

March 4, 2025

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 was convened with the Pledge of Allegiance. Commissioner Fithian asked everyone to remain silent for the Speaker of the House, Adrienne A. Jones' family.

Daniel Mattson, Director of Public Works, stood in for the 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, by a unanimous vote, approved both consent items as presented:

1. Regular Session Minutes, February 25, 2025
2. Liquor Minutes, February 25, 2025

LEGISLATIVE SESSION

At 6:15 p.m., on a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to go into legislative session.

Legislative Protocol: Thomas N. Yeager, County Attorney, reviewed the protocol for a legislative session. The legislative bill Code Home Rule Bill No. 1-2025 has been submitted for introduction. Additionally, legislative bills Code Home Rule No. 9-2024 and Code Home Rule No. 10-2024 were submitted for a third read and to be considered for a vote. Mr. Yeager briefed each bill's intent. Bill Mackey, Director; Carla Gerber, Deputy Director; and Rob Tracey, Associate Planner of the Office of Planning, Housing, and Zoning, joined the Commissioners to provide an overview of the proposed legislative bills and answer any questions the Board had.

Introduction of Code Home Rule Bill No. 1-2025 Assisted Living Facilities in the Critical Area Residential and Critical Area

Mr. Tracey detailed Code Home Rule No. 1-2025. 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 land use in certain districts as a special exception: (1) by adding "5.75. Assisted living facilities with nine to sixteen beds provided" to Article V. District Regulations, Section 3. Critical Area Residential, §5.3 Special Exceptions; (2) by adding "4.75. Assisted living facilities with nine to sixteen beds" to Article V. District Regulations, Section 3. Community Residential, §6.3 Special Exceptions; (3) by adding "3.5. Assisted living facilities with nine to sixteen beds" to Article VII. Special Exceptions, Section 6. Procedures; (4) by adding specific conditions for said new land use "6.75. Assisted living facilities with nine to sixteen beds" to Article VII. Special Exceptions, Section 7. Special Exceptions; (5) by including one non-codified provision; and (6) by providing for an effective date related to the required Critical Area Commission review and approval of the zoning text, per Md. Code Ann., Natural Resources § 8-1809, as the same may

be amended from time to time. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the introduction of Code Home Rule Bill No. 1-2025 and for the Bill to be scheduled for a Public Hearing.

3rd Read and Vote – Code Home Rule Bill No. 10-2024 Construction Trades Board

Mr. Mackey detailed Code Home Rule Bill No. 10-2024. AN ACT to amend the Public Local Laws of Kent County, Maryland, by revising Chapter 73, Building Construction; Chapter 192, Housing Standards; and Chapter 210, (Reserved), in order to create a new board in Kent County, Maryland, specifically, the Construction Trades Board, which will incorporate the existing Board of Electrical Examiners and its members, while adding additional members to represent other trades and industry sectors, and to provide membership for the Board of Building Appeals as may be needed, when an appeal is filed pursuant to the International Building Code. No written comments were received during the comment period. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously adopted Code Home Rule 10-2024 Construction Trades Board. The Bill passed without amendments.

