

Regular Meeting of County Commissioners
Tuesday October 22, 2019

The regularly scheduled meeting of the County Commissioners was convened at 1:11 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
Mark Belton, County Administrator
Wesley Adams, County Attorney
Carol A. DeSoto, Acting Clerk to the Commissioners

Morning Event:
Briefing and Tour of St. Charles Towne Center

Open Session

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

Recognition: Proclamation 2019-41 National Cybersecurity Awareness Month

The Commissioners proclaimed October 2019 as National Cybersecurity Awareness Month in Charles County. Proclamation 2019-41 was received by Ms. Evelyn Jacobson, Chief of Information Technology, and Mr. Matt Goddard, IT Security Specialist, Department of Fiscal and Administrative Services.

Commissioners' Comments

There were no comments.

Approval of the Minutes of October 8, 2019

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the minutes of October 8, 2019.

Notice of Tentative Agenda of October 29, 2019

Ms. Carol DeSoto, Acting Clerk, announced the tentative agenda for October 29, 2019.

Approval Items

Ebud:

FY2020 Budget Transfer Request #7275 Waldorf Senior and Recreational Center

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this budget transfer request was to move funds to cover Change Orders twenty four (24) and twenty five (25) for extended general conditions related to additional work performed on the project.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the FY2020 Budget Transfer Request #7275 Waldorf Senior and Recreational Center for one hundred and four thousand and four hundred and ten dollars (\$104,410.00).

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FY2020 Budget Transfer Request #7267 Maryland Route Five (5) Pump Station

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this budget transfer request was to move funds from the Sewer contingency line item into Maryland Route Five (5) Pump Station Force Main Construction and Inspection line item to cover the lowest bid for construction and inspection.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Transfer Request #7267 Maryland Route Five (5) Pump Station for Two hundred and twenty-six thousand dollars (\$226,000.00).

FY2020 Budget Amendment Increase #7309 Leave Sell Back

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this budget transfer request was to amend the General Fund Budget to allow eligible employees in the month of December to sell back to the County up to five (5) days of annual leave. This was not included in the Adopted FY2020 Budget. The County has funds available in the undesignated fund balance for onetime items.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Amendment Increase #7309 Leave Sell Back for three hundred thousand dollars (\$300,000.00).

Other:

Bryans Road Well #7 Minor Subdivision Plat Signature and Real Estate Declaration of Intent

Mr. John Stevens, Chief of Capital Services, Department of Public Works, explained was the approved Minor Subdivision Plat and Real Estate Declaration of Intent for the fifty (50) acre property, in the Indian Head Technology Park, to establish the Bryans Road Well Seven (7).

Commissioner Stewart requested that this item be brought back since copies of the plat was not provided. She also wanted a legal opinion on whether or not this subject property was within the Watershed Conservation Easement and if the County has legal authority to subdivide the subject property.

The consensus of the Commissioners was to bring back this approval item with readable maps and further information.

Request: Two (2) Additional Holidays- December 26 and December 27, 2019

Commissioner Stewart suggested adding an additional day for the holiday time as well.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to add three (3) additional holidays to the schedule, December 26, December 27, 2019 and January 2, 2020.

Briefing: Solar Presentation

Mr. John Stevens, Chief of Capital Services, Department of Public Works, and Mr. Bradley Jefferies, Energy Ventures, LLC., briefed the Commissioners on the Solar Power Purchase Program. Mr.

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Jefferies explained that this was a joint venture between Energy Ventures, LLC and X-Elio Energy USA, Inc. He reviewed the Solar Power Purchase Program goals for the county to reduce energy expense, increase use of green energy to reduce carbon footprint and be sensitive to using the County's natural resources. He provided an overview of two (2) current solar projects being implemented, the Pisgah Landfill and the Davis Road projects. He outlined the development and operations approach, an overview of the electricity market, the proposed energy program procurement structure, the proposed energy program County demand profile, and the benefits to the County. He concluded with a review of the next steps schedule of milestones and the need to work on ground lease amendments, Power Purchase Agreement Restructuring amendments and PILOT Agreements.

Discussion and Request for Approval: Property Standards Internal Work Group/Rental Housing Work Group

Ms. Danielle Mitchell, Associate County Attorney II, Office of County Attorney, reviewed the suggested guidelines for this internal rental housing work group. Commissioner Collins explained that the purpose of this internal workgroup was to gather information and do an analysis of National Data on Housing.

Commissioner Bowling wanted to suggest specific groups to be apart of this workgroup and to have a public hearing on the recommendations. Commissioner Stewart cautioned the Board not to dictate specific groups to contact and not to interfere with the workgroup at this point. She felt staff would investigate the issue and bring back information. She recommended that once this work group was approved, the work group should come back before the Commissioners to hear their concerns before the group starts its work.

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed with all Commissioners present, voting in favor to convene this workgroup and have them meet with the Commissioners prior to starting their work.

