

June 27, 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. Last Wednesday was the first day of summer and hope that we all have an enjoyable and safe summer. Also, thank the Lord for the much-needed rain throughout Kent County.

Shelley L. Heller, County Administrator, was 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, June 13, 2023
2. Liquor Minutes, June 13, 2023
3. Closed Session Minutes, June 13, 2023
4. Public Hearing Minutes, June 13, 2023
5. Alleesa Stewart, Supervisor of Finance, Kent County Public Schools – FY2024 Annual Budget
6. Alleesa Stewart, Supervisor of Finance, Kent County Public Schools – FY2024 Electronic Transfer Request
7. Arnessa Dowell, Executive Director, Kent County Public Library – FY2024 Wire Transfer Schedule Request
8. Bill Mackey, Director, Planning, Housing, and Zoning – Middle Department Inspection Agency Fees Revised
9. Bill Mackey, Director, Planning, Housing, and Zoning – Stabilization and Landscaping of Betterton Beach Rigbie Slope Change Order No. 1

APPOINTMENT

UPPER SHORE WORKFORCE INVESTMENT BOARD: Dan Schneckenburger, Executive Director, Upper Shore Workforce Investment Board discussed the Workforce Innovation and Opportunity Act Combined Plan 2022-2024. The United States Department of Labor requires a two-year plan for each Workforce Investment Area. The current plan is from 2022 to 2024. The Upper Shore Workforce Investment Board and staff have written the two-year plan as requested by the Governor, the Governor's Workforce Development Board, and the United States Department of Labor. Mr. Schneckenburger presented the Plan for approval. On motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners approved the Upper Shore Workforce Area Local Plan 2022-2024 as presented.

EMERGENCY SERVICES

Pete Landon, Director, Emergency Services, advised that the Emergency Services Board submitted three appointment requests. One of the recommended candidates will serve as a first-

time member and the other two recommended candidates agreed to continue to serve on the Board. Mr. Landon gave an update on the Local Emergency Planning Committee as well and provided a copy of the current roster. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidates as presented. Lynn Sutton Walbert was appointed to serve her first year on the Board, and Christopher Powell, and Susie Hayman were appointed to continue to serve on the Emergency Services Board.

KENT COUNTY INFORMATION TECHNOLOGY

Scott Boone, Director, Information Technology, presented two requests:

- Memorandums of Understanding (MOUs) for the Town of Galena, the Town of Millington, the Circuit Court for Kent County, Maryland, the Register of Wills for Kent County, Maryland, and the Kent County Chamber of Commerce. The MOUs expire annually on June 30th. The Town of Galena MOU had substantial changes and required more support than others. The remaining MOUs had no substantial changes. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the renewal of Memorandums for Understanding for the Town of Galena, the Town of Millington, the Circuit Court for Kent County, Maryland, the Register of Wills for Kent County, Maryland, and the Kent County Chamber of Commerce for a one-year term ending on June 30, 2024.
- Approve Alliance Technology Group and Piggyback off the MD DOIT Contract for the purchase of new virtualization software and hardware solution and support. In 2017, Kent County Information Technology (KCIT) issued Request for Proposal (RFP) 17-01 which was awarded to Nutanix through Alliance Technology. The current hardware will expire in October 2023, and software support will no longer be offered. KCIT would like to upgrade the hardware and continue with a support contract. The expense was included in the department's FY2024 Budget. KCIT is seeking approval to move forward with the vendor selection. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Alliance Technology Group and to Piggyback off MD DOIT Contract 060B2490022 in the amount of \$168,080.00 for the purchase of a Virtualization Hardware Solution and three (3) years of support of the system.

Commissioner Fithian inquired about the fiber optic projects throughout the County. Mr. Boone gave an update accordingly.

