

May 18, 2021

A meeting of the County Commissioners of Kent County was called to order at 6:00 p.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 our Country, the World, and for flag day, may we embrace what the flag means to America.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Bill Mackey, Director, Planning, Housing, and Zoning; and Marty Hale, Director, Human Resources, were present in person.

The following staff attended the meeting remotely: Carla Gerber, Deputy Clerk, Planning, Housing, and Zoning; Jamie Williams, Economic and Tourism Development; and Myra Butler, Director, Parks and Recreation.

CONSENT ITEMS

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

1. Regular Session Minutes, May 11, 2021
2. Liquor Minutes, May 11, 2021
3. Public Hearing Minutes, May 11, 2021
4. Closed Session Minutes, May 11, 2021

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney announced two legislative actions.

1. 3rd Read and Vote – Code Home Rule Bill No. 7-2021 Farm Breweries In The Agricultural Zoning District
2. Public Hearing - Code Home Rule Bill No. 8-2021 Agricultural Advisory Commission

LEGISLATIVE SESSION

On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to go into legislative session.

3rd Read and Vote – Code Home Rule Bill No. 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.

The Ordinance was introduced and read for the first time on April 20, 2021, and a public hearing was held on May 11, 2021 at 10:00 a.m. One written comment in support of the legislation was received during the comment period from Wick Dudley. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously adopted CHR 7-2021 with an effective date ten (10) days from today. This makes the effective date of the legislation May 28, 2021.

PUBLIC HEARING – CODE HOME RULE BILL NO. 8-2021 AGRICULTURAL ADVISORY COMMISSION

A public hearing was held on Code Home Rule Bill No. 8-2021 Agricultural Advisory Commission. Public information regarding the above-mentioned hearing and minutes are posted on the County’s website at www.kentcounty.com/commissioners/meeting-agenda.

The third reading and vote of Code Home Rule Bill No. 7-7021 and the hearing for CHR 8-2021, concluded, therefore on motion by Commissioner Fithian and seconded by Commission Jacob, the Commissioners agreed to adjourn the public hearing and legislative session and return to regular session.

CERTIFICATE OF RECOGNITION

Commissioner Fithian was recognized as a Chesapeake Bay Ambassador by the State of Maryland Governor. George O’Donnell, Maryland Department of Natural Resources; Chip MacLeod, Esquire, MacLeod Law Group, LLC; Robin Fithian and family joined Captain Newberry, Kent County Waterman’s Association in congratulating Commissioner Fithian on thirty (30) years of working Maryland’s waters as a captain and making the Bay a better place for all.

PLANNING, HOUSING, AND ZONING

Mr. Mackey presented amendments to the Community Development Block Grant (CDBG). In July 2020, the Commissioners received approval from the Maryland Department of Housing and Community Development (DHCD) for \$84,246.39 for emergency rental assistance through the federal CDBG Program. The Maryland Rural Development Corporation (MRDC), the approved sub-recipient of the CDBG funding, has been unable to distribute any funds due to the constraints imposed by the CDBG requirements. In May 2021, the County received approval from DHCD for \$1,332,475.00 for the U.S. Treasury Department’s Emergency Rental Assistance Program (ERAP). The requirements for distribution are less constraining and MRDC has been chosen as the sub-recipient and expects to distribute these monies quickly. To assist MRDC to distribute the ERAP funds, the CDBG funds are proposed to be repurposed to provide for additional staffing to assist with ERAP. Staff recommends repurposing CDBG funds to support ERAP. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the

Commissioners unanimously approved to pursue repurposing \$84,246.39 of the Community Development Block Grant (CDBG) to support the administration of Emergency Rental Assistance Program (ERAP) funds.

ECONOMIC AND TOURISM DEVELOPMENT

Jamie Williams, Director, Economic and Tourism Development presented the Maryland Relief Act 2021 Grant approvals. Ms. Williams stated on April 6th the Commissioners approved and signed the grant agreements for the Maryland Relief Act of 2021. There were three (3) categories of grants: Restaurants, Lodging and Accommodations, and Online Sales and Telework Assistance. Ms. Williams explained the application process was opened twice for each. Staff recommended approval of the Restaurants, Lodging and Accommodations, and Online Sales and Telework Assistance grant proposals as presented. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Maryland Relief Act 2021 Grant as recommended.

