

Regular Meeting of County Commissioners
Tuesday, January 28, 2020

The regularly scheduled meeting of the County Commissioners convened at 9:01 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
Wes Adams, County Attorney
Susan Ramsey-Claggett, Clerk to the Commissioners

Open Session

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

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

The Commissioners recognized new employees, employees celebrating milestone years of service and retirees in the month of January 2020.

Recognition of Employee Service Awards

The Commissioners recognized several employees from the Department of Public Works, Utilities Division and Facilities Division, C-Wing: Commissioners' Office Staff, Central Services and Media Services, and the Department of Fiscal and Administrative Services, IT Division for their outstanding customer service and teamwork.

Recognition: The Maryland Maritime Archeology Program Person of the Year: Ms. Francis Parks

Ms. Francis Parks, Park Attendant at Malloes Bay-Potomac River National Marine Sanctuary, was recognized as the Person of the Year by the Maryland Maritime Archeology Program. Dr. Susan B. M. Langley, PhD., from the State Underwater Archeologist Maryland Historical Trust presented Ms. Parks with the award.

Proclamation 2020-02 Catholic Schools Week

The Commissioners proclaimed January 26, 2020 to February 1, 2020, as Catholic Schools' Week in Charles County. Proclamation 2020-02 was received by Ms. Sharon Caniglia, Principal, students and families representing St. Mary's Bryantown Catholic Schools, Ms. Linda Boone, Principal, students and families representing Archbishop Neale School, and Mr. J.R. West, Principal, students and families representing St. Peter's School.

Commissioners' Comments

There were no comments.

Approval of the Minutes of January 14, 2020

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 January 14, 2020.

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Notice of the Tentative Agenda of February 4, 2020

Ms. Susan Claggett, Clerk, announced the tentative agenda for February 4, 2020.

Approval Items

eBuds:

FY2020 Budget Amendment Increase #7424 - Public Works Facility

Presenter: Mr. Jacob Dyer, Chief of Budget, Department Fiscal and Administrative Services.

Mr. Dyer stated the purpose of the increase was to cover the emergency replacement costs of the La Plata Library Chiller that failed last summer. He explained the Department of Public Works used other funding resources to cover the costs but has impacted the Public Works Department's ability to fund other planned projects. Mr. Dyer stated the requested is for two hundred sixty-four thousand dollars (\$264,000). The Commissioners had no questions or comments.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling, to approve FY2020 Budget Amendment Increase #7424 - Public Works Facility, and passed.

FY2020 Budget Amendment Increase #7468 - Awning Seat Cover

Presenter: Mr. Jacob Dyer, Chief of Budget, Department Fiscal and Administrative Services.

Mr. Dyer stated the request is for the Capital Projects Fund in the amount of one hundred ninety-two thousand and four hundred dollars (\$192,400). He reminded the Commissioners that during the FY20 FY24 CIP Budget Review, the Commissioners cancelled the Blue Crabs Seating Renovation Project. He explained that the remaining outstanding invoices on the project have been paid, and the project can be officially closed. Mr. Dyer continued explaining that the project did not lead to an asset, therefore the County cannot use the bond proceeds that were originally used to fund the project and must use another funding source to cover the bills on the project. Mr. Dyer recalled the Commissioners' decision during the FY20 Fourth Quarter Review for the Fund Balance Reserve, approving seven hundred fifty thousand dollars (\$750,000). Mr. Dyer requested that some of these funds be used to pay the outstanding balance for the Blue Crabs Seating Renovation Project. The Commissioners had no questions or comments.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates, to approve FY2020 Budget Amendment Increase #7468 - Awning Seat Covers, and passed.

FY2020 Budget Transfer Request #7420 - Closed Circuit TV Video

Change Order #38 - Closed Circuit TV Video

Presenters: Mr. Jacob Dyer, Chief of Budget, Department Fiscal and Administrative Services and Ms. Alicia Afroilan, Engineer IV, Department of Planning Growth and Management.

Mr. Dyer requested that both the FY2020 Budget Transfer Request #7420 for the transfer of one hundred twenty-four thousand one hundred forty dollars (\$124,140) and Change Order #38 be considered and approved together as they are related. Mr. Dyer explained that these requests to transferring funds from the Mattawoman I&I Construction Line Project to the Mattawoman I&I A&E Project are to cover Change Order #38 which is to cover the cost of a Closed Circuit TV Video by the engineer of the project. Ms. Afroilan gave an overview stating these are on-going projects which document the ongoing issues of the County's sewer system, engineers' recommendations for repairs and then performing repairs. The Change Order is to add quantities to the existing contract. The Commissioners had no questions or comments.

