

**Regular Meeting of County Commissioners**  
**Tuesday, April 2, 2019**

The regularly scheduled meeting of the County Commissioners was convened at 9:11 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

**Proclamation 2019-11 Fair Housing Month**

The Commissioners proclaimed April 2019 as National Fair Housing Month. Proclamation 2019-09 was received by Ms. Rita Wood, Chief of Housing Authority, Department of Community Services and staff members along with Mr. Michael Bellis, Executive Director, United Way of Charles County.

**Commissioners' Comments**

Commissioner Collins requested a moment of silence to honor the memory of former Governor Harry Roe Hughes who passed away on March 13, 2019. He served as Maryland Governor from 1979-1987.

**Approval of the Minutes of March 15 and March 26, 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 March 15, 2019.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the minutes of March 26, 2019.

**Notice of Tentative Agenda of April 9 and April 10, 2019**

Ms. Carol DeSoto, Acting Clerk, announced the tentative agendas for April 9 and April 10, 2019.

Commissioner Stewart suggested the potential of starting session later session days that have a scheduled public hearing. The discussion concluded that this option of starting later would be considered on a case by case basis.

**Approval Items**

There were no approval items.

**Update: 2019 Maryland General Assembly Legislative Session**

Ms. Danielle Mitchell, Acting County Attorney, presented updates on the County's legislative priorities for the 2019 Maryland General Assembly Legislative Session. She explained that House Bill 389, House Bill 388 and House Bill 438 were being finalized. She further mentioned that House Bill 400 was being held at the request of Senator Ellis. It is believed he is holding this Bill due to concerns

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related to the number of liquor licenses in these areas. The Commissioners' understanding was that this Bill would allow those who held a manufacturer's license the ability to sell only alcoholic products that they produced. Ms. Mitchell clarified that this Bill did not limit the sale of alcoholic beverages to only those products produced on site. It was suggested that a letter amending this Bill to limiting the sale of only the products manufactured on site be sent to Senator Ellis.

The Commissioners directed Ms. Mitchell to reach out to Senator Ellis' office for clarification of his concerns related to this Bill and bring back a proposed amendment to limit the sale of alcoholic products to only those produced manufactured on site.

*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 this Bill is scheduled for the House Economic Matters Committee and suggested sending another letter of support.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to send a letter of support for this Bill.

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

Ms. Mitchell explained that this Bill has not moved out of committee and had only six (6) more days to potentially be voted out of committee. It is hopeful that this delay will keep it from moving forward.

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

Ms. Mitchell explained that this Bill has not moved out of the Committee of Budget and Taxation and is not recommended for Fiscal Year 2020 funding. She recommended sending another letter of support to the Budget and Taxation Committee related to this Bill clarifying that the County does not agree with the direction the Senate is recommending with the Committee's alternative funding proposal. Commissioner Collins stressed that it was the responsibility of the State to fund Right of Way work done on State highways and that it is unprecedented that local governments fund Right of Way work on State Highways. Charles County is committed to assisting in moving this project forward, but not the way it is currently being proposed.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to send the proposed letter of support with Commissioner Stewart's suggested changes to the first line of the last paragraph to read "We do not believe contributing funds for the intended purpose is appropriate without greater commitment from the State."

*8. Senate Bill 1030/House Bill 1413 Kirwan Blueprint Education Bill*

Ms. Mitchell informed the Commissioners that there is still a lot of discussion related to the cost of this Bill to the State and to the counties.

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9. Senate Bill 280/House Bill 166 Fight for fifteen (15) - Minimum Wage Increase  
Ms. Mitchell informed the Commissioners that this Bill has been approved.

**Closed Session**

At 9:37 a.m., a motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to move into closed session pursuant Section 3-05(b)(1) of the General Provisions Article of the Annotated Code of Maryland to interview applicants for County Leadership positions. The reason for closing is to protect applicants' confidential applications in order to preserve the ability to attract qualified applicants.

**Summary Closed Session Items**

At 9:48 a.m. the Commissioners went into closed session.

**3-305(b)(1) Personnel: To Interview Applicants for County Leadership Positions**

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

Mr. Mark Belton, County Administrator and Ms. Megan Donnick, Acting Human Resource Director reviewed the interview process, the application packets, which were given to each Commissioner, along with the prepared interview questions to ask each candidate.

*\*Break 10:48 a.m. -- 10:57 a.m.*

After all the interviews were completed, the Commissioners discussed each applicant with the County Administrator. No official action was taken at this time.

*\*Commissioner Stewart left Closed Session at 12:39 p.m.*

At 12:42 p.m. a motion was made by Commissioner Rucci, seconded by Commissioner Bowling, and passed, with Commissioners Rucci, Bowling, Coates and Collins, voting in favor to end closed session.

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

The Commissioners returned to open session at 1:34 p.m.

