

Regular Meeting of County Commissioners
Tuesday, March 12, 2019

The regularly scheduled meeting of the County Commissioners was convened at 9:05 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
Amanda M. Stewart, M.Ed., County Commissioner
Mark Belton, County Administrator
Danielle Mitchell, Acting County Attorney
Carol A. DeSoto, Acting Clerk to the Commissioners
Ms. Jesse Bungcayao, Legal Assistant

Open Session

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

Proclamation 2019-08 National Agriculture Day

The Commissioners proclaimed March 14, 2019 as National Agriculture Day. Proclamation 2019-08 was received by members of the Charles County Agriculture Land Preservation Advisory Board; Charles County Farm Bureau; Southern Maryland Agriculture Development Commission; and Charles County Department of Economic Development.

Commissioners' Comments

There were no comments.

Approval of the Minutes of March 5, 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 March 5, 2019.

Notice of Tentative Agenda of March 19, 2019

Ms. Carol DeSoto, Acting Clerk, announced the tentative agenda for March 19, 2019.

Approval Items

FY2019 Budget Amendment Increase #6554 Southern Maryland Criminal Justice Academy Director

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, stated that this budget amendment increase was for the Southern Maryland Criminal Justice Academy Director position which comes from a special revenue fund on the County's financial statement. This position is funded by three counties: Charles County, Saint Mary's County, and Calvert County. The three Sheriffs were asking for this to be covered as a Charles County employee. Mr. Dyer explained that the Commissioners would need to approve the creation of a new Personnel Identification Number (PIN) in addition to approving this budget amendment increase. He clarified that this PIN has rotated among the three (3) counties and is not permanent PIN for Charles County.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the creation of a new Personnel Identification Number (PIN) for the Director of the Southern Maryland Criminal Justice Academy position.

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A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve Budget Amendment Increase #6554 Southern Maryland Criminal Justice Academy Director for twenty-one thousand, one hundred and fifty-six dollars (\$21,156.00).

Community Support Policy SOP Revisions

Ms. Carol DeSoto, Acting Clerk, presented the draft changes to the Community Support Policy CP.CC.01.005. Commissioner Stewart suggested additional amendments to the motion: to Section 5.5 to have an expenditures accountability report provided to the Board of Commissioners quarterly instead of bi-annually. She also suggested changes to Section 3.1 to indicate that the Board of Commissioners review the SOP annually, in line with the budget item at the time of the approval of the Commissioners' budget.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the revisions of the Community Support Policy CP.CC.01.005 with the added amendments.

Update: 2019 Maryland General Assembly Legislative Session

Ms. Danielle Mitchell, Acting County Attorney, informed the Commissioners that the first five (5) bills of the Charles County Legislative Package remain in subcommittee with no movement.

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

Ms. Mitchell informed the Commissioners that on Monday there should be a cross-file coming shortly but has not heard the status regarding the success of these bills. She continued her review of the following:

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

Ms. Mitchell brought to the Commissioners attention that during the previous legislative update she advised them that the Maryland Association of County Health Officers (MACHO) had formally opposed the Senate Bill 290 and House Bill 527. However, MACHO has since changed their position to support these Bills. Their new position paper indicates that the change is due to the amendments proposed by the Maryland Department of Health. Commissioner Bowling made a motion to send a letter of support for the Cottage Foods Bill based on the new information and support from the Health Department. The Commissioners had questions about what these amendments were. Ms. Mitchell stated that she did not have a copy of the amendments but has requested this information from the Health Department. Commissioner Bowling withdrew his motion.

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The Commissioners directed Ms. Mitchell to obtain a copy of these the amendments for the Commissioners to review before they took any action.

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

Ms. Mitchell advised that the hearing for this Bill was held last Friday, March 8, 2019. Ms. Katy Nash, Lobbyist, Greenwill Consulting Group, LLC., provided testimony on behalf of the County. The Commissioners have sent a letter requesting that this Bill be withdrawn since additional time was needed to consider the implications of this Bill. Ms. Mitchell explained that there has been no formal action to withdraw it and it is still moving forward through the process.

