

January 9, 2024

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 Nickerson, and John F. Price. The meeting convened with the Pledge of Allegiance. Commissioner Fithian asked everyone to remain standing for a moment of silence in honor of Law Enforcement Officers Day, and prayers to the family of Joyce Gagalski, a public servant of 44 years and former Kent County employee who passed away on December 5, 2023.

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

PUBLIC NOTICE

Code Home Rule Bill No. 6-2023, Adaptive Reuse of Existing Structures in AZD, Located on Parcels Under 20 Acres

Commissioner Fithian read the public notice into the record. The County Commissioners of Kent County, Maryland will hold a public hearing for AN ACT to amend Chapter 222, Zoning, of the Code of Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use Ordinance, in order to add a new land use and to permit said new use in a single district as a special exception: (1) by adding “2.5 Adaptive reuse of existing structures in AZD, located on parcels under 20 acres” to Article V. District Regulations, Section 1. Agricultural Zoning District, §1.3 Special Exceptions; (2) by adding said new land use as “6. Adaptive reuse of existing structures in AZD, located on parcels under 20 acres” to Article VII. Special Exceptions, Section 6. Procedures, un-numbered second paragraph regarding those special exceptions that may be approved by the Planning Director; (3) by adding six specific conditions, indicated as A through F, for said new land use in “3.5 Adaptive reuse of existing structures in AZD, located on parcels under 20 acres” to Article VII. Special Exceptions, Section 7. Special Exceptions; and (4) by including one non-codified provision. A hearing will be held on January 23, 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 Commissioner’s Office at (410) 778-4600 and press 4 or visit Maryland Relay at www.mdrelay.org no later than noon on Friday, January 19, 2024. 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, December 19, 2023
2. Liquor Minutes, December 19, 2023

3. C. Henry Price, II., American Legion Post 246, Raffle Permit
4. Maryland Community Development Block Grant Semi-Annual Report for Housing Counseling Grant MD-22-CD-1
5. Maryland Community Development Block Grant COVID Round 1 Quarterly Progress Report, Grant No. CV-1-7

PROCLAMATIONS

Reverend Dr. Martin Luther King, Jr. Remembrance Day, January 15, 2024: LaMonte Cooke,) event committee member and Warden of Queen Anne’s County Detention Center shared his understanding of Reverend Dr. Martin Luther King, Jr. Remembrance Day. Mr. Cooke provided information about this year’s remembrance “Living the Dream...Starts with Me” event. Minary’s Dream Alliance, Inc., Washington College, and the Kent County Chapter of the National Association for the Advancement of Colored People (NAACP) will be hosting the annual celebration on January 15, 2024. A march and reading will take place at Fountain Park, and breakfast will be served in the Hodson Dining Hall, Washington College, followed by a free program at Decker Theater, Gibson Center for the Arts, Washington College. Commissioner Price read the proclamation into the record and was accepted by Mr. Cooke.

National Human Trafficking Prevention Month, January 2024: Susan Ahlstrom, Human Trafficking Regional Navigator, and Kristy Mirando, Director, Rape Crisis Center, For All Seasons, gave an overview of Human Trafficking Awareness Month. Human Trafficking is a serious problem, and it is important to increase public awareness to keep children and adults from becoming victims. Commissioner Nickerson read the proclamation into the record and was accepted by Ms. Ahlstrom and Ms. Mirando.

APPOINTMENTS

Dave Prichard, Area Manager, and Derrick DeWitt, Chief Executive Officer of Boys and Girls Club of Harford and Cecil Counties shared programs the organization implemented in Kent County over the past couple of years. The organization’s plans for Kent County moving forward were also shared. Mr. DeWitt and Mr. Prichard thanked the Commissioners and staff of Parks and Recreation for allowing them to utilize County facilities and assistance with the Summer Programs and Team Hub. Team Hub is a program for middle school and high school-aged students where staff help with homework and teambuilding skills. Jill Coleman, Director of Parks and Recreation stated staff will continue to work with and assist the Boys and Girls Club.

Erik Donald, Project Engineer, and Bill Carroll, Project Development, Maryland Department of Transportation (MDOT) State Highway Administration (SHA), District II gave a presentation on the National Geodetic Survey Monument Project. Mr. Carroll gave an overview of the monument construction and data processing process for Global Positioning System (GPS) tracking. Documentation was made available to the Board. Mr. Carroll offered special thanks to the Commissioners, and the Departments of Public Works and Planning, Housing, and Zoning for assistance in bringing this project to completion.

