

July 20, 2021

A meeting of the County Commissioners of Kent County was called to order at 10:03 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 the family of Ginger Gregg, Emergency Planner, Emergency Services due to the passing of Ms. Gregg's mother, and for the passing of Thomas B. Simmons, a local Kent County farmer.

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

PUBLIC NOTICE

Thomas N. Yeager, County Attorney read a public hearing notice for Code Home Rule Bill No. 9-2021 Agriculture Advisory Commission AN ACT to amend Chapter 172, Agriculture Advisory Commission, of the Code of Public Laws of Kent County, Maryland, by amending the text to change the total number of members from seven to no less than seven and no more than nine. A public hearing will be held on August 3, 2021, at 6:00 p.m. in the Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland. The hearing is open to the public, and public comment is encouraged. The County offers four (4) options for the public to provide input in the public hearing process. Written comments will be accepted until noon on July 30, 2021. Comments will be read by County staff during public testimony. Public comments can be submitted prior to hearing by the following methods: email kentcounty@kentgov.org, letters sent to The County Commissioners of Kent County, 400 High Street, Chestertown, MD 21620, and by phone during public comment using the call-in option 1-872-239-8359 Conference ID 634 454 886 then press #.

CORRESPONDENCE REVIEW

A correspondence dated July 9, 2021, was received from W. Robert Hair, Superintendent, The Maryland School for the Blind, thanking the Commissioners for the CARES Act grant financial assistance that was received in the fall of 2020.

CONSENT ITEMS

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

1. Regular Session Minutes, July 6, 2021
2. Liquor Minutes, July 6, 2021
3. Closed Session Minutes, July 6, 2021

RECOGNITION

The Commissioners recognized Wickes Westcott, Member, Kent Soil and Water Conservation District Board of Supervisors for fifty-two (52) years of service. Mr. Westcott, at

ninety-seven (97) years of age, continues to serve as an Associate Member attending monthly meetings. The Commissioners are proud in honoring Mr. Westcott, on his retirement and devotion of his public service to Kent County and the community. Mr. Westcott was present for the recognition, joined by his daughter, Karen Miller, Kent Soil and Water Conservation, and fellow Board Members.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director, joined by Carla Gerber, Deputy Director, Planning, Housing, and Zoning, introduced three (3) new staff members to the team: Mark Carper, Associate Planner; Michael Pelletier, Planning Specialist; and Allie Gorman, GIS Specialist. The Commissioners welcomed each new staff member.

PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS

A public hearing was held on the following: Community Development Block Grant (CDBG) Funds. Public information regarding the above-mentioned hearing and minutes are posted on the County's website at <https://www.kentcounty.com/commissioners/meeting-agenda>.

KENT COUNTY PUBLIC SCHOOLS

Dr. Karen Couch, Superintendent, joined by Francoise Sullivan, Member, Board of Education (BOE), Kent County Public Schools (KCPS) presented for approval the Kirwan Implementation Coordinator. Dr. Couch stated, within the Kirwan bill it states, the governing body of a county and the local school system shall appoint a single implementation coordinator responsible for the implementation of the Blueprint for Maryland's Future by all government units operating in the county. Dr. Couch presented a recommendation to appoint herself as the Kirwan Implementation Coordinator for FY2022. A lengthy discussion took place. The Commissioners suggested hiring a third party for transparency. Dr. Couch stated due to budget dollars and time sensitive material there is not enough time to pursue a vendor to fill the position. The Commissioners recommended Pat Merritt, Chief Finance Officer, Office of Finance, to co-interim with Dr. Couch until a more detailed job description is implemented. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to appoint Dr. Couch and Pat Merritt, as co-interim Kirwan Implementation Coordinators.

Commissioner Jacob made a motion stating the Commissioners are in support of KCPS forming a Citizens Advisory Board for Kent County Public Schools in accordance with Education Article 4-112 of the Maryland Annotated Code, Commissioner Fithian seconded the motion, and the Commissioners unanimously approved the motion. Dr. Couch stated there is a Citizens Advisory Committee already in place, it is not a Board, however, according to Code of Maryland Regulations (COMAR) it meets the requirements. Ms. Sullivan stated there is a policy in place from 2005, which does not currently meet the needs of the BOE, however, a new policy is being worked on to meet those needs. The Commissioners also discussed the most up to date

published academic test scores for KCPS. Commissioner Mason stated Kent County is the fourth highest funded per pupil school system in the State and the test scores are a reason for discussion. Dr. Couch stated there is an upcoming work session scheduled on July 22nd to discuss the Academic Achievement data.

