

April 12, 2022

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, and Ronald H. Fithian. The meeting convened with the Pledge of Allegiance. Commissioner Mason asked the audience to remain standing for Pete Lott, a farmer in Kent County who recently lost his wife, and for the spring season.

Shelley L. Heller, County Administrator, and Thomas N. Yeager, County Attorney, were also present.

CONSENT ITEMS

On a motion by Commissioner Fithian and seconded by Commissioner Mason, the Commissioners by majority approved the following items:

1. Regular Session Minutes, April 5, 2022
2. Liquor Minutes, April 5, 2022
3. Maryland Department of Natural Resources (DNR) Waterway Improvement Fund Grant Modification Agreement No. MF-1420H-20, Bayside Landing Park – Bulkhead and Pier Replacement Project
4. The Chestertown Garden Club, Raffle Only, May 6, 2022
5. Main Street Rock Hall, Raffle Only, May 20 – August 13, 2022
6. Main Street Rock Hall, Raffle Only, May 20 – August 15, 2022

PROCLAMATION

April 10-16, 2022 is National Public Safety Telecommunications Week: Commissioner Fithian read the proclamation recognizing April 10-16, 2022 as National Public Safety Telecommunications Week. Brad Russum, Chief of Communications, Richard Dowling, and Kayla Price, 9-1-1 Specialists, Office of Emergency Services accepted the proclamation. Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services and are the single vital link for our police officers, firefighters, EMT's and paramedics by monitoring their activities by radio, providing them information, and ensuring their safety.

RECOGNITION

Commissioner Mason and Commissioner Fithian read certificates of recognition for Brittany Wallace and Geneva Abdelaziz honoring them as recipients of the Live your Dream: Education and Training Award through the Soroptimist International of Kent and Queen Anne's Counties, MD. The recipients will also be recognized at the Soroptimist International of Kent and Queen Anne's Counties, MD Annual Banquet on April 18, 2022.

Commissioner Jacob joined the meeting at 10:10 a.m.

PUBLIC HEARINGS – CODE HOME RULE BILL NO. 2-2022, HOSPITALS AND HUMAN CARE INSTITUTIONS IN THE VILLAGE DISTRICT, AND CODE HOME RULE BILL NO. 3-2022, HOME AND BUSINESS SERVICES IN THE VILLAGE DISTRICT

Public hearings were held on the following: Code Home Rule Bill No. 2-2022, Hospitals and Human Care Institutions in the Village District, and Code Home Rule Bill No. 3-2022, Home and Business Services in the Village District. Public information regarding the above-mentioned hearings and minutes are posted on the County's website at <https://www.kentcounty.com/commissioners/meeting-agenda>.

AMERICAN RESCUE PLAN ACT FUNDS (ARPA)

A copy of the American Rescue Plan Act (ARPA) Spend Plan outlining the approved expenditures to date was provided to the Commissioners for informational purposes.

PUBLIC WORKS

Mike Moulds, Director, Public Works discussed a project for the Kennedyville Water Treatment Facility. Mr. Moulds explained the County water treatment facilities utilize a graded sand filter to remove chemically precipitated iron from the groundwater to improve water quality and reduce the taste and staining of the finished water. Staff obtained a proposal from A.C. Schultes and Somerset Well Drilling to perform the work. Somerset Well Drilling was the lowest bidder for \$28,350.00. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved awarding a contract to Somerset Well Drilling Company, Inc. in the amount of \$28,350.00 to replace the filter media sand at the Kennedyville water treatment facility.

INFORMATION TECHNOLOGY (IT)

Scott Boone, Director, and April Bitter, Project Manager, Information Technology (IT) were present to request approval of three projects that were previously discussed during the April 5, 2022, FY2023 Budget Work Session. The first request is a proposal to upgrade the County's phone system and move away from the traditional Primary Rate Interface (PRI) to a cloud-hosted phone service. The current phone system is considered a "legacy product." The benefit to having a cloud-based system in place is more flexibility with taking calls and in the event of another pandemic of major events, employees would be able to transition from being onsite to a remote location with greater ease. Employees would have the ability to answer calls from a desk phone, computer, or even their cell phones. Staff will begin the phone service upgrade project within the current budget and is requesting a commitment from the Commissioners for the FY2023 budget to complete the project. Discussion took place. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the upgraded phone system.

