

Regular Meeting of County Commissioners

Tuesday June 16, 2020

The regularly scheduled meeting of the County Commissioners was convened virtually at 9:04 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
Amanda M. Stewart, M.Ed., County Commissioner
Deborah Hall, Deputy County Administrator
Wesley Adams, County Attorney
Carol A. DeSoto, Clerk to the Commissioners

**Thomasina O. Coates, M.S., County Commissioner was absent.*

Call to Order/Pledge

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

Roll Call

A roll call was taken. Commissioners Collins, Rucci, Bowling and Stewart were present.

**Commissioner Coates was absent.*

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. Ms. Lilly shared that the COVID positive cases and deaths have significantly declined in Charles County. Due to the decline in COVID positive transports, the contracted decontamination operations will be discontinued, and training will be provided to all first responders on how to decontaminate their apparatus. The Emergency Operations Center will continue in monitoring status only and will stay activated through June 29.

Dr Haft shared that the State of Maryland numbers are continuing to decline. The Department of Health has posted information on their website for the how Food Services can submit a plan of compliance for reopening.

Comments

There were no comments.

Approval of the Minutes of June 2 and June 4, 2020

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Stewart and Collins present, voting in favor to approve the minutes of June 2, 2020. **Commissioner Coates was absent.*

A motion was made by Commissioner Stewart seconded by Commissioner Rucci and passed, with Commissioners Stewart, Rucci, Bowling and Collins present, voting in favor to approve the minutes of June 4, 2020. **Commissioner Coates was absent.*

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Announcement: Next Commissioner Session will be held July 7, 2020

Ms. Carol DeSoto, Clerk to the Commissioners, announced that the next scheduled session was on July 7, 2020.

Approval Items

Board of Election Lease

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Stewart, and Collins present, voting in favor to approve the Board of Election Lease. **Commissioner Coates was absent.*

Lifestyles Lease

Commissioner Stewart requested that legal handle the termination of the previous agreement with Lifestyles since it no longer required with this new lease 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 approve the Lifestyles Lease. **Commissioner Coates was absent.*

FY2020 Budget Amendment Increase #7551 Southern Maryland Criminal Justice Academy (SMCJA) Kitchen Renovation

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this request was to increase the FY19 Various Maintenance Projects Construction Budget and proceed with renovation work on the kitchen which was approved by the Board of Sheriff's for the Southern Maryland Criminal Justice Academy.

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 approve FY2020 Budget Amendment Increase #7551 for twelve thousand one hundred dollars (\$12,100.00). **Commissioner Coates was absent.*

FY2021 Budget Amendment Increase #7900 Election Board Rent

Mr. Jacob Dyer, Chief of Budget, Department of Fiscal and Administrative Services, explained that this request was to establish a budget for subleasing space for the Board of Election. The term is July 1, 2020 ending on January 31, 2022.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Stewart, and Collins present, voting in favor to approve FY2021 Budget Amendment Increase #7900 for fifty-four thousand dollars (\$54,000.00). **Commissioner Coates was absent.*

Proposed Resolution to Extend State of Emergency

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Stewart, and Collins present, voting in favor to approve Resolution 2020-16 Renewed Declaration of a Local State of Emergency. **Commissioner Coates was absent.*

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College of Southern Maryland Letter of Intent-Capital Improvement Projects

A motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with Commissioners Rucci, Stewart, Bowling, and Collins present, voting in favor to approve the College of Southern Maryland Letter of Intent. **Commissioner Coates was absent.*

College of Southern Maryland Velocity Center Memorandum of Agreement Variance

Dr. Maureen Murphy, President, College of Southern Maryland, explained that this request was to reallocate one hundred thousand dollars (\$100,000.00) for dedicated makerspace equipment that could not be purchased during the COVID-19 emergency to be spent on event-related assets that are needed at the facility.

