

November 14, 2023

FY2024 WORK SESSION HELD ON NOVEMBER 7, 2023

A work session was held on November 7, 2023, at 10:00 a.m., with Commissioner Ronald H. Fithian, Commissioner John F. Price, and Commissioner Albert H. Nickerson. Also in attendance was Shelley L. Heller, County Administrator.

Special Recognition for Employment Milestone: The Commissioners presented Shelley Clothier with a Certificate of Appreciation to honor her forty (40) years of exemplary service and dedication to the County.

Legislative Bond Initiatives Discussion: Shelley L. Heller, County Administrator offered an overview of State Legislative Proposals. Legislative Bond Initiative Requests were received from Tom Herz, Council Member, Town of Chestertown, and Frank Hodgetts, Representative for the Town of Millington project during the October 24, 2023, Public Hearing. Mr. Hodgetts was present for the work session and gave an update on Millington Senior Village.

Departmental Updates for FY2024 1st Quarter: Pete Landon, Director, Office of Emergency Services; Pat Merritt, Chief Financial Officer, Finance Office; Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement; Rosemary Ramsey Granillo, Director, Kent County Local Management Board; Jill Coleman, Director, Parks and Recreation; Scott Boone, Director, Informational Technology; Bill Mackey, Director, Planning, Housing, and Zoning; and Mike Moulds, Director, Public Works; offered 1st quarter updates for their respective departments. The work session ended at 1:23 p.m.

NOVEMBER 14, 2023, COMMISSIONERS MEETING

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 the people of the Middle East.

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

CONSENT ITEMS

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

1. Regular Session Minutes, October 31, 2023
2. Liquor Minutes, October 31, 2023
3. Rosemary Ramsey Granillo, Department of Housing and Community Development, Office of Statewide Broadband, Maryland Connected Devices Program Grant Agreement (Second Round)

PROCLAMATION

National Apprenticeship Week, November 13-19, 2023: Katie Wright, Economic Development Manager, of Economic and Tourism Development (ETD) gave an overview of National Apprenticeship Week (NAW). NAW is a nationwide celebration where employers, industry associations, labor organizations, community-based organizations, workforce partners, education providers, and government leaders showcase the successes and value of Registered Apprenticeship. Apprenticeships are instrumental in rebuilding our economy, advancing racial and gender equity, building a pipeline to good quality jobs, and supporting underserved communities. This year NAW's theme is "*Registered Apprenticeship: Superhighway to Good Jobs*," to reflect the prominence that Registered Apprenticeship has received as a proven and industry-driven training model that expedites the pathway into good jobs. Registered Apprenticeship is recognized as a key strategy to improving job quality and creating access to good-paying jobs for all, including populations historically underrepresented and underserved populations, such as youth and young adults. It addresses some of our nation's pressing workforce shortages in teaching, advanced manufacturing, clean energy, cybersecurity, and other high-priority sectors. Commissioner Fithian read the proclamation into the record. The proclamation was presented to Ms. Wright and Eric Lemon, Manufacturing Training Manager and Apprenticeship Manager, of Dixon Valve.

APPOINTMENT

Joshua Thompson, Restoration Specialist, Wetland, Stream, Wildlife Habitat, and Agriculture Conservation Consulting; and Matt Drennan, Ecotone, Inc., Project Scientist, gave an overview of plans for Phase II work at Turners Creek. Mr. Thompson requested a letter of support for Phase II construction. Mr. Thompson recently met with the Department of Planning, Housing, and Zoning to discuss plans for Phase II work on Turners Creek. ShoreRivers plans to stabilize and repair several lateral ravines that have formed historically off the mainstream channel that was restored in 2022. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the letter of support as presented.

KENT COUNTY DETENTION CENTER

Herb Dennis, Warden, Steve Wallace, Captain, and Roland Sheppard, Sergeant, of the Kent County Detention Center (KCDC), presented an updated Memorandum of Understanding (MOU) with the University of Maryland Psychiatry Associates, PA., to include Prime Care Medical, Inc., as KCDC's medical provider to screen patients for the treatment program. The MOU compliments and does not amend or modify the Agreement already in place for the grant-funded Opioid Use Disorder (OUD) Initiative Treatment, (Medication Assisted Treatment (MAT). Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the updated MOU to include Prime Care and Continue the Agreement with Maryland Psychiatry Associates for FY2024. Commissioner Fithian also signed Exhibit A, General Terms and Conditions Contract for the above-mentioned MOU.

