

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

The regularly scheduled meeting of the County Commissioners was convened in person and virtual at 4:02 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, Ed.D., 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, Stewart, and Collins were in person. Commissioner Coates and Patterson were virtual.

Closed Session

At 4:03 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart 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 discuss a lease agreement; to receive legal advice related to a litigation matters and discuss vacancies on Boards and Commissions. The reason for moving into closed session is to keep legal advice, negotiations, strategies, and personnel information confidential.

Summary Closed Session Items

At about 4:06 p.m., the Commissioners went into closed session.

3-305(b)(7) Lease Agreement

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Deborah Hall, Wes Adams, Carol DeSoto, Danielle Mitchell, Sarah Guy, and Victoria Rickett

Staff reviewed the terms in the proposed lease agreement and the required next steps.

The Commissioners reached a consensus on this agreement and having staff move forward with the advertising as required. Official action will take place in December 2024 under Approval Items- Lease Agreement.

*At about 4:20 p.m., Commissioner Patterson joined session in person.

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3-305(b)(7)(8) Legal Advice Related to a Litigation Matter

Present: Commissioners Bowling, Coates, Stewart, Patterson, and Collins, Deborah Hall, Wes Adams, Carol DeSoto, and Elizabeth Theobalds

Mr. Wes Adams, County Attorney, and Ms. Elizabeth Theobalds, Deputy County Attorney, Office of the County Attorney for Charles County, provided advice and guidance related to this matter.

3-305(b)(7)(8) Legal Advice

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

Mr. Wes Adams, County Attorney, Office of the County Attorney for Charles County, provided advice and guidance related to this matter.

3-305(b)(1): Personnel: Boards and Commissions Vacancies

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

The Commissioners reached a consensus on appointments. Official action took place later this day under Additional Approval Items- Action on Boards and Commissions.

At 5:01 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 close session.

At about 5:13 p.m. the Commissioners returned to open session.

Roll Call

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

Additional Approval

Action on Boards and Commissions

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting to reappoint Ben Schultz and Franklin Robinson and appoint Stephanie McKissic to the Historic Preservation Commission.

A motion was made by Commissioner Patterson, seconded by Commissioner Bowling and passed, with all Commissioners present, voting to reappoint Jerome Johnson and appoint Robert Padgett and Tarshea Smith to the Nuisance Abatement Hearing Board.

Review of Work Session and Discussion: Zoning Map Amendment (ZMA) 20-01; Wintergreen, Rural Conservation to Commercial Village

Mr. Wes Adams, County Attorney, and Ms. Elizabeth Theobalds, Deputy County Attorney, Office of the County Attorney for Charles County, outlined the required process to review, discuss, and make a decision on this matter. The Commissioners initially held this work session on July 27, 2021, after a public hearing in June of that year. The amendment would have changed the designation of a property

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on Leonardtown Road from Rural Conservation (RC) to Commercial Village (CV). At that time, there was no motion to approve this zoning map amendment which the Commissioners believed was a denial of the amendment. Since the Commissioners did not make an official motion to deny the amendment at that time, the applicant filed an appeal to the Circuit Court. The Circuit Court returned the amendment to the Commissioners to conduct another work session and to issue an order to either approve or deny the amendment based on the facts presented in 2021 only. During the discussion, the Commissioners reviewed the procedural history and record presented in July 2021. Since Commissioner Patterson was not a part of the Board of Commissioners during the original work session on July 27, 2021, Commissioner Patterson affirmed that he received and read and reviewed all the information and transcripts from that work session.

Commissioners Bowling and Stewart expressed disagreement with the applicants reasoning for requesting the changes and felt that no mistake was made in the zoning and no substantial change. Commissioner Bowling also stated that it was not supported by the community in 2021. Commissioner Stewart stated that she felt this is spot zoning in Rural Conservation (RC) and the County should stay away from this zoning.

Commissioner Collins called for a roll call of the Commissioners to confirm receipt and review of the record of July 27, 2021: Commissioner Bowling-yes; Commissioner Coates-yes; Commissioner Stewart-yes; Commissioner Collins- yes.

Ms. Theobalds requested that when the Commissioners vote that they indicate why they voted the way they vote.

A motion was made by Commissioner Patterson, seconded by Commissioner Coates and passed, with Commissioners Coates, Patterson, and Collins present, voting in favor to approve Zoning Map Amendment (ZMA) 20-01; Wintergreen, Rural Conservation to Commercial Village based on the record on July 27, 2021. Commissioners Bowling and Stewart were opposed. A roll call of the vote was taken: Commissioner Bowling- no based on his statements that no mistake made in the zoning was made and no substantial change in Rural Conservation (RC) and Rural Residential (RR); Commissioner Coates-yes based on what she articulated earlier; Commissioner Stewart- no based on reasons she shared earlier that spot zoning is illegal; there was no mistake made in the zoning; felt wrong that it is brought forth so that he can sell the property; Commissioner Patterson- yes based on his support of increasing commercial development; Commissioner Collins- yes based on the findings of the Planning Commission in 2021 and request from staff.

Additional Public Hearing: Proposed Bill 2024-(06) Zoning Text Amendment (ZTA) 22-174
Mixed Use (MX) Zone

The Commissioners held a hybrid, virtual/in-person, public hearing on proposed Bill 2024-06 Zoning Text Amendment (ZTA) 22-174. Ms. Tetchiana Anderson, Planner III, and Mr. Charles Rice, Planning Director, Department of Planning and Growth Management, reviewed the amendment that would create housing for specific populations in large residential developments in mixed-use zones and allow that housing to be substituted for commercial (office and/or retail) uses.

There were three (3) citizens who provided comments in addition to the applicant.

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The Commissioners reached a consensus to schedule a work session. The Commissioners provided specific information they would like staff to address at this work session.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to keep the public record open until December 3, 2024.

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 7:53 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adjourn.

Carol A. DeSoto, Clerk to the Commissioners

Reuben B. Collins, II, Esq., President