HUMAN RESOURCES

Jim Miller, Director, and Vauné Johnson, Human Resources Specialist, Human Resources, on behalf of Rosemary Ramsey Granillo, Local Management Board, requested approval to fill a vacant position in the Local Management Board. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved hiring the selected individual for the Systems of Care Coordinator position in the Local Management Board office, as requested, pending successful completion of County pre-employment requirements.

PUBLIC WORKS

Mike Moulds, Director of Public Works, Engineering Division, gave an update on the Bridge Replacement on Lambson Forest Road (Bridge No. K-0015001). The Department of Public Works (DPW) is working with the MDOT SHA to replace the existing culvert structure on Lambson Forest Road over Mills Branch. The existing structure was built in 1975 and is in serious need of repair. The existing structure is a two-cell bituminous coated structural plate pipe arch culvert. The crossing has a clear roadway width of 18'-0". The replacement structure will remain on the existing alignment and will pass the 10-year hydraulic design storm. DPW has selected a new Two-Cell Precast Box Culvert (each box will be 12'-0" wide x 6'-0" high). There will be 1'-8" wide concrete headwalls with a 3-strand structural tube railing on top. The overall culvert length is 27'-4" which consists of two 1'-8" wide headwalls, two 2'-0" wide shoulders, and two 10'-0" wide lanes. The project is in preliminary design and environmental permitting by Wilson T. Ballard under an IDIQ MDOT contract. Funding in FY2024 is \$400,000.00 with 80% State and Federal funding and \$80,000.00 in County funding (\$60,000.00 in FY2023). DPW submitted a request for supplemental funding under the Federal Infrastructure Investment and Jobs Act for Local Governments to address poor and fair-rated off-system bridges to obtain 100% federal participation requiring no matching funds. SHA has notified DPW that the Lambson Forest Road project will receive \$536,900.00 in funding for the final design work. A full vehicular detour will be required during construction. Discussion took place. No action was taken, staff presented the update to inform the public about the project. DPW staff will send notices to the adjoining property owners.

Mr. Moulds presented a department memo and letters regarding an Office of Emergency Services (OES) recommendation to donate Unit EMS1-5 (2014 Ford Expedition, VIN# 1FMJU1G51EEF23940, with 132,242 odometer miles) to the Community Fire Company of Millington. OES's estimated value of the vehicle is \$5,000.00. The Board's approval is necessary for a donation. Otherwise, the vehicle would be transferred to Enterprise Fleet Management to be auctioned on behalf of the County. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the donation to the Community Fire Company of Millington a 2014 Ford Expedition identified as EMS 1-5 with 132,242 miles that has been removed from service and declared surplus property by the Office of Emergency Services as a result of a replacement vehicle.

Mr. Moulds advised the Water and Wastewater Division had received a request for a water and sewer allocation for a single-family lot on River Road in the Millington service area, more specifically Tax ID# 01-024159, TM 0031 Parcel 0212. The lot is located within the planned service area. The allocation fee is \$16,200.00. Discussion took place. On a motion

made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved one water and sewer allocation for a residential lot at the location of Tax Map 0031 Parcel 0212 - Tax ID 01-024159 conditional on execution of a public works agreement and payment of allocation fees.

Commissioner Price requested contract information and the request for proposal (RFP) information for the current County's cleaning services. The current cleaning service is responsible for cleaning the Court House, 400 High Street, Parks and Recreation Community Center, Kent Family Center, Public Works Complex, and Public Library.

Commissioner Price requested an update on the proposed cell phone tower near the Ag Center in the Tolchester area. Commissioner Fithian advised he called Monday, January 8th, to speak with the consulting representative who reported the next step is for Verizon to review the proposal. Commissioner Fithian will advise if he receives additional information.

COUNTY ADMINISTRATOR

Town of Betterton: The Commissioners acknowledged the receipt of a letter dated December 21, 2023, from Donald Sutton, Mayor, Town of Betterton concerning the transfer of water and wastewater services. Mayor Sutton and Jeff Miller, Water Treatment Plant /Wastewater Treatment Plant (WTP/WWTP) Operator, Town of Betterton, spoke with the Commissioners to discuss whether the County would consider taking over the operation and maintenance of Betterton's water and wastewater facilities, including the Town's five pump stations. Discussion took place. No action was taken. Commissioner Fithian requested a closed session during the January 23, 2024, meeting mentioning that personnel issues and employment responsibilities are confidential.

