

March 26, 2024

A meeting of the County Commissioners of Kent County was called to order at 10:00 a.m. with the following present: Albert H. Nickerson and John F. Price. The meeting convened with the Pledge of Allegiance. Commissioner Price asked everyone to remain standing for a moment of silence for everyone involved with the Key Bridge devastation and for the families of Art Blake and Dorothy Sisco.

Thomas N. Yeager, County Attorney, was also present. The Board was informed that Commissioner Fithian would be joining the meeting momentarily.

CONSENT ITEMS

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

1. Regular Session Minutes, March 19, 2024
2. Liquor Minutes, March 19, 2024
3. Closed Session Minutes, March 19, 2024
4. Chestertown Garden Club, Raffle Only, April 2, 2024
5. Dan Mattson, Director of Public Works, Water and Sewer Allocation, Tax Id # 05-338824, Tax Map 46 Parcel 41 Lot 2
6. Bill Mackey, Director of Planning, Housing, and Zoning, Commissioner signature for the Fair Housing Equal Opportunity, Section 3, and Minority Business Enterprises Plans
7. Bill Mackey, Director of Planning, Housing, and Zoning, Commissioner approval for Revisions to the Fee Schedule for Planning and Zoning
8. Bill Mackey, Director of Planning, Housing, and Zoning, Commissioner Extension for Community Development Block Grant (CDBG) Program MD-22-CD-1 for Housing Counseling

PUBLIC HEARING – CODE HOME RULE BILL NO. 3-2024 SHORT-TERM RENTAL TAX

A public hearing was held for the proposed Code Home Rule Bill No. 3-2024 Short-Term Rental Tax. Public information regarding the hearing and minutes are posted on the County's website <https://www.kentcounty.com/commissioners/meeting-agenda>.

ACTION ITEMS

Jamie Williams, Director, and Rose Osborn, Administrative Specialist of Economic and Tourism Development advised the Board current Memorandum of Understandings (MOU's) regarding Short-Term Rentals between the County and the Towns were not consistent and there was a desire by all to treat all municipalities the same. The new MOUs include a 10% administration fee to offset the cost of software that will be used for identification, monitoring, payment, and collection of taxes for short-term rentals. Communication and conversations have

been ongoing with all municipalities throughout the process. The Towns of Betterton, Chestertown, Galena, Millington, and Rock Hall have approved and executed the MOUs and they are now ready for the County Commissioners' approval and signatures. All have an effective date of July 1, 2024, to align with the effective date of Code Home Rule Bill No. 3-2024 Short-Term Rental Tax and implementation of the GovOS software. Discussion took place.

Commissioner Fithian joined the meeting at 10:19 a.m., and the discussion continued. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved all five Memorandums of Understanding between the County and each Municipality for the administration of Short-term Rentals.

APPOINTMENTS

University of Maryland Shore Regional Health: Ken Kozel, CEO gave a community update. Mr. Kozel relayed information to the board and audience from a presentation he provided. Rural Health Care across the region and progress on the new medical center were discussed. A copy of the presentation was available to the public.

Kent County Public Schools: Dr. Karen Couch, Superintendent and Alleesa Stewart, Supervisor of Finance, Kent County Public Schools (KCPS) requested approval of two (2) Unrestricted Budget Amendments #2 and #3 for FY2024 of Unrestricted Funds. Kent County Board of Education is utilizing the Maryland Association of Boards of Education (MABE) to assist in finding a new Superintendent for the District. Initially, the cost to search for a Superintendent was \$20,000.00. It is now estimated that this cost will be \$50,000.00. Therefore, an additional \$30,000.00 needs to be allocated to assist with the search. Discussion took place. On a motion made by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved the Unrestricted Budget Amendments #2 and #3 for Kent County Public Schools as presented.

Dr. Couch and Ms. Stewart requested approval for a non-recurring cost. KCPS requires a stair chair lift at Henry Highland Garnet Elementary School. The cost of this chair lift will be \$74,248.00. KCPS is requesting this cost to be considered non-recurring as this cost is for one-time installation and implementation. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved allowing the Public Schools to use its fund balance to purchase the stair chair lift for \$74,248.00 to be installed in the Garnet Elementary School during the Summer of FY2024. Commissioner Fithian signed the Certification of Mutual Agreement.

