

Regular Meeting of County Commissioners
Tuesday May 19, 2020

The regularly scheduled meeting of the County Commissioners was convened virtually at 9:05 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, Clerk to the Commissioners

Announcement of Charles County Board of County Commissioners' Issued Proclamations for May: 2020-17 Emergency Medical Services Week; 2020-18 Emergency Medical Services for Children Day; and 2020-19 National Mental Health Awareness Month.

Call to Order/Pledge

Commissioner Collins called the meeting to order, and Commissioner Stewart led the Pledge of Allegiance.

Roll Call

A roll call was taken. All Commissioners were present.

Charles County Health Department Update: Coronavirus/CoVid-19

Dr. Howard Haft, Executive Director, Maryland Primary Care Program, Maryland Department of Health, and Ms. Michelle Lilly, Director, Department of Emergency Services provided an update on COVID-19. Dr. Haft discussed the progress in testing all residents and staff at skilled nursing facilities and reported that they will be finished by the end of May. He explained that testing at the Vehicle Emissions Inspection Program (VEIP) station has increased to taking one hundred and thirty-five (135) appointments per day. He clarified that more testing does not indicate more virus.

Ms. Lilly reported that calls for service and persons under investigation for COVID-19 remains flat and is declining. She also stated that the County is providing information to small businesses on where to purchase sanitizer and personal protective equipment (PPE) as they prepare to reopen.

Comments

Commissioner Bowling informed the Commissioners that County staff is looking into potential sites for a COVID-19 Memorial.

Approval of the Minutes May 12, 2020

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the minutes of May 12, 2020.

Announcement: Next Commissioner Session will be held June 2, 2020

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next scheduled session was on June 2, 2020.

Regular Meeting of County Commissioners
Tuesday May 19, 2020

Approval Items

FY2020 Budget Transfer Request 7790 Sludge Overage

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, and Mr. Bill Shreve, Director, Department of Public Works, explained that this request was to cover the cost of monthly equipment rental and power generator for temporary centrifuges which is in the process of being replaced.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Transfer Request 7790 Sludge Overage for six hundred thousand dollars (\$600,000.00).

FY2020 Budget Amendment Increase 7792 Overage DS Plan

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this request was to cover plan review and inspections performed and completed by contractors. Funds allocated for FY2020 were funds collected in FY2019 when the application was made so that invoices can be paid.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Amendment Increase 7792 Overage DS Plan for two hundred and two thousand dollars (\$202,000.00).

FY2020 Budget Transfer Request 7795 Bryans Road Senior/Recreational Study

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this request is to provide funding for a feasibility study to determine the best fit and location for a potential Bryans Road Senior and Recreational Center.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Transfer Request 7795 Bryans Road Senior/Recreational Study for fifty thousand dollars (\$50,000.00).

FY2020 Budget Amendment Increase 7801 Broadband Match

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this request is to fund the County's share of the Maryland Broadband Infrastructure Grant that will provide broadband to certain areas in Nanjemoy and Cobb Neck.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Amendment Increase 7801 Broadband Match for two million five hundred and ninety eight thousand eight hundred dollars (\$2,598,800.00).

Proposed Resolution to Extend State of Emergency

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve Resolution 2020-13 Renewed Declaration of a Local State of Emergency.

Regular Meeting of County Commissioners

Tuesday May 19, 2020

Draft Letter of Support - FY2021 Management Grant- Southern Maryland Heritage Area Consortium (SMHAC).

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the letter of support for the FY2021 Management Grant- Southern Maryland Heritage Area Consortium.

Partnership Intermediary Agreement (PIA) - Naval Surface Warfare Center Indian Head Explosive Ordnance Technology Division (NSWC IHEODTD).

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present voting in favor to approve the Partnership Intermediary Agreement (PIA) - Naval Surface Warfare Center Indian Head Explosive Ordnance Technology Division.

Briefing: Proposed Property Tax Credit for Volunteer Fire and Rescue

Commissioner Bowling explained that this request is to offer a property and income tax rate credit for volunteer firefighters and emergency medical technicians. Charles County has been authorized to enact this type of legislation through state legislation that was approved earlier this year. They discussed the timing and cost of the initiative, and it will be brought back to the Board for further consideration later this year.

**Break 9:56 a.m. – 10:15 a.m.*

Set the Fiscal Year 2021 Property and Income Tax Rate

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to set the Fiscal Year 2021 real property tax rate at the current rate of one point one four dollars (\$1.14) per one hundred dollars (\$100.00) of assessed value; and to set the personal property tax rate for all railroad personal and 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.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling 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 (6.4) 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 (16) cents per one hundred dollars (\$100.00) of assessed value.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to set the Fiscal Year 2021 La Plata Town Tax Differential Rate at thirteen point nine (13.9) cents per one hundred dollars (\$100.00) of assessable base and the Indian Head Town Tax Differential Rate at three point nine (3.9) cents per one hundred dollars (\$100.00) of assessed value.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci 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 zero-point four five percent (0.45%).

Regular Meeting of County Commissioners
Tuesday May 19, 2020

A motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to set the 2021 Income Tax rate at the current rate of three-point zero three percent (3.03%).

