

July 9, 2024

A meeting of the County Commissioners of Kent County was called to order at 10:00 a.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 silent for the recent passing of Basil Wadkovsky, an attorney and a member of the Elks Lodge. Commissioner Fithian asked to keep his family in our thoughts and prayers.

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

CONSENT ITEMS

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved all the following ten consent items as presented:

1. Regular Session Minutes, June 25, 2024
2. Liquor Minutes, June 25, 2024
3. Closed Session Minutes, June 25, 2024
4. Rock Hall Volunteer Fire Company, Combined Gaming Device, July 27, 2024
5. Kent County Memorial VFW Post 652, Raffle Only, July 15 – November 30, 2024
6. Kent Agricultural Center, Raffle Only, July 20, 2024
7. Jamie Williams, Director, Economic and Tourism Development – Letter of Support FY2025 Rural Maryland Council, RMPIF Grant - Millington Community Resource Center
8. Dan Mattson, Director, Public Works, FY2025 Johnson Controls Planned Service Agreement Renewal – Entering Year 3 of 5 contract amount \$242,702.00
9. Mr. Mattson, FY2025 Janitorial Service Contract Renewal with Sentral Services, LLC – Entering Year 2 contract amount \$210,708.00
10. Bill Mackey, Director, Planning, Housing, and Zoning – Maryland Community Development Block Grant Semi-Annual Report for Housing Counseling Grant MD-22-CD-1

PUBLIC HEARING – CODE HOME RULE BILL NO. 4-2024, TO RESCIND AND REPLACE THE OFFICIAL ZONING MAP

A public hearing was held for the proposed Code Home Rule Bill No. 4-2024, To Rescind And Replace The Official Zoning Map. Public information regarding the hearing and minutes are posted on the County's website at www.kentcounty.com/commissioners/meeting-agenda.

APPOINTMENTS

TOWN OF MILLINGTON

Jo Manning, Town Administrator: The Town of Millington is seeking County funds to assist with the cost of evaluating the drainage ditch that will be impacted by the projects around north/west Millington. A copy of the letter dated June 11, 2024, from Millington's Mayor and Council requesting funds for Phase 1 of stormwater needs in Millington and its relationship to the public tax ditch was made available. Ms. Manning confirmed that part of the Town's share of the funding is intended to come from the Tax Ditch Fund. Ms. Manning further explained that the town plans to apply for a United States Department of Agriculture Rural Development (USDA) Special Evaluations Assistance for Rural Communities and Households (SEARCH) grant of \$30,000.00 to help fund the project. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved \$7,550.00 of FY2025 contingency funds for the proposed project, as presented, contingent upon successfully receiving funds from the grant.

UPPER SHORE CLUSTER, UNIVERSITY OF MARYLAND

Paul R. Rickert, Area Extension Director of Upper Shore Cluster, University of Maryland (UM), briefly discussed the Master Gardeners Program (MGP). Nancy Robson of Kent County Master Gardeners gave an overview of the MGP via a presentation. The University of Maryland Extension Master Gardener Program in Kent County began in 2007 and has twenty-three Certified Master Gardeners. Ms. Robson stated that the Master Gardeners are university-trained and certified, and impact the community's health through free community projects and education. The Master Gardeners offer community support services such as Plant Clinics, UM Extension Service information booths at local events, schools, and libraries, hands-on service to County residents of all demographics, plant and plant disease identification, and treatment advice. The Master Gardeners volunteered 877 hours in 2023 and 342 hours to date in 2024 and provided \$29,369.00 in services in 2023 and \$11,967.00 in 2024. Various support documents were provided to the Commissioners for their review. Discussion took place, and since the cost is recurring, the funding would come from the County's general fund. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to contribute \$20,353.00 to the Master Gardeners Program from the County's Fund Balance and asked that in future years, the Board receive a formal request in writing or presentation to be considered during the annual budget process.

KENT COUNTY REGIONAL WASTEWATER TREATMENT PLAN - MILLINGTON WASTEWATER TREATMENT PROJECT AND PUBLIC WORKS

Dan Mattson, Director of Public Works, and Dan String, Senior Project Manager and Water Wastewater Practice Manager for KCI Technologies, gave an update on the Millington Wastewater Treatment Project. Current Status: Process Design is nearly 60% complete; Maryland Department of the Environment (MDE) outfall response was delayed and expected July 12, 2024; the offsite conveyance survey and alignment are complete; the site layout with conceptual stormwater complete; coordination with the developer for site acquisition is underway (5 acres is needed) and there may be a shift of site to the east of the property and initiation of sub-disciplines (Electrical, Structural, Instrumentation, etc.) are underway. Next

Steps for Design: A coordination meeting is scheduled for the week of July 15th; 90% design and MDE submittal scheduled for fall of 2024; Land Use Permitting to proceed parallel construction; advertising for bid is scheduled for early 2025 (pending permitting, funding, legal, etc.), looking at 18–24-month construction with MDE’s direction of the new discharge point. Discussion took place. A copy of the status update was made available.