ECONOMIC AND TOURISM DEVELOPMENT

Jamie Williams, Director, Economic and Tourism Development; John Schratwieser, Director, and Hester Sachse, Deputy Director, Kent Cultural Alliance, gave an overview of the Arts and Entertainment (A&E) District Designation Property Tax Credit. Ms. Williams

explained the District was certified in 2015 under a program administered by the Maryland Department of Commerce and the State Comptroller's Office. Chestertown's A&E District encompasses fifty-one (51) acres of the historic downtown area. The program offers state and local tax abatements for qualified artists who create and sell their artistic works in the District and for property owners who build or renovate structures for qualified arts purposes. A letter of support was signed by a previous Board of County Commissioners on March 17, 2015. Ms. Williams further explained the possible tax incentives:

1. Property tax credit on the increase of assessed value attributable to construction or renovations of the property within the A&E District that provides live-work space or space for arts and entertainment enterprises. County Tax Office processes credit.
2. Maryland income tax subtraction modification for qualifying resident artists in the A&E District. Maryland Comptroller processes subtraction.
3. Admission and Entertainment Tax exemption for arts and entertainment enterprises or qualifying artists residing in the District. Maryland Comptroller processes exemption.

Mr. Schratwieser and Ms. Sachse assisted through the process with the local Maryland Department of Assessments and Taxation Office and Kent County Office of Finance. The District must be recertified in 2025. Two applications have been submitted since its inception, and one property does not qualify for the A&E property tax credit. By State regulations, the County can apply a property tax incentive on the construction or renovations of the qualifying property for up to ten years and up to 100%. Previous letters of support from the County formalized that a ten-year incentive would be offered. Staff is recommending the full 100% credit for 10 years be applied for the 200 High Street property only. Future applicants of approved properties going forward will follow the renewal designation. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved staff move forward to draft legislation for a Code Home Rule Bill for Arts and Entertainment District Designation Property Tax Credit at 100%.

Ms. Williams discussed transportation needs for August 12, 2023, during the Pirates and Wenches weekend in Rock Hall. Again, this year the request is to utilize Delmarva Community Transit (DCT) to transport visitors and residents around the Town of Rock Hall on Saturday only. DCT gave verbal approval for the use of three buses and requires a written confirmation of the request. A confirmation letter was offered for the Board's review. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the letter of support as discussed.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director, Planning, Housing, and Zoning presented two requests:

- To formalize the current zoning approach utilized for medical-related cannabis uses and extend it to apply to non-medical related cannabis uses, beginning on July 1, 2023.

Mr. Mackey stated that staff recommends the current approach be utilized, to date this has been non-controversial and for those uses that could be potentially controversial, such as dispensaries, it is expected that these will most likely be located within municipalities. Therefore, the actual application of the approach will be limited. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved adopting Resolution No. 2023-12 to formalize the zoning approach related to cannabis in Kent County.

- To release a bond issued by Avon Dixon Insurance Agency related to buffer enhancement for Jim's Marina, Inc. The residential property passed landscape inspection, and the bond is ready for release. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to release Bond No. 10730620 related to Buffer Enhancement for the project at 4846 Huntingfield Road.

Commissioner Fithian stated a request was made for a letter of support from a business that is considering the possibility of opening a dispensary in one of the local municipalities. Commissioner Price and Nickerson stated a letter of support will be available upon receiving approval from the Mayor and Council agreeing to the business being located in their municipality. The Board reached a consensus on the request.

HUMAN RESOURCES

Jim Miller, Director, Human Resources, discussed the County's grade and position scale. In the past, increasing the salary ranges was concurrent with employee salary increases. Staff recommended not moving forward with updating the scale effective July 1, 2023. Mr. Miller requested more time to pursue data regarding the County's wage position versus other counties. As a result, it is recommended to revisit this issue before the January 2024 scheduled salary increase. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommendation to keep the salary ranges at the same rate they are currently set at for the beginning of FY2024 and to have the topic be revisited before the scheduled January 2024 salary increase.

PUBLIC WORKS

Dan Mattson, Deputy Director, Public Works, presented three (3) items for the Commissioners' review:

- Environmental Operations Division: Renewal of two Landfill Monitoring Contracts with Earth Data, Inc., for Nicholson Landfill for a cost of \$107,321.78 and Dulin Rubble Landfill for a cost of \$22,320.18. Regulations require that groundwater and methane gas levels be tested at the closed Nicholson Landfill and the closed Dulin Rubble Landfill. Earth Data, Inc. has conducted this service for the County since 2005. On April 28, 2020, Commissioners approved Earth Data, Inc., as the sole source vendor for groundwater and methane gas sampling and monitoring. Discussion took place. On a

motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the renewal of the Earth Data Inc. contracts and the allocation of funds from the Environmental Operations Division FY2024 Operating Budget for groundwater and methane gas monitoring at the Nicholson and Dulin Rubble Landfills.

