

March 14, 2023

A meeting of the County Commissioners of Kent County was called to order at 10:00 a.m. with the following present: Ronald H. Fithian, President, Albert H. Nickerson, and John F. Price. The meeting convened with the Pledge of Allegiance. Commissioner Fithian asked the audience to remain standing for a moment of silence. Keep in mind the bad weather on the West Coast and the problems it is causing citizens, and hope things get better for them.

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

PUBLIC NOTICE

Commissioner Fithian read a notice into the record. Code Home Rule Bill No. 1-2023, AN ACT to delete the contents of certain chapters of the Code of Public Local Laws of Kent County to reflect actions taken in 2002, whereby the contents of these Chapters were relocated to Chapter 222 Zoning of said Public Local Laws by the adoption of the Kent County Land Use Ordinance as a unified development ordinance, and to indicate that these Chapters are “Reserved”. The chapters for which contents are to be removed are Chapter 178 Erosion and Sediment Control, Chapter 182 Floodplain Management, Chapter 185 Forest Conservation, and Chapter 215 Subdivision of Land.

A hearing will be held on March 29, 2023, at 10:00 a.m. in the Commissioners’ Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland. The agenda for the meeting will be published online 24 hours in advance of the meeting at www.kentcounty.com/commissioners/meeting-agenda. Citizens are encouraged to participate in the public hearing process. If you require communication assistance, please contact the County Commissioners’ Office at (410) 778-4600 and press 4 or visit Maryland Relay at www.mdrelay.org no later than noon on Friday, March 24, 2023. A complete copy of the proposed legislative bill is available in the Commissioners’ Office, 400 High Street, Chestertown, MD, Monday through Friday, 8:30 a.m. to 4:30 p.m., and on the County's website at www.kentcounty.com/commissioners/draft-legislation.

CONSENT ITEMS

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the following items:

1. Regular Session Minutes, March 8, 2023
2. Liquor Minutes, March 8, 2023
3. Closed Session Minutes, March 8, 2023

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney presented the recorded Deed of Dedication of Water and Sewer Facilities and Grant of Easement from the Humane Society of Kent County, Inc. to the County Commissioners. The Deed dated February 21, 2023, was recorded on February 24,

2023. This action concludes the matter and completes the release of Chesapeake Bank and Trust Company Letter of Credit No. 164 for the water and sewer improvements.

APPOINTMENTS

PARKS AND RECREATION AND SULTANA EDUCATION FOUNDATION

Jill Coleman, Director, Parks and Recreation, and Brad Hirsh, Director of Paddling Programs, Sultana Education Foundation (SEF), presented a request from the SEF to use Turner's Creek as an overnight camping site for the Harford Day School. The proposed camping site would be in the meadow area that is west of the parking lot at the top of the hill. According to the County's Park Regulations (#12 - Camping): "It is prohibited to camp on, tent on, sleep on, or inhabit any roadside of any county road or along any county roadside, within the right-of-way of the road or in any county recreational park or in, on/or adjacent to any county landing or any other county-owned property unless specifically authorized by law or resolution of the County Commissioners. If approved, a resolution will need to be placed on an upcoming meeting agenda. A waiver of liability or hold harmless agreement was recommended to be executed by the sponsoring organization. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the request for use of Turner's Creek (meadow area) for overnight camping on September 18-19, 2023, for the Sultana Education Foundation.

POLICE ACCOUNTABILITY BOARD

Charlie Mills, GAFF Consultancy, advised of a member's resignation from the Police Accountability Board (PAB). An interest form was received, and the applicant meets the criteria for the Board to consider the appointment recommendation. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended applicant to the PAB. Kay Pinder Pritzlaff was appointed as a member of the PAB for a term ending on March 14, 2027. A thank you letter was prepared for Walter Coryell for his service.

PARKS AND RECREATION

Ms. Coleman advised Millington pool and the kiddie pool at the Community Center are in urgent need of replastering. The plaster in the Millington pool (in certain areas) is down to the shell, and in the kiddie pool the plaster is deteriorating and dissolving. Ms. Coleman stated the shallow end of the Community Center's main pool will also need replastering but can forgo one more season. The FY2023 budget for pool maintenance is \$80,000.00. The response to Request for Proposal (RFP) # PR23-04 Repairing, Re-Plastering, and Balancing Outdoor Recreational Pools resulted in four bids. The cost of the project exceeds the budget. Due to inflationary impacts, the revised proposal for Millington and kiddie pool replastering is now \$103,640.40, an increase of \$23,640.40. Therefore, contingency funds are needed in the amount of \$23,640.40 to cover the increase. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to award a contract to CW Services, LLC in the amount of \$103,640.40, for two (2) pool restorations and

approved the request to allocate contingency funds, in the amount of \$23,640.40, to cover the increase for plaster that exceeded the approved FY2023 \$80,000.00 budget.

