

Regular Meeting of County Commissioners
Tuesday July 12, 2022 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, 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 was absent
Amanda M. Stewart, M.Ed., County Commissioner
Mark Belton, County Administrator
Wes Adams, County Attorney
Carol A. DeSoto, Clerk to the Commissioners

Call to Order/Pledge

Commissioner Collins called the meeting to order and began with the Pledge of Allegiance.

Roll Call

A roll call was taken. All Commissioners were present.

Announcement of Charles County Proclamations for July 2022

2022-48 National Parks and Recreation Month

2022-49 National Ice Cream Day

Comments

Commissioner Collins reminded the public that the COVID virus was still in existence and to maintain safety precautions to help prevent the spread.

Approval of the Minutes of June 28 and June 29, 2022

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 June 28, 2022.

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 June 29, 2022.

Announcement: Next Commissioner Session(s) are Scheduled for July 26 and 27, 2022.

Reminder: July 13, 2022 Public Hearing

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next Commissioners' sessions are scheduled for July 26 and 27, 2022 and provided a reminder that on Wednesday July 13 there will be a Public Hearing on Bill 2022-03 Changes to Chapter 54-Length of Service Award program (LOSAP).

Commissioner Stewart requested moving this public hearing to July 20, 2022. Mr. Mark Belton, County Administrator, informed the Commissioners that this would not be possible due to the notice requirements, and suggested that it be moved to September 2022.

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to reschedule this public hearing to Wednesday September 21, 2022 at 6:00 p.m.

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Approval Items

FY2022 Budget Transfer Request #10150 Water Sewer Operations

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2022 Budget Transfer Request #10150 for two hundred and ninety-five thousand seven hundred dollars (\$295,700.00).

Letter of Support Boundary Amendment for Rich Hill

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve this letter of support.

Letter of Support Southern Maryland Rural Maryland Grant

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the Letter of Support for the Making Water Recreation More Accessible in the Southern Maryland Peninsula Grant application.

Proposed Western Charles County Technology Corridor Designation

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve this designation.

2023 Board of County Commissioners (BOCC) Session Calendar

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the 2023 BOCC Session Calendar.

Commissioner Stewart requested that Mr. Belton provide the 2022 Holiday Calendar for review for the fall.

Briefing and Request to Schedule a Public Hearing: Water/Sewer Service Category Amendments Spring 2022 Cycle

Mr. Fahad Hassan, Engineer, and Ms. Alicia Afroilan, Engineering Supervisor, Department of Planning and Growth Management, reviewed the proposed amendments and requested that the Commissioners schedule a public hearing.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioner present, voting in favor to schedule this public hearing for Wednesday September 21, 2022 at 6:00 p.m. in the Government Building Conference Room using a hybrid format, virtual and in person.

**Break 9:30 a.m.-9:37 a.m.*

Roll Call

A roll call was taken. All Commissioners were present.

Briefing: Update on Charles County Disparity Study

Ms. Kelly Robertson-Slagle, Director, Ms. Lucretia Freeman-Buster, Chief of Business Development, Ms. Lucinia Mundy, Business Development Specialist, Department of Economic Development and Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, provided an update on the progress regarding the Charles County Disparity Study Implementation Plan. Highlights included a

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brief review of disparity study results, contractor implementation plan recommendations, and progress made by staff to-date. County staff will work with consultant on development of legislative options for consideration by the Commissioners, including a possible option that allows priority for Charles County Headquartered Minority/Women-owned Business Enterprises (MWBE) businesses to qualify for Small Local Business Enterprise and MWBE Programs.

Commissioner Bowling stressed the importance to giving preference to Charles County businesses and not just the Southern Maryland area.

Briefing: Commission for Veterans Affairs Request Related to Bill 417 Property Tax - Credit for Disabled Veterans

Mr. Kabir Tompkins, Sr., Chairman, and Mr. Matthew Perez, Jr., Vice Chairman, Commission for Veterans Affairs; and Ms. Danielle Mitchell, Associate County Attorney II, Office of the County Attorney for Charles County, provided a presentation on Bill 417 Property Tax Credit for Disabled Veterans, which proposes a property tax credit against the county property tax imposed on the dwelling house of disabled veteran with a service-connected disability rating of at least fifty (50) percent.