Briefing and Request to Set a Public Hearing: Comprehensive Water and Sewer Plan Amendments- 2019 Fall Cycle

Mr. Jason Groth, Planning Director, and Mr. Alex Waltz, Planner II, Department of Planning and Growth Management, reviewed the two (2) applications to amend the Charles County Comprehensive Water and Sewer Plan. The applications are for the Highlands Neighborhood (Village of Wooded Glen Neighborhood three (3) and the Parklands Neighborhood (Village of Wooded glen Neighborhood Four (4)).

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to set the Public Hearing for November 19, 2019 at 6:00 p.m. in the County Government Building.

Follow Up Work Session and Request for Approval: Zekiah Watershed Rural Legacy Area Program Expansion

Mr. Charles Rice, Program Manager, Department of Planning and Growth Management, reviewed the recommendations of the Planning Commission and the public comments received at the Public Hearing held on September 24, 2019 and during the fourteen (14) days the public record was kept open. The

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two (2) main themes supported expanding the existing Zekiah Watershed Rural Legacy Area and the desire to create a new Rural Legacy Area somewhere on the western side of the County.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve forwarding the application for the Zekiah Watershed Rural Legacy Area Program Expansion.

Action on Boards, Commissions and Committees

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to nominate Commissioner Collins to the MACo Legislative Committee and Commissioner Coates as the alternate to the MACo Legislative Committee.

Commissioners' New Business

Commissioner Coates requested that staff be directed to begin an economic impact analysis on the Watershed Conservation District. She did not want to define any policy goal so that staff had no limits on their analysis.

The Commissioners reached a consensus to have staff start an economic impact analysis on the Watershed Conservation District and bring back recommendations and timeline. Part of the analysis will include a look at the potential Rural Legacy Area.

Commissioner Collins discussed the option of holding community forums on a regular basis with the full Board of County Commissioners.

The Commissioners reached a consensus to hold full Board Town Hall Meetings quarterly starting in 2020. Each District Commissioner will choose the location. The first quarter will be decided by District One (1) then District Two (2), District three (3) and District Four (4) Commissioner.

Closed Session

At 2:57 p.m., a motion was made by Commissioner Rucci, 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)(10) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice on two (2) issues: one (1) related to a potential violation; and one (1) potential public security issue related to a business or industrial organization to locate, expand, or remain in the State; and to discuss appointment to one (1) Commissioner Appointed Board- Fresh Start Academy Advisory Board. The reason for closing is to keep legal, approaches and strategies confidential and to keep personnel information confidential.

Summary Closed Session Items

At 3:16 p.m. the Commissioners went into closed session.

3-305(b)(10)(4)(7) Legal Advice:

Present: Commissioners Collins, Rucci, Bowling, and Coates, Mark Belton, Wes Adams, Carol DeSoto, Darrell Brown, Marcia Keith and John Bohanan.

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Mr. John Bohanan, Cornerstone Consulting, reviewed potential public security issue related to a business locating in Charles County.

**Commissioner Stewart joined Closed Session at 3:23 p.m.*

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

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

Ms. Suzanne Dorsey, Assistant Secretary, Maryland Department of the Environment reviewed a potential violation and actions being taken.

3-305(b)(1) Personnel:

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

Ms. Carol DeSoto, Acting Clerk, shared the application for the Fresh Start Academy Advisory Board.

The Commissioners reached a consensus on appointment to this board.

The Commissioners' official action will take place during the October 29, 2019 meeting.

**Commissioner Rucci left session at 4:20 p.m.*

At 4:24 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Coates and Collins present, voting in favor to end closed session. **Commissioner Rucci was not present for the vote.*

At 4:25 p.m., a motion was made by Commissioner Bowling, seconded by Commissioner Collins and passed, with Commissioners Bowling, Collins, Stewart, and Coates present, voting in favor to adjourn. **Commissioner Rucci was not present for the vote.*



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: October 22, 2019

Time: 2:57 p.m.

Motion By: Commissioner Rucci

Seconded By: Commissioner Bowling

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

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(ii) the development and implementation of emergency plans.

FORM OF STATEMENT FOR CLOSING A MEETING
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(11) [] To prepare, administer or grade a scholastic, licensing, or qualifying examination.

(12) [] To conduct or discuss an investigative proceeding on actual or possible criminal conduct.

(13) [] To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter.

(14) [] Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

TOPICS TO BE DISCUSSED:

3-305 (b)(7) Legal Advice: Potential Violation

REASON FOR CLOSING: To keep legal approaches confidential

3-305 (b)(4)(7)(10) Legal Advice: Potential Security Issue related to business to locate, expand or remain

REASON FOR CLOSING: To keep legal approaches confidential

3-305 (b)(1) Personnel Appointment to one (1) Commissioner appointed Board- Fresh Start Advisory Board

REASON FOR CLOSING: To keep applicant information confidential



Reuben B. Collins, II, Esq., President