

Regular Meeting of County Commissioners
Tuesday, September 9, 2008 (1 of 1)

Ribbon Cutting Ceremony: St. Charles Parkway and Rosewick Road Phase 3

The Commissioners conducted a ribbon cutting ceremony for St. Charles Parkway and Rosewick Road Phase 3.

Ribbon Cutting Ceremony: Board of Elections Office

The Commissioners conducted a ribbon cutting ceremony for the Charles County Board of Elections Office at 201 East Charles Street La Plata, Maryland 20646.

Industrial Site Tour: Southern Materials, Great Mills, Maryland

Commissioners Cooper, Patterson and Graves, Mr. Roy Hancock, Assistant to the County Administrator, Ms. Joyce Schmidt, Chief of Staff, Mr. Chuck Beall, Director of Planning & Growth Management, and Mr. Reed Faasen, Acting Planning Director, toured Southern Materials in Great Mills, Maryland, a sand and gravel mine and wash facility, as a part of their due diligence process in connection with proposed Zoning Map Amendment #07-31 Jenkins Property.

Denise M. Ferguson, Clerk

Wayne Cooper, President

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The regularly scheduled meeting of the County Commissioners was convened at 2:03 p.m. with the following persons in attendance:

Wayne Cooper, President, County Commissioners
Edith J. Patterson, Vice President, County Commissioners
Reuben B. Collins, II, County Commissioner
Samuel N. Graves, Jr., County Commissioner
Gary V. Hodge, County Commissioner
Roy Hancock, Assistant to the County Administrator*
Paul W. Comfort, County Administrator*
Roger L. Fink, County Attorney
Joyce Schmidt, Chief of Staff
Denise Ferguson, Clerk to the Commissioners

**Mr. Hancock attending this meeting from 2:03 p.m. until 4:17 p.m.*

**Mr. Comfort arrived at 4:17 p.m.*

The meeting was opened with the Pledge of Allegiance to the Flag led by Commissioner Graves.

Moment of Silence: In Remembrance of the lives lost on September 11, 2001

Public Hearing: VanGO Annual Plan Fiscal Year 2010

The Commissioners conducted a public hearing on the VanGO Fiscal Year 2010 Annual Plan and grant application.

Ms. Lisa Quill, Chief of Transportation, provided the Commissioners with an overview of the changes from last year's VanGO Plan. She reported that no new service requests were being included in the Fiscal Year 2010 application, and that capital funding includes 6 replacement vehicles (3 small bus, 3 medium bus), an electronic fare collection system, and additional signs at designated VanGO stops were being requested. Ms. Quill also provided an overview of VanGO general statistics including the number of passenger trips, revenue generated, and costs per passenger. Ms. Quill advised the Commissioners that staff would be coming before the Commissioners within the next couple of weeks to provide a briefing and proposed recommendations relating to concerns with the Fiscal Year 2009 VanGO budget.

Commissioner Cooper read the rules of the public hearing, and opened the hearing up to those signed up to comment on the Plan.

Ms. Melissa Tyner and Ms. Tina Sheff, both representing the Springdell Center, provided testimony to request that the County look into expanded VanGO service in the La Plata area. The Commissioners requested that staff research Springdell's concerns.

A motion was made by Commissioner Hodge, seconded by Commissioner Collins, and passed with all Commissioners present voting in favor to approve the VanGO Annual Plan for Fiscal Year 2010 as presented by staff.

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County Business

Recognition of Department of Fiscal & Administrative Services-Information Technology as 2008 National Association of Counties 2008 Digital Counties Survey Winner

The Commissioners congratulated the Department of Fiscal & Administrative Services-Information Technology Department on winning the National Association of Counties 2008 Digital Counties Survey for the sixth year.

Proclamation: National Preparedness Month

Selection of Attorney for Other Post Employment Benefits (OPEB) Trust Fund

Ms. Deborah Hudson, Director of Fiscal & Administrative Services, briefed the Commissioners on her department's analysis of legal fees and experience of the law offices of DLA Piper, Miles & Stockbridge, P.C., and Whiteford, Taylor & Preston, LLP with respect to the establishment of an Other Post Employment Benefits (OPEB) Trust for the County's GASB 45 liability. Ms. Hudson indicated that she would recommend that Whiteford, Taylor & Preston, LLP be selected as the firm to establish the OPEB Trust due to their comprehensive experience with OPEB Trusts.

Mr. Roger Fink, County Attorney, suggested, and the Commissioners collectively agreed, that the Commissioners may want to schedule a work session regarding the establishment of an OPEB Trust account.

A motion was made by Commissioner Patterson, seconded by Commissioner Collins, and passed with all Commissioners present voting in favor to approve staff's recommendation to select Whiteford, Taylor & Preston, LLP.

