

Regular Meeting of County Commissioners

Tuesday, April 9, 2019

The regularly scheduled meeting of the County Commissioners was convened at 9:09 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 2019-13 Archaeology Month

The Commissioners proclaimed April 2019 as Archaeology Month. Proclamation 2019-13 was received by Ms. Carol Cowherd, President, Ms. Denise Cheseldine and Ms. Linda Talley, Charles County Archaeological Society of Maryland, Inc. along with members of the Charles County Historic Preservation Commission.

Proclamation 2019-14 Donate Life Month

The Commissioners also proclaimed April 2019 as Donate Life Month. Proclamation 2019-14 was received by Mr. Jim Ford, Executive Director, Donate Life Maryland along with Mr. Milton Mitchell, Washington Regional Transplant Community's 2018 Heart of Gold Recipient.

Recognition: Life Saving Organ Donors

The Commissioners presented citations to Ms. Sunny Grissett, teacher and Mr. Andrew Felon, Charles County Sheriff's Officer, for their life changing gift of being live organ donors. Ms. Vivian Rivera-DeLeon, teacher, recipient of Ms. Grissett's kidney donation was presented with a certificate of appreciation for sharing her story and for being beacon of hope for others in need of a transplant. Mr. Frederick "Sonny" Davis, Charles County Sheriff's Officer, recipient of Mr. Felon's kidney donation also received a certificate of appreciation but was not present to accept it.

Commissioners' Comments

Commissioner Bowling shared information from the Executive Committee meeting for the Tri-County Council for Southern Maryland (TCC). He voted in favor for the Tri-County Council to move forward with a letter of support for the Southern Maryland Agricultural Development Commission (SMADC) to be a partner on the United States Department of Agriculture (USDA) Grant that the University of Maryland is submitting. It will focus on getting information to students about agricultural education, and knowledge of the degree and career opportunities within the agricultural industry. The grant would be for seventy-five thousand dollars (\$75,000.00).

Commissioner Bowling also reminded the Commissioners of the Tri-County Council Full Council meeting on April 18, 2019.

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Approval of the Minutes of April 2, 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 April 2, 2019.

Notice of Tentative Agenda of April 16, 2019

Ms. Carol DeSoto, Acting Clerk, announced the tentative agendas for April 16, 2019.

Approval Items

FY2019 Budget Amendment Increase #6624 Inspections

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this budget amendment increase provides a fund balance appropriation for contract services to complete current inspections and close out the yearly contract for Planning and Growth Management. Funds are available due to prior fiscal year fee collection revenues for inspections on building and commercial permits throughout the building process.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Amendment Increase #6624 Inspections for three hundred and twelve thousand dollars (\$312,000.00).

Chapel Point Park:

FY2019 Budget Amendment Increase #6642

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this budget amendment increase is for funding capital improvements at Chapel Point Park based on anticipated grant funding that will cover seventy five percent (75%) of expenses of the four hundred and five thousand dollars (\$405,000.00). The remainder of the match will come from FY2019 Budget Transfer #6591 and #6589 listed below.

FY2019 Budget Transfer Request #6591

Mr. Dyer explained that the fifty-five thousand dollars (\$55,000.00) funds being transferred are available from the contingency reserve fund from the Maxwell Hall Improvements project and the Automation and Tech Project to move into the Chapel Point Park project. This will pay for the additional design and construction costs as a match to the anticipated grant stated in FY2019 Budget Amendment Increase #6642 listed above.

FY2019 Budget Transfer Request #6589

This budget transfer moves thirty thousand dollars (\$30,000.00) in surplus funding from contract personnel and services for outdoor Youth Programs to move into the Chapel Point Park project. This will pay for the additional design and construction costs as a match to the anticipated grant stated in FY2019 Budget Amendment Increase #6642 listed above.

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Amendment Increase #6642; FY2019 Budget Transfer Request #6591; and FY2019 Budget Transfer Request#6589.

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Update: 2019 Maryland General Assembly Legislative Session

Ms. Danielle Mitchell, Acting County Attorney presented the final updates on legislative actions that affect Charles County since the 2019 Maryland General Assembly Legislative Session ended on April 8, 2019. She listed legislation that was not local, but passed and would impact Charles County which included: smoking age increase to twenty one (21); creation of an oversight committee for public school funding; public school start time; required background check for rifle/shotgun purchases; renewable energy; and the creation of five (5) oyster sanctuaries.

