

Regular Meeting of County Commissioners
Tuesday, June 18, 2019

The regularly scheduled meeting of the County Commissioners was convened at 9:02 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. He also announced that the public hearings scheduled for this evening at 6pm for the Zoning Map Amendment 19-0001 Belike Property, Bill 2019-02, and the Zoning Text Amendment 19-152 Permanent Shelters in General Industrial Zones, Bill 2019-01, are being rescheduled to July 9, 2019 at 6pm, since the public notices published in the newspaper did not meet the fourteen (14) day prior notice requirements.

Recognition: Proclamation 2019-27 Alzheimer's and Brain Awareness Month

The Commissioners proclaimed June 2019 as Alzheimer's and Brain Awareness Month in Charles County. Proclamation 2019-27 was received by Ms. LaKeysha Moore, Manager, Constituent Events, Alzheimer's Association, and members of the National Capital Chapter Southern Maryland Office.

Recognition: Proclamation 2019-28 World Sickle Cell Awareness Day

The Commissioners proclaimed June 19, 2019 as World Sickle Cell Awareness Day in Charles County. Proclamation 2019-28 was received Ms. Tijuana Adams, Ms. Helen Adams and Ms. Kaitlyn Adams.

Recognition: Charles County Teachers

The Commissioners recognized Ms. Kathy Perriello, Washington Post Principal of the Year; Ms. Melinda Wright, Maryland Teacher of the Year, Mr. Anthony Carroll, Maryland Outstanding Vice Principal of the Year. *Ms. Brooke Shnipes, Washington Post Teacher of the Year, was not present to receive her citation.*

Recognition: Proclamation 2019-29 Emergency Medical Services for Children (EMSC) Day

The Commissioners proclaimed June 26, 2019 as Emergency Medical Services for Children Day. Proclamation 2019-29 was received by Mr. John Filer, Chief of Emergency Services, Department of Emergency Services, and Mr. Guy Yesse, Emergency Medical Services Chief, Charles County Volunteer Association.

Presentation of Local Government Insurance Trust (LGIT) Training Grant Award

Mr. Tim Ailsworth, Executive Director, Local Government Insurance Trust joined the Commissioners to present Sheriff Troy Berry and Captain David Kelly, Charles County Sheriff's Office, the LGIT training grant of four thousand five hundred and seventy dollars (\$4,570.00) for CELA Training Conference to the Charles County Sheriff's Office.

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Recognition: Wellness at Work Award

The Commissioners were joined by members of the Human Resource's Wellness Committee, to be recognized for receiving the Silver Award in the Healthiest Maryland Business (HMB) Wellness at Work award at the 10th Annual Maryland Workplace Health and Wellness Symposium.

Recognition: New Employee Introductions and Years of Service Awards (May and June 2019)

The Commissioners recognized new employees and those employees celebrating milestone years of service in the months of May and June 2019.

Commissioners' Comments

There were no Commissioner comments.

Approval of the Minutes of June 4, 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 June 4, 2019.

Announcement: Next Commissioner Session will be held on Tuesday July 9, 2019

Ms. Carol DeSoto, Acting Clerk, announced that the next Commissioner Session would be held on July 9, 2019.

Approval Items

FY2020 Board of Education Categorical Budget

Ms. Amy Hollstein, Deputy Superintendent and Mr. Randy Sotomayor, Assistant Superintendent of Fiscal Services, Charles County Public Schools, reviewed the Board of Education's Fiscal Year 2020 Operating Budget that was approved on June 11, 2019 by the Board of Education. The Commissioners have authoritative approval of the categorical budget.

Commissioner Collins stated that the issue related to the Fresh Start Program has not been resolved. The Attorney General issued a written opinion challenging the legality of the Fresh Start Program. The Board of Commissioners will consider withholding funding of categories related to the Fresh Start Program. He stated that if they do withhold any funds it would in no way limit the funding of public education.