Mr. Wallace advised Maryland Treatment Centers (MTC) currently provides the required counseling services for the OUD Treatment Initiative Program Participants. The Program has

been grant-funded and has been operating since July 2022. MTC was the only agency that submitted a bid to provide counseling through telehealth. KCDC has not been successful in hiring a program manager for the grant-funded OUD Treatment Initiative. One of the program manager's duties is to provide counseling to participating incarcerated individuals in the program. Discussion took place. This MOU supersedes a previous agreement, and the cost is \$10,000.00 per quarter (\$3,333.00 per month; 25% increase over the previous agreement). On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and accepted the Maryland Treatment Centers MOU to provide counseling services for the Kent County Detention Center OUD Treatment Initiative for the remainder of the FY2024 Budget Cycle. Commissioner Fithian also signed Exhibit A, General Terms and Conditions Contract for the above-mentioned MOU.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director, Planning, Housing, and Zoning, requested to schedule a public hearing for the growth allocation application for The Wharf at Handy's Point. The growth allocation application was presented before the Kent County Planning Commission on November 2, 2023, and it received a favorable recommendation from the Commission. The letter from Joe Hickman, Chair was submitted for the Board's information. As part of the approval process, the Maryland Critical Area Commission (CAC) also reviews and approves Growth Allocation applications. The County's practice is to provide advance copies of materials to State agencies to facilitate the process and, if needed, receive early feedback on projects. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved scheduling a public hearing to review the Growth Allocation application submitted by the Wharf at Handy's Point.

Mr. Yeager read the public notice into record for Code Home Rule Bill 5-2023, Outdoor Retreats In RC, RR, and CR. AN ACT to amend Chapter 222, Zoning, of the Code of Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use Ordinance, in order to add a new land use and to permit said new use in certain districts as a special exception: (1) by adding "14.5 Outdoor Retreat" to Article V. District Regulations, Section 3. Rural Character, §3.3 Special Exceptions; (2) by adding "15.5 Outdoor Retreat" to Article V. District Regulations, Section 4. Rural Residential, §4.3 Special Exceptions; (3) by adding "12.5 Outdoor Retreat" to Article V. District Regulations, Section 6. Community Residential, §6.3 Special Exceptions; (4) by adding "25.5 Outdoor Retreat" to Article VII. Special Exceptions, Section 6 Procedures; (5) by adding specific conditions for said new land use "34.5 Outdoor Retreat" to Article VII. Special Exceptions, Section 7 Special Exceptions; (6) by adding a new definition under "227.5 Outdoor Retreat" to Article XI. Definitions, Section 2. Definitions; and including one non-codified provision. A hearing will be held on November 14, 2023, at 10:00 a.m. in the Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland. The agenda for the meeting will be published online 24 hours in advance of the meeting at www.kentcounty.com/commissioners/meeting-agenda. Citizens are encouraged to participate in the public hearing process. If you require communication assistance, please contact the County Commissioners' Office at (410) 778-4600 and press 4 or visit Maryland Relay at www.mdrelay.org no later than noon on Thursday, November 9, 2023. A complete copy of the proposed legislative bill is available in the Commissioners' Office, 400 High Street,

Chestertown, MD, Monday through Friday, 8:30 a.m. to 4:30 p.m., and on the County's website at www.kentcounty.com/commissioners/draft-legislation.

HUMAN RESOURCES

Jim Miller, Director of Human Resources, gave an overview of current senior staff employment contracts. Most senior staff are currently under an employment contract. However, staff hired in 2023 were not placed under contract. Further, the current contract requires some revisions. The County Administrator and County Attorney reviewed and approved the revised contract. Mr. Miller presented the final draft. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved that the revised employment contract for senior staff be approved and implemented.

PUBLIC WORKS

Mike Moulds, Director, Public Works, on behalf of the Roads Division, requested approval to piggyback the contract for roadway improvements. With the Board's approval, the division would utilize SHA MDOT Contract No. 477D21426 with Guardrails Etc. Inc. to provide guardrail installations and repairs at Clark Rd and various other roads for repairs. The contract will expire June 30, 2024, and will have no renewal option. Mr. Moulds further explained the guardrails on Clark Rd would be completed after a pipe replacement by David A. Bramble Inc., in FY2024. Staff recommends approval. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to piggyback the MDOT SHA Contract with Guardrails, Etc. Inc. for installation and repairs to Kent County Guardrails in the amount of \$80,000.00 with the same pricing, terms, and conditions under an existing State Highway Contract Number 477D21426 for FY2024 that expires on June 30, 2024. This contract shall have no renewal option.