States Attorney Office: Bryan DiGregory, State's Attorney, and Hope Clark, Recidivism Reduction Project Manager of the State's Attorney Office, gave an overview of the strides that the Kent County Comprehensive Recidivism Reduction Project is making in its first year. To ensure that the recidivism reduction effort continues it will need funding for a professional grant writer for the upcoming year. Having a professional grant writer could be instrumental in receiving more grant funding. A proposal from Glowing Hive Collaborative, LLC was

submitted for the Commissioners' review. It is proposed that the services write the grant proposal for the continued funding of the Recidivism Reduction Project. Contingency funding is needed to perform the grant writing services. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the request to hire a grant writer using contingency funds, not to exceed \$6,000.00, for the continuation of the Recidivism Reduction Project.

HUMAN RESOURCES

Jim Miller, Director, and Rachel Worth, Administrative Specialist, Human Resources requested approval to hire the recommended candidate to fill a vacancy at Kent Family Center. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate to fill the Child Development Teacher position in the Kent Family Center for a conditional employment offer.

PUBLIC WORKS

Roads Division: Dan Mattson, Director of Public Works (DPW), stated the Roads Division's FY2024 budget is \$314,998.00 for surface treatment. There was \$60,142.00 of these funds being used for the Clark Road Culvert Project per the approval during the October 31, 2023, Commissioners' Meeting. The balance left from paving is \$5,910.00 and will be used for surface treatment. The request is to move \$70,000.00 from the diesel fuel line item to fund the full surface treatment project; total cost is \$330,505.00. Staff also requested approval to piggyback an existing competitive bid to surface treat and patch various roadway projects. The contract covers all services including CRS2 emulsion (tar), application of stone, traffic control, and sweeping of the roads before the tar and chip operation. Staff rounded up the dollar amount of the contract to be the same as the available funds of \$330,766.00. These contracted services free up the Roads Division employees to handle the day-to-day roadway duties. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved a piggyback contract with American Paving Fabrics, Inc. for surface treatment services of roads in the amount of \$330,766.00 under existing Howard County, Maryland Contract Number 4400004869.

Water and Wastewater Division: Mr. Mattson gave an overview of RFP #24-03 Bid Process. The bid opening was performed on Thursday, January 18, 2024, which generated two responsive bidders. The lowest bid was received from Munford-Bjorkman Associates, Inc., with a total bid of \$25,000.00. An additional bid was received from Tank Industry Consultants, with a total bid of \$29,075.00. The contract includes Bid Item 3 for the inspection of the Millington Water Tank, this work will be funded, under the contract, by Millington for \$4,000.00. Additionally, the contract includes Bid Item 2, related to the Water Tank in Galena, however, the Town has declined to be included in the contract. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to award the Potable Water Tank Inspection and Related

Engineering Support Services Contract to Munford-Bjorkman Associates, Inc., for a total amount of \$25,000.00.

Commissioner Requests:

Commissioner Fithian asked for staff to investigate the road condition of Virginia Avenue and Ohio Avenue in Tolchester Estates.

Commissioner Price asked when the Granary would be demolished. Mr. Mattson advised the structure is subject to demolition in 5-10 days.

Commissioner Price asked staff to review the drainage issue on the County side of Haven Road in Rock Hall, Maryland.

INFORMATIONAL TECHNOLOGY

Scott Boone, Director of Informational Technology requested approval to renew the Security Awareness Training for a 39-month term contract with SHI for \$10,975.00. On April 13, 2021, the County Commissioners approved the purchase of security awareness training from Contingency Funds. This software allows Kent County Informational Technology (KCIT) to educate, train, and test employees to be able to recognize and avoid cyberattacks, such as phishing and ransomware and gathering data from these tests. The contract is due for renewal on April 18, 2024. KCIT can cover the remainder of FY2024 in the department's budget (May-June). KCIT is seeking approval for a 3-year commitment to security awareness training in advance of the budget adoption. Funding would be pre-paid and is broken down as follows: FY2024 - \$844.23, FY2025 - \$3,377.00 (prepaid), FY2026 - \$3,377.00 (prepaid), FY2027 - \$3,377.00 (prepaid), total contract: \$10,975.00. SHI is on the Maryland COTS Contract 060B2490021. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the renewal of Security Awareness Training for a 39-month term contract with SHI in the amount of \$10,975.00, for FY2025, FY2026, and FY2027.

