

Regular Meeting of County Commissioners
Tuesday, January 29, 2019

The regularly scheduled meeting of the County Commissioners was convened 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
John Stevens, Acting County Administrator
Danielle Mitchell, Acting County Attorney
Carol A. DeSoto, Acting Clerk to the Commissioners

Open Session

Commissioner Collins called the meeting to order and led the pledge of allegiance.

Proclamation 2019-02 Catholic Schools Week

The Commissioners proclaimed January 27- February 2, 2019, as Catholic Schools Week in Charles County. Proclamation 2019-02 was received by Ms. Sharon Caniglia, Principal, St. Mary's Bryantown and students and teachers representing Archbishop Neale School, St. Mary's Bryantown School and St. Peter's School.

Recognition: New Employees Introductions; Years of Service Awards (December 2018 and January 2019); and Employees of the Quarter (October-December 2018)

The Commissioners recognized new employees; those employees celebrating milestone years of service in the month of December 2018 and January 2019; and Employees of the Quarter for October, November, and December of 2018.

Commissioners' Comments

There were no comments.

Approval of the Minutes of January 9, and January 15, 2019

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 9, 2019.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci, and passed, with all Commissioners present, voting in favor to approve the minutes of January 15, 2019.

Notice of the Preliminary Agenda of February 5, 2019

Ms. Carol DeSoto, Acting Clerk, announced the tentative agenda for February 5, 2019.

Approval Items

FY2019 Budget Transfer Request #6420 Eco Tabs

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that the funds for this budget transfer would be used to purchase Eco Tabs for the remainder of FY2019, as part of the chemical treatment in wastewater processing.

Regular Meeting of County Commissioners
Tuesday, January 29, 2019

A motion was made by Commissioner Coates, seconded by Commissioner Rucci, and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Transfer Request #6420 for sixty-five thousand dollars (\$65,000.00).

FY2019 Budget Transfer Request #6436 Board of Education (BOE)

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that the funds would be used as the local match for the State FY2019 School Safety Grant, that the Board of Education is applying for the security enhancements for all schools. The grant would be for two hundred ninety-two thousand dollars (\$292,000.00).

A motion was made by Commissioner Stewart, seconded by Commissioner Coates, and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Transfer Request #6436 for one hundred and eight six thousand dollars (\$186,000.00).

Night to Shine

Ms. Carol DeSoto, explained that any request to use funds from the Community Support Fund that are over two thousand five hundred dollars (\$2500.00) requires approval of the full board. Commissioner Bowling explained that the Night to Shine event was a Prom Night for our special needs residents and that this request would cover the increased number of attendees. Ms. Candice Wedding, a participant in this event, spoke to the importance this event for her and others.

Commissioner Stewart reiterated her concerns about not having a clear policy related to sponsorships. Commissioner Collins confirmed that this discussion on sponsorships would be scheduled for a future meeting.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates, and passed, with all Commissioners present, voting in favor to approve three thousand dollars (\$3000.00) for the Night to Shine Event, to come from the Community Support Fund.

Closed Session

At 9:49 a.m. a motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to go into closed session pursuant to Section 3-305(b)(1)(8) of the General Provisions Article of the Annotated Code of Maryland to evaluate financial disclosures of required members and to seek updates and legal advice related to two (2) potential/pending litigation cases. The reason for closing is to protect the confidential information and to keep legal strategies and approaches confidential.

Summary Closed Session Items

3-305(b)(8) Legal Advice/Pending Litigation

Present: Commissioners Collins, Rucci, Bowling, Coates, Stewart, John Stevens, Danielle Mitchell, Carol DeSoto, and Deborah Hall.

Ms. Danielle Mitchell, Acting County Attorney, provided the Commissioners an update of the steps taken since their December 11, 2018 session when the Commissioners provided specific directions to be taken related to this case. Ms. Deborah Hall, Deputy County Administrator, provided further background information on this case.

