

May 11, 2021

A meeting of the County Commissioners of Kent County was called to order at 10:05 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 a serious traffic accident involving Adam Voshell, son of Dan Voshell, Division Chief, Roads, Public Works, and prayers for the family of Angel Ramirez, who passed away.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Bill Mackey, Director, and Mike Bitting, Chief Enforcement Officer Planning, Housing, and Zoning; Mike Moulds, Director, and Marty Holden, Division Chief, Environmental Operations, Public Works; Marty Hale, Director, Human Resources; Pat Merritt, Chief Finance Officer, Office of Finance; and J. Terry Ober, Inspector, Kent Alcohol and Tobacco Inspector, were present in person.

The following staff attended the meeting remotely: Jim Wright, Engineer, Public Works; Jamie Williams, Economic and Tourism Development; and Myra Butler, Director, Parks and Recreation.

PUBLIC NOTICES

Thomas N. Yeager, County Attorney read the following two (2) notices:

1. Fair Summary Notice: Ordinance 6-2021 Execution of A Law Enforcement Mutual Aid Agreement. Fair summary is hereby given that an Ordinance to approve the execution of a Law Enforcement Mutual Aid Agreement by and between Kent County, Maryland; Wicomico County, Maryland; Somerset County, Maryland; Worcester County, Maryland; Dorchester County, Maryland; Talbot County, Maryland; Caroline County, Maryland; Queen Anne's County, Maryland; and Cecil County, Maryland; and each of the Sheriffs for the foregoing jurisdictions, pursuant to Section 2-105 of the Criminal Procedure Article, Maryland Annotated Code. This ordinance was adopted on May 4, 2021, without amendments; and the provisions of this Act shall take effect on June 18, 2021.
2. Public Hearing Notice: 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. A public hearing will be held on May 18, 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 June 1, 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 746 777 153 then press #.

CONSENT ITEMS

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

1. Regular Session Minutes, May 4, 2021
2. Liquor Minutes, May 4, 2021
3. Closed Session Minutes, May 4, 2021
4. Kent School Inc., Raffle Only, May 21, 2021
5. Olde Kent Quilters Guild, Raffle Only, November 16, 2021

PUBLIC HEARING – CODE HOME RULE BILL NO. 7-2021 FARM BREWERIES IN THE AGRICULTURAL ZONING DISTRICT

A public hearing was held on Code Home Rule Bill No. 7-2021 Farm Breweries In The Agricultural Zoning District. Public information regarding the above-mentioned hearing and minutes are posted on the County's website at www.kentcounty.com/commissioners/meeting-agenda.

PLANNING, HOUSING, AND ZONING

Mike Bitting, Chief Enforcement Officer, presented a request to approve the 2018 International Plumbing Code. Mr. Bitting explained all plumbing work done in the County must be inspected and conform to the Plumbing Code approved by the Maryland State Board of Commissioners of Practical Plumbing, in which the current standards being used are from 2012. Mr. Bitting requested using the most current 2018 standards. Discussion took place. Mr. Yeager provided comment on adopting the new standard and any future amendments. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the request as presented. Mr. Yeager confirmed the Board's affirmative vote included any future amendments to the Code, therefore any updates would not require further action by the Board.

Mr. Bitting presented a request to implement Heating, Ventilation, and Air Conditioning (HVAC) inspections as standard practice. Mr. Bitting stated HVAC inspections are currently not completed in Kent County. The current International Mechanical Code (IMC) that the County has adopted requires that inspections of new HVAC installations occur. Discussion took place. Mr. Mackey provided feedback on the inspection process. On motion by Commissioner Fithian

and seconded by Commissioner Jacob, the Commissioners unanimously approved to require HVAC inspections per the requirements of our ordinances and the State of Maryland.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, on behalf of Jamie Williams, Director, Economic and Tourism Development, presented a recommendation to hire an applicant for the Administrative Assistant II vacancy, above the base pay rate. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the individual to fill the vacant Administrative Assistant II position in the Economic and Tourism Development Department as requested, pending successful completion of County pre-employment requirements.

