

Regular Meeting of County Commissioners
Tuesday May 12, 2020

The regularly scheduled meeting of the County Commissioners was convened virtually at 9:00 a.m. with the following persons in attendance:

Reuben B. Collins II, Esq., 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, Clerk to the Commissioners

**Bobby Rucci, Vice President, County Commissioner, was not present*

Call to Order/Pledge

Commissioner Collins called the meeting to order, and Commissioner Coates led the Pledge of Allegiance.

Charles County Health Department Update: Coronavirus/CoVid-19

Dr. Howard Haft, Executive Director, Maryland Primary Care Program, Maryland Department of Health, and Ms. Michelle Lilly, Director, Department of Emergency Services provided an update on COVID-19. Dr. Haft shared the latest numbers of positive COVID-19 cases in Charles County. He further explained that more than three hundred and seventy (370) individuals have been tested at skilled nursing facilities; the state's contact tracing will begin soon; and provided information on the Governor's Roadmap to Recovery.

Ms. Lilly shared that a plan for personal protective equipment protection decontamination and reuse of N95s and eye protection has been developed for County first responders. She also mentioned that there were two thousand (2,000) cloth face masks donated from the community for first responders.

Commissioner Collins suggested that the State consider adding two (2) positions to the Charles County Department of Health one (1) for an Ombudsman position similar to the State program as well as a Health Department Environmental Health Inspector both to work with the nursing homes.

Comments

Commissioner Bowling stated that Commissioner Rucci was giving away hot meals today at his restaurant. He also suggested that the Commissioners consider directing staff to look into a County owned location for a memorial for COVID19 victims.

Commissioner Collins agreed that this was a good idea that needs further discussion. Commissioner Bowling stated that Commissioner Rucci wanted this idea brought up as well. The Commissioners agreed with this idea.

Approval of the Minutes May 5, 2020

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 the minutes of May 5, 2020. **Commissioner Rucci was not present for the vote.*

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Notice of the Tentative Agenda of May 19, 2020

Ms. Carol DeSoto, Clerk to the Commissioners, reviewed the tentative agenda for May 19, 2020. She also reviewed the dates the Commissioners are scheduled to meet during June and July.

The Commissioners agreed that there is always flexibility to give notice and meet on additional dates if needed.

Approval Items

FY2020 Budget Transfer Request 7656 Public Works Material Recovery Facility

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this request was to cover the shortage in the processing of single stream recyclables and the funds were available in the curbside yard waste and collection funds and part-time salary funds.

Commissioner Stewart wanted to request a briefing related to Material Recovery Facility. And how money is spent related to recycling processing.

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 FY2020 Budget Transfer Request 7656 Public Works Material Recovery Facility for one hundred thousand dollars (\$100,000.00). **Commissioner Rucci was not present for the vote.*

FY2020 Budget Transfer Request 7765 Organizational Assessment

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this request was to provide funds for an organizational assessment service for the potential reorganization of the Department of Planning and Growth Management.

Commissioner Stewart expressed her disagreement with this study and the process.

A motion was made by Commissioner Coates, seconded by Commissioner Bowling and passed, with Commissioners Coates, Bowling and Collins present, voting in favor to approve FY2020 Budget Transfer Request 7765 Organizational Assessment for fifty eight thousand dollars (\$58,000.00).

**Commissioner Stewart was opposed, and Commissioner Rucci was not present for the vote.*

FY2020 Budget Transfer Request 7769 Cobb Island Bridge Replacement

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this request is to cover the costs of the final Maryland Department of Transportation (MDOT) for the sewer main alongside the new bridge.

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 FY2020 Budget Transfer Request 7769 Cobb Island Bridge Replacement for one hundred and six thousand four hundred and eighty dollars (\$106,480.00). **Commissioner Rucci was not present for the vote.*

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Mattawoman Water Treatment Plant Change Order #26

Mr. Charles Strawberry, Program Manager, Water and Sewer, Department of Public Works Facilities, explained that this change order would cover the reconciliation of the prevailing wages from December 2017 to December 2019 due to an eighty-three (83) day bid duration.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with Commissioners Stewart, Coates, Bowling and Collins present, voting in favor to approve the Mattawoman Water Treatment Plant Change Order #26. **Commissioner Rucci was not present for the vote.*

