

Regular Meeting of County Commissioners

Tuesday, February 26, 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
Mark Belton, 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

Recognition: New Employee Introductions and Years of Service Awards (February 2019)

The Commissioners recognized new employees and those employees celebrating milestone years of service in the month of February 2019.

Commissioners' Comments

There were no comments.

Approval of the Minutes of February 12, 2019

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the minutes of February 12, 2019.

Notice of the Preliminary Agendas of March 5, 2019

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

Approval Items

FY2019 Budget Amendment Increase #6421 Technology, Non-Bondable

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, explained that certain technology items in the Billingsley Elementary School and Dr. Mudd Elementary School projects are not eligible for bond funding, so another funding source was needed. These costs are eligible to be funded by the undesignated fund balances through the Pay Go fund.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling, and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Amendment Increase #6421 Technology, Non-Bondable for eight hundred and sixty-seven thousand one hundred dollars (\$867,100.00)

FY2019 Budget Transfer Request #6460 Tri-County Council

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this increase would bring Charles County's funding to the Tri-County Council for Southern Maryland, equal to the same funding provided by Calvert and St. Mary's County.

Regular Meeting of County Commissioners
Tuesday, February 26, 2019

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with Commissioners Coates, Rucci, Bowling and Collins, voting in favor to approve FY2019 Budget Transfer Request #6460 for Tri-County Council of Southern Maryland for eighty-five thousand two hundred dollars (\$85,200.00). Commissioner Stewart was opposed. The motion passed four (4) to one (1).

FY2019 Budget Amendment Increase #6461 Total Maximum Daily Load (TMDL)

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this increase would develop the Total Maximum Daily Load for sediment in the Patuxent River. Mr. Charles Rice, Program Manager, Department of Planning and Growth Management joined the discussion to clarify that this was a recent requirement added by the Maryland Department of the Environment (MDE) for the stormwater management permit.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Amendment Increase #6461 Total Maximum Daily Load (TMDL) for twenty-nine thousand two hundred and ninety dollars (\$29,290.00).

FY2019 Budget Transfer Request #6497 Ferric

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this request would cover the additional cost of the Ferric Chemical for sewage due to the unexpected heavy flow. Mr. Bill Shreve, Director, Department of Public Works, added this increase for this chemical was due to the heavy rains and a lot of capital projects.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Transfer Request #6497 Ferric for one hundred and twenty-five thousand seven hundred dollars (\$125,700.00).

Update and Request for Approval: 2019 Maryland General Assembly Legislative Session

Ms. Danielle Mitchell, Acting County Attorney, informed the Commissioners that the first four (4) bills that she reviewed were part of the Charles County Legislative Package from the Liquor Board and that Mr. Guy Black, Chairperson, Charles County Liquor Board, gave testimony on February 18, 2019 in support of these bills.

1. House Bill 389 Charles County-Alcoholic Beverages- Resort Complex License
2. House Bill 388 Charles County-Alcoholic Beverages- View of Licensed Premises
3. House Bill 438 Charles County- Alcoholic Beverages- Golf Course Privilege
4. House Bill 400 Charles County- Alcoholic Beverages-Exemption from Off-Sale License Quota

Ms. Mitchell continued her review of the following:

5. Senate Bill 634 Electric Cooperatives-Powers- Conducting or Communications Facilities

Ms. Mitchell informed the Commissioners that House Bill 1357 was cross filed for this bill and that she was requesting approval to send a letter of support for Senate Bill 634. The hearing for Senate Bill 634 was being held today, February 26, 2019 at 1:00 p.m.

Regular Meeting of County Commissioners
Tuesday, February 26, 2019

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to send the letter of support for Senate Bill 634 Electric Cooperatives-Powers- Conducting or Communications Facilities.

6. Senate Bill 290 Public Health- Cottage Food Products- Definition

Ms. Mitchell informed the Commissioners that House Bill 527 was cross filed for this bill. The hearing for the Senate Bill 290 would be on February 28, 2019 and the House Bill 527 would be on February 27, 2019. This bill would allow cottage food in retail stores without the owner being present to sell the food items. Ms. Mitchell also noted that there is a pending amendment to increase the revenues from twenty-five thousand dollars (\$25,000.00) to forty thousand dollars (\$40,000.00) in this bill.

After questions were raised about the Charles County Health Officer's position on this bill, it was decided that Ms. Mitchell would send this legislation to the Charles County Health Officer to get her opinion. Commissioner Bowling added that he would reach out to St. Mary's County to find out if their Health Department supported this bill.

7. Senate Bill 973 Tri-County Council for Southern Maryland – Membership and Funding

This bill would increase the At-Large Membership to two (2) business owners and would increase the mandated funding from each county: Charles, St. Mary's, and Calvert, to one hundred and thirty five thousand dollars (\$135,000.00) in the year 2020; to one hundred and fifty thousand dollars (\$150,000.00) in the year 2021; and to one hundred and sixty five thousand dollars (\$165,000.00) in the year 2022. Ms. Mitchell, explained that the draft letter she was requesting to send, states that the County needs more time to study this legislation and the potential fiscal impact on the budget. The County was requesting that no action be taken on this bill during this legislative session. Commissioner Bowling indicated that at the Tri-County Council Executive meeting, he had expressed the County's support of the Council, but the County had legitimate concerns about this bill and needed to do it due diligence before any action on it.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to send the letter, as recommended, related to Senate Bill 973 Tri-County Council for Southern Maryland – Membership and Funding. It was added that the Tri-County Council for Southern Maryland would be copied on this letter.