Commissioner Fithian asked staff to check on the following: 1) the County’s Landing for misplaced and loose boards. 2.) Bill McCluskey, a Kent County resident, is trying to build a house on Little Neck Farms to get approvals to start building. Mr. Mattson is aware of the Maryland Environmental Services (MES) stormwater requirements and approval process. Mr. Mattson is working towards a plan to bring those responsibilities back to the County and streamline the process.

Commissioner Price asked for an update on the ditch-cleaning project in Rock Hall. Mr. Mattson stated he was having trouble contacting the property owner for written permission to access the property and allowing the ditch to be cleared of debris.

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney, reviewed the Talkie Franchise application. Although technically an initial franchise, it has many renewal characteristics because Talkie proposes adding video service to an existing fiber network. Therefore, the build-out does not align with what is envisioned in the ordinance for a new franchise. The application seems to meet the content requirements of our Ordinance and was found to be sufficient. Talkie was informed of waiving the ten (10) hard copies requirement. If the Commissioners decide that this franchise is in the public interest and that the application is sufficient to move forward, a public hearing can be scheduled for next month. A signed declaration is required under item E (15) of the ordinance. As for the franchise agreement itself, the final document has been reviewed and is acceptable. Should the County find it in the public interest to grant a franchise, considering the factors outlined in Chapter 76 Cable Television Franchising of the Code of Public Laws for Kent County, subject to the applicant's entry into an appropriate franchise agreement. In that case, it shall proceed with the granting of the franchise. If the County denies a franchise after considering the factors outlined in this section, staff will issue a written decision explaining the denial. The County also may grant or deny a request for a franchise or renewal thereof based on its review of an application without further proceedings and may reject any incomplete application. Before rendering a final decision on whether to issue or renew a franchise according to this section, the County shall provide public notice of the franchise application. The County may hold one or more public hearings or implement other procedures under which comments from the public and/or the applicant may be received regarding an application. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to proceed as recommended by the County Attorney.

OFFICE OF FINANCE

Pat Merritt, Chief Finance Officer in the Office of Finance, gave an overview of the financial statements for the third Quarter. FY2024 overall, \$3,375,381.00 favorable:

- General Fund Revenue is \$638,769.00 ahead of budget.
- General Fund Expenditures: \$2,636,612.00 less spent in the first 9 months
- Capital Projects Fund Revenues: \$4,186,675.00
- Capital Project Expenditures: \$4,175,848.00
- Water and Wastewater Services Revenues: \$29,564.00 more than budget
- Water and Wastewater Services Expenditures: \$154,009.00 less than budget

Chestertown Business Park Route 213 Entrance: The Board discussed the County's five-year capital plan. Commissioner Price suggested that the County should financially reflect that the project is still pending and proposed that the plan be amended or changed. Further discussions were held. On motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to amend the five-year capital plan dealing with Chestertown Business Park Route 213 Entrance and place a funding amount in FY2027 of \$450,000.00 to support the project.

Commissioner Price requested an additional \$400.00 be donated annually to the six Community Volunteer Fire Companies and the Kent and Queen Anne's Rescue Squad for a total of \$2,800.00, starting FY2025. The request is to help cover rising operating costs. Discussion was held. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the allocation of an additional \$400.00 annually to assist with operations to all six Community Volunteer Fire Companies and the Kent and Queen Anne's Rescue Squad and to be paid from the Fund Balance.

Commissioner Fithian mentioned the ongoing discussions about a remediation project at the Nicholson Landfill. The project's cost of 4.5 million dollars raised several concerns. Commissioner Fithian and the staff have been working to arrange for MDE's participation at a Commissioners' meeting. Although it is not the meeting Commissioner Fithian hoped for, a conference call is scheduled for July 10, 2024, at 2:00 p.m. It was essential to share this update with the public.

HUMAN RESOURCES

Jim Miller, Director, and Jennifer White, Human Resources Partner of Human Resources, proposed a policy and Resolution for Retiree Health Prescription, Dental, and Vision Insurance. A draft of the policy and Resolution for Retiree Health, Prescription, Dental, & Vision Insurance were available during the meeting. Key modifications to the policy included, for retirees at/after July 1, 2023, no reimbursement for Supplemental medical insurance; a reduction from seven years to five years for spousal eligibility; surviving spouse coverage; and information regarding

dis-enrollment in coverages, and coverage options for retirees who become re-employed with the County. This item was tabled for further discussion.

