

**Regular Meeting of County Commissioners**  
**Tuesday May 18, 2021 (Legislative Day)**

The regularly scheduled meeting of the County Commissioners was convened virtually at 9:01 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 the Commissioners were present.

**Announcement of Additional Charles County Board of County Commissioners' Proclamations Issued for May 2021**

Additional May 2021 Proclamation(s): 2021-32 Older Americans Month; 2021-33 World IBD Day; 2021-34 Resource Parents Celebration Day.

**Comments**

Commissioner Collins expressed prayers and support to the Charles County Sheriff's Office and the Officers and others who were wounded this past week.

Commissioner Bowling acknowledged appreciation for Emergency Medical Services Workers and Public Works employees during National EMS and National Public Works Week.

**Approval of the Minutes of May 11, 2021**

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the minutes of May 11, 2021.

**Announcement: Next Commissioner Session will be held May 25, 2021**

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next scheduled session was on May 25, 2021.

Regular Meeting of County Commissioners  
Tuesday May 18, 2021 (Legislative Day)

Approval Items

*FY2021 Budget Transfer Request #8776 Holiday Pay Emergency Medical Services and Communications*

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 Request #8776 Holiday Pay Emergency Medical Services and Communications for seventy-one thousand nine hundred and ninety dollars (\$71,990.00).

*Change to Ghostwriter-Automated Signing Machine Use Policy Standard Operating Procedure (SOP) #CP.CC.03.004*

A motion was made by Commissioner Bowling, seconded by Commissioner Coates, and passed with all Commissioners present, voting in favor to approve SOP #CP.CC.03.004 Ghostwriter-Automated Signing Machine Use Policy.

Final Review of Fiscal Year 2022 Budget Work Session Recap: General Fund Operating Budgets and Fiscal Year 2022-2026 Capital Improvement Projects

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, reviewed additional options for the Commissioners to consider providing the Charles County Board of Education (BOE) additional funding to help support a one percent (1%) Cost of Living Adjustment (COLA) for teachers.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners voting in favor to commit one million dollars (\$1,000,000.00) to the Board of Education now as presented by Jake:

*The proposal included:*

- *Reduce Watershed Protection Restoration Fund Subsidy- increase rate by six dollars (\$6) to increase to one hundred and fifteen dollars (\$115) per property tax bill. This will reduce the County Budget by three hundred thousand dollars (\$300,000.00)*
  - *Other Post-Employment Benefits (OPEB) contribution recognizes Enterprise Fund support. This will reduce the County Budget by three hundred thousand dollars (\$300,000.00)*
  - *Increase indirect cost revenues (additional Enterprise fund support by reducing their Contingency). This will reduce the County Budget by two hundred and seven thousand dollars (\$207,000.00).*
  - *Increase County Department Turnover to two percent (2%) which impacts ability to refill vacancies in a timely manner. This will reduce the County Budget by one hundred and twenty-five thousand dollars (\$125,000.00).*
  - *Reduce RecAssist Funding by twenty-five thousand dollars (\$25,000.00).*
  - *Reduce Contingency by forty-three thousand dollars (\$43,000.00).*
- These Total County Budget Reductions would total one million dollars (\$1,000,000.00).*

The Commissioners agreed that a joint meeting with the Board of Education was important to discuss

**Regular Meeting of County Commissioners**  
**Tuesday May 18, 2021 (Legislative Day)**

the BOE unassigned contingency fund of twenty-seven million nine hundred dollars (\$27, 900,00.) and how it will be used.

**Set the Fiscal Year 2022 Property and Income Tax Rate**

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to set the fiscal year 2022 real property tax rate at the current rate of one point one four one dollars (\$1.141) per one hundred dollars (\$100.00) of assessed value; and to set the Personal Property tax rate for all railroad personal & public utility property, corporate personal and business personal property subject to taxation at the current rate of two point eight five two five dollars (\$2.8525) per one hundred dollars (\$100.00) of assessed value.

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to set the Fire and Rescue real property tax rate at the current rate of six point four (6.4) cents per one hundred dollars (\$100.00) of assessed value; and to set the Fire and Rescue business personal property tax rate at the current rate of sixteen (16) cents per one hundred dollars (\$100.00) of assessed value.

