

Regular Meeting of County Commissioners
Tuesday, July 9, 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
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 a motion to make July 9, 2019 a legislative day since the Commissioners would be hearing potential legislation.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to make today, July 9, 2019, a legislative day.

Commissioners' Comments

Commissioner Collins announced that a Public Hearing on the Solid Waste Management Plan will be held on Tuesday, July 23, 2019 at 6:00 p.m. in the Commissioners' Meeting Room in the Charles County Government Building located at 200 Baltimore Street, La Plata, Maryland.

Approval of the Minutes of June 18, 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 18, 2019.

Notice of Tentative Agenda for July 23, 2019

Ms. Carol DeSoto, Acting Clerk, announced the tentative agenda for July 23, 2019.

Closed Session

At 9:08 a.m., a motion was made by Commissioner Rucci, seconded by Commissioner Coates 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)(3)(4)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice and discuss one (1) potential litigation issue and; to consider acquisition of one (1) property for public purpose and; to consider one (1) proposed agreement and; and to consider two (2) proposals for businesses to locate/expand in Charles County and; to discuss three (3) issues related to personnel. The reason for closing is to keep legal negotiations, approaches, and strategies confidential and to keep personnel information confidential.

Summary Closed Session Items

At 9:17 a.m. the Commissioners went into closed session.

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

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

Ms. Eileen Minnick, Director, Department Recreation, Parks, and Tourism, and Ms. Judy Michaels, Property Acquisition Officer, Department of Planning and Growth Management, reviewed a potential property acquisition that would be fully funded by the Open Space Program and require no County tax dollars for the purchase.

The Commissioners reached a consensus to approve this acquisition. The Commissioners' official action, on this agreement, took place in open session on this day during Approval Items.

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, Jenifer Ellin, and Kurt Fischer -via phone.

Mr. Kurt Fischer, Outside Counsel, and Mr. Wes Adams, County Attorney, provided a review on a pending litigation case, outlining potential options and approaches to this case.

The Commissioners reached a consensus to have Mr. Adams work with Mr. Fischer to settle this issue.

3-305(b)(4)(7): Legal Advice/Consider Proposal for Business to Locate/Expand

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Danielle Mitchell, Carol DeSoto, Jenifer Ellin, Darrell Brown, Lucretia Freeman-Buster, Marcia Keeth and Dave Buemi.

Ms. Lucretia Freeman-Buster, Chief of Business Development, Department of Economic Development, and Mr. Dave Buemi, Economic Development Consultant, provided an overview of a potential business considering location in the County and the proposed agreement.

The Commissioners directed staff to research and provide additional information related to this type of business. They also asked Mr. Wes Adams, County Attorney, to bring back historical information, related to these types of businesses and agreements.

The Commissioners provided information for staff to include in the negotiations.

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to authorize staff to continue to negotiate an agreement to include more money for the County and to help Charles County residents.

**Break 10:38 a.m. – 10:43 a.m.*

3-305(b)(4)(7): Legal Advice/Consider Proposal for Business to Locate/Expand

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Danielle Mitchell, Carol DeSoto, Darrell Brown, Steve Kaii-Ziegler, and Taylor Yewell.

Mr. Darrell Brown, Director, Mr. Taylor Yewell, Redevelopment Manager, Department of Economic Development and Mr. Steve Kaii-Ziegler, Director, Department of Planning and Growth Management, reviewed the discussions, meetings, and approaches that have taken place related to this business.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to authorize Economic Development, Planning and Growth Management and the County Attorney to begin the negotiation agreement with this business.

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The Commissioners also directed the County Attorney to develop legislative regulations related to development in these types of zones.

3-305(b)(1)(7) Legal Advice/Personnel

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

Ms. Alexis Blackwell, Director, and Ms. Megan Donnick, Assistant Director, Department of Human Resources, reviewed County policy related to issues with some employees' behaviors.

The Commissioners directed Ms. Blackwell to send out a reminder to all employees related to this policy.

3-305(b)(1)(7) Legal Advice/Personnel

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

Mr. Wes Adams, County Attorney, provided the Commissioners with a list of non-compliance financial disclosure statements.

The Commissioners directed Mr. Adams to send another notice with specific language of consequences of non-compliance.

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 the proposed agreement for the Commissioners to consider.

The Commissioners reached a consensus to have Mr. Adams negotiate this agreement.

