

August 1, 2023

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 convened with the Pledge of Allegiance. Commissioner Fithian asked the audience to remain standing for a moment of silence for National Night Out tonight, hoping everyone that participates stays safe and the community can get together and work for the good of the community.

Shelley L. Heller, County Administrator, was also present.

PUBLIC NOTICE

Commissioner Fithian read the Adoption Notice into the record. Code Home Rule Bill 2-2023 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 update Article V. District Regulations, Section 11. Commercial District, § 11.5 Density, Area, Height, Width, and Yard Requirements, by adding a new provision to regulate the height of industrial structures in general and by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; to update Article V. District Regulations, Section 14. Employment Center District, § 14.5 Density, Height, Width, Bulk, and Fence Requirements, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; to update Article V. District Regulations, Section 15. Industrial District, §15.5 Density, Height, Width, and Fence Requirements, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; and to update Article XI, Definitions, Section 2. Definitions, by adding a new definition for the Route 301 Corridor, inserted as item #278.25. This legislation was adopted on July 18, 2023, without amendments; and the provisions of this Act took effect on July 28, 2023.

CONSENT ITEMS

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

1. Regular Session Minutes, July 25, 2023
2. Liquor Minutes, July 25, 2023
3. American Diabetes Association, Raffle Only, August 13, 2023

LEGISLATION SESSION

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to go into Legislative Session. Commissioner Fithian reviewed the protocols for a Code Home Rule Legislative Bill.

Jamie Williams, Director, Economic and Tourism Development, gave an overview of the history of The Residential Sprinkler Tax Credit that was first introduced on December 3, 2019, passed on January 21, 2020, and went into effect on March 6, 2020. The legislation expires on December 31, 2023.

The proposed legislative bill extends the tax credit to December 31, 2027, by an amendment to Chapter 152 Taxation, Article X. Residential Sprinkler Property Tax Credit of the Code of Public Local Laws of Kent County, Maryland. The purpose of the extension is to encourage growth in residential housing in the County. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to introduce Code Home Rule Bill No. 4-2023 Residential Sprinkler Property Tax Credit Extension and proceed with the legislative process.

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

HUMAN RESOURCES

Jim Miller, Director, Human Resources, presented a Finance Department Restructuring recommendation. In connection with recruiting to fill a vacant position within the Finance Department, a review of the positions of Finance Associate I, II, and III was conducted. The results of which led to the following recommendations: Eliminate the position of Finance Associate I (grade 4); change the title of Finance Associate II (grade 5) to Finance Associate, with no grade change; and re-title the position of Finance Associate III (grade 6) to be Finance Supervisor, with no grade change. There are no incumbents currently in the Finance Associate I position. There are no salary changes recommended as a result of the requested title changes. Discussion took place. Pat Merritt, Chief Finance Officer, Office of Finance recommended approval of the request. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved that the position of Finance Associate I be eliminated. Further, that the title of Finance Associate II be re-titled as Finance Associate, with no change in grade; and that the title of Finance Associate III be re-titled as Finance Supervisor, with no change in grade.

Mr. Miller requested approval to hire the recommended candidate for the Finance Associate position at the annual salary requested. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate for a conditional employment offer.

RECOGNITION

Commissioner Fithian stated that the Parks and Recreation department has certificates of recognition to present to their aquatic and camp staff for doing such an outstanding job this summer. Jill Coleman, Director, Parks and Recreation, has received numerous compliments about how professional, dedicated, and attentive the staff has been this season. The teamwork and worth ethic have been top-notch. A certificate of recognition will be given to the following: Camp Staff—Kaitlin Beck, Chanelle Copper, Juanita Demby, Alexis Landon, Vanessa Maddox, Kimora Major, Kayla Press, and Kiara Smith, Pool Cashiers – Carrigan Barrett, Jocelyn Clark, Mirabella Hitzges, Ashanti Roberts, Makenna Schultz, Alyesha Williams, and Lifeguards – Gillian Bonass, Marley Bonass, John Connolly, Drew Davis, Kate Ervin, Mary Jane Joiner, Liam Gallo, Lily Golden, Addisyn Litton, Logan Loller, Abigail Lum, Jaci Manning, Henry

Martinez, Alexis Morris, Nathan Olah, Tyler Olah, Ashlyn Orr, Jillian Orr, Tilghman Overton, Aaron Saunders, Lynden Saunders, Anna Squire-Southworth, Isabella Squire-Southworth, and Beach Supervisors – Joshua Iseman, Michael Iseman, and Donna Williams.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director; Planning, Housing, and Zoning (PHZ), presented a Resolution to forward to the Kent County Agriculture Advisory Commissioner and the Kent County Planning Commission, for their comments and recommendations regarding the Kent County Land Use Ordinance. The Proposal is to revise Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Land Use Ordinance, as part of comprehensive rezoning. Mr. Mackey abridged some of the proposed changes. A copy of the Proposed DRAFT Land Use Ordinance documents was presented for review. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Resolution 2023-14 to forward the Land Use Ordinance Proposal to the Kent County Agriculture Advisory Commission and Kent County Planning Commission for their comments and recommendations.