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with Commissioners Stewart, Rucci, Bowling and Collins voting in favor to approve the College of Southern Maryland Velocity Center Memorandum of Agreement Variance. **Commissioner Coates was absent.*

Letter of Support for Grant Application-Resiliency Plan for Indian Head Naval Facility

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Stewart, and Collins present, voting in favor to approve the Letter of Support for the Grant Application-Resiliency Plan and to allow the Planning Director to sign grant documents. **Commissioner Coates was absent.*

Appointment Recommendation -Director of Emergency Management

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 send appointment recommendation letter to the Governor to appoint Ms. Michelle Lilly, Director of Emergency Services, as the Director of Emergency Management for Charles County **Commissioner Coates was absent.*

Formalized Standard Operating Procedures (SOP): COVID-19 Relief Loan Program and COVID-19 Relief Grant Program for Businesses in Charles County

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Stewart, and Collins present, voting in favor to approve the Standard Operating Procedure for the COVID-19 Relief Loan Program for Businesses. **Commissioner Coates was absent.*

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 approve the Standard Operating Procedure for the COVID-19 Relief Grant Program for Businesses. **Commissioner Coates was absent.*

Action on Boards, Commissions, and Committees

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Stewart, and Collins present, voting in favor to reappointment Christi

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Montgomery as an At Large member to the Animal Matters Hearing Board. **Commissioner Coates was absent.*

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 appoint Cynthia Nelson as a citizen member to the Area Council on Aging. **Commissioner Coates was absent.*

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 appoint of Allison Hartley as a Professional in the Field of Disabilities to the Adult Guardianship Review Board. **Commissioner Coates was absent.*

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 appoint Michael Windsor as a citizen member to the LOSAP Board. **Commissioner Coates was absent.*

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 reappoint Thomas Wathen as Representative of an Electric Cooperative/Company; and reappoint John Zanelotti as Chairman of the Board of Electrical Examiners. **Commissioner Coates was absent.*

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Stewart, and Collins present, voting in favor to reappoint Danielle Staudt as a Citizen Member and to appoint Karla Kornegay and Suzanne Darby as Citizen Members to the Library Board of Trustees. **Commissioner Coates was absent.*

**Break 9:55 a.m. – 10:32 a.m.*

Briefing and Request for Approval: Sheriff's Office Retirement Plan (SORP) Committee

Investment Change

Ms. Jenifer Ellin, Director, Department of Fiscal and Administrative Services and Mr. Alton Frye, Bolton Investments, reviewed the proposed fixed income change for the Charles County Sheriff's Office Retirement Plan (SORP). The SORP Committee approved the recommendation for the Commissioners' approval. This change would remove the Vanguard Short Term Bond Index and replace it with the Dodge & Cox Income Fund.

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 approve the fixed income change as presented. **Commissioner Coates was absent.*

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Briefing: Blue Crabs Stadium Opening Plans

Ms. Deborah Hall, Deputy County Administrator; Ms. Michelle Lilly, Director, Department of Emergency Services; Ms. Courtney Knichel, Mr. John Lavoie, and Mr. Frank Boulton, Southern Maryland Blue Crabs, joined the Commissioners to brief them on their COVID-19 Readiness Plan for reopening Regency Furniture Stadium. The Atlantic League plans to start a shortened season beginning in July. The Blue Crabs would be planning a July 14, 2020 opening at twenty five percent (25%) capacity, if federal and state directives permit them to proceed. There are also plans to host a drive-in fireworks show on the Fourth of July. They discussed their public health and safety protocols to protect both staff and fans and provided an overview of the process for ticket sales, seating, sanitation, food and beverage services, and other operational information.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Stewart and Collins present, voting in favor to approve the plans as presented. **Commissioner Coates was absent.*

Update: New Normal Task Force

Ms. Deborah Hall, Deputy County Administrator, and Ms. Michelle Lilly, Director, Department of Emergency Services, reviewed the "New normal" Taskforce Plan for Phase III of the County's reopening. This would be preparing to welcome back the public into County buildings. This includes making building modifications including wellness screens, physical markers, thermal monitors at entrances, and installing thermo scanners to screen visitors when they arrive. The anticipated reopening of County Government Buildings is scheduled for July 13, 2020.

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with Commissioners Stewart, Rucci, Bowling, and Collins present, voting in favor to approve the plan for Phase III of the plan and to begin the media campaign to communicate all information with the public. **Commissioner Coates was absent.*

Briefing: Designation of a New Nanjemoy Rural Legacy Area

Ms. Deborah Carpenter, Director, Mr. Charles Rice, Assistant Chief of Planning, and Ms. Cathy Thompson, Program Manager, Department of Planning and Growth Management, briefed the Commissioners on the recommended new Rural Legacy Area on the western side of the County, that is consistent with the Comprehensive Plan. Staff outlined the tentative schedule for preparing a new Rural Legacy Area application to the State for February 2021.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, Stewart and Collins present, voting in favor to approve beginning the public process of requesting a new Nanjemoy Rural Legacy Area. **Commissioner Coates was absent.*

Follow up: School Allocation Policy

Ms. Deborah Carpenter Director; Mr. Jason Groth, Deputy Director, and Mr. Ben Yeckley, Planner III, Department of Planning and Growth Management, provided an updated proposal for revisions to the school allocation policy, which creates predictability, encourages growth in development areas, and

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spurs mixed-use and affordable workforce housing. Affordable workforce housing is defined by median income, cost burden associated with housing, and the sectors of the workforce who may qualify. They based the proposed options on the types of development that would be built, student yield from these projects, and an annual cap on the allocations to be offered.

