

Regular Meeting of County Commissioners
Tuesday October 27, 2020

The regularly scheduled meeting of the County Commissioners was convened virtually at 10:05 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
Mark Belton, County Administrator
Wesley Adams, County Attorney
Carol A. DeSoto, Clerk to the Commissioners

**Amanda M. Stewart, M.Ed., County Commissioner was absent*

Call to Order/Pledge

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

Announcement of Charles County Board of County Commissioners' Issued Proclamations for November 2020

Ms. Carol DeSoto, Clerk to the Commissioners, read the list of proclamations that the Commissioners issued for November. They were: 2020-34 Native American Heritage Month and 2020-35 Veterans' Day.

Roll Call

A roll call was taken. Commissioners Coates, Rucci and Collins were present. **Commissioners Bowling and Stewart were not present.*

Comments

There were no comments.

Approval of the Minutes of October 20, 2020

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with Commissioners Rucci, Coates and Collins present, voting in favor to approve the minutes of October 20, 2020. **Commissioners Bowling and Stewart were absent.*

**Commissioner Bowling joined session at 10:10 a.m.*

Announcement: Next Commissioner Session will be held November 17, 2020

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next scheduled session is on November 17, 2020.

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 positivity percentage at two-point seven five percent (2.75%) and the increase in the

Regular Meeting of County Commissioners
Tuesday October 27, 2020

COVID negative testing results. Dr. Abney reviewed COVID Testing and indicated that the County was just below the State average and doing well. She, however, stressed 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 about 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. Dr. Abney shared ideas of some low-risk activities for the holidays. She also emphasized the need to get the flu vaccine and that the Health department is holding weekly clinics through November 4, 2020 to get the flu shot.

Update: Charles County Health Department CARES Act Funding

Dr. Dianna Abney, Health Officer, Charles County Department of Health, provided a budget summary update on their CARES Act Funding, which totals more than fourteen (14) million dollars. She highlighted Nursing Facilities and Nursing Facilities Outdoor Visitation areas that are set up with tents and heaters. She reviewed the funding that went for grants to nonprofits, faith-based organizations and small businesses for personal protective equipment (PPE). She also indicated that two hundred and fifty thousand dollars (\$250,000.00) went to private schools, daycare centers and mentoring programs.

Update: Charles County Government CARES Act Funding

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, provided an update on the County's CARES Act Funding, which totals more fourteen (14) million dollars. The purpose of CARES Act funding is to respond and mitigate the impact of COVID-19 and to help stimulate our economy. Ms. Ellin stated that these numbers are always being updated and that the State is looking at potentially extending beyond the December 31, 2020 deadline to use these funds.

The Commissioners discussed potential challenges and stipulations of potentially using funding to assist with operational costs for nonprofits.

The Commissioners directed staff to bring back recommendations on November 17, 2020 on options related to nonprofits, such as the parameters used by the Charitable Trust to distribute monies, and how much was requested by nonprofits and get feedback for future approaches.

The Commissioners also requested the Department of Economic Development provide an update on the additional one million dollars (\$1,000,000.00) the Governor allocated to assist restaurants.

Approval Items

FY2021 Budget Amendment Increase #8265 FY2021 Leave Sell Back

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Coates and Collins present, voting in favor to approve FY2021 Budget Amendment Increase #8265 for seven hundred and seventy thousand dollars (\$770,000.00).

**Commissioner Stewart was absent.*

Regular Meeting of County Commissioners
Tuesday October 27, 2020

FY2021 Budget Transfer Request #8267 Purchase Development Rights (PDR)

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Rucci, Bowling, Coates and Collins present, voting in favor to approve FY2021 Budget Transfer Request #8267 for nine hundred and sixty-five thousand two hundred and seventy dollars (\$965,270.00). **Commissioner Stewart was absent.*

Letter of Support: Board of Education Interagency Committee (IAC) School Construction for FY2022

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 approve the letter of support for the Board of Education Interagency Committee for school construction as presented. **Commissioner Stewart was absent.*

Waiver for the Rider Fee on VanGo on Election Day

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, and Collins present, voting in favor to approve the waiver for the rider fee on VanGo on Election Day. Commissioner Coates recused herself from the vote since she is a member of the Democratic Central Committee. **Commissioner Stewart was absent.*

2021 Commissioners' Meeting Schedule

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Coates, and Collins present, voting in favor to approve the 2021 Commissioners' Meeting Schedule. **Commissioner Stewart was absent.*

Update: Charles County Diversity and Inclusion Task Force and the Racial Equity Statement Work Group

Ms. Deborah Hall, Deputy County Administrator and Ms. Renesha Miles, Community Engagement Coordinator, Office of County Administrator, provided an update on the Charles County Diversity and Inclusion Task Force. The Task Force was formed in June and is composed of employees from every County department who volunteered to work on developing a Racial Equity Statement for Charles County Government. The proposed statement is "Charles County fosters a welcoming, inclusive, and empowered work culture based on unbiased, just and equitable treatment for all. We commit to being accountable for creating opportunities to grow and strengthen our community. We embrace the power of diversity."

Commissioners provided feedback on the statement and the group will work with the Chief Equity Officer to implement next steps.

Regular Meeting of County Commissioners
Tuesday October 27, 2020

Closed Session

At 11:30 a.m., Commissioner Rucci made a motion, seconded by Commissioner Bowling and passed, with Commissioners Rucci, Bowling, Coates and Collins present, to move into Close Session where all or a portion of this session may be closed pursuant to Section 3-305(b)(1)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss Commissioner Committee Assignments for 2021 and to discuss appointments for two (2) Commissioner appointed Boards, the Nuisance Abatement Hearing Board and the Homeowners Association Dispute Review Board. The reason for going into closed is to keep legal approaches and strategies confidential and to keep personnel information confidential. **Commissioner Stewart was absent.*

Summary Closed Session Items

At 11:37 a.m. the Commissioners went into virtual closed session.

