

July 19, 2022

A meeting of the County Commissioners of Kent County was called to order at 6:01 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 loss of Dr. Neil Brayton and asked to keep his family in everyone's thoughts and prayers.

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

CONSENT ITEMS

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

1. Regular Session Minutes, July 12, 2022
2. Liquor Minutes, July 12, 2022
3. Closed Session Minutes, July 12, 2022
4. Betterton Volunteer Fire Company, Combined Gaming, August 6, 2022
5. Main Street Rock Hall, Raffle Only, October 7, 2022

PUBLIC HEARINGS – CODE HOME RULE BILL NO. 6-2022, SEPTIC TANK MAINTENANCE AND EXCAVATION IN THE VILLAGE DISTRICT, AND CODE HOME RULE BILL NO. 7-2022, CLARIFICATION OF THE FIVE-ACRE LIMITATION FOR CERTAIN SOLAR ARRAYS

Public hearings were held on the following: Code Home Rule Bill No. 6-2022, Septic Tank Maintenance and Excavation in the Village District, and Code Home Rule Bill No. 7-2022, Clarification of the Five-Acre Limitation for Certain Solar Arrays. Public information regarding the above-mentioned hearings and minutes are posted on the County's website at <https://www.kentcounty.com/commissioners/meeting-agenda>.

PROCLAMATION

The Kent County Clover Calf 4-H Club is celebrating 100 years of Tradition and Continuous Operation. Commissioner Mason read the proclamation. The Kent County Clover Calf 4-H Club was formed in 1922 under the leadership of County Agent, H.B. Derrick with six (6) members. Members of the Kent County Clover Calf 4-H Club are offered the opportunity of learning how to be respectful, responsible, quality leaders and compassionate community members that know how to help each other.

Kent County Clover Calf 4-H Club is reported to have a remarkable six generations of families as members. The club will be honored at the Kent County Fair held at the Kent County Ag Center in Tolchester on July 21, 2022, after opening ceremonies.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director, Planning, Housing, and Zoning presented a revised Forest Conservation Easement and Agreement template for approval. On January 6, 2022, the Kent County Planning Commission reviewed a proposed Forest Conservation Easement and Agreement template for use by applicants to streamline the review process. As part of Final Forest Conservation Plans, such agreements are required to ensure the permanent protection, management, and inspection of forests that are being protected. The draft was compiled from a review of several existing Forest Conservation Easements from neighboring counties and prepared by the Planning Commission attorney, Cynthia McCann, Esq. If a standard template is adopted, it will help streamline the process. Applicants would not need to ask for examples of other deed restrictions, and staff would not need to spend as much time on review. The Planning Commission recommended a favorable approval of the proposed template. Discussion took place. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the revised Forest Conservation Easement and Agreement template as presented.

PARKS AND RECREATION

Myra Butler, Director, Parks and Recreation, presented a request to approve and adopt the 2022 Land Preservation, Parks and Recreation Plan (LPPRP). Over the last eighteen (18) months, the Parks and Recreation Department, the Department of Public Works, and numerous other individuals and organizations collaborated to update the 2022 LPPRP. The Plan is required to qualify for annual Program Open Space grant funding used to develop parks and recreation facilities. It is used as a guide for the next five years to aid the County in reaching its goals for recreation programming, facilities development, preserved lands, and natural resource lands. Ms. Butler introduced Kat Stork Blaher, Principal, Shore Strategies, LLC, who helped in the process of collecting data and preparing the Plan. Ms. Blaher went over the Plan in detail. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved and adopted the 2022 Land Preservation, Parks and Recreation Plan as presented.

DETENTION CENTER

Herbert Dennis, Warden, Kent County Detention Center (KCDC), presented a request to approve the extension of an existing contract with Correct Rx, LLC for pharmacy services for KCDC detainees at the facility. Correct Rx, LLC fills and delivers medication orders to the Detention Center for inmates. Discussion took place. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the contract renewal with Correct Rx, LLC. Correct Rx, LLC will continue to provide services to the KCDC for FY2023 to fill and deliver medication(s) for inmates.

Warden Dennis presented a request for approval to renew the contract with Correctional Mental Health Services, LLC to provide mental health services for inmates. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously

approved signing the FY2023 mental health contract renewal with Correctional Mental Health Services, LLC. for the Kent County Detention Center in the amount of \$64,514.73. Correctional Mental Health Services will continue to provide mental health services for inmates during FY2023.

