

August 24, 2021

A meeting of the County Commissioners of Kent County was called to order at 10:02 a.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 Afghanistan, for the Americans still there, for the people trying to evacuate, and for those who are unable to leave the country.

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

COVID-19 PANDEMIC UPDATE

Bill Webb, Health Officer, Kent County Health Department (KCHD) presented an update on the COVID-19 pandemic in the State of Maryland and Kent County. Information and resources are available from the Kent County Health Department at <https://kenthd.org/>. A copy of the presentation is posted on the County's website at <https://www.kentcounty.com/commissioners/meeting-agenda>.

Mr. Webb mentioned there is a third COVID booster vaccine that will be administered to those individuals with immunocompromised immune systems. Mr. Webb also discussed utilizing the Community Center again for an onsite vaccination clinic, he stated that he has been in contact with Myra Butler, Director, Parks and Recreation, and she too is amenable to the use of the building.

Mr. Webb further stated now that all Health Department programs are back in full swing there is not enough nurses and medical staff to facilitate a vaccination and testing clinic for five (5) days a week. Mr. Webb requested funding from the Commissioners to support the clinic. The Health Department is in the process of applying for grant funding from United States Department of Agriculture (USDA). USDA has committed 35% of funds in the amount of \$122,000.00 if the County will match 65%, the approximate cost for the County would be \$227,000.00, per year, for a two-year period. The Commissioners support the need for the vaccination clinic and indicated the funds for the clinic will be determined at a later time. The Commissioners inquired if the funding could be used from the American Rescue Plan Act (ARPA) for the vaccination clinic. Shelley L. Heller, County Administrator, stated that at this point, the ARPA funding cannot be used as a non-federal match. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Mr. Webb's request for funding in the amount of \$227,000.00 for the hiring of two (2) nurses and two (2) nursing assistants. FY2022 contingency funds are the only available funding option for this approval.

Wayne Darrell, Director, Emergency Services, stated the office has resumed the monthly Emergency Operations Center (EOC) calls.

PUBLIC NOTICE

Commissioner Mason read a notice announcing all County offices will be closed Monday, September 6, 2021, in observance of Labor Day.

CONSENT ITEMS

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

1. Regular Session Minutes, August 3, 2021
2. Liquor Minutes, August 3, 2021
3. Public Hearing Minutes, August 3, 2021
4. Closed Session Minutes, August 3, 2021
5. Republicans of Kent, Raffle Only, September 12, 2021
6. Main Street Rock Hall, Raffle Only, October 9, 2021
7. State of Maryland Department of Natural Resources Grant, Memorandum of Understanding, Sanitary Services at Kent County Public Landings, in an amount not to exceed \$10,000.00.
8. Maryland State Library Certification for Cooperative Local-State Library Aid Programs FY2022; County Contribution to Kent County Public Library is \$713,899.00.

KENT COUNTY PUBLIC SCHOOLS

Dr. Karen Couch, Superintendent, and Alleesa Stewart, Supervisor of Finance, Kent County Public Schools were present to discuss two budgetary matters. Ms. Stewart summarized FY2021 Budget Amendment Unrestricted No. 4. In reviewing the FY2021 budget, three (3) budget categories need to be amended, increasing the budget lines for, Student Health Services in the amount of \$48,000.00, Instructional Supply in the amount of \$35,000.00, and Operations in the amount of \$45,000.00. Ms. Stewart indicated there will be a reduction in the budget line for Instructional Salary and Maintenance to cover the overages. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Kent County Public Schools Budget Amendment No. 4 as presented. Ms. Stewart presented a Certification Statement for the Teacher Salary Incentive Grant Program FY2022 in the amount of \$280,105.00. This certification confirms that teacher salary increases of 3% were funded in FY2021 and continue to be funded for FY2022 as well. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the request as presented.

EMERGENCY SERVICES

Mr. Darrell requested approval to purchase console maintenance and software upgrades. Mr. Darrell stated Emergency Services operates public safety radio on the Maryland State 700 MHz Motorola System. The Department budgets annual expenses for 911 center console maintenance and support in the amount of \$27,804.41, along with annual software upgrades in the amount of \$33,377.56. On motion by Commissioner Fithian and seconded by Commissioner

Jacob, the Commissioners unanimously approved the payment of Motorola invoices for console maintenance in the amount of \$27,804.41 and for software upgrades in the amount of \$33,377.56.