When Ms. Hollstein was questioned by Commissioner Coates about why they have chosen to continue with the Fresh Start Program after the Attorney General's written opinion and if they sought a second opinion, Ms. Hollstein explained that changes have been made to the program which they are confident will fall under the letter of the law. These changes include: being a parent opted program and must have full support of parents; changes to how teachers and staff will be trained which will include a mental health specialist going into the schools to train teachers and co-teach; ensure that all interventions are followed; staffing changes to strengthen the support for students once they are integrated back into their home schools; and training for parents who want help. Ms. Hollstein explained that this program will only be recommended after all resources and means have been exhausted. Once all the documents related to this program are finalized, they will be sent to their attorney to get a second opinion.

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Ms. Hollstein responded to Commissioner Stewart's query about the Maryland State Superintendent's support of this program. Ms. Hollstein stated that the State Superintendent is in support of this program and feels it should move forward if the Charles County Board of Education is behind this program. Both Commissioners Stewart and Bowling acknowledged the controversy about this program but expressed that the Commissioners should not dictate policy of the Board of Education. They believe that the program is the responsibility of the Board of Education to provide the best programs for the children. They felt that not approving the budget as presented will set a wrong precedence of dictating what the Board of Education can do for programs. They felt that the State Attorney's opinion was made without reaching out to the school system to collect all the information about this program.

Commissioner Collins stressed his confidence that reducing the funding of categories related to the Fresh Start program, in context of the legal opinion given, does not set a precedence. He stressed that it would not impact maintenance of effort and would not reduce funding for public education. It would not inhibit the Board of Education from operating. It acknowledges the public's legal concerns of not following the letter of the law of the 2017 legislation.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and failed, with Commissioners Stewart and Bowling, voting in favor to approve the FY2020 Board of Education Operating Budget by category as presented. Commissioners Rucci, Coates and Collins were opposed. A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Stewart-yes; Commissioner Rucci-no; Commissioner Coates-no; Commissioner Collins-no. The motioned failed two (2) to three (3).

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with Commissioners Coates, Rucci and Collins, voting in favor to approve the FY2020 Board of Education Operating Budget by category as amended to reduce: the Instruction Category by three hundred and ten thousand eight hundred and eighty dollars (\$310,880.00); the Fixed Charges Category by one hundred and seventeen thousand two hundred and thirty seven dollars (\$117,237.00); and the Mid-level Administration Category by twenty four thousand and eighty three dollars (\$24,083.00), for a total reduction of four hundred and fifty two thousand two hundred dollars (\$452,200.00) and be directed to the contingency fund until the legal issue is resolved. Commissioners Stewart and Bowling were opposed. A roll call of the vote was taken: Commissioner Rucci-yes; Commissioner Coates-yes; Commissioner Stewart-no; Commissioner Bowling-no; Commissioner Collins-yes. The motioned passed three (3) to two (2).

FY2019 Budget Amendment Increase #6813 Emergency Services

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services and Mr. John Filer, Chief of Emergency Medical Services, Department of Emergency Services, explained that this would increase the Department of Emergency Services General Fund to cover overtime salaries for emergency medical services staff. Currently staffing is minimum and just covers staffing the nine (9) stations and not outside activities or events. Mr. Dyer explained that the eight (8) new positions approved for the Department of Emergency Services for FY2020 will help address the overtime and new shifts.

Commissioner Stewart requested that Mr. Mark Belton, County Administrator, look at different reoccurring costs in all departments and to try to include it in budget so that they do not become

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overtime costs. She also requested the Department of Emergency Services to look at how stations are staffed related to call volume and think outside of the box in order to meet the needs of the community. Commissioner Bowling also wants the department to add costs to the budget to cover events, such as coverage at Blue Crabs instead of it becoming overtime costs.

Commissioner Stewart requested data and line items broken down by stations and hours. She also requested Mr. Belton and Mr. Adams to look at the original Blue Crabs agreement for a historical outline of changes related to the County using paid emergency services staff at events.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Amendment Increase #6813 Emergency Services for four hundred thousand dollars (\$400,000.00).

