

Regular Meeting of County Commissioners
Tuesday October 20, 2020 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened virtually at 9:01 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

***Bond Sale: Consolidated Public Improvement Bonds of 2020 (Electronic Bids Via PARITY®)**

Call to Order/Pledge

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

Announcement of Additional Charles County Board of County Commissioners' Issued Proclamations for October 2020

Ms. Carol Desoto, Clerk to the Commissioners, read the list of additional proclamations that the Commissioners issued for October. They were: 2020-32 White Cane Awareness Day and 2020-33 Economic Development Week.

Roll Call

A roll call was taken. All Commissioners were present.

Comments

There were no comments.

Charles County Health Department Update: Coronavirus/COVid-19

Dr. Dianna Abney, Health Officer, Charles County Department of Health; Ms. Michelle Lilly, Director, Department of Emergency Services provided an update on COVID-19 statistics. Ms. Lilly reviewed the weekly statistics and noted the decline of the positivity rate and overall statistics. She also noted that the County's COVID positive number of two-point eight four percent (2.84%) was lower than the States COVID positive number of three-point zero nine percent (3.09%). Dr. Abney reviewed COVID Testing and the need to adhere with social distancing, wearing masks, washing hands, and not gathering in large groups. Dr. Abney stated that Contact Tracing is still occurring and encouraged anyone who test positive be forthcoming with the information requested and the people you have been in contact with. She stated that the Department of Health is following the Centers for Disease Control (CDC) and Prevention guidance during the holiday season, including wearing masks, avoiding high-risk activities and large crowds, and practicing social distancing.

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Bi-Annual Update: Charles County Health Department

Dr. Dianna Abney, Health Officer, Charles County Department of Health, provided a bi-annual update, which included performance metrics, specific program achievements, new grants and initiatives, and their Strategic Plan. She reviewed Charles County Mortality Rates, Obesity Percentages, COVID-19 Case Data, CARES Act Revenue Overview, Nursing and Emergency Response, Chronic Disease Prevention and Management Programs, Mobile Integrated Health Program, Environmental Health Program, Behavioral Health Services and the Community Health Needs Assessment.

Closed Session

At 9:30 a.m., motion was made by Commissioner Rucci, seconded by Commissioner Bowling 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)(3)(7) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice and options on four (4) issues; one (1) related to a negotiation; two (2) related to an agreement and accountability; and one (1) potential land acquisition. The reason for going into closed is to keep legal approaches and strategies confidential.

Summary Closed Session Items

At 9:38 a.m. the Commissioners went into virtual closed session.

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

Present: Commissioners Collins, Rucci, Bowling, Coates and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Alexis Blackwell, Jacob Dyer, Megan Donnck, and Eric Paltell.

Ms. Deborah Hall, Deputy County Administrator, and Mr. Eric Paltell, Outside Counsel provided an update on negotiations.

3-305 (b)(7) Legal Advice: One (1) on an Agreement and One (1) on Accountability

Present: Commissioners Collins, Rucci, Bowling, Coates and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Alexis Blackwell, Jacob Dyer, Megan Donnck, and Eric Paltell.

Mr. Wes Adams, County Attorney, and Mr. Eric Paltell reviewed and provided recommendations and options for the issues related to an agreement and the reporting accountability.

The consensus of the Commissioners was to add a response letter in open session.

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

Present: Commissioners Collins, Rucci, Bowling, Coates and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Frances Sherman, Elizabeth Theobalds, Bill Shreve, Diane Shelton and Jacob Dyer.

Ms. Frances Sherman, Chief of Environmental Resources, Department of Public Works, reviewed a potential land acquisition.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with Commissioners Rucci, Coates, Bowling and Collins present, voting in favor to direct staff with specific parameters for the negotiations. Commissioner Stewart was opposed. A roll call of the vote was taken: Commissioner Rucci-yes; Commissioner Coates-yes; Commissioner Bowling-yes; Commissioner Stewart-no; Commissioner Collins-yes. The motion passed four (4) to one (1).

