

February 7, 2023

A meeting of the County Commissioners of Kent County was called to order at 6:00 p.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 for those affected by the earthquakes in Syria and Turkey.

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

CONSENT ITEMS

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

1. Regular Session Minutes, January 31, 2023
2. Liquor Minutes, January 31, 2023
3. Closed Session Minutes, January 31, 2023

PROCLAMATION

Bayside H.O.Y.A.S. 10-Year Anniversary: Commissioner Fithian read the proclamation for Bayside “H.O.Y.A.S.” Helping Our Youth Achieve Success 10-Year Anniversary. Bayside H.O.Y.A.S. are dedicated to supporting disadvantaged youth in Kent County. Their mission is to promote academic excellence, positive character development, and civic responsibility among secondary school-age youth and young adults. John Queen, President, Shamika Queen, Board Member (and wife), along with Mr. Queen’s oldest and youngest daughters were in attendance to accept the proclamation. Commissioner Price inquired about the programs that the H.O.Y.A.S. support and Mr. Queen gave an overview accordingly.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director, Planning, Housing, and Zoning (PHZ) presented the Second Amendment to Intergovernmental Agreement for FY2023. Mr. Mackey advised Kent County is responsible for the technical review of Stormwater Management (SWM) designs that are proposed on submitted plans and permits for projects within the County. The Maryland Environmental Service (MES) has been performing the County’s required professional Stormwater Management reviews and will continue to do so until the County hires an engineer. MES proposed revisions to its hourly rates via a mid-year amendment. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Amendment to the Intergovernmental Agreement between Kent County, Maryland, and the Maryland Environmental Service.

Mr. Mackey presented a request to release an Irrevocable Letter of Credit No. 163 in the amount of \$61,191.00 for Stormwater and Sediment Erosion Control for the Construction of the

Humane Society of Kent County located at 10168 Worton Road, Chestertown, MD. On December 16, 2022, the as-built survey of the stormwater management measures was approved by Maryland Environmental Service (MES). On January 19, 2023, Chesapeake Bank and Trust Company sent a letter to the department requesting the release of the Letter of Credit due to the completion of the construction. On January 26, 2023, Code Enforcement Chief Bryan Foreman inspected the site for specific compliance issues related to the as-built plans, in this case, metal drain covers, as requested by John Groeger, PE of MES. On January 27, 2023, District Manager Robert Baldwin from Kent Soil and Water Conservation District (KSWCD) inspected the site regarding the soil and erosion control plans approved by the KSWCD. Letter of Credit #162 issued for Reforestation and Letter of Credit #165 issued for Landscaping are required to be held for two (2) years. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to release of the Irrevocable Letter of Credit No. 163, as requested.

PUBLIC WORKS

Mike Moulds, Director, Public Works, informed the Commissioners that the newly hired Public Works Deputy Director is due to start at the end of February and will be able to perform the review of the Stormwater Management (SWM) designs. Mr. Moulds also mentioned that a request for the release of the previously mentioned Letter of Credit #164 will be included in next week's meeting agenda.

Mr. Moulds presented a request for the County to extend a sewer service line to a new home construction on Lover's Lane. There is presently no existing sewer collection line along the frontage of the property. When the original sewer system was installed, the agricultural property was excluded from sewer service in accordance with the Kent County Comprehensive Water and Sewer Plan. As a result, there was no provision or existing dwelling requiring a sewer connection stub within the road right of way. The recent amendment to the Plan allowed one Equivalent Dwelling Unit (EDU) allocation to be transferred from a vacant unbuildable property to the agricultural property. When new development occurs, it is the developer's responsibility and cost to install the service line to the standards and requirements of the County. Due to the water line and force main location on the south side of the road, the home's sewer service line would likely be outside of the County's right of way. The property owner is responsible for extending from the house to the public right of way because there is no line on the frontage, they will have to run their line to a manhole located further down the road from their property location. This would allow the line to be trenched instead of bored. If the County pays for the service line, it will then own the line and require an easement agreement to be able to maintain the line. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to have the property owner responsible for running a sewer line from the house to the curb and have the County construct a sewer service line connection with contingency funds not to exceed the allocation of \$18,650.00.

HUMAN RESOURCES

Pat Merritt, Human Resources, Acting Director, on behalf of Herbert Dennis, Warden, Detention Center, requested to fill the Correctional Officer vacancy at the requested salary. On a

motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate for a conditional employment offer.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator summarized a correspondence received from Joanne F. Smith, Chief of Staff to Delegate Jay Jacobs. Delegate Jacobs is seeking a letter of support from Kent County Commissioners for House Bill 402 - Kent County - Board of Education - Student Member. Ms. Heller explained her review process of the Education Article of Maryland Annotated Code. Ms. Heller summarized the legislative bill and its intent to codify the student member and sets forth a more formal process. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to send a letter of support as requested.

Ms. Heller, on behalf of Commissioner Price, requested a topic of conversation involving a current piece of legislation, Senate Bill 0327 Hunting, Wildlife Conservation, and Outdoor Recreation-Funding, Promotion, Management, Licenses, Permits, and Stamps regarding Sunday waterfowl hunting. Commissioner Price gave an overview of Senate Bill 0327. Discussion took place. The Commissioner can choose to support, support with amendment, oppose, or take no position on the legislation. Commissioner Price suggested sending a letter in opposition of Senate Bill 0327. Robert Newberry, Chairman, Delmarva Fisheries Association, suggested offering a letter of support of the bill with an amendment allowing the Counties to opt-out if they so desire. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to send a letter in opposition of legislative Senate Bill 0327. Further discussion ensued.