Warden Dennis presented a request for approval to renew and extend the contract with Mid Shore Behavioral Health for the FY2023 Maryland Community Criminal Justice Treatment Program. Mid Shore Behavioral Health partners with the Kent County Detention Center to fund up to \$51,625.00 for mental health services for the inmates. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved signing the Agreement of Renewal and Extension with Mid Shore Behavioral Health for the FY2023 Maryland Community Criminal Justice Treatment program.

Warden Dennis presented a request for approval to renew the contract with Conmed, LLC for FY2023. Conmed, LLC has provided medical services for the inmates at the Detention Center since 2007. Conmed, LLC has requested a 4% increase to the renewal of the FY2023 contract to continue to stay competitive with the workforce, the Detention Center included this increase in their FY2023 budget. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved signing the FY2023 health care services contract with Conmed, LLC for the Kent County Detention Center in the amount of \$406,630.72.

KENT COUNTY LOCAL MANAGEMENT BOARD (KCLMB)

Dawson Hunter, Housing and Transportation Coordinator, Kent County Local Management Board (KCLMB), and Rick Carter, Owner, Delmarva Craft, LLC, presented an interim report on the Chestertown, Rock Hall, and Tolchester transportation shuttle. Mr. Carter stated that the ridership has increased more and more with the realization that the services are available. There is an increase in traffic to Chestertown and Tolchester. The service receives the most riders from Rock Hall. There have been ninety (90) calls received for rides outside the service hours of Friday, Saturday, and Sunday. The shuttle will run an extra day the week of July 18th to take people to and from the Kent County 4-H Fair. Mr. Hunter relayed that the shuttle has adapted to an on-demand style of service as opposed to scheduled routes. It is important to know that charging \$5.00 and \$10.00 will not sustain a service like this and without business and government support, the rates will have to be much higher. Advertising for the shuttle can be found on all media platforms such as social, print, radio, and direct outreach to businesses and religious communities. The shuttle service has created four additional employment opportunities in the County. Discussion took place. Mr. Hunter and Mr. Carter anticipate that the shuttle services will continue to expand and grow.

Rosemary Ramsey Granillo, Director, KCLMB, presented a First Amendment to the Minary's Dream Alliance contract for the administering of food items to the elderly. Ms. Ramsey Granillo stated that the amendment to the contract is due to the increase in the cost of food from inflation but there is no cost increase to the contract. The money will be shifted from

labor to food. Minary's Dream Alliance has secured a matching grant from the United States Department of Agriculture (USDA) effective July 1, 2022. These funds help cover the expenses for the last three months of the contract. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the Amendment to the Feed the Elderly Contract with Minary's Dream Alliance.

ECONOMIC AND TOURISM DEVELOPMENT

Jamie Williams, Director, Economic and Tourism Development, presented Rural Maryland Economic Development Fund Project submissions for review. On February 18, 2022, Governor Hogan announced a new \$50 Million Rural Maryland Economic Development Fund. Grants of up to \$10 Million for each Rural Regional Council were made available to address key issues such as infrastructure, broadband, and workforce. The funding was approved by the General Assembly. Kent County was allocated \$2.9 Million of these funds. Commerce finalized the application and provided an overview and Frequently Asked Questions (FAQs) to help with the process of submitting applications for these projects. Additional questions and information were requested from the Regional Councils and answers were provided by Commerce. In anticipation of the project submittals, Economic and Tourism Development has been communicating with the County staff, municipalities, and organizations that have inquired about the funding. On May 26, 2022, the County Commissioners agreed the Department of Economic and Tourism Development would collect project submissions and provide them to the County Commissioners for consideration prior to submitting them to the Upper Shore Regional Council (USRC) for their review. These projects need to be submitted to the USRC in early August. Twelve projects were submitted, after reviewing all project submissions and conducting multiple discussions with all those involved, the submissions were pared down to four projects based on economic impact, County priorities, and alignment with planning documents of record. Ms. Williams discussed the proposed projects. Mike Moulds, Director, Public Works, Mr. Mackey, and Bryan Matthews, Vice-President, KRM Development, gave additional input regarding the proposed projects as the discussion ensued. The Commissioners will need to approve the projects submitted to USRC with a resolution by September 2, 2022.

Commissioner Fithian excused himself from the meeting at 7:54 p.m.

COUNTY ADMINISTRATOR

Shelley Heller, Administrator, reported that the Commissioners' meeting scheduled for August 30, 2022, has been canceled due to a staffing shortage.

