

October 3, 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 the audience to remain standing for a moment of silence. Keep the family of James Wachowiz in everyone's thoughts and prayers. Mr. Wachowiz was a former County employee for many years and recently passed away.

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

PUBLIC NOTICES

The adoption notices of Code Home Rule Bill Nos. 3-2023 Arts And Entertainment District Property Tax Credit, and 4-2023 Residential Sprinkler Property Tax Credit were read into the record by Commissioner Fithian. Both legislative bills were adopted on September 19, 2023, without amendments; and the provisions of the Acts shall take effect on November 3, 2023.

CONSENT ITEMS

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

1. Regular Session Minutes, September 26, 2023
2. Liquor Minutes, September 26, 2023
3. Public Hearing Minutes, September 26, 2023
4. Closed Session Minutes, September 26, 2023
5. Maryland Community Development Block Grant MD 22-CD-1 – Request to Waive Deadline Requirement

PROCLAMATION

National 4-H Week 2023: Elizabeth Hill, 4-H Educator and Principal Agent Associate, University of Maryland Extension gave an overview of the 4-H program. 4-H is America's largest youth development organization, empowering nearly six million young people with the skills to lead for a lifetime. National 4-H Week will be celebrated October 1-7, 2023. Ms. Hill was accompanied by the following members of the local 4-H: Casey Turner, 4-H Member, Vice President of Puppy Pals 4-H Club, and Member of the Bits and Bridles 4-H Club; and Hiley, Jack and Jacob Orndorff, members of Bits and Bridles, Fuzzy Tails, and the Kent Clover Calf 4-H Club. Ms. Turner spoke regarding her experience as a 4-H member. Hiley, Jack and Jacob presented poster boards that helped explain the process of taking care of and showing animals for the 4-H fair. Commissioner Nickerson read the proclamation into the record and presented it to Ms. Hill and the 4-H members.

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney reviewed the protocol for a legislative session. Bill Mackey, Director, Planning, Housing, and Zoning joined Mr. Yeager to provide an overview of the proposed legislative bill and to answer any questions the Board had.

LEGISLATIVE SESSION

Introduction of Code Home Rule Bill No. 5-2023, Outdoor Retreats In Resource Conservation (RC), Rural Residential (RR), and Community Residential (CR).

Bill Mackey, Director, Planning, Housing, and Zoning, read Code Home Rule Bill No. 5-2023, An ACT to amend Chapter 222, Zoning, of the 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. Mr. Mackey gave further details regarding Code Home Rule 5-2023 and explained it incorporates the recommendations of the Planning Commission and the Agricultural Advisory Commission. Discussion took place. Commissioner Fithian commented on the legislation's special exceptions as it proposed a limit on the number of children guests to no more than two. Mr. Yeager offered ways to receive additional input during the public hearing process and noted the proposed bill could be amended by interlineation. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the introduction of Code Home Rule 5-2023, Outdoor Retreats in Resource Conservation (RC), Rural Residential (RR), and Community Residential (CR) and for the bill to be scheduled and advertised for a public hearing in the Commissioners’ Hearing Room at 400 High Street, Chestertown, Maryland.

CIRCUIT COURT

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 new security grant request including Addenda A was also presented. This proposed MOU is for review only. If the request is approved by the Commissioners and then by the Judiciary, the Judiciary will prepare an MOU with all specifics included, which would then need to be signed by the Commissioners. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the signing of the 2021 Memorandum of Understanding Modification # E21-0012-25K. A final version will be submitted later.

OFFICE OF EMERGENCY SERVICES

Pete Landon, Director of, the Office of Emergency Services, gave an overview of the Kent County Automated External Defibrillator (AED) Program. The Kent County Office of Emergency Services (KC OES) is pleased to announce the expansion of publicly available automated external defibrillators (AEDs) on certain County-owned properties. AEDs are used to help anyone, regardless of age, experiencing sudden cardiac arrest. AEDs are an easy-to-use medical device that can analyze anyone's heart rhythm and, if necessary, deliver a defibrillation (an electric shock) to help someone's heart to re-establish an effective rhythm. This is truly a tried and tested life-saving device that has been used effectively until paramedics can arrive. The KC OES has been chosen as a recipient of a one-time grant of \$20,000.00. The grant must be used solely for the purpose of AED defibrillator machine acquisitions or expenses incurred in the installation of the AED units in locations best suited to assist the public and county personnel in rendering emergency aid to those experiencing a cardiac event. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously accepted a one-time grant of \$20,000.00 allowing the expansion of publicly available emergency AED equipment on select Kent County-owned properties.

HUMAN RESOURCES

Jim Miller, Director, Human Resources gave an update on recent modifications to post-employment benefits for two groups of retirees. Commissioner Price asked for more details to help the retirees have a better understanding of what has transpired with their benefits and what will be forthcoming. Commissioner Fithian acknowledged that several retirees attended today's meeting and requested a speedy resolution to any residual developments. Mr. Miller gave further details of the progress that has been made thus far concerning retirees' health insurance benefits. Discussion took place.