Commissioner Fithian asked staff about water and sewer allocations throughout the County. Discussion took place. Commissioner Price thanked staff for assisting the Village of Kennedyville residents. Commissioner Price made a motion to recess for five minutes, Commissioner Nickerson seconded the motion, and the Commissioners unanimously took a five-minute recess.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator, advised staff received correspondence from President, Anthony W. Bertino, Jr., of Worchester County seeking support for enabling legislation granting Code Home Rule Counties the authority to increase hotel room tax from five percent to six percent. As background, a letter of support regarding the same topic was sent on February 2, 2023. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to send a letter of support Enabling Legislation to Increase County Room Tax as presented.

Ms. Heller gave an overview of the 2024 MACo Legislative Committee Nomination process. Each jurisdiction has a member and an alternate who serves on the committee. Counties with a county executive and council may have a member and an alternate for each branch (those members will split their county's vote, with a half-vote each, so that Kent County maintains our "one county, one vote" rule). There is no requirement to change the designation annually. Discussion and appointments first took place on December 13, 2022, after the current Board convened for their first meeting after taking the Oath of Office on December 8, 2022. Commissioners may choose to continue to serve the Board and/or Committee they currently represent and make no changes. Discussion took place and no changes were made.

Ms. Heller stated the Board received a courtesy copy of a letter dated October 27, 2023, addressed to Chair Hickman of the Kent County Planning Commission from Joyce Price Morales, Chair, Town of Millington Planning Commission. The letter from Chair Morales noted a response to Chair Hickman's letter dated October 5, 2023, and offered comments regarding a general discussion of the proposed draft mixed-use process.

PUBLIC COMMENT

The procedures for public comment were in effect. Public comments were offered by Mike Waal, a Kent County resident, and Barbara Rhodes. Mr. Waal asked if letters requesting a meeting were sent to Bill Ferguson, President of the Senate, and Adrienne Jones, Speaker of the House, and if a meeting has been scheduled. The Board advised letters were sent on October 10th and staff has not received a response. Ms. Rhodes requested a closed-session meeting with the Commissioners.

FOR YOUR INFORMATION

A correspondence dated September 29, 2023, from Andy Fish, Senior Director, Office of Finance Programs, Maryland Department of Commerce was received. The letter was addressed to Commissioner Fithian and informed the County of the reallocation of the Maryland State Ceiling. The letter provided an accounting of the funds and the process for the County to request a reallocation if applicable.

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 October 31, 2023, is \$258,646.00, and the FY2024 use of Fund Balance is \$24,000.00.

CLOSED SESSION

At 12:16 p.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session to discuss three 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; and (7) To consult with counsel to obtain legal advice.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Mike Moulds, Director, Public Works; Jim Miller, Director, and Jennifer White, Business Partner, Human Resources; Sondra M. Blackiston, Clerk/KATE Manager, and Lacey Cox, Deputy Clerk II, were also in attendance.

MATTER NO. 1: LEGAL COUNSEL

Topic to be discussed: Legal advice concerning property ownership and easements.

Reason for closing: The advice of counsel is confidential in nature, and certain details should be shielded.

Mike Moulds, Director of Public Works, and Thomas N. Yeager, County Attorney, explained the alleged claim. Mr. Moulds submitted documentation relative to property ownership, surveys, and easements. Mr. Yeager offered legal advice. Discussion took place.

MATTER NO. 2: PERSONNEL

Topic to be discussed: Personnel matters that involve employees.

Reason for closing: Matters concerning employees should be safeguarded.

At 12:35 p.m., Jim Miller, Director, and Jennifer White, HR Business Partner, Human Resources joined the closed-session discussion. Mr. Miller submitted a confidential memorandum dated November 14, 2023, which offered compensation recommendations. A discussion was held. Mr. Moulds departed the closed session at 1:35 p.m.

MATTER NO. 3: PERSONNEL

Topic to be discussed: The job performance of certain individuals, and if needed, an evaluation of compensation.

Reason for closing: Discussing personnel skillsets, duties, responsibilities, and compensation is confidential and should be private.

Mr. Miller presented a recommended candidate to fill the 911 Specialist I vacancy in the Office of the Emergency Services Department. A brief discussion was held.

At 1:53 p.m., a motion made by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously voted to adjourn the closed session and reconvened in an open session.

OPEN SESSION

Commissioner Price summarized the Legal Counsel Matter No.1 advice request as discussed in the closed session and Personnel Matters No. 2 and No.3.

