

March 1, 2022

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 David Rice, Chief, Emergency Services, for the recent passing of his wife; and for Ukraine and its people, along with Russian citizens and soldiers that are against the invasion of Ukraine.

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 Jacob, the Commissioners unanimously approved the following items:

1. Regular Session Minutes, February 22, 2022
2. Liquor Minutes, February 22, 2022

APPOINTMENT

Marty Hale, Director, Human Resources, was joined by Tim Ailsworth, Executive Director, Local Government Insurance Trust (LGIT). Mr. Hale stated the County, and the Kent County Public Library are both members of the LGIT Health Co-op, a self-insured health insurance pool, which makes monthly payments based on estimated annual health and dental insurance costs. At the end of the fiscal year, if the County has not spent all the funds, the excess is returned. Mr. Hale stated over the past ten (10) years, the County has received back \$4 million in surplus funds. Mr. Hale acknowledged his staff for their continued hard work in keeping employees abreast of their health care options. Mr. Ailsworth thanked the Commissioners for the partnership with LGIT and stated it is a privilege to come back year after year to present the surplus checks. Mr. Ailsworth recognized Shelley L. Heller, County Administrator, for serving on the LGIT Board. Mr. Ailsworth presented the County with two (2) surplus checks, one check was for \$411,415.00 for health and the second check was for \$3,678.00 for dental. The Commissioners thanked Mr. Ailsworth for his hard work and the County employees for staying on top of their health care.

AMERICAN RESCUE PLAN ACT FUNDS (ARPA)

Ms. Heller stated the Kent County Health Department (KCHD) applied for the United States of America Department of Agriculture (USDA) COVID-19 Grant funds. Since the cyber-attack on KCHD, problems have hindered the application process. The County received a notification on February 25, 2022, from Emily McCoy, Administrator, KCHD, stating a decision was made to rescind their application. Therefore, the County no longer needs to allocate the funds for \$179,458.00 for this request.

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.

OFFICE OF FINANCE

Patricia Merritt, Chief Finance Officer, Office of Finance presented a Memorandum of Agreement to participate in a Low-Income Household Water Assistance Program (LIHWAP). Ms. Merritt explained LIHWAP is a new federally funded program, that provides benefits for water and wastewater costs for low-income households. LIHWAP will assist Maryland families who are behind on their drinking water and wastewater bills by focusing on accounts that are 30 days or more past due. The Local Department of Social Services (DSS) will be administering the program in collaboration with the Office of Home Energy Programs (OHEP) in each of the 24 Maryland counties/jurisdictions. Eligible applicants can apply for LIHWAP at the local DSS or online through the Maryland Department of Human Services (DHS) at <https://dhs.maryland.gov/>. DSS will screen the applications and determine eligibility. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to participate in the LIHWAP and to sign the Memorandum of Agreement with the Maryland Department of Human Services.

Commissioner Fithian received correspondence on March 1, 2022, from Chesapeake Coalition for the Homeless noting \$3,600.00 is needed for the homeless lodging. At their January 25, 2022, meeting, the Commissioners approved up to \$5,500.00 of lodging expenses for February for the homeless temporarily staying at the Driftwood Inn. Ms. Merritt stated William Gale, Chesapeake Coalition for the Homeless recently submitted paid receipts from the Driftwood Inn noting payments were received from Shrewsbury Church for the first two (2) weeks of February for the rooms. Ms. Merritt offered to contact the Driftwood Inn and Shrewsbury Church for clarification of the request.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director, and Carla Gerber, Deputy Director, Planning, Housing, and Zoning, were present to discuss a proposed text amendment. On December 21, 2021, the Board of County Commissioners adopted Resolution No. 2021-18 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 by removing the requirement related to the “maximum percentage of property in lots” (10% rule) from the agricultural zoning district. The Agriculture Advisory Commission (AAC) voted to provide a recommendation in opposition of the proposed amendment. The AAC supported the continuation of the 10% rule with exemptions or waivers being provided. The Kent County Planning Commission held a public hearing on the proposed text amendment. Eleven members of the public spoke in opposition of eliminating the 10% rule. Planning Commission members discussed the process and requested additional information regarding the 10% rule. The Planning Commission tabled the item for further discussion at a later date. The Commissioners at their February 22, 2022, meeting expressed an interest in having more information on the 10% rule, illustrated maps, and examples of how the 10% rule could affect different kinds of properties. Mr. Mackey and Ms. Gerber provided two memoranda’s dated February 25, 2022, explaining

agricultural subdivision rules including hypothetical scenarios, and analysis from the Zoning GIS layer of the preserved land. Mr. Mackey and Ms. Gerber provided a land map showing the Agriculture Zoning District and preserved agricultural lands. A lengthy discussion took place. Citizens were invited to comment on the topic by submitting written questions. The Commissioners read each question, and staff responded appropriately.

COUNTY ADMINISTRATOR

Ms. Heller, on behalf of Madison Beres, Development and Communications Associate, Sultana Education Foundation (SEF), presented a request for a letter of support for a grant application. If awarded, the grant funds would be used towards the urban nature center at the Lawrence Wetlands Preserve. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the letter of support for the grant application for the Sultana Education Foundation. The Commissioners signed a letter addressed to Andrew Arvizu, Assistant Administrator, Heritage Areas Program, Maryland Historical Trust conveying the County's support of SEF's grant application.

