

Regular Meeting of County Commissioners

Tuesday, May 21, 2019

The regularly scheduled meeting of the County Commissioners was convened at 9:03 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
Wesley Adams, County Attorney
Danielle Mitchell, Former 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.

Commissioner Collins requested making this day a legislative day for items coming up on the agenda.

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to make May 21, 2019 a Legislative Day.

Recognition: Proclamation 2019-24 Emergency Medical Services Week

The Commissioners proclaimed the week of May 19-25, 2019 as National Emergency Medical Services Week in Charles County. Proclamation 2019-24 was received by staff and volunteer members of Charles County Emergency Medical Services.

Commissioners' Comments

There were no Commissioners' comments.

Approval of the Minutes of May 7 and May 14, 2019

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the minutes of May 7, 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 May 14, 2019.

Notice of Tentative Agenda of June 4, 2019

Ms. Carol DeSoto, Acting Clerk, announced the tentative agenda for June 4, 2019. She noted that there was no scheduled session on May 28 or May 29, 2019 due to the Memorial Day holiday.

Approval Items

FY2019 Intercategory Budget Transfer Request – Board of Education

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, and Mr. Randolph Sotomayor, Assistant Superintendent of Fiscal Services, Charles County Public Schools, explained that the six million nine hundred thousand dollar (\$6,900,000.00) budget transfer would be used to support instruction materials, student transportation, operations, and capital outlay related to the opening of the Billingsley Elementary School and maintenance projects at the Robert E. Stethem Center and Arthur

Regular Meeting of County Commissioners
Tuesday, May 21, 2019

Middleton Elementary School. It was clarified that this budget transfer was not related to the Fresh Start Program.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the FY2019 Intercategory Budget Transfer Request for the Board of Education.

FY2020 Contingency Transfer Request #6753 Board of Education Operating Budget – Teacher Salary Incentive Grant

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that these funds were approved in the FY2020 Budget and held in the Contingency Fund until the State of Maryland approved their funding for this program. This is the County's match to the Teacher's Salary Incentive Grant just approved by the State.

A motion was by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2020 Contingency Transfer Request #6753 Board of Education Operating Budget-Teacher Salary Incentive Grant for one million four hundred and twenty thousand seven hundred dollars (\$1,420,700.00).

Exhibit One (1) General Fund Operating Budget

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, explained this document reflects the change in the Board of Education funding in the FY2020 approved budget to include the one million four hundred and twenty thousand seven hundred dollars (\$1,420,700.00) just approved for the FY2020 Contingency Transfer Request #6753 listed above. This document has an added footnote to indicate that it is was updated on May 21, 2019. Mr. Wes Adams, County Attorney, added that this document is a clear reflection of the budget document and added monies.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the Exhibit One (1) document.

Regional Projects Memorandums of Understanding (MOU)- Metropolitan Washington Council of Governments (COG)

Ms. Danielle Mitchell, Former Acting County Attorney, explained that Metropolitan Washington Council of Governments (COG) was requesting agreements with regional governments to pay a portion of the cost for a more stable funding source for the following programs:

- Geospatial Data Exchange and Index (GDX) Program
- Regional Law Enforcement License Plate Readers (LPR)
- Regional Automated Fingerprint Identification System (AFIS)

Ms. Mitchell clarified that since the federal government was no longer providing COG with a grant for these programs, the cost will be incurred by each jurisdiction based on population. The cost for Charles County would be eleven thousand four hundred and ninety nine dollars (\$11,499.00) for the Geospatial Data Exchange and Index program; twenty six thousand one hundred and eight four dollars (\$26,184.00) for the Regional Law Enforcement License Plate Readers program; and fifty four thousand eight hundred and thirty six dollars (\$54,836.00) for the Regional Automated Fingerprint Identification System program.

Regular Meeting of County Commissioners
Tuesday, May 21, 2019

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services joined the discussion and clarified that she spoke with the Sheriff's Office and that they would like to continue with the programs and will fund the Regional Law Enforcement License Plate Readers and Regional Automated Fingerprint Identification System from their approved FY2020 budget. The funding for the Geospatial Data Exchange and Index would come from a County transfer of funds.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the three (3) Regional Projects Memorandums of Understanding (MOU)- Metropolitan Washington Council of Governments (COG).

Draft: Revised 2019 Board of County Commissioners' Session Calendar (Summer)

Ms. Carol DeSoto, Acting Clerk to the Commissioners, explained that the request was to revise the 2019 Board of County Commissioners' Session Calendar for the months of June and July to meet every other week. Commissioner Collins furthered clarified that this proposed schedule change would only be for the summer months and would return to the weekly meetings in the fall.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the revised schedule.

Briefing and Request to Introduce and Set a Public Hearing: Zoning Text Amendment 19-152 Permanent Shelters in the General Industrial Zone

Mr. Jason Groth, Director of Planning, and Mr. Kirby Blass, Planner III, Department of Planning and Growth Management, explained that the Planning Commission approved this zoning amendment request for permanent shelters in the general industrial zone.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to introduce Zoning Text Amendment 19-152 Permanent Shelters in General Industrial Zone as newly numbered Bill 2019-01.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to set the Public Hearing for June 18, 2019 at 6:00 p.m. in the Commissioners' Meeting Room in the Government Building located at 200 Baltimore Street, LaPlata, Maryland.

Briefing and Request to Introduce and Set a Public Hearing: Zoning Map Amendment 19-001 Belike Property, LLC

Mr. Jason Groth, Director of Planning, and Mrs. Kelly Palmer, Planner III, Department of Planning and Growth Management, explained that this request is to change the zoning map from business to community commercial. Staff agrees that this zoning use is consistent with zoning. The Planning Commission has also approved this request.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to introduce Zoning Map Amendment 19-0001 Belike Property, LLC as Bill 2019-02.