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

Ms. Mitchell advised that a letter of support, from the Commissioners, has been sent for this Bill and it is being included in the formal file as testimony. The hearing is set for March 13, 2019.

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

Ms. Mitchell explained that this bill has had no movement and has also not been formally withdrawn.

10. Senate Bill 1030/House Bill 1413 Kirwan Blueprint Education Bill

Ms. Mitchell informed the Commissioners that these two (2) bills would provide more than one (1) billion dollars in funding from the state budget over the next two years to begin implementing the recommendations of the Kirwan Commission, a commission on innovation and excellence in education. This Bill will cost nearly four (4) billion dollars total over the next ten (10) years to fully implement the recommendations. Ms. Mitchell will continue to track these bills as they have potential implications for the County. Although the first two (2) years will be funded through the state budget, retirement costs may rise which would require local government to take on this additional cost. It is unclear what that cost will be.

11. Senate Bill 280/House Bill 166 Fight for 15 - Minimum Wage Increase

Ms. Mitchell advised the Commissioners that these two (2) bills have significant implications for the County. There is still discussion about how the Consumer Price Index will impact how the amounts are phased in. If passed, these bills would likely have the State of Maryland at a fifteen dollar (\$15.00) minimum wage by 2023. Ms. Mitchell will continue to track these bills.

Update: Broadband Task Force

Ms. Deborah Hall, Deputy County Administrator and Ms. Evelyn Jacobson, Chief of Information and Technology, Department of Fiscal and Administrative Services, introduced the members of the Broadband Task Force and gave an update on the progress of the task force. A more extensive update will be provided to the Commissioners in April. Some of the goals the task force is working on include: develop maps for vendors; work on a survey tool to help vendors; monitor the Maryland Legislative session, which could create opportunities for last mile providers; set up a website to communicate with residents; monitor funding opportunities; review contracts from around the country; develop a Statement of Work; and apply for the Broadband Feasibility Study Grant through the Governor's Office of Rural Broadband. The taskforce will eventually need to come before the Commissioners for funding of this program. Ms. Hall indicated that funding would likely be required for consultants and

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infrastructure, however, if Senate Bill 634 passes and the County can partner with the electric cooperative, it will significantly help reduce the cost of infrastructure for the County. Commissioner Coates requested that a citizen member from District two (2) be invited to join the committee.

Staff was directed to add a citizen member from District two (2) and at the next update, provide a timeline, a plan of action, and a cost-benefit analysis.

Closed Session

At 9:57 a.m., a motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to move into closed session pursuant Section 3-05(b)(1)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to discuss potential Commissioner reassignment to the Commissioner Committee Assignments- Board of Fire and Rescue and to seek an update and legal advice related to one (1) potential/pending litigation case. The reason for closing is to protect the confidential appointment process and to keep legal strategies and approaches confidential.

Summary Closed Session Items

At 10:11 a.m. the Commissioners went into closed session.

3-305(b)(1) Personnel: Commissioner Assignment Committee

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

Ms. Carol DeSoto, Acting Clerk, explained the reassignment request for the Board of Fire and Rescue. An agreement was reached related to the appointment to this board.

The Commissioners' official action, on this appointment, was taken in open session on this day, March 12, 2019, as reflected in Action on Boards, Commissions and Committees of these minutes.

**Commissioner Stewart joined close session at 10:14 a.m.*

3-305 (b) (7) (8) Potential Litigation and Seek Legal Advice

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

Ms. Danielle Mitchell, Acting County Attorney, reviewed an ongoing court case and the course of action being taken.

At 10:16 a.m. a motion was made by Commissioner Rucci, seconded by Commissioner Bowling, and passed, with all Commissioners present, voting in favor to end closed session.

The Commissioners returned to open session at 10:48 a.m.

