

August 27, 2024

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 H. Nickerson; and John F. Price. The meeting convened with the Pledge of Allegiance. Commissioner Fithian asked everyone to remain silent for everyone around the world who is affected by different adversaries and the war.

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

PUBLIC NOTICES

Commissioner Fithian read the adoption notices for Code Home Rule Bill Nos. 5-2024 Pawnbrokers and Secondhand Dealers and 6-2024 Clean Energy Loan Program into the record. The legislative bills were adopted without amendments on August 20, 2024, and the provisions of each Act shall take effect on October 4, 2024.

Notice is given of a public hearing to discuss the proposed Code Home Rule Bill No. 7-2024 Self-Storage Centers In The Industrial Districts, AN ACT to amend the Kent County Land Use Ordinance. The hearing is scheduled for September 10, 2024, at 10:00 a.m. in the Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland. Thomas N. Yeager, County Attorney, explained the purpose of the legislation.

CONSENT ITEMS

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved all four items as presented:

1. Regular Session Minutes, August 20, 2024
2. Liquor Minutes, August 20, 2024
3. Pete Landon, Director of Emergency Services – 2025 Police Accountability, Community and Transparency (PACT) Grant No. 2024-PT-0027 Financial Reporting Documentation
4. Mr. Landon– Renewal Contract for Police Accountability Board Accountability Consultant; FY2025 Maximum Cost \$42,000.00

RECOGNITION

Muriel Cole, who served as Vice-Chair and Commissioner Representative, is retiring from her dual role and public service with the Commission on Aging (COA). A certificate of appreciation was prepared to acknowledge Ms. Cole's many years of service and commitment to serving the community. Commissioner Fithian read the certificate into the record. In addition, Ms. Cole received a thank-you letter honoring her seventeen years of service to the COA. Ms. Cole, accompanied by Carolyn Sorge, Vice-Chair of COA, modestly accepted her honorary

acknowledgments. Ms. Sorge echoed the Board's sentiments about Ms. Cole's commendable service.

PARKS AND RECREATION

Jill Coleman, Director of Parks and Recreation, and Carrie Klein, Deputy Director of Public Works, proposed renaming the "E" Diamond Ball Field to "Volunteer Field. The ball fields at Worton Park have long been a cornerstone of the community, serving as a place where residents of all ages have come together to play, watch, and celebrate the spirit of the games. To honor the dedication and contributions of our community volunteers, the staff proposed renaming "E" Diamond to "Volunteer Field." This aligns with our community's values and encourages a spirit of service and engagement. Staff believes this change will have a positive, lasting impact on our community, fostering a deeper sense of pride and unity. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Proposal to rename "E" Diamond ball field to "Volunteer Field."

Commissioner Price praised Parks and Recreation staff and Public Works Ground Maintenance crews for keeping the park nice and clean.

Ms. Coleman proposed installing a bench in honor of Kent County lifeguards: A tribute to everyday heroes. Often overlooked in their role, lifeguards are remarkable individuals who commit themselves to safeguarding others. Their unwavering vigilance, prompt decision-making, and courageous acts frequently go unappreciated, yet their influence is profound. In recognition of the Kent County Parks and Recreation lifeguards, installing a bench at Betterton Beach will be a perpetual admiration for their dedication and a symbol of the life they saved. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the acquisition of a red bench, valued at \$1,300.00, to commemorate the lifeguards, with the funding sourced from underutilized capital funds.

Ms. Coleman provided a departmental update:

- Daily pool and beach attendance: Community Center – Daily 200-300, Night Swim – 100-150, Millington – 60-80, Bayside – 10-20, and Betterton Beach – 400+.
- Youth Swim lessons had 90 participants, and Adult Swim lessons had 7 participants.
- A water safety class was offered for kiddie camp. This class will be offered to Kiddie Camp and Day Camp participants next summer.
- Summer Camp: 95 participants. Last days of Summer Camp: 60 participants.
- Dogapalooza will be held on September 7, 2024. This is a partnership with the Kent County Animal Shelter. For more information, contact the Parks and Recreation Department at 410-778-1948.
- Fall Programs: Afterschool at Elementary Schools, Beach Tennis demo, Nature Hike, Kids Night Out, Family Hike, Fall Festival, Tots-of-Fun, Park Hop, Quick Ball, Start Smart Sports, Fall Softball League, Ping Pong, Pickleball, Platform

Tennis, Co-Ed Youth Volleyball, free access facility cards for freshman, Junior Wrestling Open Matt Nights, Punt Pass and Kick Competition, and CPR and First Aid Training Courses.

- New fitness equipment and pool furniture.
- Book Walk Trail at Worton Park has been completed and is being used.
- Turners Creek Garden: Youth-In-Action and Leadership participants volunteered and enjoyed working in the garden. Mr. Wayne Gilchrest is a wonderful mentor. This program has been an outstanding experience for all the participants.
- Fitness Room: Staff will offer two (2) hours during the week (during the day) to care for children while parents use the Community Center for their fitness needs. Participants must have a facility access card, and the children will participate in activities in the Kid's Room.