3-305(b)(1) Commissioners' Committee Assignments (2021)

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

The Commissioners reached consensus on their committee assignments for 2021. Official action will take place in open session on November 17, 2020.

3-305(b)(1) Boards, Committees & Commissions Appointments

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

Ms. Jesse Bungeayao, Executive Assistant, Office of the County Administrator, reviewed vacancies on the Nuisance Abatement Hearing Board and the Homeowner's Association Dispute Review Board.

The Commissioners reached consensus and took official action in open session this day under "Action on Boards, Commissions, and Committees."

At 11:49 a.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 end Closed Session. **Commissioner Stewart was absent.*

At 4:00 p.m. the Commissioners returned to virtual open session

Roll Call

A roll call was taken. Commissioners Bowling, Coates, Rucci and Collins were present.

**Commissioner Stewart was absent.*

Action on Boards, Commissions and Committees

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Coates and Collins present, voting to appoint Sharonda Johnson-

Regular Meeting of County Commissioners
Tuesday October 27, 2020

Wilkes and Andrew Williams to the Nuisance Abatement Hearing Board. *Commissioner Stewart was absent.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Rucci, Bowling, Coates and Colins present, voting to appoint Brandi Jackson and reappoint Myron Higgins and Charity Rentzel to the Homeowners Association Dispute Review Board. *Commissioner Stewart was absent.

Briefing: Rental Housing Work Group Report

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney, and Mr. Don Litten, Code Official, Department of Planning and Growth Management provided a presentation on the Rental Housing Work Group Report. They presented three potential implementation options: Option A – Third Party Start Up; Option B- Third Party Exclusive; and Option C- Decoupled Approach. They discussed the next steps which include: to pursue enabling legislation, adopt local law, develop bid proposal and update local law to reflect the Department of Planning and Growth Management as the contact agency for housing standards complaints.

Staff indicated that they would send local organizations a survey to gather feedback on this proposed program.

Annual Update: Docket 90

Mr. Matt Wineman, Vice President of Operations, Mr. Rick Barnas, Barnas Engineering; Mr. Steve Scott, Esquire, and Mr. Pat Wackerle, P.E., Soltesz Engineering joined the Commissioners to provide the annual update of Docket 90. The Planned Unit Development (PUD) of St. Charles includes five (5) residential villages: Smallwood Village, Westlake Village, Fairway Village and Southern Villages of Wooded Glen and Piney Reach. The villages already developed in St. Charles include Westlake Village, Smallwood Village, and Fairway Village. They also reviewed the remaining development areas, school allocations per unit payment for infrastructure, and the development buffers. They discussed the plans to begin a senior community, Parklands, next year.

Briefing: FY2021 First Quarter General Fund Review

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, and Ms. TaTanya Bowman, Senior Budget Analyst Department of Fiscal and Administrative Services, presented the FY2021 General Fund report for the first quarter. This included a review of revenues and a comparison to the adopted budget; expenditures and a comparison to the adopted budget; the fund balance and the fund balance year end estimate. The CARES Act revenues and expenses were excluded from these numbers. The FY2021 Adjusted Budget includes the fund balance use of five million three hundred and fifty dollars (\$5,350,000.00).

Regular Meeting of County Commissioners
Tuesday October 27, 2020

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney, provided information on the five proposed 2021 Bond Initiatives, which Commissioner Collins, provided to the Charles County State Delegation on Monday, Oct. 26, 2020.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with Commissioners Coates, Rucci, and Collins, voting in favor to support the five (5) proposed bond initiatives presented to the Delegation. Commissioner Bowling was opposed. A roll call of the vote was taken: Commissioner Coates-yes; Commissioner Rucci-yes; Commissioner Bowling-no; Commissioner Collins-yes. The motion passed three (3) to one (1). **Commissioner Stewart was absent.*

Commissioners' New Business

There was no new business discussed.

**Break 5:45 p.m.-6:03 p.m.*

Roll Call

A roll call was taken. Commissioners Bowling, Coates, Rucci and Collins were present. **Commissioner Stewart was absent.*

Public Hearing: Charles County MS4 Permit- Watershed Protection and Restoration Program Financial Assurance Plan

The Commissioners conducted a virtual public hearing on the Charles County MS4 Permit for the Watershed Protection and Restoration Program Financial Assurance Plan. Ms. Karen Wiggen, Environmental Planner, Department of Planning and Growth Management, reviewed the financial assurance plan and steps taken to implement the requirements of the impervious surface restoration program requirements (ISRP).

There were eight (8) people who provided public comments.

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

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

At 6:35p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Coates, and Collins present, voting in favor to adjourn.

**Commissioner Stewart was absent.*



Carol A. DeSoto, Clerk to the Commissioners



Reuben B. Collins, II, Esq., President

Regular Meeting of County Commissioners
Tuesday October 27, 2020

FORM OF STATEMENT FOR CLOSING A MEETING

Location: Virtual

Date: October 27, 2020

Time: 11:30 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) [X] 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) [X] 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 October 27, 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)(1) Personnel: Commissioner Committee Assignments and two (2) Commissioner Appointed Boards (Nuisance Abatement Hearing Board and Homeowners Association Dispute Review Board)

REASON FOR CLOSING: To keep personnel information confidential



Reuben B. Collins, II, Esq., President

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