Mr. Boone requested approval of proposed contracts with Atlantic Security for the installation of new panic buttons and security cameras at 400 High Street. On March 5, 2024, the Commissioners approved the purchase of panic buttons and security cameras with Atlantic Security, pending legal review. Tom Yeager, County Attorney suggested changes. There have been several other contracts with Atlantic Security that contain the same liability clause. Atlantic Security is a reputable local business that has a long-standing relationship with the County. KCIT is resubmitting the contracts for the Commissioners for a decision on how to proceed. Panic Buttons, KCIT is requesting the replacement of the legacy panic button system at 400 High Street through Atlantic Security. The proposal is for twenty-two commercial panic buttons, keypads, and cellular communicators. Equipment costs \$4,895.00, 3-Year Monitoring Contract - \$ 408.00 annually (years 2 and 3 will be budgeted for accordingly). The contract was available for review. Security Cameras at 400 High Street, KCIT is requesting the replacement of eleven security cameras at 400 High Street. The existing camera system was installed in

2018. KCIT can no longer purchase replacement hardware. Current CAT5e cabling will be utilized by the vendor. The vendor will supply a new Network Video Recorder, UPS, and cameras. The County will own the equipment. Equipment Cost is \$8,995.00. The contract was available for review. Discussion took place. On a motion made by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved the contracts with Atlantic Security for the installation of new panic buttons and security cameras at 400 High Street.

Mr. Boone requested approval for the allocation of \$3,746.80 from FY2024 Contingency Funds to extend County fiber to the Tolchester Fairgrounds and approve ThinkBig Networks as the sole source provider. Tolchester Fairgrounds volunteers reached out to KCIT to assess the state of the public Wi-Fi service. The wireless equipment is approximately six years old, relying on a mesh topology originating in one location. KCIT recommends upgrading the campus infrastructure to extend the fiber optic internet service to three additional transmission points within the fairgrounds, enhancing the mesh service. ThinkBig is the sole source provider/contractor to maintain the fiber network because of the terms of the County's Master Service Agreement. The network's construction was publicly bid on and awarded in 2016. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the allocation of \$3,746.80 from FY2024 Contingency Funds to extend County fiber at the Tolchester Fairgrounds and name ThinkBig Networks as the sole source provider.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director of Planning, Housing, and Zoning gave an overview of the "Fair Housing Month" in Kent County, Maryland. Kent County has been in the practice of proclaiming April as "Fair Housing Month" in coordination with the State of Maryland's Department of Housing and Community Development (DHCD) and the federal Department of Housing and Urban Development (HUD). This is part of the requirements that the County undertakes to comply with the Community Development Block Grant (CDBG) Program. The County's adopted Fair Housing Plan includes proclaiming April as Fair Housing Month in Kent County. Commissioner Nickerson read the proclamation into the record.

Mr. Mackey requested approval of the 2024 Maryland Department of Transportation Priority Letter as presented. Kent County sends a letter to the Secretary of the Maryland Department of Transportation each year outlining the County's transportation priorities. According to the 2018 Comprehensive Plan, which identifies the Chester River Second Bridge Crossing project as a strategy on page 100, stating "Strategy: Support and encourage the construction of the Chester River Boulevard," the second bridge crossing is included in each year's priority letter. An item for sidewalks from Kent County High School to Butlertown was added at the request of the Planning Commission. An item for culvert pipes at the former Millington Elementary School has been added at the request of the Town of Millington. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the proposed 2024 Priority Letter to MDOT for signature.

COMMISSIONERS COMMENT

Commissioner Fithian read into the record a letter he received from Secretary Jacob R. Day, Maryland Department of Housing and Community Development relating the support for the Millington Senior Village project. The letter was available for review. Discussion took place. The Board was agreeable to the details of the letter. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to dedicate \$1.6 million from the Upper Shore Regional Council grant funding that was initially proposed for the Worton Extension of Water and Sewer to the Millington Senior Village Project in Millington. Commissioner Price asked for staff to prepare a thank you letter to Secretary Day.

PUBLIC COMMENT

The procedures for public comment were in effect. Mr. James Saunders asked the County to maintain the Mt. Olive African Methodist Episcopal (AME) Church, Worton, Maryland parking lot due to the excessive use of KCPS bus transportation. Mr. Yeager requested a letter from the Mt. Olive AME Church Trustees authorizing the County and releasing the County of liability associated with maintaining the parking lot. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to have DPW staff grade and install stones in the Mt. Olive AME Church parking lot and add the location to the County's annual review checklist.

Mike Waal expressed support for the information Dr. Karen Couch gave during her presentation and his opposition to the Kirwan Project data.

