

January 4, 2022

A meeting of the County Commissioners of Kent County was called to order at 6:02 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 all those suffering from the effects of the COVID-19 disease and for their families.

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, December 21, 2021
2. Liquor Minutes, December 21, 2021

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney summarized a Code Home Rule legislative bill for the Board's consideration.

LEGISLATIVE SESSION

On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to go into the legislative session.

Introduction of Code Home Rule Bill No. 1-2022, Intrafamily Transfers of New Lots to Family Members in Rural Character Zoning District

Bill Mackey, Director, Planning, Housing, and Zoning read Code Home Rule Bill No. 1-2022, Intrafamily Transfers of New Lots to Family Members in Rural Character Zoning District, AN ACT to amend Article V. District Regulations, Section 3. Rural Character District, § 3.2 Permitted Principal Uses and Structures, by adding a new number 15. *Bona Fide Intrafamily Transfers of New Lots to Family Members*, in order to allow for one-acre parcels to be created for bona fide intrafamily transfers in the Rural Character zoning district. Mr. Mackey summarized the intent of the legislation. At their November 16, 2021 meeting, the Commissioners adopted Resolution 2021-17, A Resolution to Introduce a Text Amendment to Revise Chapter 222 to Include Intrafamily Transfer Language in the Rural Character Zoning District. On December 2, 2021, the Kent County Planning Commission held a public hearing and reviewed the proposed CHR 1-2022. A correspondence dated December 8, 2021, was received from Kim Kohl, Chairman, Kent County Planning Commission, noting a favorable recommendation with two (2) amendments to the proposed text. The Commissioners discussed amending the bill as recommended by the Planning Commission. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to move

forward with the Planning Commission's recommendations and schedule a public hearing.

On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to adjourn the legislative session and return to the regular meeting.

APPOINTMENT

Brent Nelson, a citizen, was present to discuss a sewer allocation request for Tax Map 31, Parcel 5, which is adjacent to a denied access line as identified in the approved Kent County Comprehensive Water and Sewerage Plan. The Commissioners were provided a copy of correspondence dated December 10, 2021, to Mr. Nelson from Mike Moulds, Director, Public Works, regarding the sewer allocation request. Commissioner Fithian stated the subject property is on a denied access line, however, the property is an improved lot as there used to be a house on the property. Commissioner Fithian believes the lot meets the criteria to move forward with the application process and does not require a specific amendment to the Comprehensive Water and Sewerage Plan. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application, contingent upon John Beskid, Director of Environmental Health, Kent County Health Department, stating the lot will not perc, and documentation by Mike Moulds that there are remnants of a house on the property.

COUNTY ATTORNEY

Mr. Yeager reported all documents for the transfer of unsold lots and open space of the Village at Kennedyville Phase 2 Subdivision have been signed by all parties and recorded. Commissioner Mason signed the following documents on December 30, 2021: Certificate of Release; Release of Claims; Release, Shore United Bank, Letter of Credit; and Residential Buyer's Affidavit Maryland. Commissioner Jacob inquired about the deed to the road. Mr. Yeager assured the Board he will work on that next.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, on behalf of Herbert Dennis, Warden, Kent County Detention Center, presented a request to hire two (2) candidates to fill Correctional Officer vacancies. Discussion took place regarding the applicant pool. The Commissioners deferred the hiring decision pending more information.

Mr. Hale, on behalf of Mr. Moulds, presented a request to fill the vacant Utility Technician position in the Water and Wastewater Division, at salary Grade 3, above the base. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the request.

Mr. Hale summarized the COVID-19 Vaccination and Testing Mandate Policy, which was previously discussed at the November 30, 2021, and December 21, 2021 meetings. Mr.

Hale stated the Emergency Temporary Standard (ETS) requires employers with over 100 employees to adopt a vaccine policy no later than December 5, 2021, and by January 4, 2022, the policy must be enforced. Mr. Hale explained Occupational Safety and Health Administration (OSHA) will not issue citations for non-compliance with any requirements of the ETS before January 10, 2022 and will not issue citations for non-compliance with the standard's testing requirements before February 9, 2022, if an employer is exercising reasonable, good faith efforts to come into compliance with the standard. Discussion took place. Mr. Yeager provided legal input and recommended adopting the policy, according to the federal mandate policy. Mr. Yeager also stated if the Supreme Court should initiate the stay again the County should follow suit and initiate a stay for their policy as well.

John F. Price, Sheriff, Kent County Sheriff's Office commented on the vaccine policy mandate and stated it is unconstitutional and he will not be enforcing the policy on the deputies working for him. Further discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to place a hold on the vaccine policy until the Supreme Court makes a decision.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator, on behalf of Muriel Cole, Co-Chair, Commission on Aging (COA), presented a recommendation for the appointment of a new member who would be filling a vacancy due to the expired term of a member who does not wish to be reappointed. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to appoint the recommended individual to the Commission on Aging Board. James Holmes will serve a three-year term ending on December 31, 2025.

At the December 21, 2021 meeting the Commissioners expressed an interest in an in-depth discussion of employee retention and recruitment. Ms. Heller, Pat Merritt, Chief Finance Officer, Office of Finance, Mr. Hale provided the Board with several discussion points. Ms. Merritt offered the State's revenue projections for property and income taxes with comparatives, and surrounding counties' mid-fiscal year salary actions. The Commissioners and staff discussed many options. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved a 6% salary increase for all employees. Staff will determine the pay period to begin the increase.

KENT COUNTY SHERIFF'S OFFICE

Sheriff Price presented the current base compensation and hourly rates for deputy sheriffs. Sheriff Price stated Maryland State Police, Department of Natural Resources, and neighboring counties have significantly increased the pay rates for deputies. Sheriff Price explained the importance of retaining the County's deputies and the recruitment of new officers. An additional pay increase is requested, specifically for officers, aside from the salary increase the Board just approved for all County Employees. Discussion took place. On a motion by

Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to move forward with the proposed salary increase for the Sheriff's department.

PUBLIC COMMENT

The procedures for public comment were in effect. The following deputies commented on the pay increase and vaccine policy: Corporal Nate Blazejak, Corporal Scott Lockerman, and Captain Dennis Hickman. Bill Crowding, a citizen and former member of the Kent County Planning Commission, commented on the lot donation of the Village at Kennedyville. Commissioner Jacob discussed possible alternatives to address his observations of the condition of the grounds at the Courthouse. Melissa McIntire, Kent County News, inquired about the total salary percentage increase for the Sheriff's Office.

FOR YOUR INFORMATION

Correspondence addressed to Commissioner Mason and Dawn Jacob, Mayor, Town of Rock Hall, dated December 14, 2021, was received from Kelly M. Schulz, Secretary, Maryland Department of Commerce, regarding the approval of the Town of Rock Hall and Kent County Enterprise Zone as a designated enterprise zone.

CONTINGENCY FUND

The FY2022 Contingency balance as of December 14, 2021, is \$134,359.00 and the FY2022 Use of Fund Balance total is \$73,201.00.

At 9:02 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, January 11, 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

January 4, 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 motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, December 21, 2021.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, January 11, 2022, at 10:00 a.m.

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