Ms. Mitchell provided the following updates on local legislation:

1. House Bill 389 Charles County-Alcoholic Beverages- Resort Complex License has passed.
2. House Bill 388 Charles County-Alcoholic Beverages- View of Licensed Premises has passed.
3. House Bill 438 Charles County- Alcoholic Beverages- Golf Course Privilege has passed.
4. House Bill 400 Charles County- Alcoholic Beverages-Exemption from Off-Sale License Quota did not have a final vote.
5. Senate Bill 634 Electric Cooperatives-Powers- Conducting or Communications Facilities has passed.
6. Senate Bill 973 Tri-County Council for Southern Maryland – Membership and Funding did not make it out of committee.
7. Senate Bill 866 College of Southern Maryland Budget Process was withdrawn.
8. Senate Bill 845 Southern Maryland Rapid Transit Project- Requirements and Funding had no final vote.
9. House Bill 1051 Landlord Tenant Repossession for Failure to Pay Rent Procedures had no hearing.
10. Senate Bill 1030/House Bill 1413 Kirwan Blueprint Education Bill has passed.
11. Senate Bill 280/House Bill 166 Fight for fifteen (15) - Minimum Wage Increase has passed.

Ms. Mitchell concluded her review by informing the Commissioners that the lobbyist from Greenwill Consulting Group will provide a briefing on April 16, 2019 to share their perspective of the legislative session.

Closed Session

At 9:52 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)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to seek update and legal advice related to two (2) potential/pending litigation cases. The reason for closing is to keep legal strategies and approaches confidential.

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Summary Closed Session Items

At 10:01 a.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, Steve Kaii-Ziegler, Jason Groth, John Mudd, Kurt Fischer via phone.

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

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

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

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

At 10:42 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 11:02 a.m.

Briefing: Proposed Affordable Housing Project

Mr. Ned Howe, Vice President New Business, Enterprise Homes, Inc. presented information on a proposal to build apartments in LaPlata which would help address the shortage of affordable housing units in Charles County. The proposed site would be between the LaPlata Park-and-Ride and the new construction site of Sage Point on Washington Avenue. Enterprise Homes is seeking support from the County in order to apply for the nine percent (9%) Low-Income Housing Tax Credit (LIHTC) program through the State of Maryland. Enterprise Homes would like the County to commit to designating housing vouchers in the form of project-based vouchers to help increase their chance for receiving state tax credits for financing.

Ms. Dina Barclay, Director, Department of Community Services, joined the discussion to explain the County's current Housing Choice Voucher (HCV) program which assists eligible, low-to moderate income residents with monthly subsidies toward their cost of rent. The resident can select from any rental property owned by a participating landlord. Ms. Barclay explained that Project Based Voucher program would be a policy and program shift and would require changes to the administrative plan in coordination with Housing and Urban Development (HUD). Implementing Project Base Voucher does not increase the total number of vouchers available to residents of Charles County. Project Based Vouchers are designated for use in a specific housing development project.

Commissioner Stewart raised the following questions: Can a resident change between a choice voucher and project voucher? What is the process for other companies to receive project-based vouchers? Can staff look at a hybrid program with a ratio of certain number of housing vouchers being project based? Can enterprise Homes consider some senior housing units in their project? Commissioner Coates requested staff to explore other voucher program options such as Veterans Affairs Supportive Housing

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(VASH) vouchers. Commissioner Bowling requested specific list of income levels for each workforce housing unit proposed by Enterprise Homes and written support for the Town of LaPlata for this project. Staff was also asked to look into required school seats needed for this type of project in this location.

The consensus of the Commissioners was to have staff respond to the questions generated in this briefing and bring back options for the Commissioners to consider.

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

Ms. Jenifer Ellin, Director and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services provided an overview of the proposed FY2020 General Fund Operating Budget. She reviewed the proposed operating revenues of four hundred and twenty-four million, one hundred and thirty-five thousand dollars (\$424,135,000.00) by reviewing the revenue sources, stating that property tax and income tax are the primary revenue source.

She explained that FY2020 requested expenditures were four hundred and forty-four million, five hundred and ninety-four thousand, eight hundred dollars (\$444,594,800.00). The review continued with a review of the proposed balanced budget expenditures of four hundred and twenty-four million, one hundred and thirty-five thousand dollars (\$424,135,000.00) outlining the changes in expenditures for each requested budget. She noted that about forty eight point five percent (48.5%) of the proposed budget was for education; twenty two point one percent (22.1%) was for the Sheriff's Office; fifteen point two percent (15.2%) was for County Government; seven point three percent (7.3%) was for debt services; three point two percent (3.2%) was for other agencies and that three point seven percent (3.7%) covered miscellaneous expenses such as retiree fringe benefits, central services, contingency, capital project transfer and watershed fund subsidy. Mr. Dyer went on to review proposed expenditures by each governmental division outlining what is included in each divisions FY2020 proposed budget.

Ms Ellin concluded the work session reviewing the next steps for the proposed FY2020 Capital Improvement Projects (CIP) and the format that will be used to review. She explained that if each Commissioner, individually, email staff about which projects they would like to move into the CIP and which projects to remove, in order to stay within the debt affordability, would be helpful. She mentioned that the debt affordability went up to two million, nine hundred thousand dollars (\$2,900,000.00) due to a revenue change. She furthered explained that at the next work session it will be interactive with projects added and removed during the discussion as the Commissioners review the CIP.

