

May 25, 2021

A meeting of the County Commissioners of Kent County was called to order at 10:00 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 unrest in the Middle East, that the troops will continue to hold, and differences can be worked through.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Bill Webb, Health Officer, Kent County Health Department; Wayne Darrell, Director, Emergency Services; Scott Boone, Director, Information Technology; J. Terry Ober, Inspector, Kent Alcohol and Tobacco Enforcement; and Marty Hale, Director, Human Resources, were present in person. Mike Moulds, Director, Public Works attended the meeting remotely.

STATE OF EMERGENCY UPDATE

Bill Webb, Health Officer, Kent County Health Department (KCHD) presented an update on the COVID-19 pandemic in the State of Maryland and Kent County. Information and resources are available from the Kent County Health Department at <https://kenthd.org/>. A copy of today's presentation is viewable on the County website <https://www.kentcounty.com/commissioners/meeting-agenda>. Mr. Webb is pleased to announce the COVID pandemic is nearing an end and is very grateful for all who have responded accordingly. The vaccine demand is waning and anyone ages twelve (12) and up who wants to be vaccinated can. The mask mandate was lifted on May 12th by Governor Hogan, except for public transportation, schools, and health care facilities. The KCHD vaccine clinic located at the Community Center will return to the KCHD clinic by the end of June. Emergency Operations will demobilize its efforts once the State of Emergency has ended.

PUBLIC NOTICES

Commissioner Mason read a notice announcing that all County offices will be closed Monday, May 31, 2021, in observance of Memorial Day.

Thomas N. Yeager, County Attorney read an adoption notice. Code Home Rule 7-2021 Farm Breweries In The Agricultural Zoning District, AN ACT to amend Article V, *District Regulations*, Section 1, *Agricultural Zoning District*, Section 1.2 *Permitted Principal Uses and Structures of the Kent County Land Use Ordinance*, by adding a new § 7.5 in order to allow a "Farm Brewery, as defined by the State of Maryland" as a permitted use by right in the Agricultural Zoning District. This legislation was adopted on May 18, 2021, without amendments; and the provisions of this Act shall take effect on May 28, 2021.

Commissioner Mason read a notice for the FY2022 Proposed Budget Hearing. On Tuesday, June 8, 2021, the County Commissioners of Kent County will hold a public hearing for the Proposed FY2022 Budget at 10:00 a.m. 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 June 7, 2021.

Comments will be read by County staff during public testimony. Options: In-person, by email kentcounty@kentgov.org, by letter 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 238 192 779 then press #. Please contact the County Commissioners' Office at (410) 778-4600 and press 4 or by email at kentcounty@kentgov.org no later than noon on June 4, 2021 if you need further instructions on how to observe the conduct of public business, participate in the public hearing process and provide testimony if desired.

CONSENT ITEMS

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

1. Regular Session Minutes, May 18, 2021
2. Liquor Minutes, May 18, 2021
3. Public Hearing Minutes, May 18, 2021

INFORMATION TECHNOLOGY

Scott Boone, Director, Information Technology presented a broadband initiative project. In January 2021, Kent County, in partnership with ThinkBig Networks, LLC and Talkie Communications, Inc. applied for seventeen (17) grant applications with the Department of Housing and Community Development (DHCD) through the Maryland Office of Rural Broadband. Talkie Communications, Inc. was awarded nine (9) grants: Colonel Leonard, Dudley Chance, Morgnec A, Handy Point, Morgnec B, Morgnec South, Newtown/Smithville, Porters Grove, and Riley's Mill. The grant award is in the amount of \$1,382,870.00 with the total projects amounting to \$2,304,789.00. ThinkBig Networks, LLC was awarded seven (7) grants: Allen's Lane, Green Lane, Irelands Corner, Locust Grove, Sassafras, Scotts Lane, and Still Pond. The grant award is in the amount of \$242,049.00 with the total projects amounting to \$403,415.56. Mr. Boone recognized April Bitter, Project Manager, for her work on the project.

Memorandum(s) of Understanding regarding funding for existing broadband networks expansion by and between DHCD, the County were presented for Talkie Communications and ThinkBig Networks. In addition, two (2) Broadband Infrastructure Contracts by and between The County Commissioners of Kent County were presented as follows:

1. Talkie Communications, Inc., for nine (9) projects
2. ThinkBig Networks, LLC, for seven (7) projects

Two motions were made in concurrence; on motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Memorandum of Understanding with DHCD, and on motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Broadband Infrastructure Contracts with ThinkBig Networks, LLC, and Talkie Communications, Inc.