3rd Read and Vote – Code Home Rule Bill No. 9-2024 Fox Hunting Club Dog Kennel

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 land use in a single district as an accessory use: (1) by adding “10. Dog Kennel, Fox Hunting Club” to Article V. District Regulations, Section 2. Resource Conservation District, §2.4 A. Accessory Uses; (2) by adding a definition for “Dog Kennel, Fox Hunting Club” to Article XI. Definitions, Section 2. Definitions; (3) by including one non-codified provision; and (4) by providing for an effective date related to the required Critical Area Commission review and approval of the zoning text, per Md. Code Ann., Natural Resources § 8-1809, as the same may be amended from time to time. Commissioner Fithian shared comments about safeguards to address residents' concerns raised during the bill's hearing and comment period. Mr. Mackey provided a brief overview of the proposed amendments that were prepared for consideration. A discussion followed. Ms. Gerber answered questions from the Board, and Commissioner Price offered additional remarks about seeking a compromise. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously adopted Code Home Rule 9-2024 Fox Hunting Club Dog Kennel as amended by Mr. Mackey. Mr. Yeager stated for the record that the amendments are in writing and available for public review. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to amend Section 4 by adding language to the end of the Section stating, “and contingent upon the adoption by the Board of County Commissioners of licensure requirements in Chapter 64 of the Public Local laws of Kent County, Maryland.” On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to direct County staff to draft a proposed CHRB for introduction to amend Chapter 64 of the Local Public Laws by creating a new Article II that sets forth a licensing process for fox hunting club dog kennels which will deal with the amendments that have been previously discussed. Genevieve MacFarlane, Esquire, Law Offices of Stevens Palmer, LLC, Attorney Representative for the applicant (Wicomico Hunt Club, Inc.), commented favorably on the legislative process.

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to adjourn the legislative session at 6:34 p.m.

RESOLUTION

2025-02 Authorizing the Sheriff to Provide for The Custody, Safekeeping, and Transportation of Incarcerated Individuals in Kent County: Mr. Yeager prepared a legal document to assign the oversight of the Detention Center to the Sheriff's Office. This matter was previously discussed at the Commissioners' meeting on January 28, 2025. Commissioner Price stated for the record that the Sheriff would partner with the Board to advise appropriate oversight. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Resolution 2025-02 as presented.

FINANCE

Pat Merritt, Chief Finance Officer of the Finance Department, gave an overview of the Constant Yield Tax Rate Certification. Every year, the State Department of Assessment & Taxation calculates the Constant Yield Tax Rate for every county in Maryland. This rate calculates the property tax rate each county would have to charge to receive the same revenue as it did in the previous year. If the assessed property values have increased, the county property tax rate would have to decrease for the county to receive the same revenue. Conversely, if assessed values decreased, county property tax rates would have to increase for the county to receive the same revenue. This year's net assessed property values are projected to increase by 4.7%, and Kent County's constant yield tax rate is \$0.9761. This means the County would have to lower its tax rate by \$0.0459 cents from its current rate of \$1.022 to receive the same revenue as last year. If the tax rate remains at \$1.022, the increase in net assessed property values will generate approximately \$1,600,000.00 in additional revenue for the county. Additionally, as the FY2026 net values are phased over the next 3 years, they would generate approximately \$4,800,000.00 in additional revenue, a cumulative increase of 14.1%. Recently, some information has been published indicating that citizens' property tax bills could increase by 20.8% over the next 3 years, and the increase in payments by citizens would generate \$7,000,000.00 in additional revenue for the County. These figures were overstated because they used the change in full cash values, which excludes homestead and homeowner credits, instead of the change in net assessable base utilized in the Constant Yield Tax Rate Certification.

Ms. Merritt drafted a response to a Property Tax Setoffs Study for Kent County. In 2024, the Towns of Chestertown, Galena, and Rock Hall commissioned a study. Ms. Merritt shared a presentation addressing the study's findings. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved signing the letter as drafted to be sent to all the municipalities, Town Mayors, and Council.

HUMAN RESOURCES

Jim Miller, Director of Human Resources, requested approval to promote two recommended candidates to Corporal on behalf of the Kent County Detention Center. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the

Commissioners unanimously approved filling the vacant Corporal positions at the Kent County Detention Center as recommended.

Mr. Miller requested approval to use \$5,000.00 from contingency funds to cover the Maryland Association of Boards of Education (MABE) invoice for the Time to Care Act Insurance Collaborative annual membership fee. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the use of \$5,000.00 from contingency funds to cover the Maryland Association of Boards of Education (MABE) invoice for the Time to Care Act Insurance Collaborative annual membership fee.

