

Regular Meeting of County Commissioners
Tuesday, May 7, 2019

The regularly scheduled meeting of the County Commissioners was convened at 9:04 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: Proclamation 2019-18 National Drug Court Month

The Commissioners proclaimed the month of May as National Drug Court Month. Proclamation 2019-18 was received by Judge Amy Bragunier, Administrative Judge, Ms. Deborah Zrioka, Court Administrator, and Ms. Jennifer Murphy, Director of Family Programs, Charles County Circuit Court; Judge Helen Harrington, Senior Judge, Ms. Amanda Yowell, Drug Court Coordinator, Ms. Yolanda Byrd, Family Resource Specialist, and Ms. Jessica Gross, Assistant Case Manager, Charles County Family Recovery Court; and Mr. Jason Harley, Out of Home Services Supervisor, Charles County Department of Social Services.

Recognition: Proclamation 2019-19 National Small Business Week

The Commissioners proclaimed the week of May 4-11, 2019 as National Small Business Week. Proclamation 2019-19 was received by members of the LaPlata Business Association, Western Charles County Business Association, Westlake Business Association, Charles County Chamber of Commerce, and Southern Maryland Minority Chamber of Commerce.

Commissioners' Comments

There were no Commissioners' comments.

Approval of the Minutes of April 16, 2019

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the minutes of April 16, 2019.

Notice of Tentative Agenda of May 14, 2019

Ms. Carol DeSoto, Acting Clerk, announced the tentative agenda for May 14, 2019

Approval Items

FY2019 Budget Transfer Request # 6691 Middletown Roundabout

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this budget transfer of funds would cover three (3) change orders to AB Construction for additional construction services.

Regular Meeting of County Commissioners
Tuesday, May 7, 2019

A motion was by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Transfer Request #6691 Middletown Roundabout for forty-two thousand four hundred and ten dollars (\$42,410.00)

FY2019 Budget Amendment Increase # 6707 Broadband Study

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this budget amendment increase request is based on the grant award received, that requires a one hundred percent (100%) match, for a rural broadband feasibility study to assist in the expansion of broadband into under served rural residents and businesses.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Amendment Increase #6707 Broadband Study for ninety-four thousand dollars (\$94,000.00).

FY2019 Budget Transfer Request #6715 Fiber Install

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this budget transfer request is for the labor and materials of fiber installation at Chesapeake Street in La Plata, Maryland. These funds would come from the Public, Educational, and Governmental (PEG) Access funds since this was an eligible expense.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Transfer Request # 6715 Fiber Install for thirty-seven thousand nine hundred and sixty dollars (\$37,960.00).

Board of Election Lease

Ms. Deborah Hall, Deputy County Administrator, explained that this request is to extend the Board of Election's Lease by using the additional lease extension option. She reviewed the original lease's third amendment option to extend the lease for the Board of Elections through December 2020.

**Commissioner Bowling recused himself from the vote.*

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with Commissioners Rucci, Stewart, Coates and Collins, voting in favor to exercise the second, one-year lease extension option. *Commissioner Bowling recused himself from the vote.*

Closed Session

At 9:25 a.m., a motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to move into closed session pursuant Section 3-05(b)(1)(3)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice and discuss one (1) potential litigation issue; consider acquisition of property for public use and to discuss appointment to the Commissioner appointed Board of License Commissioners. The reason for closing is to keep legal negotiations and approaches confidential and to keep applicant information confidential in order to attract applicants.

Summary Closed Session Items

At 9:36 a.m. the Commissioners went into closed session.

Regular Meeting of County Commissioners
Tuesday, May 7, 2019

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

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Danielle Mitchell, Carol DeSoto, Bill Stephens and Shanee Major-Kelly.

Ms. Danielle Mitchell, Acting County Attorney, provided the background and status of this issue: Mr. William Stephens, Director, Department of Emergency Services and Ms. Shanee Major Kelly, Associate County Attorney provided more specific details.

The Commissioners provided staff with directions on the next steps to follow.

3-305 (b) (3)(7) Legal Advice/Consider Acquisition of Real Property

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Danielle Mitchell, Carol DeSoto, Dina Barclay, Rita Wood.

Ms. Dina Barclay, Director, and Ms. Rita Wood, Chief of Housing Authority, Department of Community Services, provided an overview of services related to the consideration of the acquisition of a property.

The Commissioners provided staff with directions to investigate options related to the property and to schedule another briefing.

3-305 (b) (1) Personnel: Boards and Commissions

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

Ms. Carol DeSoto, Acting Clerk, reviewed the application for the Board of License Commissioners (Liquor Board).

The Commissioners gave Ms. DeSoto directions on how to proceed with this Board.

At 10:54 a.m. a motion was made by Commissioner Bowling, seconded by Commissioner Rucci, and passed, with all Commissioners present, voting in favor to end closed session.

The Commissioners returned to open session at 11:03 a.m.