Commissioner Nickerson abstained from this request due to a potential conflict of ownership of certain properties being considered for easement acquisition. Carla Gerber, Deputy Director; PHZ, gave an overview of the Maryland Agricultural Land Preservation Foundation FY2024 Easement Rankings. The Maryland Agricultural Land Preservation Foundation (MALPF) is accepting easement applications for the FY2024 acquisition cycle. Regulations require that the County Commissioners review and approve the applications submitted to MALPF for appraisal and consideration for easement acquisition. Ms. Gerber further stated the County received twenty-four (24) applications to sell easements, and while the County may submit all applications, only twenty (20) will be appraised by MALPF. The extra applications will be substitutes for any applications in the top twenty (20) that become unnecessary if the owner accepts an FY2023 Round Two (2) offer. There are seven (7) applications that are still active in the FY2023 cycle. Applications were scored and ranked according to the County's Easement Prioritization Formula (EPF). After reviewing these rankings, the Agricultural Preservation Advisory Board voted to recommend the submission of the scored list as presented. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Fithian, the Commissioners by majority vote, approved the ranked list of applications for the FY2024 MALPF Easement Acquisition Program.

PUBLIC COMMENT

The procedures for public comment were in effect. Comments were offered by Melinda Bookwalter, resident of West Bridge Road (Millington), Kent County. Ms. Bookwalter thanked Commissioner Price for addressing the concerns of Kent County residents regarding Code Home Rule Bill 3-2023. Discussion took place.

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 July 25, 2023, is \$322,533.00. No use of Fund Balance has been requested to date.

CLOSED SESSION

At 6:34 p.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session to discuss personnel matters. 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; Bill Mackey, Director, Planning, Housing, and Zoning, and Sondra M. Blackiston, Clerk/KATE Manager, were also in attendance.

PERSONNEL

Topics to be discussed: Evaluating individual personnel matters with specificity.

Reasons for closing: To ensure that the information required for every discussion point is safeguarded.

Shelley L. Heller, County Administrator, discussed personnel matters with the Commissioners. At 6:51 p.m., Mr. Mackey left the closed session. All other persons remained, and the discussion continued.

At 7:15 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 Commissioners discussed a personnel matter in a closed session. The Commissioners evaluated the personnel matter and instructed staff to proceed with the Board's recommendation.

At 7:16 p.m., on a motion by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, August 8, 2023, at 10:00 a.m.

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Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

August 1, 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 was also present.

CONSENT ITEM

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, July 25, 2023.

PUBLIC NOTICE

Commissioner Fithian read a public notice into the record. Notice, Application has been made by members: Christian Havemeyer, Jameson C. Culp, and Karyn B. McAuliffe; representing White Swan Investors, LLC, for a Class B, Country Inn, Beer, Wine, and Liquor License on the premises known as: The White Swan Tavern, 213 High Street, Chestertown, MD 21620, which shall authorize the holder thereof to sell Beer, Wine, and Liquor at Retail, at the place therein described, for on-premises consumption to a registered guest. A hearing on the application will be held in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr. Government Center, 400 High Street, Chestertown, MD on August 29, 2023, at 10:00 a.m. at which time any exceptions to the application will be heard.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Sondra M. Blackiston, Clerk/KATE Manager gave an update on an establishment that surrendered its liquor license. The KATE Team has been working with the Frank M. Jarman American Legion Post #36 to address concerns about operations that were outside of the scope of its license. A closeout inspection of the Legion was completed on July 25, 2023. No alcohol was found on the premise; a bulk transfer permit is not applicable. License No. 4776; a Class C Beer, Wine, and Liquor license was voluntarily surrendered before its expiration date. A prorated refund will be granted per Annotated Code of Maryland, Alcoholic Beverages 24-1408. This action brings the matter to a conclusion. This transaction will be recorded in the monthly report of retail license activity required by the Comptroller of Maryland, Field Enforcement Division.

At 7:16 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price, and the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, August 8, 2023, at 10:00 a.m.

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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