PUBLIC WORKS

Dan Mattson, Director of Public Works, and Joanne McNamara, Grants Program Administrator, requested approval to submit federal earmark requests. The Congressionally Directed Spending or earmark process allows Senators and members of Congress to request that federal funds be set aside for specific projects in their states. This is an annual opportunity for local governments to apply for funding for projects that would benefit from a one-time allocation of funds. The Department of Public Works is seeking to submit two requests: (1) for an appropriation to support the construction of the Millington Wastewater Treatment Plant and (2) for an appropriation to support the purchase and installation of an emergency backup generator for the Emergency Medical Services (EMA) Headquarters on Vickers Drive. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the submission of applications to the Maryland Senators Van Hollen and Alsobrooks and Congressman Harris for a federal earmark appropriations request to support the construction of the Millington Wastewater Treatment Plant and to support the purchase and installation of a backup emergency generator at the new EMS Headquarters on Vickers Drive.

Mr. Mattson requested review and approval of the Public Works Agreement (PWA) prepared for the Village at Kennedyville (VAK). The PWA will be included in the advertisement soliciting proposals from potential developers to purchase and complete the VAK Subdivision. The PWA was prepared by Public Works (PW) and reviewed/approved by Mr. Yeager. It provides specific directions to potential developers regarding the completion of the development. Developers will use the requirements of this agreement as a basis for proposals to purchase and complete the VAK development. Highlights of the PWA include:

1. Requirement for a developer to purchase all allocations up-front at a total cost of (43 x \$16,200.00) \$696,600.00
2. Statement that the County reserves the right to recapture unconnected allocations (non-refundable) after 5 years, or 85% plant capacity.
3. Requirement to post bonding or letter of credit in an amount equal to 100% of Infrastructure improvements to be dedicated to the County ("Public Infrastructure")
4. Public Infrastructure requirements of the developer (roadways, curbs, drainage, water/wastewater, etc.) and the requirement to construct all within 5 years. The County reserves the right to complete public improvements (funded by bonds) if not completed after that time period.

5. Phase I improvements that have not been completed must be completed by the new developer (Pond, Walking Paths, Street Lights, Pocket Park)
6. Requirement of Developer to join the Homeowners Association (HOA) at the time of purchase, pay all dues/fees applicable, and transfer HOA membership with each property sale
7. Requirement to subdivide a portion of one lot for construction of new Pump Station #2
8. Insurance, 1-year maintenance bonds, permits, etc. - standard language

At this time, PW is confident that all key elements of the project have been included in the bid, though feedback from Commissioners and residents regarding additional concerns is welcome. If this agreement is approved, the next step in this process will be to advertise a Request for Proposal (RFP), which will include and be based on the agreement. While the RFP is 'out to bid,' Project Stakeholders will meet to confirm the specifics of the rating rubric to evaluate bids - this must be done before receipt of proposals. The rating rubric will include various criteria and assign a point value to each criterion. This will allow for an objective rating of each proposal. Depending on the number of proposals received, PW will likely review the initial submissions and present a "short list" of bidders to the Commissioners for a round of interviews before making the final selection. Discussion took place.

PUBLIC COMMENT – VILLAGE AT KENNDYVILLE

The procedures for public comment were in effect. David Druey, Christina Herman, David Sproates, and Janet Carter, residents of VAK, offered comments.

Discussions regarding concerns and the agreement's clarity took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the language, with amendments Mr. Mattson noted, of the Village at Kennedyville Public Works Agreement, and as presented for use in an advertisement soliciting development proposals for completion of the project.

REPORT OUTS

Commissioner Fithian announced the following project updates:

- Little Neck Pier – Waiting for proof of insurance and the HOA designee's signing of the Indemnity/Hold Harmless Agreement.
- Senior Housing Center in Millington – 54 Units proposed and currently under construction
- New EMS Building at Vickers Drive – Roof was installed
- Bayside Public Landing – Construction started, and now waiting for materials. Projected completion is Mid-April
- On February 28th, Commissioner Fithian and Commissioner Nickerson attended the legislative session regarding HB1036/SB0931 Public Utilities-Generating Stations – Generation and Siting (Renewable Energy Certainty Act). More discussion and concessions may take place.
- HB0736/SB08413 School Construction – Local Cost – Share Alterations was heard today during the Legislative Session.