ECONOMIC AND TOURISM DEVELOPMENT

Proclamation: September 2021 is International Underground Railroad Month. Jana Carter, Tourism Manager, Economic and Tourism Development announced, in cooperation with the Maryland Department of Commerce Office of Tourism (OTD), September is International Underground Railroad Month. This designation acknowledges the significance of the Underground Railroad, and the civil rights movement that followed. Commissioner Fithian read the proclamation commending the people of Maryland, Kent County, and all those from around the world involved in the International Underground Railroad. Ms. Carter accepted the proclamation on behalf of the department and highlighted Kent County's historical sites recognized by the Natural Park Service, Network to Freedom.

Jamie Williams, Director, Economic and Tourism Development presented a Modification to a Grant Agreement with the Maryland Department of Commerce. At their April 6, 2021 meeting, the Commissioners approved the Relief Act of 2021 Grants – Maryland Department of Commerce, Online Sales and Telework Assistance in the amount of \$1,599.06. This modification adds \$15,991.00 to Kent County's program. Ms. Williams stated the Department will reopen the grant program. Grants will be offered up to \$3,000.00, allowing Kent County to fund five (5) small businesses. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved and signed the Modification Grant Agreement with the Maryland Department of Commerce for Online Sales Framework and Offering Employees Telework Opportunities.

Ms. Williams provided an update on the Kent County Revolving Loan Funds. Ms. Williams stated Ellen's Coffee Shop and Family Restaurant has filed for bankruptcy. The original Revolving Loan in the amount of \$30,000.00 has an outstanding balance of \$25,871.13. Ms. Williams stated she has consulted with Mike Thielke, Executive Director, Eastern Shore Entrepreneurship Center (ESEC). Mr. Thielke suggested two (2) options: pursue repayment/collections or close the loan. Ms. Williams consulted with Thomas N. Yeager, County Attorney, and both agree that closing the loan is the logical option. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved to close out the loan. Ms. Williams stated a second Revolving Loan for Chesapeake Movies was granted in the amount of \$75,000.00 and has an outstanding balance of \$52,443.02. Ms. Williams stated the movie theater has closed under that group. Ms. Williams will continue to work with the Town of Chestertown, the guarantor of the loan, to secure the remaining balance. The Commissioners concurred with Ms. Williams and would like her to continue to work with the Town of Chestertown to repay the outstanding balance.

Ms. Williams abbreviated the Enterprise Zone (EZ) Application process. Ms. Williams stated the purpose of an EZ is to provide real property and state income tax credits for businesses located in a Maryland EZ in return for job creation and capital investments. On August 12,

2021, Ms. Williams presented a memo, map, and documentation at the Town of Rock Hall's meeting to see if they may be interested in applying for an EZ tax credits (just added, please check to see if it is okay). Mayor Dawn Jacobs and Council agreed it would be beneficial to apply for an Enterprise Zone (EZ) Tax Credit for Census Tract 9505. Ms. Williams explained the joint Town and County application process. The Commissioners concurred with the submission of the application.

Ms. Williams mentioned the Department is working on monthly newsletters. Ms. Williams announced the Department of Housing and Community Development (DHCD) offers financial support to businesses moving into vacant commercial properties. More information regarding Project Restore is available at <https://dhcd.maryland.gov/>

Ms. Heller applauded the collaborative efforts of Economic and Tourism Development, Kent County Local Management Board, Information Technology (IT), and Planning, Housing and Zoning for all the contributions and work they put into the Kent County booth at the Maryland Association of Counties (MACo) convention. Kent County's booth at the 2021 Summer Conference netted 2nd best booth. This year's conference theme was "The Great Outdoors".

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director, Planning, Housing, and Zoning presented an Emergency Rental Assistance Program (ERAP) Subrecipient Agreement. Mr. Mackey stated Kent County is the recipient of federal grant funds for \$1,332,475.00 via the Maryland Department of Housing and Community Development (DHCD) for the Emergency Rental Assistance Program (ERAP). As part of the implementation process, the County will pass through the funding to the Maryland Rural Development Corporation (MRDC) to provide services directly to clientele. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the Emergency Rental Assistance Program (ERAP) Subrecipient Agreement with Maryland Rural Development Corporation (MRDC) for signature.

