

July 16, 2024

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 everyone to remain standing for a moment of silence for the families of the slain and injured men during the Presidential Campaign in Pennsylvania while attending the former President Donald J. Trump rally.

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

PUBLIC NOTICE

Commissioner Fithian read the Public Notice. A New IPTV Cable Franchise Agreement Between Kent County and Talkie Communications, Inc., and a resolution by the County Commissioners of Kent County authorizing the execution of a cable franchise agreement between the County and Talkie Communications, Inc. A public hearing will be held on July 23, 2024, at 10:00 a.m. in the Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland to consider a new IPTV cable franchise agreement and a resolution to execute a cable franchise agreement. The agreement, resolution, and all related documents are on file at the Commissioners' Office, Monday through Friday, 8:30 a.m. to 4:30 p.m., and on the County's website at www.kentcounty.com or available by calling the Office of the County Administrator at 410-778-4600 and press 4.

CONSENT ITEMS

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

1. Regular Session Minutes, July 9, 2024
2. Liquor Minutes, July 9, 2024
3. Public Hearing Minutes July 9, 2024
4. Closed Session Minutes, July 9, 2024
5. Bill Mackey, Director of Planning, Housing, and Zoning - FY2025 Critical Area Commission (CAC) Grant Agreement No. K00P5600019 For \$5,000.00 and Signature Form
6. Dan Mattson, Director of Public Works - Maryland Environmental Service, Midshore II Regional Landfill Tipping Fees \$140,000.00
7. Mr. Mattson, FY2025 PW23-15 July 1, 2024, through June 30, 2025, Petroleum Fuels and Propane Deliveries: Contract A Diesel \$6,099.00; Contract B Heating Oil \$2,698.50; Contract C Propane \$23,836.00; Contract D Gasoline \$623.75

RECOGNITION

Jamie Williams, Director, and Katie Abbott, Economic Development Manager of Economic and Tourism Development, coordinated a special recognition. Ms. Williams explained Robbie Jester's culinary and community accomplishments in Kent County. Ms. Williams acknowledged Judy Crow, an Economic and Tourism Development Commission member, for coordinating the recognition. Commissioner Nickerson read the Certificate of Recognition into the record. Mr. Jester accepted the certificate and shared his heartfelt thanks for the meaningful gesture.

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney, discussed Code Home Rule Bill No. 5-2024 to amend Chapter 120 Pawnbrokers and Secondhand Dealers, Code Home Rule Bill 6-2024 Maryland Clean Energy Loan Program, and Code Home Rule Bill No 4-2024 To Rescind and Replace the Official Zoning Map. Mr. Yeager summarized actions the Commissioners could consider. Sheriff Dennis Hickman, Sheriff's Office, Ms. Abbott, Economic Development Manager, Economic and Tourism Department, and Carla Gerber, Deputy Director of Planning, Housing, and Zoning, joined Mr. Yeager in providing additional information and answering questions.

LEGISLATION SESSION

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

Introduction of Code Home Rule Bill No.5-2024 to amend Chapter 120 Pawnbrokers and Secondhand Dealers.

Sheriff Hickman discussed Code Home Rule Bill No. 5-2024, AN ACT concerning Chapter 120 Pawnbrokers and Secondhand Dealers of the Code of Public Local Laws of Kent County, Maryland. FOR the purpose of clarifying definitions to not include a firearm purchased or sold in a transaction regulated by a federal firearms license. BY repealing Chapter 120 Pawnbrokers and Secondhand Dealers and reenacting with amendments Chapter 120 Pawnbrokers and Secondhand Dealers, Section 120-2 Definitions. 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 5-2024 and for the Bill to be scheduled and advertised for a public hearing.

