

Regular Meeting of County Commissioners
Tuesday December 1, 2020 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened virtually at 9:02 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

Call to Order/Pledge

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

Roll Call

A roll call was taken. All Commissioners were present.

Recognition: Employee Length of Service, August -October 2020 and Top Performer, Third Quarter, July-September 2020

The Commissioners recognized employees' years of service for August through October 2020 and the Top Performers for the third quarter via a prerecorded video that was played during this virtual session.

Comments

There were no comments.

Approval of the Minutes of November 17, 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 November 17, 2020.

Announcement: Next Commissioner Session will be held December 8, 2020

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next scheduled session is on December 8, 2020.

Approval Items

FY2021 Budget Amendment Increase #8274 Sheriff's Office Carryover Money

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2021 Budget Amendment Increase #8274 for three million nine hundred and seventy-eight thousand five hundred and thirty dollars (\$3,978,530.00).

FY2021 Budget Amendment Increase #8313 Energov server

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2021 Budget Amendment Increase #8313 for thirty-seven thousand eight hundred dollars (\$37,800.00).

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Briefing: Historic Preservation Program Highlights

Ms. Cathy Thompson, Planner IV, Department of Planning and Growth Management, provided highlights on the Historic Preservation Program, its role in community revitalization including the Pomonkey Village, and the preservation of historic villages Benedict, Port Tobacco, and Hughesville. Historical markers are being prepared for Pomonkey Village and the Blue Jay Motel.

Follow Up Work Session: Charles County MS4 Permit- Watershed Protection and Restoration Program Financial Assurance Plan

Ms. Karen Wiggen, Environmental Planner, Department of Planning and Growth Management, reviewed public comments that were received from the public hearing; provided information on the webinar that Planning and Growth Management Staff hosted to address public concerns, and noted that the public comment period was extended through Nov. 27 to receive public input.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor, to approve Resolution 2020-31 Approval of the Watershed Protection and Restoration Program Financial Assurance Plan.

**Break 9:58 a.m. – 10:18 a.m.*

Follow Up Work Session: Bill 2020-06 School Allocation Policy Amendments

Ms. Deborah Carpenter, Director, Mr. Jason Groth, Deputy Director, and Mr. Ben Yeckley, Planner III, Department of Planning and Growth Management, reviewed the goals and objectives for the School Allocation Policy which include creating predictability in enrollment growth, encouraging a mix of commercial and residential uses in the development district and opportunity zones, and promoting affordable and workforce housing. Mr. Groth and Mr. Yeckley provided an overview of the major components of the proposed amendments to the School Allocation Policy which include: Student yield factor that is applied directly to development projects for greater accuracy in estimated student population growth; A Sunset Provision for projects on the school allocation waiting list; and Priority Development Project (PDP) allocations that apply to eligible projects in the Priority Funding Area.

Mr. Groth and Mr. Yeckley presented an overview of feedback from the Commissioners, the Planning Commission, the Board of Education, and the community. Staff summarized comments from those who favored changes and addressed concerns that were raised from those who are not in favor of the changes.

The Commissioners proposed some additional changes and offered additional feedback for consideration and directed staff that another work session will be scheduled to discuss these proposals and additional information.

The consensus of the Commissioners was to schedule a follow-up work session on the amendments to the policy within the next few scheduled sessions.

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Closed Session

At 11:21 a.m., Commissioner Rucci made a motion, seconded by Commissioner Bowling and passed, with all Commissioners present, voting to move into Close Session where all or a portion of this session may be closed pursuant to Section 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice on six issues: one (1) proposed agreement; one (1) proposed settlement; one (1) agreement update; one (1) issue related to state enforcement; one (1) review of potential legal concerns for forming a religious Commission; and to discuss legal options related to Governor's Executive orders. The reason for going into closed is to keep legal approaches and strategies confidential.

Summary Closed Session Items

At 11:23 a.m. the Commissioners went into virtual closed session.

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

Present: Commissioners Collins, Rucci, Bowling, Coates and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Danielle Mitchell, Eric Jackson and Jenifer Ellin

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney, provided an overview of the proposed agreement and options.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to table this discussion.

**Break 12:37 p.m. – 12:57 p.m. *Commissioner Stewart rejoined session at about 1:06 p.m.*

3-305(b)(7) Legal Advice: Proposed Settlement Request

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

Ms. Theobalds, Deputy County Attorney, Office of the County Attorney, reviewed a proposed settlement request.

The consensus of the Commissioners was to reschedule this discussion.

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

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

The consensus of the Commissioners was to have the County Attorney and Ms. Ellin, Director, Department of Fiscal and Administrative Services negotiate terms of the agreement up to a specified amount.

3-305(b)(7) Legal Advice: Enforcement Issue on State Property

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

Ms. Bryson, Citizen Response Manager, Office of the County Administrator, provided an overview of issues related to enforcement on State property. Mr. Adams, County Attorney, Office of the County Attorney, advised the Commissioners that any action taken would be the state's responsibility.

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3-305(b)(7) Legal Advice: Forming a Religious Commission

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

The Commissioners agreed to reschedule this discussion to December 8, 2020.

3-305(b)(7) Legal Advice: Related to Governor Hogan's Executive Orders

Present: Commissioners Collins, Rucci, Bowling, Coates and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Dr. Dianna Abney, and Ms. Michelle Lilly.

Dr. Abney, Health Officer, Charles County Department of Health, reviewed recommendations related to Governor Hogan's executive orders related to COVID-19 increasing numbers.

At 1:32 p.m., a motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to end Closed Session.

At 1:36 p.m. the Commissioners returned to virtual open session.

Roll Call

A roll call was taken. All Commissioners were present.

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 percentages; the summary of new COVID positive, COVID deaths and COVID negative tests. Dr. Abney reviewed COVID testing and indicated that there was an increase in the amount of people being tested. She stressed the need to adhere with social distancing, wearing masks correctly, washing hands, and not gathering in large groups to help flatten the curve. Dr. Abney shared suggestions for safety during the holiday season, including wearing masks, avoiding large crowds and gather with only the nuclear family, avoid unnecessary travel, and consider shopping online. She also emphasized the need to get the flu vaccine. She mentioned that a potential COVID-19 vaccine may be available in late December and will provide further updates as more information is received.

Ms. Jenifer Harris, Chief of Media, and Ms. Tina Kozloski, Media Specialist, Office of the County, Administrator, reviewed the communications planning during COVID-19. They provided to date and ongoing communications which include holiday podcasts, social media #MaskOn campaign, Charles County video news stories, and Inside Your County Government Weekly Enewsletter. Ms. Kozloski reviewed additional advertising opportunities and costs.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed with all Commissioners present, voting in favor to accept media's recommendations (for additional advertising) by using CARES Act funding.

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Commissioners' New Business

Commissioner Collins announced that there may be a special meeting of the Board of County Commissioners convened at 5:00 p.m. after Governor Hogan's scheduled press conference at 4:00 p.m. today if the Governor imposes any new restrictions related to COVID-19.

NOTE: No special meeting was convened.

At 2:16 p.m., Commissioner Rucci made a motion, seconded by Commissioner Stewart and passed, with Commissioners 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: December 1, 2020

Time: 11:23 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.

FORM OF STATEMENT FOR CLOSING A MEETING

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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: Six (6) Issues: one (1) Proposed Agreement; one (1) Proposed Settlement; one (1) Agreement Update; one (1) issue related to state enforcement; one (1) review of potential legal concerns/options for forming a religious Commission; and to discuss legal options related to Governor's Executive orders.

REASON FOR CLOSING: To keep legal approaches confidential



Reuben B. Collins, II, Esq., President