

Regular Meeting of County Commissioners
Tuesday February 25, 2020

The regularly scheduled meeting of the County Commissioners was convened at 9:06 a.m. with the following persons in attendance:

Reuben B. Collins II, Esq., President, County Commissioner
Bobby Rucci, Vice President, County Commissioner **Joined Session at 9:52 a.m.*
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.

A motion was made by Commissioner Bowling, seconded by Commissioner Coates and passed, with Commissioners Bowling, Coates, Stewart and Collins present, voting in favor to approve making today, February 25, 2020 a Legislative Day. **Commissioner Rucci was not present for the vote.*

Recognition: Proclamation 2020-06 Scald Prevention Month

The Commissioners proclaimed February 2020 as Scald Prevention Month in Charles County. Proclamation 2020-06 was received by Mr. Aaron Kidder, Vice President, Professional Paramedics & EMT's of Charles County and Mr. John Filer, Chief, Department of Emergency Services.

Recognition: New Employees Introductions; Years of Service Awards (February 2020); and Employee of the Quarter (October, November and December 2019)

The Commissioners recognized new employees; those employees celebrating milestone years of service in the month of February 2020; and Mr. Chris Chase, Employee of the Quarter for October, November, December 2019.

Commissioners' Comments

There were no comments.

Notice of Tentative Agenda of March 3, 2020

Ms. Carol DeSoto, Acting Clerk, announced the tentative agenda for March 3, 2020.

Approval Items

Ebuds:

FY2020 Budget Transfer Request #7548 Sheriff's Office Salary and Personal Identification Number (Pin)

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this budget transfer request will increase the Sworn Administrative Salaries account to accommodate the need for one (1) full time accounts payable position, this approval will also need approval for the one (1) PIN for the Sheriff's Office. The funding will come from dissolving two (2) part time positions.

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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 approve the FY2020 Budget Transfer Request #7548 Sheriff's Office Salary and Personal Identification Number (Pin) for nineteen thousand two hundred dollars (\$19,200.00). **Commissioner Rucci was not present for the vote.*

FY2020 Budget Amendment Increase #7543 Contract Inspections

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this budget amendment increase request was to close out the yearly contract and for current inspections. These funds are available due to prior fiscal year fee collection revenues for inspections. This is funded from Enterprise Fund Balance.

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Stewart, Bowling, Coates and Collins present, voting in favor to approve the FY2020 Budget Amendment Increase #7543 Contract Inspections for three hundred and seventy six thousand dollars (\$376,000.00). **Commissioner Rucci was not present for the vote.*

FY2021 Annual VanGo Transportation Plan and Authorizing Resolution 2020-03

Ms. Deborah Carpenter, Director and Mr. Jeffry Barnett, Chief of Transit, Department of Planning and Growth Management, reviewed the consolidated grant application to Maryland Department of Transportation Maryland Transit Administration for transit operating and capital assistance. The net operating costs requested is for seven million, four hundred and six thousand, four hundred and fifty-seven dollars (\$7,406,457.00). The County's share of this is three million, one hundred and thirty-five thousand, four hundred and sixteen dollars (\$3,135,416.00) per application. These funds assume significant increase in Americans with Disabilities Act (ADA) transportation demand and funding request for full time security at both VanGo transfer points. The requested amount for Capital Assistance is one million, two hundred and eighty-eight thousand, one hundred dollars (\$1,288,100.00) of which, the County's share would be one hundred and twenty-eight thousand, eight hundred and ten dollars (\$128,810.00). This would cover Capitalized preventative maintenance, two (2) small paratransit buses, five (5) small fixed route buses, and facility design and engineering.

