

Regular Meeting of County Commissioners
Tuesday April 5, 2022 (Legislative Day)

The regularly scheduled meeting of the County Commissioners was convened in hybrid format, virtually and in person, at 1:02 p.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
Mark Belton, County Administrator
Deborah Hall, Deputy County Administrator
Wesley Adams, County Attorney
Carol A. DeSoto, Clerk to the Commissioners

**Amanda M. Stewart, M.Ed., County Commissioner was not in attendance*

Historic Marker Dedication Tour

At 9:00 a.m. the Commissioners Collins, Rucci, Bowling and Coates attended the Historic Marker Dedication Tour of the Blue Jay Motel, Farrar Place, Waldorf, Maryland; Village of Pomonkey, Metropolitan Church Road, Pomonkey, Maryland; Mount Hope Church, Corner of Bowie Road and Gilroy Road, Nanjemoy, Maryland and Carroll Farmhouse and Cemetery, Corner of Poseytown Road and Special Place, Nanjemoy, Maryland.

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. Commissioners Bowling, Coates, Rucci and Collins were present.

**Commissioner Stewart was not present.*

Announcement of Charles County Board of County Commissioners' Issued Proclamations for April 2022

April Charles County Proclamations: 2022-19 Fair Housing Month; 2022-20 National Child Abuse Prevention Month; 2022-21 Autism Acceptance Month; 2022-22 Archaeology Month; 2022-23 National Public Health Week; 2022-24 National Animal Control Officer Appreciation Week; 2022-25 National Public Safety Telecommunicators Week; 2022-26 National Volunteer Week; 2022-27 National Crime Victims' Rights Week

Comments

Commissioner Collins spoke about his conversation with Dr. Maria Navarro, Superintendent, Charles County Public Schools about bringing organizations together who serve youth in the County to address the needs and resources to engage young people given the increase in guns and violence.

The Commissioners agreed to scheduling this meeting in the spring.

Recognition: National Public Health Week

Dr. Dianna Abney, Health Officer, Charles County Department of Health, and staff members of the Department of Health were recognized for their service and commitment to the County along with

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members from the University of Maryland Charles Regional Medical Center. The Commissioners presented Proclamation 2022-23 National Public Health Week.

Legislative Update: 2022 Maryland General Assembly Session

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

Ms. Mitchell indicated that Sine Die Adjournment was in one (1) week, on April 11, 2022.

Ms. Mitchell provided an update on the following legislation in the 2022 Maryland General Assembly Session by starting with the Bills that were included in the Charles County Legislative Package:

HB1116 Charles County-Alcoholic Beverages-Abeyance of License
Passed House; Senate Hearing on April 1, 2022.

HB1416 Charles County-Property Tax-Credit for Volunteer Emergency Responders
Passed House; Waiting for Senate vote.

HB1423/SB695 Charles County-Alcoholic Beverages-Multiple Class B Licenses
Passed Senate; Waiting for House vote.

HB739/SB916 Workgroup to Study Public-Private Partnerships for Charles County Public Schools Construction
Passed both House and Senate; going to Appropriations.

HB514 Sunday Hunting-Charles County
Passed House; Waiting Senate vote.

Ms. Mitchell also reviewed the following Bills:

HB1290 Education- Public School Construction-Funding Administration
Passed General Assembly; Commissioners had sent a letter of support.

HB1433 State Highway- Designations-Piscataway Highway
Passed House; No vote in Senate at this time.

HB35/SB158 Election Law-Voting Systems Costs, Polling Places, and Primary Election

Ms. Mitchell reviewed the letter that the Commissioners previously reached a consensus to send to Governor Hogan seeking help and additional funding to ensure that in-person voting locations are fully staffed. The Commissioners agreed to have this letter sent.

SB122 Income Tax-Subtraction Modification-Volunteer Fire, Rescue and Emergency Medical Services
No vote yet.

Ms. Mitchell explained that the Chair of the Charles County Delegation, Debra Davis, expressed that the Delegation would support the following two (2) Bills if the Board of County Commissioners requested support.

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She noted that these two (2) Bills did not go through the accepted process related to local laws and discussion between the Delegation and the Commissioners before these Bills were introduced:

SB108 Charles County Public Library-Imagination Library Program-Funding
SB0076 Motor Vehicle Registration-Exceptions for Golf Carts and Low Speed Vehicles-Cobb Island

The consensus of the Commissioners present was to send letters of support for both Bills.

Ms. Mitchell and Ms. Hall informed the Commissioners that the final wrap up legislative update would be on April 26, 2022.

Approval of the Minutes of March 28, 29, 30, 2022

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to approve the minutes of March 28, 2022. **Commissioner Stewart was not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to approve the minutes of March 29, 2022. **Commissioner Stewart was not present for the vote.*

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to approve the minutes of March 30, 2022. **Commissioner Stewart was not present for the vote.*

Announcement: Next Commissioners' Session(s) are Scheduled for April 26 and April 27, 2022

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next Commissioners' sessions are scheduled for April 26 and April 27, 2022. She also announced that the budget public hearing was scheduled on April 27, 2022 at 6:00 p.m.