The Commissioners and Ms. Heller discussed the current balance left in contingency which is \$44,489.00. To fulfill any additional contingency fund requests, the Commissioners should decide if funds from the general fund should be reallocated to the contingency fund. Discussion took place regarding an adequate dollar amount. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved moving \$100,000.00 from fund balance to contingency.

Mr. Boone and Ms. Bitter presented a second request to approve the purchase of additional Cybersecurity. This request includes hardware, software, professional services, and project management fees. The product would allow IT to detect threats earlier and faster and allow staff to gain deeper visibility across the network. Mr. Boone requested the use of FY2022 Contingency Funds for the project for \$89,002.10. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the purchase of hardware, software, professional services, project management services, and training from SHI International for additional Cybersecurity as presented.

Mr. Boone presented a third request to purchase a Ransomware Tool. The Ransomware Tool will be added to the current Backup Solutions "Unitrends". This will allow the IT department to restore data from a cloud base backup. The purchase would be for a two (2) year contract with Alliance Technology which is on the Maryland State Contract system and would align with the current Unitrends Contract and would take effect on May 2, 2022. Mr. Boone requested the use of FY2022 Contingency funds for \$17,210.00 for the purchase of the Ransomware Tool. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the purchase of Ransomware from Alliance Technology as presented.

Ms. Bitter presented a request to approve the Verizon Wireless GSA-Multiple Award Schedule No. 47QTCA20D00B5 Purchase Order, for departmental phones. The contract term is twelve (12) months beginning April of 2022, for an amount not to exceed \$41,000.00. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the GSA Contract for departmental phones.

PARKS AND RECREATION

Myra Butler, Director, Parks and Recreation presented clarification to the swimming pool and Aquatics Staff Management Contract that was approved at the March 22, 2022 meeting. At that meeting, Ms. Butler stated there would be a cost-savings to the County of approximately \$26,500.00 by contracting with an outside agency. Ms. Butler explained after reviewing the total amounts of the contract there is essentially a break-even cost. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously acknowledge the previously approved contract amount for swimming pool services and aquatics staff management by Aquatic Management Systems to \$198,804.00 and move forward with outsourcing the services for the Summer of 2022.

KENT COUNTY DETENTION CENTER

Ms. Heller, on behalf of Herbert Dennis, Warden, Kent County Detention Center announced the agenda item regarding inmate meal services will be discussed at a future meeting.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, on behalf of Bill Mackey, Director, Planning, Housing, and Zoning, presented a request to create a new Associate Planner position. At the April 5, 2022, FY2023 Budget Work Session, Mr. Mackey discussed the need to add a new position for an Associate Planner. The Commissioners suggested, that due to the job market, the request should be addressed before the new fiscal year. Therefore, the request is to approve the creation of a second position. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to create a second Associate Planner position in the Planning, Housing, and Zoning Department as requested.

Mr. Hale, on behalf of Mr. Moulds, presented a request to fill a vacancy in the Roads Division, of Public Works at the recommended rate. The applicant is recommended to be hired as a Motor Equipment Operator (MEO) III. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the recommended individual to fill the position in the County Roads Division as requested, pending successful completion of County pre-employment requirements.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator, on behalf of Muriel Cole, Co-Chair, Commission on Aging, presented a request to fill a vacancy on the Commission on Aging Board. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the appointment of the recommended candidate to the Commission on Aging. Darlene Stouts has been appointed for a three-year term with an expiration date of April 30, 2025.

COUNTY ADMINISTRATOR REPORT

Ms. Heller reported a letter of support dated April 4, 2022, on behalf of the Board, was sent to Sara Rich, President, and CEO, Choptank Community Health System, Inc. (CCHS), regarding the FY2023 Congressionally Directed Spending. The Commissioners were also copied on a correspondence from Jamie Williams, Director, Economic and Tourism Development, dated April 3, 2022, conveying support to Ms. Rich regarding the same.

PUBLIC COMMENT

The procedures for public comment were in effect. No comments were received from citizens.