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A motion was made by Commissioner Bowling, seconded by Commissioner Coates, to approve both FY2020 Budget Transfer Request #7420 and Change Order #38, and passed.

FY2020 Budget Transfer Request #7421 – Program Management Extension

Presenters: Mr. Jacob Dyer, Chief of Budget, Department Fiscal and Administrative Services.

Mr. Dyer stated that this request is related to the Mattawoman I&I Project and is to cover Change Order #39, requiring President Commissioner's approval. He explained the request is to transfer seventy-eight thousand ten dollars (\$78,010) from the Construction Sub Project to the A&E Sub Project. Mr. Dyer stated the request is a continuation of Change Order #37 that provided consult engineering consulting services for the Project Management of the Mattawoman I&I Project. The Commissioners had no questions or comments.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling, to approve FY2020 Budget Transfer Request #7421, and passed.

Clerk Resolution #2020-02

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci, to approve Ms. Susan Claggett as Clerk to the County Commissioners, and passed.

Charles County Legislative Summary

Presenter: Ms. Danielle Mitchell, Associate County Attorney.

Ms. Mitchell referred the Commissioners to the Legislative Tracking Report giving updates and statuses of several legislative items sponsored by the Charles County Delegation. She reported there are a total of seven Bills in the tracking report, five Bills in "In the House - First Reading" status and two Bills scheduled for hearings. The Charles County – Tax Increment Financing and Special Taxing Districts is scheduled for a hearing before the Ways and Means Committee on February 6, 2020 at 1:00 p.m. and the Southern Maryland Code Counties – Collective Bargaining is scheduled for a hearing before Appropriations Committee on February 4, 2020 at 1:00 p.m.

Commissioner Bowling asked Ms. Mitchell whether all the House Bills she presented were currently cross-filed in the Senate. Ms. Mitchell responded that not all House Bills presented were cross-filed. Commissioner Bowling requested Ms. Mitchell return next week with an update as to which House Bills are cross-filed with the Senate and to include deadlines.

Briefing: Rural Planning and Zoning Task Force Recommendations

Presenter: Ms. Jessica Andritz, Acting Deputy Director, Department of Planning and Growth Management, Mr. Charles Rice, Assistant Chief of Planning, Department of Planning and Growth Management and Mr. Martin Proulx, Agriculture Business Development Manager, Department of Economic Development.

Ms. Andritz stated the presentation is a follow up of a briefing from November 2019. She reminded the Commissioners that they had created the Rural Planning and Zoning Task Force in 2019 for the purpose of providing feed back and recommendations to Commissioners in joint with the Department of Planning Growth and Management.

Ms. Andritz preference the presentation contained statuses and the recommendations of the Department of Planning Growth and Management's (PGM) of eighteen (18) items to be highlighted. She requested it be on the record that Ms. Amy Daley, Planner for the environment section and Brianna Bowling, Chairperson for the Rural Planning and Zoning Task Force and Tim Lessner, member of the Rural Planning and Zoning Task Force.

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Ms. Andritz highlighted the following recommendations: create an Agricultural Advisory Board, a new PIN for an Agricultural Liaison, improve customer accessibility by implementing Camino and approval of a new PIN, and update zoning ordinance to reflect trends in agritourism, ecotourism and related economies by submitting a legislative package. Ms. Andritz continued her briefing by explaining PGM's recommendations in updating zoning ordinance to reflect Agritourism and Agricultural Operations work in tandem, the need to add "Fisheries Activities" to the list of permissible uses within the Critical Area Buffer and modify the definition to allow tasting rooms and tours, and adding "Shellfish Operations" to zoning ordinance. She added that PGM also recommends allowing owners averaging of rear yards, deductions of ten (10) feet for the setback of private residential roads, and supports amendments to restrictions on accessory uses and structures on lands.

Ms. Andritz explained that further study would be needed on the following items: exemptions for agricultural buildings on agricultural-accessed property, the revision of the phrase "Migrant Workers Housing" to "Seasonal Agricultural Workers Housing", cluster subdivisions on less than fifty (50) acres allowing farmland and forest areas to remain and consider shared septic/water-system usage, reduction of obstacles and barriers as incentives to retain young generations of farmers, and add modifications of width of private drive/road ordinances and changes for the subdivision regulations.

