

October 31, 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 the audience to remain standing for a moment of silence for the unrest in the countries of the Middle East. Commissioner Fithian asked that we keep the hostages and innocent people in our prayers.

Shelley L. Heller, County Administrator, was 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 24, 2023
2. Liquor Minutes, October 24, 2023
3. Public Hearing Minutes, October 24, 2023
4. Bill Mackey, Director, Planning, Housing, and Zoning – Acknowledgement Letter to Cindy Stone, Director, Community Development Programs, Maryland Department of Housing & Community Development, COVID Round 1 CV-1-7
5. Housing Rehabilitation Program – Certificate of Satisfaction, M. Bordley and B. Prather

RECOGNITION

Jill Coleman, Director, and Jessica Plum, Recreation Program Coordinator, Parks and Recreation Department, accompanied Wayne Gilchrest for a special recognition. Mr. Gilchrest former Congressman and current Betterton Council Member, continues to work and leave an indelible mark on our parks, enriching the lives of countless individuals through educational programs and the preservation of our environment. His vision, knowledge, and dedication have been instrumental in creating a greener, healthier, and more vibrant Kent County. Commissioner Fithian read the Certificate of Recognition into the record. A short video that portrayed some of Mr. Gilchrest's work and interests in Kent County was played for the audience. The Commissioners, Ms. Coleman, and Ms. Plum presented the Certificate of Recognition to Mr. Gilchrest.

APPOINTMENT

Kent County Public Schools: Dr. Karen Couch, Superintendent, and Allesta Stewart, Supervisor of Finance, Kent County Public Schools (KCPS) presented unrestricted funds budget amendments for FY2023-24 respectively. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Budget Amendment No. two (2) and No. three (3) for FY2023 and Budget Amendment No. one (1) for FY2024 as presented. Ms. Stewart gave an overview of the financial statements for FY2023. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the audited financials as presented by the Kent County Board of Education.

PUBLIC WORKS

Dan Mattson, Deputy Director, of Public Works, presented three (3) items for consideration:

Building Maintenance Division:

- The Courthouse boiler feed tank replacement required the reclassification of funds. There was \$12,750.00 allocated in the FY2024 Capital Expenditure line for this project. A formal proposal was received from Johnson Controls for \$18,236.00 which makes the project over budget by \$5,486.00. The reason for the discrepancy in proposal vs. budget cost is that the proposal used for budgeting (dated March 2023) reflected Johnson Controls' ability to hold original pricing from a proposal issued in early 2022. By the time the FY2024 budget year had begun, and Public Works (PW) was able to proceed with work, equipment and labor costs had risen significantly from the original proposal. To fully fund this project, the department proposes to reclassify funds from multiple Courthouse and Public Works line items into the Capital budget to compensate for the overage. If the project is delayed any longer an additional cost may incur. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the reclassification of funds in the amount of \$5,486.00 from various Public Works operating budgets to the Capital Budget for the Court House Condensate Boiler Feed Tank Replacement.
- As the result of various Building Maintenance work orders requested at the Emergency Medical Services (EMS) Lynch Station, this facility has been inspected by PW and the Office of Emergency Services (OES) staff. A memo was prepared by PW & OES to summarize the necessary short-term solutions for the issues at the facility, including estimated costs. Key items needing to be repaired include the replacement of a vehicle garage door, the replacement of deteriorated flooring, roof, and window repairs. These improvements were not included in the FY2024 budget. Mr. Mattson noted the request is to complete the minimum scope needed to keep the location functional. Use of contingency funds would be required to fund the repairs. A breakdown of cost and specific repairs was provided to the Commissioners allowing for the approval of specific items. The estimated cost for the project is \$10,400.00. The Commissioners sought additional input from OES staff: Pete Landon, Director; Brad Russum, Chief of Communications; and Logan Quinn, Chief of Emergency Medical Services. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the use of contingency funds for the repair of the EMS Lynch Station buildings in the amount of \$10,400.00. Further discussion ensued regarding the possibility of moving the EMS Lynch staff back to 104 Vickers Drive. Commissioner Price requested staff to proceed with contacting Chesapeake City and Caroline County (because both have recently constructed new EMS buildings) to request a copy of their building plans to present to an engineer with the intent to construct a building that will fit in the current site plan and design plan. Commissioner Price asked staff to bring the information back to the Board within two weeks.

