

Regular Meeting of County Commissioners
Tuesday December 15, 2020

The regularly scheduled meeting of the County Commissioners was convened virtually at 8:36 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.

Comments

Commissioner Bowling mentioned that he would bring forth a potential future agenda item related safety program at the hospital.

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, University of Maryland Charles Regional Medical Center, provided an update on COVID-19 statistics and how they are responding to COVID-19. They also spoke about the Emergency Use Authorization for the COVID-19 Vaccine and how it will be distributed. Staff at University of Maryland Charles Regional Medical Center were being given the vaccine today. 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, the Vaccine Distribution Public Awareness Campaign and survey and advertising programs.

Approval of the Minutes of December 8, 2020

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the minutes of December 8, 2020.

Announcement: Next Commissioner Session will be held January 5, 2021

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next scheduled session is on January 5, 2021.

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Legislative: Update on Upcoming 2021 Maryland General Assembly Session

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney, Mr. Steve Proctor, Lobbyist, GS Proctor and Associates, Inc. briefed the commissioners on legislative activities in the Maryland General Assembly and the status of legislative proposals the Commissioners submitted to the Charles County Delegation.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present voting in favor to send a letter of support of the bond bill submitted by the Maryland Veterans' Museums at Patriot Park.

**Break 9:22 a.m. - 9:31 a.m.*

Briefing: Update on Charles County Disparity Study

Mr. Darrell Brown, Director, Ms. Lucretia Freeman-Buster, Chief of Business Development, Department of Economic Development; and Ms. Michele Clark Jenkins, Griffin & Strong, provided an update on the Charles County Disparity Study. They have completed and submitted the finalized work plan and methodology; data assessment report; legal and policy review chapters; launched website; and collected data from the County. Currently they are evaluating and processing subcontractor data, beginning to survey business owners and continuing ongoing interviews with organizations. Focus groups and public hearings will be held the week of January 25, 2021.

Update and Request for Approval: Charles County Diversity and Inclusion Task Force /Racial Equity Statement Work Group

Ms. Renesha Miles, Community Engagement Coordinator and Mr. Brent Huber, Lead Video Producer, Media Services; Mr. John Stevens, Chief of Capital Projects, Department of Public Works; Ms. Beth Groth, Planner III, Department of Planning and Growth Management; and Ms. Maquita Irvin, Commissioner Specialist, Office of the County Administrator, provided an update on the Diversity, Equity and Inclusion (DEI) Statement and proposed actions.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present voting in favor to approve the DEI statement:

“Charles County Government is committed to cultivating a work culture that strives to be welcoming, inclusive, and equitable to all. We are accountable for treating everyone with dignity and respect. We embrace the power of diversity by creating opportunities for everyone to be included, heard, and valued in our community.”

Training: Fiduciary Duties

Ms. Mary Claire Chesshire, Whiteford, Taylor & Preston, LLP, joined the Commissioners and members of Charles County Pension Plan and Sheriff's Office Retirement Plan Committee, to provide training on Fiduciary duties and responsibilities related to the retirement plans in the County.

Closed Session

At 10:48 a.m. Commissioner Bowling made a motion, seconded by Commissioner Rucci and passed, with all Commissioners present, voting to move into Close Session where all or a portion of this

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session may be closed pursuant to Section 3-305(b)(1)(4)(7) of the General Provisions Article of the Annotated Code of Maryland to review vacancies on three (3) Commissioner Appointed Boards; to discuss one (1) proposal for a business to locate in Charles County; and to discuss one (1) proposed contract under negotiation. The reason for going into closed is to keep legal approaches and strategies confidential and keep applicant and personnel records confidential.

Summary Closed Session Items

At 10:53 a.m. the Commissioners went into virtual closed session.

3-305(b)(1) Personnel: Commissioner Appointed Boards, Commissions and Committees

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

Ms. Jesse Bungcayao, Executive Assistant, reviewed the appointment requests for Commissioner appointed Boards: Library Board of Trustees, Planning Commission and Board of Appeals.

The Commissioners reached a consensus related to these appointments and took official action on these appointments later this day under Actions on Boards, Commissions and Committees. The Commissioners provided Ms. Bungcayao with directions related to advertising plan for vacancies.