Budget Work Session: Follow-Up FY2021 General Fund, and FY2021-FY2025 Governmental Capital Improvement Programs (CIP)

Ms. Carol DeSoto, Clerk to the Commissioners, announced the comments received from the public hearing on the budget on May 5, 2020. There were four hundred and seventy-one (471) comments submitted related to the Board of Education Budget; four (4) comments related to the Department of Emergency Services budget; one (1) comment related to the tax rate; and nine (9) comments related to the Charitable Trust Budget.

Ms. Carol DeSoto, Clerk to the Commissioners, explained that during the budget work session held on May 12, 2020, Commissioner Collins explained that the Board would review each Commissioner's proposal with the understanding that if any Commissioner proposal had a two (2) to two (2) vote, it could be brought back next week when Commissioner Rucci could weigh in on it.

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Service provided a recap of the proposed budget. They reviewed Commissioner Stewart's motion which was seconded by Commissioner Bowling to delete funding for the Chief Equity Officer and add funding the State's Attorney's Diversion Program Attorney and add operating costs for the Charitable Trust. This motion had a two (2) to two (2) vote on May 12, 2020. Ms. Wes Adams, County Attorney, explained that this vote was still considered open for a final vote based on the parameters set by Commissioner Collins during the budget work session on May 12, 2020.

Commissioner Stewart removed her motion and Commissioner Bowling removed his second on approving Commissioner's Stewart add/delete proposal to the budget. The motion died.

Ms. Ellin and Mr. Dyer concluded this work session explaining that they would prepare the final budget documents for the Commissioners approval later this day.

Briefing and Request for Approval: Moratorium on the Enforcement of Zoning Ordinance Entitled "Change of Use"

Ms. Deborah Carpenter, Director, and Ms. Jessica Andritz, Acting Deputy Director, Department of Planning and Growth Management (PGM) explained the request to temporarily suspend the enforcement of a provision within the Zoning Ordinance that, as applied in conjunction with another provision with the Zoning Ordinance, would require a site plan for changes in occupancy. This conflicts with the expedited process currently used by PGM to issue a new Certificate of Use & Occupancy when no substantial change to the use will result.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve Resolution 2020-14 The Suspension of Zoning Ordinance §297-37 Entitled "Change In Use."

Commissioners' New Business

Commissioner Coates, requested consensus to direct Planning and Growth Management (PGM) staff to

Regular Meeting of County Commissioners
Tuesday May 19, 2020

provide a briefing on a proposed Comprehensive Plan Amendment to facilitate the potential inclusion of the Billingsley Road Realignment Project.

There was a consensus of the Commissioners to proceed as requested.

**Break 10:41 a.m. – 11:30 a.m.*

Adoption: Fiscal Year 2021 Operating and Capital Budgets

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adopt Ordinance 2020-09 for the Fiscal Year 2021 General Fund Operating Budget in the amount of four hundred thirty-three million four hundred forty-one thousand two hundred dollars (\$433,441,200.00); and to approve the Fiscal Year 2021 new position list for General Fund operations which includes adding to the authorized strength of the Sheriff's Office, two (2) new School Resource Officer positions contingent upon grant funding, and additional positions throughout County Government operations.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adopt Resolution 2020-10 for the Fiscal Year 2021 Capital Budget in the amount of one hundred thirty one million eight hundred forty eight thousand dollars (\$131,848,000.00); and the Fiscal Year 2021-2025 Capital Improvement Program in the amount of six hundred fifty-six million four hundred fifty-nine thousand dollars (\$656,459,000.00); 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 Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2021 Inspection & Review Enterprise Fund - Operating Budget in the amount of four million nine hundred twenty-one thousand five hundred dollars (\$4,921,500.00).

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2021 Recreation Enterprise Fund - Operating Budget in the amount of two million four hundred thirty-nine thousand six hundred dollars (\$2,439,600.00).

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2021 Landfill Enterprise Fund - Operating Budget in the amount of ten million two hundred thirty-two thousand one hundred dollars (\$10,232,100.00); and as proposed to increase the tipping fee to seventy-eight dollars (\$78) per ton.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adopt Ordinance 2020-11 for the Fiscal Year 2021 Water and Sewer - Operating Budget in the amount of forty-one million eight hundred thousand dollars (\$41,800,000.00); and to increase the associated water and sewer user fee rates as proposed by approximately six point four percent (6.4%) on the average water and sewer bill to fund the budget.

Regular Meeting of County Commissioners
Tuesday May 19, 2020

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to adopt Ordinance 2020-12 for the Fiscal Year 2021 Environmental Service Fee Enterprise Fund Operating Budget in the amount of seven million four hundred sixty-seven thousand five hundred dollars (\$7,467,500.00); and to increase the Environmental Service Fee to one hundred and twenty four dollars (\$124.00) per improved property tax account for properties outside the municipal limits of La Plata and Indian Head and; to maintain the fee for properties located within La Plata and Indian Head as proposed at nineteen dollars (\$19) per improved property tax account.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2021 Watershed Protection and Restoration Enterprise Fund Operating Budget in the amount of five million five hundred seventy-nine thousand one hundred dollars (\$5,579,100.00); and as proposed to increase the Stormwater Remediation Fee from seventy eight dollars (\$78.00) to ninety two dollars (\$92.00) 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 Bowling and passed, with all Commissioners present, voting in favor to adopt the proposed Fiscal Year 2021 Fees and Charges for County government services.