Further discussion is required regarding the former pool contractor to determine if any action can be taken for damages incurred while under contract.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director, Planning, Housing, and Zoning (PHZ), presented a Resolution to introduce a text amendment to revise Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance, to update the permitted height of industrial structures to 60 feet located in certain zoning districts and located in the Route 301 Corridor, this would not affect outside the 301 Corridor. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to adopt Resolution 2023-02 and to forward the proposed Code Home Rule Bill regarding the height of industrial structures in the 301 Corridor to the Planning Commission for their review.

Carla Gerber, Deputy Director, PHZ, presented the Maryland Agricultural Land Preservation Foundation (MALF) Report for 2023. Counties whose preservation programs are certified by MALPF, and the Maryland Department of Planning (MDP) retain 75% of the locally generated Agricultural Transfer Tax revenue to direct those funds towards agricultural land preservation. Counties that are not certified only retain 33% of the Agricultural Transfer Tax and remit 67% to the State for use by MALPF. The County's Agricultural Preservation Advisory Board has reviewed the report and forwarded their unanimous recommendation for approval to the County Commissioners. A copy of the report given to the Commissioners addressed the necessary components of the recertification criteria. As stated in the report Kent County has one of the lowest rates for conversion of agricultural land to development in Maryland, which demonstrates our success in protecting agricultural land within the Priority Preservation Area. Kent County also has the highest percentage of total land area (72.7%) in the State dedicated to farms, and approximately 57% of the County is defined as prime farmland as compared with 23% of Maryland as a whole. The Comprehensive Plan emphasizes the preservation of the County's rural character and agricultural resources. Agriculture is viewed as a permanent and preferred land use which is reflected in the goals and strategies within the Comprehensive Plan and the regulations within the Land Use Ordinance. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the County's report requesting Recertification of the Agricultural Preservation Program.

LOCAL MANAGEMENT BOARD

Rosemary Ramsey-Granillo, Director, Kent County Local Management Board (KCLMB), and Penny Young-Carrasquillo, Grants Manager, advised that the Maryland Department of Housing and Community Development has awarded a grant to the KCLMB for 500 laptops valued at \$99,375.00 to be distributed to local low-income families, in addition to \$3,000.00 to support costs related to device distribution. Discussion took place. On a motion by

Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and accepted the Maryland Department of Housing and Community Development Connected Devices grant award to provide 500 laptops to low-income Kent County families (and \$3,000.00 to assist with costs related to device distribution).

Ms. Ramsey-Granillo presented “Certified Assurances” and “Certification Regarding Lobbying” documents for the FY2024 Community Partnership Agreement (CPA) application. The application includes the following requests:

- \$129,703.00 **Healthy Families Home Visiting** - established home visiting program for new parents.
- \$95,000.00 Minary's Dream Academy (MDA) After School Program at Kent County Middle School (KCMS) - 2nd year of afterschool tutoring, enrichment, and mentorship program based within KCMS and implemented by MDA.
- \$41,090.00 **Teen Behavioral Health Initiative** - Currently KCLMB is working with a consultant to facilitate a youth-led program design process with 30 high schoolers.
- \$40,297.00 **Youth Spaces** - KCLMB released a request for proposals to support high schoolers to build stronger connections with both school and their community. Funding will be awarded to three vendors pending State approval of KCLMB's application.
 - Washington College's Hip Hop Time Capsule
 - Minary's Dream Alliance's monthly teen events
 - Choptank Tolomato Legacy Project
- \$96,987.00 **Local Care Team** - salary and administrative supplies
- \$115,925.00 **LMB Operating costs** - salary and office operating costs.

The total request is \$519,002.00 for Children's Cabinet Interagency Funds for FY2024. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to sign KCLMB's certifications for the FY2024 CPA.

HUMAN RESOURCES

Jim Miller, Director, Human Resources, and Pat Merritt, Chief Finance Officer, Office of Finance stated at the February 14, 2023, meeting the department received approval to create an additional position in the Human Resources (HR) department. A job description for the new position was given to the Commissioners for their review. Mr. Miller further requested approval of the title and job description of the new HR Coordinator, eliminating the title of the Assistant Director of HR, and reclassifying the employee currently occupying the Assistant Director of HR position to the HR Coordinator position. Discussion took place. Three motions were made by Commissioner Price and each motion was seconded by Commissioner Nickerson; all were unanimously approved. Motion to approve the title and job description of the new HR Coordinator. Motion to eliminate the title of the Assistant Director of HR. Motion to reclassify the existing HR employee from the Assistant Director of HR position to the HR Coordinator position.

Ms. Merritt and Mr. Miller on behalf of Herbert Dennis, Warden, Kent County Detention Center presented a personnel request to fill a vacant Correctional Officer position. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate at the salary recommended.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator, advised of several matters concerning Turner's Creek that needed to be discussed. Ms. Coleman, Mr. Mackey, Mike Moulds, Director, Public Works, and Ms. Young- Carrasquillo were also present for the discussion.

