

Regular Meeting of County Commissioners

Tuesday November 19, 2019

The regularly scheduled meeting of the County Commissioners was convened at 1:05 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
Susan C. Claggett, Clerk to the Commissioners
Carol A. DeSoto, Acting Clerk to the Commissioners (Training)

Offshore Wind Presentation and Tour: Center for Trades and Energy Training, College of Southern Maryland

The Commissioners attended a presentation and tour of the College of Southern Maryland's Center for Trades and Energy Training.

Open Session

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

Recognition: Proclamation 2019-46 Shop Small Business Saturday

The Commissioners proclaimed November 30, 2019 as Shop Small Business Saturday in Charles County. Proclamation 2019-46 was received by members of the La Plata Business Association and employees of the Charles County Economic Development Department.

Recognition: New Employee Introductions, Employee Years of Service and Retirees for the Month of November

The Commissioners recognized new employees; those employees celebrating milestone years of service and retirees in the months of November 2019.

Commissioners' Comments

There were no comments.

Approval of the Minutes of November 5, 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 November 5, 2019.

Notice of Tentative Agenda of December 3, 2019

Ms. Carol DeSoto, Acting Clerk, announced the tentative agenda for December 3, 2019.

Commissioner Collins recognized a consensus among all Commissioners that the December 3, 2019 Session would begin in the afternoon.

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Approval Items

Ebuds:

FY2020 Budget Amendment Increase #7354 –Southern Maryland Criminal Justice Academy (SMCJA) Equipment

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this was a transfer request from the Charles County Sheriff's Office and this account is a special revenue fund. The Sheriff's Department is requesting to update and procure needed items for the SMCJA.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve FY2020 Budget Amendment Increase #7354 Southern Maryland Criminal Justice Academy Equipment for one hundred and fifteen thousand five hundred dollars (\$115,500.00).

FY2020 Budget Amendment Increase #7346 – Chief Equity Officer

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this was an FY2020 Budget Increase to support a new Chief Equity Officer position as discussed during the FY2020 Budget process. This Budget approval will also include the creation of a new pin.

Commissioner Stewart expressed concerns about approving this position pin before fully understanding the goals and purpose of this position. She requested a detailed conversation with the Human Resource Director to understand what gaps this position would fill as well as the reporting structure related to this position. She also requested a job description be included.

The consensus of the Commissioners was to reschedule the approval Chief Equity Officer Budget Amendment Increase. to include a more detailed briefing.

Detention Center Intake Area Funding FY2020 Budget Transfer Request - #7343 and FY2020 Budget Amendment Increase - #7344

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained this is a request would cover the increased construction costs bid for the Detention Center Intake Area project. Mr. John Stevens, Chief of Capital Services, Department of Public Works, joined the discussion to explain the increased costs. He explained that the initial estimate from the engineering department did not consider the specialized construction that is required when building a Detention Center. Mr. Charles Strawberry, Program Manager Capital Services, Department of Public Works, added that the estimate for this project was provided by a consultant in 2013. When questioned why these requests could not be added to the FY2021 Budget, Mr. Steven explained there is a time frame of one hundred twenty(120) days to award the contract or they would have to re-advertise for bids.

A motion was made by Commissioner Rucci but was not seconded so it died.

Mr. Wes Adams, County Attorney, suggested that the discussion be taken into closed session due to the differences in discrepancies about the contract negotiations so that the Commissioners can investigate the perimeters behind the contract.

The Commissioners agreed to reschedule the Detention Center Intake Area Project approval items for the next closed session scheduled for November 26, 2019.

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Budget Amendment – Fresh Start Academy and Food Nutrition Services (Special Revenue Fund)
Second Document: Budget Amendment #2- Enterprise Resource Planning (ERP) System

Mr. Randy Sotomayer, Assistant Superintendent of Fiscal Services, Charles County Board of Education explained the Board of Education's request to approve the intercategory budget amendments for the Fresh Start Academy and the New Enterprise Resource Planning (ERP) System. He explained that the Board of County Commissioners (BOCC) approved to restore the Fresh Start Academy funds at the BOCC held on October 1, 2019 since the Fresh Start Academy guidelines have been changed and is now a voluntary program. He furthered that the ERP business management software contract has been awarded and will increase the operating budget and requires the prior year fund balance to be restated to five point seven (\$5.7) million dollars from the two point two (\$2.2) million dollars.

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services clarified that at the time the budget was adopted, the budget was not at the level needed, thus the request for this one-time item budget amendment request fell within policy as a one-time item and maintained the County's Maintenance of Effort as approved.

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve Budget Amendment One (1) – Fresh Start Academy and Food Nutrition Services (Special Revenue Fund).

