

August 22, 2023

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 the audience to remain standing for a moment of silence. Commissioner Fithian asked that we keep everyone affected by the disaster in Hawaii and for the souls of those still missing in our thoughts and prayers.

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

CONSENT ITEMS

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

1. Regular Session Minutes, August 8, 2023
2. Liquor Minutes, August 8, 2023
3. Public Hearing Minutes, August 8, 2023
4. 2022 Kent County Planning Commission Annual Report

PUBLIC HEARING - CODE HOME RULE BILL 4-2023, RESIDENTIAL SPRINKLER PROPERTY TAX CREDIT

A public hearing was held for the proposed Code Home Rule Bill 4-2023, Residential Sprinkler Property Tax Credit. Public information regarding the hearing and minutes are posted on the County's website <https://www.kentcounty.com/commissioners/meeting-agenda>.

PROCLAMATION

Airlee Ringgold Johnson "Legacy Day" August 19-21, 2023: Ms. Airlee Ringgold Johnson, gave an overview of what Legacy Day represents in Kent County and stated this year marked Legacy Day's 10th Anniversary. Ms. Johnson further stated the purpose of Legacy Day is to celebrate African Americans for their tremendous contributions made in Kent County. Commissioner Nickerson read the proclamation into the record and presented the proclamation to Ms. Johnson.

PUBLIC WORKS- Water and Wastewater Division

Mike Moulds, Director, of Public Works, presented a Comprehensive Water Sewerage Plan Amendment for the Toal Park Sewer Connection. The County has applied for Program Open Space funding (POS) to design and construct public restroom facilities at the County's Toal Park. The project proposes the installation of a well water supply and grinder pump connection to the County sewer line running along Route 213, constructed in 2020 to serve the Georgetown area. Toal Park was not included in the existing County service area and the sewer line is designated as a denied access line. As a condition of POS funding, the County must approve a Resolution to amend the Comprehensive Water and Sewerage Plan to include Toal

Park in the existing sewer service area and obtain approval from MDE. A draft submission was made to the Maryland Department of the Environment and Department of Planning, Housing, and Zoning on January 23, 2023, and included a proposed amendment resolution and a determination of consistency from the County Planning Commission. Draft comments were received from the State on March 15, 2023. The comments requested a letter from the Town of Galena confirming that there is one (1) EDU of treatment capacity available for the park restrooms. A letter from the Town of Galena confirming the availability of one (1) EDU was presented. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved a public hearing notice of an amendment to the Kent County Comprehensive Water and Sewerage Plan for the County's Toal Park property at Tax Map 7, Parcel 357 to include it in the Town of Galena existing sewer service area.

Mr. Moulds presented a request for sewer connection funding. At a public meeting on February 7, 2023, the Commissioners approved the installation of a sewer extension to provide service to a new home construction on Lover's Lane in the Edesville service district. The approval for the construction of the sewer service line to serve the property allocated \$18,650.00 in FY2023 contingency funding for the procurement of a contractor to perform the work. As a result of procurement efforts, the Department was able to approve a contract with Richard Nicholson to install the extension for \$10,200.00. Due to the length of the extension and type of system (Septic Tank Effluent Pump-STEP), construction was delayed, despite inquiries to several vendors, due to material shortages. Work was proposed to be completed before the end of FY2023. Continuing delays after the finalization of the FY2024 budget preempted the transfer of funds to the FY2024 budget. Work on the sewer extension was completed during the first week of August. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the use of contingency funding in the amount of \$10,200.00 for payment to Richard Nicholson for the completion of a sewer service line along Lovers Lane in the Edesville sewer service district.

Mr. Moulds stated the work completed for project K1 and K2 bridges came in under budget by \$41,000.00 and saved approximately \$30,000.00 in engineer fees.

Mr. Moulds stated the new residential disposal permits will be printed and issued for three (3) years unless there is an objection from the Commissioners. Disposal permits will remain at no cost to residents. The coupon book is still available for purchase, \$60.00 (15 tickets) for a book or \$5.00 each. The coupon book fee only covers 10% of the cost to operate the Nicholson facility.

