

**Regular Meeting of County Commissioners**  
**Tuesday, September 10, 2019**

The regularly scheduled meeting of the County Commissioners was convened at 4:00 p.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

Commissioner Collins requested a moment of silence and reflection on the eighteenth (18<sup>th</sup>) anniversary of September 11, 2001 terrorist attack in the United States. He also remembered the Charles County Residents who lost their lives on that day.

Commissioner Collins requested to make this day September 10, 2019, a legislative day.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to make September 10, 2019 a legislative day.

**Recognition: Charles County Youth League Maryland State Champions, 8U Baseball and 8U Softball**

The Commissioners recognized members of the Charles County Youth League, 8U Baseball and 8U Softball for being the Maryland State Champions this season.

**Recognition: Proclamation 2019-33 National Constitution Week**

The Commissioners proclaimed September 17-23, 2019 as Constitution Week in Charles County. Proclamation 2019-33 was received by members of the Port Tobacco Chapter National Society Daughters of the American Revolution.

**Recognition: Proclamation 2019-34 National Preparedness Month**

The Commissioners proclaimed September 2019 as National Preparedness Month in Charles County. Proclamation 2019-34 was received by Mr. Bill Stephens, Director, Ms. Michelle Lilly, Assistant Director, and Ms. Jennifer Adams, Emergency Services Specialist, Department of Emergency Services.

**Commissioners' Comments**

There were no comments.

**Approval of the Minutes of July 23, 2019 and August 28, 2019**

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve the minutes of July 23, 2019.

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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 August 28, 2019 with the edit of adding Commissioners Stewart as being present via conference call under the heading of "Summary Closed Session Items."

**Notice of Tentative Agenda of September 17, 2019**

Ms. Carol DeSoto, Acting Clerk, announced the tentative agenda for September 17, 2019.

**Approval Items**

*Ebuds:*

*FY2020 Budget Transfer Request #7020 Bryans Road Well Seven (7)*

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this transfer would cover the lowest bid received for the construction of this project. The Bryans Road Well Seven (7) project's construction bids are higher than the established budget but consistent with historical costs when inflated to today's dollars. The funds are available in the Water Contingency Fund.

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Transfer Request #7020 Bryans Road Well Seven (7) for nine hundred and forty-six thousand three hundred and thirty dollars (\$946,330.00).

*Leases:*

*East Coast Hockey Lease*

Ms. Shanee Major-Kelly, Associate County Attorney I, Office of the County Attorney and Mr. Sam Drury, Chief of Recreation, Department of Recreation, Parks, and Tourism, reviewed the final lease for East Coast Hockey to lease space within the Capital Clubhouse to operate their business selling sports equipment/pro-shop for ice skating. East Coast Hockey is the current provider of team apparel for the Southern Maryland Sabres Hockey Club that operates out of the Capital Clubhouse. The lease has been drafted and reviewed by staff in County Administration and the County Attorney's office. Mr. Mike Hendrix, Owner of East Coast Hockey, has agreed to all the terms and signed the lease on July 15, 2019.

Commissioner Stewart questioned the language in Section Eight Point Two (8.2) related to multilevel parking.

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the East Coast Hockey Lease while allowing the County Attorney the latitude to change the language in Section Eight Point Two (8.2) if he deems necessary.

*Announcements of Public Hearings Being Held on September 24, 2019 at 6:00 p.m.:*

Ms. Carol DeSoto, Acting Clerk, announced the following public hearings being held on September 24, 2019 at 6:00 p.m. in the Commissioners Meeting Room in the Charles County Government Building:

- Zekiah Watershed Rural Legacy Area Program Expansion
- Community Development Block Grant-Waldorf Senior Center

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- Community Development Block Grant- Haven of Hope

**Briefing and Request for Approval: Agricultural Deer Cooperator Permit (Limited Off-Season Deer Hunting) Letter of Support Request**

Mr. Russell Shlagel, Property Owner, briefed the Commissioners on his request for a letter from the County Attorney to support and acknowledge his Agricultural Deer Cooperator Permit issued by the Maryland Department of Natural Resources (DNR) to conduct deer sharpshooting management on his farm. He reviewed the successful results of last year's operation. He acknowledged that the Charles County Sheriff's Office and the Department of Natural Resources were notified prior of each operation held during February and March of 2018. He mentioned that DNR had twenty-two tags and that his operation supplied half of the meat to Jude House and other nonprofits. He also acknowledged the positive meeting that Commissioner Stewart held prior to last year's operation.