3-305(b)(7) Legal Advice

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Danielle Mitchell, Carol DeSoto, Steve Kaii-Ziegler, Ray Shumaker, and Paul Zielinski.

Commissioner Coates reviewed a concern she had with the handling of a resident issue. Mr. Steve Kaii-Ziegler, Director, Department of Planning and Growth Management outlined the procedures and process in place to address this issue.

At 1:04 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to end closed session.

The Commissioners returned to open session at 1:07 p.m. **Commissioner Stewart and Ms. Danielle Mitchell were not present.*

Approval Items

Commissioner Collins requested that these items be heard later this evening before the scheduled public hearings.

The consensus of the Commissioners present was to hear approval items at 5:30 p.m. today, July 9, 2019. **Commissioner Stewart was not present to consent.*

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Briefing: Charles County Military Alliance Council (MAC)

Ms. Pamela Frank, Executive Director, Mr. Vince Hungerford, Mr. Brian Klaas, and Ms. Sue Greer, Charles County Military Alliance, provided the Commissioners an overview of the Charles County Military Alliance Council's history, vision, objectives and key accomplishments. The MAC was established in 2015 by the Charles County Chamber of Commerce to serve as a liaison between the defense and civilian communities and to promote and provide support of the activities of the Indian Head Naval Support Facility (NSF). Some of its accomplishments include helping to obtain funding for high speed fiber through the Town of Indian Head; securing funding to demolish hazardous, vacant and abandoned buildings; and partnering with the Town of Indian Head to attract businesses and create a Vision Plan for the town.

Briefing: Charles County Early Childhood Advisory Council

Ms. Patty Stine, Community Connections and Outreach Chair, Ms. Beth Sorsby, Ms. Uranus Mapson, Ms. Sarah Sutherland and Ms. Gustafson, Leadership Team, Charles County Early Childhood Advisory Council, provided a presentation to the Commissioners on the Council's purpose and responsibilities and goals and objectives to help prepare children for school readiness and to collaborate with early childhood programs and seek funding. Ms. Stine also reviewed information on the current members and current vacancies on the Council.

Action on Boards, Commissions and Committees

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Rucci, Bowling, Coates, and Collins voting in favor to appoint Ray Curtis as the Realtor Member on the Rural Planning and Zoning Task Force. **Commissioner Stewart was not present for the vote.*

Commissioners' New Business

No new business.

**Break 2:01 p.m.-2:26 p.m. *Commissioner Stewart and Ms. Danielle Mitchell returned to session.*

Joint Meeting with the Charles County Delegation and Charles County Elected officials: Legislative Process

The Commissioners met with Senator Thomas Mike Miller, Senator Arthur Ellis, Delegates Edith Patterson, C.T. Wilson and Debra Davis, Charles County Delegation; Judge Amy Bragunier, Charles County Circuit Court; Mr. Anthony Covington, Charles County States Attorney; Sheriff Troy Berry, Charles County Sheriff's Office; Mayor Jeannine James, Town of LaPlata; Mayor Brandon Paulin, Town of Indian Head; Dr. Kimberly Hill, Superintendent of Charles County Public Schools; Ms. Virginia McGraw, Ms. Latina Wilson, Ms. Elizabeth Brown, Mr. Mike Lukas and Ms. Jennifer Abell, Charles County Board of Education, to review the process for sharing legislative priorities. Ms. Katie Nash, Partner and Lobbyist, Greenwill Consulting Group, led the discussion on how the Commissioners could solicit public input on the County's legislative priorities in advance of each legislative session; submit timely letters of support; and provide information or opposition to bills as they are introduced in the Maryland General Assembly.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the addition and edits to the draft Standard

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Operation Procedure (SOP) on State Annual Legislative Package Process/Guidelines as suggested by Ms. Nash.

These changes/edits are:

- **Regarding the "citizen state legislative proposal" process; this process could be expanded to include groups such as the Chamber, non-profits such as the United Way, and advocacy groups (item #2).**
- **We suggest adding a component for the Agencies to send their legislative requests to the Commissioners for review and approval prior to the public release of the proposals (item #5).**
- **Rework item #9 to have the Delegation Chair send a copy of each bill's draft to County staff for review when available from the Department of Legislative Services**
- **Include letters for "opposition" and "for information" in item #10**

**Break 3:20 p.m. – 5:30 p.m.*

Approval Items

Ebuds:

FY2019 Budget Transfer Request #6788 Mattawoman and Bryans Road Interceptor

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this transfer would cover a change order to the granite in liner for this project and funds were available in the Sewer Contingency Account.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Transfer Request #6788 Mattawoman and Bryans Road Interceptor for one hundred and two thousand eight hundred dollars (\$102,800.00).