Ms. Heller announced the joint public meeting with the Board of Education (BOE) and the County Commissioners, to tour the Kent County Middle School, was rescheduled from February 24, 2022. The new meeting date is scheduled for March 7, 2022, at 6:00 p.m. at the Kent County Middle School, 402 East Campus Avenue, Chestertown, MD in the media center. The meeting is open to the public and interested persons are encouraged to attend.

Ms. Heller stated there is a vacancy on the Kent County Ethics Commission. Citizens are encouraged to submit an interest form if interested in serving on the Commission or any other Board/Committee.

Ms. Heller presented for discussion House Bill 1240 / Senate Bill 986 Education - Low-Density Calculation - Mandated Funding. Ms. Heller explained the Bill would require the Governor to include in the annual budget bill an appropriation in an amount equal to the low-density calculation for counties that have a population density amount of less than 100 and a full-time equivalent student enrollment of fewer than 2,000 students. Discussion took place. House Bill 1240 will be heard virtually on March 15, 2022, at 1:00 p.m. Senate Bill 986 does not have a hearing date set at this time. Commissioner Fithian plans to testify. Staff was directed to contact Kent County Public Schools regarding their support of the Bill.

Ms. Heller presented for discussion House Bill 1187 / Senate Bill 726 Transportation – Highway User Revenues – Revenue and Distribution. Ms. Heller explained the purpose of altering the amounts of certain capital grants calculated based on highway user revenues that are required to be appropriated to Baltimore City, counties, and municipalities in certain fiscal years; and generally relating to revenue for, and distributions of, highway user revenues. Discussion took place. The Senate Bill 726 will be heard in person on March 9, 2022, at 1:00 p.m. and House Bill 1187 will be heard virtually on March 10, 2022, at 1:00 p.m. Commissioner Fithian plans to testify. The Commissioners discussed providing letters of support for the abovementioned legislative bills. On a motion by Commissioner Fithian and seconded by

Commissioner Jacob, the Commissioners unanimously approved to support each Bill and to testify accordingly.

LETTER FOR SIGNATURE

The Commissioners signed an in-kind response letter addressed to Charles D. MacLeod, Attorney, MacLeod Law Group, LLC regarding a correspondence received on February 17, 2022, regarding the progress on Millington Crossing.

PUBLIC COMMENT

The procedures for public comment were in effect. Lori McDonald, a citizen of Kennedyville, commented on the process for dilapidated properties in the County.

FOR YOUR INFORMATION

The Commissioners received a correspondence dated February 23, 2022, from Daniel P. McDermott, Executive Director, Upper Shore Workforce Investment Board, informing the Commissioners of his planned retirement on June 30, 2022, and the hiring of Daniel Schneckenburger as Executive Director effective March 1, 2022.

The Commissioners received an invitation from Elizabeth M.S. Hill, Principal Agent Associate, 4-H Youth Development, University of Maryland Extension, to attend the 2021 4-H Achievement and Recognition Awards Program on March 6, 2022, at 1:00 p.m. at the Millington Fire House.

CONTINGENCY FUND

The FY2022 Contingency balance as of February 22, 2022, is \$67,149.00 and the FY2022 Use of Fund Balance total is \$73,201.00.

CLOSED SESSION

At 8:09 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; Thomas N. Yeager, County Attorney; Marty Hale, Director, Human Resources; and Sondra M. Blackiston, Clerk/KATE Manager, were in attendance.

PERSONNEL

Topics to be discussed: Matters specific to individuals are confidential; as well as the qualifications and compensation of one or more individuals.

Reasons for closing: Matters relating to personnel are confidential, and to protect the confidentiality of a current employee's qualifications and compensation.

Mr. Hale offered an overview of the personnel request and staff reviewed an individual's job performance and responsibilities. The Commissioners discussed the merits of the request with Ms. Heller and Mr. Hale.

At 8:42 p.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and carried unanimously to adjourn the closed session and reconvene in the open session.

OPEN SESSION

In a closed session, the Commissioners and staff discussed a personnel request. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the compensation request as recommended by the department.

At 8:44 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, March 8, 2022, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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

March 1, 2022

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 also present.

CONSENT ITEM

On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, February 22, 2022.

SPECIAL CLASS C LICENSE

The Humane Society of Kent County, Inc. has applied for a Beer, Wine, and Liquor Special Class C per diem license for an event to be held on April 16, 2022, at the Kent County Community Center. There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Kent County Humane Society, Inc. Special Class C per diem liquor license application.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Sondra M. Blackiston, Clerk/KATE Manager presented four opposition letters for House Bill 506 / Senate Bill 603, Constitutional Amendment – Beer and Wine Licenses – Retail Grocery Establishments. At their February 22, 2022 meeting the Commissioners expressed their disapproval of the legislative bills and directed staff to draft letters of opposition. The following letters were presented for the Board's signature: The Honorable Stephen S. Hershey, Senator, The Honorable District 36 Delegates Jay A. Jacobs, Steven J. Arentz, and Jefferson L. Ghrist; The Honorable C. T. Wilson, Chair and Members of the Economic Matters Committee; and The Honorable Paul G. Pinsky, Chair and Members of the Education, Health, and Environmental Affairs Committee, respectively.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, March 8, 2022, at 10:00 a.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sondra M. Blackiston
Clerk/KATE Manager

Liquor Minutes
March 1, 2022
Page 2 of 2

Approved:

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