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve Budget Amendment Two (2) - Enterprise Resource Planning (ERP) System.

Commissioner Stewart expressed the Commissioners' support of the school system and their efforts and requested that a message be shared with Superintendent Hill and the Board of Education to re-consider the after-school bus program.

Marshall Hall

Ms. Deborah Hall, Deputy County Administrator and Acting Director of Planning and Growth Management, reviewed the thirty (30) year Agreement for Marshall Hall Park with the National Park Services. She explained that the County and the Federal Government have renewed the agreement.

Commissioner Coates inquired as to whether a water taxi tourism is being planned.

Ms. Eileen Minnick, Director, Department of Recreation, Parks and Tourism, explained there are many stipulations with Marshall Hall Park as it is under the National Park Service and the View Shed of Mount Vernon that cause limitations to water taxi services and other services.

Commissioner Coates requested that this item be rescheduled in late December so that she could reach out to the Congressman's Office for clarification on the agreement.

The Commissioners agreed to reschedule the approval of the Marshall Hall Agreement to late December.

International Association of Fire Fighters Side Letter Agreement on Wages

Ms. Deborah Hall, Deputy County Administrator and Acting Director of Planning and Growth Management and Ms. Alexis Blackwell, Director, Department of Human Resources, reviewed the side letter agreement with the International Association of Fire Fighters.

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A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the International Association of Fire Fighters Side Letter Agreement.

Briefing and Request for Approval: Agricultural Deer Cooperator Permit Maryland Airport

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the draft letter of support from the County Attorney for the Agricultural Deer Cooperator Permit Maryland Airport.

Briefing: College of Southern Maryland Board of Trustees

Dr. Maureen Murphy, President, Ms. Shawn Coates and Ms. Lois DiNatale, Board Members, College of Southern Maryland (CSM) reviewed the proposed legislation that would amend MD Code 16-610 to increase funding to the college by all three (3) counties. It would eliminate the restriction of county allocations to be designated to that county's CSM locations. Many students attend two or more CSM locations or take online classes, so the change would allow CSM the flexibility to allocate funds and incorporate efficiencies based on current needs. CSM is seeking a letter of support for the legislative amendment from each of the three county's Board of Commissioners.

Commissioner Collins invited Dr. Murphy to the joint meeting the Charles County Board of Commissioners was having with the Board of County Commissioners from Calvert and St. Mary's counties on December 10, 2019.

Briefing: Energetics Technology Center

Mr. Robert Kavetsky, and Mr. Gene Lauer, Energetics Technology Center, and Mr. Darrell Brown, Director, Department of Economic Development reviewed the strategy to leverage the Naval Surface Warfare Center Indian Head Explosive Ordnance Disposal Technology Division (NSWC IHEODTD). The presentation included information on how to bring activity outside the gate and increase commercial activity in the Town of Indian Head. Proposed strategies include creation of an innovation hub, designation of a defense innovation district coordinator, and other tactics that would help the county implement the vision for technology-driven economic development in the town. They expressed the need for the County to consider more funding in the FY2021 budget.

Briefing: Jude Hose Programs

Mr. Steve Brown, Clinical Supervisor, and Staff, Jude House, explained that the Jude House provides recovery services for those struggling with substance abuse and addiction through counseling support and resources to help them change their lives. They shared some of the positive outcomes by reading testimonials from some of their clients.

Briefing: Maryland Association of Counties (MACo)

Mr. Michael Sanderson, Executive Director, and Ms. Natasha Mehu, Legislative Director, Maryland Association of Counties reviewed legislative initiatives the organization will support in fiscal 2020. They have prioritized advocacy for adequate and fair funding for public schools; investments for school construction; and resources for behavioral health and recovery programs. They also highlighted their successful advocacy on behalf of counties during the 2019 legislative session and discussed their participation in state discussions about funding formulas for public education and investments in renewable energy.

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Briefing: FY2020 General Fund Quarterly Review

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services updated the Commissioners on the first quarter FY20 General Fund ending September 30, 2019. They reviewed revenues, expenditures, and the estimated year-end fund balance. They also reviewed the Fund Balance Policy.

Briefing: Rural Planning and Zoning Task Force

Ms. Brianna Bowling, Chairperson, and Members of the Rural Planning and Zoning Task Force provided a report on the task force work. It included an overview of their goals, representation, and recommendations for supporting farmland preservation, protecting the county's rural character, enforcing regulations, and promoting agritourism. They presented several action steps for Commissioners to consider, including the creation of an agriculture advisory council; appointment of an agricultural community liaison; a rewrite of zoning definitions and certain regulations; provisions for seasonal labor housing; and other allowances for agricultural building exemptions, family conveyance, private drives and accessory uses that support the sustainability of agricultural businesses in the county.

