

**Regular Meeting of County Commissioners**  
**Tuesday October 1, 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  
Carol A. DeSoto, Acting Clerk to the Commissioners

**Open Session**

Commissioner Collins called the meeting to order and led the pledge of allegiance

**Recognition: Proclamation 2019-37 Rocktoberfest 2019**

The Commissioners proclaimed October 6, 2019 as Rocktoberfest 2019 in Charles County. Proclamation 2019-37 was received by Ms. Stacy Lynn and Mr. Keith Grasso, Island Music.

**Recognition: Proclamation 2019-38 Breast Cancer Awareness Month**

The Commissioners proclaimed October 2019 as Breast Cancer Awareness Month in Charles County. Proclamation 2019-38 was received by members of the Sisters at Heart Breast Cancer Support Group of Southern Maryland; Alpha Kappa Alpha Sorority, Inc. Nu Zeta Omega Chapter; and Women Veterans United Committee, Inc.

**Recognition: Proclamation 2019-39 National Hispanic Heritage Month**

The Commissioners proclaimed September 15-October 15, 2019 as National Hispanic Heritage Month in Charles County. Proclamation 2019-39 was presented to Mr. Carlos Saniel, St. Charles Towne Center, Ms. Deborah Collins, Vamos Hablar, Nayeli Lovo Guevara and Adrian Pena Rodríguez, Westlake High School, Melina and Medina Mata and Jose Jimenez-Ochoa, Jr., John Hanson Middle School, and Charles County Government Employees.

**Commissioners' Comments**

There were no comments.

**Approval of the Minutes of September 24, 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 September 24, 2019.

**Notice of Tentative Agenda of October 8, 2019**

Ms. Carol DeSoto, Acting Clerk, announced the tentative agenda for October 8, 2019.

**Approval Items**

*Change Orders:*

*UN 1241, St. Paul's Well Change Order Number Three (3)*

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Mr. Bill Shreve, Director, Department of Public Works, explained that this change order was needed to provide the necessary equipment to drill and construct a test well in the Patuxent aquifer at the St. Paul's Well Number Three (3) site.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the change order for St. Paul's Well Number Three (3) for four hundred and fifty-one thousand four hundred and thirty-six dollars and fifty cents (\$451,436.50).

*UN 1243, St Charles Well Number Sixteen (16) Replacement Well Change Order Number One (1):*

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, and Mr. Bill Shreve, Director, Department of Public Works, explained that this change order was needed to provide the necessary equipment to drill and construct a test well in the Patuxent aquifer at the St. Paul's Well Number Sixteen (16) site.

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the St. Charles Well Number Sixteen (16) Replacement Well Change Order Number One (1) for four hundred and fifty-one thousand four hundred and thirty-six dollars and fifty cents (\$451,436.50).

*Ebuds:*

*FY2020 Contingency Transfer Request #7198 Well Number Sixteen (16) Replacement and Change Order*

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, explained that this contingency transfer request went along with the above change order. It will be used to drill a test well to ensure water quality from the Patuxent aquifer is good before drilling a permanent well.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the FY2020 Contingency Transfer Request #7198 Well Number Sixteen (16) Replacement for four hundred and sixty five thousand dollars (\$465,000.00)

*FY2020 Contingency Transfer Request #7233 Cable Franchise Fund*

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, explained that this contingency transfer would be used to install fiber to provide the County with a redundant fiber link from Mattawoman to the County building. Mattawoman is the County's disaster recovery site.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2020 Contingency Transfer Request #7233 Cable Franchise Fund for six thousand one hundred dollars (\$6,100.00).

*FY2020 Contingency Transfer Request #7245 Board of Education:*

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, explained that the Board of Education was requesting the Commissioners to reinstate the four hundred and fifty two thousand two hundred dollars (\$452,200.00) in funding that was reduced by the Commissioners during the approval of the Board of Education FY2020 budget on June 18, 2019.

