

Regular Meeting of County Commissioners
Tuesday January 25, 2022 (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.

Announcement of Additional Charles County Board of County Commissioners' Proclamation(s) Issued for January 2022

2022-05 National Pan-Hellenic Council Recognition Month

Comments

There were no comments.

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, UM Charles Regional Medical Center; and Ms. Jennifer Harris, Chief of Media Services, Office of the County Administrator; and Mr. Jason Stoddard, Director of Safety, Charles County Public Schools, provided an update on COVID-19 statistics and how they are responding to COVID-19.

Dr. Abney reviewed current COVID cases and stated that Charles County was in still in a HIGH Community Transmission Level and that everyone should wear a mask in public, indoor settings. She reviewed the positivity rate which decreased twenty-three-point fifty two percent (23.52%) from last week and the case rate which also decreased from last week. She reviewed death statistics and post-vaccination infection data. Dr. Abney shared information on the Omicron variant, vaccination data, and Charles County booster percentages, she also reviewed vaccination and testing site's locations and times and informed the Commissioners of the testing site at Regency Stadium.

Ms. Lilly reported on the COVID positive EMS Transports per month in 2021-22 and as of this date there were one hundred and fifty-six (156) transports in January. She reviewed Viral Pandemic Triage

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Protocol. Emergency Services use Personal Protective Equipment (PPE) on all calls. She informed the Commissioners that the Department of Emergency Services (DES) will continue to monitor COVID and provide support as needed.

Mr. Grimes stated that the number of COVID cases in the hospitals has declined. The hospital is operating in in Crisis Care Center which effects staffing and documentation. The biggest issue is that staffing has been down about forty (40) percent.

Mr. Stoddard shared that the number of COVID cases went down from seven hundred and twenty-eight (728) cases to four hundred and thirty-eight (438) cases. This week's positivity numbers are also down. Public school staff were given KN95 masks if they wanted them.

Ms. Harris provided an update on the County's communications efforts, which includes continuing social media monitoring and response to media inquiries. She indicated media's support to the Health Department.

Legislative Update: 2022 Maryland General Assembly Session

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney, Mr. Joseph Green, and Ms. Sherri Simms, GS Proctor and Associates, Inc., provided updates on the 2022 Maryland General Assembly legislative session.

Ms. Mitchell provided an overview of legislative proposals submitted by Charles County Commissioners to the Charles County Delegation, seeking their consideration for state legislation.

1. A proposal to modify the Charles County multiple licensing plan law to permit certain Charles County Class B License Types to increase the number of alcoholic beverage licenses held by a single individual within the Charles County limits from one license to two licenses.

STATUS: Supported by the Delegation and awaiting bill draft.

2. A proposal to amend Ann. Code MD, Alcoholic Beverages Article to allow removal of an individual/corporate license and hold an alcoholic beverage license inactive or in abeyance for a certain amount of time, until a substitute licensee can qualify to hold the license. (Reintroduced from 2021 Legislative Package.)

STATUS: Supported by the Delegation and awaiting bill draft.

3. A proposal to allow Sunday hunting in Charles County during the Maryland legal hunting season and authorize the Department of Natural Resources to allow a person to hunt on each Sunday of the game bird and game mammal season in Charles County.

STATUS: Supported by the Delegation and awaiting bill draft.

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4. A proposal to re-introduce HB 335/SB432 - Charles County - Public Safety - Buildings Used for Agritourism (from 2020 Legislative Session), which proposes to add Charles County to the list of counties where an existing agricultural building used for Agritourism is not considered a change of occupancy that requires a building permit under certain circumstances.

STATUS: NOT supported by the Delegation.

Commissioner Bowling requested talk sheet and vote tally from the delegation of why they did not support this Bill for Charles County, but it has been supported in St. Mary's and Prince Georges Counties.

5. A proposal to amend Section 9-310 of the Tax Property Article, Ann. Code MD, to allow for implementation of a real property tax credit for volunteer fire & EMS, (current volunteers, those in the retirement system and surviving spouses of deceased volunteers receiving a benefit).

STATUS: On hold by Delegation.

Commissioner Bowling requested staff provide the Delegation with information on what other jurisdictions are doing, Calvert and St. Mary's Counties.

6. A proposal to amend the definition of "agricultural land management practices" found in COMAR 26.17.02.02, to expressly include the acts of clearing and grading land in preparation for agricultural land management practices, in order to ensure the activity is exempt from the Stormwater Water Management Plan requirements, described in COMAR 26.17.02.09.

STATUS: Supported by the Delegation and awaiting bill draft.

7. A proposal to implement a higher property tax rate on properties deemed blighted.

STATUS: Supported by the Delegation and awaiting bill draft.

