

Regular Meeting of County Commissioners
Tuesday December 8, 2020

The regularly scheduled meeting of the County Commissioners was convened virtually at 1:04 p.m. with the following persons in attendance:

Reuben B. Collins II, Esq., 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

**Bobby Rucci, Vice President, County Commissioner was absent*

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. Commissioners Bowling, Coates, Stewart and Collins were present.

**Commissioner Rucci was not present.*

Comments

Commissioner Collins acknowledged the passing of Former Senator Sarbanes, Master Corporal Cadrette and DeShawn Wallace.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed with Commissioners Bowling, Coates, Stewart and Collins present, voting in favor to make today, December 8, 2020 a legislative day. **Commissioner Rucci was absent.*

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; Mr. William Grimes, Vice President, Ancillary Services & Incident Commander, Ms. Stacey Cook, Vice President, Human Resources, Dr. Joseph Moser, Chief Medical Officer, UM Charles Regional Medical Center, provided an update on COVID-19 statistics and how they are responding to the COVID surge. Ms. Jennifer Harris, Chief of Media Services, and Ms. Tina Kozloski, Media Specialist, Office of the County Administrator, provided an update on the ongoing media communications and newly launched Holiday Safety Campaign.

Dr. Abney recommended that the Commissioners prohibit gatherings of more than one hundred (100) persons at outdoor venues in Charles County. The recommendation was:

- *Gatherings of more than 100 Persons at Outdoor Venues is Prohibited.*

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- Social, community, recreational, leisure, and/or gatherings and events of more than one hundred (100) people (“large gatherings and events”) are hereby prohibited at all outdoor locations and venues, including but not limited to parades, festivals, parks, outdoor sporting events, conventions, flea markets and fundraisers, etc.
- To the extent that any portion of the Governors’ Nov. 17, 2020 Amended Order permits a gathering of MORE than one hundred (100) people at an outdoor gathering or event, such order is FURTHER RESTRICTED by this Recommendation to read “NO MORE THAN ONE Hundred (100) PERSONS”. Gatherings in excess of one hundred (100) persons is a violation of this Recommendation.
- Such planned large gatherings and events must be revised to meet the one hundred (100) person limit, postponed until the limit is lifted, or canceled.

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with Commissioners Coates, Bowling, Stewart, and Collins present, voting in favor to approve Dr. Abney’s recommendation. **Commissioner Rucci was absent.*

Update: Bill 2018-07 Provisions of Plastic Straws and Stirrers in Restaurants

Dr. Dianna Abney, Health Officer, Charles County Department of Health, provided an update on the Bill 2018-07 Provisions of Plastic Straws and Stirrers, and the enforcement process that the Health Department will use to begin enforcement on January 1, 2021.

Commissioner Stewart requested that the media department support the Health Department in getting the information out to the public on this legislation and the enforcement process.

Approval of the Minutes of December 1, 2020

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Stewart and Collins present, voting in favor to approve the minutes of December 1, 2020. **Commissioner Rucci was absent.*

Announcement: Next Commissioner Session will be held December 15, 2020

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next scheduled session is on December 15, 2020.

Approval Items

FY2021 Budget Transfer Request #8306 Inspections 1 and FY2021 Budget Transfer Request #8307 Inspections 2

A motion was made by Commissioner Bowling, seconded by Commissioner Collins and passed, with Commissioners Bowling, Collins, Stewart, and Coates present, voting in favor to approve FY2021 Budget Transfer Requests #8306 for forty-four thousand one hundred dollars (\$44,100.00) and FY2021 Budget Transfer Request #8307 for twenty-eight thousand eight hundred dollars (\$28,800.00).

**Commissioner Rucci was absent.*

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**Note: Mr. Wes Adams, County Attorney, opined that the Commissioner President is permitted to do motions.*

FY2021 Budget Transfer Request #8341 Stine Store Bridge

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Coates, and Collins present, voting in favor to approve FY2021 Budget Transfer request # 8341 for two hundred and fifty thousand dollars (\$250,000.00).

**Commissioner Rucci was absent.*

Resolution 2020-01 Renewal

A motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with Commissioners Coates, Stewart, Bowling, and Collins present, voting in favor to approve newly number Resolution 2020-32 Permit Issuance for Adult Entertainment Establishments. **Commissioner Rucci was absent.*

Briefing: Follow-up Process of Census 2020 Results

Mr. Wes Adams, County Attorney, provided an overview on the process of the 2020 Census results and a timeline on redistricting Charles County.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Stewart, Bowling, Coates and Collins present, voting in favor for County staff to begin the redistricting process within sixty (60) days of the 2020 Census results being released and for Media Services Division to create a landing page on website about census data and redistricting.

**Commissioner Rucci was absent.*

Briefing: Charles County Municipalities, Town of La Plata and Town of Indian Head School Seat Allocation Policy and Process

Ms. Jeanine Harrington, Director of Planning, Town of La Plata, and Mr. Ryan Hicks, Town Manager, and Mr. Mark Harmon, Zoning Administrator, Town of Indian Head, provided an overview on each of their respective Town's policy on School Seat Allocations process.

