

August 8, 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 in our thoughts and prayers and hope that everyone made out as well as Kent County did during the severe storms that passed through Maryland last night.

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

PUBLIC NOTICE

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 4-2023 AN ACT to amend Chapter 152 Taxation, Article X. Residential Sprinkler Property Tax Credit of the Code of Public Local 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. A hearing will be held on August 22, 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 Friday, August 18, 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, August 1, 202
2. Liquor Minutes, August 1, 2023
3. Closed Session Minutes, August 1, 2023
4. FY2024 State of Maryland Critical Area Commission
Grant Agreement No. K00P4600160
5. Chestertown High School Alumni, Raffle Only, August 13, 2023

PROCLAMATION

National Health Center Week: Lucie Hughes, Director of Communications, Ben Cottle, Chief Financial Officer, and Michelle LeRoux, Operations Director, Choptank Community

Health System, gave an overview of the services offered by Choptank Community Health System. Mr. Cottle thanked the Commissioners for their support. Choptank Community Health System has recognized the week of August 6-12, 2023, as “National Health Center Week” with the theme for the National Association of Community Health Center’s initiative set as “Community Health Centers: The Roadmap to a Stronger America”. Choptank Community Health System has asked Kent County to recognize August 6-12, 2023, as National Health Center Week as well. Ms. Hughes further stated health centers provide preventive and primary care to more than 30 million people across the country, with services tailored to the needs of the unique communities. Choptank Community Health is a Federally Qualified Health Center and one of seventeen (17) community-based health centers in Maryland serving more than 338,000 individuals, including those without insurance or the ability to pay. Choptank Community Health System provides medical, dental, and School-Based health services to more than 30,000 adults and children in Caroline, Dorchester, Kent, Queen Anne’s, and Talbot counties, with a mission to provide access to exceptional, comprehensive, and integrated healthcare for all. Medical services include primary healthcare, women’s health, pediatrics, behavioral health, chronic health management, and care navigation, with new medical patients now being accepted. Citizens may call 443-215-5353 to schedule appointments and more information is available at www.choptankhealth.org. Commissioner Nickerson read the proclamation into the record. Ms. Hughes thanked community partners for their support and for allowing Choptank Community Health System to park their mobile health unit in Chestertown. The mobile unit will be up and running in a month. The Commissioners presented the National Health Center Week proclamation to Ms. Hughes, Mr. Cottle and Ms. LeRoux.

PUBLIC HEARING - CODE HOME RULE BILL 3-2023, ARTS AND ENTERTAINMENT DISTRICT PROPERTY TAX CREDIT

A public hearing was held for the proposed Code Home Rule Bill 3-2023, Arts and Entertainment District Property Tax Credit. Public information regarding the hearing and minutes are posted on the County’s website <https://www.kentcounty.com/commissioners/meeting-agenda>.

APPOINTMENTS

District 36 Delegation: Senator Stephen S. Hershey, Delegate Jay A. Jacobs, Delegate Jefferson L. Ghrist, and Delegate Steven J. Arentz were in attendance. Commissioner Price stated he asked for Delegate 36 members to attend today’s meeting to receive updates on the Legislation Blueprint Bill, and to discuss a few local issues. Commissioner Price stated he has learned through serving on the Economic and Tourism Development Commission that the current requirement of residency hinders or prohibits some people from obtaining a liquor license if they want to open a business in Kent County. Thomas N. Yeager, County Attorney stated that Alcohol Beverage Licensing is governed by the State Alcohol Beverage Code. Kent County Local Maryland Alcoholic Beverages Code Ann. § 24-1401 states Sections 4-103, 4-104, and 4-105 alcoholic beverages are applied without exception and require at least one Kent County Resident on a liquor license. The County has concerns about economic development and potential businesses that are unable to meet the requirement. Mr. Yeager cited a few cases and changes to the state law in the past and gave a few recommendations of how further changes to

the state law or local law could benefit Kent County. Delegate Arentz stated the Attorney General indicated their office is working on the issue legislatively. Discussion ensued. Commissioner Price asked for an update at the State level regarding Blueprint/Kirwan. Delegate Ghrist stated every county in Maryland is going to struggle with Kirwan and if revenues continue to drop, the expectations of how much the State will help local jurisdictions fund Kirwan will change. Delegate Ghrist further stated District 36's trajectory has not changed and will continue to fight for local jurisdictions. Senator Hershey advised each jurisdiction had to submit a plan on how they were going to implement Kirwan. Many counties submitted plans that do not implement everything from the Blueprint/Kirwan bill but showed what they could afford to do allowing them to continue with the process and moving forward. Discussion took place.