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 approve the application as presented. **Commissioner Rucci was not present for the vote.*

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with Commissioners Coates, Bowling, Stewart and Collins present, voting in favor to approve Authorizing Resolution 2020-03. **Commissioner Rucci was not present for the vote.*

**Break 9:36 a.m. - 9:45 a.m.*

Legislative Update

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney, reviewed the following Bills in the 2020 Maryland General Assembly Legislative Session:

**9:52 a.m. Commissioner Rucci joined session.*

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1. HB335 *Charles County - Public Safety - Buildings Used for Agritourism* – was withdrawn but the companion Senate Bill SB432 *Charles County - Public Safety - Buildings Used for Agritourism* is still active. Ms. Mitchell explained that it was pulled by the Charles County Delegation due to safety concerns. Letters were sent from public safety to address these concerns and support this Bill.

The Commissioners directed Ms. Mitchell to provide an update next week and find out the process for it being withdrawn such as did it go to vote than withdrawn? Was the committee favorable before it was withdrawn? Why exactly was it withdrawn. Once feedback is provided a draft letter of support should address these concerns of why it was withdrawn and be sent for SB432. The hearing for SB432 is scheduled for March 4.

2. HB344 *Video Lottery Operation License - Expansion and Alterations*– was withdrawn.

3. HB387 *Tri-County Council for Southern Maryland – Funding* – Ms. Mitchell will provide an update next week.

4. SB887 *Electric Generation –Transition from Fossil Fuels –Carbon Dioxide Emissions Rate and Transition Account*

Ms. Mitchell explained that this would affect Charles County GenOn/Morgantown Plant. The goal would be to phase out the use of coal plants by 2024.

The Commissioner indicated that the Departments of Fiscal and Administrative Services and Economic Development need to do a thorough review and impact analysis of the loss of jobs and closing of this plant. The Board of County Commissioners want to take a stand and be a part of the discussion with other counties affected by this bill and how it is framed and to make clear the County's position. The County needs to create a local task force to gather more information and the County should be on an advisory Board at State level if passed.

The Commissioners directed Ms. Mitchell to request a letter of information and to reach out to MACo to see the position of other jurisdictions impacted by this Bill. There is a need for state and local level impact analysis. There needs to be a conversation with delegation and senator.

5. SB930 *Natural Resources –Resident Canada Geese –Restrictions on Shooting*– Ms. Mitchell wanted to bring this to the Commissioners since it affects Charles County. This was not put forth by Charles County Delegation and they were not consulted on this Bill by St. Mary's Delegation.

6. HB1207 *Electric Companies –Conduit Installation–Single–Family Detached Developments*- No letters requested at this time.

7. HB1628 *Sales and Use Tax –Rate Reduction and Services* – This is the proposed tax that would help cover cost for Kirwan Plan. The Commissioners feel it would cause the County severe economic impact and is disproportionate for small and rural counties such as Charles County.

8. SB826 *Economic Development –Makerspace Initiative Pilot Program* – Commissioners need more information on this Bill. Ms. Mitchell indicated that the sponsor would like a letter of support.

Briefing and Request for Introduction: County Code Amendment Chapter 97

Ms. Deborah Carpenter, Director, and Mr. Jason Goth, Planning Director, Department of Planning and Growth Management explained that this Code Amendment change would expand the manner of payment of assessments for infrastructure improvements by allowing any unpaid benefit assessment to be transferrable to subsequent property owners. Chapter 97 enables the county to be petitioned by the majority of a community to upgrade or replace community water, sewer, or stormwater management systems. The amendment would enable a property owner to transfer the remaining debt to a subsequent property owner or purchaser of the property. Currently, Chapter 97 requires an affected homeowner to pay one hundred percent (100%) of their share of the costs for these infrastructure improvements before the home can be sold. This has created a barrier to home sales in affected communities, where neither the seller nor the buyer can afford to pay these costs at the settlement table. The proposed

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amendment would authorize the buyer to assume the debt and pay it back over time through future annual assessments.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to introduce newly numbered Bill 2020-01 County Code Amendment to Chapter 97, Benefit Assessments for Infrastructure Improvements.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to set the Public Hearing for Tuesday March 31, 2020 at 6:00 p.m. in the Charles County Government Building.