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At 11:52 a.m., a motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to end Closed Session.

At 1:33 p.m. the Commissioners returned to virtual open session

Roll Call

A roll call was taken. All Commissioners were present.

Approval of the Minutes of October 6, 2020

A motion was made Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the minutes of October 6, 2020.

Announcement: Next Commissioner Session will be held October 27, 2020

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next scheduled session is on October 27, 2020.

Update: Transition Plan Past Due Water and Sewer Bill

Ms. Jenifer Ellin, Director; and Mr. William Deatley, Chief of Accounting, Department of Fiscal and Administrative Services provided an update on the transition period for past due water and sewer payments. Charles County will provide a transition period that allows water and sewer customers more time to make payment arrangements or develop a payment plan to prevent services from being terminated.

The consensus of the Commissioners was to give sixty (60) days advance notice of final termination.

Approval Items

FY2021 Budget Transfer Request #8254 Elite Gym

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2021 Budget Transfer Request #8254 for forty-two thousand dollars (\$42,000.00).

Resolution 2020-28 Clerk

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve Resolution 2020-28 Clerk to the Commissioners.

Southern Maryland Tri-County Community Action Committee, Inc (SMTCCAC) Rental Assistance Program

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with Commissioners Coates, Bowling, Stewart and Rucci present, voting in favor to approve funding the Southern Maryland Tri-County Community Action Committee, Inc, Rental Assistance Program as

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presented for five hundred thousand dollars (\$500,000.00). *Commissioner Collins recused himself from the discussion and the vote.*

**Break 1:53 p.m. – 2:00 p.m.*

Roll Call

A roll call was taken. All Commissioners were present.

Bond Award

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services; Ms. Cheryl O'Donnell Guth, Counsel, McGuire Woods LLP; and Mr. Joseph Mason and Ms. Jennifer Dierksen, Davenport reviewed the bids for the Consolidated Public Improvement Bonds of 2020 for both Tax-Exempt and Taxable Bonds. Wells Fargo Bank was awarded the bid for the tax-exempt bonds and Robert W. Baird and Co., Inc. was awarded the bid for the taxable bonds. The refunding bonds saved the County two point two (\$2.2) million dollars after the life of bonds.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve Resolution 2020-29 Tax Exempt Bond Award as presented.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve Resolution 2020-30 Taxable Bond Award as presented.

Follow Up Work Session: Comprehensive Water and Sewer Plan Amendments 2019 Fall Cycle

Mr. Jason Groth, Deputy Director, Mr. James Campbell, Director of Planning and Mr. Alex Waltz, Planner II, Department of Planning and Growth Management, reviewed the public comments related to the amendment application for the Parklands neighborhood in St. Charles since the September 29, 2020 public hearing.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the application for the amendment to the Charles County Comprehensive Water and Sewer Plan for the requested water and sewer category change for the Parklands Neighborhood of St. Charles.

Update and Request for Approval: Bryans Road-Indian Head Sub Area Plan

Mr. James Campbell, Planning Director, Mr. Charles Rice, Assistant Chief of Planning, and Ms. Cathy Thompson, Program Manager, Department of Planning and Growth Management, outlined the proposed plan and steps needed for the Bryans Road-Indian Head Sub Area Plan.

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A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve staff's request to initiate the process to update the Bryans Road-Indian head Sub-Area Plan.

Briefing and Request for Approval: Charles County Nuisance and Urban Flooding Plan

Ms. Michelle Lilly, Director, Department of Emergency Management, reviewed the Charles County Nuisance and Urban Flooding Plan. She explained nuisance and urban flooding, and why planning was needed as well as the goals of the plan.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the Charles County Nuisance and Urban Flooding Plan as an addendum to the Charles County Hazard Mitigation Plan of 2018.

