. The motion passed three (3) to two (2).

A motion was made by Commissioner Coates, seconded by Commissioner Patterson and passed, with Commissioners Coates, Patterson, and Collins present, voting in favor to adopt Bill 2024-(09) Zoning Map Amendment 23-03 Martin Knapp Properties. Commissioners Bowling and Stewart were opposed. A roll call of the vote was taken: Commissioner Bowling-no; Commissioner Coates-yes; Commissioner Stewart-no; Commissioner Patterson-yes; Commissioner Collins-yes. The motion passed three (3) to two (2).

Public Hearing: Proposed Amendment to Indenture Docket 250 Villages at Swan Point

The Commissioners held a hybrid, virtual/in-person, public hearing on the proposed amendment to the indenture Docket 250 Villages at Swan Point. Ms. Heather Kelley, Planning Supervisor, Mr. Charles Rice, Planning Director, Mr. Ben Yeckley, Planner III, and Ms. Lynn Knaggs, Planning Supervisor, Department of Planning and Growth Management; and Ms. Elizabeth Theobalds, Deputy County Attorney, Office of the County Attorney for Charles County, joined the Commissioners to review the proposed amendments to Docket 250 Villages at Swan Point. Ms. Kelly outlined each of the proposed changes requested.

The Commissioners reviewed concerns expressed by the public related to road, public pool, shoreline erosion, and public access. The applicant was not opposed to these changes and adding clarifying language as discussed to bring back to the Commissioners.

There were nine (9) in person comments provided and the one (1) citizen scheduled to present virtual comment was unable to testify due to technical issues.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to keep the record open for thirty (30) days.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to end this public hearing.

At about 8:03 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all the Commissioners present, voting in favor to adjourn.

Regular Meeting of County Commissioners
Tuesday May 14, 2024 (Legislative day)

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President