- Roads Division: The Kent County Commissioners approved a piggyback contract with Howard County, Maryland with American Paving Fabrics, Inc. for an amount of \$342,000.00. The contract was broken down into two (2) parts: one cost for surface treatment of County roads for an amount of \$340,000.00 and one cost of \$2,000.00 for the Kent Ag Project. The roads do not all match exactly with the widths from county records that were given to the contractor. The estimate for surface-treating the roads was \$339,149.25. The actual cost for the surface treatment of the county roads was \$361,396.00. There is a shortfall of \$21,396.00 because the FY2023 budget was approved for \$340,000.00. Mr. Mattson requested to use \$21,396.00 of Winter Roadway Treatment Supplies Funds, to cover the cost overrun. Change Order No. 1 memorializes the new total contract amount. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the increase to the piggyback contract with American Paving Fabrics, Inc. for surface treatment services of roads and the Kent Ag Project in the amount of \$21,995.00 for a total contract cost of \$363,395.00 under existing Howard County, Maryland contract #4400003612.
- FY2024 Diesel, Propane, Heating Oil, and Gasoline Delivery Contract Approval - Request for Proposals (RFP) #PW 23-15 for Petroleum Fuels and Propane Delivery Services bids were opened on June 13, 2023. The RFP contained four (4) separate contracts. Dixie Land Energy LLC was the low bidder for Contract A (Diesel; \$6,099.00), Contract B (Heating Oil; \$2,698.50.00), Contract C (Propane; \$23,836.00), and Contract D (Gasoline; \$623.75) for a total contract amount of \$33,257.25. Staff recommends awarding all four contracts to the lowest bidder, Dixie Land Energy LLC, via a consolidated contract. Delivery service of various fuels is to be made to all County buildings, consistent with the previous year's services with actual final costs being determined by fuel rack prices and fuel usage throughout the fiscal year. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to award the contract for FY2024 Diesel, Propane, Heating Oil and Gasoline Delivery Services, for all County buildings, to Dixie Land Energy LLC for a total amount of \$33,257.25.

COUNTY ADMINISTRATOR

Shelley Heller, County Administrator, presented a request from Mr. and Mrs. Shepke to waive back taxes and accrued interest before the last year assessed for lots 533 and 534 S/S Lenapah Road located in Chesapeake Landing. The requestors would like to purchase the lots allowing them to square off the property they already own in Chesapeake Landing. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner

Nickerson, the Commissioners unanimously denied the fee waiver request for lots 533 and 534 located in Chesapeake Landing, more specifically S/S Lenapah Road, Chestertown, MD 21620. Commissioner Price made a motion to request staff to collect more information from the Health Department regarding perk possibilities and the full intention of the prospective buyers, Commissioner Nickerson seconded the motion, and the Commissioners unanimously approved the collection of additional information.

Ms. Heller on behalf of Gail Webb Owings, Executive Director, Eastern Shore Heritage, Inc., requested a letter of support. Eastern Shore Heritage, Inc. (ESHI), which is the managing entity for the Stories of the Chesapeake Heritage Area, is applying to the Maryland Heritage Areas Authority for a management grant in the amount of \$55,783.00 and a small grant block grant of \$25,000.00. In addition to management support for the heritage area, the management grant will allow ESHI to continue to offer technical and financial support (through grants) to the local museums and other organizations that promote, interpret, and protect the many resources in the Heritage Area. The small grant block grant will allow ESHI to expand its current mini-grant program that provides grants to local nonprofits for programming, interpretation, and expansion of local festivals. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the letter of support for Eastern Shore Heritage, Inc. grant applications as presented. A support letter was sent to Ariane Hofstedt, Administrator, Maryland Heritage Areas Authority of Maryland Historic Trust.

Ms. Heller on behalf of Bill Webb, Health Officer, Kent County Health Department presented the annual funding agreement for FY2024. The agreement certifies Kent County's local fund's share. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the FY2024 Core Public Health Services Funding Agreement.

Ms. Heller stated that staff drafted a letter addressed to Deputy Secretary Bryan Mroz, Maryland Department of Health regarding the Service Expansion at Upper Shore Community Mental Health Campus. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the letter as described.