County Roads Division: The Clark Road culvert is a 180-foot long 60-inch diameter Corrugated Metal Pipe (CMP). The pipe sits at a depth of 18 feet below the road. Due to the size and depth, The division cannot replace the pipe. The pipe is in poor condition and the road swales are experiencing heavy erosion. The project has been in development for three (3) years resulting in the preparation of design plans, and permits, obtaining easements, and coordinating with the adjacent property owners. The pipe will be replaced with a Reinforced Concrete Pipe (RCP) to significantly extend its service life. Five (5) bidders responded to the Request for Proposal (RFP) #CR 24-01. David Bramble was the low bidder at \$310,041.00. County staff will provide construction management and provide and install signage for the road detour. This project will provide needed erosion protection on the adjacent property owner's land. The FY2024 budget includes \$250,000.00 for the construction. For the project to be completed it requires a request of \$60,041.00 in contingency funds or a reduction in the budgeted amount (\$250,000.00) of non-state aid surface treatment work. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved a contract with David A. Bramble as the lowest responsive bidder in the amount of \$310,041.00 for the replacement of the Clark Road culvert pipe. Approval includes the transfer of the reallocation of \$60,041.00 in road surface treatment capital and improvement funding for the Clark Road project.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director of Planning, Housing, and Zoning presented a request for the purchase of a Microsoft Software License as supplemental support to the Geographic Information System (GIS) software already in use. The Department of Planning, Housing, and Zoning (DPHZ) was approved for a GIS expansion with the FY2024 budget for use by the entire County. The expansion will greatly enhance the functionality of and access to the GIS system. To support the upgrade, the Information Technology (IT) Department has assembled a variety of equipment and software products from the County's existing inventory to support the new program. However, there is one supplemental software license that is needed for the storage and retrieval of data that will allow existing computer software programs to communicate better with the new GIS expansion. Mr. Mackey asked for the Board's approval to reallocate \$650.00 in funds from the department's capital funds and salaries line item to the operating funds allowing for the purchase of the software. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the reallocation of \$650.00 to the DPHZ operating fund from the DPHZ capital fund and salaries line item to allow for the purchase of the Microsoft Software License to be used for supplemental support as presented.

ECONOMIC AND TOURISM DEVELOPMENT

Jamie Williams, Director, and Rose Osborn Administrative Specialist of the Economic and Tourism Development (ETD) department presented a request to move forward with a technology solution software that will identify, monitor, and collect taxes for short-term rentals. On September 12, 2023, the department presented research on short-term rentals that demonstrated the loss of rental tax revenue for the incorporated towns and the County, collectively. Many hours of manual research demonstrated a loss of approximately \$160,000.00 with a very conservative 35% occupancy rate and with only a portion of the properties identified.

A software solution can automate and streamline the process of collecting data and taxes, enforcement, fairness for all short-term rentals (hotels, motels, inns, and licensed B&Bs), and increase revenue for the County and towns. Demonstrations and multiple interviews were conducted with the four (4) vendors. The department's recommendation is to purchase and utilize a software solution. A ten percent administrative fee was proposed to the Municipalities to cover the cost of the software purchase. There have not been any objections to this proposal. If the request to move forward is approved, staff will proceed with updating the current Memorandum of Understanding (MOU) with each municipality. The Kent County Code of Local Laws will also have to be updated accordingly. After the MOU and the Code have been updated, the ETD will work with procurement staff, IT, and the Office of Finance to identify which software option is the best solution for Kent County's needs. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved moving forward with a technology solution software to identify, monitor, and collect taxes on short-term rentals, with the cost not to exceed \$24,000.00 from the FY2024 fund balance and being contingent upon all County requirements having been met.

Shalyn Boulden, Tourism Manager, ETD presented a grant agreement for approval. The Maryland Tourism Development Board (MTDB) supports tourism marketing and development efforts conducted by local jurisdictions, which in turn, provides a return on investment to Kent County and the State of Maryland. In June 2023, the MTDB approved the FY2024 Destination Marketing Organization (DMO) Grant Program as part of the Maryland Office of Tourism Development (OTD) annual Marketing and Development Plan. Based on Kent County's performance, the MTDB awarded Kent County \$42,145.00 in grant funds. Allowable expenditures for FY2024 are calculated at 50% and 100% provided it meets all the requirements and conditions in the grant guidelines. Grant funds are distributed per reimbursement requests to the department on a biannual basis. The goal is to utilize the full grant award for marketing the County to visitors in conjunction with County funds committed. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the FY2024 Destination Marketing Organization Grant Agreement.

HUMAN RESOURCES

Commissioner Fithian thanked the Human Resources Department and the Information Technology Department for ensuring employees' information stays safe and for contacting employees when staff receives requests for changes regarding personal information through email correspondences.

Jim Miller, Director of Human Resources, presented three (3) items for consideration:

Mr. Miller, on behalf of Pete Landon, Director, Office of Emergency Services, requested to fill a 9-1-1 Specialist I Vacancy with the recommended candidate. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously voted to approve the recommended candidate, applicant # 6, for a conditional employment offer. Mr. Miller, on behalf of Jill Coleman, Director, of Parks and Recreation, requested to fill a full-time Facility Monitor Vacancy with the recommended

candidate. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate for a conditional employment offer.