Commissioner Bowling requested to have staff look into creating an Agricultural Advisory Council and Liaison position.

The consensus of Commissioners was to bring this request back once staff reviewed resolution to see whether this would fall under the Planning Commission's authority or the Board of County Commissioners authority.

Commissioners' New Business

There was no new business discussed.

Closed Session

At 4:35 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 3-305(b)(1)(3)(4)(7)(8) of the General Provisions Article of the Annotated Code of Maryland to discuss one (1) potential litigation issue; one (1) potential land acquisition; two (2) potential agreements and to discuss two (2) Personnel Issue related to Commissioner Committee Appointment and one (1) issue related to employee staffing. The reason for closing is to keep legal, approaches and strategies confidential and to keep personnel information confidential.

Summary Closed Session Items

At 4:49 p.m. the Commissioners went into closed session.

3-305 (b)(3) Consider Land Acquisitions

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Susan Claggett, Carol DeSoto, Deborah Hall, Jason Groth, Charles Rice

Mr. Charles Rice, Program Manager, reviewed four (4) potential land acquisitions.

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Property One (1): A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, to negotiate up to the presented amount.

Property Two (2): A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, to negotiate up to the presented amount.

Property Three (3): A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, to negotiate up to the presented amount.

Property Four (4): A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, to negotiate up to the presented amount.

3-305 (b)(1) Personnel: One (1) Employee Staffing

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Susan Claggett, Carol DeSoto, Alexis Blackwell, and Crystal Hunt.

Ms. Crystal Hunt, Chief of Staff, Commissioners' Office and Ms. Alexis Blackwell, Director, Department of Human Resources discussed staffing personnel issues.

At 5:42 p.m. Ms. Susan Claggett, Clerk and Ms. Carol DeSoto, Acting Clerk, were asked to step out of closed session. Ms. Crystal Hunt, Chief of Staff, continued taking the minutes. Ms. Claggett and Ms. DeSoto returned to close session at 5:58 p.m.

3-305 (b)(1) Personnel: Committee Assignment

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

The Commissioners agreed that Commissioner Bowling would continue to serve as the representative to the Tri-County Council Executive Committee for another year.

3-305 (b)(7)(8) Potential Litigation

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

Mr. Wes Adams, County Attorney, reviewed a potential litigation case.

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

3-305 (b)(7) Legal Advice on two (2) Agreements

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

Mr. Wes Adams, County Attorney, reviewed two (2) agreements and provide legal advice on how to proceed with the first proposed agreement.

The Commissioners directed Mr. Adams to bring back a final redline version for the second agreement.

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At 6:16 p.m. a motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to end close session.

The Commissioners returned to open session at 7:00 p.m.

****Rescheduled to December 3, 2019**Public Hearing: Comprehensive Water and Sewer Plan Amendments- 2019 Fall Cycle**

Community Meeting: Discuss Nightclub Opening in Bryans Road


Commissioners held a community meeting at the Bryans Road Volunteer Fire Department to provide information and respond to questions from the public about a nightclub that was planning to open in Bryans Road later this month. On Friday, Nov. 15, 2019 the Charles County Government's Zoning Officer issued a determination letter stating that the nightclub's Use and Occupancy permit has been revoked because the activities listed in the permit application are not allowed in the Core Employment/Residential Zone where the business was planning to operate.

Commissioner Collins stated that draft legislation would be prepared to address prohibiting these types of businesses from opening in areas near churches, schools and residential areas in Charles County.

Over three hundred members of the public attended this community meeting with forty (40) members of the public speaking out in opposition of this type of business in the community.

At 8:42 p.m., a motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to adjourn.

Susan Claggett, Clerk



Reuben B. Collins, II, Esq., President

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FORM OF STATEMENT FOR CLOSING A MEETING

Location: Commissioners' Meeting Room

Date: November 19, 2019

Time: 4:35

Motion By: Commissioner Rucci

Seconded By: Commissioner Bowling

Vote to Close Session:

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

STATUTORY AUTHORITY TO CLOSE SESSION

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

(1) [X] To discuss:

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- (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) [] 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.

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)(1) Personnel: Commissioner Appointment Committee and one (1) Employee Staffing issue
REASON FOR CLOSING: To keep personnel information confidential

3-305 (b)(3) Consider Land Acquisitions
REASON FOR CLOSING: To keep negotiation strategy confidential

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3-305 (b)(7)(8) Potential Litigation

REASON FOR CLOSING: To keep legal approaches confidential

3-305 (b)(7) Legal Advice on two (2) Agreements

REASON FOR CLOSING: To keep legal approaches confidential



Reuben B. Collins, II, Esq., President

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