

Regular Meeting of County Commissioners
Tuesday March 9, 2021

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.

Comments

Commissioner Collins provided an update on the Criminal Justice Coordinating Council (CJCC) Executive Committee which reviewed total cost and fiscal impact of the FY2022 requests. He also provided an update on the Metropolitan Washington Council of Governments (COG) newly formed DC Statehood Task Force which analyzed and discussed the status of current legislation related to DC Statehood.

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, and Mr. William Grimes, Vice President, Ancillary Services & Incident Commander, University of Maryland Charles Regional Medical Center, provided an update on COVID-19 statistics and how they are responding to COVID-19.

Ms. Lilly indicated a continued decline in COVID positive numbers and COVID deaths. She also informed the Commissioners that the Department of Emergency Services will continue to provide logistical support for vaccine clinics and monitor COVID in the County. Dr. Abney discussed the multiple vaccination clinics and stressed the importance of not sharing links since it takes away from seniors being able to be vaccinated. She mentioned the additional locations of North Point High School and New Life Church opening the third week of March. Dr. Abney discussed Asymptomatic Spread of COVID-19. She also reviewed current statistics on deaths, cases and hospitalizations by race on the three (3) COVID-19 variants and location of reported cases in the United States. She also provided an overview of the Johnson and Johnson Vaccine. She concluded with a review of the interim recommendations for fully vaccinated people and indicated that they should continue to wear masks correctly; social distance; wash hands in public. She also encouraged everyone to get the COVID-19

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vaccine.

Mr. Grimes indicated a downward trend in COVID-19 related hospitalizations and that the hospital has slightly loosened their visitation policy to allow family visits once a day. UM Charles Regional Hospital continues to vaccinate about one hundred (100) people a day and provides limited support to the State Mass Vaccination site at Regency Stadium.

Ms. Jennifer Harris, Chief of Media Services, Office of the County Administrator, provided a review of the County's communication efforts related to COVID 19, vaccine call center support information; text alerts for COVID-19 vaccination information; and Podcasts which provide facts, testimonies and answers about the vaccine process. She also discussed Maryland Department of Health communications update related to Monoclonal Antibody Treatment.

Mr. Jason Stoddard, Director of Safety, Charles County Public Schools joined the discussion to update the Commissioners on vaccinations for Charles County Public School staff; decline in staff case numbers; rapid test capabilities and preparedness for students returning to in person learning.

Approval of the Minutes of March 2, 2021

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 March 2, 2021.

Announcement: Next Commissioner Session will be held March 16, 2021

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next scheduled session is on March 16, 2021.

Approval Items

There were no approval items.

Legislative: Update 2021 Maryland General Assembly Session

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney, Ms. Deborah Hall, Deputy County Administrator, Mr. Joe Green and Ms. Michelle Goodwin, Lobbyist, GS Proctor and Associates, Inc. discussed legislative bills being considered by the Maryland General Assembly. Ms. Mitchell reviewed the proposed language changes to the County's Standard Operating Procedure (SOP) related to State and Local Legislative Process, related to letters of support, opposition and oral testimony.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the revised language changes as presented to SOP# CP.CAT.01.001 State and Local Legislative Package Process/Guidelines.

Changes:

- 2.2- rename in person testimony to oral testimony.

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- *Addition of 2.3 All communications intended for the General Assembly originating from a Commissioner appointed board, committee or commission, to include Letters of Support, Opposition, Information, or oral testimony, shall be approved by the Board of Commissioners before submission to the General Assembly.*

Ms. Mitchell continued to provide an update on the following Bills:

House Bill 1018 Charles County – Alcoholic Beverages – Class 4 Limited Winery License
Senate hearing will be held on March 5, 2021.

House Bill 1024 Charles County - Citizens Complaint Oversight Board
Waiting for Senate Hearing to be scheduled.

House Bill 1072 Charles County – Community Service and Pretrial Release Programs – Authorization
Had two (2) hearings.

House Bill 1081 Southern Maryland – Human Relations Commission
This Bill was withdrawn.

House Bill 1061 Southern Maryland – Multifamily Dwelling Registration – Fees and Fines
This Bill was amended, and house hearing scheduled for March 16, 2021.

House Bill 655 Local Government – County Commissioner Elections – District Voting
Moved to the Senate.

House Bill 66 Electric Generation - Transition from Fossil Fuels - Carbon Dioxide Emissions Rate and Transition Plan and Fund (Maryland Coal Community Transition Act of 2021)
This Bill was withdrawn and will be sent for summer study.

Ms. Mitchell concluded by mentioning the renaming of Indian Head Highway, 210 Highway, Bills. In addition to Senator Ellis' Bill to rename it Barrack Obama Highway another Bill was introduced to rename it Thurgood Marshall. There was no cross file on either Bill.

Annual Update: Review of Closed and Abandoned Capital Improvement Projects

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department Fiscal and Administrative Services, and Mr. John Stevens, Chief of Capital services, Department of Public Works, joined the Commissioners to provide an update on closed or abandoned capital projects for Fiscal Year 2019 and Fiscal Year 2020. In Fiscal Year 2020, nine (9) projects were closed, and fifteen thousand five hundred and sixty dollars (\$15,560.00) was returned to the Governmental Contingency-Inflation Account. Ms. Ellin reviewed the County's Budget Policies and Delegated Authorities related to these projects which are reviewed annually by the County Administrator.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to accept the County Administrator's recommendation on which projects to close and on which projects to remain open.

Closed Session

At 9:54 a.m. Commissioner Rucci made a motion, seconded by Commissioner Coates and passed, with

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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)(4)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to review one (1) Potential Business Relocating to Charles County; One (1) discussion related to land acquisition; and two (2) potential litigation issues. The reason for going into closed is to keep negotiations and strategies confidential.