Commissioner Bowling wanted to start this process and have staff begin to prepare local legislation. Commissioner Stewart wanted a break down of the other counties policies related to percentage for disabled categories prior to a fiscal impact briefing so that staff can provide parameters and options.

The Commissioners suggested that the Commission for Veterans Affairs seek outside funding options for a later meeting and consider surviving spouses within this request.

The Commissioners agreed that in addition to the fiscal impact that staff also include Diversity, Equity and Inclusion (DEI) impact on veterans in the County as well.

Commissioner Stewart queried about the Commission for Veteran's Affairs previous requests related to fundraising, a Memorial Garden, and hiring preference. Mr. Mark Belton, County Administrator indicated that an update would be given in September 2022.

Briefing: Town of La Plata Annexation Petition, "Hawthorne Yards"

Mr. Joel Binkley, Planner III, and Mr. Charles Rice, Assistant Chief, Department of Planning and Growth Management, provided an overview presentation on the Town of La Plata's Annexation Petition, "Hawthorne Yards." Staff findings are that this petition is consistent with the Comprehensive Plan and is within the Town's Growth Area. Since the Town of La Plata is scheduled to hold a public hearing on this request on July 18, 2022 staff asked the Commissioners if they would like to provide any comments.

Commissioner Stewart expressed concerns for school seat allocations for students since the Town's policy indicates they can allocate one hundred (100) seats or more a year.

Mayor Jeanine James, Town of La Plata, informed the Commissioners that the Town Council was scheduled to meet on July 18, 2022 to discuss the school seat allocation as well.

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Commissioner Collins requested that staff review establishing a Memorandum of Understanding with the Municipalities in the County.

The consensus of the Commissioners was to have staff prepare a similar letter of comment as the one sent for the Annexation, "The Hub," which requests that the record be kept open for thirty (30) days and to ensure that the project has adequate public facilities.

Follow Up Work Session: Amendments to the 2022-2031 Charles County Comprehensive Solid Waste Management Plan (CCCSWP)

Ms. Amy Blessinger, Planner III, Department of Planning and Growth Management; Ms. Margaret Romero, Recycling and Litter Control Superintendent, and Ms. Frances Sherman, Chief of Environmental Resources, reviewed the proposed language of the amendment. There were no additional comments following the public hearing.

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

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners voting in favor to approve Resolution 2022-11 Charles County Solid Waste Management Plan.

Closed Session

At 11:14 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 review one (1) agreement; to discuss one (1) potential litigation issue related to an agreement; and to discuss vacancies on Commissioner Appointed Boards, Commissions and Committees. The reason for going into closed is to keep negotiations, strategies, and personnel information confidential.

Summary Closed Session Items

At 11:37 a.m. the Commissioners went into virtual closed session.

3-305(b)(7) Review a Proposed Agreement Request

Present: Commissioners Collins, Rucci, Bowling, Coates, Stewart, Mark Belton, Wes Adams, Carol DeSoto, Rita Wood, Taylor Yewell, Deborah Carpenter, Jason Groth, Jenifer Ellin, Jacob Dyer, Kelly Robertson-Slagle, Luke Patton.

Mr. Luke Patton, Real Estate Development Manager, Enterprise Community Development, reviewed an overview of a potential agreement.

**At about 12:14 p.m. Mr. Patton left closed session.*

The Commissioners provided staff with directions on how to proceed and requested that staff bring back this proposed agreement in September 2022.

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**Break 12:36 p.m.- 12:50 p.m.*

3-305(b)(7) Review a Proposed Agreement Request

Present: Commissioners Collins, Rucci, Bowling, Coates, Stewart, Mark Belton, Wes Adams, Carol DeSoto, John Stevens, Bradley Jeffries, and Candis Stretcher.

**At 1:05 p.m. Commissioner Bowling recused himself from this discussion.*

Mr. Wes Adams, County Attorney, provided an update on the status of this agreement to date.

**At 1:11 p.m. Mr. John Stevens, Chief of Capital Services and Ms. Candis Stretcher, Project Manager II, Department of Public Works joined closed session*

Mr. Stevens provided an additional update on the process to date for this agreement.