COUNTY ADMINISTRATOR

Shelley Heller, County Administrator, mentioned that the County is currently reviewing a request for additional office space for the Board of Elections. William Albright from KRM Development has proposed a month-to-month lease renewal for the office space currently used by the Kent County Board of Elections. The current lease is set to expire on July 14, 2024. If the Board agrees to the proposal, KRM will submit a new lease or an amendment to the current lease. During the discussion, Commissioner Price questioned the common area charges and inquired whether KRM could potentially reduce or eliminate certain charges. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the proposal as submitted or amended.

Ms. Heller stated that Kent County has an agreement with Caroline County, Talbot County, Queen Anne's County, and Maryland Environmental Service (MES), which has provided terms for a regional landfill since the early 1990s. Each county was originally to host the regional landfill for twenty (20) years, and MES would operate each facility. The first site was referred to as Midshore I (MS I) and was in Talbot County from 1991 to 2010. The second site is in Caroline County, where the landfill is currently located. This landfill is referred to as Midshore II (MS II). An amended and reinstated Memorandum of Understanding (MOU) is proposed. One final exception was proposed to change the payment of fees date to retroactive. A final version of the MOU will be made available later. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Amended and Restated Memorandum of Understanding 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.

LETTER FOR SIGNATURE

The Commissioners signed a letter of gratitude to Catherine Boyer-Sterling for her dedicated service and completion of her term on the Social Advisory Board, which ended on June 30, 2024.

PUBLIC COMMENT

The procedures for public comment were in effect. Bryan Matthews of KRM commented on how Kent County's parks and recreation areas are in great shape and an enhancement for the community to enjoy.

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 FY2024 Contingency balance as of June 25, 2024, is \$157,972.00. The FY2024 use of Fund Balance is \$128,225.00.

FOR YOUR INFORMATION

The Commissioners received a letter dated June 25, 2024, from Secretary Paul J, Wiedefeld of the Maryland Department of Transportation. Secretary Wiedefeld acknowledged receipt of Kent County's transportation priorities and invited collaboration and further discussion of the County's needs.

Jamie Williams, Director of Economic and Tourism Development, sent support letters to Edward Barnett, Director of Rental Lending Community Development Administration, regarding Millington Senior Village and Nicholas Mayr, Assistant Director of the Statewide Region Office of Neighborhood Revitalization, regarding the FY2025 Maryland Community Legacy Grant Application for Millington Community Resource Center.

The above-noted letters were made available for review.

CLOSED SESSION

At 12:14 p.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a 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; (7) To consult with counsel to obtain legal advice; and (8) to consult with staff, consultants, or other individuals about pending or potential litigation. There will be two (2) separate matters discussed.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Carla Gerber, Deputy Director, Planning, Housing, and Zoning; Sondra M. Blackiston, Clerk/KATE Manager; and Lacey T. Cox, Deputy Clerk II, were also in attendance.

MATTER NO. 1: LEGAL ADVICE AND PENDING OR POTENTIAL LITIGATION

Topics to be discussed: To discuss the legal opinion of the County Attorney concerning potential litigation matters.

Reasons for closing: Legal advice from the County Attorney is private to the public and is meant to shield specific details of potential/ongoing litigation.

Carla Gerber, Deputy Director of Planning, Housing, and Zoning discussed a proposed project. The Commissioners received a copy of a lawyer's electronic filing dated May 22, 2024. Discussion took place. Mr. Yeager, Ms. Gerber, and Shelley L. Heller, County Administrator, further explained certain details of the project and the next steps in the process. Mr. Yeager offered legal advice. Ms. Gerber departed the closed session at 12:48 p.m.

MATTER NO. 2: PERSONNEL, LEGAL ADVICE AND PENDING OR POTENTIAL LITIGATION

Topics to be discussed: To discuss personnel recommendations, certain criteria, and the legal opinions of the County Attorney.

Reasons for closing: To shield specific details of personnel recommendations, and specific recommendations from the County Attorney are private to the public.

Mr. Yeager abridged the status of an ongoing case. Considering new circumstances, the County must transfer the case to another attorney. Staff recommended a tiered candidate pool to continue with the case. Mr. Yeager and Ms. Heller provided details of each candidate's experience and qualifications. Should the first candidate be unavailable, staff also requested permission to move forward with one of the other recommended attorneys.

Contingency funding is needed to pay the expected legal costs for both matters discussed. At 12:58 p.m., a motion made by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously adjourned the closed session and reconvened in open session.