Regular Meeting of County Commissioners
Tuesday, May 21, 2019

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to set the Public Hearing for June 18, 2019 at 6:00 p.m. in the Commissioners' Meeting Room in the Government Building located at 200 Baltimore Street, LaPlata, Maryland.

Briefing: Internal Audit Oversight Committee

Mr. John Simpson, Internal Auditor, Office of County Administrator, provided an overview of the Internal Audit Oversight Committee. He reviewed the authority and purpose, the committee members, the meeting requirements, and the responsibilities of the Internal Audit Oversight Committee. He explained that the committee reviews the annual audit plan and internal audit reports, makes recommendations, and ensures that there is no unjustified restrictions or limitations on the Internal Audit Office in order to keep its independence.

Update: Opportunity Zone School Seat Allocations

Mr. Darrell Brown, Director, Department of Economic Development and Mr. Steve Kaii-Ziegler, Director, Department of Planning and Growth Management, updated the Commissioners on school seat allocations within opportunity zones in the County. Staff had met with Dr. Kimberly Hill, Superintendent, Charles County Public Schools and with the Board of Education to consider and identify alternatives to the current seat allocation policy. Staff will work collaboratively with Dr. Hill and the Board of Education to develop preferred options for the Commissioners' to consider before summer recess in August.

Briefing: Assessment and Shoreline Management Plan for Charles County

Mr. Charles Rice, Program Manager, Department of Planning and Growth Management, Ms. Cindy Greb, Executive Director and Mr. Glenn Gass, Project Engineer, Southern Maryland Resource Conservation and Development, Inc., and Mr. Scott Hardaway, Coastline Design, P.C., explained that the assessment reviews the County's one hundred and eighty three (183) miles of shoreline to identify and prioritize areas for restoration. The report prioritized one hundred and fifty-three (153) sites and twenty-seven (27) miles of shoreline for restoration based upon erosion rates, proximity to agricultural or residential sites, with a combination of sill systems and living shorelines as the primary method for restoration. The report will enable the County to be considered for state and federal grants, determine future restoration programs, provide a model for other counties to follow, and share information with the public. This is an efficient method to meet requirements of the County's stormwater Management permit.

**Break 10:04 a.m. -- 10:16 a.m.*

Briefing: Hospice of Charles County

Mr. Brandon Jones, Chief Executive Officer, Hospice of Charles County, presented the Commissioners with an update on Hospice of Charles County, which provides terminally ill residents and their families with support for routine, inpatient, and respite care. They provide patients with care in their homes, at extended care facilities, and at the Hospice House. He highlighted some common myths about hospice care and shared facts about the variety of ways it serves families and provides patient care.

Regular Meeting of County Commissioners

Tuesday, May 21, 2019

Update: Charles County Health Department's Semi-Annual Update

Dr. Suzan Lowry, Health Officer for Charles County, presented a semi-annual update on the Charles County Health Department. She reviewed the department's programs and services, and shared data on indicators assessing the health and well-being of residents. Dr. Lowry discussed strategies for improving public health and highlighted the department's efforts to address public health priorities.

Commissioners' New Business

No new business.

Closed Session

At 11:23 a.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 3-305(b)(1)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice on one (1) issue; and seek legal advice and discuss one (1) potential litigation issue; and to consider 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. The administrative function for training of the County Commissioners in their executive role will be rescheduled.

Summary Closed Session Items

At 11:41 a.m. the Commissioners went into closed session.

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

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Danielle Mitchell, Carol DeSoto, Deborah Hall, Evelyn Jacobson, Dan Colien, and Tom Robertson

Ms. Deborah Hall, Deputy County Administrator, Ms. Evelyn Jacobson, Chief of Information Technology, Department of Fiscal and Administrative Services and outside consultants provided the background and status of the negotiations.

The consensus of the Commissioners agreed with the negotiations and schedule for next steps in the process. The Commissioners agreed to schedule another public hearing on June 4, 2019 and to bring back the final agreement for approval in open session on June 18, 2019.

3-305 (b) (7) Legal Advice

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

Ms. Eileen Minnick, Director, Department of Recreation, Parks, and Tourism provided an overview of a program that was previously approved by the last Board of County Commissioners and is now waiting final approval from the Governor.

The consensus of the Commissioners was to sign minor change once the Governor signs it and to have a press release when signed and receive final draft.

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

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart and Carol DeSoto.

The Commissioners interviewed five (5) applicants for the Board of License Commissioners (Liquor Board) and to consider these applicants for other Commissioner appointed Boards and Commissions.

Regular Meeting of County Commissioners
Tuesday, May 21, 2019

1. Liquor Board - a consensus was reached related to the appointment to this board.
2. Commission for Veterans Affairs - a consensus was reached related to the appointment to this board.

The Commissioners' official action, on these appointments, will be taken in open session on June 4, 2019, and will be reflected in Action on Boards, Commissions and Committees of the June 4, 2019 minutes.

At 2:03 p.m., a motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to end closed session and adjourn.

Tour: Department of Emergency Services 911 Center and the Department of Public Works



Carol A. DeSoto, Acting Clerk



Reuben B. Collins, II, Esq., President

Regular Meeting of County Commissioners
Tuesday, May 21, 2019

FORM OF STATEMENT FOR CLOSING A MEETING

Location: Commissioners' Meeting Room

Date: May 21, 2019

Time: 11:23 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.

Regular Meeting of County Commissioners
Tuesday, May 21, 2019

FORM OF STATEMENT FOR CLOSING A MEETING
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 on one (1) issue


REASON FOR CLOSING: To keep negotiations and approaches confidential

3-305 (b)(7)(8) Legal Advice/Potential Litigation on one (1) issue

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