OFFICE OF FINANCE

Pat Merritt, Chief Finance Officer, Office of Finance, presented the FY2023 amended budget and Resolution 2024-01. The FY2023 amended budget incorporates all the individual budget actions made during the fiscal year. The FY2023 adopted budget was \$58,932,626.00 which was increased to \$61,546,550.00, for a total amendment of \$2,613,924.00. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the FY2023 Amended Budget Resolution 2024-01 as presented by Pat Merritt.

ECONOMIC AND TOURISM DEVELOPMENT

Jamie Williams, Director of Economic and Tourism Development (ETD) presented the two agreements concerning the Worton Track Safety Project also referred to as Chestertown Line at Worton. The project was started in 2020. On January 10, 2023, the Commissioners approved to contribute \$10,000.00 to the project and signed the grant application to the Maryland Department of Commerce. After much review, it has been determined the funds will need to be distributed differently therefore two agreements are required which correspond to the \$100,000.00 the Department of Commerce approved for the project. The agreements are noted

as follows: 1) Grant Agreement between Maryland Transportation Administration (MTA) a modal agency of MDOT acting on behalf of the State of Maryland, and 2) Regrant Agreement between Kent County and the Department of Commerce. The Agreements were presented for approval. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Worton Track Safety Project Grant and Regrant Agreements.

Ms. Williams gave an overview of the Village of Kennedyville marketing. On August 2, 2023, the Commissioners approved moving forward to obtain a Broker Opinion of Value (BOV) from Merry Mears, SVN Miller Real Estate Broker and Owner of M3 Synergies. In addition, Cindy Genther, The Flynn Company provided a BOV. Due to the significant differences in each BOV, the department recommends a work session with the County Commissioners and staff to determine how to proceed. Discussion took place. A work session will be scheduled to allow for staff collaboration.

LETTER FOR SIGNATURE

A citizen submitted an interest form to serve on the Planning Commission. The Board acknowledged the constituent's interest by signing a thank you letter.

PUBLIC COMMENT

The procedures for public comment were in effect. There was no testimony offered from the audience.

COMMISSIONER COMMENTS/QUESTIONS

Commissioner Price asked for an update on the procurement process changes that were discussed and requested from staff. Ms. Heller stated it has been requested of staff to research how neighboring jurisdictions handle procurements. Due to the holidays, the research requested has not been completed.

Commissioner Price asked Mr. Miller to approach the Board. Commissioner Price thanked Mr. Miller for processing reimbursement checks for the over 65-year-old retirees. Commissioner Price advised there was a question about what was discussed in the December 19, work session, regarding how the County's contractor, Benecon Services will work for the retirees' accounts. Mr. Miller replied: Benecon received paperwork from staff to develop the Health Reimbursement Arrangements (HRA's). Staff requested a timeline for completing the accounts and have yet to receive a date. Staff has reassured retirees' reimbursements will be taken care of during the process of development with Benecon. Commissioner Price asked staff to review a case where a full-time employee's spouse is receiving Medicare benefits that had not received a reimbursement. Mr. Miller stated staff is aware of the situation and staff is in the process of taking care of the reimbursement. Commissioner Price stated as a result of 2023, there was a 6-month gap that left a few people who have not received their reimbursement

associated with Medicare D and Medigap. The reconciliation was completed on January 5th. Discussion took place.

Commissioner Fithian advised he received feedback from a few residents who were happy with the way the staff is now handling the dump tickets.

FOR YOUR INFORMATION

A correspondence dated December 5, 2023, addressed to the Commissioners, was received from D. Lee Currey, Director of Water and Science Administration of the Maryland Department of the Environment (MDE). The review of the County's Resolution 2023-17 (Toal Park) Amendment is completed and MDE approved the amendment to add Toal Park to the 2018 Kent County Comprehensive Water and Sewerage Plan.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

A copy of the ARPA Spend Plan outlining the approved expenditures to date was provided to the Commissioners for informational purposes.

CONTINGENCY FUND

The FY2024 Contingency balance as of December 19, 2023, is \$258,642.00. The FY2024 use of Fund Balance is \$24,000.00.

CLOSED SESSION

At 11:42 a.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session. The meeting was closed under the Annotated Code of Maryland, General Provisions Article § 3-305 (b) (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; and (7) To consult with counsel to obtain legal advice.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Jamie Williams, Director, Economic and Tourism Development; Sondra M. Blackiston, Clerk/KATE Manager, and Lacey Cox, Deputy Clerk II, were also in attendance.