3-305(b)(4) Proposal for a Business to Locate in Charles County

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Darrell Brown, Taylor Yewell, Marcia Keeth, Jason Groth, Deborah Carpenter, Lorena Gonzalas, Allen Lett, Jill Yonowitz, Disai Shital, Matthew Chubb, Maxine Berry, and Sue Greer.

The Commissioners were briefed on a new business opening in Charles County.

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

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Evelyn Jacobson, Jenifer Ellin, Matt Jacobson, Danielle Mitchell, Joanne Hovis, Christopher Bullock, and Dillon Redding.

Ms. Deborah Hall, Deputy County Administrator, reviewed two (2) proposed agreement and an authorizing resolution.

The Commissioners reached a consensus and took official action on these agreements later this day under Approval Items.

At 12:31 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to end Closed Session.

At 3:01 p.m. the Commissioners returned to open session.

Roll Call

A roll call was taken. All Commissioners were present.

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Approval Items

FY2021 Budget Transfer Request #8357 Detention Center Annex Roof

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve FY2021 Budget Transfer Requests #8357 for thirty-two thousand dollars (\$32,000.00).

Change Order #44 Mattawoman Inflow & Infiltration

Change Order #47 Mattawoman Inflow & Infiltration

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve both Change Order #44 and Change Order #47 Mattawoman Inflow and Infiltration.

FY2021 Board of Education Intercategory Budget Transfer Request

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the Board of Education Intercategory Budget transfer request for one million one hundred and ninety-one thousand three hundred and ninety-one dollars (\$1,191,391.00).

Resolution Creating an Interfaith Commission in Charles County

Mr. Wes Adams, County Attorney, reviewed the proposed resolution that would establish an Interfaith Commission in Charles County yet not promote any one religion or religion over nonreligion and would include secular members as well.

Commissioner Stewart expressed her unease and concerns with this type of Commission being established as a Commissioner appointed board. This may unnecessarily open the County up for legal issues.

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to move forward with this resolution with the adopted language set forth by the County Attorney. This is newly numbered Resolution 2020-33.

Mr. Adams will bring back draft bylaws for the Commissioners to approve. The Commissioners provided feedback for the bylaws.

Resolution Rural Broadband Expansion

Broadband Fiber Optic Sale and Maintenance Agreement

Broadband Think Big P3 Agreement

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the authorizing resolution to execute the Public-Private Partnership Fiber Network Agreement and Fiber Optic Sale and Maintenance Agreement between the County and ThinkBig. This is newly numbered Resolution 2020-34.

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Briefing and Request for Approval: Energy Savings Performance Contracting Audit Work Order #1 Conceptual Design - Phase Two Water and Wastewater Systems

Mr. John Stevens, Chief of Capital Projects and Mr. Bill Shreve, Director, Department of Public Works; Mr. Dave Mowry, Development & Engineering Manager, Ms. Cherise Seals, Senior Account Executive, and Mr. Pete Thomson, Senior Engineering Manager, Water and Wastewater Engineering, NORESCO, reviewed the Energy Savings Performance Program.

A motion was made by commissioner Coates, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve Audit Work Order #1 with Backout Fee of three hundred and seventy-five thousand dollars (\$375,000.00).

Briefing: Update on the Planning and Growth Management Organization and Operations Report

Ms. Deborah Carpenter Director, Department of Planning and Growth Management and Mr. Bruce Cowans, MGT Consulting reviewed the recommendations of the Operational and organizational Assessment of Planning and Growth Management (PGM) Department. These include update the zoning code; retain the current combination of planning and codes, permits, and inspection services in one department; problem resolution begin in PGM; keep Tourism Division where it is at; Emphasize process over institutional memory; update the permit fee schedule in order to fund staff increases; train for continuity and succession planning; discuss the pay plan with Human Resources; and continue the current vigilance with the pandemic.

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, joined the Commissioners for a follow up work session on Bill 2020-06 School Allocation Policy Amendments.

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 adopt Bill 2020-06, entitled School Adequate Public Facilities as presented with no amendments. Commissioner Stewart was opposed. A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Coates-yes; Commissioner Stewart-no; Commissioner Rucci-yes; Commissioner Collins-yes. The motion passed four (4) to one (1).