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to set the fiscal year 2022 La Plata Town Tax Differential Rate at fourteen point two (14.2) cents per one hundred dollars (\$100.00) of assessable base and the Indian Head Town Tax Differential Rate at three point nine (3.9) cents per one hundred dollars (\$100.00) of assessed value.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to set the semi-annual real property tax payment option rate which has been calculated to be zero point zero two two percent (0.022%).

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to set the 2022 Income Tax rate at the current rate of three point zero three percent (3.03%).

**Briefing: Request to Introduce and Set the Public Hearing: Zoning Text Amendment (ZTA) 19-154; Single-Family Attached Residential & Multi-Family**

Mr. Kirby Blass, Planner III, and Mr. Jim Campbell, Planning Director, and Mr. Charles Rice, Assistant Planning Director, Department of Planning and Growth Management, joined the Commissioners to review the process and final report of the Planning Commission' unanimous recommendation to approve ZTA 19-154 for adoption by the Board of County Commissioners.

**Regular Meeting of County Commissioners**  
**Tuesday May 18, 2021 (Legislative Day)**

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to introduce Bill 2021-02 ZTA 19-154 Single Family Attached Residential and Multi Family.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to set the public hearing for June 8, 2021, virtually at 6:00 p.m.

**Briefing: Request to Set the Public Hearing: Zoning Map Amendment (ZMA) 20-01; Wintergreen, Rural Conservation to Commercial Village**

Mr. Kirby Blass, Planner III, and Mr. Jim Campbell, Planning Director, and Mr. Charles Rice, Assistant Planning Director, Department of Planning and Growth Management, joined the Commissioners to review the process and final report of the Planning Commission's recommendation to approve the Zoning Map Amendment ZMA#20-01, to rezone 5405 Leonardtown Road (Parcel 255 within Grid 13 on Tax Map 25) from Rural Conservation (RC) to Commercial Village (CV), based upon a justification of a mistake being made during the 1992 comprehensive rezoning.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to set the public hearing for June 8, 2021, virtually at 6:00 p.m.

**Briefing: Newburg Septic Tier Map**

Mr. Charles Rice, Assistant Chief of Planning, and Ms. Cathy Thompson, Planning Supervisor, Department of Planning and Growth Management, reviewed the Sustainable Growth and Agricultural Preservation Act, Tier Maps in Maryland, Charles County Tier Maps History, Tier four (4) criteria and outlined the Tier Map Amendment process.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to have staff initiate the process to change the Newburg Tier Two (2) designation to Tier Four (4).

**Briefing: Charles County Support of Business Recovery Post Pandemic**

Ms. Deborah Carpenter, Director, Mr. Jason Groth, Deputy Director, Mr. Jim Campbell, Planning Director, Mr. Ray Shumaker, Chief of Codes, Permits and Inspection Services, Department of Planning and Growth Management, Mr. Darrell Brown, Director, Ms. Marcia Keeth, Deputy Director and Ms. Lucretia Freeman-Buster, Chief of Business Development, Department of Economic Development, joined the Commissioners to review options to support of business recovery post-pandemic. The Recovery Task Force recommended home occupation permits, pop-up or flex commercial space,

**Regular Meeting of County Commissioners**  
**Tuesday May 18, 2021 (Legislative Day)**

encouraging affordable housing, encouraging walk and biking, accessory commercial units, expanding mixed-use zoning, and streamlining the permitting process and making zoning more small business friendly.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to have staff move forward with the process to consider six(6) of the seven (7) Recovery Task Force recommendations during the planning/zoning code rewrite process.

The consensus of the Commissioners was to direct staff to maintain the temporary signage and outdoor service area permit processes until the end of the calendar year, thereby giving the businesses time to prepare for the regular permit processes that will be re-instituted in 2022.

**Closed Session**

At 10:47 a.m., Commissioner Rucci made a motion, seconded by Commissioner Coates and passed, with 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)(1)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to discuss two (2) lease agreements; to review one (1) potential litigation issue related to a debt collection; to discuss two (2) personnel items-one (1) related to disclosure of a personnel matter and one (1) to discuss appointment to a Committee Assignment and to review options related to Governor Hogan's recent orders related lifting restrictions. The reason for going into closed is to keep negotiations strategies, plans and approaches confidential and to keep personnel information confidential.