- The condition of the granary building is a hazard as is. The County received \$58,500.00, in 2009 for the stabilization of the structure. The County must use the funds at Turner's Creek location only. If the County intends to demolish the Granary, the County will have to spend the \$58,500.00 on another project within the Turner's Creek area and have it approved by the Department of Natural Resources (DNR). DNR would have to approve the demolition of the structure as well. Testimony was offered by Jennifer Moore, President, and Max Ruehrmund, Member (of the 5th Election District) of the Historic Preservation Commission (HPC). A letter from Jeremy Rothwell, Member (of the First District), HPC was received before the meeting and was referenced during testimonies. The HPC members prefer to keep the structure at its current location and rehabilitate the structure. Ms. Moore cited some of the history and the condition of the structure and suggested a feasibility study and research grants to rehabilitate the structure. Mr. Ruehrmund suggested the County install a fence up against the building to deter residents from entering the building. Mr. Moulds stated a fence would not keep the support beams on the first floor from rotting further and will not hold the second floor. The building may fall in any direction, not just straight down into the center of the building. The fence would only keep people out of the building and does not help with stabilization. Commissioner Fithian stated many watermen utilize the landing and if the building was to fall, it would present a problem. The last time there was interest in the structure was in 1974, by The Chesapeake Maritime. Mr. Moulds stated over the years the structure has been modified using modern materials and may not withstand the elements as it would have if it were to be in its original state. Commissioner Fithian asked members of the HPC to reach out to Wayne Gilchrest for resources and research grants that may be available and present their findings at a later meeting. Commissioner Price suggested the County install a fence to keep patrons out of the building and investigate liability insurance to protect the County should the building fall. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the County (in the near future) to contract with the fencing company the County is using for the property at Daisy Drive, to put the fence up against the building, and post warning signs on the property, and the cost should not exceed \$4,500.00 and Contingency Funds are to be used.
- Additionally, we have notifications for two separate areas of the property that are being farmed. The property was acquired with Program Open Space (POS) funding, which is

run by DNR. DNR has notified the County that farming cannot occur on any part of the property. All uses must be strictly recreational. There are two letters in the packet:

1. Notice to Kent Museum to terminate a hunting lease with a contracted farmer.
2. Notice to Soil and Water Conservation District to cease its agriculture demonstration site, the area must revert back to the County for recreation purposes.

Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to send a letter to Kent Museum, Inc., to terminate current uses at Turner's Creek and to send a letter to Kent Soil Water Conservation to terminate farming at Turner's Creek location.

Ms. Heller requested a discussion regarding FY2024 Goals and Objectives from each departmental director. Commissioner Price asked that each director submit the department's goals and objectives to the Board no later than April 1st. The Commissioners will review each presentation to ensure department goals meet the Commissioners' goals and objectives. A departmental budget work session is scheduled for April 11, 2023, and it can be discussed as part of each department's designated time.

Ms. Heller advised John Schratwieser, Director, Kent Cultural Alliance, requested a proclamation to proclaim Saturday, March 25, 2023, as "Vincent and Leslie Prince Raimond Day." The day will be celebrated by a ribbon cutting and grand opening of the new building, named for the Raimonds for their dedication to the arts in Kent County.

Ms. Heller advised Robert Baldwin, District Manager, Kent Soil and Water Conservation District, requested a certificate of recognition for the Kent Soil and Water Conservation District Cooperator of the Year. Richard and Elsie Winters, of the Winters Farm, in Kennedyville, are the 2022 recipients of this honor. Commissioner Nickerson will present the certificate at the Annual Cooperator's Dinner on March 23, 2023.

COUNTY ADMINISTRATION REPORT

Shelley Heller, County Administrator, recounted an August 23, 2022, discussion that took place between the previous Board of Commissioners, Cindy Moore, and Valerie Mason, members of the Kent County Ag Center. Ms. Moore gained the Commissioners' financial backing to pay for an AG Center project on the fairgrounds during the construction process whereby the County would receive cost reimbursement from the State. A Legislative Bond Initiative (LBI) Grant Application was signed by Commissioner Ronald Fithian, President, as the property owner on February 9, 2023. The staff of the Department of General Services is willing to assist Ms. Moore with additional steps in the LBI process.

Ms. Heller reported Senator Stephen Hershey requested a letter of support from Kent County, stating that the Eastern Shore is not currently represented on the Accountability and Implementation Board. Senate Bill 0522 / House Bill 740 - Education - Accountability and

Implementation Board - Membership adds a member from the Eastern Shore to the bill. Due to the timing of the request, Ms. Heller signed the support letter on behalf of the Commissioners.