Regular Meeting of County Commissioners
Tuesday, January 29, 2019

A consensus was reached to proceed to expediate the litigation process.

**Commissioner Stewart left close session at 10:31 a.m.*

3-305(b)(8) Legal Advice/Pending Litigation

Present: Commissioners Collins, Rucci, Bowling, Coates, John Stevens, Danielle Mitchell, and Carol DeSoto

Ms. Danielle Mitchell, Acting County Attorney, reviewed an ongoing litigation case and the planned course of action.

The Commissioners directed Ms. Mitchell to proceed as outlined.

3-305(b)(1) Personnel

Present: Commissioners Collins, Rucci, Bowling, Coates, John Stevens, Danielle Mitchell, and Carol DeSoto

Ms. Danielle Mitchell, Acting County Attorney, reviewed the financial disclosure forms required by the State. She outlined the state mandated changes and requirements.

At 10:44 a.m., a motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Collins and Coates, voting in favor to end closed session.

**Commissioner Stewart was not present for the vote.*

The Commissioners returned to open session at 10:51 a.m.

**Commissioner Stewart returned to session at 10:51 a.m.*

Briefing: FY 2019 General Fund Report Second Quarter

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, provided an overview of the results from the second quarter, ending December 31, 2018, of the General Fund for FY2019. Mr. Dyer reviewed the Revenues and Expenditures. It was noted that at this time Recordation/Transfer tax is performing better than expected. Year-end operating revenues are estimated at four hundred and four million, six hundred and eight thousand, six hundred dollars (\$404,608,600.00). Total operating expenditures are estimated at four hundred and six million, nine hundred and twenty-two thousand, two hundred dollars (\$406,922,200.00). Ms. Ellin continued with the review of the fund balance analysis. The total fund balance year end estimate is ninety million, six hundred and ten thousand, three hundred and ninety-five dollars (\$90,610,395.00). Ms. Ellin explained that the fund balance policy states that if the fund balance is in excess of fifteen percent (15%), those funds are to be designated or appropriated during the next fiscal year for the following purposes in order of priority: cover any shortfall in Special Revenue Funds; reduction or avoidance of debt; apply to capital outlay purchases; one-time capital needs; or tax, fee, or rate stabilization.

Briefing: Transportation Development Plan

Mr. Jeff Barnett, Chief of Transit, Department of Planning and Growth Management, Mr. Glenn Hoge, Chief of Statewide Transit Development, Maryland Department of Transportation/Maryland Transit Administration, and Mr. Dan Dalton, Senior Transportation Planner, KFH Group, Transportation Consultants reviewed the draft final report of the Charles County VanGo Transit Development Plan. This plan serves as guide for transit system development for about five (5) years and provides the vision of future public transportation. This planning process review identified transit goals; current status of transit services; unmet transit needs; plan for service improvement in the short-term, midterm

Regular Meeting of County Commissioners
Tuesday, January 29, 2019

and long term; and fare policy considerations. Mr. Barnett clarified that approval by the Board of Commissioners does not obligate the County or Maryland Transit Administration (MTA) to fund any element at this time and that implementation of any component is a function of funding availability.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to have staff further study and assemble advisory committee to look at fare structure and to complete a study to explore and review potential pass options and how they will impact the overall budget.

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the draft final report of the Charles County VanGo Transit Development Plan as written.

Briefing: Humane Society of Charles County Request for Land Use/Transfer

Mr. Bill Shreve, Director, Department of Public Works, Mr. William Murray and Mr. Robert Inscore, Representatives, Humane Society of Charles County, reviewed the request for the Humane Society to potentially use parcels of land, owned by the County, surrounding the current location. Mr. Murray explained that the Humane Society had reached a long-term lease agreement with St. Charles to use the four (4) acres, that St. Charles owns, for a dog park. He was requesting use of the land the County owned for additional parking and expansion of services.

A consensus was reached to have staff start working with Humane Society to develop a memorandum of understanding and draft an agreement for use of County property and to bring this draft agreement back to the Commissioners for approval. It was stressed that this agreement should not include any land transfer.

