

August 2, 2022

A meeting of the County Commissioners of Kent County was called to order at 6:00 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 the wildfires taking place out West and for those who have lost family members due to the floods in Kentucky.

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

CONSENT ITEMS

On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the following items:

1. Regular Session Minutes, July 19, 2022
2. Liquor Minutes, July 19, 2022
3. Public Hearing Minutes, July 19, 2022

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney, summarized actions the Commissioners could consider taking during the legislative session. Mr. Yeager stated the legislative bills are presented at this meeting to be passed, rejected, amended, or deferred to for a later date. Mr. Yeager informed the Commissioners that there were no proposed amendments for Code Home Rule Bill No. 6-2022 Septic Tank Maintenance and Excavation in the Village District, but there was a proposed written amendment submitted during the public hearing and comment process for Code Home Rule Bill No. 7-2022 Clarification of the Five-Acre Limitation for Certain Solar Arrays.

LEGISLATIVE SESSION

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

3rd Read and Vote – Code Home Rule Bill No. 6-2022 Septic Tank Maintenance and Excavation in the Village District

AN ACT to amend Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance, by revising Article V., *District Regulations*, Section 7. *Village District*, 7.3 *Special Exceptions*, by adding a new sub-section 14, “Septic tank maintenance and excavation;” by revising Article VII., *Special Exceptions*, Section 6. *Procedures*, by adding the special exception as a new number 39.5 to the un-numbered sub-section that lists those uses requiring review by the Planning Commission prior to review by the Board of Appeals; by revising Article VII., *Special Exceptions*, Section 7. *Special Exceptions*, by creating a new sub-section 54.5 to provide for conditions for the special exception; and by

clarifying the existing uses listed in the Land Use Ordinance by adding “and excavation” after “maintenance” in three places: Article V., *District Regulations*, Section 7. *Village District*, 7.2 *Permitted Principal Uses and Structures*, #27; Section 8. *Intense Village*, Section 8.2 *Permitted Principal Uses and Structures*, #10, and Section 9., *Intense Village Critical Area*, Section 9.2 *Permitted Principal Uses and Structures*, #13; and presented in the order that such provisions appear in the Land Use Ordinance.

Bill Mackey, Director, Planning, Housing, and Zoning (PHZ) gave a brief overview of Code Home Rule Bill No. 6-2022 Septic Tank Maintenance and Excavation in the Village District and answered questions the Board had for him. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to approve Code Home Rule Bill No. 6-2022. Code Home Rule Bill No. 6-2022 Septic Tank Maintenance and Excavation in the Village District passed without amendments.

3rd Read and Vote – Code Home Rule Bill No. 7-2022 Clarification of the Five-Acre Limitation for Certain Solar Arrays

AN ACT to amend Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance, Article VII, *Special Exceptions*, Section 7, *Special Exceptions*, §57.25, Solar energy systems, utility scale, on farms in the AZD and RCD, sub-section j. and sub-section k., in order to clarify language that relates to the area of use for permitted solar arrays and the limitations set forth for adjacent properties under sub-section j., and to clarify the area developed under sub-section k.

Mr. Mackey gave a summarization of Code Home Rule Bill No. 7-2022 Clarification of the Five-Acre Limitation for Certain Solar Arrays and the steps taken to produce the bill allowing it to be brought to the Commissioners for a vote and possible adoption. Mr. Mackey stated that representatives of SGC Power proposed a written amendment submitted during the public hearing and comment process. The proposed amendment seemed acceptable and was presented as an amendment by interlineation as an option for adoption as well as the original version of the bill as presented. Discussion took place. Mr. Yeager asked Mr. Mackey for confirmation that the Planning, Housing, and Zoning department recommended approval of the bill as amended by interlineation and Mr. Mackey confirmed. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to approve Code Home Rule Bill No. 7-2022 with the amendment. Code Home Rule Bill No. 7-2022 Clarification of the Five-Acre Limitation for Certain Solar Arrays was voted and adopted as amended by interlineation.

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

Mr. Mackey introduced Campbell Safian to the Board. Mr. Safian recently joined the PHZ department as the new Planning Specialist. Mr. Safian took a couple of minutes to tell

everyone a little bit about himself. The Commissioners welcomed him to the County and wished him well with his new endeavors with the PHZ department.

HUMAN RESOURCES

Marty Hale, Director, Human Resources, on behalf of Marty Holden, Division Chief, Environmental Operations, Public Works, presented a request to create two contractual Motor Equipment Operator (MEO) II positions. The Environmental Operations Division currently has two (2) MEO II employees who will be retiring within the next eight (8) months. It has been difficult recruiting, hiring, and retaining these positions over the last two (2) years. The proposed contractual workers will fill in when full-time vacancies occur, and as additional resources during weather events/emergencies or a staffing shortage. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved to create two (2) MEO II contractual positions in the Public Works, Environmental Operations Division.