**Summary Closed Session Items**

At 11:02 a.m. the Commissioners went into virtual closed session.

**3-305(b)(7) Legal: Lease Agreement**

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Shanee Major-Kelly, Jenifer Ellin, Sam Drury, Eileen Minnick, Judy Michael, Murray Gunty, Ryan Scott, Patricia Laborde, and Ben Richter.

Mr. Murray Gunty, CEO, Black Bear Sports Group & Blackstreet Capital Holdings, provided a presentation on the proposed public/private partnership.

*At 11:33 a.m. Mr. Murray Gunty, Mr. Ryan Scott, Ms. Patricia Laborde, and Mr. Ben Richter left closed session.*

Ms. Deborah Hall, Deputy County Administrator, reviewed terms of the proposed lease.

The consensus of the Commissioners was to bring this lease back for approval in open session on May 25, 2021.

**3-305(b)(7) Legal: Lease Agreement**

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Shanee Major-Kelly, and Judy Michael.

Ms. Deborah Hall, Deputy County Administrator, provided an update on issues related to this lease.

**Regular Meeting of County Commissioners**  
**Tuesday May 18, 2021 (Legislative Day)**

The consensus of the Commissioners was to have the County Administrator work with third party mediation to lay out the County's position and keep a strict one (1) to two (2) month timeline.

**3-305(b)(7) Legal: Update on Governor Hogan's Recent Orders**

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

Dr. Dianna Abney, Health Officer, Charles County Health Department reviewed Governor Hogan's recent orders and recommendations.

**3-305(b)(7)(8) Legal Advice: Potential Litigation for a Debt Collection**

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

Mr. Wes Adams, County Attorney, reviewed options related to collection of a debt.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed with Commissioners Rucci, Bowling, Coates and Collins present, voting in favor approve the *specified repayment plan discussed*. \*Commissioner Stewart was opposed.

**3-305(b)(1)(7) Legal Advice: Disclosures Pertaining to a Personnel Matter**

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

Commissioner Bowling and Mr. Wes Adams, County Attorney, reviewed information related to disclosing a personnel matter.

**3-305(b)(1) Commissioner Committee Assignment**

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

This discussion will be brought back on May 25, 2021.

At 1:18 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to end this Closed Session.

The Commissioners returned to open session at

**Roll Call**

A roll call was taken. All Commissioners were present.

**Update: Governor Hogan's Executive Orders Related to COVID-19**

Dr. Dianna Abney, Health Officer, Charles County Health Department, reviewed Governor Hogan's recent order lifting mask mandates. She recommended that the County follow Governor Hogan's Executive Orders which would end the Charles County mask mandate. She also strongly encouraged that unvaccinated people continue to wear masks in public and indoors. She clarified that face coverings will still be required on public transportation, and in schools, childcare, and health care settings.

Regular Meeting of County Commissioners  
Tuesday May 18, 2021 (Legislative Day)

**Adoption: Fiscal Year 2022 Operating and Capital Budgets**

Ms. Jenifer Ellin, Director and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, reviewed the final proposed budget with the changes discussed with the Commissioners.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to adopt Ordinance 2021-06 for the Fiscal Year 2022 General Fund Operating Budget in the amount of four hundred fifty million three hundred fifty thousand three hundred dollars (\$450,350,300.00) and to approve the fiscal year 2022 new position list for General Fund operations which includes adding to the authorized strength of the Sheriff's Office, two (2) new Sworn Officers, a Systems Administrator and a Mental Health Liaison, adding to the authorized strength of the State's Attorney's Office, six (6) new Assistant State's Attorneys, a position to support the Criminal Justice Coordinating Council, and additional positions throughout County Government operations.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to adopt Resolution 2021-07 for the Fiscal Year 2022 Capital Budget in the amount of one hundred twenty four million three hundred twenty eight thousand dollars (\$124,328,000.00) and the Fiscal Year 2022-2026 Capital Improvement Program in the amount of seven hundred six million two hundred sixty-seven thousand dollars (\$706,267,000.00), and the associated water and sewer connection fee rates as proposed to support related projects, and the associated school excise tax rates as proposed to support new school construction projects.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2022 Inspection & Review Enterprise Fund - Operating Budget in the amount of five million two hundred eighty-three thousand one hundred dollars (\$5,283,100.00).