Federal Funding Certification and Agreement

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services explained that this was the agreement with the State related to The Coronavirus Relief funds provided to the State under the Federal CARES Act.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with Commissioners Stewart, Coates, Bowling and Collins present, voting in favor to approve the Federal Funding Certification and Agreement. **Commissioner Rucci was not present for the vote.*

National Park Service - Marshall Hall

Ms. Deborah Hall, Deputy County Administrator, and Ms. Shanee Major-Kelly, Associate County Attorney I, explained that this was the agreement that was presented in November of 2019 that was held while Commissioner Coates did additional research. It was brought back today for approval at the request of Commissioner Coates.

A motion was made by Commissioner Coates, seconded by Commissioner Stewart and passed, with Commissioners Coates, Stewart, Bowling and Collins present, voting in favor to approve the National Park Service - Marshall Hall Lease. **Commissioner Rucci was not present for the vote.*

Briefing and Request for Approval: Housing Choice Voucher Waiting List

Ms. Rita Wood, Housing Authority Chief, and Ms. Dina Barclay, Director, Department of Community Services, provided a presentation on the Housing Choice Voucher Waiting List, which is planned to open, for the first time in eight (8) years, at the end of June. The application process will be conducted online, and details will be provided to those who may require assistance.

Briefing: Rental Housing Work Group Report

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney, and Mr. Don Litten, Code Official, Department of Planning and Growth Management, provided a presentation on the Rental Housing Work Group Report. They explained trends in rental housing complaints, challenges to enforcement, benefits of rental licensing program and the process and challenges to implementing this type of program. The next steps would include developing a fiscal analysis, drafting and distributing targeted rental housing survey to community stakeholders, and holding one or more community listening sessions including input from the Southern Maryland Association of Realtors (SMAR), Tri-County Community Action Committee, and Lifestyles. Ms. Mitchell concluded that they would provide another update mid-summer.

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Briefing: New Normal Task Force

Ms. Deborah Hall, Deputy County Administrator, and Ms. Michelle Lilly, Director, Department of Emergency Services, provided a briefing on the New Normal Task Force. They explained that the task force is working to develop a safe and gradual plan to operate Charles County Government with specific guideline and proposed procedures that would ensure a safe plan to protect employees and stop the spread of the COVID-19 virus. They reviewed the Four (4) Phased Approach to this plan which included: Phase I – Slow the Spread; Phase II- Safe and Gradual Return for County Employees; Phase III- Safe and Gradual Opening to the Public; and Phase IV- The New Normal.

Budget Work Session: Follow-Up FY2021 Enterprise Funds, FY2021 Special Revenue Funds, FY2021 New Position List- All Funds, FY2021 General Fund, and FY2021-FY2025 Governmental Capital Improvement Programs (CIP)

Ms. Jenifer Ellin, Director, and Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Service, reviewed the FY2021 General Fund Operating Budget. They also provided information on the Enterprise Funds, Special Revenue Funds, FY2021 New Position List, and FY2021-FY2025 Capital Improvement Projects. They also reviewed the Commissioners' budget proposals and future considerations.

Commissioner Collins explained that they would review each Commissioner's proposal with the understanding that if any Commissioner proposal had a two (2) to two (2) vote, it could be brought back next week when Commissioner Rucci could weigh in on it.

Commissioner Bowling agreed to delay his proposal for the Second Chance Scholarship Pilot Program and include it in with Commissioner Collins' proposal for future funding of a Criminal Justice Reform Program. He also removed his request for funding of the Dorchester Community Center.

The consensus of the Commissioners present was to bring back Commissioner Coates proposed funding for a feasibility study to determine the best fit and location for a potential Bryans Road Senior and Recreational Center, next week as a FY2020 Budget Transfer Request.

A motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with Commissioners Stewart, Coates, Bowling and Collins present, voting in favor to include the Volunteer Lawyer Program at the Charles County Legal Clinic in the budget. **Commissioner Rucci was not present for the vote.*

A motion was made by Commissioner Stewart, seconded by Commissioner Bowling to approve her add/delete request. Commissioners Coates and Collins were opposed. **Commissioner Rucci was not present for the vote.*

Commissioner Stewart's proposal was to delete funding for the Chief Equity Officer and add it funding the State's Attorney's Diversion Program Attorney and add operating costs for the Charitable Trust.