FOR YOUR INFORMATION

The Board received a copy of a letter dated March 8, 2024, from Dr. Couch addressed to Mr. Alex Donahue Executive Director, Interagency Commission on School Construction (IAC). KCPS requested to adjust the Gross Area Baseline (GAB) for the replacement of the Kent County Middle School. The letter and Concept Plan were provided.

A letter addressed to Commissioner Fithian was received on March 24, 2024, from Jacob R. Day, Secretary, of the Maryland Department of Housing and Community Development, relating support for the Millington Senior Village project. The details of the letter were discussed by the Board as part of the Commissioners' Comments section noted above.

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 March 5, 2024, is \$244,896.00. The FY2024 use of Fund Balance is \$128,255.00.

CLOSED SESSION

At 1:09 p.m., On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved going 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.

Thomas N. Yeager, County Attorney, Bill Mackey, Director, Planning, Housing, and Zoning, Sondra M. Blackiston, Clerk/KATE Manager, and Lacey T. Cox, Deputy Clerk II, were also in attendance.

MATTER NO. 1: PERSONNEL

Topics to be discussed: Board of Appeals Attorney Vacancy.

Reasons for closing: Board Member recommendations should be private and confidential.

Bill Mackey, Director of Planning, Housing, and Zoning, and Thomas N. Yeager, County Attorney, spoke to the Board about an attorney vacancy for the Board of Appeals. The Commissioners, Mr. Mackey, and Mr. Yeager discussed the options and had a detailed conversation. Additionally, Mr. Yeager offered his advice in case any potential conflict of interest arose.

At 1:16 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 Matter No. 1, Personnel. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved appointing Tom Yeager as the permanent Board of Appeals attorney to represent the Board of Appeals.

At 1:18 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, April 2, 2024, at 6:00 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

March 26, 2024

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

Thomas N. Yeager, County Attorney, was also present.

CONSENT ITEM

On a motion made by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners by a majority vote approved Consent Item #2 - Liquor Minutes, March 19, 2024.

SPECIAL CLASS C LICENSES

Chestertown Tea Party Festival, Inc. submitted three (3) Special Class C (Per Diem) liquor license applications for approval. This will be a three-day event with plans to sell Beer, Wine, and Liquor on May 24th from 5:00 p.m. to 9:00 p.m., May 25th from 9:00 a.m. to 4:00 p.m., and May 26th from 12:00 p.m. to 4:00 p.m. at the 100, 200, 300 blocks of High Street; Wilmer Park; and the 100 and 200 blocks of Cross Street. Staff recommended approval. There being no objections, on a motion by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners by a majority vote approved the Special Class C (Per Diem) liquor license applications for the Chestertown Tea Party Festival, Inc. as requested.

Commissioner Fithian joined the meeting at 10:19 a.m. and proceeded to preside over the meeting.

At 1:18 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, April 2, 2024, at 6:00 p.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

March 26, 2024

PUBLIC HEARING

County Commissioners Albert Nickerson and John F. Price were in attendance as well as Thomas N. Yeager, County Attorney, Jamie Williams, Director, and Rose Osborn, Administrative Specialist, Economic and Tourism Development.

Thomas N. Yeager, County Attorney, stated the public notice was duly advertised and read it into the record. The procedures for testifying were waived and the rules for a public hearing were in effect.

CODE HOME RULE BILL NO. 3-2024, SHORT-TERM RENTAL TAX

The public hearing commenced at 10:10 a.m. in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, MD. A public hearing for the purpose of discussing Code Home Rule Bill No. 3-2024, Short-Term Rental Tax, AN ACT concerning Chapter 152 Taxation, Article III Hotel Rental Tax. For the purpose of ensuring equal treatment of all transient lodging including short-term rentals. By repealing Chapter 152 Taxation, Article III Hotel Rental Tax, and reenacting with amendments Chapter 152 Taxation, Article III Short-Term Rental Tax herein.

Jamie Williams, Director, and Rose Osborn, Administrative Specialist, Economic and Tourism Development summarized the intent of the legislation and gave a brief overview. Mr. Yeager also explained the development of the legislation. Discussion took place.

PUBLIC COMMENTS

Citizens were invited to sign the testimony log and offer comments on the proposed legislation. John Massey, of the audience, offered a comment to praise the staff for a job well done. On a motion by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners by a majority vote agreed to close the public hearing at 10:15 a.m. and stated for the record, that the written comment period will remain open until the close of business on March 29, 2024. The legislative bill is scheduled to be considered for a vote on Tuesday, April 2, 2024.

Respectfully submitted,

Sondra M. Blackiston
Clerk/ KATE Manager

Approved:

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