

Regular Meeting of County Commissioners
Tuesday March 3, 2020

The regularly scheduled meeting of the County Commissioners was convened at 9:06 a.m. with the following persons in attendance:

Reuben B. Collins II, Esq., President, County Commissioner
Bobby Rucci, Vice President, County Commissioner
Gilbert O. Bowling, III, County Commissioner
Thomasina O. Coates, M.S., County Commissioner
Amanda M. Stewart, M.Ed., County Commissioner
Mark Belton, County Administrator
Wesley Adams, County Attorney
Carol A. DeSoto, Acting Clerk to the Commissioners

Open Session

Commissioner Collins called the meeting to order and led the pledge of allegiance.

Proclamation 2020-07 National Women's History Month

The Commissioners proclaimed March 2020 as National Women's History Month in Charles County. Proclamation 2020-07 was received by Ms. Clarissa Stroud, Chairwoman, Ms. Kaprece James, and Ms. Patricia Stine, Charles County Commission for Women.

Proclamation 2020-08 Good Sportsmanship Month

The Commissioners proclaimed March 2020 as Good Sportsmanship Month in Charles County. Proclamation 2020-08 was received by Ms. Eileen Minnick, Director, Mr. Robert Jones, Recreation Services Administrator, Mr. Tim Drummond, Park Services Supervisor, and Mr. Austin Flowers, Sports Program Supervisor, Department of Recreation, Parks, and Tourism.

Commissioners' Comments

Commissioner Bowling was requesting a consensus to have staff review the accessory use provisions in the Section twenty nine (29) of the County's Zoning Ordinance and broaden the scope of activities that would be allowed in the Watershed Conservation District (WCD), the Rural Conservation (RC) and Agricultural Conservation (AC) Zone through Home Occupation Permit process administered by the Department of Planning and Growth Management.

The Consensus of the Commissioners was that it would be more appropriate to move this discussion to Commissioners New Business portion of the agenda.

Approval of the Minutes of February 11 and February 25, 2020

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the minutes of February 11, 2020.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the minutes of February 25, 2020.

Notice of Tentative Agenda of March 10, 2020

Ms. Carol DeSoto, Acting Clerk, announced the tentative agenda for March 10, 2020.

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Approval Items

Acting Clerk to the Commissioners Resolution

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the Acting Clerk to the Commissioners Resolution 2020-04.

Update: 2020 Maryland General Assembly Legislative Session

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney, provided an update on the following Bills:

1. HB335 *Charles County - Public Safety - Buildings Used for Agritourism* – Withdrawn; SB432 is still active. Ms. Mitchell indicated that the voting record for the House Bill was for the motion to withdraw the Bill. The Charles County Delegation had concerns and Delegate Davis may have amendment to this Bill. It is moving forward on the Senate side with a hearing on March 4, 2020.

The Commissioners agreed to send a letter of support to the Senate recognizing concerns from the Delegation. Commissioner Stewart noted that procedurally it would be most efficient if a draft letter was included in BoardDocs for approval.

2. HB345 *Charles County-Tax Increment Financing and Special Taxing Districts*– Passed in the House and moving to the Senate.
3. HB387 *Tri-County Council for Southern Maryland – Funding* – Passed in the House and moving to the Senate.
4. SB430 *Southern Maryland Code Counties-Collective Bargaining* – Passed in the Senate moving to the House.
5. HB482 *Southern Maryland- Homeowners Association-Commission- Alternative Dispute Resolution Authority*- Passed in the House and moving to the Senate.
6. SB887 *Electric Generation –Transition from Fossil Fuels –Carbon Dioxide Emissions Rate and Transition Account*- Ms. Mitchell explained that Maryland Association of Counties (MACo) has not taken a position on this Bill but will help with the coordination with other counties affected by this bill. She also indicated that Mr. Lanier, Lobbyist, is scheduling a conference call related to this Bill.
7. SB930 *Natural Resources –Resident Canada Geese –Restrictions on Shooting* -There are no new amendments to this Bill and the Charles County Delegation was not consulted about this Bill.