Mr. Mackey presented an Amendment to the Maryland Community Development Block Grant Program (CDBG) COVID-Round 1 (CV-1) Grant Agreement. Mr. Mackey stated in July 2020, the Commissioners received approval from the Maryland Department of Housing and Community Development (DHCD) for \$84,246.39 to provide emergency rental assistance through the federal CDBG program. In May 2021, a Substantial Amendment was undertaken to allow for changes in the distribution of funds via the CDBG Program. On July 8, 2021 the Commissioners approved and signed the Amendment to allow for changes in the distribution of funds. Mr. Mackey explained following submittal of the Amendment, DHCD requested revised language on the first page of the amendment to recognize the status of the original grantee agreement. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the revised Amendment to the Agreement for the CDBG CV-1 grant for signature.

Commissioner Fithian inquired about private farms being used as a venue, such as for a wedding. Mr. Mackey stated at this time private farms are not allowed to operate as a wedding venue unless they hold a Country Inn permit. Mr. Mackey explained this topic will be discussed at a Comprehensive Rezoning Update (CRU) Task Force meeting.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, on behalf of Herbert Dennis, Warden, Detention Center, presented two personnel requests. The first request was for an approval to hire two (2) recommended applicants to fill Correctional Officer vacancies, at the recommended grade and salary, pending successful completion of pre-employment requirements. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the request as presented. The second request asked to amend a personnel action approved on August 3, 2021. Mr. Hale explained there was an error that effected an employee's grade and salary. The corrective measure is to adjust the employee to a Grade 6 and amend the salary based on the FY2022 Adopted Budget. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the request as presented.

Mr. Hale provided an update on new strategies to advertise the County's employment opportunities. Mr. Hale stated a recent ad placed in the local newspaper has successfully yielded applicants.

COUNTY ADMINISTRATOR

Ms. Heller announced there will be a Work Session on August 31, 2021, at 3:00 p.m. to discuss the American Rescue Plan Act (ARPA).

Ms. Heller, on behalf of Mike Moulds, Director, Public Works, presented a request to approve one Enterprise Fleet Management Lease to replace a service vehicle in the County Roads Division. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the request.

Ms. Heller, on behalf of Daniel P. McDermott, Executive Director, Upper Shore Workforce Investment Board (USWIB), presented two items for the Board's consideration. The Upper Shore Workforce Area is composed of five Counties - Caroline, Dorchester, Kent, Queen Anne's, and Talbot. The Workforce Innovation and Opportunity Act of 2014 (WIOA) requires the USWIB to create a Memorandum of Understanding (MOU) between the WIOA Partners, the USWIB, and the Upper Shore Counties. The USWIB and the WIOA Partners request Kent County's concurrence of the MOU. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Local Development Area Memorandum of Understanding 2021-2023 for the Upper Shore Workforce Investment Board. The second item was a recommendation to reappointment a member currently serving on the USWIB. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioner unanimously approved the reappointment of Tom

Timberman to the Upper Shore Workforce Investment Board for a three (3) year term ending July 31, 2024.

COUNTY ADMINISTRATOR REPORT

Ms. Heller reported a raffle only permit was issued on August 16, 2021 to Chestertown Volunteer Fire Company for an event on August 21, 2021.

Ms. Heller abridged a request by Wayne Rickert, Rebuilding Together Kent County (RTKC) for the County's support of a grant application for a housing rehabilitation program. The program provides repairs and safety modifications for low-income seniors, families and those living with disabilities. All services are provided at no cost to the homeowner and eligibility is restricted to Kent County residents living at 80% or less of Area Median Income. On August 3, 2021, a letter was sent to Jack A. Daniels, CDA Lending and Risk Director, Special Loans and Administration, Maryland Affordable Housing Trust, Maryland Department of Housing and Community Development in support of the Rebuilding Together Kent County (RTKC) application.