On a motion by Commissioner Price and seconded by Commissioner Nickerson the Commissioners unanimously directed staff to proceed as discussed in Matter No. 1.

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously directed Human Resources staff to proceed with the compensation study recommendations that were prepared for the Board's review to take effect on January 1, 2024.

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved a conditional employment offer to the candidate that was presented.

At 1:55 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, November 28, 2023, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

November 14, 2023

PUBLIC HEARING

County Commissioners Ronald H. Fithian, Albert Nickerson, and John F. Price were in attendance as well as Shelley L. Heller, County Administrator, Thomas N. Yeager, County Attorney, and Bill Mackey, Director, Planning, Housing, and Zoning.

Thomas N. Yeager, County Attorney, stated the public notice was duly advertised and read it into the record. The procedures for testifying were also read and the rules for a public hearing were in effect.

CODE HOME RULE 5-2023 OUTDOOR RETREATS IN RURAL CHARACTER, RURAL RESIDENTIAL, AND COMMUNITY RESIDENTIAL DISTRICTS:

The public hearing commenced at 10:08 a.m. in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, MD pursuant to the requirements of Chapter 222, Zoning, of the Code of Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use Ordinance, in order to add a new land use and to permit said new use in certain districts as a special exception: (1) by adding "14.5 Outdoor Retreat" to Article V. District Regulations, Section 3. Rural Character, §3.3 Special Exceptions; (2) by adding "15.5 Outdoor Retreat" to Article V. District Regulations, Section 4. Rural Residential, §4.3 Special Exceptions; (3) by adding "12.5 Outdoor Retreat" to Article V. District Regulations, Section 6. Community Residential, §6.3 Special Exceptions; (4) by adding "25.5 Outdoor Retreat" to Article VII. Special Exceptions, Section 6 Procedures; (5) by adding specific conditions for said new land use "34.5 Outdoor Retreat" to Article VII. Special Exceptions, Section 7 Special Exceptions; (6) by adding a new definition under "227.5 Outdoor Retreat" to Article XI. Definitions, Section 2. Definitions; and including one non-codified provision. The purpose of the hearing was to review and receive comments on the proposed amendment to Chapter 222, Zoning, of the Code of Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use Ordinance.

Bill Mackey, Director, Planning, Housing, and Zoning (PHZ) summarized the intent of the legislation and explained the legislative process thus far. Correspondence dated August 3, 2023, from Joe Hickman, Chair, Kent County Planning Commission stated the Commission reviewed the proposed applicant-initiated zoning text amendment and made recommendations to the Commissioners. The letter was submitted for reference. A second correspondence dated September 6, 2023, from Jennifer Debman, Chair, Kent County Agriculture Advisory Commission made recommendations to the Commissioners. This letter was also submitted for reference. Lance Young, Associate, MacLeod Law Group, LLC, and Sandra Donnelly, applicant, and County resident, testified on behalf of Ms. Donnelly's application for the zoning text amendment. The Commissioners discussed certain details of the proposed bill and Ms. Donnelly's business plan for the property.

PUBLIC COMMENTS

Citizens were invited to sign the testimony log and offer comments on the proposed zoning text amendment. Janet Christensen-Lewis read a written statement in opposition to the bill for the record. Further discussion took place.

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to close the public hearing for the proposed Code Home Rule Bill 5-2023 and for the comment period to remain open until the close of business on Friday, November 17, 2023.

Respectfully submitted,

Sondra M. Blackiston
Clerk/ KATE Manager

Approved:

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

November 14, 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 S. 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, October 31, 2023.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Bonnie S. Pearsall, Inspector, KATE gave an update on the White Swan Tavern. On August 29, 2023, the Board approved White Swan Investors, LLC trading as The White Swan Tavern for a Class B, Country Inn, Beer, Wine, and Liquor License, with contingencies. The business has corrected the issues reported by the Fire Marshal. Staff is pleased to report all contingencies have been met and License No. 4905 was issued on November 1, 2023. This transaction will be recorded in the monthly report of retail license activity required by the Comptroller of Maryland, Field Enforcement Division.

Inspector Pearsall presented a request for a license modification. After submitting an application for a new liquor license, and being approved by the Board, The White Swan Tavern submitted a revised floor plan for their establishment. The new proposed floor plan was provided for the Board's review. The revised floor plan does not add any additional square footage to the floor plan, it only adds areas where the alcohol can be served. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the revised floor plan for The White Swan Tavern.

At 1:55 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, November 28, 2023, at 10:00 a.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