Ms. Ellin reminded the Commissioners of the public hearing tonight to hear comments on the budget and the additional public hearing on the FY2020 constant yield rate schedule for April 30, 2019.

**Break 12:38 p.m. – 2:01 p.m.*

Briefing: Watershed Conservation District (WCD) Implementation Process

Mr. Steve Kaii-Ziegler, Director, and Mr. Jason Groth, Planning Director, Department of Planning and Growth Management, presented an overview of the Watershed Conservation District (WCD), which was created by the amended zoning ordinance to implement the goals and objectives of the 2016

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Comprehensive Plan. The amended zoning maps rezoned properties from various rural, residential, and commercial zones to the WCD. The Comprehensive Plan included policies that protect the local watersheds, forests, reduce future impervious surfaces and limit urban sprawl. Mr. Groth presented maps of the zoning districts and discussed general requirements which limit residential density and impervious surfaces and specify the types of permitted uses within the WCD.

Briefing: Rapid Transit Update

Mr. Jason Groth, Planning Director, Department of Planning and Growth Management and Mr. Gary Hodge, President, Regional Planning Advisors, presented an update on the future of the Rapid Transit in Southern Maryland. They highlighted transit opportunities and related transportation priorities that they have been discussed with State transportation leaders and the Charles County Delegation during the recent session of the Maryland General Assembly. Mr. Hodge stressed that according to the Bloomberg Report, Charles County commuters suffer the most. He stressed the need to position the County for capital funding at the federal level. In order to move this project forward, seven million five hundred thousand dollars (\$7,500,000.00) is needed to complete Project Planning and get Record of Decision. He suggested some future options such as going back to the general assembly to educate and persuade them to understand that light rail is needed and not bus rapid transit in Southern Maryland; partner with Prince Georges County to get the Consolidate Transportation Plan to complete the Project Planning phase and get a Record of Decision; and to talk to the private sector for additional options and support. He warned about the increased traffic into Charles County once the New Mac Middleton Harry Nice Bridge is completed. Mr. Groth stated the need for the State to complete a full National Environmental Policy Act (NEPA) analysis which would include a Record of Decision.

Request for Approval: Indian Head Technology Park Easement

Ms. Danielle Mitchell, Acting County Attorney, explained that the County received a letter from the Maryland Environmental Trust (MET) about becoming a coholder, with the Conservancy of Charles County, of the Indian Head Technology Park Easement. This action is pending approval from the Maryland Department of Public Works.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Rucci, Bowling, Coates and Collins, voting in favor to have the County Administrator work with outside counsel to send a letter to oppose the joint easement. Commissioner Stewart was opposed. The motion passed four (4) to one (1).

Ms. Mitchell clarified that the motion was to include working with outside counsel to determine all means to communicate the position of the Board of Commissioners to not approve the joint easement request.

Commissioners' New Business

Commissioner Collins mentioned the John "Junior" Harris Hoop Legacy Classic Basketball Tournament on April 27 and 28, 2019 as well as the event on April 13, 2019 at the Indian head Pavilion to honor Mr. John Junior Harris who was a trailblazer within the Town of Indian Head.

**Break 3:07 p.m. - 6:02 p.m.*

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Public Hearing: FY2020 Operating Budget and FY2020-FY2024 Capital Budgets

The Commissioners conducted a public hearing on the Fiscal Year 2020 Operating Budget and the Fiscal Year 2020 through Fiscal Year 2024 Capital Budget. Ms. Jenifer Ellin, Director and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, presented an overview of the budget process and approach taken and the budget priorities. She reviewed what was included in the proposed budget and the considerations taken to reach the proposed balance budget. She stated that this proposed budget maintains core services; no property or income tax rate increases; demonstrate fiscal responsibility; minimizes the use of cash reserves and values employees. Mr. Dyer reviewed the Enterprise Funds which are service fees paid by users which include: Water and Sewer Fund, Landfill Fund, Environmental Service Fund, and Watershed Protection and Restoration Fund. Ms. Ellin presented the Capital Improvement Program (CIP) proposed budget overview. Mr. Dyer concluded with the review of the Fees and Charges. Twenty-nine (29) speakers presented comments to the Commissioners.


A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to keep the record open for ten (10) days.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to close the public hearing.

At 7:54 p.m. a motion was made by Commissioner Stewart, 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

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FORM OF STATEMENT FOR CLOSING A MEETING

Location: Commissioners' Meeting Room

Date: April 9, 2019

Time: 9:52 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.

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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) (7) (8) to seek update and legal advice and update related to two (2) potential/pending litigation cases.

REASON FOR CLOSING: To receive updates and to keep legal strategies and approaches confidential.



Reuben B. Collins, II, Esq., President