Summary Closed Session Items

At 10:14 a.m. the Commissioners went into virtual closed session.

3-305 (b)(4)(7) Legal: Future Potential Business Relocated to Charles County

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Darrell Brown, Taylor Yewell, Marcia Keeth, Deborah Carpenter, Jason Groth and Jennifer Ellin.

Mr. Darrell Brown, Director, and Mr. Taylor Yewell, Chief of Development, Department of Economic Development, provide an overview of a potential business relocating to Charles County and a potential site location.

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

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

Mr. Wes Adams, County Attorney, reviewed the final agreement with the Grant & Eisenhofer firm.

The Commissioners reached a consensus to have Commissioner Collins sign the agreement with the Grant & Eisenhofer firm as discussed.

3-305(b)(7)(8) Potential Litigation

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

Mr. Wes Adams, County Attorney, reviewed a potential litigation case and potential next steps.

**Break 11:21 a.m. – 11:45 a.m.*

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

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Eileen Minnick, Jenifer Ellin, Tim Drummond.

Ms. Eileen Minnick, Director, and Mr. Tim Drummond, Chief of Parks, Department of Recreation, Parks, and Tourism provided an overview of the acquisition process of Program Open Space and potential locations being considered.

The Commissioners provided directions for staff and requested a follow-up within the next several weeks.

At 12:22 p.m., a motion was made by Commissioner Coates seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to end this Closed Session.

At 1:59 p.m. the Commissioners returned to open session.

Roll Call

A roll call was taken. All Commissioners were present.

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Briefing: Rental Housing Work Group Survey 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 an overview of the Rental Housing Survey Results which were gathered from December 1, 2020 through January 31, 2021. Ms. Mitchell reviewed responses to each of the nine (9) questions. There were one hundred and seventy-two (172) submissions. Ms. Mitchell indicated that staff would continue to monitor House Bill 1061 Southern Maryland – Multifamily Dwelling Registration – Fees and Fines, and if the Bill is passed, will seek further direction from the Commissioners.

Briefing: Overview of Proposed Water Supply Program

Mr. Jason Groth, Deputy Director, Ms. Alicia Afroilan, Engineer IV, Department of Planning and Growth Management and Mr. Aaron Duke, Consultant, Hazen Engineer, provided an overview of the Proposed Water Supply Program for the County. Mr. Duke reviewed the water supply history and planning efforts, the program purpose and needs, the program elements considered, the recommended program, the program timeline, financial evaluation of the proposed program and the next steps. Next steps include Maryland Department of the Environment (MDE) permits and obtaining a Memorandum of Understanding (MOU) with Washington Suburban Sanitary Commission (WSSC) Water to increase appropriation of water supply provided by WSSC and create a sustainable water supply into the future.

Briefing: Update on Watershed Conservation District

Mr. Jim Campbell, Planning Director, Mr. Charles Rice, Assistant Chief of Planning, Department of Planning and Growth Management and Mr. Taylor Yewell, Chief of Development, Department of Economic Development, joined the Commissioners to provide an update on the Watershed Conservation District (WCD). Mr. Rice reviewed the amended zoning ordinance general requirements and zoning maps of the WCD and the general requirements of the WCD and changes made or initiated to address concerns raised to the WCD zoning. Mr. Rice reviewed additional options to consider:

1. For Intrafamily transfers, delete the requirement to have owned the property on July 21, 2017 and for a period of at least ten (10) years.
2. Retain the residential density at one (1) dwelling unit per twenty (20) acres and reduce the minimum lot size from twenty (20) acres to three (3) acres.
3. Add the Planning Division's Work Program a task to complete a Sub-Area Plan for White Plains – "one thousand one hundred and sixty (1,160) Acre Area."

Commissioner Stewart did not want to change the Intrafamily transfer requirements. She felt it was meant for families who owned land for generations.

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A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with Commissioners Coates, Rucci, Bowling and Collins present, voting in favor to have staff proceed with all three (3) staff recommendations as presented. Commissioner Stewart was opposed. A roll call of the vote was taken: Commissioner Coates-yes; Commissioner Rucci-yes; Commissioner Bowling-yes; Commissioner Stewart-no; Commissioner Collins-yes. The motion passed four (4) to one (1).

Briefing: Program Open Space Development Plan

Ms. Eileen Minnick, Director, Mr. Tim Drummond, Chief of Parks, Department of Recreation, Parks and Tourism, and Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, presented an overview of the Program Open Space (POS) Grant and the Land Preservation Parks and Recreation Plan (LPPRP). Ms. Minnick provided a summary of the 2017 findings on the Level of Service Analysis. She provided a snapshot of some of the projects that were covered under the Development/Construction Funding under this five (5) year plan. This plan needs to be updated every five (5) years. The 2022 LPPRP plan is scheduled to begin in the Spring of 2021. There are two (2) funding sources under the Program Open Space Program, Acquisition and Development/Construction.

Commissioners' New Business

There was no new business discussed.

At 3:44 p.m. A motion was made by Commissioner Coates, 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- MS Teams Date: March 9, 2021

Time: 9:54 a.m.

Motion By: Commissioner Rucci

Seconded By: Commissioner Coates

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) [x] 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) [X] 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)(4)(7) Legal: Future Potential Business Relocated to Charles County
REASON FOR CLOSING: To keep legal negotiations confidential.

3-305 (b)(7) Legal: Potential Acquisition
REASON FOR CLOSING: To keep legal negotiations confidential.

3-305 (b)(7)(8) Legal Advice: Two Issues related to Potential Litigation
REASON FOR CLOSING: To keep legal negotiations confidential.



Reuben B. Collins, II, Esq., President