PUBLIC WORKS

Engineering: Ms. Klein discussed approval to award a contract for the Emergency Medical Services (EMS) building project. Bids for this project, RFP # GM 25-01, were publicly advertised on June 13, 2024; the pre-bid meeting took place on July 10, 2024. Several addenda were issued to address contractor inquiries and clarify key design elements. This included coordinating with the Building Code Official and Fire Marshal regarding the need for a sprinkler system. Out of the seven bids received, one was deemed invalid as it did not include the entire scope of work. The lowest bid came from Industrial Engineering Company, Inc., at a total bid of \$628,800.00. Although the full bid summary was available for review, it is worth noting that the low bid is less than half the average of all bids and \$153,200.00 (about 20%) less than the average of the three most competitive bids. Industrial Engineering Company has had a positive history of work with the County, including the recent successful completion of the Worton Grounds Maintenance Shop facility, which had a scope of work similar to the new EMS Facility. The initial cost estimate for this project was \$550,000.00, but after reviewing the project with code officials and the State Fire Marshal during the bid process, it was determined that a full sprinkler system would be required. Consequently, the cost estimate has been adjusted. The budget allocated for this project under FY2025 includes a Capital Line item totaling \$650,000.00. The bid covers design services and building construction, with site and utility work anticipated to be handled by DPW. However, it is important to note that the bid does not include furnishing the building. DPW is proposing the execution of a contract with the lowest bidder, and the contract duration is expected to be 240 days, indicating a projected project completion in late April or early May of 2025. Contract # 25EGMESDC0625 was provided for the Board's review. Discussion took place concerning the décor /facing of the building. Ms. Klein will bring back any change orders if applicable. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the award of the contract for the Design and Construction of the EMS Facility and Storage Building, with a total value of \$628,000.00 to Industrial Engineering Company, Inc. pursuant to the bid results of RFP # GM 25-01.

Commissioner Price praised Robert B. Rust, Jr., a former Kent County Office of Emergency Services Director from October 24, 1983, until his retirement on April 12, 2005. In

addition to his 22 years of service with the County, he served 11 years volunteering for the Kent and Queen Anne's Rescue Squad. Mr. Rust's dedication and vision of staffing paramedics in Kent County came to fruition in 1996 when the first paid Deputy Paramedic position was created and filled in Kent County. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously voted to officially dedicate the new building and name the new Office of Emergency Services facility located on Flatland Road, Chestertown, Maryland, "The Robert B. Rust, Jr., Kent County Emergency Medical Services Headquarters."

Environmental Operations/Public Landings Division: Ms. Klein gave an update regarding a landing repair project. Bayside Landing Marina sustained substantial damage during the recent Tropical Storm Debby event. All Kent County piers experienced some damage. All features, except Pier C, could be repaired by County Staff in the days following the storm. Pier C sustained significant damage - being lifted off pilings and broken in several locations due to tides and wave action resulting from the storm. Pier C was closed to the public due to this damage and remains closed now. Necessary repair work to restore condition & functionality is beyond the capabilities of County Staff & Equipment. The County received grant funding to renovate/replace the entire marina facility at this park. Construction is anticipated to start on this project in early November. The expected duration of the project is four months. To reduce costs and the project timeline, all Bayside Landing slip holders will be required to relocate their boats for the entire four-month duration of construction. Public Works has prepared three (3) letters to send to slip holders at Bayside Landing. They are as follows:

- Letter "A" will be sent to slip holders with annual leases (excluding Pier C). It notifies them of anticipated dates their slip will be inaccessible and offers a four (4) month credit toward next year's lease.
- Letter "B" will be sent to slip holders with semi-annual (six (6)-month) leases (excluding Pier C). It notifies them of anticipated dates for their slip to be inaccessible and offers credit for November (previously paid). It also notifies them that they will not be invoiced for the additional three months of inaccessibility due to construction (four (4) months total).
- Letter "C" will be sent to slip holders of Pier C. It advises that the slip is now closed and will remain closed through construction. Boats are to be safely removed (in coordination with DPW). A four (4) month credit is offered to slip holders due to loss of service between the storm event and the beginning of the construction project. Slip holders will also not be charged for the duration of construction (all Pier C slip holders are currently on 6-month leases).

Any objections to the plan in the letters will be handled case-by-case. Slip holders who object may be offered a "refund" in lieu of credit at their request. However, they will forfeit renewal of the slip moving forward (i.e., their slip will be reassigned to the next person on the waitlist and placed on the 'back' of the waitlist.) Any such instances involving refunds, should they occur, will be brought to the Commissioners for approval.