Approval Items

FY2022 Budget Transfer Request #9752 Goals and Objectives Monthly Update Reports

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to approve Budget Transfer Request #9752 for twenty thousand dollars (\$20,000.00). **Commissioner Stewart was not present for the vote.*

Length of Service Award Program (LOSAP) Trust Agreement

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to approve the LOSAP Trust Agreement. **Commissioner Stewart was not present for the vote.*

Draft Letter of Support for the University of Maryland Charles Regional Medical Center Project Expansion

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

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Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to approve this letter of support. **Commissioner Stewart was not present for the vote.*

Draft Letter of Endorsement of the U.S. Bomb Technicians Association (USBTA) Primary Location for Specialized Training in Charles County

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to approve this letter of endorsement. **Commissioner Stewart was not present for the vote.*

State and Local Legislative Process/Guideline Standard Operating Procedure (SOP)

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to approve the State and Local Legislative Process/Guideline Standard Operating Procedure. **Commissioner Stewart was not present for the vote.*

Briefing and Request to Schedule a Public Hearing: Zoning Map Amendment 21-01, NRP Holdings, LLC Moreland Properties

Ms. Kelly Palmer, Planner III, Department of Planning and Growth Management, explained that the proposed zoning map amendment would rezone to allow for high-density residential development along Billingsley Road and in the rear of the property, adjacent to the Dorchester and Westchester Square Neighborhoods due to the substantial change in the character of the neighborhood to High Density Suburban Residential (RH) and Community Commercial (CC) to reflect compatibility with adjoining land uses that have developed since the property was rezoned in 1992. She requested that a public hearing be scheduled.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Coates, Rucci and Collins present, voting in favor to schedule the public hearing on Wednesday May 25, 2022 at 6:00 p.m. in the Government Building in a hybrid format. **Commissioner Stewart was not present for the vote.*

FY2023 Budget Work Session: General Fund Revenue Outlook/Governmental Capital Improvement Projects Overview

Ms. Jenifer Ellin, Director, Mr. Jacob Dyer, Chief of Budget, and Ms. TaTanya Bowman, Senior Budget Analyst, Department of Fiscal and Administrative Services, reviewed the proposed Governmental Capital Improvement Projects; the local share of these projects is funded by the General Fund. The General Fund is comprised of property taxes, income taxes, recordation and transfer taxes, and other revenues. Staff discussed the Fiscal 2023- 2027 Capital Improvement Program, which includes projects for the Board of Education, College of Southern Maryland, General Government, Parks, and Transportation projects, as well as contingency-inflation costs.

Some of the highlighted proposed items included new schools, renovating existing schools, open space enclosure projects at Piccowaxen Middle School, Indian Head Elementary School, full day kindergarten additions, a new VanGO maintenance facility, a new Recreation Center, a Waldorf Park project, Popes Creeks park, park repair and maintenance increase, additional synthetic turf fields, outdoor basketballs courts in Waldorf, various sidewalk additions, increase annual road overlay project,

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safety improvements for Billingsley Road and Turkey Hill Road, Phase III of Western Parkway, Waldorf Urban Redevelopment Corridor Stormwater Outfall project, and funding to support the next phase of the Middletown Road upgrade project.

Ms. Ellin explained that the Commissioners would receive an add/delete form for the Governmental Capital Budget. She was requesting that the Commissioners complete their request to add/delete projects by April 28, 2022 to discuss at the following Budget Work Session.

Discussion: Federal Earmark Spending

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services; and Mr. Jason Groth, Deputy Director, Department of Planning and Growth Management, reviewed Charles County Government projects to consider for Federal Earmark Funding. Highlighted projects included the Southern Maryland Rapid Transit Project, Washington Suburban Sanitary Commission Interconnection, Potomac River Water Supply Treatment Plant, Mattawoman Wastewater Treatment Plant UV Disinfection System Upgrades, Waldorf Redevelopment Corridor Stormwater Outfall, Mallow's Bay-Potomac River National Marine Sanctuary Virtual 3-D Paddle Experience, and Charles County Body Worn Camera Project.

Update: Commissioners' Goals and Objectives- Goal 3: Environment

Mr. Mark Belton, County Administrator; Ms. Deborah Carpenter, Director, Department of Planning and Growth Management; Ms. Kelly Robertson-Slagle, Director, Department of Economic Development; and Mr. Bernard Cochran, Acting Director, and Ms. Frances Sherman, Chief of Environmental Resources, Department of Public Works, provided a PowerPoint update on Goal 3: Environment of the County Commissioners' Goals and Objectives. Highlights include Rural Legacy Area Expansion, Resilience Authority's work, Military Installation Resilience Review initiative, Chesapeake Conservancy internship, a new commercial recycling facility and new commercial recycling transfer station, impervious surface treatment, and stormwater management maintenance and illicit discharge.