Briefing and Request for Introduction: Vehicle Parking Restrictions Amendment

Ms. Danielle Mitchell, Associate County Attorney, Charles County Office of the County Attorney, explained that this is a code change to Chapter 287 Vehicle Parking and Traffic Violations and Penalties section. When this Bill was passed in 2019 to achieve consistency with the Annotated Code of Maryland for defining “stopping” and “standing” the fine for those who are found in violation was inadvertently left out of the Bill. This amendment would add the language that would subject violators with a twenty dollar (\$20.00) fine for those who unlawfully stop, stand, or park a vehicle.

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to introduce newly numbered Bill 2020-02 County Code Amendment to Chapter 287 to include a penalty provision for violation under Parking Regulation article.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with all Commissioners present, voting in favor to set the Public Hearing for Tuesday March 31, 2020 at 6:00 p.m. in the Charles County Government Building.

Briefing and Request for Approval: VanGo Safety Management System Plan

Ms. Deborah Carpenter, Director and Mr. Jeffrey Barnett, Chief of Transit, Department of Planning and Growth Management, reviewed the VanGo Safety Management System Plan. The plan is required by the Federal government and includes safety performance targets, an employee safety reporting program, and safety risk mitigation procedures.

A motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the VanGo Safety Management System Plan.

Briefing and Request for Approval: International Trade Mission to Mozambique

Mr. Darrell Brown, Director, and Ms. Lucretia Freeman-Buster, Chief of Business Development, Department of Economic Development, briefed the Commissioners on the proposed international trade mission to Mozambique, which is being planned by the Economic Development Department in May 2020. Staff briefed the Commissioners on its Sister City partnership with Matola, in Mozambique, where they will help local businesses explore new markets and facilitate trade outside of the United States. They shared their proposed agenda, estimated staff-related expenses of eighteen thousand dollars (\$18,000.00) for five (5) County Staff, and the proposed members of the local delegation who plan to participate. Staff also provided background on the County’s other Sister City partnerships with

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Jogevia, Estonia and Walldorf, Germany, which were established to share information on mutual interests related to business and trade, community development, youth and education, and arts and culture.

Commissioner Bowling wanted to make it clear that he was paying for his own ticket personally to the Sister Trip to Walldorf, Germany this year.

The Commissioners requested staff to brief them on the status of the other Sister Cities of Walldorf and Estonia and to send the Board of County Commissioners a list of all the businesses going to Mozambique.

The Commissioners also directed staff to prepare a plan of action related to the Coronavirus and for Mr. Wes Adams, County Attorney, Charles County Office of the County Attorney to prepare documents for participants to complete prior to the trip to reduce exposure for the County. This should be done by the end of March.

A motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to approve the trade mission trip to Mozambique.

Briefing and Request for Approval: Energy Saving Performance Contracting Project

Mr. John Stevens, Chief of Capital Services, Department of Public Works Facilities and Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, presented information about an energy savings audit of county facilities that identified opportunities for reducing utility expenses, decreasing water consumption, advancing climate change goals, and supporting minority businesses through subcontractor participation. They summarized recommendations, that would include upgrades to LED lighting, replacement of certain infrastructure to conserve water use, and improvements in HVAC controls to reduce energy consumption.

A motion was made by Commissioner Coates, seconded by Commissioner Rucci and passed, with all Commissioners present, voting in favor to approve Budget Amendment Increase #7576 Energy Lease for five million, three hundred and eighty-two thousand, eight hundred dollars (\$5,382,800.00).

Second Quarter General Fund Report Review

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, updated the Commissioners on the second quarter FY2020 General Fund ending December 31, 2019. They reviewed revenues, expenditures, and the estimated fiscal year-end fund balance. They also reviewed the Fund Balance Policy.

Ms. Ellin recommended the need to review the budget calendar in light of the trade mission trip to Mozambique, and potentially make changes to the calendar as needed.

Action on Boards, Commissions and Committees

A motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with all Commissioners present, voting in favor to reappoint Marvin Blake and to appoint Kathleen Seay and Stanley Ruth as At Large Members and to appoint Jennifer Walker as an Alternate Member to the Board of Appeals.