**Break 9:37 a.m.- 9:45 a.m.*

Briefing: Annual State of the College of Southern Maryland (CSM)

Dr. Murphy, President, College of Southern Maryland, presented the annual State of the College report. She discussed national and local trends in higher education and challenges for students in Southern Maryland who are enrolled in higher education courses at the college. Dr. Murphy shared the Aspen Institute's criteria for completion, learning, the labor market, and equity; and specified tactics the college is leveraging to improve student outcomes. Dr. Murphy highlighted system changes over the next three (3) years to redefine student markets, retool the curriculum and enrollment systems, and develop

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employees. She provided assumptions for enrollment, staffing, budget, and the anticipated capital improvement program. Ms. Llana Coloma, Student, College of Southern Maryland, joined the discussion to share her experience and success story of her time at CSM. The briefing concluded with a marketing video featuring Commissioner Coates, an alumnus of CSM.

Briefing: Census 2020 Update

Ms. Amy Blessinger, Planner III, Department of Planning Growth and Management and Mr. Lee Osberry Jr., Partnership Specialist, U.S. Census Bureau, briefed the Commissioners on the plans for the 2020 Census. They informed the Commissioners that Charles County has one hundred percent (100%) met its needed threshold of people to assist with the count, however they will continue hiring until the end of March. They shared information on recruiting, promotion, and upcoming events to encourage participation and ensure everyone is counted. They provided information on how people can complete the census survey and resources that are available to assist in these efforts. Postcards will begin arriving in the mail to residents on March 12, 2020 and on that date, individuals can begin completing the questionnaire online. All households should be notified by mail about the 2020 Census by April 1, 2020 and the county will be doing a coordinated outreach on that day to promote participation.

Briefing: Fiscal Year 2019 Audit and Comprehensive Annual Financial Report (CAFR)

Ms. Jeni Ellin, Director, Mr. William Deatley, Chief of Accounting, Department of Fiscal and Administrative Services and Mr. Remi Omisore, Auditor, briefed the Commissioners on the Fiscal 2019 Audit and Comprehensive Annual Financial Report. Mr. Omisore shared information about the scope and deliverables, required communications, key assumptions, uniform grant audit results, financial results, summary of net changes, and an update on the Governmental Accounting Standards Board's requirements.

Commissioner Collins stated that the results are a testament to how well managed and stable the County is.

**Break 10:49 a.m.- 11:04 a.m.*

Briefing and Request for Approval: Maryland Capital Region Economic Development Joint Statement on Collaboration

Mr. Darrell Brown, Director, and Ms. Marcia Keeth, Deputy Director, Department of Economic Development, briefed the Commissioners on a joint statement on regional cooperation among Maryland capital region economic development organizations. Charles County pursues opportunities to coordinate joint marketing and communication for recruiting targeted industries. Mr. Brown explained that this is not a binding agreement but would be a step toward a more formal memorandum of understanding in the future. He explained that it is the best practice policy among economic development organizations not to pilfer businesses from other jurisdictions.

Commissioner Collins concurred that taking a regional approach is consistent with talks the Board had with Prince George's County and the approach by the Metropolitan Washington Council of Governments (COG).

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Commissioner Bowling raised concerns of this agreement limiting Charles County and requested more data on how we can compete regionally in the Washington area and how this statement would benefit Charles County.

Commissioner Stewart raised similar concerns especially related to expansion of a business from other jurisdictions and referred to concerns with this specific language of the agreement:

"...Further, there is a consensus that with regard to businesses located in other Maryland jurisdictions, we agree to only reactive business development driven by such businesses' clear interest in relocating to our counties.

"...We further state that it is standard practice to include resources and assets located in neighboring jurisdictions in our individual marketing and prospect pursuits efforts."

Ms. Keeth emphasized that the State of Maryland Commerce Department is against the idea of pilfering from other counties in the State. Mr. Brown explained that they would work with a business in another county if they wanted to expand and open a new operation in our county.

A motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with Commissioners Coates, Stewart and Collins, voting in favor to approve the Maryland Capital Region Economic Development Joint Statement on Collaboration. Commissioners Rucci and Bowling were opposed. A roll call on the vote was taken: Commissioner Rucci – no; Commissioner Coates- yes; Commissioner Stewart-yes; Commissioner Bowling-no; and Commissioner Collins-yes. The motion to approve passed three (3) to two (2). **A motion to reconsider and a motion to table was approved for this item found further in these minutes.*

Briefing and Request to Introduce: Zoning Text Amendment #19-155 Watershed Conservation District (WCD) Zone Transitional and Grandfathering Provisions

Mr. Jason Groth, Planning Director, Department of Planning and Growth Management explained that this Zoning Text Amendment would reduce the percentage of lots and associated infrastructure required to allow a project to be exempt from the development constraints imposed by the WCD Zone. It would enable two subdivisions to proceed with development plans that were underway prior to the designation of the WCD.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to introduce newly numbered Bill 2020-03 Watershed Conservation District (WCD) Zone.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to set the Public Hearing for Tuesday April 7, 2020 at 6:00 p.m. in the Charles County Government Building.