PLANNING, HOUSING, AND ZONING

Carla Gerber, Deputy Director, Planning, Housing, and Zoning, presented the Environmental Systems Research Institute (ESRI) Small Government Enterprise Agreement (SGEA) for consideration. Other departments have started to implement Geographic Information System (GIS) services and have indicated a desire for further expansion. County staff met with Esri representatives to discuss options to better serve our users. It was determined

that moving to a SGEA would provide the best access to software and resources to existing and future users. Esri is the leading provider of GIS software, and the County has been using their products since 1998. The County currently uses individually purchased licenses and subscriptions for the software. The GIS component of the Computer-Aided Dispatch (CAD) system used by OES/911 is designed to run on Esri ArcGIS Desktop software. The field survey utilized by the KATE inspector is deployed using Esri online applications. The Department of Public Works will soon be using an Esri local government solutions application for water and wastewater utilities. The SGEA will allow for centralized management of GIS data by the GIS Specialist and expanded access to all County employees. The Planning Department's FY2024 budget included the expansion of GIS capabilities. The total cost for Year one (1) is \$35,030.00. This cost includes installation and training for staff. The signing of an SGEA is necessary to begin the process of implementing an enterprise system. The agreement is for a three-year term. The included quote from Esri covers the entire term, but each year is invoiced separately. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously accepted and signed the Small Government Enterprise Agreement with Environmental Systems Research Institute, Inc. as presented.

KENT COUNTY LOCAL MANAGEMENT BOARD

Rosemary Ramsey Granillo, Director, Kent County Local Management Board (KCLMB) presented the FY2024 Safe Summer Grant Application for consideration. The Governor's Office for Crime Prevention, Youth and Victim's Services was able to award KCLMB \$68,000.00 to supplement community-based youth programming for the Summer of 2023. Funds are received from the Department of Juvenile Services (DJS) and federal funding that DJS is seeking to spend down by September 30, 2023. KCLMB requested funds for the Teen Spaces awards that were developed and selected between January and April, since the awards were constrained by a limited budget, the additional funding will ensure that the programming is robust and covers a more substantial percentage of the actual cost of programming. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the FY2024 Safe Summers grant application.

OFFICE OF EMERGENCY SERVICES

Pete Landon, Director, Emergency Services, presented three (3) items for consideration:

1. Motorola Solutions Invoice-911 Center Network Preventative Maintenance: This is an annual recurring service agreement that was originally signed on August 18, 2020, between the County Commissioners of Kent County and Motorola Solutions (Contract # USC000005995). The agreement will provide network security monitoring, technical support, dispatch service, preventive maintenance, security service updates, and onsite OES/911 Center infrastructure response if necessary. The cost of the service agreement was accounted for during the FY2024 budget process. The Motorola Solutions service agreement will be effective July 1, 2023, and continue until June 30, 2024, for Astro network monitoring and preventive

maintenance for quote #2072652 consistent with contract #USC000005995 in the amount of \$33,031.44.

2. Motorola Solutions Invoice-911 Dispatch Center system software implementation and upgrade: This is an annual recurring service agreement that was originally signed on August 18, 2020, between the County Commissioners of Kent County and Motorola Solutions (Contract #USC000006855). This agreement provides dispatch center software implementation, upgrades, and onsite OES/911 Center infrastructure response if necessary. The cost of the service agreement was accounted for during the FY2024 budget process. The Motorola Solutions recurring service agreement will be effective July 1, 2023, and continuing until June 30, 2024, for dispatch center software implementation, upgrades, and onsite OES/911 Center infrastructure response for quote #2072699 consistent with contract #USC000006855 in the amount of \$37,850.14.
3. Motorola Solutions - Solutions II Managed Services Renewal for Computer Aided Dispatch (CAD) Server Maintenance: This is an annual recurring service agreement between the County Commissioners of Kent County and Motorola Solutions. This agreement provides 911 dispatch center computer-aided dispatch (CAD) server maintenance and upgrades. The Motorola Solutions service agreement will be effective August 1, 2023, and continue until July 31, 2024, for Computer Aided Dispatch (CAD) server maintenance and upgrades for quote #2165482 in the amount of \$48,772.83.

Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved all three (3) Motorola Solutions Quotes and Maintenance Agreements as presented.

HUMAN RESOURCES

Jim Miller, Director, and Jennifer White, Human Resources Coordinator, Human Resources (HR) presented seven (7) items for consideration:

1. On behalf of Pete Landon, Director of Emergency Services, requested approval to hire the recommended candidate to fill one (1) Part-Time EMT-B vacancies in the Office of Emergency Services (OES). 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.
2. On behalf of Mr. Landon approval to hire the recommended candidate to fill a second (2nd) Part-Time EMT-B vacancy. 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.
3. On behalf of Mr. Landon approval to hire the recommended candidate to fill a third (3rd) Part-Time EMT-B vacancy. Discussion took place. On a motion made by

Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate for a conditional employment offer.

4. On behalf of Mr. Landon and Herbert Dennis, Warden, Kent County Detention Center, requested approval to hire the recommended candidate to fill the new position of Inner-Office Vacancy - Administrative Specialist I, shared between the OES, Police Accountability Board, and Detention Center. 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.
5. Resolution 2023-15: Revision to Employee Handbook: With the legalization of recreational cannabis, HR has revised the "Alcohol & Drug Abuse" policy in the Employee Handbook to reflect the current law and to address internal processes regarding testing. The policy has been renamed as "Legal & Illegal Drug Use and Testing." Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Resolution 2023-15 which will amend the currently entitled "Alcohol & Drug Abuse" policy in the Employee Handbook.
6. Resolution 2023-16: Revision to Employee Handbook: With revisions to the March 23, 2010 "Break Time for Nursing Mothers Act" on December 29, 2022, within the Consolidated Appropriations Act, 2023, revisions to our HR policy were necessary. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Resolution 2023-16, which will amend the currently titled "Pregnancy, Parental Leave, & Lactation" policy in the Employee Handbook.
7. Restructure - Human Resources Department: The Board tabled the discussion of this request.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator, stated staff received a letter addressed to Commissioner Fithian from La Sherra Ayala, Executive Director, Maryland Department of Human Services regarding the Memorandum of Agreement for FY2024 Summer Snap Notice of Request for Payment. This is a follow-up to the May 16, 2023, meeting. The Commissioners approved and signed a letter allowing the Department of Social Services (DSS) to use the remaining FY2023 balance of funds for the administration of the FY2024 program, and a certification of local share funds which acknowledges the County's FY2024 financial commitment of \$6,220.00. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the signing of the Memorandum of Agreement for the FY2024 Summer Supplemental Nutrition Assistance Program (SNAP).

Ms. Heller described that Owen Bailey, Director, of Land Use and Policy, Eastern Shore Land Conservancy (ESLC) attended the Commissioner's July 25th meeting to give an update regarding ESLC. Mr. Bailey shared information regarding a project the ESLC intends to apply

for grant funding to help with the cost of the project and requested a letter of support from the Commissioners to be used as needed. Staff drafted a letter of support for Commissioners to review and sign. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to providing Owen Bailey, Director, of Land Use and Policy, Eastern Shore Land Conservancy, a letter of support.

COUNTY ADMINISTRATOR REPORT

On behalf of the Commissioners, Ms. Heller signed a letter on August 10, 2023, addressed to Serena Coleman McIlwain, Secretary, Maryland Department of the Environment. The letter was written to invite Ms. McIlwain to visit the Millington Wastewater Treatment Plant.

Sumner Hall submitted a Special Class C (Per Diem) liquor license application for approval. Sumner Hall was seeking approval to serve beer and wine during their Annual Street Party Celebration - Legacy Day 2023, held on August 18 and 19, 2023. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously ratified Sumner Hall to serve beer and wine only on the street in front of Garfield Theatre, Chestertown, MD, during the hours of 7:00 p.m. - 10:00 p.m. on August 18-19, 2023.