A motion was made by Commissioner Bowling, seconded by Commissioner Rucci and passed, with Commissioners Bowling, Rucci, and Collins present, voting to have staff move forward with Option three (3) to include “prohibit the use of ‘outer’ rural schools for capacity and that the Sunset Provision can be extended or shortened to seven years.” Commissioner Stewart was opposed. **Commissioner Coates was absent.*

A roll call of the vote was taken: Commissioner Bowling-yes; Commissioner Rucci- yes; Commissioner Stewart-no; Commissioner Collins-yes; Commissioner Coates-absent. The motion passed three (3) to one (1).

The Commissioners directed staff to send the Board of Education a copy of the amendment prior to the next briefing for Commissioners before the public hearing. Staff was directed to invite the Board of Education to this briefing, as well.

Commissioners New Business

Commissioner Bowling requested bringing back the Charitable Trust Budget to consider having the funding ratio back to what it was in FY2020.

**Break 12:57 p.m. – 3:11 p.m.*

A roll call was taken. Commissioners Collins, Rucci, Bowling and Stewart were present.

**Commissioner Coates was absent*

Follow-Up Work Session: Proposed Bill 2020-04 Zoning Text Amendment # 19-153 Business Park (BP) Zone

Mr. Jason Groth, Deputy Director, and Mr. Kirby Blass, Planner III, Department of Planning and Growth Management, reviewed the summary report on the zoning text amendment to the Business Park (BP) zone that would expand the number of permitted amenity uses, allow freestanding retail buildings within the park, and adjust setback requirements. It included the Summary from the public hearing held on May 19, 2020, public record testimony and the recommendations.

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 adopt Bill 2020-04 Zoning Text Amendment #19-153 Business Park (BP) Zone. **Commissioner Coates was absent*

Follow-Up Work Session: Proposed Bill 2020-03 Zoning Text Amendment #19-155 Watershed Conservation District Zone Transitional and Grandfathering Provisions

Mr. Jason Groth, Deputy Director, Department of Planning and Growth Management, reviewed the summary report on the zoning text amendment to the watershed conservation district which would grandfather preliminary plans of subdivision which have recorded ten (10) percent of the lots

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associated with the project and have completed ten (10) percent of the physical improvements beyond excavation, grading and filling. He also reviewed the summary from the public hearing held on May 19, 2020, public record testimony and the recommendations.

A motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioner Rucci, Bowling, and Collins voting in favor to adopt Bill 2020-03 Zoning Text Amendment #19-155 Watershed Conservation District Zone Transitional and Grandfathering Provisions. Commissioner Stewart was opposed. **Commissioner Coates was absent.* A roll call of the vote was taken: Commissioner Rucci-yes; Commissioner Bowling-yes; Commissioner Stewart-no; Commissioner Collins-yes; Commissioner Coates- absent. The motion passed three (3) to one (1).

Closed Session

At 3:17 p.m., motion was made by Commissioner Rucci, seconded by Commissioner Bowling and passed, with Commissioners Rucci, Bowling, Stewart and Collins present, voting in favor to move into Close Session where all or a portion of this session may be closed pursuant to 3-305(b)(1)(3)(7) of the General Provisions Article of the Annotated Code of Maryland to seek legal advice on three (3) potential agreements/proposals; and to discuss personnel appointments to three (3) Commissioner appointed Boards, Commissions, and Committees; and to discuss one (1) potential land acquisition. The reason for closing is to keep legal approaches and strategies confidential and to keep personnel information confidential

Summary Closed Session Items

At 3:30 p.m. the Commissioners went into virtual closed session.

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

Present: Commissioners Collins, Rucci, Bowling, and Stewart, Deborah Hall, Wes Adams, Carol DeSoto, Alexis Blackwell, Jake Dyer and Eric Paltell.

Mr. Eric Paltell, Negotiation Attorney, reviewed proposal related to negotiations.

The Commissioners provided direction on how to proceed.