Update and Request for Approval: Letter of Support, Low-Income Housing Tax Credit (LIHTC) Program Application

Mr. Ned Howe, Vice President New Business, Enterprise Homes, Inc. discussed his request for a letter of support for a developer application to secure a federal low-income housing tax credit which would help finance an affordable apartment project within the Town of LaPlata. When questioned, Mr. Howe answered that he had not met with the Town of LaPlata yet but was scheduled to meet with them later this week, and that his application deadline to include the letter of support was tomorrow, May 8, 2019. He clarified that generally his company pursues financing first.

The Commissioners agreed with the concept of this type of development in Charles County. If it was to be considered for the Town of LaPlata, they would require the support of the Town of LaPlata first.

Regular Meeting of County Commissioners
Tuesday, May 7, 2019

Commissioner Collins pointed out that if this letter is approved it could set a precedence for project-based vouchers.

Commissioner Stewart suggested changes to the draft letter of support Mr. Howe presented to include:

1. Change first line to read: "Charles County is pleased to support the concept of the La Plata Gardens Apartments...."
2. Add the following line to the end of the first paragraph: "One of the Charles County Board of Commissioners' goals is to increase affordable housing within the County and are actively ensuring that the County's policies support an increase in affordable housing opportunities."
3. Add a footnote to the letter to clarify that the statistics in the letter came from the American Planning Association Community Planning Assistance Team (CPAT) Affordable Housing Study.

The Commissioners agreed to Commissioner Stewart's suggestion to hold the vote until after the next briefing item on the agenda was heard.

Update: Housing Voucher Program

Ms. Dina Barclay, Director, and Ms. Rita Wood, Chief of Housing Authority, Department of Community Services, began to review the responses to questions raised by the Commissioners during the April 9, 2019 "Affordable Housing" presentation by Enterprise Homes. Ms. Barclay clarified that the information reviewed was from the Department of Community Services relative to the Housing and Urban Development Department (HUD) housing voucher program.

The Commissioners requested a short break so that Ms. Barclay's notes could be added to BoardDocs for the public to view.

**Break 11:30 a.m. – 11:35 a.m.*

Ms. Barclay's review answered the questions about the differences between housing choice vouchers and project-based vouchers; the potential implications of a policy proposal to convert a portion of housing choice vouchers to project-based vouchers for applicants who receive them; and information about other types of vouchers and programs.

The Commissioners directed staff to coordinate a community meeting and invite current housing voucher recipients to learn about and provide input on the policy proposal of converting a portion of the housing choice vouchers to project based vouchers. Commissioner Stewart indicated she wanted to be a part of this informal meeting.

The Consensus of the Commissioners was to also hold a Public Meeting on June 18, 2019 at 6:00 p.m. to obtain feedback from the general public on the Housing Voucher program.

Update and Request for Approval: Letter of Support, Low-Income Housing Tax Credit (LIHTC) Program Application

Mr. Ned Howe, Vice President New Business, Enterprise Homes, Inc. rejoined the Commissioners after the update on the Housing Voucher Program.

Regular Meeting of County Commissioners
Tuesday, May 7, 2019

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with Commissioners Stewart, Coates, Rucci and Collins, voting in favor to approve the letter of support with recommended edits (the three points of change discussed in the previous topic listed for Update and Request for Approval: Letter of Support, Low-Income Housing Tax Credit (LIHTC) Program Application.) *Commissioner Bowling was opposed. The motion passed four (4) to one (1).

Briefing and Request for Approval: Purchase of Development Rights (PDR) Program- 2019 Acquisition Cycle

Mr. Charles Rice, Manager, Department of Planning and Growth Management, reviewed the County Code requirement which states that the Commissioners set the maximum value to be paid for development rights through the Purchase of Development Rights (PDR) Program for each acquisition cycle. He explained that the Charles County Agricultural Land Preservation Advisory Board's recommendation is to set the maximum PDR purchase price of twelve thousand dollars (\$12,000.00) per development right, four thousand dollars (\$4,000.00) per acre for the FY2020 acquisition cycle. This is the same cap used for the previous cycle.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling, and passed, with all Commissioners voting, in favor to set the maximum PDR purchase price of twelve thousand dollars (\$12,000.00) per development right, four thousand dollars (\$4,000.00) per acre for the FY2020 acquisition cycle.

Briefing and Request for Approval: Modifications to Billingsley Road Access Management Plan

Mr. Jason Groth, Planning Director, and Mr. Alex Waltz, Planner II, Department of Planning and Growth Management reviewed the Access Management Plan which defines locations for future median openings and access points for certain roads within the County. They continued the discussion of the request made on behalf of Clean Earth of Greater Washington, LLC and St. Charles Community, LLC, for modifications to the Billingsley Road access points. The modifications would close the current median access point near the Middletown Roundabout and relocate it. The new access point would facilitate entry into the Piney Reach Business Park, add a new right-in and right-out access for the proposed Roebing Court, and ensure that commercial and industrial traffic is separated from nearby residential neighborhoods.