Ms. Andritz stated PGM's is not recommending moving forward on the eliminating County permitting requirements for piers and bulkheads.

Commissioner Collins requested additional ample opportunity and time to discuss each issue presented. Commissioner Stewart concurred, and suggested to Ms. Andritz that when a department offers recommendations, it should consider how it impacts the budget and present the cost of the impact at time of the briefing Commissioners.

Commissioner Collins rescheduled this briefing for the February 11, 2020.

Action of Boards, Commissions and Committees

Metropolitan Washington Council of Governments

A motion was made by Commissioner Rucci, seconded by Commissioner Coates, to reappoint all current members, and passed.

Commission for Veterans Affairs

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling, to approve three (3) new members and one (1) reappointment to the Commission for Veterans Affairs, and passed.

Area Council on Aging

A motion was made by Commissioner Coates, seconded by Commissioner Bowling, to approve three (3) new appointments to the Area Council on Aging, and passed.

Commissioners' New Business

There was no new business.

Closed Session

At 10:20 a.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) of the General Provisions Article of the Annotated Code of Maryland to discuss one personnel matter, 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss two (2) settlement proposals and 3-306 one (1) Administrative Function. The reason for closing is to keep applicant information confidential, and keep legal, approaches and strategies confidential.

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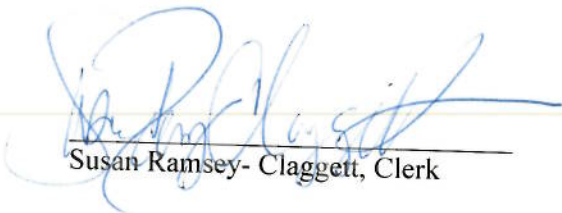
Closed Session began at 10:32 a.m.

Summary Closed Session Items

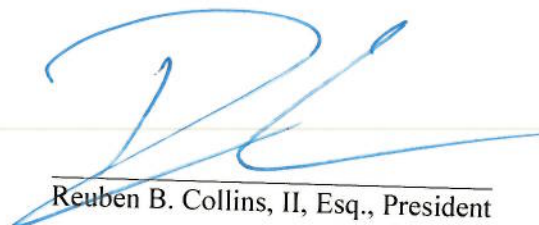
Present: Commissioners Collins, Rucci, Bowling, Coates and Stewart, Mark Belton, Wes Adams, Susan Claggett.

1. **Administrative Function**
Presenter: Ms. Susan Ramsey Claggett, Clerk to the Commissioners, Mr. Mark Belton, County Administrator and Mr. Wes Adams, County Attorney.
Commissioners rescheduled this item.
2. **3-305(b)(7) Settlement Proposal**
Presenter: Mr. Wes Adams, County Attorney and Ms. Jeni Ellin, Director, Department of Fiscal and Administrative Services.
Mr. Adams, County Attorney stated he would return with additional information to further brief the Commissioners.
3. **3-305(b)(7) Settlement Proposal**
Presenter: Mr. Wes Adams, County Attorney and Ms. Jeni Ellin, Director, Department of Fiscal and Administrative Services.
Commissioners authorized Mr. Adams, County Attorney to resolve settlement and to return with recommendations specific to this issue.
4. **3-305(b)(1) Boards, Commissions and Committees Appointment Review:**
Presenter: Ms. Carol DeSoto, Senior Commissioner Specialist
Commissioners reviewed applicants for Property Tax Assessment Appeal Board, Area Council on Aging, Commission for Women and Adult Public Guardian Review Board. They were joined by Ms. DeSoto.

At 10:55 a.m., Commissioner Stewart made a motion to adjourn. Her motion was seconded by Commissioner Coates and passed unanimously.



Susan Ramsey- Claggett, Clerk



Reuben B. Collins, II, Esq., President

FORM OF STATEMENT FOR CLOSING A MEETING

Location: Commissioners' Meeting Room

Date: January 28, 2020

Time: 10:20 a.m.

Motion By: Commissioner Coates

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:

(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) [X] 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

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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) Appointments to Boards, Commissions and Committee Assignments

REASON FOR CLOSING: To keep and maintain applicant information confidential.

3-305 (b)(7) Legal Advice on Two Agreements

REASON FOR CLOSING: To keep legal advice and approaches confidential.



Reuben B. Collins, II, Esq., President