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

Present: Commissioners Collins, Rucci, Bowling, and Stewart, Deborah Hall, Carol DeSoto, Danielle Mitchell and Ivan Lanier

Mr. Ivan Lanier, President, Greenwill Consulting Group, reviewed the proposed services of his firm.

3-305(b)(3)(7) Legal/Potential Land Acquisition

Present: Commissioners Collins, Rucci, Bowling, and Stewart, Deborah Hall, Wes Adams, Carol DeSoto, Jenifer Ellin, and John Stevens.

Staff reviewed the summary of the site analysis for the proposed site.

The Commissioners provided staff with directions with how to proceed. Staff will provide an update before the August break.

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

Present: Commissioners Collins, Rucci, Bowling, and Stewart, Deborah Hall, Wes Adams, Carol DeSoto.

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The consensus of the Commissioners was to have Ms. Deborah Hall, Deputy County Administrator, review options and bring back on July 7, 2020.

3-305(b)(1) Personnel: Boards, Commissions and Committees Appointment Review

Present: Commissioners Collins, Rucci, Bowling, and Stewart, Deborah Hall, Carol DeSoto, and Jesse Bungcayao and Danielle Mitchell.

Ms. Jesse Bungcayao, Commissioner Specialist, reviewed the appointment requests for Commissioner appointed Boards: Commission for Veterans Affairs, Board of Electrical Examiners and Board of License Commissioners.

The Commissioners reached a consensus related to these appointments and will take official action on these appointments at the July 7, 2020 session.

At 5:42 p.m. a motion was made by Commissioner Rucci, seconded by Commissioner Stewart and passed, with Commissioners Rucci, Stewart, Bowling and Collins present, voting in favor to close Closed Session. **Commissioner Coates was absent.*

**Break 5:26 p.m. – 6:06 p.m.*

A roll call was taken. Commissioners Collins, Rucci, Bowling and Stewart were present.

**Commissioner Coates was absent*

Public Hearing: Waldorf Station Development Agreement

The Commissioners conducted a virtual public hearing on Waldorf Station Development Agreement. Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney; Mr. Jason Groth, Deputy Director, Department of Planning and Growth Management; and Mr. Taylor Yewell, Redevelopment Manager, Department of Economic Development, presented an overview of the agreement.

One (1) speaker called in to provide comments to the Commissioners.

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 keep the public record open through June 19, 2020. **Commissioner Coates was absent.*

A motion was made by Commissioner Stewart, seconded by Commissioner Rucci and passed, with Commissioners Stewart, Rucci, Bowling and Collins present, voting in favor to close this public hearing. **Commissioner Coates was absent.*

Public Hearing: Proposed Bill 2020-02 Vehicle Parking Restrictions Amendment

The Commissioners conducted a virtual public hearing on proposed Bill 2020-02 Vehicle Parking Restrictions Amendment. Ms. Danielle Mitchell, Associate County Attorney, Office of the County Attorney explained that this is a housekeeping change to add the amendment that was inadvertently left out under the penalty section of the original Bill.

There were no speakers to provide comments.

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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 keep the public record open through June 19, 2020. **Commissioner Coates was absent.*

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 close this public hearing. **Commissioner Coates was absent.*


Public Hearing: Solid Waste Management Plan Amendment -Office Building Recycling Program

The Commissioners conducted a virtual public hearing on the Solid Waste Management Plan Amendment -Office Building Recycling Program. Mr. Jason Groth, Deputy Director, Department of Planning and Growth Management, and Ms. Frances Sherman, Chief of Environment Resources, Department of Public Works reviewed the changes to the County's 2011-2021 Comprehensive Solid Waste Management Plan related to the approval of Senate Bill 370 requirements to office building recycling program.

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 keep the public record open through June 26, 2020. **Commissioner Coates was absent.*

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 close this public hearing. **Commissioner Coates was absent.*

At 6:37 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 adjourn. **Commissioner Coates was absent.*



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: June 16, 2020

Time: 3:17 p.m.

Motion By: Commissioner Rucci

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) [X] 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

Appendix C C-2

(11) [] To prepare, administer or grade a scholastic, licensing, or qualifying examination.

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(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: Three (3) Potential Contracts/Agreements

REASON FOR CLOSING: To keep legal advice

3-305(b)(3)(7) Legal: One Potential Land Acquisition

REASON FOR CLOSING: To keep legal advice

3-305(b)(1) Personnel: Appointments to Three (3) Commissioner Appointed Boards

REASON FOR CLOSING: To keep personnel information confidential



Reuben B. Collins, II, Esq., President