

December 12, 2023

A meeting of the County Commissioners of Kent County was called to order at 10:00 a.m. with the following present: Ronald H. Fithian, President, Albert Nickerson, and John F. Price. The meeting convened with the Pledge of Allegiance. Commissioner Fithian asked everyone to remain standing for a moment of silence for Ms. Betty Carroll and her family. Ms. Carroll was a Kent County employee and after retiring, she served as an Orphan's Court Judge.

Shelley L. Heller, County Administrator, and Thomas N. Yeager, Attorney, were also present.

SPECIAL RECOGNITION

On behalf of the Planning Commission, the Commissioners honored Mr. William "Bill" Sutton for 29 years of dedication to Kent County. Commissioner Fithian read the Certificate of Appreciation into the record. Mr. Sutton was accompanied by his family and friends, and graciously accepted his certificate. Mr. Sutton received a standing ovation from all in attendance and offered heartfelt parting words about his experiences and the importance of public service.

CONSENT ITEMS

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the following items:

1. Regular Session Minutes, November 28, 2023
2. Liquor Minutes, November 28, 2023
3. Public Hearing Minutes, November 28, 2023
4. Closed Session Minutes, November 28, 2023

KENT CULTURAL ALLIANCE

John Schratwieser, Director, Kent Cultural Alliance (KCA), requested a letter of support. The KCA receives funding from the Maryland State Arts Council. To continue to receive funding KCA needs the Commissioners support. A draft letter was provided for review. Mr. Schratwieser intends to memorialize the designation by resolution at a future date. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to sign the letter of support. The letter addressed to Steven Skerritt-Davis, Executive Director, renews KCA as the designated arts agency for Kent County to accept funds from the Maryland State Arts Council.

PUBLIC WORKS

Daniel Mattson, Deputy Director of Public Works, Pete Landon, Director, Office of Emergency Services (OES), and Logan Quinn, Chief of Emergency Medical Services (EMS),

presented a new EMS floor plan for the Commissioners' consideration. As directed by the Commissioners on November 28, 2023, public meeting, staff developed a proposed building footprint and layout for a new EMS Station to be located at the Public Safety Complex on Vickers Drive. The new layout was developed in coordination with the OES, specifically Mr. Landon and Mr. Quinn. Staff requested approval from the County Commissioners to proceed in soliciting an architectural proposal for the design of the new Station. The scope of this proposal would include all necessary architectural/engineering designs to bid out the construction of the new building. The proposed building layout/floorplan for the entire building and a sample 'furniture plan' to better illustrate the functional use capability of various rooms were available for review. Commissioner Price made suggestions to the proposed drawing and requested cost estimates from vendors the County has used for previous constructions. Commissioner Price suggested changes to the layout to include restrooms for both females and males, separate bunk rooms for females and males, a side door in the storage room to eliminate having to use the bay door as often, a security system, double doors in the day room, and a small lobby opposed to a walk-in area to restrict public access. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved staff to move forward with engaging with reputable pre-engineered metal building contractors to receive estimated costs and comparability of offerings based on the proposed building plans, to include the changes suggested to the building layout as discussed for a new EMS Station at the Vickers Drive Public Safety Complex.

OFFICE OF EMERGENCY SERVICES

Pete Landon, Director of the Office of Emergency Services (OES), presented the 2023 United States Department of Homeland Security grant. Kent County OES applied for and received 2023 State Homeland Security Grant Program (SHSGP) funds. The SHSGP includes a suite of risk-based grants to assist state, local, tribal, and territorial efforts in preventing, protecting against, mitigating, responding to, and recovering from acts of terrorism and other threats. This grant provides Kent County OES with the resources required for the implementation of the National Preparedness System and working toward the National Preparedness Goal of a secure and resilient nation. The 2023 SHSGP will be used to fund homeland security projects at the Kent County Board of Elections, emergency management planning activities, and portable radios used by first responders. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and accepted the 2023 Department of Homeland Security State Homeland Security Grant MEMAGMS Award Number 23-SR-8851-02 awarded to Kent County in the matching amount of \$98,413.63.