Dr. Karen Couch, Superintendent, Kent County Public Schools, provided an update on the Kent County Middle School Feasibility Study. Dr. Couch advised she and the staff had the opportunity to meet with Delegates: Jay A. Jacobs, Jefferson L. Ghrist, and Steven J. Arentz to discuss an introduction of legislation to increase the cost share for the project to 98%. John Pryor and Larry Levato, Crabtree, Rohrbaugh, and Associates (CRA), an architectural company, gave a presentation on the Kent County Middle School Feasibility Study which included an introduction, existing facility, design options, and next steps. Discussion took place. Also in attendance: Francoise Sullivan, Vice President; Trish McGee, Aretha Dorsey, and Frank Rhodes, Board of Education Members; Mark Buckel, Principal, and Kelly Melvin, Assistant Principal, Kent County Middle School; Dr. Lieber, Faculties Consultant, and Kreigh Kirby, Construction Accountant.

Commissioner Nickerson left the dais at 12:03 p.m.

Arnessa Dowell, Director, Kent County Public Library, presented the request for approval of the FY2024 Certification for Cooperative Local-State Library Aid Programs. The County contribution is \$756,152.00 and the State's share is \$123,870.00. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Fithian, the Commissioners, by a majority vote, approved the FY2024 Certification of Cooperative Local-State Library Aid Programs, as presented.

Ms. Dowell advised a Maryland Historical Trust (MHT), African American Heritage Preservation Program, grant application has been submitted in the amount of \$200,000.00. Ms. Dowell further stated the MHT requires a letter from the property owner, the County, indicating the County is agreeable to easements being placed on the property before the MHT will consider the proposed project. Staff recommended Commissioners sign the easement intention letter, grant, and if awarded, the County will not accept funds without further review of the financial viability of the project, the exact terms of the required easements, and the submittal of two (2) new Memorandums of Understanding signed by applicable parties. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Fithian, the Commissioners, by majority vote, agreed to sign the easement letter for the Maryland Historical Trust, African American Heritage Preservation Program Grant application which would fund the Hearse House renovation project at 207 Calvert Street, Chestertown, with the understanding that acceptance of the grant will be contingent on updated Memorandums of Understanding being

executed, the details of the easements being acceptable, and the awarded funding being sufficient for the project and to include legal review prior to the letter being signed.

PUBLIC WORKS

Mike Moulds, Director, Public Works, presented Change Order No. 2, Worton Lagoon Sludge Removal Contract Closeout for approval. Mr. Moulds advised work on the Worton Lagoon sludge removal project has been completed. The original contract amount was \$1,400,500.00 based on the estimated tonnage of sludge to be removed. Due to actual tonnage being less, the Commissioners approved Change Order No.1 in the amount of \$30,000.00 to also remove solids from the two (2) Worton sludge digesters. The sludge removal project was completed at a total cost of \$943,716.35. The total cost included transportation and landfill disposal costs. Change Order No. 2 is rectifying a change order that reduces the original contract amount by \$486,783.65. Payment Application No. 3 is for a partial payment in the amount of \$610,234.49 for work performed in May and June, and Payment Application No.4 is for the final payment of the 10% retainage in the amount of \$94,371.64, after which the contract will be closed out. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Fithian, the Commissioners, by majority vote, approved Change Order No. 2 with Denali Water Solutions to reduce the contract in the amount of \$486,783.65 to reflect the final actual cost and sign Payment Applications No. 3 and 4 to release retainage and close out the contract for an overall total amount of \$943,716.35.

Commissioner Price gave compliments to Mr. Moulds for explaining the departments' projects in the weekly report. The report was well written and included specific detail that helped with understanding what is going on with the projects in the County.

Commissioner Fithian asked if staff had a chance to visit Waterman's Crab House to investigate speed bump installation options at the main entrance of the restaurant. Mr. Moulds stated there are options for speed bumps and a handicap accessibility area. Staff will move forward and discuss options with the Waterman's Crab House owner.

DETENTION CENTER

Herbert Dennis, Warden, Kent County Detention Center (KCDC), presented the Correct Rx, Pharmacy Services Renewal Contract for consideration and gave an overview of the services provided by Correct Rx. Staff is recommending a sole source contract with Correct Rx due to the urgency of the delivery system and discounted rates. Correct Rx is the medication delivery vendor for inmates' medication. Since 2009, KCDC has contracted with Correct Rx to fill and deliver medication to KCDC for the inmate population. Correct Rx works with Prime Care on 55% discounted rates for all generic medications, as well as a 15% discounted rate for brand medications. Correct Rx also provides the proper invoicing and paperwork to meet the criteria needed for the Medication Assisted Treatment Program required by law. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Fithian, the Commissioners, by a majority vote, approved the renewal of the Correct Rx contract as presented.