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 adopt the proposed changes to the Adequate Public Facilities Manual with the following amendments:

In the referenced legislation Section 4.0 Article VI paragraph D to amend and insert a new sub paragraph three (3) which will not replace but will come before the proposed paragraph three (3) and

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would state:

3. Any development projects which meet this criterion, and which have eighty (80) units or less awaiting school allocations will be granted no fewer than twenty (20) school allocations per year; and

Insert a new subparagraph seven (7) which states:

7. Development projects taking advantage of this provision shall be awarded school allocations in ascending order based upon the original preliminary plan and/or site plan approval date; and

Insert a new subparagraph eight (8) which states:

8. The Director of Planning and Growth Management shall grant allocations not to exceed two hundred and fifty (250) per year under this provision.

In referenced legislation Section 4.0 Article VIII. Entitled "Priority Development Projects," amend subsection B to lower the allocations available under this provision from eight hundred (800) to six hundred and fifty (650). So, the new section would read:

The Director of Planning and Growth management shall grant allocations not to exceed six hundred and fifty (650) per year under this provision.

In referenced legislation as VIII. Priority Development Projects amend the first paragraph of subsection C to modify the scope of the proposal from priority funding area to the Priority Development Projects located in the Development District and the Waterfront Planned Community. The first paragraph of the new Section C would read as follows:

These allocations will be offered to Development Projects that are located within the areas corresponding to the Comprehensive Plan's development District or the land zoned Waterfront Planned Community (WPC), provided that a development agreement is executed with Charles County and includes a build-out schedule which details the completion of certain commercial construction milestones prior to the release of School Seat Allocations for residential construction. In the case of mixed-use development, the build-out schedule must include a proportional build-out/phasing plan of commercial and residential development phases throughout the project. The residential development may not be granted allocations until each sequential commercial phase has commenced construction (completion of foundation or footings). And at least one (1) of the following criteria is met.

The development project is located in the Comprehensive Plan's Development District or Land zoned Waterfront Planned Community (WPC).

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

Action on Boards, Commissions and Committees

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all

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Commissioners present, voting in favor to reappoint Kiran Sitoula and Samantha Lynch Johnson and Reappoint Monica Allgauer to the Library Board of Trustees.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to reappoint Murray William and Dawud Abdur Rahman to the Planning Commission.

Commissioners' New Business

Commissioner Bowling commended staff on the many projects this year such as the Rural Zoning Task Force, Broadband, and Resilience Authority.

**Break 4:50 p.m. – 5:59 p.m.*

At 5:59 p.m. the Commissioners returned to virtual open session.

Roll Call

A roll call was taken. All Commissioners were present.

Public Hearing: New Nanjemoy Rural Legacy Area

Mr. Charles Rice, Assistant Chief of Planning, and Ms. Cathy Thompson, Program Manager, Department of Planning and Growth Management reviewed the proposed new Nanjemoy Rural Legacy Area; the Planning Commission's Report; and the extensive comment periods and changes made to the area being considered for the Nanjemoy Rural Legacy Area.

There were fourteen (14) 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 close the public record. Commissioner Stewart was opposed. A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Coates-yes; Commissioner Stewart-no; Commissioner Rucci-yes; Commissioner Collins-yes. The motion passed four (4) to one (1).

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

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

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with Commissioners Bowling, Rucci, Coates, and Collins present, voting in favor to authorize staff to submit an application to Maryland Department of Natural Resources for a new Rural Legacy Area on the western side of the County containing approximately sixty-five thousand fifty-nine (65,059) acres, as recommended by the Planning Commission. Commissioner Stewart was opposed. A roll call of the

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

At 6:59 p.m., a motion was made by Commissioner Coates, seconded by Commissioner Bowling 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: Virtually- MS Teams Date: December 15, 2020

Time: 10:53 a.m.

Motion By: Commissioner Bowling

Seconded By: Commissioner Rucci

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)(1) Personnel: Vacancies/Appointments to three (3) Commissioner appointed Boards.


REASON FOR CLOSING: To keep personnel/applicant information confidential

3-305 (b)(4)(7) To Discuss the proposal for a business to locate in Charles County.

REASON FOR CLOSING: To keep legal approaches confidential

3-305 (b)(7) Legal Advice: Discuss Negotiations on a Proposed Agreement

REASON FOR CLOSING: To keep legal approaches confidential



Reuben B. Collins, II, Esq., President