Mr. Boone presented a request to amend the Lease Agreement with Centric Business Systems. The Human Resources Department is requesting a stacking finisher to increase productivity within their office. Mr. Boone indicated this accessory will increase the lease by \$43.21 per month. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the amended lease agreement with Centric Business Systems. After the Board approved the request, Commissioner Mason signed the US Bank Value Lease Supplement and Amendment of Master Agreement No. 500-06223642-000 in an amount not to exceed \$4,457.73 for a term of fifty-seven (57) months, and the Centric Business Systems Equipment, Software, and Services Agreement.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, on behalf of Mike Moulds, Director, Public Works, presented a request to hire an applicant for the Utilities Technician vacancy in the Water and Wastewater Division at the recommended salary. Commissioner Fithian led a discussion concerning the suggested salary. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the hiring of the selected candidate to the Utilities Technician position in the Public Works Department, Water and Wastewater Division as requested.

Mr. Hale, on behalf of Mr. Moulds, presented a request to hire an applicant for the Building Maintenance Worker vacancy at the recommended salary. Mr. Hale explained the reasoning for the recommended salary. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to hire the recommended candidate for the vacant Building Maintenance position in the Public Works Department, Building Maintenance Division as requested pending successful completion of County pre-employment requirements.

Mr. Hale, on behalf of Rosemary Ramsey Granillo, Director, Kent County Local Management Board (LMB), presented a request to hire an applicant for the Systems of Care Coordinator vacancy at the recommended salary. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to hire the selected individual for the Systems of Care Coordinator in the LMB office, as requested, pending successful completion of County pre-employment requirements.

PUBLIC COMMENT

Commissioner Fithian commended Bramble Construction on their scholarship program and college tuition allowance. Each year Bramble provides four (4) Kent County High School seniors with a \$4,000.00 scholarship, and the company pays 25% of college costs to employees' children who attend college.

Commissioner Fithian attended the renovations tour at Rock Hall Elementary School and was amazed with the transformation.

Commissioner Fithian stated on April 20th, Ken Kozel, President and CEO, University of Maryland Shore Regional Health presented to the Commissioners the reimaging of the Eastern Shore Health Care. Mr. Kozel announced they would be conducting a study on transportation needs in the County. Commissioner Fithian questioned if the hospital has provided the County with the findings of that study.

Commissioner Fithian stated Kent Attainable Housing, Inc. is looking for ways the County could help reduce the burden of expenses on homeowners by waiving fees of permits, water/sewer allocations, etc. Ms. Ramsey Granillo stated she would contact Kent Attainable Housing to come before the Commissioners to explain more about their program.

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

CONTINGENCY FUND

The FY2021 Contingency Fund balance as of May 11, 2021 is \$392,907.00 and the use of fund balance total is \$72,723.00.

FOR YOUR INFORMATION

The Commissioners were copied on a letter from Jamie Williams, Director, Economic and Tourism Development, dated May 14, 2021, addressed to Amy E. Seitz, Director, Community Access and Partnership, Division of Neighborhood Revitalization, Maryland Department of Housing and Community Development, regarding Main Street Rock Hall, Manager position.

Shelley L. Heller, County Administrator, shared a public service announcement. The Hope House of Rock Hall will host a grand opening on May 27, 2021 at 3:00 p.m., and tours will be offered. Hope House will share food and clothing to members of the Kent County community.

At 11:54 a.m. a motion was made by Commissioner Jacob, seconded by Commissioner Fithian, and the Board unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, June 1, 2021, at 6:00 p.m.

FY2022 BUDGET WORK SESSION

A budget work session was held today at 12:53 p.m. Commissioner P. Thomas Mason; Commissioner Ronald H. Fithian; Commissioner Robert N. Jacob; Shelley L. Heller, County Administrator; and Pat Merritt, Chief Finance Officer, Office of Finance.

Ms. Merritt reviewed allocations, capital, general fund, and operating. The Commissioners discussed a funding level for Kent County Public Schools, a one-time increase in

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funding to the County's five municipalities and suppressing the 4% increase to the County water and sewer rate. The budget work session ended at 1:52 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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

May 25, 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; J. Terry Ober, Inspector, Kent Alcohol and Tobacco Enforcement; and Sondra M. Blackiston, Clerk/KATE Manager were present in person.

CONSENT ITEM

On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, May 18, 2021.

SPECIAL CLASS C LICENSE

Main Street Historic Chestertown has applied for a Special Class C Beer and Wine License for an event on May 29, 2021, at the 200 block of High Street, Chestertown. 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 Beer and Wine License for Main Street Historic Chestertown.