Dr. Kimberly Hill, Superintendent, Ms. Amy Hollstein, Deputy Superintendent, and Mr. Randy Sotomayor, Assistant Superintendent of Fiscal Services, Charles County Public Schools joined the

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discussion outlining all the steps that have been done to address the concerns raised about the Fresh Start Academy. The Fresh Start Academy program guidelines have been revised to make it a voluntary program that needs the parent's consent; they held a public hearing; they received a legal opinion on the program; and they met with the NAACP to address their concerns.

Commissioner Coates questioned about getting the Attorney General to reverse their original opinion. Dr. Hill explained that the original opinion was made without any information from the school. She also stated that they could not ask for another opinion since they did not ask for the original opinion.

Commissioner Stewart commented that the public school has guidelines for seeking legal advice and follow the Department of Education. She also acknowledges that her concern about transportation was addressed and that this program was voluntary, and parents could elect for their children to participate.

Commissioner Rucci and Commissioner Bowling both felt that since the program was voluntary that this program was a policy for the Board of Education to make.

Commissioner Collins acknowledged the efforts made by the Board of Education but felt that the legal questions still exist. He expressed his grave concerns to the legality of the program. He felt that there is passion on both sides of this issue, and that it impacts the whole community.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Rucci, Bowling, and Stewart, voting in favor to approve the FY2020 Contingency Transfer Request #7245 Board of Education for four hundred and fifty-two thousand two hundred dollars (\$452,200.00). Commissioners Coates and Collins were opposed. A roll call was taken with Commissioner Bowling-yes; Commissioner Stewart-yes; Commissioner Coates-no; Commissioner Rucci-yes; and Commissioner Collins-no. The motion passed three (3) to two (2).

**Briefing: Broadband Task Force Update**

Ms. Deborah Hall, Deputy County Administrator, Ms. Evelyn Jacobson, Chief of Information Technology, Department of Fiscal and Administrative Services, and Mr. Thomas Dennison, Government and Public Affairs Director, SMECO, provided an update on the Rural Broadband Task Force activities. Two new members were added to the task force, Mr. Thomas Dennison, SMECO, and Mr. Steve Andritz, Charles County Board of Education. Mr. Dennison will help address issues related to future fiber installation in SMECO's Right-of-Way. Mr. Andritz will help address issues related to student internet access. Ms. Jacobson provided an overview of the internet access questionnaire which is helping to identify areas in the County that do not have access to broadband. Ms. Hall explained that consultant working on developing the Broadband Strategic Plan, CTC Technology & Energy, is gathering information from stakeholders about broadband needs, constraints to access, and availability of resources and assets to expand broadband. Ms. Hall indicated that the task force will provide the next update sometime in the January/February 2020.

**Closed Session**

At 10:19 a.m., a motion was made by Commissioner Bowling, 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)(3)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice on one (1) proposed agreement; to consider acquisition of one (1) property for public purpose; to discuss one (1) potential litigation case;

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to receive an update on a personnel issue; and to discuss appointments to two (2) Boards and Commissions: The Area Council on Aging and the Fresh Start Academy Advisory Board. The reason for closing is to keep legal negotiations, approaches and strategies confidential and to keep personnel records and applicant information confidential.

**Summary Closed Session Items**

At 10:34 a.m. the Commissioners went into closed session.

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

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

Dr. Suzan Lowry, Health Officer, Charles County Department of Health, provided the Commissioners an update on personnel positions at the Health Department.

*\*Break 11:12 a.m. – 11:16 a.m.*

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

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

Ms. Eileen Minnick, Director, Recreation, Parks, and Tourism, provided background information on a potential land acquisition.

The consensus of the Commissioners was to not move forward with this acquisition.

**3-305(b)(7) Legal Advice**

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

Mr. Mark Belton, County Administrator, provided an overview of an issue and how it is being addressed.

An update will be giving to the Commissioners after a scheduled meeting with the parties takes place.

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

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

Mr. Wes Adams, County Attorney, reviewed several options on how to handle this litigation case.

The consensus of the Commissioners was to have Mr. Adams negotiate as presented.

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**3-305(b)(7) Legal Advice**

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

Mr. Wes Adams, County Attorney, updated the Commissioners on an agreement. It will be added for approval in open session on October 8, 2019.