PARKS AND RECREATION

Myra Butler, Director, Parks and Recreation presented the Local Park and Playground Infrastructure (LPPI) Grant Funding recommendation. Ms. Butler stated Kent County was provided notification of a \$1M allocation from the State for LPPI funding for FY2022. Following guidelines established by the State, municipalities were provided local guidelines for how Kent County would consider funding. Staff recommends approval of the preliminary County Park projects' allocations in the amount of \$554,455.00 and Town Park projects' allocations in the amount of \$444,470.00, with the Town of Betterton receiving \$95,800.00, the Town of Rock Hall receiving \$251,915.00, and the Town of Chestertown receiving \$96,755.00. Discussion took place. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved to allocate preliminary Local Park and Playground Infrastructure funding not to exceed \$1M, of which \$554,455.00 is allocated for County Park projects and \$444,470.00 is allocated for Town Park projects, of which \$95,800.00 is awarded to the Town of Betterton, \$251,915.00 to the Town of Rock Hall and \$96,755.00 to the Town of Chestertown, pending final approval by the Board of Public Works.

Ms. Butler presented a request to utilize Special Program Open Space (POS) Funds to replace the Kent County Community Center (KCCC) pool underwater lights. Ms. Butler explained due to a water leak in the pool, the low water level caused damage to the underwater pool lights. The estimated cost to replace the lights is \$13,500.00, fifteen (15) lights at \$900.00 per light. The remaining balance in the Special POS Fund is \$27,991.00. The repairs would be made during the pool closing process for the summer 2021 season. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the \$13,500.00 request for Parks and Recreation to replace the lights in the swimming pool at the Community Center.

PLANNING, HOUSING, AND ZONING

Mr. Mackey presented two (2) letters of credits. Bridgewater Associates, LLC has requested Irrevocable Letter of Credit No. 9700009764-00001, in the amount of \$32,897.81 for landscaping, and Letter of Credit No. 9700007964-00003, in the amount of \$112,500.00 for sediment and erosion control, be released. A correspondence dated June 23, 2021, received from Jay Shannon, Senior Vice President, BB&T Bank, requesting the release of the letters of credit. A correspondence dated June 25, 2021, from Arthur Needham, Owner, Bridgewater Associates, LLC, was received stating the project will not be moving forward and the letters of credit are no longer needed. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the release of the two (2) Irrevocable Letters of Credit and return to Branch Banking and Trust Company (BB&T).

KENT COUNTY LOCAL MANAGEMENT BOARD

Rosemary Ramsey Granillo, Director, Kent County Local Management Board (KCLMB) introduced Jamar Abner, Systems of Care Coordinator for KCLMB. The Commissioners welcomed Mr. Abner.

Ms. Ramsey Granillo and Dawson Hunter, Housing and Transportation Coordinator, KCLMB presented information on Delmarva Community Transit (DCT) marketing campaign and the Transit Development Plan's survey. Mr. Hunter stated KCLMB has contracted with Delmarva Craft to market DCT services for Kent County residents. The new website, www.kentcountyrides.com, provides a variety of transportation options for citizens. Mr. Hunter explained the Transit Development Plan is a study completed every five (5) years, in partnership with Upper Shore Regional Council (USRC), that serves a guide for the local transit system, providing a roadmap for implementing service and/or organizational changes, improvements, and/or expansion. The process is in conjunction with Maryland Department of Transportation (MDOT) and transportation consultants.

INFORMATION TECHNOLOGY

April Bitter, Project Manager, Information Technology presented an addendum to the USBank State and Local Government Agreement. At their May 25, 2021, meeting, the Commissioners approved the Equipment, Software and Services Agreement with Centric Business Systems for a finisher to be placed on the Human Resources copier to help with productivity for larger print jobs. The vendor uses a Finance Company, USBank to finance the leases. A State and Local Government Addendum to the Agreement also needs to be signed to complete the financing process. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the State and Local Government Addendum to the Agreement with USBank.

The Commissioners took a five-minute recess.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, on behalf of Herb Dennis, Warden, Detention Center, presented a recommendation to promote a Correctional Officer to Sergeant, at a grade 7 on the salary scale. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the promotion of an employee from Correctional Officer Corporal to Correctional Officer Sergeant, as requested.

Mr. Hale, on behalf of Mike Moulds, Director, Public Works, presented a request to fill a Part-time Recycling Attendant vacancy, at the recommended salary. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the recommended individual for the vacant Part-time Recycling Attendant position in the Public Works Department, Environmental Operations Division, as requested, pending successful completion of County pre-employment requirements.

Mr. Hale, on behalf of Mr. Moulds, presented a request to promote an employee to Grounds Maintenance Worker II position. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the promotion of the recommended candidate for the Grounds Maintenance Worker II position in the Public Works Department, Grounds Maintenance Division as requested.

Mr. Hale, on behalf of Mr. Moulds, presented a request to promote an employee to Building Maintenance Worker II position. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the promotion of the recommended candidate for the Building Maintenance Worker II position in the Public Works Department, Building Maintenance Division as requested.