Ms. Heller recalled that the Commissioners requested staff to contact lobbying firms. The County is seeking representation in Annapolis. Currently, the need is to build relationships, and strategies to work on the means to mitigate the fiscal impact of Kirwan Funding. Discussion took place. Michael Waal, Kent County resident, offered comment regarding the possibility of hiring a lobbying firm. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to move forward with the recommendation of the County Administrator to hire the lobbying firm ranked the highest at an annual cost of \$30,000.00 and to have them start as soon as possible. As discussed at prior meetings, this was not a budgeted item and funding will come from contingency. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved delegating the signing authority of the contract to the County Administrator. This approval allows for the contract to be expedited.

Commissioner Fithian asked Thomas N. Yeager, County Attorney, to give an update on the property located on Daisy Drive in Millington that caught fire. Mr. Yeager gave an update accordingly. Discussion took place.

COUNTY ADMINISTRATION REPORT

Ms. Heller, recalled at the January 31, 2023, meeting the Commissioners discussed a request from Anthony W. Bertino, Jr., President, Worcester County Government. The Board was agreeable to enabling legislation to increase county room tax for Eastern Shore Code Home Rule Counties. A letter of support was signed by Ms. Heller on behalf of the Board on February 2, 2023.

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 January 24, 2023, is \$280,824.00, and the FY2023 use of Fund Balance is \$35,966.00.

PUBLIC COMMENT

The procedures for public comment were in effect. Mr. Waal provided additional information regarding the fiscal impact of funding Kirwan and commented on economic development. Mr. Newberry expressed concerns about legislative bills that could damage the seafood industry and waterfowl hunting. Mr. Newberry also asked the Commissioners to consider joining the Clean Chesapeake Coalition. Discussion took place.

Commissioner Nickerson mentioned the possibility of the Chesapeake Bay becoming a National Recreational Area. Discussion took place.

CLOSED SESSION

At 7:27 p.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session to discuss a personnel matter. 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. Three separate personnel matters were discussed.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Pat Merritt, Acting Director, Human Resources; and Sondra M. Blackiston, Clerk were also in attendance.

MATTER NO. 1: PERSONNEL

Topic to be discussed: The qualifications, job performance, and compensation related to hiring individuals for job vacancies.

Reason for closing: Matters relating to personnel qualifications, job performance, and compensation are confidential.

Pat Merritt, Acting Director, Human Resources, gave an overview regarding a recommendation to fill a vacancy.

MATTER NO. 2: PERSONNEL

Topic to be discussed: The qualifications, job performance, and compensation related to hiring individuals for job vacancies.

Reason for closing: Matters relating to personnel qualifications, job performance, and compensation are confidential.

Ms. Merritt gave an update on filling a current vacancy. Ms. Merritt left the closed session at 8:00 p.m.

MATTER NO. 3: PERSONNEL

Topic to be discussed: Complaint received from personnel.

Reason for closing: Complaints received from personnel are confidential and should be shielded.

Ms. Heller discussed a complaint with the Commissioners.

At 8:36 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

MATTER NO. 1 PERSONNEL: The Commissioners, staff, and the County Attorney discussed a hiring request. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed for staff to proceed with the recommended candidate for a conditional employment offer.

MATTER NO. 2 PERSONNEL: The Commissioners, staff, and the County Attorney discussed a hiring request. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed for the staff to proceed as recommended to fill a vacant position.

MATTER NO. 3 PERSONNEL: The Commissioners, staff, and the County Attorney discussed a complaint. No action was needed.

At 8:38 p.m., on a motion by Commissioner Nickerson and seconded by Commissioner Price, and the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, February 14, 2023, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

February 7, 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.

CONSENT ITEM

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, January 31, 2023.

SPECIAL CLASS C LICENSE

Timothy Kern Memorial Fund has applied for a Beer only Special Class C per diem license for an event to be held on March 25, 2023, at Hopkins Hunting and Sporting Clays. There being no objections, on a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the application as presented.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

LICENSE UPDATES

A memo dated January 27, 2023 from Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE) and Sondra Blackiston, Clerk/KATE Manager, addressed to the Commissioners relayed license updates regarding Jamestown Kitty Knight Hospitality, LLC and Pips Bar and Discount Liquors, Inc. Jamestown Kitty Knight Hospitality, LLC trading as Deep Blue at Kitty Knight obtained approval to change a member on License No. 4792. The license has been modified and hand-delivered to the business. Pips Bar and Discount Liquors, Inc., trading as Pip's Discount Liquors received conditional approval for the business to move to a new address. The contingency was met on October 26, 2022, however, due to construction delays the location utilized a State-issued Individual Storage Permit (No. IS-80055) to store alcoholic beverages at the new location. The new location was inspected on January 27, 2023, and the transfer of location from 2 Washington Avenue to 861 Washington Square was complete. License No. 4802 was modified and in accordance with the transfer, a field inspection verified there was no alcohol at 2 Washington Avenue.

At 8:38 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 Tuesday, February 14, 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