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 Deborah Hall, Deputy County Administrator Wesley Adams, 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: New Employees Introductions; Years of Service Awards (July 2019); and Employees of the Quarter (April, May, June 2019) and Retirees

The Commissioners recognized new employees; those employees who have retired from County Government; those employees celebrating milestone years of service in the month of July 2019; and Employees of the Quarter for April, May and June of 2019.

# Recognition: Youth Recognition (Ms. Samerya Montgomery, National Champion for Children's Miracle Network and Mr. Asante Blackk, Netflix Series, "When They See Us")

The Commissioner recognized two outstanding youth. They presented citations to Ms. Samerya Montgomery, for being the national Champion for Children's Miracle Network and to Mr. Asante Blackk, for being nominated for an Emmy Award for his role in the Netflix Series, "When They See Us."

### Commissioners' Comments

Commissioner Collins acknowledged the United States Coast Guard's two hundred and twenty ninth (229th) Birthday that is celebrated on August 4 each year.

### Approval of the Minutes of July 9, 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 July 9, 2019.

## Announcement: Next Commissioner Session will be held on September 10, 20109

Ms. Carol DeSoto, Acting Clerk, announced that due to the summer break, the next Commissioner Session will be held on September 10, 2019.

### Approval Items

Ebuds:

FY2019 Budget Transfer Request #6934 Sewer Overrun1

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this transfer would cover the additional electricity used to power pumps and machinery required to pump wastewater at the sewer pump stations due to record rainfalls during FY2019.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Transfer Request #6934 Sewer Overrun 1 for sixty-one thousand dollars (\$61,000.00).

## FY2019 Budget Transfer Request #7010 Sludge Overrun

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this would cover the increase in Influent Flow to Mattawoman Wastewater Treatment plant due to the highest precipitation in one hundred (100) years.

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 #7010 Sludge Overrun for seventy thousand dollars (\$70,000.00).

## FY2019 Budget Transfer Request #7007 Public Works-Facilities-Cover Repair Costs

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this would cover the extensive damages to County roads and drainage and culvert systems due the substantial amount of rainfall.

A motion was made by Commissioner Bowling seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Transfer Request #7007 Public Works-Facilities-Cover Repair Costs for eighty-one thousand nine hundred dollars (\$81,900.00).

## FY2020 Budget Amendment Increase #6961 Employee Comp Study

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this would amend the FY2020 budget for the Employee Compensation Study that was part of the FY2019 adopted budget. The study was not spent in FY2019 and needs to be carried over to FY2020.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Amendment Increase #6961 Employee Comp Study for fifty-four thousand five hundred dollars (\$54,500,00).

## FY2020 Budget Transfer Request #6989 Cliffton Fiber

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this request is to install fiber optic cable at Cliffton Wastewater Treatment Plant, St. Anne Well, and Cliffton Pump Station #1. This expense is PEG eligible and therefore can be paid by the Cable Fund.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Transfer Request #6989 Cliffton Fiber for one hundred and sixty-five thousand five hundred dollars (\$165,500.00).

#### Law Library Ebuds:

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, explained that the next three (3) ebuds all relate to the support of the Law Library and to accommodate bail bond refunds and requested that they be considered together. She summarized that to ensure that the County can pay back bond forfeitures previously collected, this budget amendment has been established to offset the current year deficit and allow funds to roll to fund balance in the Law Library Special Revenue Fund for future

anticipated reclaimed bond forfeitures. The County has budgeted for FY2020 additional general fund support for the law library operations without utilization of bond forfeitures. For Fy2020, twenty-eight thousand dollars (\$28,000.00) in County support has been budgeted to meet ongoing FY2020 printing and electronic resource expenditures.

FY2019 Budget Transfer Request #7000 Match for Law Library

FY2019 Budget Amendment Increase #7001 Law Library-Budget Alignment

FY2020 Budget Transfer Request #7002 Law Library-Bail Bonds

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2019 Budget Transfer Request #7000 Match for the Law Library for thirty nine thousand two hundred dollars (\$39,200.00); FY2019 Budget Amendment Increase #7001 Law Library for eleven thousand two hundred and fifty seven dollars (\$11,257.00); and FY2020 Budget transfer Request #7002 Law Library-Bail Bonds for thirty thousand three hundred dollars (\$30,300.00).

Letter of Support:

FY2020 African American Heritage Preservation Program Grant

Ms. Cathy Thompson, Planner III, Department of Planning and Growth Management, explained that this letter of support would be for the Robertson Farm Log Tenant House Relocation and Restoration. The County has worked with stakeholders over the last several years to develop a viable plan for the preservation of this structure since the original location of the structure is slated for residential development.