Mr. Landon presented a second 2023 United States Department of Homeland Security grant. Kent County OES applied for and was awarded funding from the 2023 Emergency Management Performance Grant (EMPG). The 2023 EMPG Program is one of the grant programs that constitute the U.S. Department of Homeland Security (DHS)/Federal Emergency Management Agency's (FEMA) focus on all-hazards emergency preparedness. These grant programs are part of a comprehensive set of measures authorized by Congress and implemented by DHS/FEMA to assist state, local, tribal, and territorial emergency management agencies in implementing the National Preparedness System and the National Preparedness Goal of a secure

and resilient nation. The 2023 EMPG will use matching funds to allow Kent County to develop and enhance homeland security, and the emergency management organization and structure. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and accepted the 2023 Department of Homeland Security Emergency Management Performance Grant MEMAGMS Award Number 23-SR-8851-01 awarded to Kent County in the matching amount of \$67,660.78.

INFORMATION TECHNOLOGY

Scott Boone, Director of Information Technology, requested approval of a grant opportunity. The Office of Statewide Broadband announced a broadband grant opportunity on October 12, 2023; the Connect Maryland – FY24 Home Stretch, Difficult to Serve Properties. Deadlines for submission were provided to the internet service providers (ISPs). One project proposal was received from ThinkBig Networks on the deadline, November 17, 2023. No other incumbent or prospective providers chose to participate. The County would serve as a pass-through for the grant and would also be the applicant on behalf of ThinkBig Networks. The Request for Applications requires the County to be the applicant. If the Board agrees to serve as the pass-through (applicant) the final submission of the application will occur on or before December 22, 2023. The ISP will fund the 25% match required by the grant. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the ThinkBig Network's Home Stretch Grant Proposal and agreed to serve as a pass-through and applicant for the grant funds if awarded by the Office of Statewide Broadband. The Board signed a letter addressed to Kendrick M. Gordon, P.E., Governor's Office of Statewide Broadband in full support of ThinkBig Network, LLC's application.

HUMAN RESOURCES

Jim Miller, Director of Human Resources, discussed the administration of the Retiree Health Insurance Plan. A confidential memorandum dated December 12, 2023, explained retiree health insurance recommendations. An expanded discussion was held. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved moving the Retiree Healthcare Benefit proposal policy forward and making it effective as soon as finalized.

Mr. Miller on behalf of Public Works and Kent County Detention Center, presented six (6) hiring actions:

Kent County Detention Center - Correctional Officer

Public Works/Environmental Operations - Part-Time Recycling Attendant

Public Works/Roads Division - Motor Equipment Operator (MEO), I/II two (2) positions per; a total of (4) four.

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidates for a conditional

employment offer to fill the vacancies requested in the Kent County Detention Center and Public Works as presented.

Compensatory Leave Buy-Back - Compensatory leave (comp time) is time accrued by employees for working more than forty (40) hours in a work week. This time is given as an option to accrue the hours instead of paying overtime for them. The compensatory leave time accrual is limited to a maximum of eighty (80) hours. For the past six (6) years, employees have been allowed to sell back up to forty (40) hours of compensatory leave to the County. In December 2022, 28 employees sold back comp time to the County totaling \$28,660.34. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved a Compensatory Leave Buy-Back for County employees for a maximum of forty (40) hours to be paid on the December 28, 2023, paycheck.

Resolution 2023-18, Amendments to the Kent County Employee Handbook – Teleworking Policy. Mr. Miller gave an overview of the proposed revision and clarification of the rules and requirements of the program. The proposed revision also allows for re-titling of the policy to reflect the intent of the program more accurately. Discussion took place. No action was taken. The request was tabled.

