

July 18, 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 led by guest Clay Fleetwood. Commissioner Fithian asked the audience to remain standing for a moment of silence for the beautiful County we have and hope that everyone stays safe during the heatwave we are experiencing.

Shelley L. Heller, County Administrator, was also present.

RECOGNITION

Jill Coleman, Director, Parks and Recreation, gave an overview of the Kent Honkers 2023 season. The Kent Honkers Lacrosse team are members of USA Lacrosse, as well as the Eastern Shore Youth Lacrosse Association (ESYLA). The ESYLA is comprised of eleven (11) different programs across the Eastern Shore and Delaware. The Kent Honkers Lacrosse was the only undefeated team that went on to the Championship weekend, where they beat Atlantic Lacrosse 10-5 in the Semi-Final game and then Queen Anne's in the Championship game 3-1. The home fields for Kent Youth Lacrosse are at Worton Park. Creg Fleetwood, Coach, spoke in appreciation of the Parks and Recreation department and the staff involved in providing the playing fields the games were held on. The Commissioners presented the Kent Honkers Lacrosse team with certificates of recognition for the following: Coaches - Creg Fleetwood, Drew Walters, Glenn May, Trey Kohl, Wroth Newcomb, and Players - Benjamin Crow, Blake Kohl, Brayden Moore, Brooks May, Chapin Kusmider, Charlie Fry, Charlie Hickman, Charlie Wick, Clay Fleetwood, Grant Campbell, Harrison Snead, James Coleman, Lawson Walters, Oakley Crabtree, Owen Fry, Paul Tue IV, Ronan Newcomb, Thomas Wooten, and Zac Gray.

CONSENT ITEMS

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

1. Regular Session Minutes, July 11, 2023
2. Liquor Minutes, July 11, 2023
3. Closed Session Minutes, July 11, 2023

LEGISLATIVE SESSION

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to go into a legislative session.

Introduction of Code Home Rule Bill No. 3-2023, Arts and Entertainment District Property Tax Credit

Jamie Williams, Director, Economic and Tourism Development, read Code Home Rule Bill No. 3-2023, An ACT to amend Chapter 152 Taxation to add Article XI Arts and

Entertainment District Property Tax Credit to the Code of Public Local Laws of Kent County, Maryland for the purpose of authorizing a certain property tax credit for certain business entities that obtain certain new, improved, or expanded premises in a certain Arts and Entertainment District in Kent County; providing for the amount and duration of the property tax credit; authorizing the County Commissioners of Kent County to provide, by law, for certain matters relating to the tax credit; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit in Kent County for real property located in a certain Arts and Entertainment District. Ms. Williams summarized the intent of the legislation. Ms. Williams gave further details regarding Code Home Rule Bill No. 3-2023. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to consider Code Home Rule Bill 3-2023, Arts and Entertainment District Property Tax Credit for introduction and to proceed with the legislative process.

3rd Read and Vote – Code Home Rule Bill No. 2-2023 Industrial Structures in 301 Corridor

Bill Mackey, Director, Planning, Housing, and Zoning read Code Home Rule Bill No. 2-2023 Industrial Structures in 301 Corridor. Mr. Mackey stated the Bill was introduced and read for the first time on May 16, 2023, and a public hearing was held on June 13, 2023. For background, On March 14, 2023, the County Commissioners adopted Resolution 2023-02 to consider a zoning text amendment to update the permitted height of industrial structures in the Industrial, Commercial, and Employment Center zoning districts and located in the Route 301 Corridor. On April 6, 2023, the Kent County Planning Commission held a public hearing on the proposed change and requested additional information from the planning staff. Related information was posted online. On May 4, 2023, the Kent County Planning Commission met and discussed the proposed change and voted to provide an unfavorable recommendation to the County Commissioners on the proposed amendment, and suggested the County Commissioners introduce an amendment that allows for additional height via a special exception for heights in the Industrial, Commercial, and Employment Center zoning districts. A letter from the Kent County Planning Commission was received with their recommendation on the matter. Discussion took place. Commissioner Price shared his concerns for staff when a site plan review occurs to ensure the appropriate measures are implemented to a satisfactory level. Considerations are as follows:

- Edge Road, the road is a County road maintained by the County. The road sits on State-owned property. The County should require a written agreement with the developer to share with the County at a reasonable cost for road maintenance.
- Chesterville Bridge Road should be restricted to local traffic only. No left-hand turns. The County Road is not capable of handling excess truck traffic.
- Strong consideration should be given to not allowing southbound traffic to exit right onto Chesterville Bridge Road from Route 301. State Highway Administration can offer and provide insight into potential traffic hazards.
- Appropriate site plan, including berms and landscaping to screen and shield both noise and light pollution. May need some type of noise reduction wall or method deemed appropriate to minimize any disruption to neighboring property owners.
- Proper wastewater management.