PUBLIC COMMENT

The procedures for public comment were in effect. Ms. Elizabeth Watson, Former Founding Director, Stories of the Chesapeake Heritage Area, commented on the Granary, and other historic areas and structures in the County that are landmarks and important.

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.

CONTINGENCY FUND

The FY2023 Contingency balance as of March 8, 2023, is \$237,859.00, and the FY2023 use of Fund Balance is \$35,966.00.

CLOSED SESSION

At 11:40 a.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session to discuss personnel matters. 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; Thomas N. Yeager, County Attorney; Jim Miller, Director, Human Resources; Pat Merritt, Chief Finance Officer, Office of Finance; Sondra Blackiston, Clerk; and Lacey T. Cox, Deputy Clerk II were also in attendance.

PERSONNEL

Topic to be discussed: Personnel matter specific to qualifications and compensation.

Reason for closing: Discussing an individual's qualifications and compensation is confidential and should be private.

Jim Miller, Director, Human Resources, explained the details of a personnel request. Mr. Miller previously discussed an issue with Shelley Heller, County Administrator, and Pat Merritt, Chief Finance Officer, Office of Finance. Mr. Miller made a recommendation. Discussion took place.

At 11:55 p.m., a motion made by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously adjourned the closed session and reconvened in an open session.

OPEN SESSION

Commissioner Fithian summarized the closed session and stated the Board discussed a personnel issue. On a motion by Commissioner Price, and seconded by Commissioner Nickerson, the Board unanimously agreed to fund the cost of the new Human Resources Coordinator's salary and benefits at a cost of \$87,619.00 out of fund balance.

The Board discussed their recent tour of the Whitsitt Center on March 10, 2023. Commissioner Fithian stated the County received word during the tour that the facility is no longer on the State's divestiture list. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved sending a letter to Bryan Mroz, Acting Deputy Secretary of Health, Maryland Department of Health, thanking him for attending the March 10th tour of the Whitsitt Center and spending time in Kent County. The letter should state the Commissioners look forward to working with him to address the County's wants and needs regarding the Whitsitt Center, especially adolescent treatment for mental health issues.

At 12:00 p.m., on a motion by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Wednesday, March 29, 2023, at 10:00 a.m.

WORK SESSION HELD

A budget work session was held today at 1:00 p.m. and commenced. Ronald H. Fithian, Albert H. Nickerson, John F. Price, and Shelley L. Heller, County Administrator, were in attendance.

The Town of Chestertown made a request to discuss a tax differential/rebate for the FY2024 budget. As a result of that, letters dated February 17, 2023, were sent to the legislative body of each municipality to join today's work session to discuss the matter. The following representatives were present: David Foster, Mayor, Town of Chestertown; Dawn Jacobs, Mayor, and Councilman James Cook, Town of Rock Hall; Don Sutton, Mayor, Town of Betterton; and John Carroll, Mayor, Town of Galena. Each representative offered comments regarding their respective town's wants and needs. Discussion took place. Each Commissioner offered comments regarding the County provided services. Ms. Heller shared a visual graph of the services provided by Kent County within the municipalities and offered the FY2023 in-kind cost estimate. The following documentation was submitted as part of the work session: 1) David Foster, Mayor, Town of Chestertown, copy of oral testimony; and 2) Ken Noble, Shepherd's Delight Farm, email correspondence for public comment. The budget work session ended at 2:00 p.m.

Regular Session Minutes
March 14, 2023
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Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

Ronald H. Fithian, President
The County Commissioners
of Kent County, Maryland

March 14, 2023

The Board of License Commissioners met today with the following present: Ronald H. Fithian, presiding, Albert H. Nickerson, and John F. Price.

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

PUBLIC NOTICE

Commissioner Fithian stated an application has been made by: Nevitte W. Ford, President and Sharon Bryden Ford, Vice President; representing Ford's Seafood, Inc, for a Class B, Beer License on the premises known as Ford's Seafood, 21459 Rock Hall Road, Rock Hall, MD 21661 which shall authorize the holder thereof to sell Beer at the place therein described, for on-premises consumption, or elsewhere. A hearing on the application will be held in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr. Government Center, 400 High Street, Chestertown, MD on April 4, 2023, at 10:00 a.m.

CONSENT ITEM

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, March 8, 2023.

SPECIAL CLASS C LICENSE

The Chestertown Tea Party Festival, Inc., has applied for a Beer, Wine, and Liquor Special Class C (Pier Diem) License for their Tea Party Festival weekend from May 26-28, 2023. The application was reviewed and met the requirements to be approved for an event license. There being no objections, on a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Special Class C Liquor License request for The Chestertown Tea Party Festival, Inc.

At 12:00 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price, and the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Wednesday, March 29, 2023, at 10:00 a.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

Ronald H. Fithian, President
The County Commissioners
of Kent County, Maryland