FY2019 Budget Transfer Request #6862 Water Overtime Overrun

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this would cover overrun that has occurred due to water main breaks and continuity of plant operations.

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Transfer Request #6862 Water Overtime Overrun for sixty-seven thousand four hundred dollars (\$67,400.00).

FY2019 Budget Transfer Request #6861 Sewer Overtime Overrun

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this would cover the overrun that has occurred due to sewer breaks and continuity of plant operations and after-hours work.

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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 #6861 Sewer Overtime Overrun for forty-three thousand six hundred dollars (\$43,600.00).

FY2019 Budget Amendment Increase #6925 Non-Bondable NPDES Capital Projects

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this would cover non-bondable expenses for certain NPDES capital projects that Capital Services deemed as inactive and ready to close. After a third-party engineering review, these projects were recommended to not move forward.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Amendment Increase #6925 Non-Bondable NPDES Capital Projects for five hundred and ninety-nine thousand five hundred and eighty dollars (\$599,580.00).

Letter of Support:

Maryland Bikeways Program Grant Application-Feasibility Study

Mr. Jason Groth, Planning Director, and Mr. Alex Waltz, Planner II, Department of Planning and Growth Management, explained that this feasibility study would be the first step in delivering this crucial connection between the Indian Head Rail Trail and Three Notch Trail.

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 Maryland Bikeways Program Grant Application-Feasibility Study.

Agreement:

Agreement to Purchase Land

Ms. Eileen Minnick, Director, Department of Recreation, Parks and Tourism, explained that the property acquisition agreement is for one point five (1.5) acres next to the Waldorf Senior Center. This parking area would remain undeveloped and is being acquired with one hundred percent (100%) funding from the open space grant.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the land acquisition agreement.

**Break 5:46 p.m. – 6:00 p.m.*

Public Hearing: Zoning Map Amendment 19-0001 Belike Property, LLC

The Commissioners conducted a public hearing on the Zoning Map Amendment 19-0001 Belike Property, LLC. Mr. Jason Groth, Director of Planning, and Mrs. Kelly Palmer, Planner III, Department of Planning and Growth Management, reviewed the zoning application and the Planning Commission report which approved this application. Ms. Danielle Mitchell, Former Acting County Attorney explained that Zoning Map Amendments do not require a bill and should be approved by resolution.

The applicant was the only member of the community to provide comments.

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

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

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor approve Resolution 2019-11, Zoning Map Amendment 19-0001 Belike Property, LLC.

Public Hearing: Zoning Text Amendment 19-152 Permanent Shelters in the General Industrial Zone

The Commissioners conducted a public hearing on the 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, reviewed the zoning application and the Planning Commission report which approved this application. Ms. Sandy Washington, Executive Director, Lifestyles of Maryland Foundation, Inc. spoke about the need of a year-round homeless shelter. Four (4) members of the community provided comments in support of a year-round homeless shelter.


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

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

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to adopt Bill 2019-01/Zoning Text Amendment #19-152 Permanent Shelters in the General Industrial ("IG") Zone.

At 6:42 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart 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: July 9, 2019

Time: 9:08 a.m.

Motion By: Commissioner Rucci

Seconded By: Commissioner Coates

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

Appendix C C-2

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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) 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 one (1) issue

REASON FOR CLOSING: To keep negotiations and approaches confidential.

3-305 (b)(3)(7) Legal Advice/Consider Acquisition of one (1) Real Property for Public Purpose

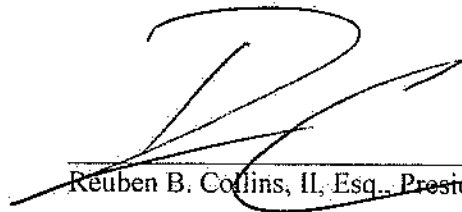
REASON FOR CLOSING: To keep negotiations and approaches confidential

3-305 (b)(4)(7) Legal Advice/Consider two (2) Proposals for Business to Locate/Expand

REASON FOR CLOSING: To keep negotiations and approaches confidential

3-305 (b)(1) Personnel: Discuss three (3) Issues Related to Personnel

REASON FOR CLOSING: To keep applicant personnel information confidential.


Reuben B. Collins, II, Esq., President