Commissioner Stewart formally requested that the County Attorney file a Public Information Act (PIA) request to obtain the minutes from February 8, 2005 when the Town of LaPlata adopted Ordinance No. 05-01 to establish "... that in no event shall the number of school seats available for allocation in each fiscal year be less than one hundred (100)." She wanted a better understanding of the thought process for this type of provision.

The Commissioners agreed to schedule a follow up joint session with the municipalities to discuss a more comprehensive approach to working together.

Briefing: Tourism Projects Update

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Ms. Ashley Chenault, Chief of Tourism, Department of Recreation Parks and Tourism, provided an update on Tourism projects in the County. Upcoming initiatives include Charles County Restaurant Week, an African American Heritage Guide, partnership with local brewery Patuxent Brewing to declare an official beer of Charles County, and participation in the American Bus Association Marketplace to sell Charles County as a destination of interest.

Briefing: Update on Rural Task Force Recommendations and Implementations

Mr. Charles Rice, Assistant Director of Planning, Department of Planning and Growth Management, provided an update on the Rural Planning and Zoning Task Force recommendations and the process of implementing Zoning Text Amendment 20-156 which represents Phase One of the local County code amendments written with the intent to strengthen the agricultural-based economy.

Briefing: Update on CARES Act Funding

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, provided an update on the CARES Act funding.

The Commissioners reached a consensus to allow the Southern Maryland Tri County Community Action Committee (SMTCCAC) to use allocated monies to help residents with rental relief and to help cover outstanding utility costs that are not County fees.

The Commissioners directed Mr. Mark Belton, County Administrator, to review the process used to determine employee hazard pay eligibility and to ensure that all employees understand the review process and are able to request consideration.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Coates and Collins present, voting in favor to allocate five hundred thousand dollars (\$500,000.00) of CARES Act funding for the Board of Education's Distance Learning. **Commissioner Rucci was absent.*

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with Commissioners Stewart, Coates, Bowling, and Collins present, voting in favor to provide the Charitable Trust with three hundred thousand dollars (\$300,000.00) of CARES Act funding for Charles County Nonprofits that have not received Cares Act funding.

Briefing: Update on Waldorf Urban Redevelopment Corridor - WURC Zoning Requirements

Mr. James Campbell, Planning Director, Department of Planning and Growth Management and Mr. Taylor Yewell, Chief of Development, Department of Economic Development; Mr. John Stevens, Chief of Capital Projects and Mr. Arthur Swann, Capital Services Project Manager, Department of Public Works, provided an update on the Waldorf Urban Redevelopment Corridor, including a brief history of the plan, the spring 2020 bus tour with local businesses and landowners, transitional zoning provisions, its current status, and an implementation plan.

The Commissioners requested that staff provide another follow up briefing in January 2021 and present potential options that the Commissioners can vote on to move this project forward.

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Commissioners' New Business

There was no new business discussed.

Closed Session

At 5:05 p.m. Commissioner Coates made a motion, seconded by Commissioner Bowling and passed, with Commissioners Coates, Bowling, Stewart and Collins 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)(8) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice on three (3) matters: one (1) proposed settlement; one (1) potential litigation and to review potential legal concerns for forming a religious Commission. The reason for going into closed is to keep legal approaches and strategies confidential. **Commissioner Rucci was absent.*

Summary Closed Session Items

At 5:08 p.m. the Commissioners went into virtual closed session.

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

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

The Commissioners rescheduled this discussion to January 2021.

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

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

Mr. Wes Adams, County Attorney, informed the Commissioners on a newly file litigation case.

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

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

The majority of the Commissioners present agreed to have Mr. Wes Adams, County Attorney, draft a resolution and bylaws and bring it back on December 15, 2020 in open session.

At 5:23 p.m., a motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with Commissioners Coates, Bowling, Stewart and Collins present, voting in favor to end Closed Session. **Commissioner Rucci was absent.*

At 6:00 p.m. the Commissioners returned to virtual open session.

Roll Call

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

**Commissioner Rucci was not present.*

Public Hearing: Bill 2020-07 Resilience Authority

Mr. Mark Belton, County Administrator, reviewed Bill 2020-07 Resilience Authority. This Authority would respond to the effects of climate changes and help mitigate the impact through infrastructure

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investments. It would be a separate nonprofit entity, yet an instrumentality of incorporating local government.

There were three (3) people who provided public comments.

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

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

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Coates, and Collins present, voting in favor to adopt Bill 2020-07 Resilience Authority of Charles County. **Commissioner Rucci was absent.*

At 6:20p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Coates, Stewart and Collins present, voting in favor to adjourn. **Commissioner Rucci was absent.*



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: Virtually- MS Teams

Date: December 8, 2020

Time: 5:05 p.m.

Motion By: Commissioner Coates

Seconded By: Commissioner Bowling

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Reuben B. Collins, II, Esq.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gilbert O. Bowling, III.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Thomasina O. Coates, M.S.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Amanda Stewart, M.Ed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bobby Rucci	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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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: Two (2) Issues: one (1) Proposed Settlement; one (1) review of potential legal concerns/options for forming a religious Commission.

REASON FOR CLOSING: To keep legal approaches confidential

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

REASON FOR CLOSING: To keep legal approaches confidential



Reuben B. Collins, II, Esq., President