

December 19, 2023

SPECIAL WORK SESSION HELD ON DECEMBER 19, 2023

A work session was held on December 19, 2023, at 3:00 p.m., with Commissioner Ronald H. Fithian, Commissioner John F. Price, and Commissioner Albert H. Nickerson to discuss post-employment benefits (retiree health insurance). Also in attendance were Shelley L. Heller, County Administrator, Jim Miller, Director, and Jennifer White, Business Partner of Human Resources.

Jim Miller, Director, and Jennifer White, Business Partner of Human Resources provided information and updates regarding the retiree health benefits. Mr. Miller engaged in a question-and-answer session. Further discussion took place.

The work session ended at 4:09 p.m.

DECEMBER 19, 2023, COMMISSIONERS MEETING

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 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 hopes that everyone will have a safe and happy holiday season.

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

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 12, 2023
2. Liquor Minutes, December 12, 2023
3. Closed Session Minutes, December 12, 2023
4. Environmental Operations Division, Public Landings - Bayside Landing Marina
Renovation Waterway Improvement Grant Agreement Extension
Grant No. MF-1420H-20 Modification No. 2

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney, discussed Code Home Rule Bill No. 5-2023 Outdoor Retreats In Resource Conservation (RC), Rural Residential (RR), and Community Residential (CR) and stated the bill was previously introduced on October 3, 2023. Mr. Yeager summarized actions the Commissioners could consider. The legislative bill is presented at this meeting to be passed, rejected, amended, or deferred to at a later date. Bill Mackey, Director, Planning, Housing, and Zoning joined Mr. Yeager to provide additional information and answer questions.

LEGISLATIVE SESSION

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to go into legislative session. Mr. Yeager mentioned that while in legislative session the Board will also consider the introduction of Code Home Rule Bill No. 6-2023.

3rd Read and Vote – Code Home Rule Bill 5-2023 Outdoor Retreats In RC, RR, and CR

AN ACT to amend Chapter 222, Zoning, of the 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 certain districts as a special exception: (1) by adding “14.5 Outdoor Retreat” to Article V. District Regulations, Section 3. Rural Character, §3.3 Special Exceptions; (2) by adding “15.5 Outdoor Retreat” to Article V. District Regulations, Section 4. Rural Residential, §4.3 Special Exceptions; (3) by adding “12.5 Outdoor Retreat” to Article V. District Regulations, Section 6. Community Residential, §6.3 Special Exceptions; (4) by adding “25.5 Outdoor Retreat” to Article VII. Special Exceptions, Section 6 Procedures; (5) by adding a specific conditions for said new land use “34.5 Outdoor Retreat” to Article VII. Special Exceptions, Section 7 Special Exceptions; (6) by adding a new definition under “227.5 Outdoor Retreat” to Article XI. Definitions, Section 2. Definitions; and including one non-codified provision. The comment period ended on November 17, 2023. There were two (2) written comments received in opposition to the proposed legislation during the comment period. Mr. Mackey gave an overview of Code Home Rule Bill No. 5-2023. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Fithian, the Commissioners by a majority vote approved to amend the proposed Code Home Rule Bill No. 5-2023 to delete the second sentence of proposed subsection G on page four (4) in order to remove the currently proposed requirement to limit the number of children staying with their parents and/or guardians in a guest room. Commissioner Nickerson voted in opposition to the motion made. On a motion by Commissioner Price and seconded by Commissioner Fithian, the Commissioners by a majority vote passed the Bill as amended. Commissioner Nickerson voted in opposition to the motion made.

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

Mr. Mackey read Code Home Rule Bill No. 6-2023, 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, 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 E, 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. Mr. Mackey gave further details regarding Code Home Rule Bill No. 6-2023. 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. 6-2023 Adaptive Reuse of Existing Structures in AZD, Located on Parcels Under 20 Acres and for the bill to be scheduled and advertised for a public hearing at a future date in the Commissioners' Hearing Room at 400 High Street, Chestertown, Maryland. Further discussion ensued.

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to go out of legislative session and return to the regular session.