Resolution 2023-19, Amendments to the Kent County Employee Handbook - Annual Leave Policy. Mr. Miller gave an overview of the proposed amendment to permit newly hired employees access to accrued leave. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and accepted Resolution 2023-19 Amendments to the Kent County Employee Handbook - Annual Leave Policy as presented.

COMMISSIONER REQUEST

Commissioner Fithian asked Public Works for an update on the Granary building at Turners Creek. Shelley L. Heller, County Administrator advised she requested documentation from the Historic Preservation Commission, but to date, information has not been received.

COUNTY ADMINISTRATOR

Ms. Heller thanked Commissioner Price's wife, Sharon Price, for making a Christmas wreath that adorns the front door of the Kent County Government Center at 400 High Street, Chestertown.

Shelley L. Heller, County Administrator, on behalf of Jamie Williams, Director of Economic and Tourism Development advised Barbara Jorgenson, Board President, of the Historical Society of Kent County, Inc., requested a letter of support. The letter would be used for an application to Stories of the Chesapeake Heritage Area, FY2024 Small Grant. A letter was presented for approval. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to provide the letter of support as presented.

COUNTY ADMINISTRATOR REPORT

Ms. Heller made a public service announcement to inform the public that the Commissioners plan to meet with retired County employees to discuss post-employment benefits (health insurance). The work session is scheduled for Tuesday, December 19, 2023, at 3:00 p.m.

Ms. Heller also announced the Second Judicial Circuit of Maryland Dedication of Plaques ceremony will take place today, December 12, 2023, at 3:00 p.m. at the Kent County Courthouse. A dedication of plaques honoring the long-dedicated service of Nancy L. Jewell, Mark L. Mumford, and John F. Price, IV, and the relocation of plaques previously dedicated to Bartus O. Vickers, Earl H. Pinder, E. Randolph Burgess, and Janet Lee Ashley.

LETTERS FOR SIGNATURE

A letter of interest for the Kent County Planning Commission was received. A copy of the interest form and resume were presented. A letter was signed by the Board thanking the citizen for expressing interest in public service.

PUBLIC COMMENT

The procedures for public comment were in effect. No one in the audience offered comments.

FOR YOUR INFORMATION

A correspondence dated November 16, 2023, addressed to Shelley L. Heller, was received from Chris Mulhall, Senior Manager, Government and Regulatory Affairs, Xfinity, regarding programming price changes. Starting December 20, 2023, prices for certain services and fees will be increasing, including the Broadcast TV Fee and the Regional Sports Network Fee. For more information contact Mr. Mulhall at 410-960-1566 or Christopher_Mulhall@comcast.net.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

A copy of the ARPA Spend Plan outlining the approved expenditures to date was provided to the Commissioners for informational purposes.

CONTINGENCY FUND

The FY2024 Contingency balance as of November 28, 2023, is \$258,646.00, and the FY2024 use of Fund Balance is \$24,000.00.

CLOSED SESSION

At 12:20 p.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session to discuss two personnel matters.

The meeting was closed under the Annotated Code of Maryland, General Provisions Article § 3-305 (b)(1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Harris P. Murphy, Associate Judge, Second Judicial Circuit Court; Jim Miller, Director and Jennifer White, HR Business Partner, Human Resources; Sondra M. Blackiston, Clerk/KATE Manager and Lacey T. Cox, Deputy Clerk II, were also in attendance. Personnel Matter No. 2 was taken up first for discussion and then Matter No. 1.

MATTER NO. 2 PERSONNEL

Topic to be discussed: Personnel matters that involve employees.

Reason for closing: Compensation concerning employees is confidential and should be private.

Harris P. Murphy, Associate Judge, Second Judicial Circuit Court; Jim Miller, Director, and Jennifer White, HR Business Partner, Human Resources discussed a personnel request. A copy of a confidential letter dated November 14, 2023, from Judge Murphy addressed to Mr. Miller was submitted. Discussion took place. The Board did not seek further explanation. At 12:25 p.m., Judge Murphy, Mr. Miller, and Ms. White departed the closed session. All other persons remained in session.