St. John Catholic Church/Sacred Heart Parish submitted a raffle permit for approval. St. John Catholic Church/Sacred Heart Parish held their annual Bull Roast at the Rock Hall Volunteer Fire Company, Rock Hall, on August 20, 2023. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously ratified permit application 18-2023, St. John Catholic Church/Sacred Heart Parish to sell raffle tickets during the Bull Roast.

LETTERS FOR SIGNATURE

Kevin N. Baynes, Director, State Revitalization Programs, Division of Neighborhood Revitalization, sent a letter to Commissioner Fithian regarding applications received under the Community Legacy Program and the Strategic Demolition Fund-Statewide Program for FY2024 State Revitalization Program funds. At the Commissioner's August 8, 2023, meeting the Commissioners approved sending three support letters for Kent Attainable Housing, Inc., Washington College, and Main Street Historic Chestertown, Inc. Each organization submitted applications for projects they are hoping to receive funding for. A list of the projects was attached with the letter received from Mr. Baynes. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to sign the three (3) letters of support.

PUBLIC COMMENT

The procedures for public comment were in effect. Comments were not offered by anyone in the audience.

FOR YOUR INFORMATION

A letter was received from Robin Davenport, Executive Director, Court Appointed Special Advocates for Children (CASA) of the Mid-Shore, addressed to Patricia Merritt, Chief Finance Officer, Finance Office. Ms. Davenport wrote to thank the Commissioners for their support and financial allocation for FY2024.

A letter dated August 3, 2023, was received from F. Joseph Hickman, Chair, Kent County Planning Commission addressed to President Fithian. The Planning Commission submitted a recommendation regarding the review of zoning text amendments (ZTA) related to the Land Use Ordinance (LOU) during the Comprehensive Rezoning and Update (CRU) process.

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 August 8, 2023, is \$312,213.00. No use of Fund Balance has been requested to date.

CLOSED SESSION

At 11:29 a.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session to discuss personnel matters. The meeting was closed under the Annotated Code of Maryland, General Provisions Article § 3-305 (b) (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Jim Miller, Director, Human Resources, and Sondra M. Blackiston, Clerk/KATE Manager, were also in attendance.

PERSONNEL

Topics to be discussed: Evaluating individual personnel matters with specificity.

Reasons for closing: To ensure that the information required for every discussion point is safeguarded.

Jim Miller, Director, Human Resources, discussed personnel recommendations. Mr. Miller also submitted a confidential memorandum dated August 22, 2023. The Commissioners engaged in a lengthy conversation regarding the request. Shelley L Heller, County

Administrator, arranged the requests for further discussion. Thomas N. Yeager, County Attorney, offered legal guidance. At 12:45 p.m., Mr. Yeager left the closed session. All other persons remained and shortly thereafter, the discussion ended for all matters.

At 12:53 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 summarized that the Commissioners discussed personnel matters in a closed session. On a motion by Commissioner Price and seconded by Commissioner Nickerson the Commissioners unanimously agreed to eliminate one vacant Grade 7 position in the Human Resources department.

At 12:54 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, August 29, 2023, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

August 22, 2023

PUBLIC HEARING

County Commissioners Ronald H. Fithian, Albert Nickerson, and John F. Price were in attendance as well as Shelley L. Heller, County Administrator, and Thomas N. Yeager, County Attorney.

Thomas N. Yeager, County Attorney, stated the public notice was duly advertised and read the notice into the record. With the Board's consent the procedures for testifying were acknowledged. The rules for a public hearing were in effect.

CODE HOME RULE BILL NO. 4-2023, RESIDENTIAL SPRINKLER PROPERTY TAX CREDIT EXTENSION

The public hearing commenced at 10:14 a.m. in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, MD. A public hearing for the purpose of discussing Code Home Rule Bill No. 4-2023, Residential Sprinkler Property Tax Credit, AN ACT to amend Chapter 152 Taxation, Article X. Residential Sprinkler Property Tax Credit of the Code of Public Laws of Kent County, Maryland. The purpose of this amendment is to extend the expiration date of a real property tax credit when a sprinkler system is installed.