APPOINTMENT

HISTORIC PRESERVATION COMMISSION: Turner's Creek Discussion – This was a follow-up to the September 26, 2023, meeting. The Commissioners requested the Historic Preservation Commission (HPC) provide further information regarding the historic Granary structure. Jeremy Rothwell, HPC (1st Election District) staff, and Jennifer Moore, President, HPC, gave an overview of the information compiled since the last meeting. Documents were provided for the Commissioners' review. Discussion took place. The Commissioners agreed to move forward with demolishing the Granary building and advised staff to take the necessary steps to move forward with doing so. The Commissioners want to memorialize the Granary with a kiosk or computerized simulation to convey the history of the building. A committee will be formed to compile ideas and suggestions of what could be done with the existing buildings at Turner's Creek as well as the vacant space of the Granary building after it is demolished.

PUBLIC WORKS

Daniel Mattson, Deputy Director of Public Works, and Harris P. Murphy, Associate Judge, Circuit Court for Kent County provided a status update of the courthouse lobby expansion design. The Department of Public Works, in coordination with Judge Murphy, has worked to evaluate the scope, budget, and feasibility of an expansion to the existing lobby of the Kent County Courthouse. Mr. Mattson stated there were two (2) designs submitted for the lobby expansion and the estimated total cost ranges from \$90,000.00 and \$123,000.00. Mr. Mattson provided a memo that outlined the status, and recommendations, of the project. The FY2024 Budget included line items allocating a budget of \$25,000.00 for design and \$36,237.00 for construction of the Courthouse lobby renovation, and to date, no funds have been expended. Questions were raised by Judge Murphy and his questions were answered accordingly. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to request bids to take the wall out and have them presented to the Commissioners for approval and pay for it out of American Rescue Plan Act (ARPA) funds.

ECONOMIC AND TOURISM DEVELOPMENT

Ms. Williams provided an update regarding Short-term Rentals. Ms. Williams stated she met with Rose Osborn, Administrative Specialist, Economic and Tourism Development; Pat Merritt, Chief Finance Officer, Ashley Albia, Treasury Accountant, of the Finance Office; and Shelley Heller, County Administrator to draft local legislation and finalize a draft Memorandum of Understanding (MOU) for the local municipalities. Ms. Williams stated staff are finalizing the statement of work and scoring matrix and will touch base with vendors to request updated pricing proposals. The plan is to choose a vendor and implement the new software by July 1, 2024. Discussion took place.

Ms. Williams and Rick Carter, Owner of Delmarva Craft gave an overview of the 2023 Seasonal Shuttle ridership and statistics. The number of users and services requested has declined in the past year. Mr. Carter stated most of his services were requested by tourists visiting the area. There has not been any real need for or requests for services from residents. Depending on what services the Commissioners would like to see provided, will determine if Mr. Carter continues to offer services. Discussion took place.

Shalyn Boulden, Tourism Manager, Economic and Tourism Development, gave an overview of the 2022 Economic Impact of Tourism in Maryland. Each year as part of the Maryland Office of Tourism Development, a Destination Marketing Organization (DMO) grant states that each DMO shall participate in the Tourism Impact Report for the State of Maryland and Maryland's DMOs. The annual cost for participation is eligible for reimbursement through the grant. Tourism crosses many North American Industry Classification System (NAICS) codes; lodging, food and beverage, recreation, retail, transportation, etc., therefore not easily measured through traditional data sources. Tourism brings new dollars into our economy which has more weight than recirculating dollars. Studies show that those dollars will then get spent again at least three to seven times by those living within the local community. Discussion took place.

HUMAN RESOURCES

Jim Miller, Director of Human Resources, presented a request on behalf of Mr. Mackey to modify the Department of Planning, Housing, and Zoning staff duties for consideration. A memo was provided along with job descriptions of two (2) positions to the Commissioners for their review. Mr. Mackey is requesting to reclass a grade four (4) position to a grade seven (7) position. Mr. Miller stated the department supports Mr. Mackey's request. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved that the vacated grade four (4) Planning Specialist be reclassified to a grade seven (7) Associate Planner and be funded from the fund balance in the amount necessary to make the reclassification happen.

Mr. Miller presented a request to eliminate the current Telecommuting Policy and replace it with a newly revised and updated Teleworking Policy. This is a follow-up from the December 12, 2023, meeting where this was previously discussed. Changes were made to the proposed Teleworking Policy and Mr. Miller provided a revised version for the Commissioners' approval. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved that the current

Telecommuting Policy be deleted and replaced with a new Teleworking Policy and also amend the informal Teleworking request to state teleworking to be approved by the County Administrator and the Department Head instead of by the designee. Resolution No. 2023-18 Amendments to the Kent County Employee Handbook effective date is December 19, 2023.