Commissioner Stewart thanked Mr. Shlagel and informed him that she did not feel a public meeting was necessary this year.

Mr. Wes Adams acknowledged that Mr. Shlagel had completed all permits and qualifications for this year's permit. He also felt that providing notification before each operation was important.

A motion was made by Commissioner Stewart and seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the letter of support from the County Attorney with the added language to acknowledge that this was the second year of this type of operation and that the first year of this operation was successful.

**Briefing and Request to Schedule a Public Hearing: Modification to the County's Fiscal Year 2019 MS4 Permit Financial Assurance Plan**

Ms. Karen Wigen, Planner III, and Mr. Charles Rice, Program Manager, Department of Planning and Growth Management provided the Commissioners an update on the Financial Assurance Plan Watershed Protection and Restoration Program. The purpose of this plan is to demonstrate the County's budget to implement the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit's required twenty percent (20%) impervious surface restoration by December 2019. The County's current MS4 permit is being modified to add the Nutrient Trading option for this permit term ending December 2019. The estimated Nutrient Trading needed to comply with the MS4 permit is five hundred (500) acres. The next step would be to hold a public hearing to approve the new plan.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present voting in favor to schedule the public hearing on the Modification to the County's Fiscal Year 2019 MS4 Permit Financial Assurance Plan for October 8, 2019 at 6:00 p.m. in the Commissioners Meeting Room in the Charles County Government Building.

**Closed Session**

At 4:50 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 and discuss one (1) issue related to a personnel agreement and; three (3) potential litigation issues. The reason for closing is to keep legal negotiations, approaches and strategies confidential and to keep personnel information confidential.

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**Summary Closed Session Items**

At 5:06 p.m. the Commissioners went into closed session.

**3-305(b)(1)(7) Personnel:**

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Deborah Hall, Wes Adams, Carol DeSoto, and Alexis Blackwell.

Ms. Alexis Blackwell, Director, Department of Human Resources, provided the Commissioners an overview of a personnel agreement related to a personnel issue.

The Commissioners directed Ms. Blackwell to provide staff with the appropriate education related to this policy.

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

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Deborah Hall, Wes Adams, Carol DeSoto, and Kurt Fischer via phone.

Mr. Wes Adams, County Attorney, and Mr. Kurt Fischer, Outside Counsel, provided an update on a litigation case.

The Commissioners directed Mr. Adams to provide the decision paper related to this issue and bring back for discussion.

*\*Commissioner Coates left session at 5:50 p.m.*

After Mr. Fischer ended his call, Mr. Adams continued his review of two (2) other potential litigation cases.

Mr. Adams was directed to bring one of the cases back and to include staff from the Department of Planning and Growth Management to provide an overview of the issue.

At 5:56 p.m., a motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Rucci, Bowling, Stewart and Collins, voting in favor to end closed session. *\*Commissioner Coates was not present for the vote.*

The Commissioners returned to open session at 6:09 p.m. *\*Commissioner Coates was not present*

**Public Hearing: Community Development Block Grant (CDBG) Program**

The Commissioners conducted a public hearing on Community Development Block Grant (CDBG) Program application for the homeless/domestic violence shelter in Charles County. Ms. Pat King, Community Development Administrator, Department of Community Services, explained that this public hearing was to hear citizens views and/or comments and to obtain the approval of the submission of the Community Development Block Grant Application for the Homeless Initiative round of funding. She stated that the application can be viewed at the Department of Community Services at 8190 Port Tobacco Road, Port Tobacco, Maryland. Ms. Amanda Chesney, Catholic Charities, provided a brief summary of their application.

There were no comments from the public.

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

*\*Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Stewart and Collins, voting in favor to close the public hearing.