Worton Park: This request was first discussed at the July 23, 2024, Commissioners meeting. Ms. Klein presented a Memorandum of Understanding (MOU) prepared by Chip MacLeod of Beach Tennis Maryland, LLC, vetted by Mr. Yeager, and found acceptable. The MOU covers all aspects of the agreement between the County and private entities. The contractor has requested the following donations, which can be accommodated by the County as noted below:

1. Hauling and disposal of excavated material; cost is \$3,600.00
2. Nonwoven geotextile cloth/fabric: 20,000 sq ft 12' wide rolls; cost is \$1,600.00
3. # 57 stone, 180 tons; cost is \$5,060.00
4. #8 stone, 90 tons; cost is \$2,500.00

The above items have been itemized in the contractor's quote so the foundation can confirm exact cost savings and invest that money in additional features for the new courts. Discussion took place. Ms. Klein explained that the department's budget can support the materials request; however, it is early in the fiscal year to determine if the costs will create a shortfall as the year progresses. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Memorandum of Understanding between Kent County, Maryland, and Beach Tennis Maryland, LLC to permit privately funded construction of multi-use sand courts within Worton Park. In addition, a motion was made by Commissioner Price and seconded by Commissioner Nickerson. The Commissioners unanimously approved the County donation of additional costs not to exceed \$15,000.00, if needed, to be paid from Contingency Funds or Fund Balance.

DOCUMENTS FOR SIGNATURE

On July 23, 2024, the Commissioners approved one (1) sewer allocation for Tax Map 0051 Parcel 0345. Michael M. Dillon, the property owner, has already signed the Public Works Agreement, which now requires the Commissioners to sign. Shelley L. Heller, County Administrator, further explained the request for signature. This signature request sparked a discussion about sewer allocations that were not related to the matter at hand. Commissioner Fithian explained the process and gave an update on two allocations for Herman Hill. Ms. Heller will follow up with the department, and any updates can be provided at the next Commissioners meeting, or even sooner if necessary.

During the August 20, 2024, meeting, the Board directed staff to prepare a letter to Governor Wes Moore, with a copy to be sent to the Maryland Department of Health concerning budget cuts. The letter expressed concerns about statewide reductions resulting in a lack of Kent County Health Department funding. The letter was submitted for the Board's signature.

PUBLIC COMMENT

The procedures for public comment were in effect. Lee O. Sanderlin, Enterprise Reporter with the Baltimore Banner, offered comments. Mr. Sanderlin is visiting different parts of

Maryland to get a general census of how people are voting and what matters most to the residents.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

The Commissioners were provided with a copy of the ARPA Spend Plan outlining the approved expenditures to date for informational purposes.

CONTINGENCY FUND

The FY2025 Contingency balance as of August 20, 2024, is \$373,850.00. The FY2025 use of Fund Balance is \$23,153.00.

CLOSED SESSION

At 11:01 a.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) (7) To consult with counsel to obtain legal advice; (8) to consult with staff, consultants, or other individuals about pending or potential litigation; and (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. Two matters will be discussed.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Sondra M. Blackiston, Clerk/KATE Manager; and Lacey T. Cox, Deputy Clerk II, were also in attendance. There was a brief recess.

MATTER NO. 1: LEGAL ADVICE AND PENDING OR POTENTIAL LITIGATION

Topics to be discussed: To discuss the legal opinion of the County Attorney concerning potential litigation matters.

Reasons for closing: Legal advice from the County Attorney is private to the public and is meant to shield specific details of potential/ongoing litigation.

At 11:06 a.m., Bill Mackey, Director of Planning, Housing, and Zoning, joined the closed session. This discussion was a follow-up to a closed session held on July 9, 2024. Mr. Mackey and Thomas N. Yeager, County Attorney, discussed a proposed community solar project. The closed session was for a briefing on the status of a community solar project and for legal advice on how to reply to the Chief Public Utility Law Judge McLean's offer for Commissioners to sit jointly at the virtual Public Hearing on October 3, 2024. Mr. Mackey departed the closed session at 11:38 a.m. All other persons remained.

MATTER NO. 2: PERSONNEL

The topics to be discussed are the qualifications, compensation, job responsibilities for a vacant position, and a specific individual's job performance.

Reasons for closing: The details, qualifications, and compensation of certain applicants being considered for employment should be shielded for privacy, and employment evaluations should be shielded for privacy.

At 11:39 a.m., Jim Miller, Director, and Jennifer White, Human Resources Business Partner, Human Resources (HR), joined the closed session to discuss personnel matters. Staff recommendations were offered for the Board's consideration.

At 12:16 p.m., a motion made by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously adjourned the closed session and reconvened in an open session.

OPEN SESSION

Commissioner Price reported on two matters discussed in closed session. Matter No.1, a legal issue, was discussed with the staff and the County Attorney. The Commissioners will decline to sit jointly at the virtual Public Utility Hearing scheduled for October 3, 2024, case No. 9742. Matter No. 2 involved a personnel matter. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to have staff proceed as discussed regarding two personnel issues.

At 12:17 p.m., on a motion made by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, September 10, 2024, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

August 27, 2024

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, August 20, 2024.

SPECIAL CLASS C LICENSE

Minary's Dream Alliance submitted a Special Class C (Per Diem) liquor license application to sell beer and wine during the Rhythm and Vines Festival. The event is scheduled for September 7, 2024, from 11:00 a.m. to 7:00 p.m. at Fellowship Farm, 32103 Millington Road, Millington. A brief discussion took place; there were no objections to the application. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Special Class (Per Diem) liquor license application for Minary's Dream Alliance.

At 12:17 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, September 10, 2024, 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