A motion was made by Commissioner Bowling and then withdrawn,

The Commissioners requested staff to bring this request back in September and have members of the Historic Preservation Committee present to provide a briefing on this project.

Standard Operating Procedure (SOP):

#### Legislative Process

Ms. Danielle Mitchell, Attorney, County Attorney's Office, reviewed the proposed State Annual Legislative Package Process/Guidelines, Standard Operating Procedure (SOP), that was reviewed at the joint meeting with the Charles County Delegation and Charles county Elected Officials on July 9, 2019.

The Commissioners requested Ms. Mitchell clarify the language and points approved at the July 9, 2019 meeting and bring this SOP with exhibits back later today for approval.

### **Closed Session**

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At 10:00 a.m., a motion was made by Commissioner Coates, seconded by Commissioner Bowling 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) issue related to an agreement and; three (3) potential litigation issues and; to consider acquisition of one (1)

property for public purpose and; to consider one (1) proposal for a business to locate/expand in Charles County and; to discuss one (1) issues related to personnel appointments to the Commissioner appointed Board of Appeals. The reason for closing is to keep legal negotiations, approaches and strategies confidential and to keep personnel information confidential.

#### **Summary Closed Session Items**

At 10:12 a.m. the Commissioners went into closed session.

#### 3-305(b)(7): Legal Advice

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Deborah Hall, Wes Adams, Danielle Mitchell, Carol DeSoto, Bill DeAtley, Jenifer Ellin, Sandy Washington, Earl Knapp.

Mr. Bill Deatley, Chief of Accounting, Department of Fiscal and Administrative Services, provided the Commissioners a procedural overview of the issue requiring legal advice.

Ms. Sandy Washington, Executive Director, and Mr. Earl Knapp, Chairman, Lifestyles, Inc. joined the meeting to provide the Commissioners an update and actions being taken.

The Commissioners requested that Ms. Washington put the plan of action into writing for the Commissioners and provide a three (3) month written status report and schedule to meet with the commissioners again in six (6) months.

The Commissioners requested staff to bring back specific information related to this discussion.

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

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Deborali Hall, Wes Adams, Danielle Mitchell, Carol DeSoto, Eileen Minnick, Jason Groth and Jenifer Ellin.

Ms. Eileen Minnick, Director, Department Recreation, Parks, and Tourism, and Mr. Jason Groth, Director of Planning, Department of Planning and Growth Management, reviewed a potential property acquisition.

The Commissioners reached a consensus to not move forward with this acquisition.

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

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

Ms. Danielle Mitchell, Attorney, County Attorney's Office, provided a synopsis of similar agreements to the one being considered.

Ms. Lucretia Freeman-Buster, Chief of Business Development, Department of Economic Development, reviewed information on the potential business considering location in the County and the proposed agreement.

The consensus of the Commissioners was that there would be no agreement.

#### 3-305(b)(1) Personnel

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Deborah Hall, Wes Adams, Danielle Mitchell, Carol DeSoto

Ms. Carol DeSoto, Acting Clerk to the Commissioners, updated the Commissioners on the vacancy on the Commissioner appointed Board of Appeals.

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

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Deborah Hall, Wes Adams, Danielle Mitchell, Carol DeSoto, Jenifer Ellin, and Elizabeth Theobalds.

Ms. Elizabeth Theobalds, Deputy County Attorney, provided an overview of three (3) potential litigation cases.

At 12:13 p.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 12:36 p.m.

### Briefing: Briefing: Recreational Opportunities-Fees and Charges

Ms. Eileen Minnick, Director, and Mr. Sam Drury, Chief of Recreation, Department of Recreation, Parks, and Tourism, briefed the Commissioners on providing recreation financial assistance to senior citizens and low-income residents. Recreation fees are charged for daily admission to drop-in programs and swimming pools. Residents have the option of purchasing an annual RecPASS that allows for unlimited visits to any drop-in program. Mr. Drury reviewed two (2) options that offer financial assistance to residents and provide additional recreational opportunities at free or reduced cost to senior citizens and low-income residents.

1. Free RecPASS Option to eligible residents.
General Fund subsidy of one hundred thousand dollars (\$100,000.00).
Serve one thousand (1000) eligible residents annually.

#### 2. RecAssist Option

Qualified participants receive an annual RécPASS and a one hundred and fifty-dollar (\$150.00) credit fee to be used for other Recreation Programs.

