

October 17, 2023

A meeting of the County Commissioners of Kent County was called to order at 6:00 p.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 to keep all in the Middle East and around the world who have lost their lives and those who will most likely lose their lives.

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

PUBLIC NOTICES

Legislative Bond Initiatives Requests: Commissioner Fithian read the Public Notice into the record. The County Commissioners of Kent County, Maryland will hold a public hearing on Tuesday, October 24, 2023, at 10:00 a.m., in the Commissioners' Hearing Room, R. Clayton Mitchell, Jr. Kent County Government Center, 400 High Street, Chestertown, MD 21620. The purpose of the hearing is to review and receive comments on the proposed revisions or additions to Maryland law or Legislative Bond Initiative Requests for consideration to the County Commissioners. The meeting is open to the public. The agenda will be published at <https://www.kentcounty.com/commissioners/meeting-agenda> 24 hours in advance of the hearing. 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 Friday, October 20, 2023.

Code Home Rule 5-2023 Outdoor Retreats in Rural Character, Rural Residential, and Community Residential Districts: Commissioner Fithian read the Public Notice into the record. Notice is hereby given that the Commissioners of Kent County will hold a public hearing for Code Home Rule Bill 5-2023 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.

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 3, 2023
2. Liquor Minutes, October 3, 2023
3. Closed Session Minutes, October 3, 2023

APPOINTMENTS

Dr. Karen Couch, Superintendent, and Kreigh Kirby, Accountant, Kent County Public Schools (KCPS) were present to discuss the Kent County Middle School Project. Dr. Couch announced Chestertown was selected for the location. A copy of the Kent County Public Schools FY2025 Capital Improvement Plan (CIP) was submitted for the Commissioners' review. Dr. Couch introduced Dr. David Lever, the Education Facilities Consultant. KCPS is working with Senator Stephen S. Hershey's office and the District 36 Delegates to change the State participation level for this project. Staff compiled information from and about other school systems with high poverty and community eligibility provision schools. KCPS staff just completed drafting legislation with Senator Hershey's office to pre-file legislation and will request that the State change Kent County's eligibility for state participation to 98%. The Stadium Authority and the Built to Learn Act are in place. The Built to Learn Act will provide the opportunity for KCPS to participate and access funds allocated to KCPS. KCPS can also utilize the Stadium Authority which will provide a project manager for the new construction. Mr. Kirby advised the Architectural Engineering fees are projected to be \$4,400,000.00, of which the State would pay \$1,800,000.00 and the County would have to pay \$2,600,000.00 based on the current cost share legislation. Discussion ensued about the costs associated with the design phase and the State of Maryland building requirements. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the FY2025 Capital Improvement Project (CIP) submission as presented along with the Built to Learn Act. Commissioner Price made an additional motion to sign the letter of support presented to the Board by Dr. Couch no later than November 1st to ensure the process is not prolonged.

PUBLIC WORKS

County Roads Division: Mike Moulds, Director of Public Works, advised the Department of Public Works-Roads Division received FY2024 approval for line striping roadway projects. The project includes various roadway surfaces to be treated and paved. As done in previous years, the division is proposing to piggyback on the current competitively bid Howard County Department of County Administration Contract with Alpha Space Control Company, Inc. to perform and provide all materials and services for FY2024. The Howard County Contract will expire on March 31, 2024, and will have the option for five one-year

renewal periods. The Kent County Contract will end on March 31, 2024, with the option to renew for 5 additional one-year periods. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to piggyback on the March 23, 2023, Howard County Department of County Administration Contract NO. PA-096-2023 under the same pricing, terms, and conditions with Alpha Space Control Company, Inc. for roadway line striping not to exceed the amount of \$50,000.00 with the option to renew for 5 one-year options.

Environmental Operations Division: Mr. Moulds advised the Department of Public Works was requested to obtain proposals for the removal of the Granary building at Turners Creek. The building has become a hazard due to the continued deterioration of the structure. Discussions regarding renovation or demolition of the building go back to 1976. A Steel girder placement in 2010 was funded by a Project Open Space Grant to support the second story of the building due to the deterioration of the first-floor framing by wood rot and termite damage. The wood cribs supporting the girders have now deteriorated in places and are no longer supporting the girders. A temporary safety fence was installed recently around the building to prevent people from entering. The Department reached out to several contractors and companies that deal with resourcing reclaimed vintage wood typically from barns. Two quotes were obtained. An email from Jennifer Moore, Member of the Historic Preservation Commission (HPC) requested additional time to research funding options and was submitted to the Board. Jeremy Rothwell and Ms. Moore were in attendance to present information researched by the HPC to date. Discussion took place. The Commissioners agreed to allow time for the HPC to obtain an engineering analysis report. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to table the item until the report is available.