8. A proposal to enable the use of Public Private Partnership (PPP) process for school construction projects - Interagency Commission on School Construction (IAC).

STATUS: Supported by the Delegation. Bill draft received (LR 1740).

9. A proposal to ensure posting notifications of newly introduced legislation and enacted legislation is sufficient when the bill is posted to an internet website ordinarily used by the public body to provide information to the public.

STATUS: Supported by the Delegation and awaiting bill draft.

Mr. Green provided an update proposed Bills being considered. The 2022 Maryland General Assembly Session convened on January 12, 2022.

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SB35 Charles County - Program Open Space - General Assembly Approval

Requiring approval through legislation enacted by the General Assembly before any Charles County annual or revised program under Program Open Space takes effect or any grant agreement based on the annual or revised program is executed; and requiring approval through legislation enacted by the General Assembly before any revised Charles County land preservation and recreation plan under Program Open Space takes effect.

This legislation was singular draft from Senator Ellis and not the Delegation. Staff requested to reach out to Senator Ellis for his rationale and data for this Bill.

Maryland Association of Counties (MACo) Recreation sent letter of opposition. Staff requested to include these types of letters in BoardDocs.

The Commissioners requested information from the Charles County Delegation on their position.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Rucci and Collins present, voting in favor to send a letter of opposition for this Bill. Commissioner Coates voted against. A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Stewart-yes; Commissioner Rucci-yes; Commissioner Coates-no; Commissioner Collins-yes. The motion passed four (4) to one (1).

SB76 Motor Vehicle Registration - Exceptions for Golf Carts and Low Speed Vehicles - Cobb Island

Establishing exceptions to motor vehicle registration requirements for golf carts and low speed vehicles on Cobb Island, Charles County; requiring an operator of a golf cart on a highway on Cobb Island without a certain registration to operate the golf cart only on a highway with a maximum posted speed limit of 30 miles per hour and between dawn and dusk; requiring the vehicle be equipped with certain lighting devices and be kept to the far right of the roadway; and requiring the operator to possess a valid driver's license.

This legislation was singular draft from Senator Ellis and not the Delegation. There was no input from the Board of County Commissioners.

The Commissioners requested information from the Charles County Delegation on their position.

The Commissioners requested that staff bring back more historical information related to this Bill.

SB136 College of Southern Maryland - Charles County Campus - Transition to Charles County Community College

Establishing the Charles County Community College and the Board of Community College Trustees for Charles County by transitioning the College of Southern Maryland Charles County campus to the Charles County Community College; removing Charles County from certain provisions of law relating to the College of Southern Maryland; exempting the Charles County Community College from certain provisions of law for the 2023-2024 academic year; altering the number of members of the Board of Trustees for the College of Southern Maryland; etc.

This legislation was singular draft from Senator Ellis and not the Delegation. Commissioner Collins indicated that the Delegation was opposed to this Bill.

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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 opposition for this Bill. The Commissioners amended the motion to include additional information in the letter as to why the community college changed to a regional college years ago.

**At 10:08 a.m. Commissioner Bowling left session.*

SB89 University System of Maryland - Regional Higher Education Center - Charles County

Requiring the Board of Regents for the University System of Maryland to adopt a plan on or before July 1, 2023, to establish a regional higher education center in Charles County to provide students in Charles County with access to established, cutting-edge, and high-demand academic programs of degree-granting institutions; and requiring the Board of Regents to implement the plan to establish a regional higher education center in Charles County on or before July 1, 2028.

Staff was requested to find out if this is State supported or singular supported by Senator Ellis.

SB96 Community Parks and Playgrounds Program - Charles County - Basketball Courts

Expanding the Community Parks and Playgrounds Program to make grants available to Charles County for the construction and maintenance of basketball courts at county parks with baseball fields; and requiring the governing body of Charles County to apply for grants under the Act and use the grant funding for the construction and maintenance of basketball courts at county parks with baseball fields.

Staff was requested to get letter of information from the Department of Natural Resources related to this proposed Bill as well as more information from Senator Ellis.

SB108 Charles County Public Library – Imagination Library Program – Funding

Authorizing the Charles County Public Library to partner with an Imagination Library Program to provide free books to children up to 5 years of age; and requiring the Governor to include in the annual budget bill for fiscal years 2024 through 2033 an appropriation of \$2.10 for each child for each month that the child is registered in the Program.

SB128 Charles County - Program Open Space - Waldorf Core Zone

Requiring that all proposed acquisition and development projects and any revisions submitted by the Charles County Board of Commissioners under Program Open Space for certain fiscal years be planned to take place in the Waldorf Core Zone; and defining the term "Waldorf Core Zone" as the area in Charles County located south of Mattawoman Creek, west of Maryland Route 5, north of Billingsley Road, and east of Bensville Road.