Briefing: Military Support Update

Mr. Darrell Brown, Director, Department of Economic Development, along with military consultants, Mr. John Bohanan and Ms. Jennifer Dione, Atlantic Strategies Group, updated the Commissioners of the for development around the Indian Head area. The goal would be to strengthen the County's partnership with the base and the town of Indian Head. Their focus is on the infrastructure and

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technology transfer. Mr. Bohanan indicated that with the Dahlgren employees being relocated to the Indian Head Naval base, this would bring high paying jobs to this area. It would also strengthen Indian Head in terms of a Base Realignment and Closure (BRAC) review. The expertise that the Navy has established in the field of robotics may also create new opportunities for companies to locate to the Town of Indian Head in pursuit of this technology. The goal is to prepare to offer what businesses require and desire in a community such as schools, transportation and amenities. Mr. Bohanan suggested that the Commissioners need to partner with the base; focus on the quality of Charles County schools; as well as continuing to offer Science, Technology, Engineering and Math (STEM) programs in cooperation with the Navy to attract future residents and businesses. It is important to work with legislators to have the Department of Defense change the way they contract so that contractors would need to collocate near the base.

Mr. Bohanan and Ms. Dione indicated they would attend the Commissioners' meeting with Senator Cardin and Congressman Hoyer on Friday, March 15, 2019 to provide support and input of these goals.

Briefing: Opportunity Zones-School Seat Allocations

Mr. Darrell Brown, Director, and Mr. Taylor Yewell, Redevelopment Manager, Department of Economic Development, advised the Commissioners that the current policies and zoning regulations may be at odds or an impediment to achieving some of the Commissioners' stated priorities. Mr. Brown stated that Economic Development is seeking a directive from the Board of Commissioners to evaluate how the County might enhance its opportunity zones. His department would like to collaborate with the Department of Planning and Growth Management, the superintendent of schools, and the school board over the next sixty (60) days to find options on how to enhance opportunity zones in the County and then report their findings to the Commissioners for next step directives

The consensus of the Commissioners was to direct the Department of Economic Development to proceed with working with the Department of Planning and Growth Management, the superintendent of schools, and the school board to explore alternatives to existing school seat allocation policies in opportunity zones and to report back to the Commissioners in sixty days (60).

Briefing and Request for Approval: FY2020 Transportation Priority Letter to Secretary of the Maryland Department of Transportation

Mr. Jason Groth, Planning Director, Department of Planning and Growth Management, reviewed the proposed Maryland Department of Transportation (MDOT) Transportation Letter. The letter is generally consistent with the prior year's letter, with needed updates as appropriate. He addressed the need to reiterate our support for Light Rail Transit and the needed funding for the Southern Maryland Rapid Transit (SMRT) project. He highlighted the request that "MDOT take all necessary steps to complete the design, engineering, and National Environmental Policy Act (NEPA) processes and secure a Record of Decision for the SMRT project." This stresses that the selected alignment is ready to move into the design/construction project planning. He mentioned that this is in keeping with Senate Bill 845 (Southern Maryland Rapid Transit Project -Requirements and Funding) terminology. This emphasizes that the County has the complete cooperation of Prince George's County and that this area is transit oriented with the infrastructure in place.

Mr. Groth also stated that US 301 Corridor improvements in Waldorf remain a top priority as well as replacement of the Governor Harry W. Nice Memorial/Senator Thomas "Mac" Middleton Bridge. Mr.

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Groth also discussed the request to make improvements to Foster Lane to benefit bus operations from the College of Southern Maryland's Hughesville campus.

A motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve sending the FY2020 Transportation Priority letter with the added language highlighted, "We are therefore requesting that MDOT take all necessary steps to complete the design, engineering, and National Environmental Policy Act (NEPA) processes and secure a Record of Decision for the SMRT project."

The consensus of the Board of Commissioners was to have the FY2020 Regional Transportation letter, sent by Tri-County Council of Southern Maryland, to move forward.