The Commissioners and Mr. Hale discussed the open employment opportunities and advertising options to gain more interest.

PUBLIC WORKS

Mr. Moulds presented the FY2022 proposed list of Kent County roads to be surface treated with tar and chip to be reimbursed from the State Aid Program. Mr. Moulds stated the proposed list is funded 80% from the State Aid Program. There is \$64,998.00 in unobligated State Aid Program funding available to Kent County for FY2022. Mr. Moulds explained the County annually submits a list of roads that Kent County proposes to surface treat with tar and chip for approval to State Highway Administration (SHA). Once SHA approves the request, the State Aid Funds will be obligated. A request for reimbursement will be submitted after completion of the surface treatment. Mr. Moulds stated the FY2022 budget includes surface treatment of ten (10) roads for an amount not to exceed \$94,302.43, with the reimbursement from the State Aid Program, the County cost is \$29,302.43. Discussion took place. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the State Aid Program Data Sheet to request \$64,988.00 in funding approval to surface treat County Roads in FY2022.

Mr. Moulds presented the FY2022 Galena Water and Wastewater Treatment Facilities Operation and Maintenance Supervisory Agreement. Mr. Moulds explained this is a renewal to the Agreement for the Water and Wastewater Facilities Operation and Maintenance Supervisory for FY2022 in the amount of \$6,790.00. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the renewal of the Galena Water and Wastewater Treatment Facilities Operation and Maintenance Supervisory Agreement for FY2022.

Mr. Moulds discussed the difficulty of hiring a new engineer for the County and the need to fill this position due to upcoming projects in the works. Mr. Moulds proposed completing a Request For Proposal (RFP) for Architectural Engineering Firms to provide municipal services. This process conforms with the County's professional services procurement. The Commissioners granted permission to move forward with the RFP process.

Commissioner Fithian inquired about an issue at Worton Creek Marina with underground fuel tanks on County landing property. Mr. Moulds stated he contacted the property owner and proposed to address the issue by completing a lot line adjustment. The property owner will need to work with Maryland Department of Environment, and Planning and Zoning for critical area concerns regarding the relocation of the tanks.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator, on behalf of John Price, Sheriff, Kent County Sheriff's Office, presented the Sex Offender Compliance and Enforcement Grant No. SOCM-2022-002. At their June 15th meeting, the Commissioners approved and signed the application to request grand funds for FY2022 from the Sex Offender Compliance and Enforcement Grant. The Governor's Office of Crime Control and Prevention has awarded Kent County \$2,789.00. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously accepted the FY2022 Sex Offender Compliance and Enforcement in Maryland Grant award in the amount of \$2,789.00.

Ms. Heller, on behalf of Bill Webb, Health Officer, Kent County Health Department, presented the FY2022 Department of Health Core Public Health Services Funding Agreement for Kent County. Ms. Heller explained during the FY2022 budget process the Health Department requested funding of \$316,481.00 for the County's required matching funds of Health Department functions. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the FY2022 Core Public Health Services Funding Agreement.

Ms. Heller, on behalf of Dr. Clifford P. Coppersmith, President, Chesapeake College, presented the Chesapeake College Revised Budget Proposal for FY2022. Chesapeake College is seeking to revise its FY2022 Operating Budget and receive approval to use Fund Balance. Ms. Heller stated Chesapeake College is pleased to report an increase in FY2022 State funding of \$895,052.00 resulting from the Senator John A. Cade Funding Formula and Budget Reconciliation and Financing Act FY2022. The College has prepared a revised FY2022 budget plan, as a result of the increase in State funding. The revised budget proposal does not require any additional financial support from the college's five support counties. The college's Board of Trustees met on June 10, 2021 and approved the revised budget. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the revised operating budget by function and a one-time fund balance request.

Ms. Heller, on behalf of Sondra Blackiston, Clerk/KATE Manager, presented a request to use FY2021 Contingency Funds for legal services for an amount not to exceed \$1,500.00. Ms. Heller explained the legal services budget line does not have adequate funds to cover the last bill of FY2021. On July 7, 2020, the Board voted to increase the number of meetings to every Tuesday. Several ongoing legal matters and meeting frequencies caused the billable hours to exceed the dollars budgeted. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved FY2021 contingency funds in an amount not to exceed \$1,500.00 for legal services.

COUNTY ADMINISTRATOR REPORT

Ms. Heller reported the quarterly progress report for the Maryland Community Development Block Grant (CDBG) Fourth (4th) Quarter, April 1 – June 30 for CV-1-7 Grant. The grant was signed on July 6, 2021.