General Fund subsidy of one hundred thousand dollars (\$100,000.00).

Serve four hundred (400) eligible residents annually

The Commissioners directed staff to look at potential additional benefits:

- RecAssist program or summer program for Charles County employees (residents)
- RecPass or program that seniors do not pay any fees
- Way for low-income to have a full year of lessons covered (gymnastics, swimming)
- Free camps as an add to eligible students from school programs
- Combine RecPASS and RecAssist
- Prepayment plans through payroll deductions

Staff was asked to provide a follow up report in four (4) months.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor of the RecAssist option as presented.

## Briefing: Charles County Charitable Trust Fiscal Year 2020 Grant Awards Program

Ms. Vivian Mills, Executive Director, Charles County Charitable Trust reviewed the Charles County nonprofit grant awards program that is managed by the Charles county Charitable Trust. She explained that all grant applications have a thorough review and evaluation, and the Board of Directors engage in the final decision-making process. All recipients must directly serve Charles County residents. Ms. Mills also provided a breakdown of the FY2020 grant recipients and a brief explanation of why applications were not approved.

Commissioner Bowling requested more information on the Trust's fundraising plans to bring in additional monies for nonprofits in addition to the monies funded by the County. He also expressed concerns of the overhead costs that is paid out of the funds received from the County.

Commissioner Collins expressed the need for the Charitable Trust provide a future briefing on the scoring system and that it envelops the Commissioners' Goals and Objectives. This scoring system needs to be made clear to all nonprofit applicants. He recognized the autonomy of the Charitable Trust but stressed their responsibilities as partners with the County.

## \*\* Rescheduled\*\* Discussion: Charles County Board of County Commissioners' Initiatives This discussion was rescheduled for later this day.

## **Commissioners' New Business**

Commissioner Collins discussed his white paper proposal on concerns about the county's permitting and inspection service delivery system and his proposed suggestions for structural changes within the government to address these concerns. These suggestions include: create a separate Department of Permitting and Inspections; establish a new position for an Ombudsman as a direct liaison to the County Administrator's office and Commissioners as a facilitator for resolving permitting and inspection issues; create an Internal Advisory Board; and to transfer the Tourism Office from the Department of Recreation, parks and Tourism to the Department of Economic Development.

Commissioner Stewart stressed the need for the Board to be mindful of their roles and that the commissioners do not handle the administration aspect of the County Government. She also stressed that this is a two (2) part discussion. One would be how to improve the inspection/permit process and the second would be moving tourism to the Department of Economic Development.

Commissioner Collins asked that the County Administrator come back in September with an overall report addressing the issues and suggestions outlined.

## Joint Meeting with the Towns of Indian Head and LaPlata

The Commissioners met with municipality representatives of the Towns of LaPlata, Indian Head and Port Tobacco to discuss general concerns within the towns and provide updates. The Town of LaPlata discussed the Washington Avenue sidewalk improvements; infrastructure projects related to water and reverse osmosis; sewer system; and resurfacing roads. The topics of importance that Port Tobacco were related to stormwater management and environmental concerns. The Town of Indian Head provided an update on the Velocity Center and breaking ground on the boardwalk project. While all the

<sup>\*</sup>Break 2:18 p.m. -2:28 p.m.

municipalities focus related to infrastructure concerns, other topics discussed included; increased crime in unlock vehicles; US Route 301 traffic increase; the LaPlata Library; broadband service; revitalizing Indian Head and adding an attractive streetscape, walkable community; and the Governor Harry W. Nice Memorial/Senator Thomas "Mae" Middleton Bridge project.

Commissioner Collins stressed the County's commitment to business, transportation, improved infrastructure, collaborative thinking.

\*Break 3:34 p.m.- 5:03 p.m.

Commissioner Rucci was not present after the break.

## Approval Item-Standard Operating Procedure- Legislative Process

Ms. Danielle Mitchell, Attorney, Office of County Attorney, presented the updated State Annual Legislative Package Process/Guidelines, Standard Operating Procedure (SOP) with Exhibits as requested earlier during the Approval Items category.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with Commissioners Stewart, Coates, Bowling and Collins, voting in favor to approve the State Annual Legislative Package Process/Guidelines, Standard Operating Procedure (SOP). \*Commissioner Rucci was not present for the vote.

## \*\*Discussion: Charles County Board of County Commissioners' Initiatives

The Commissioners discussed their current initiatives: Drug Take Back Program, Protection Plus program, and the Veterans Corner.

The consensus of the Commissioners was to keep these initiatives currently.

