

Regular Meeting of County Commissioners

Tuesday, December 3, 2019

The regularly scheduled meeting of the County Commissioners was convened at 3:05 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
Wes Adams, County Attorney

Susan C. Claggett, Clerk to the Commissioners
Carol A. DeSoto, Acting Clerk to the Commissioners (Training)

Tour of the African American Heritage House, La Plata, MD

Commissioner Collins, Commissioner Bowling, and Commissioner Coates attended a presentation and tour of the African American Heritage House.

Open Session

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

Commissioners' Comments

There were no comments.

Approval of the Minutes of November 19, 2019 and November 26, 2019

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with all Commissioners present, voting in favor to approve the minutes of November 19, 2019 and November 26, 2019.

Notice of the Tentative Agenda of December 10, 2019

Ms. Susan Claggett, Clerk, announced the tentative agenda for December 10, 2019.

Approval Items

FY2020 Budget Transfer Request #7351 – Fire and Rescue

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this request was to reimburse the Charles County Volunteer Rescue's Water, Sewer and Maintenance fees that are included on their quarterly Town of LaPlata Utility Bill and the Potomac Heights Fire Department and Rescue Squad's quarterly Potomac Heights Mutual Homeowners Association bill. Mr. Dyer stated that the county has paid for such bills per a Planning and Growth Management's procedure approved in 1994.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve the FY2020 Budget Transfer Request for #7351 - Fire and Rescue for four thousand and fifty dollars (\$4,050.00).

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FY2020 Budget Amendment Increase #7347 – C-Wing Staffing

Mr. Jake Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this request was to meet the growing administrative needs of the Commissioners' Office. Mr. Dyer stated that this increase will allow for three (3) new full-time positions that will require three (3) new PINS. This would also eliminate a part time position. This increase would include any necessary office renovations and additional IT support.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Rucci and Collins present, a voting in favor to approve FY2020 Budget Amendment Increase #7347- C-Wing Staffing for one hundred and thirty-three thousand dollars (\$133,000.00). *Commissioner Stewart was opposed. The motion passed four (4) to one (1).*

Break 3:13 p.m. – 3:30 p.m.

Briefing: Update on Broadband Strategic Plan

Ms. Deborah Hall, Deputy County Administrator and Acting Director of Department of Planning and Growth Management, Ms. Evelyn Jacobson, Chief of Information Technology, Department of Fiscal and Administrative Services, and Ms. Joanne Hovis, President, CTC Technology and Energy were the presenters. Ms. Hall began the brief by recognizing the Broadband Team who were present. Ms. Hovis stated the company's goals and efforts by identifying and understanding gaps in the County's broadband service; recommend specific technical approaches while quantifying costs; develop strategies to maximize the use of federal and state funding opportunities. Ms. Hovis explained that the County's core issue is infrastructure and because of the County's substantial rural areas, development would be very difficult and costly. Ms. Hovis opined that 5G Wireless is not the solution to the County's rural areas because it requires close proximity to users and deployment is only likely in densely populated areas. Ms. Hovis stated that the County is eligibility for several Federal and State grant funds, highlighting the USDA ReConnect Grant and Loan Program for 2020 with five hundred fifty million (\$550,000,000) to be available soon. She noted that this program will require an Internet Service Provider (ISP) partner such as Southern Maryland Electric Cooperative (SMECO), Comcast or Verizon. and her company is working on strategies for leveraging Federal and State funds with these partners. Ms. Hovis completed her briefing by stating she believes the process would take two (2) to five (5) years., She offered interim recommendations for the County to work with potential private partners in order to begin leveraging funding and encourage SMECO to make their determination on partnering with the County.

Commissioners requested that Ms. Hovis draft a letter to SMECO's Board of Directors to encourage partnership and to reiterate the significance of this effort for the County's residents and bring it back for approval.

Commissioners' New Business

There was no new business discussed.

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***** To be Rescheduled for January 2020 *** Public Hearing: Comprehensive Water and Sewer Plan Amendments- 2019 Fall Cycle**

Ms. Susan Claggett, Clerk to the Commissioners, announced that today's 6:00 p.m. Public Hearing on the Comprehensive Water and Sewer Plan Amendments – 2019 Fall Cycle will be rescheduled for January 2020.

Closed Session

At 4:12 p.m. a motion was made by Commissioner Coates, seconded by Commissioner Bowling, and passed, with all Commissioners present, voting in favor to go into closed session pursuant to Section 3-305(b)(1)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss two (2) issues related to negotiations, and to discuss one (1) Personnel Issue related to job performance and discuss appointments to two (2) Commissioner Appointed Boards- The Planning Commission and the Board of Appeals. The reason for closing is to keep legal, approaches and strategies confidential and to keep personnel information confidential.

Summary Closed Session Items

At 4:28 p.m. the Commissioners went into closed session.

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

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, , Susan Claggett, Carol DeSoto, Elizabeth Theobalds, Brian Kagarise, Dottie Drinks, Diane Shelton, Samantha Knott, John Stevens.

Ms. Elizabeth Theobalds, Deputy County Attorney, stated the County had reached a settlement. She listed the remaining actions needed to complete settlement, according to the agreement.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to move the agreement forward.

3-305(b)(1)Personnel: Appointment to Commissioner Appointed Boards Request to Schedule Interviews for Board of Appeals and Planning Commission

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

Ms. Carol DeSoto, Acting Clerk to the Commissioners (training), requested permission to schedule interviews for applicants for the Board of Appeals and the Planning Commission.

The Commissioners directed Ms. DeSoto to schedule interviews for January 2020 only for the applicants who have completed the required online course.

Mr. Wes Adams, County Attorney, provided two (2) brief updates on two (2) legal issues.:

3-305(b)(1) Personnel Issue

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

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The Commissioners discussed issues related to complaints about job performance of an employee. Mr. Wes Adams, County Attorney, and Ms. Alexis Blackwell, Director, Department of Human Resources, provided information on how to address this issue.

The Commissioners provided staff with directions on how to proceed.

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

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Susan Claggett, Carol DeSoto, , Deborah Hall, Jeni Ellin, John Stevens, Lieutenant Brian Gardiner, Brandon Foster.

Mr. Brandon Foster, Director, Charles County Sherriff's Office Detention Center, outlined the needs related to this agreement.

Mr. John Stevens, Chief of Capital Services, Department of Public Works, reviewed the contract history.


**Commissioner Stewart left closed session at 5:40 p.m.*

The consensus of Commissioners present, Commissioner Collins, Rucci, Bowling and Coates were to place this item on the December 17, 2019 Agenda for approval.

Mr. Adams was to provide a brief synopsis of negotiation process for the December 17, 2019 Commissioners' Session.

At 5:51 p.m., a motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with Commissioners Rucci, Coates, Bowling and Collins present to end close session and adjourn. ** Commissioner Stewart was not present for the vote.*

Susan C. Claggett, Clerk



Reuben B. Collins, II, Esq., President

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FORM OF STATEMENT FOR CLOSING A MEETING

Location: Commissioners' Meeting Room

Date: December 3, 2019

Time: 4:28 p.m.

Motion By: Commissioner Coates

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

(ii) the development and implementation of emergency plans.

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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 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) Personnel Issue related to Employee Appointment

305(b)(1) Personnel: Commissioner Appointed Boards- Planning Commission and Board of Appeals

3-305(b)(7) Legal Advice/Settlement of Real Property and Negotiations

REASON FOR CLOSING: **To keep preliminary legal negotiations, discussions and approaches confidential.**



Reuben B. Collins, II, Esq., President