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

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

Ms. Carol DeSoto, Acting Clerk, provided an overview on the applicants for the Area Council on Aging. An agreement was reached related to the appointments to this board.

Ms. DeSoto provided additional information related to appointment to the Board of Education's Fresh Start Academy Advisory Board. The Commissioners provided directions related to this board.

The Commissioners' official action, on these appointments, was taken in open session on this day, October 1, 2019, as reflected in Action on Boards, Commissions and Committees of these minutes.

At 11:49 a.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.

*\*Break 11:49 a.m. – 1:35 p.m.*

The Commissioners returned to open session at 1:35 p.m.

**Discussion: Commissioner Individual Initiatives**

The Commissioners discussed Individual Commissioner Initiatives and how to coordinate staffing needs to support them. Commissioner Collins talked about the need to create a communication process on these initiatives to avoid duplication of projects.

The Commissioners agreed to have staff meet with individual Commissioners and develop a process or document that could be used to report to the Board of Commissioners on a regular basis.

**Work Session: 2020 State Legislative Proposals**

Ms. Daniëlle Mitchell, Associate County Attorney II, reviewed the legislative proposals that the Commissioners had not decided on at their work session on September 24, 2019. The Commissioners reviewed the following proposals to decide if they would be included in the Charles County Legislative Package:

1. *Medical Marijuana Use in a Correctional Facility.*

There was no motion to include this proposal, so it will not be added to the Charles County Legislative package.

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2. *Service of Emergency Commitment Orders.*

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and failed with Commissioners Bowling and Rucci voting in favor to include this proposal in the Charles County Legislative package. Commissioners Stewart, Coates and Collins were opposed. A roll call vote was taken with Commissioner Bowling-yes; Commissioner Stewart-no; Commissioner Rucci-yes; Commissioner Coates-no; Commissioner Collins-no. The motion failed two (2) to three (3). This proposal will not be included in the Charles County Legislative package.

3. *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.*

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to include this proposal in the Charles County Legislative package.

4. A proposal requiring certain property owners to convey rights-of-way 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.

Ms. Mitchell reviewed the changes to this proposal. It takes out *stormwater management, drainage and* adds the language that *“the affected property shall not contain more than ten 9100 feet beyond either side of the boundary of the road surface and the remaining property of property owner.”* Ms. Mitchell also presented a second option to this proposal which would authorize the County to immediately take private property following payment of fair market value. This is a condemnation, with a “quick-take” authority.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to include option one (1) of this proposal in the Charles County Legislative package.

**Action on Boards, Commissions, and Committees**

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to appoint Susan Lohman, Yolanda Hipski, Theodora Carr to the Area Council on Aging.

**Commissioners’ New Business**


Commissioner Collins discussed his recommendation to reestablish the property Standards Task Force to review the issues related to housing. He felt it was important to have input from the Department of Community Services, Department of Planning and Growth Management, and the County Attorney’s Office. It would look at the present state of laws and regulations and evaluate the County Code.

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The consensus of the Commissioners was to bring this issue back for further discussion with more details related to the charge of this task force.

At 2:33 p.m. a motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to adjourn.

  
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Carol A. DeSoto, Acting Clerk

  
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Reuben B. Collins, II, Esq., President

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**FORM OF STATEMENT FOR CLOSING A MEETING**

Location: Commissioners' Meeting Room

Date: October 1, 2019

Time: 10:19 a.m.

Motion By: Commissioner Bowling

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**

(11)  To prepare, administer or grade a scholastic, licensing, or qualifying examination.



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(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) Personnel Issue**

REASON FOR CLOSING: To keep personnel records confidential

**3-305 (b)(3)(7) Legal Advice to consider one (1) acquisition of real property for a public purpose**

REASON FOR CLOSING: To keep negotiations and approaches confidential

**3-305 (b)(7) Legal Advice on one proposed agreement**


REASON FOR CLOSING: To keep legal approaches confidential

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

REASON FOR CLOSING: To keep legal approaches confidential

**3-305 (b)(1) Personnel Appointment to two (2) Boards**

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

  
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Reuben B. Collins, II, Esq., President