COUNTY ADMINISTRATOR

Shelley Heller, Administrator, reported that there is an advertisement posted throughout Kent County reporting a scheduled meeting to take place at Wilmer Park on August 25, 2022, at 6:30 p.m. to discuss the hunting regulations of the Department of Natural Resources. This advertisement also states that the meeting is endorsed by the Commissioners of Kent County. The Commissioners announced that this meeting is not endorsed by the Commissioners, and they wanted to make the public and media very aware of this fact.

Ms. Heller, stated a correspondence dated July 1, 2022, was received from the Cacaway Farm Cooperative Housing Corporation, requesting an agreement be composed transferring the sewage disposal system to the County, making the final step of this project completed. Discussion took place. Mr. Yeager explained the agreement is currently under final review. The agreement is expected to be presented to the Commissioners soon. Discussion took place. Mr. Yeager added additional information to help explain the upcoming process.

Commissioner Mason asked Mr. Mackey for an update regarding the house fire on Daisy Drive in Millington. Mr. Mackey informed the Commissioners that he signed a contract on Monday to have the fence installed to surround the house. Mr. Mackey hopes the fence is in place by the end of the week. Mr. Mackey also gave an update regarding the contact he has made with the parties involved and where they are in the process of having this issue taken care of. Discussion took place. Mr. Yeager gave additional information regarding the court process if matters should evolve to that.

LETTERS FOR SIGNATURE

Four (4) citizen interest forms were received and forwarded to the appropriate Board and/or Committee. The Commissioners expressed their appreciation by a letter acknowledging the receipt of each interest form.

PUBLIC COMMENT

The procedures for public comment were in effect. Nick Watson was in attendance and requested a sewer allocation for a parcel located on Allens Lane in Rock Hall. The property is on a denied access line. Mr. Watson read a statement he prepared into the record. Discussion took place. The Commissioners asked staff to follow up with Mr. Watson and his request. Melissa McIntire, Kent County News, asked a follow-up question regarding the public meeting scheduled to discuss hunting regulations. Ms. McIntire's question was answered accordingly.

FOR YOUR INFORMATION

A correspondence dated July 6, 2022, was received from, Cindy Stone, Director, Community Development Programs, informing the Commissioners that there is no need for an amendment to Community Development Block Grant (CDBG) Number CV-1-7 Legal Services. The Planning, Housing, and Zoning department asked for an amendment to the CDBG for legal services due to fewer households needing rental assistance.

A correspondence dated July 20, 2022, was received from W.W. "Buck" Duncan, President, Mid-Shore Community Foundation, thanking the Commissioners for the allocation of funds for FY2023. These funds were used for the Imagination Library Kent County Fund. Mr. Duncan also thanked the Commissioners for their continued support.

CONTINGENCY FUND

The FY2023 Contingency balance as of July 19, 2022, is \$360,000.00, and no use of Fund Balance has been requested to date.

AMERICAN RESCUE PLAN ACT FUNDS (ARPA)

A copy of the American Rescue Plan Act (ARPA) Spend Plan outlining the approved expenditures to date was provided to the Commissioners for informational purposes.

CLOSED SESSION, PERSONNEL

At 6:54 p.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and carried unanimously to go 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.

Shelley L. Heller, County Administrator; Marty Hale, Director, Human Resources; Thomas N. Yeager, County Attorney; and Sondra M. Blackiston, Clerk/KATE Manager, were in attendance.

Topic to be discussed: Each candidate's qualifications to fill a vacancy by way of departmental transfer and compensation of specific individuals.

Reason for closing: Each employee's skills and qualifications are shielded from the public. Transfers and salary considerations of certain individuals are discussed confidentially.

Mr. Hale presented a request to fill the Deputy Clerk I vacancy in the Commissioners' Office. The Commissioners discussed the recommendations with staff.

At 7:14 p.m., a motion was made by Commissioner Fithian, seconded by Commissioner Jacob, and carried unanimously to adjourn the closed session and reconvene in open session.

OPEN SESSION, PERSONNEL

Commissioner Fithian summarized the closed session discussion. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to instruct staff to move forward with a personnel issue as discussed in the closed session.

At 7:16 p.m. a motion was made by Commissioner Fithian seconded by Commissioner Jacob, and the Board unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, August 9, 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

August 2, 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 a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, July 19, 2022.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, August 9, 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