OPEN SESSION

Commissioner Price reported on two matters discussed in closed session. Matter No. 1 was discussed with staff and the County Attorney. Legal counsel and the Planning Office were directed to proceed as discussed. In Matter No. 2, the staff was directed to proceed with legal representation for a potential litigation issue. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to provide a total of \$15,000.00 from contingency funds for legal representation.

At 1:02 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 16, 2024, at 6:00 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

July 9, 2024

PUBLIC HEARING

County Commissioners Ronald H. Fithian, Albert Nickerson, and John F. Price were in attendance, as well as Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Carla Gerber, Deputy Director, Planning, Housing, and Zoning.

Thomas N. Yeager, County Attorney, read the notice into the record and the procedures for testifying. The rules for a public hearing were in effect. Mr. Yeager also stated for the record that the written comment period will remain open until the close of business on July 12, 2024.

CODE HOME RULE BILL NO. 4-2024, TO RESCIND AND REPLACE THE OFFICIAL ZONING MAP

The public hearing commenced at 10:05 a.m. in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, MD. A public hearing to discuss Code Home Rule Bill No. 2-2024, To Rescind and Replace the Land Use Ordinance in its Entirety, AN ACT to rescind and replace in its entirety Chapter 222, "Zoning," of the Public Local Laws of Kent County, Maryland, renaming said Chapter 222 as "Unified Development Ordinance," also known as the Kent County Land Use Ordinance (referred to herein as the "2024 Ordinance"), to implement the recommendations of the Kent County Planning Commission on proposed revisions to the 2024 Ordinance, which are based on the Kent County Planning Commission's three-year review as part of the Comprehensive Rezoning and Update process; and including non-codified provisions to address scrivener's errors and readability; certain adopted maps; and required Critical Area Commission review and approval, per Md. Code Ann., Natural Resources § 8-1809, as the same may be amended from time to time.

Mr. Yeager administered the oath to anyone wishing to testify.

Carla Gerber, Deputy Director, Planning, Housing, and Zoning, summarized the legislation's intent and relayed the necessary steps for the remaining process.

PUBLIC COMMENTS

Citizens were invited to sign the testimony log and offer comments on the proposed legislation. Kevin Kimble (Flat Land Road, Chestertown) and Trey Jones (Duck Puddle Road, Kennedyville) provided testimony during the public hearing. Both gentlemen requested to modify the zoning currently assessed to a property they own, which would require revisions to the Zoning Map. Mr. Kimble and Mr. Jones requested changes to the Zoning Map but did not oppose it in its entirety.

WRITTEN COMMENTS

The following people provided written comments before the Public Hearing: Mr. Kimble on July 3, 2024. Mr. Kimble's letter included a labeled map of his property showing the property line

and how it is currently zoned; Mr. Jones on May 6, 2024, with his request for a zoning change to his property; and Joyce Rogers. Ms. Rogers requested a new zoning designation for her property (S & L Farms, MAP 44, Parcel 313).

No other comments were offered. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to close the public hearing at 10:20 a.m. The legislative bill is scheduled to be considered for a vote on Tuesday, July 16, 2024.

Respectfully submitted,

Sondra M. Blackiston
Clerk/ KATE Manager

Approved:

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

July 9, 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, June 25, 2024.

SPECIAL CLASS C LICENSE

Betterton Volunteer Fire Company (BVFC) submitted a Special Class C (Per Diem) liquor license application for approval to sell beer only during Betterton Days on August 2, 2024, from 6:00 p.m. to 10:00 p.m. and on August 3, 2024, from 10:00 a.m. to 5:00 p.m. at Betterton Beach. A BVFC member spoke in favor of issuing the license to the fire department. There being no objections, 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 Betterton Volunteer Fire Company.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

For Your Information: Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement, submitted a memorandum to the Board providing license updates. It was relayed that David R. Rinehart, President, and Hilari M. Rinehart, Secretary, applied to upgrade Brampton Bed and Breakfast Inn's liquor license (#4829) from a Country Inn to a Restaurant Class B, Beer, Wine, and Liquor license with Caterer's Privilege (CP). The Commissioners approved the request to modify the license during the public hearing held on June 11, 2024. A modified license (#4829) was issued to Brampton Bed and Breakfast Inn on June 17, 2024.

Inspector Pearsall found an establishment without a valid business license. The establishment is aware of this and is working on rectifying the issue. Staff will continue to monitor the establishment for compliance purposes.

All liquor licenses approved for annual renewals have been issued, and all renewal fees have been collected and paid in full. This completes the process for the annual renewal of liquor licenses.

At 1:02 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 16, 2024, at 6:00 p.m.

Liquor Minutes
July 9, 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