Ms. Heller, on behalf of Marty Hale, Director, Human Resources, presented a request to fill an MEO II vacancy for the Public Works Environmental Operations Division. The recommended candidate is currently a part-time Seasonal Maintenance Worker and is being recommended for a transfer. On a motion by Commissioner Jacob and seconded by Commissioner Mason, the Board approved by majority the transfer of the recommended candidate to the MEO II position in the Public Works Department, Environmental Operations Division as requested.

Ms. Heller, on behalf of Genevieve Croker, Executive Director, Rebuilding Together Kent County (RTKC), presented a request for a letter of support. RTKC is applying for the Maryland Affordable Housing Trust grant, which they applied for last year as well. This grant will fund projects to help income-eligible families that need home repairs that they themselves cannot afford to do. On a motion by Commissioner Jacob and seconded by Commissioner Mason, the Board approved by a majority to sign the letter of support. A letter of support will be sent to Kecia A. Campbell, Community Development Programs, Maryland Department of Housing and Community Development.

Ms. Heller, on behalf of Dr. Clifford P. Coppersmith, President, Chesapeake College, presented a request for approval of a revised operating budget by function and a one-time fund balance request. Chesapeake College reported an increase in FY2023 State funding of \$1,295,019.00 resulting from the Senator John A. Cade Funding Formula and Budget Reconciliation and Financing Act of FY2023. The college has prepared a revised FY2023 budget plan because of the increase in state funding. The revised budget proposal does not require any additional financial support from the college's five support counties. The college's Board of Trustees met on April 27, 2022 and approved the revised budget. The revised proposal provides an additional salary increase to full-time employees of 3% which brings the total increase for employees to 5% for FY2023. As part of this revised FY2023 Budget proposal, the college is also requesting the use of the college fund balance for two specific projects: \$50,00.00 for a Queen Anne Technical Building Program Statement Consultants and \$50,000.00 for an Applicant Tracking, Onboarding and Professional Development Human Resource Software and Implementation. Formal approval for the two requests presented: a Revised Operating budget by the function of \$26,332,082.00 and a One-Time Fund balance request of \$100,000.00. On a motion by Commissioner Jacob and seconded by Commissioner Mason, the Board approved by a majority the request as presented. The Commissioners approved a revised operating budget by function and a one-time fund balance request for Chesapeake College.

PUBLIC COMMENT

The procedures for public comment were in effect. Melissa McIntire, Kent County News, asked for clarification of the funds allocated for the Chestertown, Rock Hall, and Tolchester transportation shuttle. Her question was answered accordingly.

FOR YOUR INFORMATION

Correspondence was received from Craig Kuhn, Program Manager Forest Pest Management, Maryland Department of Agriculture, Office of Plant Industries and Pest Management, informing the Commissioners of the 2021 Gypsy Moth Survey Report for Kent County.

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.

CONTINGENCY FUND

The FY2023 Contingency balance as of July 12, 2022, is \$360,000.00, and the FY2023 No use of Fund Balance has been requested to date.

At 8:17 p.m. a motion was made by Commissioner Jacob, seconded by Commissioner Fithian, and the Board unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, August 2, 2022, at 6:00 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

P. Thomas Mason, President
The County Commissioners
of Kent County, Maryland

July 19, 2022

PUBLIC HEARINGS

County Commissioners P. Thomas Mason, Presiding, Ronald H. Fithian, and Robert N. Jacob, Jr., were in attendance as well as Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; and Bill Mackey, Director, Planning, Housing, and Zoning.

The rules for the public hearings were in effect. Thomas N. Yeager, County Attorney read both public hearing notices into the record and reviewed the procedures for testifying.

CODE HOME RULE BILL NO. 6-2022, SEPTIC TANK MAINTENANCE AND EXCAVATION IN THE VILLAGE DISTRICT

The first of two public hearings commenced at 6:06 p.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. 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) summarized the intent of the legislation and explained the legislative process thus far. On May 5, 2022, the Planning Commission reviewed an application submitted by Steven Green of Green's Septic and Excavation. Following a public hearing and discussion, on May 5, 2022, the Planning Commission favorably recommended the zoning text amendment to the County Commissioners noting that the public need is to support small businesses and allow their expansion in the proper places. The 2018 Kent County Comprehensive Plan recognizes the importance of supporting existing businesses and providing for more diversity in the size, number, and types of businesses by promoting the development of small, locally owned businesses. Citizens were invited to comment on the proposed legislation. No comments were received. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously closed the public hearing for CHR 6-2022.