At 5:25 p.m. Commissioner Rucci returned to session.

The proposed initiatives that the commissioners discussed were the Children's Commissioners' office Coloring and Activity Book, Revitalizing Our Communities, Bilingual Messaging, Keep Charles County Beautiful Enhancements, and the County Seat for the Day with the Commissioners.

Staff was directed to provide more detailed outline of each initiative in September.

- Children's Commissioners' office Coloring and Activity Book partner with CCPS High Schools to design and create, types of recognition, and cost.
- Revitalizing Our Communities outline staff requirements to include Citizen's Response Office and Community Engagement and media; and fiscal impacts of potential waiver of fees and/or tax credits for revitalization; and initial neighborhoods targeted in each district.
- Bilingual Messaging- fiscal impact to remove/replace signage in all County buildings; do assessment with other agencies; consider a paying translator on staff as a line-item cost.
- Keep Charles County Beautiful Enhancements Staff to look at areas that can be targeted once twice a year for a clean up such as the County birthday.
- County Seat for the Day with the Commissioners

## Public Hearing: Solid Waste Management Plan

The Commissioners conducted a public hearing on the Solid Waste Management Plan. Mr. Jason Groth, Planning Director, Department of Planning and Growth Management; Mr. Merrill Baker, Chief of Environmental Resources and Ms. Francis Sherman, Superintendent of Litter Control/Recycling, Department of Public Works briefed the Commissioners on the updates and proposed revisions to the County's 2011-2021 Comprehensive Solid Waste Management Plan. These changes include changes in chapter three (3) to reflect the county's current operations; chapter four (4) assessment of solid waste alternatives; and chapter five (5) updates to the recommended solid waste management action plan schedule.

There were no comments from the public.

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 Rucci, 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 the Charles county Comprehensive Solid Waste Management Plan as presented.

## Briefing and Request to Introduce Legislation: Changes to Charles County Code Chapter 208 School Crossing Guards

Mr. Jerome Spencer, General Counsel, Sergeant Kyle Evans and Sergeant Kristian Syvertsen, Charles County Sheriff's Office presented draft legislation which would amend the Charles County Code, Chapter 208 School Crossing Guards, to authorize the Sheriff to appoint school crossing guards if approved and budgeted by the County Commissioners.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to introduce newly number Bill 2019-02 School Crossing Guards.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to set the public hearing for Bill 2019-02 on September 10, 2019 at 600 p.m. in the Government Building.

# Briefing and Request to Introduce Legislation: Changes to Charles County Code Chapter 287 Vehicle Parking Laws

Mr. Jerome Spencer, General Counsel, Sergeant Kyle Evans and Sergeant Kristian Syvertsen, Charles County Sheriff's Office presented draft legislation which would amend the Charles county code, Chapter 287 Vehicle Parking restrictions, to achieve consistency with language provided in the Annotated Code of Maryland.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to introduce the newly numbered Bill 2019-03 Vehicle Parking Restrictions.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to set the public hearing for Bill 2019-03 on September 10, 2019 at 600 p.m. in the Government Building.

At 6:42 p.m., a motion was made by Commissioner Rucci, 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

#### FORM OF STATEMENT FOR CLOSING A MEETING

Location: Commissioners' Meeting Room Date: July 23, 2019

Time: 10:00 a.m.

Motion By: Commissioner Coates Seconded By: Commissioner Bowling

Vote to Close Session:

	AYE	NAY	ABSTAIN	ABSENT
Reuben B. Collins, II, Esq.	[X]		[]	
Gilbert O. Bowling, III.	[X]	[]		Ö
Thomasina O. Coates, M.S.	[X]		[j	
Amanda Stewart, M.Ed.	[X]		[]	[].
Bobby Rucci	[X]	[]		[]

#### STATUTORY AUTHORITY TO CLOSE SESSION

#### General Provisions Article §3-305(b):

- (1) [X] 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) [X] To consider the acquisition of real property for a public purpose and matters directly related thereto.
- (4) [X] 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) [X] To consult with counsel to obtain legal advice on a legal matter.
- (8) [X] 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.

#### 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) 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 three (3) issues

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 one (1) Proposal for Business to Locate/Expand

REASON FOR CLOSING: To keep negotiations and approaches confidential

#### 3-305 (b)(1) Personnel: Discuss one (1) Issues Related to Personnel Appointment to Board of Appeals

REASON FOR CLOSING: To keep applicant personnel information confidential and attract applicants.

Reuben B. Collins, II, Esq., President

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