Shelley L. Heller, County Administrator, summarized the intent of the enabling legislation and explained the legislative process thus far.

PUBLIC COMMENTS

There were no comments offered during the public hearing in opposition or support of Code Home Rule Bill No. 4-2023.

It was noted during the hearing that written comments would be accepted in the County Commissioners' Office until 12:00 p.m. on Friday, August 25, 2023, for Code Home Rule Bill No. 4-2023, Residential Sprinkler Property Tax Credit. The legislative bill is scheduled to be considered for a vote on Tuesday, September 19, 2023. Commissioner Price's motion to close the public hearing received a second from Commissioner Nickerson. The Board unanimously agreed to conclude the public hearing at 10:20 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/ KATE Manager

Public Hearing Minutes - Code Home Rule 4-2023, Residential Sprinkler Property Tax Credit
Extension
August 22, 2023
Page 2 of 2

Approved:

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

August 22, 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; Thomas N. Yeager, County Attorney; and Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement were also present.

CONSENT ITEM

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, August 8, 2023.

SPECIAL CLASS C LICENSES

Minary's Dream Alliance (MDA) applied for a Beer and Wine only Special Class C per diem liquor license. The event is scheduled for September 16, 2023, from 1:00 p.m. to 6:00 p.m. at Minary's Dream Alliance, 9155 American Legion Road, Chestertown, Maryland during a Musical and Wine Festival fundraiser.

Kent County Chamber of Commerce applied for a Beer, Wine, and Liquor Special Class C per diem liquor license. The event is scheduled for September 23, 2023, from 12:00 p.m. – 6:00 p.m. on the 200 Block of High Street and Memorial Plaza in Chestertown, Maryland during Fall Funfest.

Commissioner Fithian stated that both applications are subject to a public hearing and asked if there was anyone in the audience that wanted to speak for or against either of the applications. Eric Colliflower, Thomas R. (TR) McGinnis and Gerald Dockstader signed the public comment sign in sheet. Mr. Colliflower spoke in opposition of MDA's application and asked the Board to consider not issuing a temporary permit to MDA. No other public comments were offered.

Thomas N. Yeager, County Attorney noted there were technical discrepancies with the applications and that based on his review, the respective applications do not meet the requirements for approval. Among other things, the required statement of the owner of the premises had discrepancies with respect to both applications. Mr. Yeager's recommendation is that if the Board is inclined to consider approval, the applications be subject to a correction of the errors or, that the Board continue the hearings until next week so that time is afforded to the Applicants to address the matters presented and correct the defects before the Board considers the Applications. It was noted that the events for which the licenses are sought do not take place until next month. Commissioner Fithian suggested that Mr. Colliflower meet with Inspector Pearsall to further discuss his concerns. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to postpone both applications until the proper documents are in order.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE) gave a license update. Inspector Pearsall conducted a routine inspection at Cafe Sado and found that the establishment did not have anyone on the premises that could provide proof of being certified in alcohol awareness. This is a violation of Maryland Alcoholic Beverages Annotated Code Section 24-1903 which requires the presence of a certified person on the premises during the hours in which alcoholic beverages may be sold. The Board was provided with a copy of the written warning letter dated August 1, 2023, issued to Cafe Sado for being non-compliant.

Inspector Pearsall completed three rechecks and one standard compliance check for age restricted tobacco products/electronic devices. The three establishments that were required to be rechecked passed the compliance check. The standard compliance check conducted on August 4, 2023, at Smoke Needs, located at 4 Washington Square, Chestertown ended with the clerk on duty selling a tobacco product to a minor. A citation was issued, and hand delivered by Inspector Pearsall, this citation was issued with a \$300.00 fine. This is Smoke Needs third violation within a 24-month period.

At 12:54 p.m., on a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and the Commissioners unanimously approved to adjourn the meeting. The Board is scheduled to meet again on Tuesday, August 29, 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