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2022 Recreation Enterprise Fund - Operating Budget in the amount of one million nine hundred seventy-six thousand six hundred dollars (\$1,976,600.00).

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2022 Landfill Enterprise Fund - Operating Budget in the amount of ten million four hundred seventy-four thousand two hundred dollars (\$10,474,200.00) and as proposed to increase the tipping fee to eighty one dollars (\$81) per ton.



**Regular Meeting of County Commissioners**  
**Tuesday May 18, 2021 (Legislative Day)**

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adopt Ordinance 2021-09 for the Fiscal Year 2022 Water and Sewer - Operating Budget in the amount of forty-four million thirty-one thousand eight hundred dollars (\$44,031,800.00) and to increase the associated water and sewer user fee rates as proposed by approximately four-point two percent (4.2%) on the average water and sewer bill to fund the budget.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to adopt Ordinance 2021-08 for the Fiscal Year 2022 Environmental Service Fee Enterprise Fund Operating Budget in the amount of seven million five hundred eighty-five thousand three hundred dollars (\$7,585,300.00) and to increase the Environmental Service Fee to one hundred and thirty dollars (\$130) per improved property tax account for properties outside the municipal limits of La Plata and Indian Head and, to increase the fee for properties located within La Plata and Indian Head as proposed at twenty dollars (\$20) per improved property tax account.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to adopt the Fiscal Year 2022 Watershed Protection and Restoration Enterprise Fund Operating Budget in the amount of six million one hundred nineteen thousand four hundred dollars (\$6,119,400.00) and as proposed to increase the Stormwater Remediation Fee from ninety two dollars (\$92) to one hundred and fifteen dollars (\$115) per improved property tax account for properties outside the municipal limits of La Plata and Indian Head.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to adopt the proposed Fiscal Year 2022 Fees and Charges for County government services.

**Discussion: Fiscal Year 2022 Congressionally Directed Spending-Earmarks**

Mr. Mark Belton, County Administrator, and Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, reviewed one time funding requests to be submitted to Senator Cardin for potential Federal Earmarks. These include Southern Maryland Rapid Transit (SMRT) Project, Mallows Bay Virtual 3D paddle experience, Body Worn Camera Initiative, Mallows Bay Restrooms, Mallows Bay Kayak Launch and Mallows Bay Outdoor Classroom.

The consensus of the Commissioners was to submit the suggested projects as staff presented.

**Commissioners' New Business**

There was no new business discussed.

At 2:27 p.m., a motion was made by Commissioner Bowling, 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



Regular Meeting of County Commissioners  
Tuesday May 18, 2021 (Legislative Day)

**FORM OF STATEMENT FOR CLOSING A MEETING**

Location: Virtual- MS Teams

Date: May 18, 2021

Time: 10:47 a.m.

Motion By: Commissioner Rucci

Seconded By: Commissioner Coates

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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**

**Regular Meeting of County Commissioners**  
**Tuesday May 18, 2021 (Legislative Day)**  
**Appendix C C-2**

(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: Two (2) Lease Agreements**

REASON FOR CLOSING: To keep business proprietary information confidential.

**3-305(b)(7)(8) Legal: Update on Potential Litigation related to a Debt Collection Issue**


REASON FOR CLOSING: To keep legal approaches, plans, and strategies confidential

**3-305(b)(7) Legal: Review Options Related to Governor Hogan's Recent Orders Related to Lifting Restrictions**

REASON FOR CLOSING: To keep approach confidential until announced.

**3-305(b)(1)(7) Personnel/Legal: One (1) Related to a Disclosure of a Personnel Matter; One (1) Appointment to a Committee Assignment**

REASON FOR CLOSING: Keep personnel information confidential.

  
\_\_\_\_\_  
Reuben B. Collins, II, Esq., President