On a motion made by Commissioner Price and seconded by Commissioner Fithian, the Commissioners approved, by a majority vote, to adopt Code Home Rule Bill 2-2023 Industrial Structures in 301 Corridor as presented and directed staff to carefully review any projects submitted under these updated regulations, and will specifically address the five (5) concerns listed above and any road maintenance by developers, berm heights, and specific landscaping and screening of views on surrounding roadways as well as adjacent properties. Staff will carefully review traffic impact studies to be sure that the project impacts are addressed and that safety issues are also addressed. The motion passed with a two (2) to one (1) vote, Commissioner Nickerson opposed it.

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to go out of legislative session and return to the regular session.

RECOGNITION

Ms. Coleman informed the Commissioners of an event that took place at Betterton Beach on Friday, July 7, 2023. Three Lifeguards on duty at Betterton Beach committed a remarkable display of courage and adherence to protocol. Our very own lifeguards recently rescued a 5-year-old child from a life-threatening situation. The incident unfolded when the lifeguards noticed the child in distress. Acting swiftly and precisely, they executed their training and followed safety protocols without hesitation. Thanks to their quick thinking and synchronized efforts, the lifeguards successfully rescued the child, ensuring their safety and well-being. Their calmness under pressure and dedication to their duty were exemplary, reflecting their unwavering commitment to safeguarding beachgoers. These young lifeguards saved a life and embodied the true essence of community heroes. The Commissioners along with Dennis Hickman, Sheriff, Kent County Sheriff's Office; Pete Landon, Director and Logan Quinn, Chief Emergency Medical Technician (EMT), Office of Emergency Services; presented Gillian Bonass, John Connolly, and Henry Martinez with certificates of recognition and commemorative plaques for their steadfast thinking and ability to respond professionally in the event of saving a life. Dr. Tim Chizmar, State Medical Director, and Bryan Ebling, Region IV Coordinator, Maryland Institute for Emergency Medical Services Systems (MIEMSS); Tim McDonald, Captain, and Travis Nelson, Sergeant, Maryland State Police; were in attendance to present the Betterton Beach Lifeguards with a Governor's Citation on behalf of Governor Moore and Lieutenant Governor Miller.

PARKS AND RECREATION

Ms. Coleman gave an update on the Parks and Recreation department. Ms. Coleman gave statistics regarding the attendance at the pool locations throughout the County, aquatic classes that are being offered, and special events that are being offered as well. Summer Camp is in full swing and is going well. Ms. Coleman provided a list of events, sports activities, and all other special activities that will be taking place during the summer season.

KENT FAMILY CENTER

Lisa Mazingo, Director, Kent Family Center, introduced Tiffany Williams to the Commissioners as the new Child Development Teacher for Kent Family Center. Ms. Mazingo stated they have one more vacant Child Development Teacher position and hope to find someone to fill it soon. Ms. Mazingo gave an overview and provided updates on the upcoming fiscal year for Kent Family Center. Ms. Mazingo stated that a grant application was submitted to Maryland Family Network (MFN) for additional funding for the Community-Based Child Abuse Program (CBCAP).

INFORMATION TECHNOLOGY

Scott Boone, Director, Information Technology, presented a request for approval of a contract with SHI International Corp. for the renewal of Microsoft Licensing for a three-year term. The County has been using Microsoft Office 365 since 2017. The County contracted with Planet Technologies for two 3-year terms. The contract with Planet Technologies expires on July 30, 2023. During an audit of the licenses, it was found that several users could be downgraded to an E1 license versus an E3 license. The E1 licenses are web-based and do not include desktop applications. Downgrading a license can only occur during the renewal period. The three-year agreement also locks in pricing for the term of the agreement. The Town of Galena, the Town of Millington, and Kent Soil Conservation District licenses are included in the quote, but these entities reimburse the County. Kent County Information Technology (KCIT) department is looking to move more services to the cloud over time and SHI International Corp. has the resources in place to assist the transition through some of their planning programs. KCIT currently uses SHI International Corp. for various software licenses, and there would be a benefit to having software licenses under the same vendor. The quote and contract are part of the State of Maryland Microsoft Contract No. 001B0600408. The quote is for three (3) years, but the licenses will be paid for on an annual basis. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the contract with SHI International Corp. for a three-year term in the total amount of \$181,593.54 (not to exceed \$57,330.19 paid annually) and to piggyback off the State of Maryland Microsoft Contract No. 001B600408.