*\*Commissioner Stewart returned to session at 1:41 p.m.*

**Briefing: Keep Charles County Beautiful Program**

Mr. Merrill Baker, Chief of Environmental Resources, and Ms. Frances Sherman, Recycling and Litter Control Superintendent, Department of Public Works explained that the Keep Charles County Beautiful Program encourages a litter-free environment through education, litter removal, community improvements, enforcement, and community partnerships. The education strategy is to encourage community involvement and action through events and programs and to bring awareness of environmental impacts and associated laws and fines. The litter removal programs include County and Contractor Crews, Adopt-a-Road and Adopt-a-Highway; watershed cleanups and community cleanups. Ms. Sherman also highlighted some of the community improvements at VanGo bus stops and County owned facilities and locations along with partnerships with the Sheriff's office and State High Administration to investigate and take enforcement actions on litter and illegal dumping.

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Commissioner Collins suggested that staff look into creating an annual "Clean Charles County" event for all residents to participate in.

**Briefing and Request for Approval: FY2020-FY2022 Job Access Reverse Commute Grant Application**

Mr. Jeffrey Barnett, Chief of Transit, Department of Planning and Growth Management explained the Job Access Reverse Commute (JARC) grant application requirements and status. He furthered explained that the transit routes would operate from the Waldorf transfer point north on Western Parkway to Route 301 to Brandywine Crossing and from south on Route 301 to Old Washington Avenue on the way back to the Waldorf transfer point. Service would be Monday through Saturday, 7:00 a.m. to 10:00 p.m. and that Bus Route 36 connection would be moved to Brandywine Crossing. This grant would fund seventy five percent (75%) of the nine hundred and seventy-seven thousand and eighty-four dollars (\$977,084.00) operating deficit forecast. This would make the County's share two hundred and forty-four thousand, two hundred and seventy-two thousand dollars (\$244, 272.00) which may be scalable.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the Authorizing Resolution 2019-06 concerning the Jobs Access Reverse Commute Program grant application.

**Work Session: Review and Approval of Commissioners' Goals and Objectives**

Mr. Mark Belton, County Administrator, shared the final summary document of the Commissioners' overarching goals derived from the Commissioners' Goals and Objectives work session held on February 26, 2019. He explained that the next task would be to approve this list so that he could work with his Executive Leadership Team (ELT) to flush out specific actions to reach these goals. He stated that the Commissioners would have another opportunity to approve the specific actions and dates the ELT identifies.

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

*\*Break 1:58 p.m. – 2:19 p.m.*

**FY2020 Budget Work Session: Enterprise Fund; Fees and Charges; General Fund Capital Improvement Projects (CIP) Review**

Ms. Jenifer Ellin, Director and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services explained the Environmental Service Fund within the Enterprise Budget. This account is for environmental program such as recycling, litter control, hazardous waste and other related environmental programs. This fund is one hundred percent (100%) supported by fees and charges, most prominently the Environmental Service Fee included on the tax bill. The proposed rate for FY2020 would be one hundred and nineteen dollars (\$119.00) which would be an eighteen dollar (\$18.00) increase from FY2019. Commissioner Coates queried if this increase could be adjusted for a more graduated increase.

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Staff will review this proposed Environmental Service Fee increase and bring back options during the final review on May 7, 2019.

Ms. Ellin and Mr. Dyer continued their review of Fees and Charges outlining the proposed new FY2020 Fees and Charges along with changes to fees. They concluded this budget work session with the General Fund Capital Improvement Projects review. They were joined by staff from the Board of Education and County Government Staff who provided more information on specific projects identified from last week's FY2020 Budget Work Session. Mr. Steve Andritz and Mr. Michael Heim, Board of Education explained the Stethem Educational Center Renovation Feasibility Study would be an internal transfer to cover the renovation. They explained that a new Middle School was not included in the proposed plan since there will be a Countywide redistricting of Middle Schools and the school site donated by St. Charles is unknown at this time due to changes in St. Charles decision on the site. Mr. Andritz and Mr. Heim explained that the proposed projects for full day kindergarten projects will incorporate all kindergarten.

Ms. Eileen Minnick, Director and Mr. John Snow, Chief of Parks and Grounds, Department of Recreation, Parks, and Tourism provided more information on the Waldorf Park project. Commissioner Stewart suggested looking into potential sponsorships of the sports fields.

Mr. Charles Rice, Program Manager, Department of Planning and Growth Management, provided more information on the Federal Land Preservation Program. Commissioner Bowling expressed an interest to potentially add one-time funding from the General Fund into the U.S. Department of Defense and Environmental Protection Integration (REPI) Program for future match by the Department of Defense.

Commissioner Stewart suggested that staff provide a list of projects that include Commissioners suggested projects and costs along with their suggested projects to be removed.