OFFICE OF FINANCE

Pat Merritt, Chief Financial Officer, Finance Department, presented a contingency request for the lease of Query Software. Ms. Merritt further stated in recent years, Governmental Accounting Standards Board (GASB) has introduced two (2) new accounting standards; GASB 87 - Leases & GASB 96 - Subscription Based IT Arrangements (SBITA). The GASB 87 was implemented in 2022 and GASB 96 will be implemented in 2023 (the current years audit). Both standards require the department to report the present value of the minimum lease/SBITA payments and the minimum lease/SBITA payments over the life of the leases. Staff anticipates the reporting number could be close to 100 lease/SBITA agreements on the books in the near future. At this point, because of the complexity of the accounting standards and the volume of transactions staff are required to report, the staff is requesting software aid moving forward. Staff researched solutions and participated in demonstrations from two (2) vendors. Because of the implementation timeline, staff were unable to schedule a 3rd demonstration and receive a 3rd price quote. Staff recommends the purchase of Lease Query software. Lease Query had the lowest bid and will fulfill the needs for the new standard reporting. Staff requests \$10,320.00 out of contingency funds to purchase the proposed software. Lease Query is willing to hold the recurring subscription pricing at \$7,620.00 if the County signs a three (3) year agreement. The recurring annual cost will be \$7,620.00. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Fithian, the Commissioners, by a majority vote, approved to sign the three (3) year agreement with Lease Query and approve \$10,320.00 out of contingency funds for the first year of the Lease Query contract.

COUNTY ADMINISTRATOR

Shelley L. Heller stated staff received a letter addressed to Commissioner Fithian from Kevin N. Baynes, Director, State Revitalization Programs, Division of Neighborhood Revitalization. The correspondence provided local governments with written notification and the opportunity to comment on applications received under the Community Legacy Program and the Strategic Demolition Fund-Statewide Program for FY2024 State Revitalization Program funds. Kent Attainable Housing, Inc., Washington College, and Main Street Historic Chestertown, Inc. submitted applications for projects they are hoping to receive funding for. A list of the Kent County projects was provided. On a motion made by Commissioner Price and seconded by Commissioner Fithian, the Commissioners, by majority vote, approved to send a letter of support for all three (3) of the proposed projects.

PUBLIC COMMENT

The procedures for public comment were in effect. Comments were offered by: John Massey, Kent County Resident and Board of Appeals Member. Mr. Massey expressed concern that if the County builds a new school in Worton, the old school in Chestertown would be given back to the County and nothing would be done with it in a timely fashion. Commissioner Fithian stated if the County gets the building back, more than likely it will be demolished if the County is unable to sell it.

FOR YOUR INFORMATION

On July 27, 2023, Bryan Mroz, Deputy Secretary, Maryland Department of Health Healthcare System and Operations, addressed a letter to the Commissioners regarding the Upper Shore Community Mental Health Center. Secretary Mroz offered assistance by providing the Departments expertise and support to move forward with the planning and implementation phase for the proposed return to clinic (RTC) on the existing campus including a regulatory approval required.

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 1, 2023, is \$322,533.00. No use of Fund Balance has been requested to date.

At 12:35 p.m., on a motion by Commissioner Price and seconded by Commissioner Fithian, the Commissioners by a majority vote, approved to adjourn the meeting. The Board is scheduled to meet again on Tuesday, August 22, 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 8, 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, Thomas N. Yeager, County Attorney, and Jamie Williams, Director, Economic and Tourism Development.

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

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

The public hearing commenced at 10:11 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 Extension, AN ACT to amend Chapter 152 Taxation to add Article X Residential Sprinkler Property Tax Credit of the Code of Public Local Laws of Kent County, Maryland for the purpose to extend the expiration date of real property tax credit when a sprinkler system is installed.

Jamie Williams, Director, Economic and Tourism Development (ETD) 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. Commissioner Fithian acknowledged to date; no written comments have been received.

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 18, 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 10:18 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/ KATE Manager

Approved:

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

August 8, 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 by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, August 1, 2023.

SPECIAL CLASS C LICENSES

St. John Catholic Church applied for a Beer only Special Class C per diem liquor license. The event is scheduled for August 20, 2023, from 10:00 a.m. to 4:00 p.m. on Rock Hall Volunteer Fire Company grounds in Rock Hall Maryland during the Church's annual Bull Roast.

Kent Cultural Alliance applied for a Beer and Wine Special Class C per diem liquor license. The event is scheduled for September 9, 2023, from 12:00 p.m. – 6:00 p.m. at Wilmer Park, Chestertown, MD 21620 during the Chestertown Jazz Festival.

The applications were reviewed and met the requirements for an event license approval. There being no objections to any of the applications, the Board took one vote for the applications. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved both as presented.

At 12:35 p.m., a motion was made by Commissioner Price, seconded by Commissioner Fithian, and by a majority, the Commissioners approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, August 22, 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