Mr. Moulds stated the County accepts wood waste in the form of brush and tree limbs at the Nicholson Landfill Site. The material is stored in piles and is annually processed into wood chips and made available for landscape cover to the public. In the past, the wood processing was performed by the Maryland Environmental Service (MES) taking advantage of a \$32,000.00 Midshore Regional Recycling Program credit. With the recent agreement amendment with MES on July 11, 2023, the County is now responsible for the full cost of wood processing. The processing is performed with the use of a hydraulic tub grinder. A limited number of contractors in the area have this type of equipment. Grinding is performed in the early fall due to the accumulation of wood waste and to develop a supply of wood chips for the spring. Due to the short window of time to schedule a contractor, the Department initially reached out to establish an Intergovernmental Agreement with MES to continue to perform the wood processing. The quote provided is based on an estimate dated September 25, 2023, in the amount of \$95,545.00. The department's budget for this work is \$60,000.00. The Department contacted a second contractor, Chesapeake Construction Materials (CCM), for a second proposal. These two vendors are the most qualified and experienced to submit a proposal. A copy of the second proposal dated October 2023 in the amount of \$36,775.00 was provided to the Board. The Department notes a significant difference in the estimated volume of material (16,667CY versus 7,500CY) as it is recognized that the volume measurement of brush piles is not an exact measurement. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to award and sign the

contract with Chesapeake Construction Materials to perform FY2024 annual wood waste processing at the Nicholson Landfill, as a qualified experienced contractor at a more competitive grinding rate of \$3.65 per cubic yard for an estimated cost of \$36,775.00.

Water and Wastewater Division: Mr. Moulds gave an overview of the Worton Spray Irrigation Field Agreement Renewal. The current 5-year agreement will expire on January 1, 2024. As the property is under an agricultural conservation easement, the Maryland Agricultural Land Preservation Foundation (MALPF) is a party to the agreement with the Landowner. The proposed agreement includes a budgeted 5% increase (\$650.00) in the annual license fee for a total of \$13,650.00 per year. The Agreement will be in effect until January 1, 2029. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved signing the five-year Extension Agreement for the Worton Spray Irrigation fields with Franklin Dill and the Maryland Agricultural Land Preservation Foundation.

Mr. Moulds gave an overview of the Kent County Comprehensive Water and Sewerage Plan and the Water/Sewer Service Request Review Process. Commissioner Fithian reiterated that there are still properties in Kent County that have not been granted an allocation or still requesting allocations. Mr. Moulds gave a brief overview of the State and Maryland Department of Environment requirements that have hindered the properties discussed from receiving allocation approvals. Discussion took place.

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney provided a brief overview of the public hearing that occurred on September 26, 2023. The Board had questions regarding a resolution and asked to have it presented for consideration again during tonight's meeting. Mr. Moulds was asked to join Mr. Yeager and the discussion continued. On a motion made by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved Resolution 2023-17 Pertaining to The Amendment to The Kent County Comprehensive Water and Sewerage Plan as presented.

Mr. Yeager provided a draft deed for Carl Wright, Managing Member, Wright Kennedyville, LLC to sign conveying rights to the property contained in the Village at Kennedyville to the County Commissioners. The County is actively marketing the property and searching for a land developer to purchase the remaining lots. The County will complete the requirements of Phase I, such as street lighting, replacement of trees, and no parking signs. Discussion regarding Dewey Lane and the three (3) homes on the street that own and are responsible for the road maintenance. A plat will be provided to Kristina Herman, Village at Kennedyville's Homeowner's Association President. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to sign the deed as presented.

KENT FAMILY CENTER

Lisa Mazingo, Director of Kent Family Center (KFC), gave an overview of the FY2024 Maryland Family Network Contract and presented it for approval. KFC has been operating under the County Commissioners since 2015. The contract is updated annually and requires the approval of the Commissioners. KFC supported forty-two (42) families in FY2023. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the contract between the County Commissioners of Kent County and Maryland Family Network for the FY2024 operations of Kent Family Center.

Ms. Mazingo presented the KCPS Judy Center Early Learning Hubs FY2024 Memorandum of Understanding for approval. KFC and KCPS Judy Center have been partners since the family center opened in 2016. The Judy Center provides funding for programs, materials, supplies, and field trips for families. KFC and the KCPS Judy Center work together to serve families in Kent County with children aged birth through five years. KFC receives approximately \$2,500.00 from the Judy Center. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the FY2024 Memorandum of Understanding between the Kent County Public School Judy Center and Kent Family Center.