**At 1:16 p.m., Mr. Bradley Jeffries joined closed session.*

Since Jeffries needed to update his presentation materials, Commissioner Stewart requested that this discussion be rescheduled for July 26, 2022. All the Commissioners who were present agreed to this request.

**At 1:30 p.m. Commissioner Bowling rejoined closed session.*

**Break 1:25 p.m.- 1:37 p.m.*

3-305(b)(1) Personnel-Discussion: Vacancies on Boards, Commissions and Committees

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

Ms. Kenberly Stephens, Commissioner Specialist, reviewed vacancies on the Charles County Administrative Charging Committee, Agricultural Reconciliation Committee, Length of Service Award Program (LOSAP), Nuisance Abatement Hearing Board, Resilience Authority, and Southern Maryland Resource Conservation and Development Board.

The Commissioners provide Ms. Stephens directions on how to proceed with these Boards.

The Commissioners reached a consensus on the appointments to the Charles County Administrative Charging Committee, Nuisance Abatement Hearing Board, Resilience Authority and Southern Maryland Resource Conservation and Development Board. Official action will take place in open session on July 26, 2022 under Actions on Boards, Commissions, and Committees.

At 1:50 p.m., a motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to end this close session.

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At 2:33 p.m., the Commissioners returned to open session.

Roll Call

A roll call was taken. All the Commissioners were present.

Briefing: Sustainable Community Designation for Waldorf Urban Redevelopment Corridor (WURC)

Ms. Amy Blessinger, Planner III, Mr. Jason Groth, Deputy Director, Department of Planning and Growth Management and Mr. Taylor Yewell, Redevelopment Manager, Department of Economic Development, joined the Commissioners to discuss the Sustainable Community Designation program. Ms. Blessinger reviewed the presentation on the Sustainable Community Designation for Waldorf. This designation was first designated in 2012 and needs to be renewed every five years. The designation allows Waldorf to be eligible for targeted state funding and assistance programs.

The Commissioners expressed interest in considering a park and keeping tree canopy as a part of the Waldorf Urban Redevelopment Corridor development. Staff indicated that the transition revision plans for the WURC project will be brought back to the Commissioners in the fall.

Work Session: Bill 2022-05 Community Service and Pretrial Release Program

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney, Charles County, provided the Commissioners an update on the proposed amendment which outlines disqualifying charges to this proposed Bill. She also reviewed a letter from the Criminal Justice Coordinating Council (CJCC) advising the Commissioners that they did not support adding this amendment to the Bill since disqualifying conditions for pretrial release are already well defined in the Annotated code of Maryland and in Maryland Rules; a validated pretrial risk assessment tool will be used; and the proposed language usurps judicial discretion.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci to adopt the Bill with the amendments.

Ms. Carol DeSoto, Clerk to the Board of County Commissioners, interjected that this motion needed to be rescinded and restated with correct action since the motion needed was to introduce the proposed amendments to the proposed Bill.

Commissioner Bowling rescinded his motion and Commissioner Rucci rescinded his second.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, and Stewart present, voting in favor to introduce the amendments as presented. Commissioners Coates and Collins were opposed. A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Coates-no; Commissioner Stewart-yes; Commissioner Rucci-yes; and Commissioner Collins-no. The motion passed three (3) to two(2).

Commissioner Stewart stressed the need for the public to weigh in on this Bill at the public hearing. The public hearing is scheduled for July 27, 2022. She also requested samples of the risk assessment tools.

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Commissioner's New Business

There was no new business discussed.

At 4:13 p.m., Commissioner Stewart made a motion, 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: Hybrid- In Person/Virtual- MS Teams

Date: July 12, 2022

Time: 11:14 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

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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) Review One (1) Agreements

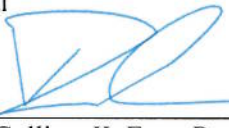
REASON FOR CLOSING: Keep negotiations confidential.

3-305(b)(7)(8) Discuss One (1) Potential Litigation Issue related to an Agreement

REASON FOR CLOSING: Keep negotiations and strategies confidential.

3-305(b)(1) Discuss Vacancies on Boards, Commissions and Committees

REASON FOR CLOSING: Keep personnel information confidential



Reuben B. Collins, II, Esq., President