LETTERS FOR SIGNATURE

At the June 13, 2023, Commissioners meeting, the Commissioners unanimously appointed Judy Gifford to the Economic and Tourism Development Commission (ETDC). The Board signed a letter memorializing Ms. Gifford's appointment to serve an unexpired term ending on September 6, 2025.

A citizen interest form was received and forwarded to Planning, Housing, and Zoning. Currently, there are no vacancies for the Planning Commission. The Commissioners expressed their appreciation by a letter acknowledging the receipt of the interest form.

PUBLIC COMMENT

The procedures for public comment were in effect. Comments were offered by:

John Massey, Kent County property owner and Board of Appeals member asked what the County can do to collect the 5% tax (due to the County) from the Airbnb and vacation rentals in Kent County. Ms. Heller stated Jamie Williams has been working closely with the Airbnb and vacation rental owners to ensure the reports are submitted to the County. Ms. Williams provided additional information regarding the collection of the 5% tax from Airbnb and vacation rentals and stated staff will continue to investigate and work with other municipalities to ensure the rules are followed throughout the County.

Mike Waal, a Kent County resident asked for an update on Kirwan. Discussion took place.

Commissioner Price recognized receiving an email from Kate Gray and appreciated her insight. The suggestion(s) will receive further thought.

FOR YOUR INFORMATION

The Commissioners received a letter dated June 7, 2023, from Carolyn Sorge, Chair, and Members, Commission on Aging, expressing their gratitude for the Commissioners' decision to increase funding to Upper Shore Aging.

A letter was received from Craig Kuhn, Program Manager, Forest Pest Management, Maryland Department of Agriculture, reporting on the 2022 Spongy Moth Survey Report for Kent County. The 2022 Spongy Moth Egg Mass Survey Report was included with the correspondence.

The Commissioners received a letter dated June 19, 2023, from Mary Etta Reedy, President, Kent County Learning Center, thanking the Commissioners for their allocation of funds for the Kent County Learning Center FY2024 budget.

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 FY2023 Contingency balance as of June 13, 2023, is \$199,719.00, and the FY2023 use of Fund Balance is \$371,715.00.

At 12:05 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 11, 2023, at 10:00 a.m.

Regular Session Minutes
June 27, 2023
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Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

June 27, 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, June 13, 2023.

SPECIAL CLASS C LICENSES

Main Street Chestertown applied for a Beer and Wine Special Class C per diem liquor license. They plan to serve beer and wine during the Carnival on High event. The event is scheduled for July 1, 2023, from 4:00 p.m. to 9:00 p.m. at the foot of High Street, Chestertown, MD 21620.

Downtown Chestertown Association (DCA) applied for a Beer and Wine Special Class C per diem liquor license. They plan to serve beer and wine during the following events: First Friday, July 7th from 5:00 p.m. – 7:00 p.m.; Crazy Days, July 28th from 4:00 p.m. – 7:00 p.m. and July 29th from 12:00 p.m. – 4:00 p.m. DCA plans to serve beer and wine on the corner of High Street and Cross Street, Chestertown, MD 21620.

The applications were reviewed and met the requirements to be approved for an event license. There being no objections to any of the applications, the Board took one vote for all applications. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the three Class C liquor licenses.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Sondra M. Blackiston, Clerk/KATE Manager, reported a request was received to change the member status for a County-issued liquor license. The proposed change adds Charles A. Watterson as a member of Chestertown Natural Foods. Mr. Watterson replaces Henry Gruber who passed away on April 3, 2023. Mr. Gruber was the Kent County qualifier. The 2023/2024 renewal application was approved contingent upon finding a suitable replacement. The proper documentation has been received and Mr. Watterson has met the requirements to be added to the license. Staff recommends approval. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the license modification application for Chestertown Natural Foods, LLC., as presented. This transaction will be recorded in the monthly report of retail license activity required by the Comptroller of Maryland, Field Enforcement Division.

Ms. Blackiston provided the Board with a copy of a letter dated June 12, 2023, sent to Thomas Akras, Director, Legal and Legislative Division of the Alcohol and Tobacco Cannabis Commission (ATCC). Bonnie S. Pearsall, Inspector, KATE sent a second referral for Acme Store No. 849 to the ATCC for the unlawful sale of tobacco products to a minor on more than one occasion in a 24-month period.

At 12:05 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 11, 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