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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 appoint Dawud Abdur Rahman to the Planning Commission.

Commissioners' New Business

Commissioner Collins suggested merging the Board of County Commissioners Quarterly Town Hall Meetings with the concept of a County Seat for the Day at which a regular session day would be convened at the same location the Board of Commissioners were to hold their Quarterly Town Hall Meeting.

Commissioner Stewart suggested having the Board of Commissioners Meeting start later in the day once a quarter and hold the Board of County Commissioners Quarterly Town Hall Meetings in the Government Building to help make the Commissioners' meetings more accessible for residents.

The Commissioners requested to have staff provide a follow up briefing with the concept of the Board of County Commissioners Quarterly Town Hall Meetings to coincide with the concept of the County Seat of the Day. This should be discussed for the second quarter Board of Commissioners Quarterly Town Hall Meetings. Staff should also include a fiscal note and logistics of doing this.

Closed Session

At 12:16 p.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)(7) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice. The reason for closing is to keep legal, approaches and strategies confidential.

Summary Closed Session Items

At 12:31 p.m. the Commissioners went into closed session.

3-305(b)(7) Legal Advice: Update on an Agreement

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

Mr. Kurt Fischer, Outside Counsel, provided legal advice on a pending issue outlining potential options and approaches.

A motion was made by Commissioner Rucci, seconded by Commissioner Coates and passed, with Commissioners Rucci, Coates, Bowling and Collins voting in favor to have staff follow specific directions related to this issue. **Commissioner Stewart was opposed.* The motion passed four (4) to one (1).

**Break 1:41 p.m. – 1:58 p.m.*

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

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

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Ms. Danielle Mitchell, Associate County Attorney, Charles County Office the County Attorney and Ms. Deborah Hall, Deputy County Administrator, reviewed the renewal of an existing contract and some suggested terms.

The Commissioners directed to have Economic Development provide an update.

A motion was made by Commissioner Collins, seconded by Commissioner Coates and passed, with Commissioners Collins, Coates and Rucci voting in favor to the specific changes in the contract. **Commissioners Stewart and Bowling were opposed.* The motion passed three (3) to two (2).

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

Present: Commissioners Collins, Rucci, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, Elizabeth Theobalds, and Dina Barclay.

Ms. Elizabeth Theobalds, Deputy County Attorney, Charles County Office of the County Attorney, provided a history and outline of issues brought forth to the Commissioners related to this agreement.

At 2:48 p.m. Commissioner Coates left session

A motion was made by Commissioner Collins, seconded by Commissioner Bowling and passed with Commissioners Collins, Bowling, Rucci and Stewart present, voting in favor to have staff draft a response letter outlining the facts to respond to the issues raised. This letter should be brought back to the Commissioners on March 24, 2020. **Commissioner Coates was not present for the vote.*

3-305(b)(7) Legal Advice-Contractual Language

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

Mr. Wes Adams, County Attorney, Charles County Office of the County Attorney, reviewed contractual language in a potential agreement.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Rucci, Bowling, Stewart and Collins present, voting in favor to have Mr. Adams proceed with the language as presented. **Commissioner Coates was not present for the vote.*

At 3:51 p.m. a motion was made by Commissioner Bowling, seconded by Commissioner Stewart and passed, with Commissioners Bowling, Stewart, Rucci and Collins present, voting in favor to end close session. **Commissioner Coates was not present for the vote.*

The Commissioners returned to open session at 3:56 p.m. **Commissioner Coates was not present.*

****TO BE RESCHEDULED** Work Session: Commissioners' Annual Goals and Objectives**

It was announced that this item would be rescheduled.

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At 3:57 p.m., a motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Stewart, Bowling, Rucci, and Collins present, voting in favor to adjourn.

**Commissioner Coates 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: February 25, 2020

Time: 12:16 p.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

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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: Four (4) Negotiations/Agreements

REASON FOR CLOSING: To keep legal approaches confidential



Reuben B. Collins, II, Esq., President