Introduction of Code Home Rule Bill No. 6-2024 to amend Chapter 152 Taxation, Article VII Clean Energy Loan Program

Ms. Abbott discussed Code Home Rule Bill No. 6-2024, AN ACT to amend Chapter 152 Taxation, Article VII Clean Energy Loan Program §§ 152- 30, 152-31, and 152-32 of the Code of Public Local Laws of Kent County, Maryland FOR THE PURPOSE of defining certain terms: establishing a Clean Energy Loan Program for commercial property owners; establishing the scope of and eligibility for the Clean Energy Loan Program; providing for qualifying criteria; establishing a calculation of the clean energy loan surcharge, providing for

a recorded notice; providing for the collection of loan payments; establishing default procedures; providing for financing or refinancing of Qualifying Projects under the Clean Energy Loan Program; providing for the application of this Act; and generally related to the Clean Energy Loan Program and real property taxes as consistent with provisions and the authority of the Annotated State Code of Maryland, Local Government Article, §1-1102. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the introduction of amended legislation, Code Home Rule Bill 6-2024 Maryland Clean Energy Loan Program, and for staff to schedule a public hearing.

3rd Read and Vote – Code Home Rule Bill No. 4-2024 To Rescind and Replace the Official Zoning Map

AN ACT to rescind and replace the Kent County, Maryland Official Zoning Map, in its entirety, which is adopted both as a part of and in reference to Chapter 222, “Unified Development Ordinance,” of the Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use Ordinance, to implement the recommendations of the Kent County Planning Commission on proposed revisions to the Official Zoning Map, which are based on the Kent County Planning Commission’s review, as part of the 2020–2024 Comprehensive Rezoning and Update process; and including certain non-codified provisions to address scrivener’s errors, symbology, graphic legibility, and readability, et al.; instructions to County staff related to revisions requested by the Critical Area Commission for provisions in the 2024 Land Use Ordinance, which directly relate to the Zoning Map; relationships with Buffer Modified Area Maps and FEMA federal floodplain maps; and the effective date related to the required Critical Area Commission review and approval of the zoning map itself, per Md. Code Ann., Natural Resources § 8-1809, as the same may be amended occasionally.

Ms. Gerber gave a brief overview of Code Home Rule 4-2024 and answered questions from the Board. The Bill was introduced and read for the first time on June 11, 2024, and the public hearing was held on July 9, 2024. Two members of the public spoke: Trey Jones and Kevin Kimble. The speakers each addressed applications they submitted requesting zoning map changes. Ms. Gerber reviewed a letter dated July 11, 2024, from F. Joe Hickman, Chair, Kent County Planning Commission. Regarding the request by Mr. Kimble to split zone his property, the staff does not recommend split zoning the property. General agriculture use is allowed in Community Residential (CR), and Mr. Kimble could establish deed-restricted agricultural buffers if desired. When the property is sold, split zoning could lead to difficulties because intense animal agriculture is allowed in the Agricultural Zoning District (AZD) but not in CR. Additionally, Mr. Kimble's farm already has a wooded stream buffer that separates his farm from the farms located to the west. Regarding Mr. Jones' request to remove all employment centers from the currently split-zoned property, staff recommended the elimination of the split zoning.

The proposed Zoning Map may be amended at the third reading. Such an amendment would require a description in writing and a formal vote. After adoption by the County Commissioners, the Critical Area Commission (CAC) will then review and make its recommendations and the County must hold a second, three-part legislative process to adopt any changes recommended by the CAC’s review.

Options A through D were provided for discussion. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the adoption of Code Home Rule Bill No. 4-2024, and to replace the official zoning map for Kent County with the most recent recommendation of the Planning Commission's advice to the County Commissioners. Per Option B staff will revise Exhibit A by eliminating split zoning on the property described as Map 24, Parcel 2 by indicating the entire property as AZD.

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to adjourn the legislative session.

APPOINTMENT

UPPER SHORE AGING, INC.