LOCAL MANAGEMENT BOARD

Rosemary Ramsey Granillo, Director, Kent County Local Management Board (KCLMB) presented the FY2024 Community Partnership Agreement (CPA). The CPA funding is received from the Children's Cabinet Interagency Fund and allocated to KCLMB for operations, Local Care Team, and programs. The total amount awarded for FY2024 is \$553,466.00. A copy of the distribution was presented for the Board to review. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved signing the FY2024 Community Partnership Agreement.

Ms. Ramsey Granillo presented the Minary's Dream Alliance/Academy After School Program Memorandum of Agreement (MOA) for Children's Cabinet Interagency Funding. KCLMB requested approval to renew the agreement with Minary's Dream Alliance (MDA) to implement the after-school program at Kent County Middle School. This is the first renewal. The program is budgeted for \$95,000.00 and is funded 100% by the CPA. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved signing the Memorandum of Agreement between Kent County Local Management Board and Minary's Dream Alliance/Academy for the After School Program using funds awarded from the Children's Cabinet Interagency.

Ms. Ramsey Granillo presented MDA's Teen Spaces Program (MOA) for Safe Summer Award Funding. KCLMB awarded MDA an additional \$31,820.00 for their Teen Spaces proposal, thanks to the Safe Summer Award from the Governor's Office of Crime Prevention, Youth & Victims Services which was received in June 2023. KCLMB had previously awarded MDA \$17,908.00 to implement the Teen Spaces proposal previously submitted for FY2024. The proposal outlined monthly gatherings and trips for students to ensure more safe and healthy spaces for adolescents to socialize and build skills among their peers. The additional funds

enabled MDA to invest in program supplies and equipment to create a more robust physical space for students to gather and socialize in the MDA building, as well as additional summer trips, enrichment activities, and community engagement opportunities like National Night Out. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Memorandum of Agreement between Kent County Local Management Board and Minary's Dream Alliance for the Teen Spaces Program using funds awarded from the Governor's Office of Crime Prevention, Youth and Victim Services Safe Summer Award.

Ms. Ramsey Granillo advised the computer grant was successful with the help of partner organizations. All 500 laptops were provided to Kent County residents who met the requirements. Staff applied for and were awarded an additional 300 laptops to disburse throughout the County.

ECONOMIC AND TOURISM DEVELOPMENT

Maryland Economic Development Week, October 23-27, 2023: Jamie Williams, Director, and Katie Wright, Manager, Economic and Tourism Development (ETD) gave an overview of Economic Development Week in Maryland and the importance of economic development for all communities. The week is designed to increase the understanding of economic development's contribution to the business climate, job retention and growth, the tax base, and the overall quality of life in Maryland, especially in Kent County. The proclamation was read into the record by Commissioner Price and presented to Ms. Williams and Ms. Wright. Commissioner Price praised the department for its hard work and dedication to Kent County. Commissioner Price further stated the leadership of the department is very notable as well.

Ms. Williams advised Chestertown's Arts and Entertainment District was certified in 2015 under a program administered by the Maryland Department of Commerce and the State Comptroller's Office. The district encompasses 51 acres of the historic downtown area. It offers state and local tax abatements for qualified artists who create and sell their creative works in the district and for property owners who build or renovate structures for qualified arts purposes. Possible Tax Incentives include 1. Property tax credit on the increase of assessed value attributable to construction or renovations of the property within the A&E District that provides live-work space or space for arts and entertainment enterprises. County Tax Office processes credit, 2. Income tax subtraction modification for qualifying resident artists in the A&E District. Maryland Comptroller processes subtraction, 3. Admission and Entertainment Tax exemption for arts and entertainment enterprises or qualifying artists residing in the District. Maryland Comptroller processes exemption. In November 2021, Ms. Santoboni applied for the property tax credit. Local legislation was adopted on September 19, 2023, and will be effective November 3, 2023. The issue remains for formal approval to make Ms. Santoboni's property tax credit retroactive. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved credit for Arts and Entertainment Property Tax Credit for an Applicant at 200 High Street for the FY2023 and FY2024 tax years retroactively.