8. Senate Bill 866 College of Southern Maryland-Local Budget Process- Modifications

Ms. Mitchell explained that the draft letter she was requesting to send was like the previous one approved for the Tri-County Council, in that the County needed more time to review this bill since they had not received the answers to questions the County submitted related to this bill. The County was requesting that no action be taken on this bill during this legislative session.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to send the letter, as recommended, related to Senate Bill 866 College of Southern Maryland-Local Budget process- Modifications.

9. Senate Bill 845 Southern Maryland Rapid Transit Project- Requirements and Funding

Regular Meeting of County Commissioners
Tuesday, February 26, 2019

Ms. Mitchell informed the Commissioners that she would bring back a draft letter of support for this bill on March 5, 2019, once she had staff review the letter, to ensure it was consistent with the County's transportation priorities. The hearing for this bill will be held on March 6, 2019.

10. House Bill 1051 Charles County- Landlord Tenant- Repossession for Failure to Pay Rent- Procedures

Ms. Mitchell explained that a letter was sent to request more information on this bill. Commissioner Rucci mentioned that this bill may have been withdrawn. Ms. Mitchell will reach out to Delegate Wilson's Office to follow up on this bill and get more information.

Action on Boards, Committees, and Commissions

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Rucci, Bowling, Coates and Collins, voting in favor to appoint Kevin Wedding, Robin Barnes, and William Murray to the Planning Commission. Commissioner Stewart was opposed. The motion passed four (4) to one (1).

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to appoint Britany Waddell, Benjamin Watkins, and Claude Henry Humbert to the Board of Appeals.

Commissioners' New Business

There was no new business.

Closed Session

At 9:44 a.m. a motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to go into closed pursuant to Section 3-305(b)(1)(3)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss employment information related to performing job requirements; to consider the acquisition of real property for a public purpose and to receive legal advice related to a Public Information Act request. The reason for closing was to protect confidential employment information related to performing job requirements and to keep strategies confidential and to receive legal advice.

Ms. Carol DeSoto, Acting Clerk, announced that after Close Session, the Commissioners would return to open session at 11:00 a.m. at the Waldorf West Library for the Commissioners' work session on goals and objectives.

Closed Session Summary

At 9:58 a.m. the Commissioners went into closed session.

3-305(b)(3) Consider the Acquisition of Real Property for a Public Purpose

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Danielle Mitchell, Carol DeSoto, Darrell Brown and Taylor Yewell

Mr. Darrell Brown, Director, and Mr. Taylor Yewell, Redevelopment Manager, Department of Economic Development reviewed issues related to a property the County could consider for public use.

Regular Meeting of County Commissioners
Tuesday, February 26, 2019

3-305(b)(7) Legal Advice

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Danielle Mitchell, and Carol DeSoto

Ms. Mitchell, Acting County Attorney, reviewed a Public Information Request (PIA) related to a closed session item. The Commissioners directed Ms. Mitchell on how to proceed.

3-305(b)(1) Personnel

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Danielle Mitchell, and Carol DeSoto

This item will be rescheduled for Wednesday February 27, 2019.

At 10:58 a.m. a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to end closed session.

The Commissioners returned to open session at 11:40 a.m.

Work Session: Commissioners' Goals and Objectives


Ms. Sandra Aljami, Facilitator, Eikon Professional Services led the Commissioners through various exercises to help the Commissioners come to agreement on their goals and objectives. She reviewed goals that the directors and the individual Commissioners provided her in the meetings she had with each of them prior to today's session. She had them brainstorm any additional goals they wanted to add to the broad list. Next, she had the Commissioners narrow these goals into over-arching themes.

**Break 12:30 p.m. – 1:07 p.m.*

After break, Ms. Aljami had the Commissioners divide into two (2) groups in order to further narrow down the over-arching themes and to start to define them. The Commissioners agreed to the over-arching goals: Economic Development; Operational Excellence (Transformational Government); Public Policy; Environmental; Education; and Quality of Life. The Commissioners wanted to make sure that these goals have measurable benchmarks and are data driven. Mr. Belton was directed to develop an operational reporting mechanism. Ms. Aljami stated that she would provide the Commissioners with a detail summary of the goals the Commissioners discussed.

At 3:13 p.m. a motion was made by Commissioner Rucci, seconded by Commissioner Bowling 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, February 26, 2019

FORM OF STATEMENT FOR CLOSING A MEETING

Location: Commissioners' Meeting Room

Date: February 26, 2019

Time: 9:58 a.m.

Motion By: Commissioner Rucci

Seconded By: Commissioner Bowling

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, February 26, 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: Information Update and Potential Committee Appointment


REASON FOR CLOSING: To protect confidential employment information related to performing job requirements

3-305 (b) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto

REASON FOR CLOSING: To keep strategies confidential

3-305 (b) (7) Legal Advice: Public Information Act Request Update

REASON FOR CLOSING: Legal Advice


Rauben B. Collins, II, Esq., President