Herb Cain, Director, and Jennifer Cox, Senior Care Program Case Manager, of Upper Shore Aging, Inc., submitted the Upper Shore Aging (USA) Senior Care Program Plan for Kent County for review and approval. The goal of the Senior Care Program remains the same: to assist adults aged 65 and older who are at risk of long-term care placement to continue living independently in the community for as long as possible. The Kent program served 74 seniors in the previous year. USA ended the year with a waitlist of 8 clients due to limited funds and the part-time case manager's capacity to admit all new referrals. The good news for the upcoming year is that the Department of Aging has allocated additional State funds, resulting in a \$40,000.00 increase in the agency's grant from the previous year, from \$120,000.00 to \$160,000.00. This marks the largest increase for USA ever. Of the additional funds, 10% will be allocated for program administration, 40% will be allocated to upgrade the Case Manager position to full-time, and 50% will be allocated for direct client services. In the upcoming year, USA plans to continue collaborating with community partners who share the same goal of providing services to as many vulnerable adults as possible. The program narrative, the budget workbook, and the State senior care funding allocation chart were available for review. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Annual Senior Care Plan as presented.

PUBLIC WORKS

Environmental Operations Division: Mr. Mattson discussed the Nicholson Groundwater Treatment - Notice of Intent to Award Contract. Bearing Construction, the responsive low bidder for the Nicholson Landfill Groundwater Treatment Facility contract has agreed to extend the bid award deadline for the project to July 31, 2024, if a Notice of Intent to Award was issued by the County before July 17, 2024.

At the request of the County Commissioners, a meeting was held on July 10, 2024, with various representatives from the Maryland Department of the Environment (MDE). Commissioner Fithian, Shelley L. Heller, Mike Moulds, Consultant, Mr. Mattson, and Carrie Klein, Deputy Director of Public Works, attended the meeting on behalf of the County. During the meeting, Commissioner Fithian expressed his concerns regarding the proposed project's cost,

value, and impact. MDE indicated that they had performed some preliminary review of the existing conditions and scope of the project and made general recommendations regarding potential alternatives to the project that may achieve the desired result at a significantly lower cost. The meeting concluded with all parties agreeing to hold additional, technically oriented meetings and/or site visits to evaluate and refine MDE's suggestions and further vet the rationale of the currently proposed project. Additional meetings/site visits with MDE will not occur before the contract award deadline. Formal action is being requested from the Commissioners to reject project bids and pursue further evaluation with MDE. Alternatively, the Commissioners may elect to forgo further evaluation and award the contract for the current design per the bids received in February 2024. It is and has been for the duration of this project, the intent of Public Works and all project stakeholders to conclude efforts with the best design for the County - achieving the project goal of reducing the iron content of stream discharge to permissible levels most efficiently and cost-effectively possible. However, it should be noted that further coordination with MDE may ultimately conclude that the currently proposed project is the correct and most efficient approach, and the project should proceed as designed. If that were to be the case, the project would require re-bidding. Prior to any rebid, Public Works would work with the project design consultants to Value Engineer the design to the greatest extent practicable to reduce costs; however, certain material and component costs are anticipated to increase due to the rebid.

The Commissioners also received a letter dated June 28, 2024, from Terry S. Fearins, Community Programs Director of the United States Department of Agriculture (USDA), advising the Notice of Obligation for the Nicholson Landfill Remediation project. USDA Funding has been approved and obligated to fund the entirety of the currently proposed project. A USDA letter indicating the same has been attached to this item. No action is requested regarding USDA funding, as a portion (or all) of the obligated funding may be required after evaluation with MDE and potential rescoping of the project.

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to reject bids for the Construction Upgrades to the Nicholson Landfill Groundwater Treatment Facility contract and authorized Public Works to further evaluate the project scope with the Maryland Department of the Environment.

Commissioner Price requested Ms. Reni's ditch project status in Rock Hall. Mr. Mattson stated that the release should be signed this week and that the project should be completed in two weeks.