FY09 Budget Transfer Request, \$1,200,000, Capital Projects, New Library Construction

Ms. Deborah Hudson, Director of Fiscal & Administrative Services, and Mr. Chuck Beall, Director of Planning & Growth Management, presented the Commissioners with a FY2009 Budget Transfer Request in the amount of \$1,200,000 to cover land acquisition, title insurance, settlement, homeowners association fees, abstract and appraisal fees for the new library.

A motion was made by Commissioner Hodge, seconded by Commissioner Graves, and passed with all Commissioners present voting in favor to approve the Budget Transfer Request.

Approval of Minutes of July 28-29, 2008/Consent Agenda

A motion was made by Commissioner Hodge, seconded by Commissioner Patterson, and passed with all Commissioners present voting in favor to approve the Minutes of July 28-29, 2008, as amended, and the consent agenda.

New Business

1. U.S. Navy – Lease of Waldorf Tower - Mr. Roger Fink, County Attorney, requested that the Commissioners authorize the Commissioner President to execute two originals of a lease agreement with the United States Navy on behalf of the Marine Corps for radio tower space on the Waldorf tower. Mr. Fink explained that the terms had previously been negotiated with the Navy and that the Navy had just returned the lease to the County for execution. He also indicated that the Navy had agreed to all of the County's requested provisions including that there would be no disruption to the public safety communication system.

A motion was made by Commissioner Graves, seconded by Commissioner Collins, and passed with all Commissioners present voting in favor to allow Commissioner President Cooper to execute the lease on behalf of the Commissioners.

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New Business – continued

2. Unclaimed IRS Stimulus Checks – In follow-up to an e-mail received from Senator Cardin's office, Commissioner Patterson requested that staff issue a press release reminding seniors and disabled veterans-who might otherwise not be required to file a tax return-to file a return this year so they can collect their stimulus rebate. She noted that almost 100,000 Marylanders are missing out on their stimulus rebate because they failed to file a tax return.

Individuals must file by October 15 to receive the funds due to them. No rebate checks will be mailed out after December 31, 2008.

3. Press Coverage of State Budgets Shortfall – Commissioner Hodge provided the Commissioners with a copy of the August 27, 2008 letter from the Director of the Department of Legislative Services for the State of Maryland to leaders of the General Assembly which provides guidance on actions that can be taken by the Governor to address the state budget issues and revenue shortfalls. Commissioner Hodge noted that the Commissioners need to be alert to the possibility that by the powers granted to him at the State level, the Governor may be making decisions between now and when the Fiscal Year 2010 budget is presented which may have consequences on the County.

4. Additional Court Space – In follow-up to a meeting with Judge Clagett related to courthouse space issues, Commissioner Cooper advised the Commissioners that, at this time, the Judge is not interested in assistance from the County for additional courtroom space. He did indicate that he would appreciate the Commissioners support for an additional judgeship in Charles County. The Commissioners collectively agreed to provide a letter of support of the new judgeship.

Work Session: Proposed Cable Ordinance Amendments

In follow-up to the introduction of Bill #2008-15 to amend the County's Cable Ordinance on September 3, 2008, the Commissioners conducted a work session on the proposed amendments and cable service in the County. Mr. Roger Fink, County Attorney, advised the Commissioners that a portion of this work session may need to be conducted in closed session pursuant to Section 10-508 of the Annotated Code of Maryland due to current negotiations with Verizon.

Mr. Roger Fink, County Attorney, Mr. Rick Elrod of Miller Van Eaton, outside counsel for the County, and Mr. Richard Aldridge, Director of Fiscal & Administrative Services – IT Administration, provided the Commissioners with a review of the proposed amendments which will provide the County with the opportunity to expand cable service in Charles County and to entertain an agreement with Verizon for cable service in the County.

The Commissioners discussed county wide coverage, competitive rates, and clarified provisions in the Ordinance related to customer service protection requirements.

At 4:05 p.m., a motion was made by Commissioner Hodge, seconded by Commissioner Collins, and passed with all Commissioners present voting in favor to go into closed session pursuant to Section 10-508 of the State Government Article of the Annotated Code of Maryland to discuss the particulars of the negotiation strategies with Verizon, and to discuss:

- One item to consult with legal counsel for legal advise;
- One item relating to land acquisition; and
- Four personnel items.

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Summary of Closed Session Items

The Commissioners discussed a contract negotiation item related the the County's Cable Ordinance with Mr. Roger Fink, County Attorney, Mr. Rick Elrod of Miller Van Eaton, outside counsel for the County, and Mr. Richard Aldridge, Director of Fiscal & Administrative Services – IT Administration.

The Commissioners provided staff with direction related to two potential leases for County-owned property.

The Commissioners collectively agreed to direct staff to finalize a County personnel policy.

The Commissioners deferred two of their personnel items (Appointments and an annual performance evaluation) until next week.

**The Commissioners came out of closed session at 5:45 p.m.*

There being no further business, the meeting was adjourned at 5:45 p.m.

Denise M. Ferguson, Clerk

Wayne Cooper, President