*\*Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Stewart and Collins, voting in favor to approve Resolution 2019-13 for the Community Development Block Grant application for the homeless/domestic violence shelter in Charles County. *\*Commissioner Coates was not present for the vote.*

**Public Hearing: Legislative Changes to Charles County Code Chapter 208 School Crossing Guards**

The Commissioners conducted a public hearing on the proposed Bill 2019-02 legislative changes to Charles County Code Chapter 208 School Crossing Guards. Mr. Jerome Spencer, General Counsel, Charles County Sheriff's Office, reviewed the 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.

There were no comments from the public.

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

*\*Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Rucci and Collins, voting in favor to close the public hearing.

*\*Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Rucci, Bowling, Stewart and Collins, voting in favor to adopt Bill 2019-02, School Crossing Guards. *\*Commissioner Coates was not present for the vote.*

**Public Hearing: Legislative Changes to Charles County Code Chapter 287 Vehicle Parking Laws, Bill 2019-03**

The Commissioners conducted a public hearing on the proposed Bill 2019-03 legislative changes to Charles County Code Chapter 287 Vehicle Parking restrictions. Mr. Jerome Spencer, General Counsel, Charles County Sheriff's Office, reviewed the draft legislation which would amend the Charles County Code to achieve consistency with language provided in the Annotated Code of Maryland.

There were no comments from the public. There was one (1) written comment.

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

*\*Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Rucci, Bowling, Stewart and Collins, voting in favor to close the public hearing.

*\*Commissioner Coates was not present for the vote.*

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Rucci and Collins, voting in favor to adopt Bill 2019-03, Vehicles Parking Restrictions. *\*Commissioner Coates was not present for the vote.*

**Public Hearing: State Legislative Proposals**

The Commissioners were joined by the Charles County Delegation to hear legislative proposals for the 2020 State Legislative Proposals. Commissioner Collins explained that no action would be taken tonight and that the follow up work session on these proposals would be held on September 24, 2019.

Charles County Sheriff's Office proposals:

- Medical Marijuana Use in a Correctional Facility. Amend Correctional Services Article §11-203 to prohibit medical marijuana in correctional facilities in Charles County.
- Service of Emergency Commitment Orders. Amend Health-General Article §10-623 to allow a court in Charles County to authorize law enforcement to enter a private home to serve a court-ordered commitment order.
- Transparency of Extreme Risk Protective Orders. Amend Public Safety Article §5-602 to limit confidentiality of extreme risk protective order proceedings to medical record otherwise protected by statute.

The Rural Planning and Zoning Task Force proposal:

- Amend Maryland Public Safety Code §12-508 (e) to allow Charles County to join ten (10) other Maryland counties and opt-in to legislation which allows certain agritourism buildings certain exemptions from building codes.

The Homeowners Association Dispute Resolution Board proposal:

- A proposal to amend §1B-104(c) of the Real Property Article, Annotated Code of Maryland to allow the HOADR Board to enforce GOVERNING DOCUMENTS of the HOA, instead of "recorded covenants of restrictions" ...

The Southern Maryland Carousel Group proposals:

- Legislative request for no match grant of three hundred thousand dollars (\$300,000) to fund Southern Maryland Carousel and wood carving center.
- Amendment to Authorizing act to extend the termination date of the existing grant in the amount of twenty-five thousand dollars (\$25,000), originally approved in 2012 and known as GO62.

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The Southern Maryland Association of Realtors proposal:

- A proposal to re-introduce H.B. 1051 – Charles County – Landlord and Tenant – Repossession for Failure to Pay Rent – Procedures, introduced by Del. Wilson in 2019 Session of Maryland General Assembly.

The National Association of Black Veterans, Inc. proposal:

- A proposal to support the Veterans Medical Marijuana Safe Harbor Act.
- A proposal to establish commuter transportation service to/from Veterans Administration.

It was noted that these are federal issues.

*\*Commissioner Coates joined session at 7:04 p.m.*

The Charles County NAACP proposals:

- A proposal to give Commissioner Line-Item VETO Power for any New Budget Items not in line with good order for the County without substantiated documentation and or data to support the need for funding.
- A proposal to meet certain requirements before funding approval, to include data, justification, and public hearing.
- A proposal to implement an independent oversight committee to supervise, manage and update the Commissioners and the Community on disciplinary actions taken by Charles County Public Schools (CCPS) involving PreK-2nd grade students.