ECONOMIC AND TOURISM DEVELOPMENT

Ms. Williams is partnering with the Town of Millington to secure funding for the renovation of Millington Elementary School to turn it into the Millington Community Resource Center. The proposed funding will go towards replacing the roof and installing a fire suppression system. Ms. Williams requested approval of a letter of support to the Maryland Department of Housing and Community Development for the Town of Millington's application for the project. Discussions have taken place regarding the project. On a motion made by Commissioner Price

and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the letter of support for the Town of Millington's FY2025 Maryland Community Legacy Grant Application for the Millington Community Resource Center.

COUNTY ADMINISTRATOR

Shelley Heller, County Administrator, advised the Board that Craig Kuhn, Program Manager, Forest Pest Management (FPM), Maryland Department of Agriculture, sent the County documents regarding FPM's post-survey report. Upon receiving a report from a concerned landowner, a significant spongy moth defoliation was found just east of Rock Hall. Trees experiencing defoliation for one or more years may be weakened and susceptible to other diseases and mortality. Annual spongy moth surveys and spongy moth aerial suppression can save these trees. Currently, the county cost share for surveys is \$18.00 per survey, and it is estimated that between 100 and 200 surveys are needed to assess Kent County. Therefore, this would be an estimated cost not to exceed \$3,600.00 for the County in the spring of 2025. Cost share on suppression varies and is often not needed for several years. FPM requested input from the County if it wishes to participate in the fall/winter 2024/2025 spongy moth survey season. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved not to exceed \$3,600.00 from the County Contingency Funds for the monitoring and survey of the sponge moth.

DOCUMENT FOR SIGNATURE

On July 9, 2024, the Commissioners unanimously approved the Amended and Restated Memorandum of Understanding (MOU) By and Between the Midshore Regional Counties and the Maryland Environmental Service for Solid Waste Disposal with the discussed fees to start on July 1, 2024. The final MOU was submitted for signature.

PUBLIC COMMENT

The procedures for public comment were in effect, but no one signed up to speak.

FOR YOUR INFORMATION

The Commissioners received a letter dated July 1, 2024, from Suzanne Einstein, President of the Greater Rock Hall Business Association. Ms. Einstein thanked the Commissioners for the County's contribution toward a shuttle bus service.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

The Commissioners were provided with a copy of the ARPA Spend Plan outlining the approved expenditures to date for informational purposes.

CONTINGENCY FUND

The FY2025 Contingency balance as of July 9, 2024, is \$377,450.00. The FY2025 use of Fund Balance is \$23,153.00.

At 6:56 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, July 23, 2024, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

July 16, 2024

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, July 9, 2024.

SPECIAL CLASS C LICENSES

The Echo Hill Outdoor School (EHOS) applied for a Special Class C (Per Diem) liquor license to sell beer and wine during its "Crabs on High Street" fundraising event. The event is scheduled to take place on July 20, 2024, from 4:00 p.m. to 8:00 p.m., at the Foot of High Street in Chestertown. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Special Class C (Per Diem) liquor license application for Echo Hill Outdoor School.

The Rock Hall Lions Club submitted a Special Class C (Per Diem) liquor license application for approval. The Lions Club would like to sell beer, wine, and liquor on August 10, 2024, from 10:00 a.m. to 4:00 p.m., at Ferry Park Beach during the Pirates and Wenches weekend event. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Special Class C (Per Diem) liquor license application for the Rock Hall Lions Club.

Singles on Sailboats (SOS) submitted a Special Class C (Per Diem) liquor license application for approval. SOS would like to sell beer, wine, and liquor during a get-together at Lankford Bay Marina on August 17, 2024, from 4:00 p.m. to 10:00 p.m. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Special Class C (Per Diem) liquor license application for Singles on Sailboats.

Each application was reviewed, and no objections were raised before the Board voted on each application.

At 6:56 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price; the Commissioners unanimously approved to adjourn the meeting. The Board is scheduled to meet again on Tuesday, July 23, 2024, at 10:00 a.m.

Liquor Minutes
July 16, 2024
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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