

April 27, 2021

A meeting of the County Commissioners of Kent County was called to order at 10:03 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 police officers in our Country, may we have more respect for those protecting us and providing public safety.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Bill Webb, Health Officer, Kent County Health Department; Wayne Darrell, Director, Emergency Services; April Bitter, Project Manager, Information Technology; Mike Moulds, Director, Public Works; Marty Hale, Director, Human Resources; J. Terry Ober, Inspector, Kent Alcohol and Tobacco Enforcement; Cal Gray, Jr. accompanied by counsel, Kyle K. Kirby, Esquire, and Dan Saunders, Esquire, MacLeod Law Group, LLC were present in person.

The following staff and presenter attended the meeting remotely: Brian Billick; Bill Mackey, Director, and Carla Gerber, Deputy Director, Planning, Housing, and Zoning; and Myra Butler, Director, Parks and Recreation.

STATE OF EMERGENCY UPDATE

Bill Webb, Health Officer, Kent County Health Department 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/> and citizens are encouraged to call 410-778-1350 with questions and concerns. A copy of today's presentation is viewable on the County website <https://www.kentcounty.com/commissioners/meeting-agenda>

PUBLIC NOTICE

Thomas N. Yeager, County Attorney read a public hearing notice for 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. A public hearing will be held on May 11, 2021, at 10:00 a.m. in the Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland. In response to the State of Emergency, and in lieu of public appearance, the meeting will be held remotely, via video teleconference and viewable on the County website www.kentcounty.com/government. Hearings are open to the public and written comments will be accepted until noon on May 14, 2021. Public comments can be submitted prior to the 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 508 966 657 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, April 20, 2021
2. Liquor Minutes, April 20, 2021
3. Public Hearing Minutes, April 20, 2021
4. Closed Session Minutes, April 20, 2021

APPOINTMENT

Brian Billick, and Cal Gray, Jr., accompanied by counsel, Kyle K. Kirby, Esquire, and Dan Saunders, Esquire, MacLeod Law Group, LLC were present to discuss a Public Works Agreement for the Village at Kennedyville. Mike Moulds, Director, Public Works, Shelley L. Heller, County Administrator, and Mr. Yeager also joined the discussion. Altogether, with the respective parties, the Commissioners discussed a current Public Works Agreement and a verbal proposal concerning development of the Village at Kennedyville. The Commissioners expect a written proposal to be formally submitted for review and further consideration.

PUBLIC WORKS

Mike Moulds, Director, Public Works presented a request to release Performance Bond No. B1136877 in the amount of \$16,149.00 from The Hogans Agency, Inc. for a private road site improvement. Mr. Moulds stated the department was contacted on March 18th by Hogans Insurance Agency stating the property had been sold and the bond is not transferrable. Upon further research, the private road improvements have not been completed in accordance with the plan, additionally staff is not aware of any request to inspect any construction work or a previous request to reduce or release the bond. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to release the Performance Bond in the amount of \$16,149.00 for the private road improvements on the Fred Wick site plan, dated July 2013 on tax map 24, parcel 7 and 15.

INFORMATION TECHNOLOGY

April Bitter, Project Manager, Information Technology presented a request to approve the Verizon Wireless GSA-Multiple Award Schedule No. 47QTCA20D00B5 Purchase Order, for departmental phones. Contract term is twelve (12) months beginning April 27, 2021, for an amount not to exceed \$38,500.00. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Verizon Wireless GSA Contract for departmental phones.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, on behalf of Myra Butler, Director, Parks and Recreation, presented a request to advertise a Recreation Program Coordinator vacancy. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners

unanimously approved to advertise for a Recreation Program Coordinator in the Parks and Recreation Department.

Mr. Hale, on behalf of Bill Mackey, Director, Planning, Housing, and Zoning, presented a request to hire an applicant for the Planning Specialist position, at the recommended salary. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the recommended individual to fill the vacant Planning Specialist position in the Planning, Housing, and Zoning Department as requested, pending successful completion of County pre-employment requirements.