- Last Sunday, February 23rd, the Commissioners attended the 2025 4-H Achievement and Recognition Program at the Betterton Fire Company. Beth Hill did an outstanding job running the event.
- The Kent County Courthouse renovations have been completed. Final Inspections will take place on March 6th.

PUBLIC COMMENT

The procedures for public comment were in effect. David Foster, Mayor of Chestertown, Michael McDowell, and David Sobers asked questions and commented on Ms. Merritt's Tax Setoff presentation. Zach Sagers, a resident of VAK, shared concerns with the excessive speed of vehicles on Maryland Route 213 coming through Kennedyville.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

The Commissioners received a copy of the final ARPA Spend Plan report.

CONTINGENCY FUND

The FY2025 Contingency balance as of February 25, 2025, is \$123,264.00. The FY2025 use of Fund Balance is \$502,302.00.

At 8:29 p.m., on a motion made by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, March 11, 2025, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

March 4, 2025

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

Dan Mattson, Director of Public Works, stood in for the 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, February 25, 2025.

SPECIAL CLASS C

The Kent Association of Riding Therapy, Inc. has submitted a Special Class C (Per Diem) liquor license application to sell beer and wine during a Murder Mystery Theatre fundraising event. The event is scheduled for March 22, 2025, from 6:00 p.m. to 9:30 p.m. at Worthmore Equestrian Center, 11570 Still Pond Road, Worton. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Special Class (Per Diem) liquor license application for the Kent Association of Riding Therapy, Inc.

The Timothy Kern Memorial Fund has submitted a Special Class C (Per Diem) liquor license application to sell beer only during a Clay Shoot event. The event is scheduled for March 29, 2025, from 12:00 p.m. to 5:00 p.m. at Hopkins Hunting and Sporting Clays, 13003 Turners Creek Road, Kennedyville. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Special Class (Per Diem) liquor license application for the Timothy Kern Memorial Fund.

The Community Fire Company of Millington is applying for a Multiple Event Special Class C (Per Diem) liquor license. The fire department has chosen to apply for a twelve (12) event per year license at a cost of \$200.00. This license will allow the fire department to hold no more than twelve (12) events from March 4, 2025 – December 31, 2025. A list of events has not been provided at this time. The Fire Company was contacted and asked to provide a list of scheduled events. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Multiple Event Special Class (Per Diem) liquor license application for the Community Volunteer Fire Company of Millington.

ADMINISTRATIVE HEARING

The administrative hearing began at 6:06 p.m. Thomas N. Yeager, County Attorney, outlined the protocol for the hearing. Mr. Yeager administered the Oath to Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE), and Carolyn Jones, President/Treasurer, Coleman's Tavern, for testifying. The rules for an administrative hearing were in effect.

The administrative hearing was a continuation of hearings held on December 3, 2024, and January 9, 2025, regarding Coleman's Tavern's failure to obtain its 2024 trader's/business license. At the hearing, Mr. Yeager advised the Board that in past cases, hearings were continued to allow

licensees time to obtain necessary approvals. If a valid license is presented, the hearing will be canceled.

On November 7, 2024, Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE), issued and hand-delivered a written warning to Carolyn Jones, President/Treasurer, Coleman's Tavern, regarding the absence of the license. Ms. Jones testified that she is still waiting for the release of the hold and additional information from the Comptroller of Maryland regarding her personal property taxes. She has contacted the Clerk of Courts office about any holds on her trader's/business license, and they informed her that no holds prevent the issuance of a trader's/business license for her establishment. Inspector Pearsall reported that Ms. Jones has been collaborating with the Economic and Tourism Development Department to address the ongoing issue. Ms. Jones had copies of articles for revival that she offered for the Commissioners' review. Mr. Yeager proposed extending the Administrative Hearing for sixty (60) days. The Hearing will be closed if Ms. Jones provides a valid trader/business license within that time. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to continue the Administrative Hearing for sixty (60) days.

The Administrative Hearing concluded at 6:14 p.m.

At 8:29 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price; the Commissioners unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, March 11, 2025, 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