FY2020 Budget Transfer Request #6856 Board of Education Capital Projects

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this Board of Education transfer request will cover construction costs for the Eva Turner Project. Funding will come from the Board of Education's Contingency Fund for both Excise Tax and Bonds.

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Transfer Request #6856 Board of Education Capital Projects for two hundred and forty thousand dollars (\$240,000.00).

Memorandums of Understanding (MOU): International Association of Fire Fighters Local 4658 (IAFF) FY2020; Fraternal Order of Police Lodge 24; Charles County Sheriff's Office- Collective Bargaining Negotiations

Ms. Deborah Hall, Deputy County Administrator, Ms. Megan Donnick, Acting Director, Department of Human Resources, and Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, joined the Commissioners to review each of the Memorandums of Understanding.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the International Association of Fire Fighters Local 4658 (IAFF) FY2020 Memorandum of Understanding.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the Fraternal Order of Police Lodge 24 Memorandum of Understanding.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the Charles County Sheriff's Office- Collective Bargaining Negotiations Memorandum of Understanding.

Letters of Support:

**Commissioner Rucci left session at 10:43 a.m.- 10:50 a.m.*

McConchie School-Application for African American Heritage Preservation Program Grant

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A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Stewart and Collins, voting in favor to approve the letter of support for the McConchie School-Application for African American Heritage Preservation Program Grant with the grammatical correction. *Commissioner Rucci was not present for the vote.*

State Highway Administration-Phasing of Access Permit

A motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the letter of support for the State Highway Administration-Phasing of Access Permit.

Swan Point - State Non-Tidal Wetlands Permit Application

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the letter of support for the Swan Point - State Non-Tidal Wetlands Permit Application.

Approval: Comcast Franchise Renewal Agreement

Ms. Deborah Hall, Deputy County Administrator, and Ms. Evelyn Jacobson, Chief of Information Technology, Department of Fiscal and Administrative Services, reviewed the three (3) documents of the cable franchise agreement with Comcast: the Comcast Franchise Renewal Agreement; the Comcast I-Net Maintenance Agreement; and the Comcast Side Agreement. This agreement extends coverage to areas of Newburg and Maxwell Hall, and to areas where there is an average of fifteen (15) potential customers per mile who agree to subscribe to Comcast's service. It also provides continued use of the Institutional Network, which connects ninety (90) County, school, and public library facilities. It also ensures the availability of four (4) County public, education, and governmental access channels. The agreement is effective on July 1, 2019 for a fixed term of ten (10) years.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the Comcast Franchise Renewal Agreement.

Commissioner Collins announced that the Commissioners would take a break until 11:15 a.m. and continue with the briefings as scheduled. Closed session would take place after the briefings.

**Break 10:56 a.m.-11:17 a.m.*

Briefing: Homeowners Association Dispute Review Board

Mr. Reed Faasen, Citizen Response Coordinator, Department of Planning and Growth Management, briefed the Commissioners on the Homeowners Association Dispute Review Board. He explained that the Board provides an alternate forum for homeowners to resolve disputes with the homeowner's association, instead of pursuing civil action in Circuit Court. He reviewed the Board's appointees, terms of service, number of cases, current issues, and scheduled hearings. He explained that the Board is limited to the review of initial covenants and not the new bylaws of the Homeowner Association.

Commissioner Collins requested staff to look at the inconsistencies in the Real Property Article compared to the Charles County Code in order to propose changes during the upcoming legislative session.

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Briefing: Neighborhood Traffic Calming Program

Mr. Jason Groth, Planning Director, and Mr. Ben Yeckley, Planner II, Department of Planning and Growth Management, presented information about the County's Neighborhood Traffic Calming Program. They explained that the program's goal is to reduce the speed of traffic on residential roads where there are documented issues of excessive speed. Residents can petition the County for traffic calming devices, such as speed humps and raised crosswalks. They outlined the process for requesting installation of traffic calming measures and discussed existing barriers to obtaining approval.