CODE HOME RULE BILL NO. 7-2022, CLARIFICATION OF THE FIVE-ACRE LIMITATION FOR CERTAIN SOLAR ARRAYS

The second hearing commenced at 6:14 p.m. A public hearing to discuss 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 Agricultural Zoning District and Resource Conservation District, 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 summarized the intent of the legislation and explained the legislative process thus far. Per the request of the Board of Appeals, the Department of PHZ proposed to clarify language the Board of Appeals found unclear while reviewing a recent special exception for a *Solar Energy System, utility scale*. The Board of Appeals denied the request, suggesting that the Department of PHZ put forward a zoning text amendment (ZTA). The ZTA addresses Article VII, Section 7, §57.25, sub-section j. and sub-section k. (LUO, p. 428). On June 2, 2022, the Planning Commission held a public hearing and reviewed the revised language proposed by staff based on the changes suggested by the Board of Appeals. The Planning Commission voted to send a favorable recommendation and on June 2, 2022, sent a letter to the County Commissioners with one minor change to the proposed text. A piece of correspondence dated July 19, 2022, from Tyler Jones, Director - Legislative Affairs, SGC Power, was received in support of the text amendment and proposed a revision to the ZTA. Citizens were invited to comment on the proposed legislation. Mr. Jones signed the testimony log and confirmed his support for the text amendment and with the amendment. Bruce Wilson, Project Developer, SGC, called in to comment and relayed his support for the text amendment. No other comments were received. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously closed the public hearing for CHR 7-2022. The public hearing adjourned at 6:21 p.m.

It was noted during the meeting that written comments would be accepted in the County Commissioners' Office until Friday, July 22, 2022, at 12:00 p.m. for both Code Home Rule Bill Nos. 6-2022 Septic Tank Maintenance and Excavation in the Village District and 7-2022 Clarification of the Five-Acre Limitation For Certain Solar Arrays. The legislative bills are scheduled to be considered for a vote on Tuesday, August 2, 2022.

Respectfully submitted,

Sondra M. Blackiston
Clerk/KATE Manager

Public Hearing Minutes – Code Home Rule Bill Nos. 6-2022 Septic Tank Maintenance and
Excavation in the Village District and 7-2022 Clarification of the Five-Acre Limitation For
Certain Solar Arrays
July 19, 2022
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Approved:

P. Thomas Mason, President
The County Commissioners
of Kent County, Maryland

July 19, 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, Thomas N. Yeager, County Attorney, and Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE) were also present.

CONSENT ITEM

On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, July 12, 2022.

SPECIAL CLASS C LICENSES

Downtown Chestertown Association (DCA) submitted three (3) Special Class C (Per Diem) liquor license applications for the following dates and events located at 335 High Street, Chestertown:

- July 29 and 30, 2022 to sell beer only from 5 – 8 p.m. under a tent located during the Crazy Days two-day event.
- August 5, 2022, during the First Friday event to sell beer only from 5 – 7 p.m. from a beer truck.
- October 7, 2022, during the First Friday event to sell beer only from 5 – 7 p.m. from a beer truck.

There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the applications for DCA as presented.

Betterton Volunteer Fire Company submitted a Special Class C (Per Diem) liquor license application for August 5 and 6, 2022 to sell beer and wine during the Betterton Appreciation Days two-day event. This event will take place from 10 a.m. – 6 p.m. at Betterton Beach on both days. There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application as presented.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE) stated that she completed twenty-nine (29) tobacco compliance checks at County retail establishments licensed to sell tobacco and electronic cigarettes/products. Ten (10) establishments were non-compliant and sold a tobacco product to a minor. Citations have been issued to each non-compliant establishment, and a second compliance check will occur within thirty (30) to sixty (60) days from the date of the violation.

LICENSE UPDATES

Inspector Pearsall conveyed that there are three (3) establishments still on a payment plan and staff is working with each establishment to collect payment in full. Three (3) businesses are operating without a valid trader's (business) license. Several site visits have occurred and notice of operating without a valid trader's (business) license has been issued. If the establishments fail to remedy the issue, there may be a need to summon the businesses for an administrative hearing in August. License No. 4829 was issued to Brampton Inn Bed and Breakfast as all contingencies were met. One (1) business has permanently closed; Two Tree Restaurant in Millington. Inspector Pearsall stated she has contacted the owner of the establishment and there are plans to schedule a close-out inspection of the premises. Three (3) businesses have expressed interest in expanding their services by adding a liquor license, Karma Cleanse Café, Flagship Cinemas Chestertown, and Phat Daddy's BBQ.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, August 2, 2022, at 6:00 p.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