BUSINESS EXPANSION AND LEGAL ADVICE

Topic to be discussed: Infrastructure concerns for a business/industrial organization located in the County and to receive legal advice concerning the same.

Reason for closing: The details concerning a potential business should be shielded, and advice of counsel is confidential.

In 2022, the State opened a \$50 Million Rural Maryland Economic Development Fund to address key issues like infrastructure, broadband, and workforce. Economic and Tourism

Development collected project submissions and provided them to the County Commissioners for consideration before providing them to the Upper Shore Regional Council (USRC). USRC ultimately became part of the application and submitted it to the Maryland Department of Commerce. The Commissioners expressed interest in repositioning the Rural Maryland Economic Development Funds for another proposed business expansion.

Jamie Williams, Director, Economic and Tourism Development, recounted the department's work with Susan O'Neill, Director, USRC, and collaboration with the Department of Commerce to explore if the proposed project would qualify to receive funding. Shelley L. Heller, County Administrator explained that there is a portion of grant dollars that cannot be used for the project. This shortfall must be addressed. There have been ongoing communications regarding the total available funding amount. Thomas N. Yeager shared his opinion on the overall impact of the project and next the steps.

At 12:04 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 Price summarized the closed-session discussion. The Board held a discussion with the Economic and Tourism Development Department, the County Attorney, and staff regarding a potential project business expansion and received legal advice. No action was taken.

At 12:05 p.m., on a motion by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved to adjourn the meeting. The Board is scheduled to meet again on Tuesday, January 23, 2024, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

January 9, 2024

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; Thomas N. Yeager, County Attorney; and Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement were also present.

CONSENT ITEM

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, December 19, 2023.

SPECIAL CLASS C

Rock Hall Volunteer Fire Company (RHVFC) has applied for a Beer, Wine, and Liquor Special Class C Multiple Event License to cover twelve (12) events for the 2024 calendar year. The application was reviewed and met the requirements to be approved for a multiple event license. Part of those requirements includes providing a list of events scheduled to take place throughout the year. This practice helps track the number of permitted events allowed throughout the year. RHVFC provided a partial list of events (8) scheduled for the year. Staff recommended approval. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Multiple Event Special Class C (Per Diem) liquor license application for the Rock Hall Volunteer Fire Company.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Bonnie S. Pearsall, Inspector, KATE gave two updates on Hadi, LLC DBA Smoke Needs. A letter was sent to Hussnain Ahmed, Resident Agent on file informing them that the establishment has not been effectively asking for proper identification before selling products to anyone under the age of twenty-one (21). The letter also addressed an issue of having clearly visible signage posted on the premises that states "No person under the age of 21 may be sold tobacco products". It was also suggested that the establishment should post signs that state "Persons under 21 are prohibited from entering the premises". The letter was signed by Inspector Pearsall and sent via certified mail on January 2, 2024. No action by the Board was required; the matter was presented for informational purposes. The second update was also a report regarding the same establishment. Inspector Pearsall advised the Kent Alcohol and Tobacco Enforcement is required to refer establishments that have more than one violation within 12 months to the Alcohol and Tobacco Cannabis Commission (ATCC). A letter was sent to Thomas R. Akas, Legal and Legislative Division, ATCC on December 12, 2023, from Inspector Pearsall. This is Smoke Needs first referral and second offense within the above-noted time.

Inspector Pearsall presented her quarterly report for Quarter Two (2), which is for October, November, and December. Inspector Pearsall conducted routine inspections for fifty-six (56) establishments with County-issued alcohol licenses. Inspector Pearsall implemented a new Mystery Shopper Program, where an Authorized Underage Person (AUP) and a person of age were sent into

establishments to purchase products that they should have been properly asked for proof of ID. If the sales associate asked for an ID, they received a "Thumbs-up Green Card" and if they did not ask for ID, they received a "Caution Yellow Card". No citations were issued, this program was strictly educational and used to see if the establishments would properly ask for identification (a no harm, no foul system). Inspector Pearsall is in the process of distributing the 2024 Age of Purchase Calendars to all tobacco and alcohol-licensed establishments. A memorandum and a presentation were submitted by Inspector Pearsall for the Board's information.

At 12:05 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, January 23, 2024, 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