**Citizen Proposals:**

Mr. Michael Runfola proposal:

- A proposal to provide broadband to all parts of Charles County not currently serviced, funded by legislation that will allow slot machines over the water of the Potomac River.

Ms. Bonnie Rothell proposal:

- A proposal to amend Alcoholic Beverage Article, § 2-216 Ann. Code of Maryland to allow owners of small family farm wineries to also have an ownership interest in a small family-owned business establishment that sells alcohol.

Mr. Stacey Durant proposal:

- A proposal to introduce new legislation that would require all retail liquor establishments in Charles County to post a warning about the dangers of over-consumption of alcohol, which leads to DUI/DWI arrests and accidents.

Mr. David Martinez, Esq., Jenkins Law Firm, LLC proposal:

- A proposal to Amend Alcoholic Beverages Laws in Charles County to allow the holder of a Class D – license to apply for a different type of Class D license for the same location by exempting this type of new license from the current quota system.

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Ms. Delores Moses' proposals:

- A proposal to amend the IRS Code to reduce tax rates and modify policies .... For senior citizens 65 and older...
- A proposal to eliminate income taxes on social security benefits....

It was noted that these are federal issues.

Mr. Michael Lucchesi proposals:

- A proposal to implement a statewide annual registration fee for PHEV and EV vehicle registrations fees.
- A proposal to install Automated Speed Enforcement (ASE) cameras in all identified problem areas.
- A proposal to amend Maryland Manual on Uniform Traffic Control Devices, Section 2B.04 by removing the word "should" from "(05) YIELD or STOP signs should not be used for speed control"

Commissioner Collins deferred his proposals for discussion on September 24, 2019:

- A proposal to amend Section 9-310 of the Tax Property Article, Annotated Code Maryland, to allow for implementation of a real property tax credit for certain Senior Veterans.
- A proposal to provide individuals whose government issued identification expired while incarcerated a temporary updated/valid ninety (90) day identification/driver's license from the Motor Vehicle Administration upon release.

Commissioner Bowling:

- A proposal to add Charles County to Chapter 160 / H.B. 1155 – Prince George's County – Disposal of Bulky Items – Penalties - which Passed the 2019 Session of the Maryland General Assembly and will allow Charles County to adopt an ordinance and impose certain penalties for illegal dumping in Charles County.
- A proposal to amend Section 9-310 of the Tax Property Article, Annotated Code Maryland, to allow for implementation of a real property tax credit for certain County employees and volunteers.
- A proposal to increase the mandated amount of funding to the Tri-County Council for Southern Maryland from nine thousand dollars (\$9,000) to one hundred and twenty-five thousand dollars (\$125,000).
- A proposal to allow certain County Government employees the right to organize, choose exclusive representative organizations and bargain collectively with the County over wages, hours, benefits, and other terms and conditions.

Commissioner Coates:

- A proposal for non-motor vehicle offenses to be exempt from reporting as a motor vehicle driving violation for the purposes of insurance coverage and employment.
- A proposal to expunge or otherwise remove collections/judgments/debts that have been satisfied, or that are a certain number of years old, reducing the impact of employment denial for our students, seniors and entire community.
- A proposal to convene a community outreach effort of task force to learn about the challenges faced by residents of communities governed by Homeowner's Associations.



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- A proposal to assist college graduates with student loan interest debt relief while receiving state supplemented assistance while actively seeking employment.

Mr. Darrell Brown, Director, Department of Economic Development:

- A proposal to establish Charles County Special Taxing Districts, specifically with regard to the financing of convention centers, conference centers and visitors' centers, similar to that contained in HB 616, PG 428-07, Page 3, Paragraph 5, Section ii, Subsection 1, 2, 3, and 4, allowing for the financing of the construction and maintenance of meeting and events facilities, as well as the marketing of said facilities.

Mr. Mark Belton, County Administrator:

- A proposal requiring certain property owners to convey rights-of-way (ROW) easements to the County for maintenance of roadway, installation and maintenance of water, sewer, stormwater management, drainage, or broadband infrastructure within the right-of-way under certain circumstances.

At 8:57 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Rucci 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: September 10, 2019

Time: 4:50 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.

**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)(1)(7) Legal Advice on one (1) issue related to a personnel 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.

  
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Reuben B. Collins, II, Esq., President