The Commissioners directed staff to conduct additional outreach with the community to attract public comments in order to address concerns raised by residents about this program.

Briefing: Economic Development Expansion and Attraction Projects Update

Mr. Darrell Brown, Director, Ms. Lucretia Freeman-Buster, Chief of Business Development, Mr. Taylor Yewell, Redevelopment Manager, and Ms. Marcia Keeth, Deputy Director, Department of Economic Development, presented a progress report on the Commissioners' economic development priorities. They discussed strategic actions to attract targeted industries; expand commercial investments in opportunity zones; redevelop areas of Indian Head and Waldorf; promote international trade; support minority-owned and small businesses; help agricultural businesses thrive; and effectively market the County's assets to recruit new businesses. They also highlighted the challenges of workforce development and shared strategies for encouraging residents to consider local jobs close to home.

Commissioners' New Business

No new business.

Closed Session

At 12:41 p.m., a motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to move into close session where all or a portion of this session may be closed pursuant to 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 related to an agreement and; seek legal advice and discuss two (2) potential litigation issues and; to consider Commissioner appointment to the Rural Planning and Zoning Task Force. The reason for closing is to keep legal negotiations and approaches confidential and to keep applicant information confidential in order to attract more applicants.

Summary Closed Session Items

At 12:51 p.m. the Commissioners went into closed session.

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

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

Ms. Carol DeSoto, Acting Clerk, provided an overview of applicants for the vacancy on the Rural Planning and Zoning Task Force.

The Commissioners' official action, on this appointment, will take place in open session on July 9, 2019 during Action on Boards, Commissions and Committees.

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3-305 (b) (7) Legal Advice

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

Mr. Wes Adams, County Attorney, reviewed a proposed agreement for the Commissioners to consider.

The Commissioners directed Mr. Adams to bring this proposed agreement back on July 9, 2019 and distribute copies of the proposed agreement for each Commissioner to review prior to this meeting.

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

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

Mr. Wes Adams, County Attorney, reviewed two potential litigation issues.

The Commissioners reached a consensus on the first issue to extend the agreement for a specific timeframe.

The Commissioners directed Mr. Adams to bring back the second issue on July 9, 2019 with more specific information. He was also directed to schedule outside counsel to join close session on July 9, 2019 to discuss this issue.

At 1:37 p.m., a motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to end closed session and adjourn.

Briefing and Tour: Charles County Sheriff's Office

The Commissioners joined Sheriff Troy Berry and the Sheriff's Office Executive Command Staff, for an overview briefing of the services provided by the Charles County Sheriff's office.

Public Meeting: Participant and Community Input on Housing Voucher Program

The Commissioners received public input on a potential policy change that would convert a portion of Housing Choice Vouchers to Project Based Vouchers. Current participants, landlords, and other stakeholders were briefed on the options that the County is considering and provided feedback that Commissioners will use in making a final decision.

****RESCHEDULED TO JULY 9, 2019** Public Hearing: Zoning Map Amendment 19-0001 Belike Property, LLC**

***RESCHEDULED TO JULY 9, 2019** Public Hearing: Zoning Text Amendment 19-152 Permanent Shelters in the General Industrial Zone**



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: June 18, 2019

Time: 12:41 p.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) Legal Advice on One (1) Issue Related to an Agreement

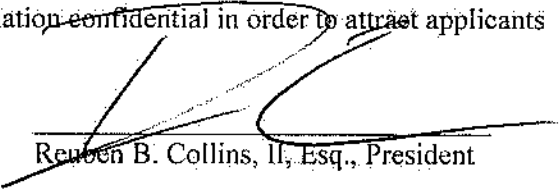
REASON FOR CLOSING: To keep negotiations and approaches confidential

3-305 (b)(7)(8) Legal Advice/Potential Litigation on Two (2) Issues

REASON FOR CLOSING: To keep negotiations and approaches confidential.

3-305 (b)(1) Personnel: Discuss Commissioner Appointment to the Rural Planning and Zoning Task Force

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


Reuben B. Collins, II, Esq., President