Mr. Miller asked for clarification on how the two (2) percent salary increase being administered in January needed to be configured. Discussion took place.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator, on behalf of Jay Silcox, President, Kent County Board of Library Trustees advised of a trustee vacancy as of December 31, 2023. The Board recruited widely for Trustee applicants, publishing details on the library website as well as in local papers. The Trustee committee interviewed applicants and after considering the committee's recommendations, a nomination was submitted for approval. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to appoint the recommended candidate to the Kent County Library Board of Trustees. A thank you letter for Judi O'Brien was submitted for signature as her trustee term will conclude on December 31, 2023. Rachel Durso was appointed to a full five-year term ending on November 31, 2028.

Ms. Heller, on behalf of Jill Coleman, Director of Parks and Recreation, requested the reappointment of both student representatives and a member of the Parks and Recreation Advisory Board (PRAB). Discussion took place.

1. Student representatives - both candidates have expressed interest in continuing to serve on the PRAB until they graduate in June 2024. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to reappoint the two (2) representatives by granting a six (6) month extension. The terms of Drew Davis and Melissa Landon were extended to June 20, 2024.
2. A current member has expressed interest in continuing to serve on the PRAB. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to the reappointment of the recommended candidate. Joyce Moody was reappointed to serve a four-year term ending on December 31, 2027.

Ms. Heller stated State Fiscal Year 2025 State Aid for Police Protection (SAPP) Fund Form 2 Estimated Expenditures for Police Protection grant report was signed by Commissioner Fithian on December 12, 2023.

LETTERS FOR SIGNATURE

In follow up to the December 12, 2023, meeting the following letters were prepared for the Commissioner's signature:

1. Agricultural Advisory Commission - Reappointment letters for Catherine Abramavage, Valerie Mason, and Richard Winters.
2. Zoning Appeals Board – Reappointment letter for John Massey.
3. Historic Preservation Commission – Appointment letters for Darius L. Johnson and John Lysinger. A thank you letter to Barton Ross for his service as a member. Reappointment letters for Elizabeth Beckley and Max Ruehrmund, III.
4. Planning Commission - Appointment letter for Sean Jones and a reappointment letter for James Saunders. A thank you letter to an individual expressing interest in serving on the Commission.

PUBLIC COMMENT

The procedures for public comment were in effect. No comments were offered.

FOR YOUR INFORMATION

A correspondence dated December 5, 2023, addressed to the Commissioners, was received from Robert Peoples, Hearing Officer, Water Supply Program, Maryland Department of the Environment advising the Commissioners that a Water Appropriation and Use Permit No. KE2021G001(01) was issued to Harborview Farms Partnership.

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 12, 2023, is \$258,642.00 and reflects a \$4.00 adjustment. The FY2024 use of Fund Balance is \$24,000.00.

Commissioner Price offered a public service announcement that he read into record; it is as follows:

It has been brought to my attention that a public notice appeared in the Tidewater Trader encouraging citizens to visit a prepared website. The notice published pertained to the continued concerns shared by many on the Blueprint (Education Reform) and exactly what the financial impact will be for our County. For the record, yes, this Board of Commissioners has concerns regarding the cost. We also support quality education for every Kent County student and are committed to fulfilling our obligation. We share a good working relationship with our school board and leadership. Your Commissioners have taken several steps with our partners in Annapolis and will continue to do so in an effort to secure funding for our County. For some time now the associated cost of implementing the 5 pillars has been a moving target. Raising property taxes is not an option for us and I believe we can all work together in many different ways to accomplish our goals on behalf of our students and citizens. For the record, the Commissioners encourage all citizens to become informed and involved. Please know the Commissioners were not involved in the recent publication.

Regular Session Minutes

December 19, 2023

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At 7:59 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 9, 2024, at 10:00 a.m.

Respectfully submitted,

Lacey T. Cox
Deputy Clerk II

Approved:

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

December 19, 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 made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, December 12, 2023.

At 7:59 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, January 9, 2024, at 10:00 a.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Lacey T. Cox
Deputy Clerk II

Approved:

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