Ms. Heller reported Commissioner Mason received a correspondence dated July 28, 2021, from Cindy Stone, Director, Community Development Programs. A monitoring visit occurred on August 11, 2021 for the review of the Maryland Community Development Block Grant Program CV-1-7, in accordance with all statutory and regulatory requirements and policies.

Ms. Heller reported that on August 13, 2021, Commissioner Mason signed the Master Memorandum of Understanding (MOU) for a Weed Control Program by and between Kent County and the Maryland Department of Transportation State Highway Administration. Funds paid for weed control shall not exceed a five (5) year funding level of \$237,500.00 through the duration of the Master MOU. The Project Task Agreement (PTA), a companion document, was also signed by Commissioner Mason on August 16, 2021. The PTA outlines specific costs for FY2022.

Commissioner Fithian discussed the work session on August 3, 2021, regarding County transportation needs. Commissioner Fithian emphasized a desire to revisit this initiative. Commissioner Fithian recounted that Delmarva Community Transit (DCT) proposed a cost share to purchase two (2) vehicles and fund drivers to supplement existing transportation schedules. The Board reached a consensus, staff is to proceed with contacting DCT concerning the proposed transportation model and schedule.

PUBLIC COMMENT

The procedures for public comment were in effect. Milford Murray, citizen, expressed concerns for the after-hours activity occurring around the yellow building located at the Kent County Public Library.

FOR YOUR INFORMATION

A correspondence addressed to Jamie Williams, Director, Kent County Office of Economic Development and Tourism dated July 30, 2021, was received from Amy S. Crowding, Executive Director, Horizons of Kent and Queen Anne's, thanking the County for their generous grant of \$3,756.73. Ms. Williams felt it was equally important to share with the Commissioners.

A correspondence addressed to Commissioner Mason dated August 4, 2021, was received from Samuel Shoge, Executive Director, Kent County Chamber of Commerce, Inc., thanking the Commissioners for their membership renewal with the Kent County Chamber of Commerce.

CONTINGENCY FUND

The FY2021 Contingency Fund balance as of July 20, 2021, is \$391,407.00 and the FY2021 use of fund balance total is \$72,723.00. The FY2022 Contingency Fund balance as of July 20, 2021, is \$400,000.00 and the FY2022 use of fund balance total is \$69,932.00.

CLOSED SESSION

At 11:59 a.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) (7) To consult with counsel to obtain legal advice, and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

LEGAL AND PENDING OR POTENTIAL LITIGATION

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Bill Mackey, Director, and Carla Gerber, Deputy Director, Planning, Housing, and Zoning; Sondra M. Blackiston, Clerk/KATE Manager; Sallie Watson, Deputy Clerk II; and Lacey T. Cox, Deputy Clerk I, were in attendance.

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

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

Mr. Yeager, Ms. Heller, Mr. Mackey, Ms. Gerber, and the Commissioners engaged in a lengthy discussion regarding an ongoing legal matter, and Mr. Yeager provided legal advice and a response to the matter.

At 1:53 p.m., a motion was made by Commissioner Jacob, seconded by Commissioner Fithian, and carried unanimously to adjourn the closed session and reconvene in open session.

OPEN SESSION

Commissioner Mason summarized the closed session discussion regarding settlement to litigation. The Commissioners continued ongoing discussions regarding a potential settlement agreement with Morgnec Road Solar, LLC. No votes were taken. The Commissioners will hold a meeting on August 31, 2021, at 2:00 p.m., and a closed session is scheduled. The matter will be considered for a vote at that time.

At 1:55 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, August 31, 2021, at 2:00 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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

August 24, 2021

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 Brandon McFayden, Inspector, Kent Alcohol and Tobacco Enforcement were also in attendance.

PUBLIC NOTICE

Commissioner Mason read a public hearing notice. Application has been made by members: Sueann Hall, Joseph J. Pendrak, Christopher S. Blackwell, and Paul Bouchard representing Jamestown Kitty Knight Hospitality trading as, Kitty Knight for a Class B, Beer, Wine, and Liquor License with Caterer's Privilege on the premises known as Kitty Knight, 14028 Augustine Herman Highway, Georgetown, MD 21930, which shall authorize the holder thereof to sell Beer, Wine, and Liquor at retail, at the place therein described, for on-premises consumption or elsewhere. A hearing on said application will be held by the undersigned in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr. Government Center, 400 High Street, Chestertown, MD on September 28, 2021, at 10:00 a.m. at which time any exceptions to the application will be heard.