Mr. Wes Adams, County Attorney, explained that since Commissioner Collins contemplated an impasse, the vote was still open to be resolved with the fifth Commissioner's vote. Commissioner Collins can reopen this discussion and vote next week.

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The Commissioners discussed Commissioner Bowling's request to consider adding funding for a Board of Education Cost of Living Adjustment (COLA), and a merit increase for County Government employees if revenues exceed a certain amount. It was agreed to wait and consider this in December. Commissioner Stewart suggested to even consider a more conservative approach and consider a bonus.

Ms. Ellin concluded by informing the Commissioners that Commissioner Coates' proposal to add the Billingsley Road Realignment project to the CIP was not added. Mr. Adams explained that the Commissioners could not fund something that did not follow the regulatory process. This proposal would need to be reviewed by the Planning Commission to be considered as a change/amendment to the Comprehensive Plan.

A motion was made by Commissioner Coates to include funding the Billings Road Realignment Project in the CIP while an amendment is being requested. There was no second to this motion.

The majority of the Commissioners did not recommend adding the Billingsley Road Realignment project to the FY2021-FY2025 CIP budget.

Commissioners' New Business

There was no new business discussed.

Closed Session

At 1:31 p.m., motion was made by Commissioner Stewart, seconded by Commissioner Bowling and passed, with Commissioners Stewart, Bowling, Coates and Collins present, voting in favor to move into Closed Session where all or a portion of this session may be closed pursuant to Section 3-305(b)(1)(7) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice on five (5) issues. One (1) issue relates to personnel review; one (1) issue is related to a potential lease agreement; two (2) issues are related to potential contract/agreements; and one (1) issue is related to a legal inquiry. The reason for going into closed is to keep legal approaches and strategies confidential. **Commissioner Rucci was not present for the vote.*

Summary Closed Session Items

At 1:35 p.m. the Commissioners went into virtual closed session.

3-305(b)(1) Personnel: Review

Present: Commissioners Collins, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Alexis Blackwell, Megan Donnick, Deborah Hall, Jenifer Ellin, Nancy Berkley, and Samuel Wilburn.

Ms. Nancy Berkley, Vice President, and Mr. Samuel Wilburn, Consultant, Evergreen Solutions, LLC, reviewed the results of the personnel study conducted.

3-305(b)(7) Legal: Potential Lease

Present: Commissioners Collins, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Deborah Hall, and Jenifer Ellin.

Ms. Deborah Hall, Deputy County Administrator reviewed potential lease options.

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The consensus of the Commissioners was for Ms. Hall to proceed with the negotiations of the proposed lease and proceed with the current lease as outlined.

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

Present: Commissioners Collins, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Dina Barclay, Wes Adams, Bill DeAtley, Jenifer Ellin, Shanna Reese, Rita Wood.

Staff reviewed a current contract up for renewal and proposed options.

The consensus of the Commissioners was to bring back this issue on May 19, 2020.

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

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

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services, reviewed a proposed plan/agreement.

305(b)(7) Legal Advice: Legal Inquiry

Present: Commissioners Collins, Bowling, Coates, and Stewart, Mark Belton, Wes Adams, Carol DeSoto, Danielle Mitchell, and Jenifer Harris.

Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney, explained an inquiry received and the proposed actions.

The Commissioners provided staff with directions on how to proceed.

At 3:58 p.m. a motion was made by Commissioner Stewart, seconded by Commissioner Coates and passed, with Commissioners Stewart, Coates, Bowling, and Collins 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: Virtual

Date: May 12, 2020

Time: 1:31 p.m.

Motion By: Commissioner Stewart

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) 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)(1) Personnel: Review

3-305(b)(7) Legal Advice: One (1) Potential Lease


REASON FOR CLOSING: To keep legal approaches confidential

3-305(b)(7) Legal Advice: Two (2) Contract/Agreements

REASON FOR CLOSING: To keep legal approaches confidential

3-305(b)(7) Legal Advice: One (1) Legal Inquiry

REASON FOR CLOSING: To keep legal approaches confidential



Reuben B. Collins, II, Esq., President