Discussion: Affordable Housing in Charles County

Ms. Christina Pompa, Deputy Director, Department of Planning and Growth Management, reviewed the American Planning Association Community Planning Assistance Team (CPAT), Affordable Housing Study. The goals of the study included refining the County's Housing initiatives to address housing affordability; find ways for residents to age in place; and explore affordability barriers to for-sale and rental housing. She reviewed housing affordability in Charles County for a family of four using the Housing and Urban Development (HUD) income categories and Median Family Income (MFI). She discussed who needed affordable and workforce housing; and the report's recommendations to begin to address this issue in Charles County.

Commissioner Collins stressed that there will be ample opportunity for the public to weigh in on this discussion and that this is only the beginning of this discussion.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve Commissioner's Collins proposal to have staff explore options and continue review of findings and to develop a comprehensive study to help establish a plan to address affordable housing.

**Break 12:35 p.m. – 1:34 p.m.*

Regular Meeting of County Commissioners
Tuesday, January 29, 2019

Briefing and Request for Approval: Billingsley Road and Middletown Road Resolution

Ms. Elizabeth Theobalds, Deputy County Attorney, and Mr. Brian Kagarise, Capital Services Senior Project Manager, Department of Public Works, reviewed the request to have the County proceed with the land acquisition. She went on to review the process which began in 2016 and the negotiation timeline since that time. She stated that since there has been no response the County can move forward with the condemnation process. She further stressed that even moving forward with this condemnation resolution, the County can and will make all efforts to resolve this before going to court. Negotiations can continue up to the actual court date.

A Motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present voting in favor to approve Resolution 2019-01 Right of Way Project: Middletown Road Roundabout and Roadway Extension Project – VCI-14-044.

Briefing and Request for Approval: Forming a Rural Land Use Designations Task Force

Ms. Carol DeSoto, Acting Clerk, read the proposed resolution. Commissioner Bowling explained his reason to bring this request to form this task force. He read from Chapter 11: Agriculture, Forestry and Fisheries from the Charles County Comprehensive Plan. He furthered that his belief was that this task force would bring us into compliance with the Comprehensive Plan economically and land use wise for generations to come.

Ms. Danielle Mitchell clarified, on the record, that the County Attorney's Office staff reviewed this resolution and that there was no language in this document that would conflict the Planning Commission Process. It was her understanding that this task force would present their recommendations to the Commissioners, who then, could direct staff to draft zoning regulations or zoning text amendments that could be presented to the Planning Commission. This would be consistent with the Planning Commission process.

Commissioner Bowling agreed to bring back this resolution on February 5, 2019 with changes to the resolution that would address the concerns of a few of the Commissioners to include: that the scope/language of this task force would not supersede the statutory authority of the Planning Commission; include a broader membership; and will have a clear start and end date for the charge of this task force.

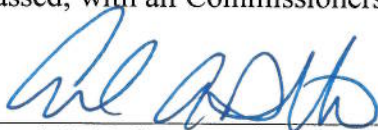
Action on Boards, Committees, and Commissions

There was no action

Commissioners' New Business

There were no comments

At 2:28 p.m. a motion was made by Commissioner Coates and seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to adjourn.



Carol A. DeSoto, Acting Clerk



Reuben B. Collins, II, Esq., President

Regular Meeting of County Commissioners
Tuesday, January 29, 2019

FORM OF STATEMENT FOR CLOSING A MEETING

Location: Commissioners' Meeting Room

Date: January 29, 2019

Time: 9:49 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

Regular Meeting of County Commissioners
Tuesday, January 29, 2019

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 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:** Review Financial Disclosure Forms

3-305 (b)(8) **Pending/Potential Litigations:** to discuss two (2) pending/ potential litigation case and strategies

REASON FOR CLOSING:

To protect confidential information and to receive update and legal strategies regarding pending litigations.



Reuben B. Collins, II, Esq., President