MATTER NO. 1 PERSONNEL

At 12:27 p.m., Bill Mackey, Director, Planning, Housing, and Zoning joined the closed session for the second personnel matter.

Topic to be discussed: Appointment(s) to a board/committee.

Reason for closing: Discussion of appointments are confidential and must be shielded.

Mr. Mackey presented the Commissioners with information for each Board and Commission and certain members' terms of expiration for discussion. A comprehensive list of appointments with upcoming expirations was offered. The Commissioners reviewed each candidate's interest form or resume. Mr. Mackey sought advice from the Board on how to proceed.

At 12:41 p.m., a motion made by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously adjourned the closed session and reconvened in an open session.

OPEN SESSION

Commissioner Price summarized the Personnel Matter No. 2 discussion with the Human Resources Department. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the compensation request from Judge Murphy.

Commissioner Price summarized Personnel Matter No. 1 discussion with Mr. Mackey regarding the appointments or reappointments of candidates for specific boards and committees. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the individuals discussed in closed session to serve on the proposed boards.

At 12:44 p.m., on a motion by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved to adjourn the meeting. The Board is scheduled to meet again on Tuesday, December 19, 2023, at 6:00 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

Ronald H. Fithian, President
The County Commissioners
of Kent County, Maryland

December 12, 2023

The Board of License Commissioners met today with the following present: Ronald H. Fithian, presiding, Albert H. Nickerson, and John F. Price.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; and Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement were also present.

CONSENT ITEM

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, November 28, 2023.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement, gave a license update for Chester River Yacht and Country Club (CRYCC). Inspector Pearsall conducted a routine inspection at CRYCC and found that the establishment did not have anyone on the premises who could provide proof of being certified in alcohol awareness. This has been an ongoing issue. In hopes to educate the licensee, on November 27, 2023, Inspector Pearsall sent written guidance to Mark Kamon (licensee and President on record). The letter listed all aspects and expectations of an onsite inspection and further requested the full cooperation of CRYCC staff moving forward.

Inspector Pearsall gave a license update for Zelda Speakeasy. Part of the requirements of a Class B establishment that is categorized as a restaurant when renewing its Alcohol Liquor License is to provide a "Statement of Purchase" showing that it qualifies as a restaurant. *The Maryland Alcoholic Beverages Annotated Code § 24-104 stipulates "to qualify as a restaurant under this title, an establishment shall have average daily receipts from the sale of food that are at least 25% of the total average daily receipts of the establishment."* When renewing an alcohol liquor license renewal, staff reviews the accounting of receipts which is the "Statement of Purchase (SOP)" form. Zelda Speakeasy did not meet the minimum requirement of food sales for a restaurant. If the establishment cannot meet this requirement, they are issued a verbal warning and are asked to provide another six (6) months of daily receipts for a "Statement of Purchase". This process did take place and Jeffery P. Maguire of Zelda Speakeasy was issued a verbal warning, and it was requested to provide another six (6) months of daily receipts for a SOP. After reviewing the provided form for the period of May 2023 - October 2023, findings indicated Mr. Maguire's food sales did not completely meet the standard requirements. Because of this, the staff would like to extend Mr. Maguire's probation period for an additional six months and require the additional reporting of six more months of food and alcoholic beverage sales monthly beginning December 2023. At the end of the six months, Mr. Maguire's license classification will be reviewed, and if not in compliance, further information will be brought to the Board's attention or action. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the extension of Zelda Speakeasy's probation period for an additional six months starting December 2023.

At 12:44 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price, the Commissioners unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, December 19, 2023, at 6:00 p.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

Ronald H. Fithian, President
The County Commissioners
of Kent County, Maryland