Mr. John Stevens, Chief of Capital Services, Department of Public Works, provided more information on the Blue Crabs Stadium Seating Area Cover and Roofing Systems Renovations. Commissioner Stewart explained that this project was started to provide the opportunity for other events. Commissioner Collins felt it would be helpful to meet with the Blue Crabs Board to discuss potential future uses of the stadium. Mr. Stevens went on to explain the Clubhouse Improvements project were to primarily update older equipment. Mr. Stevens further reviewed the LaPlata Armory Retrofit and the associated costs and possible uses by the Sheriff's Office. He advised the Commissioners that he would come back next year for design funds and the best approach for viable uses for this project. In his review of the LaPlata Library, he explained that it was important to finalize the site location in order to start the design service phase. The County would need to factor in the cost of land if it needed to be purchased. Mr. Stevens went on to explain the funding for the infrastructure of the Multi-Purpose Civic Center would require strategic land purchases within the Waldorf Urban Redevelopment Center (WURC) funding.

Mr. Jason Groth, Director of Planning, Department of Planning and Growth Management reviewed the Post Office Road Extension project.

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Staff was directed to use the appropriate process and seek professional advice/study to make this project apart of the CIP program in FY2021. Staff was furthered directed to provide a future briefing on the Safety Improvement Projects including what are important Road Projects.

**Commissioners' New Business**

Ms. Danielle Mitchell, Acting County Attorney, reviewed the proposed amendment to include to the letter of support to Senator Ellis for House Bill 400 explained earlier today during her update on the 2019 Maryland General Assembly Legislative Session.

The consensus of the Commissioners was for Ms. Mitchell to reach out to Senator Ellis to communicate the proposed changes to the Bill.

**Closed Session**

At 4:21 p.m., a motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to move into closed session pursuant Section 3-05(b)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to seek update and legal advice related to three (3) potential/pending litigation cases. The reason for closing is to keep legal strategies and approaches confidential.

**Summary Closed Session Items**

At 4:31 p.m. the Commissioners went into closed session.

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

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Danielle Mitchell, Carol DeSoto, Elizabeth Theobalds, Jessica Andritz, Steve Kaii-Ziegler, Jason Groth, John Mudd, Kurt Fischer

Ms. Danielle Mitchell, Acting County Attorney and Ms. Jessica Andritz, Associate County Attorney provided a summary of a potential litigation issue. This included the planned approach of action.

*\*Commissioner Bowling left closed session at 4:53 p.m. and returned at 5:46 p.m.*

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

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Danielle Mitchell, Carol DeSoto, Elizabeth Theobalds, Steve Kaii-Ziegler, Jason Groth, John Mudd, Kurt Fischer

Mr. Kurt Fischer, Outside Counsel, provided an update on a pending litigation case, outlining potential options and approaches to this case.

The Commissioners requested that this item be added back on the agenda for further discussion on April 9, 2019.

*\*Commissioner Collins left close session at 5:04 p.m.*

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

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Present: Commissioners Rucci, Bowling, Coates, and Stewart, Mark Belton, Danielle Mitchell, Carol DeSoto, Elizabeth Theobalds, Steve Kaii-Ziegler, Jason Groth, John Mudd, Kurt Fischer

Mr. Kurt Fischer, Outside Counsel, provided legal advice on a pending issue outlining potential options and approaches.

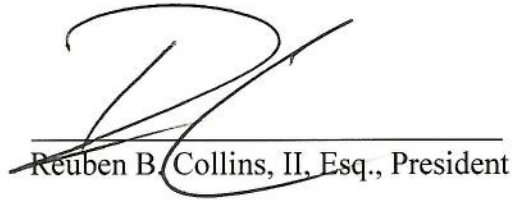
The Commissioners requested that this item be added back on the agenda for further discussion and approval of a letter on April 9, 2019.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed with Commissioners Bowling, Coates and Rucci voting in favor to retain outside counsel to pursue this land use matter. Commissioner Stewart was opposed. *\*Commissioner Collins was not present for the vote.*

At 6:29 p.m. A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed with Commissioners Rucci, Bowling, Coates and Stewart, voting in favor to end close session and adjourn.



Carol A. DeSoto, Acting Clerk



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Reuben B. Collins, II, Esq., President

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**FORM OF STATEMENT FOR CLOSING A MEETING**

Location: Commissioners' Meeting Room

Date: April 2, 2019

Time: 9:37 a.m.

Motion By: Commissioner Rucci

Seconded By: Commissioner Stewart

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Reuben B. Collins, II, Esq.	[ X ]	[ ]	[ ]	[ ]
Gilbert O. Bowling, III.	[ X ]	[ ]	[ ]	[ ]
Thomasina O. Coates, M.S.	[ X ]	[ ]	[ ]	[ ]
Amanda Stewart, M.Ed.	[ X ]	[ ]	[ ]	[ ]
Bobby Rucci	[ X ]	[ ]	[ ]	[ ]

**STATUTORY AUTHORITY TO CLOSE SESSION**

**General Provisions Article §3--305(b):**

(1) [X] 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.



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**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)(1) Personnel: To interview applicants for County Leadership positions**

**REASON FOR CLOSING:** To protect applicants' confidential applications in order to preserve the ability to attract qualified applicants.



Reuben B. Collins, II, Esq., President