Ms. Williams presented the American Rescue Plan: Nonprofits-Local Government Grant Program Agreement. Ms. Williams explained the Maryland Department of Housing and Community Development (DHCD) has been authorized to distribute \$20 million in State Recovery Funds to local governments to provide grants to nonprofits that can demonstrate need and are actively engaged in providing services and impacting Maryland's economic recovery, Kent County was granted \$64,251.00. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved and signed the American Rescue Plan: Nonprofits-Local Government Grant Program Agreement.

PARKS AND RECREATION

Myra Butler, Director, Parks and Recreation presented a recommendation to hire a consultant for the 2022 Land Preservation, Parks and Recreation Plan (LPPRP). Ms. Butler stated every five (5) years jurisdictions are required to update the LPPRP as a condition of the Program Open Space (POS) Grant Program. Ms. Butler noted previous years LPPRP's were updated without the assistance of an experienced Parks and Planning consultant and as a result the most recent Plan requires numerous revisions and submissions before receiving final approval. The POS program allows for funding up to \$25,000.00 per year to be used to hire a consultant to update the LPPRP. A Request For Proposal (RFP) was completed with two (2) proposals received that fulfilled all requirements. The recommended vendor is the lowest responsive bidder at \$33,725.00. Ms. Butler stated the Board of Public Works will need to approve the proposal at their May 19th meeting to award the funding. Discussion took place. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the recommended Land Preservation, Parks and Recreation Plan consultant to provide services to update the 2022 Land Preservation, Parks and Recreation Plan (LPPRP) for an amount not to exceed \$35,000.00, with an allowance for unforeseen costs, pending funding approval by the Board of Public Works.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, on behalf of Sondra Blackiston, Clerk/KATE Manager, Commissioners Office, presented a recommendation to hire an applicant for the

Alcoholic Beverage and Tobacco Inspector vacancy at the recommended salary. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the recommended applicant for the vacant Alcoholic Beverage and Tobacco Inspector as requested, pending successful completion of County pre-employment requirements.

Mr. Hale presented a recommendation to hire an applicant for the Human Resources Specialist vacancy at the recommended salary. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the individual to fill the vacant Human Resources Specialist position in the Human Resources Department as requested, pending successful completion of County pre-employment requirements.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator, at the request of Maddy Ciulu, Maryland Department of Housing and Community Development (DHCD) presented a request to transfer Kent County's 2021 Housing Bond Allocation in the amount of \$746,246.00 to DHCD. If the County approves the transfer of the 2021 Housing Bond Allocation, it must be done in writing. On motion by Commissioner Jacob, seconded by Commissioner Fithian, the Commissioners unanimously agreed to execute a letter transferring the 2021 Housing Bond Allocation to DHCD. As required, Mr. Yeager signed the Certificate of Counsel.

Ms. Heller, on behalf of Gail Owings, Executive Director, Eastern Shore Heritage, Inc. (ESHI), presented a request for a letter of support for a grant application. If awarded, the grant funds would be used towards the protection, preservation, and promotion of the cultural and historic heritage unique to the Stories of the Chesapeake Heritage Area. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the letter of support for Eastern Shore Heritage, Inc. grant applications as presented. The Commissioners signed a letter addressed to Jennifer Ruffner, Administrator, Heritage Areas Program, Maryland Historical Trust conveying the County's support of ESHI's grant application.

LETTERS FOR SIGNATURE

On May 11, 2021, the Commissioners appointed Rick Morlock as a member of the Public Landings and Facilities Board. The Commissioners signed the formal letter of appointment to Mr. Morlock, who will be filling an unexpired term ending June 30, 2022.