PUBLIC HEARING - WATERSHED ON HIGH, LLC – CLASS B, BEER, WINE, AND LIQUOR LICENSE WITH CATERER’S PRIVILEGE

The public hearing commenced at 10:40 a.m. on behalf of Watershed on High, LLC, for a Class B, Beer, Wine, and Liquor License with Caterer’s Privilege. Thomas N. Yeager, County Attorney, read the following Notice: Application has been made by members: Rodney Scruggs, Lisa Scruggs, and Anne Kelso representing Watershed on High, LLC trading as Watershed Restaurant for a Class B, Beer, Wine, and Liquor License with Caterer’s Privilege on the premises known as Watershed Restaurant, 337 High Street, Chestertown, MD 21620, which shall authorize the holder thereof to sell Beer, Wine, and Liquor at retail, at the place therein described, for on-premises consumption or elsewhere. The hearing was duly advertised to be held by the undersigned in the County Commissioners’ Hearing Room, R. Clayton Mitchell, Jr. Government Center, 400 High Street, Chestertown, MD on May 25, 2021, at 10:00 a.m., at which time any exceptions to the application will be heard. The rules for a public hearing were in effect.

Mr. Yeager swore in Mr. Scruggs, applicant, Inspector Ober, and Ms. Blackiston for testimony. Mr. Yeager stated a complete legal review of the application was completed and everything was in order. Mr. Yeager explained the location had previously operated as a restaurant. Recent renovations to the building changed the premise and the space has been divided into two separate areas. Inspector Ober summarized the findings of a site visit conducted on May 24, 2021. Mr. Ober recommended that any Board approval include a contingency for obtaining a food service license. Mr. Scruggs described the plans for the restaurant.

No comments were offered in person or through the virtual meeting platform either for or against the application. There being no objections, on motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved a Class B, Beer, Wine, and Liquor License with Caterer's Privilege for Watershed on High, LLC trading as Watershed Restaurant with contingencies; the Kent County Health Department Food Service License still needs to be obtained.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Mr. Ober and Ms. Blackiston submitted a memorandum summarizing the 2020-2021 legislative acts passed by the General Assembly that effect alcoholic beverages, statewide and locally. Mr. Yeager led the discussion regarding the Durational Residency Requirement, an implementation of a United States Supreme Court decision. Many alcoholic beverage licenses and permits in Maryland law include residency requirements like those struck down in the decision. To maintain consistency of State law while respecting the federal decision, House Bill 902 from the 2020 session codifies the court's decision to Maryland law by repealing various requirements that an alcoholic beverage license applicant or license holder be a registered voter, taxpayer, or resident of jurisdiction, generally one or more years, as a condition for obtaining or maintaining a license. Instead, the Act generally requires the applicant or licensee to be a resident of the State or a local jurisdiction at the time of application and during the license period.

Inspector Ober described measures taken by Governor Hogan in response to the COVID-19 pandemic, specifically an executive order that expanded alcoholic beverage delivery and carryout services. The order allowed licensed establishments to deliver or sell alcoholic beverages for off-premises consumption despite restrictions inherent in their licenses (mixed drinks to-go, curbside pickup, and delivery). The order remains effective until after the termination of the state of emergency. Senate Bill 205/House Bill 12 from the 2021 session authorizes local licensing boards to adopt regulations to help businesses maintain economic health during the pandemic.

Trends for both sessions included local bills that expand specific licenses and permits i.e., Barbershop and Beauty Salon license, Gift Basket permit, art facilities, movie theatres, and luxury licenses. Staff recommends further review of industry trends and consumer preferences that may enhance existing and emerging business models and generate revenue for Kent County businesses. In addition, any amendments to the Kent County Land Use Ordinance that effect alcohol licensing and regulation should be included in the Kent County Alcohol Act of 2022.

Mr. Ober and Ms. Blackiston discussed Kent County's Alcoholic Beverages Manual of Rules and Regulations. Mr. Ober explained it is a priority to bring the Manual up to date. The best corrective measure to move this initiative forward is to repeal the Manual in its entirety and to incorporate by reference the Annotated Code of Maryland Alcoholic Beverages: Division I. General Provisions Affecting Multiple Jurisdictions and Division II. Provisions Affecting Individual Jurisdictions Title 24 Kent County. The KATE Team will draft a new manual that is

reflective of the current Alcoholic Beverage laws, and practices and protocols in support of those laws. The Commissioners discussed the request. Ms. Blackiston read Resolution 2021-07 into the record. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to adopt Resolution 2021-07 to repeal the Alcoholic Beverages Manual of Rules and Regulations of the Kent County Board of License Commissioners and adopt by reference the Annotated Code of Maryland Alcoholic Beverages Division I and Division II Title 24 Kent County until such time that the Board adopts a new regulations manual.

Ms. Blackiston announced this is Inspector Ober's last meeting with the Board as he is retiring. The Commissioners recognized Inspector Ober on a job done well and thanked him for his service to Kent County.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, June 1, 2021 at 6:00 p.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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