Briefing and Request for Approval: Part-Time Committee Recommendations

Mr. Sam Drury, Chief of Recreation, Department of Recreation, Parks and Tourism, and Ms. Elaine Pollard, Human Resource Specialist, Department of Human Resources presented the Part-Time Committee recommendations to the Commissioners. They recommended six (6) changes to the County policy for Part-Time employees:

1. Keep Part-Time I and Part-Time II classifications; No creation of new or additional part time classifications
2. Allow all part-time employees to receive a Cost of Living Adjustment (COLA) when one is given
3. Evaluate all Part-Time I and Part-Time II positions to determine their correct placement on one of the appropriate pay scales. Departments will evaluate their part-time positions and make these determinations
4. Adjust both part-time pay scales for previous minimum wage increases: This would adjust each pay scale to the same variance between grade and step as it was before the minimum wage was adjusted January 1, 2015. This would fix the current part-time pay compression issues and would have a fiscal impact of nine hundred and twenty-five thousand dollars (\$925,000.00). This is a one-time cost to adjust the pay scale.
5. Any future adjustments to minimum wage to be reflected throughout the entire pay scale.
6. When full-time employees receive a merit increase, propose that part-time budgets be adjusted by a reasonable amount for part-time employees to receive an increase. This would be determined by departments on a case-by-case basis within the scope of their budget.

The committee requested that the Commissioners approve recommendations two (2) and four (4).

The Commissioners discussed the fiscal impact of recommendation four (4) and wanted to look into a phased in approach to this recommendation since this would impact the budget.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve recommendation two (2) that would allow all part-time employees to receive a COLA when one is given.

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The Commissioners directed Mr. Mark Belton, County Administrator, to indicate the portion of the one-time cost to adjust the part-time pay scale of nine hundred and twenty-five thousand dollars (\$925,000.00) that is included in the balanced budget he presents. He needs to specifically outline how much would be budgeted this year and in subsequent years.

**Break taken at 12:26 p.m. – 1:47 p.m.*

Board of Education Recognition of Charles County High Schools Winter Sports Athletic State Championships and Maryland State Outstanding Student Accomplishment in Gifted and Talented Education

Introductory Work Session and Request to Set a Public Hearing: Town Center South Development Rights and Responsibilities Agreement (DRRA) Amendment #4

Mr. John Mudd, Assistant Chief, Department of Planning and Growth Management, reviewed the Town Center South Development Rights and Responsibilities Agreement (DRRA) Amendment four (4) which would amend the commercial component of the agreement and does not involve allocations of school seats. This amendment is intended to clarify the provisions of the DRRA related to the obligations of the owner of Lot thirteen (13), the last parcel for development, in the pending development of the site. Lidl is the successor to this agreement. Mr. Mudd indicated that this amendment needs to move to a final public hearing.

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to set a Public Hearing regarding Town Center South Development Rights and Responsibilities Agreement (DRRA) Amendment four (4), for April 2, 2019 at 6:00 p.m. in the Commissioners' Meeting Room.

Action on Boards, Committees, and Commissions

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to assign Commissioner Bowling to replace Commissioner Rucci on the Board of Fire and Rescue.

Commissioners' New Business

There was no new business discussed.

At 1:54 p.m. a motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to adjourn.

*Ms. Carol DeSoto, Acting Clerk, announced that on Friday, March 15, 2019 at 11:00 a.m. in the Government Building Conference Room, Senator Cardin and Congressman Hoyer would meet with the Commissioners to discuss Federal priorities.



Carol A. DeSoto, Acting Clerk



Reuben B. Collins, II, Esq., President

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FORM OF STATEMENT FOR CLOSING A MEETING

Location: Commissioners' Meeting Room

Date: March 12, 2019

Time: 9:57 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 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: Commissioner Assignment Committee

REASON FOR CLOSING: To protect confidential appointment process

3-305 (b) (7) (8) To discuss 1 pending/potential litigation cases; Seek Legal Advice

REASON FOR CLOSING: To receive update and legal strategies regarding potential litigation



Reuben B. Collins, II, Esq., President