LETTER FOR SIGNATURE

A citizen interest form was received and forwarded to the appropriate Board and/or Committee. The Commissioners expressed their appreciation by a letter acknowledging the receipt of the interest form.

FOR YOUR INFORMATION

A correspondence dated March 31, 2022, was received from the Maryland Department of the Environment, Water and Science Administration regarding a Notice of Application received for a State Permit and Opportunity for Hearing, Permit No. KE2021S001/01, for a project at Locust Grove Farm, LLC, 11974 Blacks Station Road, Kennedyville, MD.

CONTINGENCY FUND

The FY2022 Contingency balance as of April 5, 2022, is \$44,489.00 and the FY2022 Use of Fund Balance total is \$73,201.00.

At 11:01 a.m. a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and the Board unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, April 19, 2022, at 6:00 p.m.

FY2023 BUDGET WORK SESSION

A budget work session was held today at 1:30 p.m. Commissioner P. Thomas Mason, Commissioner Ronald H. Fithian, Commissioner Robert N. Jacob, Shelley L. Heller, County Administrator; Pat Merritt, Chief Finance Officer, Jeanne Edwards, Senior Accountant, Office of Finance; Mike Moulds, Director, Public Works; Herbert Dennis, Warden, Kent County Detention Center; Dennis Hickman, Captain, and Kim Dixon, Office Manager, Kent County Sheriff's Department; and Wayne Darrell, Director, Office of Emergency Services, were in attendance. The five (5) year capital plan was discussed. The budget work session ended at 3:35 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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

April 12, 2022

PUBLIC HEARINGS

County Commissioners P. Thomas Mason, Presiding, Ronald H. Fithian, and Robert N. Jacob, Jr., were in attendance as well as Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; and Bill Mackey, Director, Planning, Housing, and Zoning.

The rules for the public hearings were in effect. Thomas N. Yeager, County Attorney read both public hearing notices into the record.

CODE HOME RULE BILL NO. 2-2022, HOSPITALS AND HUMAN CARE INSTITUTIONS IN THE VILLAGE DISTRICT

The first of two public hearings commenced at 10:23 a.m. in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, MD. A public hearing for the purpose of discussing Code Home Rule Bill No. 2-2022, Hospitals and Human Care Institutions in the Village District, AN ACT to amend Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance, by amending Article V. *District Regulations*, Section 7. *Village District*, 7.3 *Special Exceptions*, by adding a new sub-section 14, "Hospitals, rehabilitation facilities, or other similar institutions for human care but not including animal hospitals"; and to amend Article VII. *Special Exceptions*, Section 7. *Special Exceptions*, sub-section 27 by adding "V" to the districts where the special exception is allowed.

Mr. Mackey summarized the intent of the legislation. A correspondence dated March 4, 2022, from Joe Hickman, Chairman, Kent County Planning Commission, was received noting a favorable recommendation. Latonya Cotton, the applicant, of Kenah One Health Care Services, explained the need for the legislation and her business intentions. Citizens were invited to comment on the proposed legislation. No other comments were received. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously closed the public hearing for CHR 2-2022.

CODE HOME RULE BILL NO. 3-2022, HOME AND BUSINESS SERVICES IN THE VILLAGE DISTRICT

The second hearing commenced at 10:33 a.m. A public hearing to discuss Code Home Rule Bill No. 3-2022, Home and Business Services in the Village District, AN ACT to amend Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance, by amending Article V, *District Regulations*, Section 7, *Village District*, 7.2 *Permitted Principal Uses and Structures*, by adding a new sub-section 27, "Home and business services such as grounds care, janitorial, exterminators, landscaping, and other repair and maintenance services, but not septic tank maintenance, subject to site plan review".

Mr. Mackey summarized the intent of the legislation. A correspondence dated March 4, 2022, from Joe Hickman, Chairman, Kent County Planning Commission, was received noting a

favorable recommendation. Correspondence was received from Nicholas W. Mouldsdale, President, EnergyWise, LLC, in support of the text amendment. Citizens were invited to comment on the proposed legislation. Zebulon Blyman, the applicant, of Zeb's Lawn and Land Service, explained the need for the legislation and his business intentions. No other comments were received. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously closed the public hearing for CHR 3-2022. The public hearing adjourned at 10:36 a.m.