Ms. Heller reported an Amendment to Maryland Community Development Block Grant Program COVID-Round 1 Grant Agreement was signed by President Mason on July 8, 2021. The amendment is a result of the awarded Emergency Rental Assistance Program (ERAP) grant.

A correspondence dated June 1, 2021, was received from Michael Sanderson, Executive Director, Maryland Association of Counties (MACo). Mr. Sanderson submitted a summation of valuable supportive services MACo performs, an invoice for FY2022 Dues and Assessments, and the Proposed FY2022 MACo Budget.

LETTERS FOR SIGNATURE

A correspondence was presented for signature addressed to Cal Gray, GB Kennedyville, LLC, regarding the Village of Kennedyville Phase 2 Public Works Agreement Revision Proposal.

The terms for Reba “Kate” Ervin, Student Member, and Brian Williams, Board of Education Member, Parks and Recreation Advisory Board, have expired. Thank you letters were presented for signature.

PUBLIC COMMENT

The procedures for public comment were in effect. The public was invited to participate. No comments were received from citizens.

FOR YOUR INFORMATION

Maryland Department of Housing and Community Development announced a funding opportunity. The Maryland Community Development Block Grant Program is hosting a 2022 Community Development Application Workshop on August 5, 2021, at 10:00 a.m. and will be held at 100 Community Place, Crownsville, MD. To register contact LaWanda Jones at lawanda.jones@maryland.gov, for questions contact Anne Stringer at anne.stringer@maryland.gov.

CONTINGENCY FUND

The FY2021 Contingency Fund balance as of June 29, 2021, is \$392,907.00 and the use of fund balance total is \$72,723.00.

CLOSED SESSION

At 12:43 p.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; 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, Mr. Mackey, and the Commissioners engaged in a discussion regarding an ongoing legal matter, and Mr. Yeager provided legal advice and a response to the matter.

At 1:05 p.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and carried unanimously to adjourn the closed session and reconvene in open session.

OPEN SESSION

Commissioner Jacob summarized the closed session discussion regarding settlement to litigation. The Commissioners continued ongoing discussions regarding a potential settlement with Morgnec Road Solar, LLC. Staff and counsel have been advised to continue the discussions.

At 1:07 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 3, 2021, at 6:00 p.m.

Respectfully submitted,

Sallie Watson
Deputy Clerk II

Approved:

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

July 20, 2021

**PUBLIC HEARING
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) COVID FUNDING,
POLICIES AND PROCEDURES – ROUND 1**

County Commissioners P. Thomas Mason, Ronald H. Fithian, and Robert N. Jacob, Jr., were in attendance as well as Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Bill Mackey, Director, and Carla Gerber, Deputy Director, Planning, Housing, and Zoning.

The public hearing commenced at 10:19 a.m. for a Community Development Block Grant (CDBG) COVID – Round 1 grant. The hearing was duly advertised and posted on Kent County's website. Mr. Mackey and Ms. Gerber explained the CDBG funding process. The Maryland CDBG Program is federally funded and is designed to assist governments with activities directed toward neighborhood and housing revitalization, economic development, and improved community facilities and services. The Maryland CDBG Program is administered by the Maryland Department of Housing and Community Development (DHCD).

This is the second Public Hearing held to obtain the views of citizens on the current program and to provide a progress report on how the funds are being spent. Citizens were provided information to review, this included but was not limited to: a summary of the activities undertaken and the funds expended.

Commissioner Mason invited comments from citizens. No one testified or provided comment on the application. The public hearing concluded at 10:22 a.m.

Respectfully submitted,

Sallie Watson
Deputy Clerk II

Approved:

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

July 20, 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.

CONSENT ITEM

On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, July 6, 2021.

SPECIAL CLASS C LICENSE

Rock Hall Volunteer Fire Company has applied for a Special Class C, Beer, Wine, and Liquor License for an event on July 31, 2021, at the Rock Hall Volunteer Fire Company. Mr. Yeager stated the application was reviewed and meets the requirements to be granted a per diem license. There being no objections, on motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Special Class C License as presented.

KENT ALCOHOL AND TOBACCO ENFORCEMENT

Brandon McFayden, Inspector, Kent Alcohol and Tobacco Enforcement provided the Commissioners with an update on recent tobacco enforcement efforts. Mr. McFayden stated thirty-four (34) compliance checks were completed in the month of June and July at all County retail establishments licensed to sell tobacco and electronic cigarettes/products. Twenty-nine (29) establishments were compliant, and five (5) establishments were not in compliance. Letters and responsible retailer certificates for compliant establishments and five (5) non-compliant letters were prepared. Follow-up inspections will be performed within sixty (60) days of sale to a minor.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, August 3, 2021, at 6:00 p.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sallie Watson
Deputy Clerk II

Approved:

Liquor Minutes
July 20, 2021
Page 2 of 2

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