Mr. Hale, on behalf of Myra Butler, Director, Parks and Recreation, presented a recommendation to hire three (3) applicants for summer employment. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to hire the recommended applicants for the summer seasonal positions in the Parks and Recreation Department, as requested, pending successful completion of County pre-employment requirements.

Mr. Hale, on behalf of Mr. Mackey, presented a recommendation to hire an applicant for the Associate Planner vacancy. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to hire the recommended applicant for the Associate Planner position in Planning, Housing, and Zoning as requested, pending successful completion of County pre-employment requirements.

PUBLIC WORKS

Mike Moulds, Director, and Marty Holden, Division Chief, Environmental Operations, Public Works presented a recommendation to fill a vacancy on the Public Landings and Facilities Board to fill an unexpired term. Three (3) citizens submitted an interest form to serve on the Board. Mr. Holden and the Commissioners discussed each of the candidates. On motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved to appoint the selected candidate to fill the vacancy. The Commissioners appointed Rick Morlock to fill an unexpired term on the Public Landings and Facilities Board and to serve until June 30, 2022.

Mr. Moulds and Mr. Holden presented a permitting proposal. Mr. Holden stated a residential disposal permit would ensure that only Kent County residents are disposing of waste at the Kent County drop-off centers. Mr. Holden explained the volume of bulk material has significantly increased over the past ten (10) years, and this amount of trash is likely coming from outside of the County to take advantage of convenient operating hours and low tipping fee rates that are not tied to actual weight. The In-County disposal permit will help prevent non-residents and commercial users from driving up cost the County incurs. Discussion took place. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners

unanimously approved to proceed with the residency sticker and to continue the use of the coupon books.

Mr. Moulds presented a request to use contingency funds for a HVAC emergency repair at the Kent County Courthouse. Mr. Moulds explained the HVAC system is approximately forty (40) years old and has needed replacement, staff is requesting contingency funds in the amount of \$60,200.00 to have Johnson Controls, Inc. replace the HVAC system. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners approved and signed the proposal from Johnson Control, Inc. in the amount of \$60,200.00, to replace the Circuit Courtroom HVAC system, with funds from Contingency Funds as an emergency repair.

COUNTY ADMINISTRATOR REPORT

Shelley L. Heller, County Administrator, reported an Agreement By and Between Kent County Commissioners and Eastern Shore Entrepreneurship Center (ESEC) was signed on May 5, 2021, stating the County will capitalize the Kent County Revolving Loan Fund in the amount of \$98,500.00 from the Maryland Department of Commerce to provide business grants for the following programs: Restaurants, Lodging, and Online Sales/Telework.

Ms. Heller announced there will be a five-county joint meeting of the legislative bodies of Dorchester, Talbot, Queen Anne's, Kent, and Caroline Counties on May 19, 2021 at 7:00 p.m. for the purposes to discuss budgetary matters concerning Chesapeake College, and any other matters that each county chooses to discuss.

KENT COUNTY GOVERNMENT OPERATIONS AND PUBLIC COMMENT

The procedures for public comment were in effect. The public was invited to participate. The following citizens phoned in to voice their concerns regarding the Morgnec Road Solar project: Elizabeth Watson, Janet Christensen-Lewis, Pat Langenfelder, and Frank Lewis.

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.

CLOSED SESSION

At 11:58 a.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) (7) To consult with counsel to obtain legal advice, and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. After a brief recess, the closed session resumed at 12:10 p.m.

LEGAL AND PENDING OR POTENTIAL LITIGATION

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Bill Mackey, Director, Planning, Housing, and Zoning; Sondra M. Blackiston, Clerk/KATE Manager; and Sallie Watson, Deputy Clerk II, 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, Ms. Heller, 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 12:33 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 Fithian summarized the legal closed session discussion regarding settlement to litigation. The Commissioners consulted with counsel and staff, and received legal advice concerning pending or potential litigation. No action was taken.