Written comments will be accepted in the County Commissioners' Office until Friday, April 15, 2022, at 12:00 p.m. for both Code Home Rule Bill Nos. 2-2022 Hospitals and Human Care Institutions in the Village District and 3-2022 Home and Business Services in the Village District. The legislative bills will be considered for a vote on Tuesday, April 19, 2022.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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

April 12, 2022

The Board of License Commissioners met today with the following present: P. Thomas Mason, presiding, and Ronald H. Fithian.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; and Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE), were also present.

CONSENT ITEM

On a motion by Commissioner Fithian and seconded by Commissioner Mason, the Commissioners by majority approved Consent Item #2 - Liquor Minutes, April 5, 2022.

Commissioner Jacob joined the meeting at 10:10 a.m.

PUBLIC HEARING PROTOCOLS

Thomas N. Yeager, County Attorney abridged the public hearing protocol. Both hearing notices were read into the record. Mr. Yeager administered the Oath to all applicants, staff, and anyone who wished to testify. The rules for a public hearing were in effect.

BLUE BIRD TAVERN, LLC TRADING AS BLUE BIRD TAVERN - CLASS B, BEER, WINE, AND LIQUOR LICENSE

The first public hearing commenced at 10:14 a.m. Application has been made by Patricia Ann Lewis, Member, representing Blue Bird Tavern, LLC, trading as Blue Bird Tavern for a Class B, Beer, Wine, and Liquor License on the premises known as, Blue Bird Tavern, 512 Washington Avenue, 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.

Mr. Yeager stated a legal review of the application has been completed and all is in order. The business has been operating under a certificate of permission for the continuation of business since the passing of James F. Schaubert in 2019. Mr. Yeager indicated a correspondence dated March 22, 2022, was received from W. S. Ingersoll, Town Manager, Town of Chestertown, noting the Town's support of the application. Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE) stated she has visited the establishment, and all is in order. Staff recommends approval of the application with no contingencies. Ms. Lewis explained the intentions of the business. Inspector Pearsall reiterated to the applicant that underage service or over-service of patrons are not permissible.

No other comments were offered in favor of or against the application. There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application.

**SHOTTIE N. HUEY, LLC TRADING AS BLUE HERON OYSTER HOUSE AND INN
CLASS B, BEER, WINE, AND LIQUOR LICENSE**

The second public hearing commenced at 10:16 a.m. Application has been made by members: Sean T. Dunworth, Kevin H. Hodge, and Kristin L. Dunworth, representing Shottie N. Huey, LLC, trading as Blue Heron Oyster House and Inn for a Class B, Beer, Wine, and Liquor License on the premises known as Blue Heron Oyster House and Inn, 20658 Wilkins Avenue, Rock Hall, MD 21661. 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.

Mr. Yeager stated a legal review of the application has been completed and all is in order apart from receiving a food service license from the Kent County Health Department. The location has a longstanding history of operating as a bar, tavern, or restaurant. Mr. Dunworth and Mr. Hodge explained the intentions of the business. Inspector Pearsall stated she has visited the establishment on two occasions, the building is currently under renovations with a plan and action in place. Staff recommends approval of the application with contingencies.

No comments were offered in favor of or against the application. There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application. The license is contingent upon meeting the requirements to obtain a food service facility license.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Inspector Pearsall presented a request to renew the annual alcoholic beverage licenses. Sixty-two (62) licenses will expire on the last day of April. Sixty (60) licensees have submitted renewal applications. Inspector Pearsall and Sondra M. Blackiston, Clerk/KATE Manager jointly submitted a memorandum providing a statement of any license changes. Having met the basic requirements for their applications to be considered by the Board, the staff recommends the conditional renewal of all licenses. Nine (9) licensees are subject to one or more contingencies. Staff recommends approval of those applications, subject to meeting the contingencies noted. Two (2) establishments will not be considered for review. The Blue Bird Tavern is due to change ownership and Figg's Ordinary has opted to let its license lapse. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved fifty-one (51) renewal applications with any changes listed and grant conditional approval to nine (9) applications subject to satisfying any contingency as noted.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, April 19, 2022, at 6:00 p.m.

Liquor Minutes
April 12, 2022
Page 3 of 3

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