**Break 2:33 p.m. – 2:39 p.m.*

Briefing: Local Management Board Functions

Ms. Laura Gustafson, Local Management Board Coordinator, Department of Community Services and Dr. Tanisha Sanders, Local Management Board, reviewed the Board's functions and the various programs as the Charles County Advocacy Council for Children, Youth, and Families. They further outlined the membership of this board as well as the many committees that they serve on. Over twenty-one thousand nine hundred and sixty-eight (21,968) families have been served.

**Break 2:48 p.m.- 3:29 p.m.*

Discussion: Charles County Sheriff's Office Essential Duty Pay

Lt. Col. David Saunders and Ms. Erin Shoemaker, Deputy Director of Budgeting, Charles County Sheriff's Office, discussed their essential duty pay for their police officers, correctional officers, and front-facing civilian employees. The Sheriff's Office requested to transfer three hundred forty-one thousand dollars (\$341,000) which would allow the Sheriff's payroll office to properly input hours into the payroll system for COVID-19 shift response pay from September 12, 2020 through October 9, 2020.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the request to correct the accounting code.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Coates, and Collins present, voting in favor postpone/table the funding request to provide additional incentive pay of three dollars and thirteen cents (\$3.13) for each hour worked to qualifying personnel from October 24, 2020 through December 31, 2020.

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Commissioner Stewart was opposed. A roll call of the vote was taken: Commissioner Rucci-yes; Commissioner Bowling-yes; Commissioner Stewart-no; Commissioner Coates-yes; Commissioner Collins-yes. The motion passed four (4) to one (1).

Commissioner Bowling also requested that staff bring back potential cost for all Charles County frontline personnel.

Discussion: Body Worn Camera Program

Sheriff Troy Berry, Charles County Sheriff's Office; Mr. Anthony Covington, States Attorney, Charles County States Attorney's Office; Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, joined the Commissioners to discuss the costs and impact of a Body Worn Camera Program.

Commissioner Collins expressed the need for the Criminal Justice Coordinating Council to bring a full package proposal before the Commissioners which will include all aspects/programs needed for Criminal Justice Reform.

Update: Board of Election Process

Ms. Tracy Dickerson, Election Director; Ms. Katie O'Malley-Simpson, Chair, and other members of the Board of Supervisors for the Board of Election, provided an update on the 2020 Election. They provided an overview of mailed out ballots, registered voters, drop box locations, deadlines, early voting center and voting center locations and times as well as the link for viewing the virtual count of ballots.

Commissioners' New Business

Commissioner Collins informed the Commissioners that the Charles County Delegation was holding a virtual public hearing to listen to proposed Bond Initiatives on Monday October 26, 2020. He also mentioned that on the Commissioners' October 27, 2020 agenda, there will be an opportunity for the Commissioners to present any Bond Initiative proposals for discussion and with Board approval they will be submitted to the Charles County State Delegation for consideration for 2021.

**Break 5:02 p.m. – 6:00 p.m.*

Roll Call

A roll call was taken. All Commissioners were present.

Public Hearing: Bill 2020-06 School Seat Allocation Policy

The Commissioners conducted a virtual public hearing on the Bill 2020-06 School Seat Allocation Policy. Ms. Deborah Carpenter Director; Mr. Jason Groth, Deputy Director, and Mr. Ben Yeckley,

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Planner III, Department of Planning and Growth Management, reviewed the draft school allocation policy amendments.

There were twenty-one (21) people who provided public comments.

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 November 20, 2020.

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

At 7:29 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to adjourn.



Carol A. DeSoto, Clerk to the Commissioners



Reuben B. Collins, II, Esq., President

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FORM OF STATEMENT FOR CLOSING A MEETING

Location: Virtual Date: October 20, 2020

Time: 9:30 a.m.

Motion By: Commissioner Rucci 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.

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(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: Negotiations

REASON FOR CLOSING: To keep legal approaches confidential

3-305 (b)(7) Legal Advice: Two (2) Issues- One (1) On an Agreement and One (1) on Accountability

REASON FOR CLOSING: To keep legal approaches confidential

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



Reuben B. Collins, II, Esq., President