A letter from a property owner requesting a waiver of interest and penalty fees assessed to the owner's property taxes was received. Consistent with County policy, waivers of interest and fees are only granted if an error by the County caused the interest or penalty to accrue. Discussion took place. The Commissioners concluded that no error was made by the County and the request was denied. A letter will be sent to the requester advising of the Board's decision.

Commissioner Fithian discussed the remediation efforts of the oil spill that took place at the hospital in Chestertown many years ago. The Town of Chestertown, Maryland Department of the Environment, and Shore Regional have proposed a pilot study for oil remediation. Commissioner Fithian proposed the County pay for the pilot study as the spill took place at the "County's" hospital. Discussion took place. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved \$10,000.00 to put towards the oil remediation at the Shore Regional Medical Center, Chestertown. Ms. Heller will contact the Town of Chestertown to coordinate the expenditure. The Commissioners discussed if the cost of the pilot study is above \$10,000.00, then the issue would be revisited.

KENT COUNTY GOVERNMENT OPERATIONS AND PUBLIC COMMENT

The procedures for public comment were in effect. The public was invited to participate. Janet Christensen-Lewis provided comment about in-person attendance during the meetings.

CONTINGENCY FUND

The FY2021 Contingency Fund balance as of May 4, 2021 is \$453,107.00 and the use of fund balance total is \$72,723.00.

At 6:52 p.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, May 25, 2021, at 10:00 a.m.

FY2022 BUDGET WORK SESSION

A budget work session was held today at 7:00 p.m. Commissioner P. Thomas Mason; Commissioner Ronald H. Fithian; Commissioner Robert N. Jacob; Shelley L. Heller, County Administrator; Pat Merritt, Chief Finance Officer, Office of Finance; Bill Mackey, Director, Planning, Housing, and Zoning; and Marty Hale, Director, Human Resources.

Ms. Merritt reviewed portions of the proposed budget with changes made through the work sessions up until now.

FY2022 BUDGET WORK SESSION, CLOSED SESSION PERSONNEL

At 7:09 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) (1) To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals.

Shelley L. Heller, County Administrator; Pat Merritt, Chief Finance Officer, Office of Finance; and Marty Hale, Director, Human Resources, were present in person.

Topics to be discussed: Personnel matters specific to employees are confidential.

Reason for closing: Individuals' compensation and performance discussion

The Commissioners discussed reclassification and compensation requests of certain individuals. No action was taken in closed session.

At 8:01 p.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and the Commissioners unanimously agreed to adjourn the closed session and continue the budget work session.

FY2022 BUDGET WORK SESSION CONTINUED

The work session discussion continued. Budgetary options and a proposed reduction of property tax were vetted. The budget work session ended at 8:45 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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

May 18, 2021

PUBLIC HEARING

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

Thomas N. Yeager, County Attorney, read the public hearing procedures for testifying. The rules for a public hearing were in effect.

CODE HOME RULE BILL NO. 8-2021 AGRICULTURAL ADVISORY COMMISSION

The public hearing commenced at 6:05 p.m. in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, MD. Mr. Yeager read the Notice into record. A public hearing for the purpose of discussing Code Home Rule Bill No. 8-2021 Agricultural 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 appointment requirements, revise the process for filling vacancies, clarify the functions of the Commission and its required reporting, and identify procedures related to recusal, quorum, and the efficacy of voting in different scenarios.

Mr. Yeager stated the hearing was duly advertised. Mr. Mackey summarized the intent of the legislation. Citizens were invited to provide comment in the audience and who had the option to join the hearing through a virtual meeting platform. Pat Langenfelter offered a favorable comment with amendments. Ms. Langenfelter read her amendment to paragraph A.

On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously closed the public hearing.

Written comments will be accepted in the County Commissioners' Office until Friday, May 21, 2021, at 12:00 p.m. The Commissioners discussed the amendment brought forth and recommended staff to make a revision. The ordinance may be considered for a vote on Tuesday, June 1, 2021.

The public hearing adjourned at 6:16 p.m. and was taped for reference.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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

May 18, 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; and Thomas N. Yeager, County Attorney, 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 11, 2021.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, May 25, 2021 at 10:00 a.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