CONSENT ITEM

On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, August 3, 2021.

SPECIAL CLASS C LICENSES

Thomas N. Yeager, County Attorney stated three applications have been reviewed and all meet the requirements to be granted a multiple event or per diem license. A separate vote was taken for each application. There were no objections to the applications.

Rock Hall Volunteer Fire Company has applied for a Beer, Wine, and Liquor Special Class C Multiple Event License to cover twelve (12) events for calendar year 2021. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application as presented.

Kent Cultural Alliance has applied for a Beer, Wine, and Liquor Special Class C per diem license for a two-day event to be held on September 10-11, 2021, at Wilmer Park for the Jazz Festival. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application as presented.

Main Street Historic Chestertown (MSHC) has applied for a Beer and Wine Special Class C per diem license for an event to be held on October 2, 2021, with a rain date of October 3, 2021, at Fountain Park. Nerina Fleegle, Executive Director, MSHC, spoke in favor of the

application. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application as presented.

PUBLIC HEARING – THE BACKFIN, LP – CLASS A, BEER, WINE, AND LIQUOR LICENSE

The public hearing commenced at 10:50 a.m. on behalf of The Backfin for a Class A, Beer, Wine, and Liquor License. Mr. Yeager read the procedures for testifying and the Notice into record. Application has been made by members: Donna Legg and Tori Bershon representing The Backfin, LP for a Class A, Beer, Wine, and Liquor License on the premises known as The Backfin, 5707 Caroline Avenue, Rock Hall, MD 21661, which shall authorize the holder thereof to sell Beer, Wine, and Liquor at retail, at the place therein described, for off-premises consumption. A hearing on said application will be held by the undersigned in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr. Government Center, 400 High Street, Chestertown, MD on August 24, 2021, at 10:00 a.m. at which time any exceptions to the application will be heard.

Mr. Yeager swore in Ms. Legg and Ms. Bershon, applicants; Brandon L. McFayden, Inspector; and Sondra M. Blackiston, Clerk/KATE Manager for testimony. Mr. Yeager stated a complete legal review of the application was completed and everything was in order. Mr. Yeager explained the location had previously operated as a package store. Inspector McFayden summarized the findings of a site visit conducted prior to the hearing. Ms. Legg described the business plan for the establishment.

No comments were offered for or against the application. There being no objections, on motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application as presented.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Ms. Blackiston informed the Board of a license modification. On August 3, 2021, the Board approved the removal of Dorothy Wetmore and the addition of Sarah Ulrick to a Class B, Beer, Wine, and Liquor License issued to Haven Harbour Marina, LLC. Inspector McFayden retrieved License No. 4677 from the premises, staff completed the appropriate modifications, and the license was returned to the establishment.

License Updates: Inspector McFayden provided updates regarding two County issued liquor licenses. Wheelhouse Restaurant closed during COVID-19 and never reopened. The business is listed for sale. Governor Hogan's Order No. 21-06-15-01 terminated various emergency orders. The 45-day administrative grace period ended on August 15, 2021. The establishment did not renew their alcoholic beverage license in the last two licensing periods. On August 16, 2021, Inspector McFayden completed a close out inspection of the premises and Liquor License No. 4245 was surrendered at that time. Barbara's On The Bay permanently closed. On August 12, 2021, Mr. McFayden met with the owner of the

establishment to inspect the premises and Liquor License No. 4655P was surrendered at that time. The owner plans to vacate the premises by September 30, 2021 and a final close out inspection will be conducted.

Inspector McFayden provided the Board with a list of establishments that registered for extended privileges and/or deliveries of alcoholic beverages for off-premises consumption, carryout or delivery. The privilege includes mixed drinks or cocktails in sealed or closed containers and applies to Class A (package stores), Class B (restaurants), and Class D (bars); certain restrictions apply. Inspector McFayden summarized the education component that each establishment must complete to take part in the extended privileges. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously authorized seventeen (17) licensed establishments to operate with extended privileges and/or deliveries as part of their underlying license.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, August 31, 2021, at 2:00 p.m.

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