At 12:36 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 18, 2021, at 6:00 p.m.

FY2022 BUDGET WORK SESSION

A budget work session was held today at 12:52 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. They began the session with a closed session discussion.

FY2022 BUDGET WORK SESSION, CLOSED SESSION PERSONNEL

At 12:53 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; Marty Hale, Director, Human Resources; Wayne Darrell, Director, Emergency Services; and Sondra M. Blackiston, Clerk/KATE Manager, were present in person. The following staff attended the meeting remotely: Mike Moulds, Director, Public Works and Herb Dennis, Warden, Kent County Detention Center.

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

Reason for closing: Matters relating to personnel are confidential.

The Commissioners received a summary of six (6) departmental requests regarding the compensation of fourteen (14) specific individuals. No action was taken in closed session.

At 2:06 p.m., a motion was made by Commissioner Jacob, seconded by Commissioner Fithian, and the Commissioners unanimously agreed to adjourn the closed session and continue the budget work session.

FY2022 BUDGET WORK SESSION CONTINUED

Ms. Merritt reviewed allocations, capital, general fund, and operating. The budget work session ended at 2:49 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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

May 11, 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; Bill Mackey, Director, Planning, Housing, and Zoning, and J. Terry Ober, Inspector, Kent Alcohol and Tobacco Enforcement were in attendance.

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. 7-2021 FARM BREWERIES IN THE AGRICULTURAL ZONING DISTRICT

The public hearing commenced at 10:13 a.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. 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.

Mr. Yeager stated the hearing was duly advertised. Mr. Mackey summarized the intent of the legislation. Mr. Mackey explained the text amendment would amend the Land Use Ordinance allowing farm breweries permissible in zoning. A correspondence was received dated January 14, 2021, from Jennifer Debnam, Chair, Agriculture Advisory Commission, noting a favorable recommendation. A correspondence was received dated February 4, 2021, from Kim Kohl, Chairman, Kent County Planning Commission, noting a favorable recommendation. A memorandum was received from Sondra M. Blackiston, Clerk/KATE Manager, dated April 14, 2021, regarding the Kent County Alcoholic Beverage Licensure Process. Mr. Yeager noted Kent County does not have the jurisdictional power or authority to issue a local alcoholic beverage license to a Farm Brewery. This would require a legislative action through the General Assembly to update Kent County's Alcoholic Beverage Regulations. Commissioner Mason invited comments from citizens in the audience and those who had the option to join the hearing through a virtual meeting platform. No comments were received.

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 14, 2021, at 12:00 p.m. The ordinance will be considered for a vote on Tuesday, May 18, 2021.

The public hearing adjourned at 10:19 a.m. and was taped for reference.

Respectfully submitted,

Public Hearing Minutes – Code Home Rule Bill No. 7-2021 Farm Breweries In The Agricultural
Zoning District Legislation
May 11, 2021
Page 2 of 2

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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

May 11, 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 J. Terry Ober, Inspector, Kent Alcohol and Tobacco Enforcement were present in person.

PUBLIC HEARING NOTICE

Thomas N. Yeager, County Attorney read a public hearing 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. A hearing on said application will 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.

CONSENT ITEM

On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, May 4, 2021.

KENT ALCOHOL AND TOBACCO ENFORCEMENT

On April 20, 2021, the Board approved to proceed with an Administrative Hearing on May 11, 2021, for Case No. 21-01, Elizabeth Bonass, Member, O'Connor's, LLC trading as O'Connors Pub and Restaurant. J. Terry Ober, Inspector, Kent Alcohol and Tobacco Enforcement, reported new developments have occurred and the licensee has surrendered her license. Staff recommended cancelling the administrative hearing as the license was surrendered and the report/case is now closed. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to cancel the administrative hearing and accept the Inspector's final report on Case No. 21-01.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, May 18, 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