**Break 11:42 a.m. - 11:45 a.m.*

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Briefing and Request to Introduce: Zoning Text Amendment # 19-153 Business Park (BP) Zone

Mr. Jason Groth, Planning Director, and Mr. Kirby Blass, Planner III, Department of Planning and Growth Management, explained that this Zoning Text Amendment would allow more flexibility for the number and variety of uses in the zone to ensure that business parks are able to thrive economically.

Commissioner Bowling raised concerns about fast food restaurants that could potentially compete with mobile food trucks. Mr. Groth explained the applicants research showed that it would make the business parks more inclusive to those uses.

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to introduce newly numbered Bill 2020-04 Revisions to the Business Park (BP) Zone Within the Zoning thirteen (13) Ordinance of Charles County, Maryland.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to set the Public Hearing for Tuesday April 7, 2020 at 6:00 p.m. in the Charles County Government Building.

Closed Session

At 11:51 a.m., a motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to move into Closed Session where all or a portion of this session may be closed pursuant to Section 3-305(b)(3)(4)(7)(8)(10) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice on six (6) issues: one (1) related to a potential violation; one (1) potential public security issue related to a business or industrial organization to locate, expand, or remain in the State; two (2) related to agreements; one (1) potential litigation; and (1) potential land acquisition. The reason for closing is to keep legal, approaches and strategies confidential.

Commissioner Stewart requested a short break before going into closed session to confer with the County Attorney.

**Break 11:53 a.m.- 11:55 a.m.*

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to reopen Open Session.

**A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with Commissioners Stewart, Rucci and Bowling, voting in favor to reconsider the approval of Maryland Capital Region Economic Development Joint Statement on Collaboration. Commissioners Coates and Collins were opposed. A roll call on the vote was taken: Commissioner Stewart- yes; Commissioner Bowling-yes; Commissioner Rucci-yes; Commissioner Coates-no; Commissioner Collins-no. The motion to reconsider passed three (3) to two (2).*

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to table the discussion on the Maryland Capital Region

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Economic Development Joint Statement on Collaboration and bring back with more information on the advantages of this agreement for the County, protocols for marketing and how we market the County.

Closed Session

At 12:02 p.m., a motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to move into Closed Session where all or a portion of this session may be closed pursuant to Section 3-305(b)(3)(4)(7)(8)(10) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice on six (6) issues: one (1) related to a potential violation; one (1) potential public security issue related to a business or industrial organization to locate, expand, or remain in the State; two (2) related to agreements; one (1) potential litigation; and (1) potential land acquisition. The reason for closing is to keep legal, approaches and strategies confidential.

Summary Closed Session Items

At 12:14 p.m. the Commissioners went into closed session.

3-305(b)(10)(4)(7) Legal Advice: Potential Public Security Issue of Potential Business to Locate in County

Present: Commissioners Collins, Rucci, Bowling, Coates and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Darrell Brown, Marcia Keith and John Bohanan, Pam Frank, Sue Greer, Becky D'Ambrosio, and Brandon Paulin.

Mr. John Bohanan, Cornerstone Government Affairs, updated the Commissioners on the issue of a potential public security issue related to a potential business locating in Charles County.

The Commissioners provided directions and requested another update.

3-305(b)(3)(7): Legal Advice: Potential Land Acquisition

Present: Commissioners Collins, Rucci, Bowling, Coates and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Jenifer Ellin, John Stephens, Terri Kahouk, and Kenneth Wayne Thompson.

Ms. Deborah Hall, Deputy County Administrator, reviewed potential land acquisition sites.

The Commissioners provided staff with directions on how to proceed.

3-305(b)(7) Legal Advice: Agreement Violation

Present: Commissioners Collins, Rucci, Bowling, Coates and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, and Jessica Andritz.

The Commissioners discussed with staff the legal issues related to a contract and property use.

There was a consensus from the Commissioners on how staff should proceed.

3-305(b)(7) Legal Advice: Agreement

Present: Commissioners Collins, Rucci, Bowling, Coates and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Danielle Mitchell.

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney reviewed a potential agreement.

Mr. Ivan Lanier, Greenwill Consulting Group, joined the session and provided the Commissioners additional information on the agreement.