This legislation was singular draft from Senator Ellis and not the Delegation.

The Commissioners requested information from the Charles County Delegation on their position.

Ms. Mitchell cautioned the Commissioners of legislation that "mandates" since it speaks to the authority.

The majority of the Commissioners felt that Senator Ellis was trying to circumvent local authority and legislative process on the Bills he submitted. Senator Ellis' Bills would neutralize the Board of County Commissioners' authority.

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A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with Commissioners Stewart, Rucci and Collins present, voting in favor to send a letter of opposition to this Bill. Commissioner Coates was opposed. *Commissioner Bowling was absent for the vote.* A roll call of the vote was taken: Commissioner Stewart-yes; Commissioner Rucci-yes; Commissioner Coates-no; Commissioner Bowling-absent; Commissioner Collins-yes. The motion passed three (3) to one (1).

Recognition: Government Finance Officers Association (GFOA) Achievement for Excellence in Financial Reporting and Distinguished Budget Award

Ms. Jenifer Ellin, Director; Mr. Jacob Dyer, Chief of Budget; and Mr. William DeAtley, Chief of Accounting, Department of Fiscal and Administrative Services, introduced staff members and a video presentation was shared recognizing the Department of Fiscal and Administrative Services for earning Distinguished Budget Presentation Award and the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association of the United States and Canada.

**At 10:53 a.m. Commissioner Bowling rejoined session.*

Approval of the Minutes of January 11, 12, and 18, 2022

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 January 11, 2022.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the minutes of January 12, 2022.

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the minutes of January 18, 2022.

Announcement: Next Scheduled Commissioners' Session(s) will be held on February 1 and 2, 2022

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next scheduled sessions will be held on February 1 and 2, 2022.

Approval Items

Resolution 2021-27- Zoning Map Amendment 20-03 Hungerford Property (Approved by Majority BOCC on October 5, 2021)

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to extend the time for issuance of their decision through January 25, 2022.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve Resolution 2021-27 Zoning Map Amendment 20-03 Hungerford Property.

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Proposed Docket 90 Grocer Acknowledgement and Consent Agreement

Generations Properties, LLC and MCB Real Estate, LLC presented an overview of the plans for Fairway Village and their request for consent of the Weis Grocery Store at Fairway Village per the Docket 90 agreement.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the Acknowledgment and Consent Agreement as presented.

Commissioners' New Business

There was no new business discussed.

Closed Session

At 11:58 a.m. Commissioner Coates made a motion, seconded by Commissioner Rucci and passed, with all Commissioners present, voting to move into Closed Session where all or a portion of this session may be closed pursuant to Section 3-305(b)(1)(7)(8)(10) of the General Provisions Article of the Annotated Code of Maryland to receive an update on a litigation settlement; to review one (1) Boards and Commissions' vacancies; and to discuss/review the development and implementation of emergency plans for the County. The reason for going into closed is to keep legal approaches and negotiations and personnel information confidential.

Mr. Wes Adams, County Attorney clarified that public discussions the development of emergency plans for the County may constitute a risk to the public or public security.

Summary Closed Session Items

At 11:58 a.m. the Commissioners went into virtual closed session.

3-305(b)(7)(8) Legal: Advice on the Proposed Settlement

Present: Commissioners Collins, Rucci, Bowling, Coates, Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Terrah Dews, Matthew McCarly. And John Raggio.

Mr. Matthew McCarly, Outside Counsel, and Mr. Wes Adams, County Attorney reviewed the proposed settlement documents and the administrative provisions required to receive and use these funds. There are no fees for counsel that will come out of this settlement.

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

This discussion will be held at a future meeting.

**Break 12:14 p.m.-12:29 p.m.*

3-305(b)(10) Development and Implementation of Emergency Plans

Present: Commissioners Collins, Rucci, Bowling, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall and Michelle Lilly and Nicholas Ellis.

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Ms. Michelle Lilly, Director, and Mr. Nicholas Ellis, Assistant Chief of Special Operations, Department of Emergency Services, led the Commissioners in tabletop exercises related to the implementation of emergency plans related to hazard materials emergencies.

At 1:21 p.m., a motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to end Closed Session and 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: January 25, 2022

Time: 11:58 a.m.

Motion By: Commissioner Coates

Seconded By: Commissioner Rucci

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

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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: Discuss Appointments to one (1) County Boards and Commissions

REASON FOR CLOSING: Keep personnel information confidential.

3-305(b)(7)(8)Legal: Update on a Litigation Settlement

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

3-305(b)(7)(10)Legal: To discuss/review the development and implementation of emergency plans for the County.

REASON FOR CLOSING: To keep strategies confidential.



Reuben B. Collins, II, Esq., President