OFFICE OF EMERGENCY SERVICES

Pete Landon, Director, Office of Emergency Services, presented the Kent County Law Enforcement Accountability grant award for approval. The FY2024 Police Accountability, Community and Transparency grant application submitted by Kent County Board of County Commissioners, entitled "Kent County Law Enforcement Accountability Initiative," in the amount of \$94,036.00 has received approval under the Police Accountability, Community and Transparency Grant program. The Kent County Board of County Commissioners Law Enforcement Accountability Initiative grant will be utilized to continue building the program to establish full accountability, transparency, and community relations measures in accordance with the Maryland Police Accountability Act of 2021. To do this, program funds will be directed to hiring a part-time administrative specialist; contracting with a technical consultant (accountability officer); recruiting a trial board chair (contract); purchasing equipment and office

furniture; and funding required training and meetings. Kent County matching funds in the amount of \$11,285.00 have been approved and allocated to the FY2024 budget. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to accept the FY2024 Kent County Law Enforcement Accountability grant, Grant No. PACT-2024-0035.

Mr. Landon and Mr. Quinn presented a request to change the company providing the County's cardiac monitor/defibrillator equipment from LifePAK to Zoll. The changeover of all cardiac monitor/defibrillator equipment will result in the replacement of all aging, and in some cases, obsolete equipment. This will allow for the purchase of one (1) Zoll cardiac monitor/defibrillator as per the FY2024 budget as well as receiving six (6) additional cardiac monitor/defibrillators that will be paid on August 1 of FY2025, FY2026, FY2027, and FY2028. The total cost for changing over to Zoll cardiac monitor/defibrillators for the equipment, training, and support will be \$335,773.79 from FY2024 through FY2028 with approved grant funding reducing that amount. This changeover has followed Kent County procurement guidelines and will be utilizing an existing State of Maryland blanket purchase order/contract, BPO# 001B2600011. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to change from LifePAK to Zoll services to provide cardiac monitor/defibrillators for equipment, maintenance, and support through FY2028. Further discussion ensued.

ECONOMIC AND TOURISM DEVELOPMENT

Jamie Williams, Director, Economic and Tourism Development, requested approval for the Upper Shore Regional Council Memorandum of Understanding for the Chestertown Business Campus project. Ms. Williams further stated, on February 18, 2022, Governor Hogan announced New \$50 Million Rural Maryland Economic Development Fund. Grants of up to \$10,000,000.00 for each rural regional council will be made available to address key issues like infrastructure, broadband, and workforce. The funding was approved by the General Assembly. Commerce finalized the application and provided a copy of the overview, application, and FAQs for consideration. In anticipation of the project submittals, Economic and Tourism Development communicated with County staff, Towns, and organizations that inquired about the funding. On May 26, 2022, the County Commissioners agreed the Department of Economic and Tourism Development would collect project submissions and provide them to the County Commissioners for consideration prior to providing them to the Upper Shore Regional Council (USRC). USRC ultimately became part of the application and submitted it to the Maryland Department of Commerce. At the August 9, 2022, County Commissioners' meeting, three Kent County projects were identified to move forward. At the August 19, 2022, USRC full council meeting, all projects were approved for inclusion in the USRC's application. On August 22, 2022, the County Commissioners approved and signed the letter of support for Kent County Projects approved at the Commissioners' meeting on August 9, 2022, and approved and signed the resolution supporting the Upper Shore Regional Council's application to the Maryland Department of Commerce. On December 14, 2022, Governor Hogan announced the projects were approved for funding. Kent County's projects were listed as follows:

- Worton Service District Water & Sewer Extension Amount: \$1,532,000.00. The extension of water & sewer mains is included in the planned industrial-zoned service area. The proposed project will design and construct approximately 4,405 feet of 8-inch water main and 8-inch gravity sewer along Route 297 from the Humane Society location currently under construction to and along Mary Morris Road to the railroad crossing. A new wastewater pump station on Mary Morris Road will pump wastewater through a 4-inch force main back to the existing sewer system. The Worton wastewater treatment facility has a design capacity of 250,000 gallons per day and is currently operating at 70,000 gallons per day.
- Millington Wastewater Treatment Facility Amount: \$1,081,000.00. Economic and Tourism Development worked with many businesses and developers and many properties along US 301 that have been under contract only to not make it to closing due to lack of infrastructure. Upgrading the Millington Wastewater Treatment Facility will enable the County and the Town of Millington capacity to grow and expand current businesses and attract new businesses, as well as serve the current and new residents.
- Chestertown Business Campus Amount: \$250,000.00. The infrastructure allows access to building sites for multiple speculative commercial and mixed-use buildings. The Dixon buildings have retained over 350 jobs in Kent County, and the spec spaces have the potential to create an estimated 400 new jobs. This project is the best approach for a small rural area like Kent County. The majority is privately funded. The funds would be used to develop the next phase, which includes the main entrance from Maryland Route 213, and the Dixon Square roads. The proposed public infrastructure is necessary to move forward with this phase of the project. Dixon Square and the Route 213 entrance roads will be dedicated to the Town once completed.

The County will need to fund the additional dollars from the FY2024 budget: Worton Service District Water & Sewer Extension: \$162,000.00, Millington Wastewater Treatment Facility Expansion: \$60,000.00, and Route 213 Entrance for Chestertown Business Campus: \$450,000.00. The total FY2024 budget requested is \$736,000.00. In the 5-Year Capital Plan - Economic Development, \$450,000.00 was allocated and approved in the FY2024 budget. Discussion took place regarding the third item, Chestertown Business Campus. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the Memorandum of Understanding for the Rural Maryland Economic Development Fund for the Chestertown Business Campus project.

Ms. Williams gave an update on the transportation initiative. The Delmarva Community Transit (DCT) needs drivers, they are looking for full-time and part-time candidates.

The Sprinkler Tax Credit offered by Kent County is due to expire in December 2023. The credit is offered to Kent County residents who are building new homes, the tax credit is valid for three years or up to \$5,000.00 (whichever happens first). Ms. Williams asked the Commissioners if they wanted to continue to offer the Sprinkler Tax Credit? Discussion took place. Ms. Williams will report back to relay how many homeowners have applied for the tax credit. This conversation led to a discussion regarding the vacancies at the shopping centers in Chestertown and the possibility of offering tax incentives. Ms. Williams offered further

information regarding the closing of businesses in the shopping centers. Discussion took place. There was consensus for Ms. Williams to move forward with legislation to extend the Sprinkler Tax Credit program.

COUNTY ADMINISTRATOR

Shelley Heller, County Administrator, on behalf of Thomas N. Yeager, County Attorney, presented a Certificate of Satisfaction for release. The Certificate of Satisfaction is in correlation to the County's Housing Improvement Program. Mr. Yeager reviewed and approved the certificate of satisfaction for John H. Beck, Betty M. Beck, and Beverly A. Beck, 21131 Haven Road, Rock Hall. The Office of Finance staff confirmed there were no liens on the property. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Certificate of Satisfaction as presented.

PUBLIC COMMENT

The procedures for public comment were in effect. No comments were received.

FOR YOUR INFORMATION

The Commissioners received a letter dated July 6, 2023, from Kevin J. Shearon, Davis, Moore, Shearon & Associates, LLC, providing an update on the Proposed Gillespie Precast, LLC, Storage Yard on the Lands of Morgan Creek Land Holdings, LLC, Kent County Tax Map 38, Parcel 1, DMS & Associates Job #2022019.

The Commissioners received courtesy copies of letters from Chuck Callahan, President, and County Council of Talbot County; Cecil County Executive and County Council; and George L. Pfeffer, Jr., President, and Dorchester County Council. Each letter was addressed to Deputy Secretary Bryan Mroz, Maryland Department of Health regarding the Service Expansion at Upper Shore Community Health Center Campus.

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 July 11, 2023, is \$400,000.00. No use of Fund Balance has been requested to date.

At 7:24 p.m., on a motion by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, July 25, 2023, at 10:00 a.m.

Regular Session Minutes
July 18, 2023
Page 8 of 8

Respectfully submitted,

Tonya L. Thomas
Deputy Clerk II

Approved:

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

July 18, 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, was also present.

CONSENT ITEM

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, July 11, 2023.

At 7:24 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, July 25, 2023, at 10:00 a.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Tonya L. Thomas
Deputy Clerk II

Approved:

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