Closed Session

At 11:39 a.m., motion was made by Commissioner Stewart, seconded by Commissioner Bowling 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)(4)(7) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice on four (4) issues. Three (3) issues are related to potential contract/agreements; and one (1) issue is related to the proposal for a business or industrial organization to locate, expand, or remain in the State. The reason for going into closed is to keep legal approaches and strategies confidential.

Summary Closed Session Items

At 11:48 a.m. the Commissioners went into virtual closed session.

3-305(b)(7) Legal: Proposed Contract

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Steve Proctor, Joseph Green, Trey Proctor, Sherrie Simms, Robert Glidewell, and Leah Herring.

Mr. Steve Proctor, President, G.S. Proctor & Associates, reviewed the proposed services and background on his company.

3-305(b)(7) Legal: Proposed Contract

The organization requested that this discussion be rescheduled.

3-305(b)(4)(7) Consider Proposal for a Business or Industrial Organization to Locate, Expand, or Remain in the State

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Darrell Brown, Taylor Yewell, and Marcia Keeth.

Regular Meeting of County Commissioners
Tuesday May 19, 2020

Staff provided information on potential companies considering opening businesses in Charles County.

3-305(b)(7) Legal: Contract

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Dina Barclay, Wes Adams, Bill DeAtley, Jenifer Ellin, Shanna Reese, Rita Wood, and Deborah Hall

Staff reviewed a current contract up for renewal and proposed options.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with Commissioners Coates, Rucci, Bowling and Collins present, voting in favor to go with Option One A (1A) with Option three (3) as a backup. Commissioner Stewart was opposed. A roll call of the vote was taken with Commissioner Coates-yes; Commissioner Stewart-no; Commissioner Bowling-yes; Commissioner Rucci-yes; Commissioner Collins-yes. The motion passed four (4) to one (1).

Staff was directed to present these options to the vendor and receive their answer by June 2, 2020.

Administrative

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

Ms. DeSoto, Clerk to the Commissioners, shared proposed ideas on how Employee Recognition can be presented.

At 1:29 p.m. a motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to close Closed Session.

**Break 1:29 p.m. – 6:02 p.m.*

Public Hearing: Proposed Bill 2020-04 Zoning Text Amendment # 19-153 Business Park (BP) Zone

The Commissioners conducted a virtual public hearing on proposed Bill 2020-04 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, presented an overview of the proposal. They explained that this amendment would enhance the business park zoning district and make it more flexible. Ms. Sue Greer, Attorney, The Greer Law Firm, Mr. Nicolas Aragon and Ms. Stacy Hornstein, Republic Land Development reviewed a Power Point presentation on the application that was submitted by Republic Land Development requesting this amendment. Seven (7) speakers called in to provide comments to the Commissioners.

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to keep the public record open until May 29, 2020.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to close this public hearing.

Regular Meeting of County Commissioners
Tuesday May 19, 2020

Public Hearing: Proposed Bill 2020-03 Zoning Text Amendment #19-155 Watershed Conservation District Zone Transitional and Grandfathering Provisions

The Commissioners conducted a virtual public hearing on proposed Bill 2020-03 Zoning Text Amendment #19-155 Watershed Conservation District Zone Transitional and Grandfathering Provisions. Mr. Jason Groth, Deputy Director, Department of Planning and Growth Management, explained that this was a minor zoning text amendment for the purpose to correct the unintended consequence of this zoning. Eleven (11) speakers called in to provide comments to the Commissioners.


A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to keep the public record open until May 29, 2020.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to close this public hearing.

At 7:16 p.m. a motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present voting in favor to adjourn.



Carol A. DeSoto, Acting Clerk



Reuben B. Collins, II, Esq., President

Regular Meeting of County Commissioners
Tuesday May 19, 2020

FORM OF STATEMENT FOR CLOSING A MEETING

Location: Commissioners' Meeting Room *Virtual* Date: May 19, 2020

Time: 11:39 a.m.

Motion By: Commissioner Stewart Seconded By: Commissioner Bowling

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) To consider the acquisition of real property for a public purpose and matters directly related thereto.
- (4) 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) To consult with counsel to obtain legal advice on a legal matter.
- (8) 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) 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

Regular Meeting of County Commissioners
Tuesday May 19, 2020

- (11) [] To prepare, administer or grade a scholastic, licensing, or qualifying examination.
- (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)(7) Legal Advice: Three (3) Contract/Agreements

REASON FOR CLOSING: To keep legal approaches confidential

3-305(b)(4)(7) Legal Advice: One (1) Proposal for a Business/Industrial Organization to Locate, Expand, or Remain in the State

REASON FOR CLOSING: To keep legal approaches confidential



Reuben B. Collins, II, Esq., President