The Commissioners determined staff is no longer required to bring requests to advertise vacancies before the Board if the positions are already budgeted.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator, on behalf of John Price, Sheriff, Kent County Sheriff's Office, presented a request to replace a patrol vehicle in the Sheriff's Office. Ms. Heller explained a patrol vehicle was involved in an accident, due to the age and condition of the vehicle the insurance company has deemed the claim as a total loss. The FY2021 expenditures for this vehicle can be absorbed in this year's budget, however, the FY2022 lease payments will increase. The Sheriff is requesting approval of a capital purchase. The Enterprise Fleet Management Open-End (Equity) Lease Rate Quote No. 4962767 for a 2021 Chevy Tahoe Police Vehicle 4x4 was formally presented for approval and signature. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the lease of the 2021 Chevy Tahoe and the expenditure of FY2021 funds to outfit the vehicle.

KENT COUNTY GOVERNMENT OPERATIONS AND PUBLIC COMMENT

Commissioner Mason thanked Leann Schenke, Kent County News, for her time covering the County Commissioners meetings. The Commissioners wished her only the best in her future endeavors.

The procedures for public comment were in effect. The public was invited to participate. Janet Christensen-Lewis, citizen, provided comment on increasing in-person attendance for Commissioners' meetings.

LETTERS FOR SIGNATURE

Three (3) citizen interest forms were received and forwarded to the appropriate Board and/or Committee. The Commissioners expressed their appreciation by a letter acknowledging the receipt of each applicant's interest form.

CONTINGENCY FUND

The FY2021 Contingency Fund balance as of April 13, 2021 is \$494,173.00 and the use of fund balance total is \$72,723.00.

CLOSED SESSION

At 12:19 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) (7) To consult with counsel to obtain legal advice; and (8) To consult with staff, consultants, or other individuals about 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; Sallie Watson, Deputy Clerk II; and Lacey T. Cox, Deputy Clerk I, were in attendance.

LEGAL AND PENDING OR POTENTIAL LITIGATION

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 and Mr. Mackey reviewed the details of a confidential letter dated March 24, 2021, addressed to Mr. Yeager from an attorney. The letter is a part of ongoing attorney-to-attorney communications. Two previous letters were submitted as background information. Mr. Mackey, Mr. Yeager, Ms. Heller, and the Commissioners engaged in an exchange of ideas. Mr. Yeager provided legal advice and a recommendation for the Board's consideration.

At 12:34 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 closed session discussion regarding settlement to litigation. The Commissioners consulted with counsel and staff, and received legal advice concerning pending or potential litigation. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously instructed staff to move forward with negotiations as discussed in closed session.

At 12:37 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 4, 2021, at 6:00 p.m.

FY2022 BUDGET WORK SESSION

A budget work session was held today at 1:34 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; Karen Miller, District Manager and Charles Miller, Chairman, Kent Soil and Water Conservation District; John Schratwieser, Director, Kent Cultural Alliance; Dr. Karen Couch, Superintendent, Alleesa Stewart, Supervisor of Finance, and Joe Goetz, President, Board of Education, Kent County Public Schools; and Wes Campbell, Executive Director, Kent Center, Inc., were in attendance. Each agency presented their respective FY2022 funding request. Ms. Merritt reviewed funding allocations. The budget work session ended at 4:09 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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

April 27, 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.

CONSENT ITEM

On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, April 20, 2021.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

J. Terry Ober, Inspector, Kent Alcohol and Tobacco Enforcement presented two (2) licensees that have submitted their renewal applications. Mr. Ober and Sondra M. Blackiston, Clerk/KATE Manager submitted a joint memorandum providing a statement of any license changes. Having met the basic requirements for their applications to be considered by the Board, staff recommends the conditional renewal of all submitted renewal licenses, on the timeline defined in the Governor's Executive order and contingent upon good faith efforts to complete any required action or documentation after the Order is lifted. On motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved two (2) alcoholic beverage license renewal applications as submitted, subject to certain contingencies and to proceed with the licensure process.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, May 4, 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