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A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve specific actions related to the agreement.

3-305(b)(3)(7)(8):Legal Advice: Potential Litigation

To be rescheduled.

3-305(b)(7): Legal Advice: Agreement

To be rescheduled.

At 3:03 p.m. a motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to end close session.

The Commissioners returned to open session at 3:11 p.m. **Commissioner Stewart was not present.*

Briefing: Strategic Planning Grant for Substance Abuse Prevention

Dr. Marquitta Duvernay, Dr. Warren Leggett, and Mr. Mark Lassiter, Charles County Community Resource Center (CCCRC) explained how their organization collaborates and partners with local governments and community-based organizations to provide increase equity and access to behavioral health services. The CCCRC team maintains extensive experience in governmental and non-profit level programming and financial and grant management. Their review included staff qualifications, organizational goals and details on grants such as the Strategic Planning Grant for Substance Abuse Prevention and spoke on the potential services they could provide the County as a partner.

Commissioner Collins expressed the need to continue this discussion and connection with the CCCRC. He explained that a more formal request would be appropriate to elicit some type of partnership with the County. He wanted the County Attorney's staff to continue these discussions.

Commissioners' New Business

Commissioner Bowling proposed his earlier request during Commissioners' Comments to have staff review the accessory use provisions in the Section twenty nine (29) of the County's Zoning Ordinance and broaden the scope of activities that would be allowed in the Watershed Conservation District (WCD), the Rural Conservation (RC) and Agricultural Conservation (AC) Zone though Home Occupation Permit process administered by the Department of Planning and Growth Management.

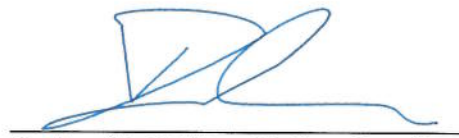
The consensus of the Commissioners present was to move forward as requested.

At 3:52 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Rucci, and Collins present, voting in favor to adjourn.

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



Carol A. DeSoto, Acting Clerk



Reuben B. Collins, II, Esq., President

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FORM OF STATEMENT FOR CLOSING A MEETING

Location: Commissioners' Meeting Room

Date: March 3, 2020

Time: 12:02 p.m.

Motion By: Commissioner Bowling

Seconded By: Commissioner Coates

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Reuben B. Collins, II, Esq.	[X]	[]	[]	[]
Gilbert O. Bowling, III.	[X]	[]	[]	[]
Thomasina O. Coates, M.S.	[X]	[]	[]	[]
Amanda Stewart, M.Ed.	[X]	[]	[]	[]
Bobby Rucci	[X]	[]	[]	[]

STATUTORY AUTHORITY TO CLOSE SESSION

General Provisions Article §3--305(b):

(1) [] To discuss:

(i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or

[] (ii) Any other personnel matter that affects one or more specific individuals.

(2) [] To protect the privacy or reputation of individuals with respect to a matter that is not related to public business.

(3) [X] To consider the acquisition of real property for a public purpose and matters directly related thereto.

(4) [X] To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State.

(5) [] To consider the investment of public funds.

(6) [] To consider the marketing of public securities.

(7) [X] To consult with counsel to obtain legal advice on a legal matter.

(8) [X] To consult with staff, consultants, or other individuals about pending or potential litigation.

(9) [] To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

(10) [X] To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:

(i) the deployment of fire and police services and staff; and

(ii) the development and implementation of emergency plans.

FORM OF STATEMENT FOR CLOSING A MEETING

Appendix C C-2

(11) [] To prepare, administer or grade a scholastic, licensing, or qualifying examination.

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(12) [] To conduct or discuss an investigative proceeding on actual or possible criminal conduct.

(13) [] To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

(14) [] Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

TOPICS TO BE DISCUSSED:


3-305 (b)(4)(7)(10) Legal Advice: Potential Security Issue related to business to locate, expand or remain
REASON FOR CLOSING: To keep legal approaches confidential

3-305 (b)(3)(7) Legal Advice: Potential Land Acquisition
REASON FOR CLOSING: To keep legal approaches confidential

3-305 (b)(7) Legal Advice: Potential Violation
REASON FOR CLOSING: To keep legal approaches confidential

3-305 (b)(7) Legal Advice: Two (2) Contract Agreement
REASON FOR CLOSING: To keep legal approaches confidential

3-305 (b)(7) Legal Advice: Potential Litigation
REASON FOR CLOSING: To keep legal approaches confidential



Reuben B. Collins, II, Esq., President