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the Billingsley Road Access Management Plan as presented.

**Break 12:36 p.m. – 12:39 p.m.*

Ms. Carol DeSoto, Acting Clerk, announced the Commissioners' decision to reschedule the tours of the Department of Emergency Services 911 Center and the Department of Public Works for a later date.

**Break 12:41 p.m. – 1:32 p.m.*

Regular Meeting of County Commissioners
Tuesday, May 7, 2019

FY2020 Budget Work Session: General Fund

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, provided a recap of the proposed FY2020 General Fund Operating Budget. Ms. Ellin explained that the Governor has not signed the Kirwan Bill that passed in the Maryland General Assembly, so she recommended keeping one point four (1.4) million dollars in the Contingency fund to be moved if the Kirwan Bill becomes law. The Commissioners agreed with this recommendation.

During this interactive review the Commissioners' consensus included:

- Summer Youth Program for Tri-County Council for a one (1) year commitment only for sixty-two thousand five hundred dollars (\$62,500.00) from the Fund Balance
- Post Office Road Expansion Study for one hundred and fifty thousand dollars (\$150,000.00) from the Fund Balance
- Charles County Waterman's Association for a one (1) year commitment only for forty thousand dollars (\$40,000.00) from the Fund Balance
- Readiness and Environmental Protection Integration (REPI) Program for four hundred and sixty thousand dollars (\$460,000.00) from the Fund Balance
- Inspector (Building Code) New Position for January for forty-five thousand dollars (\$45,000.00) and Additional Turnover Fund of forty-five thousand dollars (\$45,000.00) from the Contingency Fund
- Billingsley Road Analysis for two hundred and fifty thousand dollars (\$250,000.00) from the Fund Balance
- A one percent (1%) COLA for County staff on January 1, 2020 for four hundred and eleven thousand dollars (\$411,000.00) and Additional Turnover Fund of seventy-one thousand dollars (\$71,000.00) from the Contingency Fund
- Chief Equity Officer as a New Position for one hundred and fifty thousand dollars (\$150,000.00) will be delayed for consideration until FY2020 - midyear review

FY2020 Budget Work Session: Operating and Capital Improvement Program Projects

Ms. Jenifer Ellin, Director Mr. Jacob Dyer, Chief of Budget, and Ms. TaTanya V. Bowman, Senior Budget Analyst, Department of Fiscal and Administrative Services, discussed the FY2020 proposed Operating and Capital Improvement Projects Budgets. Ms. Ellin provided a general recap of all these proposed budgets. Mr. Dyer and Ms. Bowman reviewed in more detail the Landfill Operations Budget, Watershed Protection and Restoration Fund, Inspections and Review Fund, Recreation Fund, Cable Franchise Operations, Water and Sewer Fund, Water and Sewer Capital Improvement Plan, and Environmental Service Fund Five Year Plan.

Ms. Ellin provided a recap of the proposed FY2020-FY2024 Capital Improvement Project (CIP) discussed on the May 7, 2019.

The consensus of the Commissioners was to move the Hamilton Road Project to start in FY2020 Capital Improvement Projects.

Ms. Ellin concluded the work session with a review of the finalized list of pending new positions to be added to the FY2020 General fund Budget. She stated that the final adoption of the FY2020 Budget is scheduled for May 14, 2019. She also stated that the tax rate would remain the same.

Regular Meeting of County Commissioners
Tuesday, May 7, 2019

Commissioners' New Business

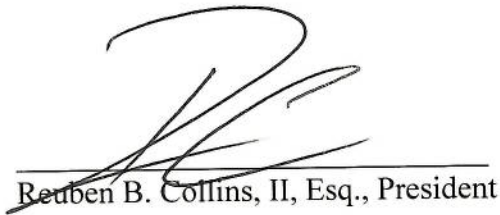
There was no new business.

****To Be Rescheduled ** Tour: Department of Emergency Services 911 Center and Department of Public Works**

At 3:09 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

Regular Meeting of County Commissioners
Tuesday, May 7, 2019

FORM OF STATEMENT FOR CLOSING A MEETING

Location: Commissioners' Meeting Room

Date: May 7, 2019

Time: 9:25 a.m.

Motion By: Commissioner Bowling

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, May 7, 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 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) Legal Advice/Potential Litigation

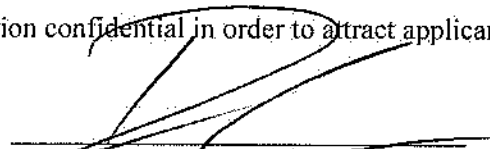
REASON FOR CLOSING: To keep negotiations and approaches confidential.

3-305 (b)(3)(8) Legal Advice/Consider Acquisition of Real Property

REASON FOR CLOSING: To keep negotiations and approaches confidential.

3-305 (b)(1) Personnel: Commissioner Appointed Boards

REASON FOR CLOSING: To keep applicant information confidential in order to attract applicants



Reuben B. Collins, II, Esq., President