COUNTY ADMINISTRATOR REPORT

Shelley L. Heller, County Administrator, on behalf of Dennis Hickman, Sheriff, Kent County Sheriff's Office, discussed the procurement of four (4) vehicles. Because these are budgeted items, and Enterprise is an approved vendor, it was recommended to treat this as an emergency procurement due to the current automotive climate. Two factors were verified: 1) the prices of the vehicles are within the budgeted allocation, and 2) the leases were reviewed by the Department of Public Works to ensure the leases are in order. The request could not wait until Tuesday, October 3, 2023, for approval. Commissioner Fithian signed Enterprise Fleet Management Quote No. 7519438 on September 28th. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners ratified the purchase of four (4) Tahoes for the Sheriff's Office.

Ms. Heller stated that invitations were sent on September 28, 2023, to the District 36 Delegation and the five (5) municipalities. The Annual Consolidated Transportation Programs (CTP) Tour by the Maryland Department of Transportation is scheduled for October 24, 2023, and constituents' concerns will be heard at that time. Discussion took place.

Ms. Heller stated in years past the Commissioners have honored Henry Highland Garnet Alumni with Certificates of Appreciation. Peggy L. Brown made the request for this year's

recipients. The certificates were given during a previous Commissioners' meeting, however, Ms. Brown requested two more for Patricia Alexander and Elizabeth Lively. The certificates were prepared and signed for Ms. Alexander and Ms. Lively on September 19, 2023.

PUBLIC COMMENT

The procedures for public comment were in effect. Testimony was offered by: Doncella Wilson and Paul Tue, III of Minary's Dream Alliance (MDA) regarding complaints that were received about an event held on September 16, 2023, by Minary's Dream Alliance at 9155 American Legion Road, Chestertown, MD. Ms. Wilson gave an overview of the services they provide to the residents of Kent County. Ms. Wilson read a letter into the record from Frank Rhodes providing support for MDA. Discussion took place. Vanessa Halloway Truxon spoke regarding the abovementioned event and the services MDA provides to the County. The Commissioners offered comments. Robert Thomas spoke in support of MDA. Pat Nugent, a resident of Kent County gave testimony regarding support of MDA. The Commissioners offered further comments. Kristina Herman, HOA president of the Village at Kennedyville gave testimony regarding concerns for the Village at Kennedyville. The main concern was regarding the dedication of the roads that would allow fiber optics to become available for high-speed internet connection throughout the development. Discussion took place.

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 September 26, 2023, is \$302,013.00. No use of Fund Balance has been requested to date.

CLOSED SESSION

At 7:45 p.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session to discuss a personnel matter. 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 7:56 p.m., the closed session began after a brief recess. Shelley L. Heller, County Administrator; Jim Miller, Director, Human Resources; and Sondra M. Blackiston, Clerk/KATE Manager, were also in attendance.

PERSONNEL

Topic to be discussed: Personnel matters that involve employees.

Reason for closing: Matters concerning employees should be safeguarded.

Commissioner Fithian requested an update to a closed session discussion on September 12, 2023, wherein Mr. Miller was granted more staff time to research personnel issues. The job performance and skill set of certain individuals were assessed. Mr. Miller offered a recommendation. The Board asked for an update on current retention and recruitment efforts. The department will continue its efforts to study the issues.

At 8:48 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 personnel matter as discussed in the closed session. On a motion by Commissioner Price and seconded by Commissioner Nickerson the Commissioners unanimously approved to have staff proceed as advised.

At 8:49 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 17, 2023, at 6:00 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

October 3, 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, September 26, 2023.

SPECIAL CLASS C

Sgt. Preston Ashley American Legion Auxiliary has applied for a Beer only, Special Class C per diem liquor license. Sgt. Preston Ashley American Legion Auxiliary would like to sell beer during Bike Fest scheduled to take place on October 15, 2023, with a rain date of October 22, 2023. The event will be held at the Rock Hall Bulkhead in Rock Hall, Maryland, from 12:00 p.m. to 5:00 p.m. The property is owned by the County and needed approval from the Commissioners to hold the event at the Rock Hall Bulkhead. Commissioner Fithian signed off on the application as the authorized agent. The application was reviewed and met the requirements for an event license approval. There being no objections to the application, during the public hearing, the Board took a vote. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Special Class C (Per Diem) liquor license application for Sgt. Ashley American Legion Auxiliary.

COUNTY ATTORNEY / LETTER FOR SIGNATURE

At the Commissioners' meeting on September 19, 2023, residents of Mallard Road, Chestertown offered comments. Each person stated their opposition to loud noise during an event at Minary's Dream Alliance on Saturday, September 16, 2023. As a result, the Board requested staff to prepare a letter. As part of the letter, it was noted and explained that there was a violation and cited the Special Class C (Per Diem) License Affidavit – listed as Number 4. No unnecessary noise or disturbance that could be a nuisance to the community shall occur. The letter was finalized and submitted for signature.

Comments were accepted at the end of the meeting and are noted as part of the regular session minutes under public comments.

At 8:49 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, October 17, 2023, at 6:00 p.m.

Liquor Minutes
October 3, 2023
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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