Ms. Wright presented the Maryland Agricultural and Resourced-Based Industry Development Corporation (MARBIDCO) Grant Agreement. Ms. Wright stated the FY2023 included \$20,000.00 within the department's budget for the Upper Shore Regional Council's (USRC) Ag Grant Program to leverage funding from MARBIDCO's Local Government Ag/Resource-Based Industry Development Cost Share Grant Program. These programs promote the development, expansion, and coordination of ag enterprises and initiatives within the Upper Shore area. Kent County's funding leveraged \$30,000.00 bringing the FY2023 funding for the program to a total of \$50,000.00. Nine applicants were approved for grant funding through the 2023 USRC Micro Ag Grant Program at a total of \$50,000.00, these are reimbursable grants. Apotheosis Farm is the only applicant from the FY2023 program to apply for the MARBIDCO matching grant and has been approved. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the Upper Shore Regional Council Maryland Agricultural and Resource-Based Industry Development Corporation Grant Agreement.

HUMAN RESOURCES

Mr. Miller, on behalf of Pete Landon, Director, Office of Emergency Services, requested to fill the full-time Paramedic Supervisor 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, on behalf of the State's Attorney's Office for Kent County, presented a Third Amendment to the Lease for approval. Ms. Heller advised this is for the State's Attorney's Office located at 205 Cannon Street. The lease presented is for three years and reflects an increase in both the price per square foot and additional rent. The second amendment was offered for reference. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the third amendment to the lease with KRM 211 High Street LLC.

Ms. Heller on behalf of, Cynthia Saunders, President, of The Friends of the Kent County Public Library, announced its 50th Anniversary. The Commissioners recognized the milestone with a proclamation in honor of the 50-Year Anniversary Celebration.

COUNTY ADMINISTRATOR REPORT

Ms. Heller advised The Opioid Operational Command Center (O OCC) will be visiting each of Maryland's 24 local jurisdictions to hold a series of Town Hall meetings to hear from community members about the overdose crisis. Town Hall meetings will feature presentations from state and local officials. Participants will also be given an opportunity to speak and share their ideas for increasing support for people with substance use disorders and preventing overdoses in our communities. Citizens may contact the O OCC at any time by emailing help.oocc@maryland.gov. Kent County's Town Hall event is scheduled for Tuesday, October

24, 2023, from 6:30 – 7:30 p.m. Special Secretary of Opioid Response Emily Keller will discuss state-level priorities at the event.

At the September 26, 2023, meeting, Commissioner Fithian requested letters to be sent to the Honorable Bill Ferguson, Senate President, and the Honorable Adrienne A. Jones, Speaker of the House. The purpose is to offer an invitation to visit Kent County and discuss the fiscal impact of Kirwan on Kent County. Follow-up communications are planned by Ms. Heller and key staff of Greenwill Consulting Group. Ms. Heller sent the letters on October 10, 2023, on behalf of the Board. A courtesy copy of both letters was sent to the District 36 Delegation.

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. There was no one in the audience that wished to comment.

FOR YOUR INFORMATION

To sign up for Kent County's CodeRED Emergency Communications Network, visit the website at <https://www.kentcounty.com/oes>.

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 3, 2023, is \$302,013.00. No use of Fund Balance has been requested to date.

CLOSED SESSION

At 8:10 p.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a 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.

At 8:14 p.m., the closed session began after a brief recess. Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Jim Miller, Director, Jennifer White, HR Business Partner, Human Resources; and Sondra M. Blackiston, Clerk/KATE Manager, were also in attendance.

MATTER NO. 1: PERSONNEL

Topic to be discussed: Personnel matters that involve employees.

Reason for closing: Matters concerning employees should be safeguarded.

Jim Miller, Director, Human Resources gave an overview of a vacancy in the Human Resources department. Mr. Miller recommended a candidate to fill the position. Discussion took place.

MATTER NO. 2: PERSONNEL

Topic to be discussed: Certain matters that affect one or more specific employees including retirees.

Reason for closing: Specific individuals' benefits should be safeguarded.

Mr. Miller gave a brief update regarding post-employment health insurance coverage and reimbursements. Discussion took place.

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 submitted a confidential memorandum dated October 10, 2023, which offered two proposals. A brief discussion was held.

MATTER NO. 4: PERSONNEL

Topic to be discussed: Certain matters that affect one or more specific employees.

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

Commissioner Fithian requested a closed session to discuss a recent personnel matter. The matter was advanced to the above-mentioned Matter No. 1.

At 9:39 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 four (4) personnel matters as discussed in the closed session. On a motion by Commissioner Price and seconded by Commissioner Nickerson the Commissioners unanimously approved staff to offer a conditional employment offer to the recommended candidate and granted the request for grade restructure in the Human Resources department. No action was taken on Matters 2, 3, and 4.

At 9:40 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, October 24, 2023, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

October 17, 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 Thomas N. Yeager, County Attorney 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 3, 2023.

At 9:40 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, October 24, 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