**Break 3:11 p.m. - 3:36 p.m.*

Briefing: Per-and Polyfluoroalkyl Substances (PFAS)

Mr. Lee Currey, Director, Water and Science Administration and Ms. Denise Keehner, Assistant Secretary, Maryland Department of the Environment (MDE), provided a presentation on Per-and Polyfluoroalkyl Substances (PFAS). In Maryland, the primary concern is AFFF firefighting foam, but other potential sources can include wastewater treatment plants and stormwater. PFAS can build up in fish tissue and can become a concern if health advisory levels rise. They reviewed the steps that MDE is doing related to this issue, drinking water sampling and analysis; fish tissue sampling and analysis; managing potential sources; and working with partners for outreach and education.

Briefing: Per-and Polyfluoroalkyl Substances (PFAS)

Ms. Emily Scarr, Director, Maryland PIRG; Ms. Emily Rogers, USPIRG Zero Out Toxics Advocate; Mr. Fred Tutman, Patuxent Riverkeeper; and Mr. Phillip Musegaas, Vice President of Programs and

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Litigation, Potomac Riverkeeper Network, joined the discussion with the Maryland Department of the Environment, sharing a video link and information link on PFAS; reviewed health risks, sources, pathways, and information related to Indian Head wastewater monitoring and wastewater plant discharges.

**At 4:40 p.m. Commissioner Rucci left session.*

Commissioners' New Business

There was no new business discussed.

Closed Session

At 5:00 p.m., Commissioner Bowling made a motion, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, and Collins 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)(3)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss and receive legal advice on one (1) potential land acquisition; discuss vacancies on one (1) Commissioner Appointed Board and to discuss on one (1) issue related to a lease agreement. A portion of this session will also concern the administrative function of the County Commissioners in their executive role. The reason for going into closed is to receive legal advice and keep legal negotiations and strategies and personnel information confidential. **Commissioners Stewart and Rucci were not present for the vote.*

Summary Closed Session Items

**At 5:02 p.m. Commissioner Rucci returned to session.*

At 5:07 p.m. the Commissioners went into virtual closed session.

3-305 (b)(3)(7) Legal Advice on Potential Property Acquisition

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

**At 5:12 p.m. Commissioner Coates recused herself from this discussion.*

Mr. Wes Adams, County Attorney, reviewed the draft letter to be sent related to this topic.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci and Collins present, voting in favor to send letter. **Commissioners Stewart and Coates were not present for the vote.*

**At 5:17 p.m. Commissioner Stewart joined session.*

**Break 5:17 p.m.- 5:26 p.m.*

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3-305 (b)(7) Discuss Update on a Lease

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

Ms. Deborah Hall, Deputy County Administrator, and Ms. Danielle Mitchell, Associate County Attorney, provided an overview of a ground lease and issues related to this lease and recommendations moving forward.

**At 5:43 p.m. Commissioner Coates rejoined session.*

The Commissioners reached a consensus to proceed with the recommendations provided by staff.

3-305 (b)(7) Legal Advice on Responding to a State Agency

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

The Commissioners reviewed and agreed to send the response provided by staff.

3-305 (b)(1) Boards, Commissions, and Committees Discuss Selection for Police Accountability Board

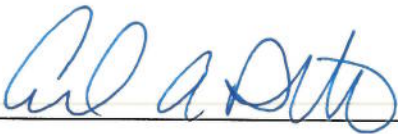
Present: Commissioners Collins, Bowling, Coates, Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, and Kenberly Stephens.

Ms. Kenberly Stephens, Commissioner Specialist, reviewed the interview ranking scores for appointment to the Police Accountability Board.

The Commissioners reached a consensus on the applicants and instructed Ms. Stephens to proceed with the next phase of the appointment process.

The Commissioners also provided Ms. Stephens with directions related to advertising and other appointments.

At 6:07 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 and 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/Limited In-person

Date: April 5, 2022

Time: 5:00 p.m.

Motion By: Commissioner Bowling

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bobby Rucci	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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)(3)(7) Legal Advice on One (1) Potential Land Acquisition

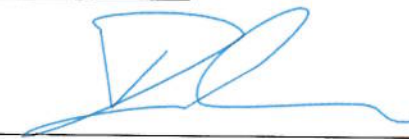
REASON FOR CLOSING: Keep legal strategies and negotiations confidential.

3-305(b)(1) Personnel: Discuss Appointments to one County Board and Commission- Police Accountability Board

REASON FOR CLOSING: Keep personnel information confidential.

3-305(b)(7) Legal: Discuss One (1) Issue Related to a Lease Agreement

Administrative- Questions to Submit to State Agency



Reuben B. Collins, II, Esq., President