

October 18, 2022

A meeting of the County Commissioners of Kent County was called to order at 6:00 p.m. with the following present: P. Thomas Mason, President, Ronald H. Fithian, and Robert N. Jacob, Jr. The meeting convened with the Pledge of Allegiance. Commissioner Mason asked the audience to remain standing for a moment of silence for the fall season. Let us be thankful for the weather we have had and for the blessings that God has bestowed upon us.

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

CONSENT ITEMS

On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the following items:

1. Regular Session Minutes, October 11, 2022
2. Liquor Minutes, October 11, 2022

ECONOMIC AND TOURISM DEVELOPMENT

Proclamation: October 24-28, 2022, is Economic Development Week. Commissioner Mason read the Proclamation. Maryland Economic Development Association (MEDA) is a non-profit organization whose mission is to enhance the knowledge and skills of its members and to encourage partnerships and networking among people committed to bringing jobs and capital to Maryland. The Commissioners recognize Economic Development Week to highlight the investment in partnerships that strengthen the competitiveness in Kent County. Katie Wright, Economic Development Manager, and Shalyn Boulden, Administrative Assistant, Economic and Tourism Development accepted the Proclamation. Ms. Wright thanked the Commissioners for their support.

OFFICE OF FINANCE

Patricia Merritt, Chief Finance Officer, Office of Finance, reviewed the FY2022 Budget Amendments. Ms. Merritt stated the FY2022 adopted budget was approved for \$53,777,344.00 and the amended budget is \$55,281,317.00. Ms. Merritt offered explanations of each change by category. The General Fund increased by \$1,503,973.00, Fund Balance increased by \$735,504.00, Additional Revenue increased by \$382,269.00, a Mid-Year Salary increased payroll by \$386,200.00, and FY2022 Contingency Funds were \$431,765.00. If adopted, the resolution incorporates all the approved changes into the amended budget. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners formally amended the budget as presented, and with a unanimous vote, adopted Resolution 2022-14, Fiscal Year 2022 Amended Budget, General Fund.

PUBLIC COMMENT

The procedures for public comment were in effect. Tom Herz, newly elected chairman of the Kent County Council of Governments (COG), announced the next meeting scheduled for October 19, 2022 at noon.

AMERICAN RESCUE PLAN ACT FUNDS (ARPA)

A copy of the American Rescue Plan Act (ARPA) Spend Plan outlining the approved expenditures to date was provided to the Commissioners for informational purposes.

CONTINGENCY FUND

The FY2023 Contingency balance as of October 4, 2022, is \$316,484.00, and the FY2023 Use of Fund Balance total is \$16,794.00.

CLOSED SESSION, PERSONNEL

At 6:32 p.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and carried unanimously to go into closed session. 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; Marty Hale, Director, Human Resources; Sondra M. Blackiston, Clerk/KATE Manager; Lacey T. Cox, Deputy Clerk II, and Tonya Thomas, Deputy Clerk II were also in attendance.

Topic to be discussed: Personnel matters specific to qualifications and compensation are confidential.

Reason for closing: Discussing an individual's qualifications and compensation is confidential and should be private.

Marty Hale, Director, Human Resources, reviewed a compensation request. Discussion took place.

At 6:44 p.m., a motion was made by Commissioner Jacob, seconded by Commissioner Fithian, and carried unanimously to adjourn the closed session and reconvene in an open session.

OPEN SESSION

Commissioner Fithian summarized the Board discussed a personnel issue in a closed session. On a motion by Commissioner Fithian, seconded by Commissioner Jacob, the Board unanimously voted agreed to move forward with the staff recommendation.

Regular Session Minutes

October 18, 2022

Page 3 of 3

At 6:46 p.m. a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and the Board unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, October 25, 2022, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

P. Thomas Mason, President
The County Commissioners
of Kent County, Maryland

October 18, 2022

The Board of License Commissioners met today with the following present: P. Thomas Mason, presiding, Ronald H. Fithian, and Robert N. Jacob, Jr.

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

CONSENT ITEM

On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, October 11, 2022.

SPECIAL CLASS C LICENSE

Sultana Education Foundation has applied for a Beer and Wine Special Class C per diem liquor license for a Music Festival/Fundraiser three-day event October 28-30, 2022, from 10:00 a.m. to 9:00 p.m. This event will be held at the Town of Chestertown Marina. There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application as presented.

PUBLIC HEARING PROTOCOL

Thomas N. Yeager, County Attorney reviewed the public hearing protocols. The hearing was duly advertised to be held by the undersigned in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr. Government Center, 400 High Street, Chestertown, MD on October 18, 2022, at 6:00 p.m. at which time any exceptions to the applications would be heard.

Mr. Yeager administered the Oath to the applicants William A. Holland, Applicant; Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE), and anyone wishing to testify. The rules for a public hearing were in effect.

PHAT DADDY'S BBQ AND CATERING, LLC., TRADING AS PDB - CLASS B, BEER AND WINE LICENSE WITH CATERER'S PRIVILEGE

The hearing commenced at 6:05 p.m. Mr. Yeager read the notice into the record. Application has been made by William A. Holland, representing Phat Daddy's BBQ & Catering, LLC, trading as PDB, for a Class B, Beer and Wine License with Catering Privileges (CP). The applicant's restaurant is an existing business operating on the premises of 205 Spring Avenue (commonly referred to as Philosophers Terrace) in Chestertown, MD 21620. The license shall authorize the holder thereof to sell Beer and Wine, at retail, at the place therein described, for on-premises consumption, or elsewhere.

Mr. Yeager stated a legal review of the application for a Class B License was complete. Inspector Pearsall reported on a site inspection of the premises. Mr. Holland explained his

business plan regarding his restaurant and catering services. Staff recommends approval of the application without contingencies.

No other comments were offered in favor of or in opposition to the application. There being no objections, Commissioner Fithian made a motion to approve the application. The motion was seconded by Commissioner Jacob; the Commissioners unanimously approved the application.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Mr. Yeager reviewed a letter addressed to Fortunato P. Cristiano, President, and Robert T. Connell, Vice-President, of Pip's Discount Liquors, Inc. concerning proof of residency. At the public hearing held on September 6, 2022, regarding the transfer of Pip's Discount Liquor License to a new address, it was also discussed that Denise Norman, Secretary, will be removed from the application. The Board of License Commissioners provided approval of the application with the contingency that at least one applicant provide documentation of being a Kent County resident. The letter establishes that if valid documentation of at least one applicant being a Kent County resident is not provided to our office by October 25, 2022, an Administrative Hearing will need to be scheduled for further action.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sondra M. Blackiston
Clerk, KATE Manager

Approved:

P. Thomas Mason, President
The County Commissioners
of Kent County, Maryland