Mr. Miller, on behalf of Lisa Mazingo, Director, of Kent Family Center, requested to fill a part-time Child Development Teacher Vacancy with the recommended candidate. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate for a conditional employment offer.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator, presented a letter of intent for approval. Meetings have occurred with representatives of Queen Anne's, Caroline, and Kent County, as well as staff from the State of Maryland Department of Public Safety and Correction Services (MDPSCS) and the Department of Budget and Management (MDBM) regarding the possibilities of a regional jail. There is an interest in the project and Queen Anne's County has requested a Letter of Intent for the proposed Mid-Shore Regional Detention Center. Ms. Heller provided two documents regarding a proposal for a regional jail from Todd R. Mohn, County Administrator of Queen Anne's County for informational purposes. Queen Anne's County has requested Caroline and Kent County to pay for a third of the cost of having a Part I and Part II Programming Study to be conducted with their existing architect for a total cost of \$98,900.00. Contingency funds would be needed to fund the County's portion of the Study. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Letter of Intent as presented and written and for Kent County's cost share of \$32,966.67 for Part I and Part II Programming Study. The letter is addressed to James Dunkerson, (MDPSCS) and Fiona Shirk, (MDBM) with courtesy copies to the Commissioners of Caroline and Queen Anne's counties. The approval earmarks contingency funds not to exceed \$33,000.00.

Ms. Heller stated Kent County is always seeking citizen volunteers for various boards, committees, and commissions. Currently, there is a pressing need for citizens willing to serve on the Property Tax Assessment Appeals Board (PTAAB). There are three vacancies, and the County is required to submit three candidates per vacancy. For consideration of an appointment to this Board, applicants must complete a Biographical Information Form, an Appointee Exemption Disclosure Form, and a resume. Kent County's PTAAB has jurisdiction over all appeals in its area concerning property tax assessments. For more details go to <https://www.kentcounty.com/committees/propertytax>.

COUNTY ADMINISTRATOR REPORT

On October 3, 2023, Sherise Kennard, Clerk, and Kailee McCoy Dierker, Chief Deputy Clerk, of Circuit Court, presented the 2021 Modified Memorandum of Understanding (MOU) extension (E21-0012-25K) for Commissioners review. The proposed MOU was for review only. If the request was approved by the Commissioners and then by the Judiciary, the Judiciary would prepare an MOU with all specifics included. The Board approved the request. At that time the

final version was not available for signing. The final version of the Memorandum of Understanding was signed on October 6, 2023.

After twenty-seven (27) years, Michael Usilton has retired from service as an essential member of the Kent County Board of Electrical Examiners (Kent County Electrical Board). A Certificate of Appreciation was signed at the October 17, 2023, meeting honoring Mr. Usilton's praiseworthy years of service.

Ms. Heller stated that there is not a regular session meeting scheduled for November 7, 2023, at 10:00 a.m., but there is a work session scheduled for that date and time to discuss proposed State Legislative Bond Initiative Requests and to receive departmental updates for the 1st Quarter of FY2024.

Retiree Update: Commissioner Price asked Mr. Miller to give an update on the County retiree insurance plan. Mr. Miller stated the Human Resources staff will be meeting with the current vendor regarding the HRAs and a potential new vendor to assist with insurance coverage for retirees over 65 years of age. Various timelines, coverages, and as applicable, surviving spouse coverage were also discussed.

LETTER FOR SIGNATURE

The Commissioners received a committee interest form and resume for a citizen interested in serving on the Planning Commission. The interest form and resume were sent to the DPHZ staff for processing. A letter from the Board expressed appreciation for the citizen's interest in public service.

PUBLIC COMMENT

The procedures for public comment were in effect. Public Comment was offered by Ms. Linda Knight, a resident of the Town of Chestertown, Kent County. Ms. Knight gave an overview of her experience throughout her property tax appeal process and asked that the Board take the appropriate measures to secure a Property Tax Appeals Board in Kent County. Staff responded by stating the County advertises in local news outlets and social media through the Economic and Tourism Development Department for the recruitment of volunteers for all commissions and boards. The problem continues to be a lack of interest from citizens.

FOR YOUR INFORMATION

Joan O. Horsey, Chairman, Chestertown Library, Inc., copied the Kent County Commissioners on a letter dated October 20, 2023, addressed to Arnessa Dowell, Director, Kent County Public Library regarding grant funds awarded from the Chestertown Library Preservation Foundation for \$1,834.63.

As a Local Official, Kent County Commissioners received a notice that Lester C. Jones and Sons, Inc., has applied for a Permit to Appropriate and Use Waters of the State, which has been assigned permit application number KE1993G006/06. The applicant seeks to increase an

existing allocation from an annual average of 331,000 gallons of groundwater per day (gpd) and an average of 2,000,000 (gpd) during the month of maximum use to an annual average of 611,000 (gpd) and an average of 3,716,000 (gpd) during the month of maximum use for crop irrigation. Water will be withdrawn from three wells in the Aquia aquifer. The project is located at 12511 Massey Road, Massey, Kent County, Maryland.

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 24, 2023, is \$302,013.00. No use of Fund Balance has been requested to date.

At 12:01 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 14, 2023, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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

October 31, 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, 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 24, 2023.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Bonnie S. Pearsall, Inspector, KATE presented a request for a license modification. Waterman's Hospitality LLC (trading as Waterman's Crab House) submitted a License Modification Application requesting to remove Christopher J. Golder as a member and add Tiffany Lauman as a member. Discussion took place. The Commissioners found that the applicant is a fit and proper person to be on the license. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the License Modification Application for Waterman's Hospitality LLC.

At 12:01 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 14, 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