

June 21, 2022

A meeting of the County Commissioners of Kent County was called to order at 10:02 a.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 first day of summer and wished everyone a safe and enjoyable summer, especially for those vacationing or working during this busy season.

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, June 14, 2022
2. Liquor Minutes, June 14, 2022
3. Closed Session Minutes, June 14, 2022
4. Alleesa Stewart, Supervisor of Finance, Kent County Public Schools, Maryland State Department of Education (MSDE) FY2023 Annual Budget Certification
5. Alleesa Stewart, Supervisor of Finance, Kent County Public Schools, FY2023 Electronic Transfer Request
6. Shelly Neal-Edwards, Director, Department of Social Services, Summer Supplemental Nutrition Assistance Program (SNAP), FY2023 Memorandum of Agreement DHS/KC 23-001 and Invoice No. 23-001
7. Arnessa Dowell, Executive Director, Kent County Public Library, FY2023 Electronic Transfer Schedule

LEGISLATIVE SESSION

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

Introduction of Code Home Rule Bill No. 6-2022, Septic Tank Maintenance and Excavation in The Village District

Bill Mackey, Director, Planning, Housing, and Zoning (PHZ) read Code Home Rule Bill No. 6-2022, a zoning text amendment to add “septic tank maintenance and excavation” as a special exception to 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 (LUO), 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 LUO 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 LUO. Mr. Mackey summarized the intent of the legislation. 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, 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. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to introduce Code Home Rule Bill No. 6-2022 and for the bill to be scheduled for a public hearing in the Commissioners’ Hearing Room at 400 High Street in Chestertown, Maryland.

Introduction of Code Home Rule Bill No. 7-2022, Clarification of the Five-Acre Limitation for Certain Solar Arrays

Mr. Mackey read Code Home Rule Bill No. 7-2022, a zoning text amendment to amend the special exceptions provisions for Solar energy systems, utility scale, on farms in the Agricultural Zoning District (AZD) and the Rural Character District (RCD), to clarify language that relates to the area of use. AN ACT to amend Chapter 222, Zoning, of the County Code of Kent County, Maryland, also known as the Kent County Land Use Ordinance (LUO), 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 summarized the intent of the legislation. Per the request of the Board of Appeals, the Department of PHZ is presenting a proposed zoning text amendment 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 to the County Commissioners with one minor change to the proposed text. Mr. Yeager asked for clarification of the language used to define the area and space of Solar Panel Projects. Mr. Mackey explained the language of the ZTA as requested. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to introduce Code Home Rule Bill No. 7-2022 and for the bill to be scheduled for a public hearing in the Commissioners’ Hearing Room at 400 High Street in Chestertown, Maryland.

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

KENT COUNTY SHERIFF'S OFFICE

Shelley L. Heller, County Administrator, on behalf of Dennis Hickman, Captain, Kent County Sheriff's Office, presented a request for approval of a contract to purchase five (5) additional body cameras, applicable licensing, warranties, device storage, and other associated hardware, necessary for the cameras. The cameras will be purchased from Axon Enterprise, Inc., the same vendor previously used to purchase twenty-two (22) cameras. Cameras are required for all police officers to wear and utilize by FY2025. If approved, the total amount due will be \$38,945.51 over five (5) fiscal years. The amount due in FY2022 will be \$28,486.37. For the FY2022 funding obligation, the Domestic Preparedness Planner Grant through the Office of Emergency Services will fund \$24,497.00 with the balance of \$3,989.37 being paid from the Sheriff's Office's existing budget. The remaining balance of the contract will be paid out in FY2023, FY2024, and FY2025 for an amount of \$3,486.38 each fiscal year. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to approve the contract with Axon Enterprise, Inc. to purchase five (5) body cameras, the required licensing, warranties, and associated hardware, using the Domestic Preparedness Planning grant funds and existing FY2022 budget funds in the amount of \$38,945.51 and to approve the FY2023, FY2024, and FY2025 funding obligation of \$3,486.38 each year.

KENT SOIL AND WATER CONSERVATION DISTRICT

Robert Baldwin, District Manager, Kent Soil and Water Conservation District, discussed a proposal to increase of fees charged for erosion and sediment control plan reviews. Maryland law gives the Soil Conservation Districts the authority to set and charge fees for erosion and sediment control plan reviews. The Kent Soil and Water Conservation District has determined it is time to increase fees. Mr. Baldwin reviewed the fee schedule. Discussion took place. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to accept the fee system of the soil conservation district effective July 1, 2022, presented by the Kent Soil and Water Conservation District.

COUNTY ADMINISTRATOR, PERSONNEL

Ms. Heller, on behalf of Mike Moulds, Director, Public Works, presented a request to fill a part-time recycling attendant vacancy at the recommended rate. Ms. Heller summarized the hiring recommendation suggested by the staff. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved hiring the recommended candidate to fill the vacancy as requested, pending the successful completion of the County pre-employment requirements.

COUNTY ADMINISTRATOR REPORT

Ms. Heller reported a raffle permit for Shrewsbury Parish was received in the mail on June 9, 2022, for an event scheduled for June 12, 2022. Due to the event being held prior to the next scheduled Commissioners' meeting, Ms. Heller sought permission to issue the raffle permit on behalf of the Commissioners. The raffle permit was issued on June 9, 2022.

Ms. Heller reported the Commissioners approved five (5) applications for the voluntary creation of Agricultural Land Preservation Districts on May 24, 2022. Each application required President Mason's signature. The applications were signed on June 2, 2022 and finalized as necessary.

PUBLIC COMMENT

The procedures for public comment were in effect. No comments were received from citizens.

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 FY2022 Contingency balance as of June 14, 2022, is \$61,460.00 and the FY2022 Use of Fund Balance total is \$173,201.00.

CLOSED SESSION, PERSONNEL

At 10:22 a.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, Thomas N. Yeager, County Attorney, and Sondra M. Blackiston, Clerk/KATE Manager were also in attendance.

Topic to be discussed: A report out and matters specific to individuals are confidential.

Reason for closing: Performance of certain individuals and matters relating to personnel are confidential.

Shelley L. Heller, County Administrator, explained the findings of a recent personnel review. At 10:47 a.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

Ms. Heller summarized the closed session discussion. In a closed session, a personnel review was shared. The matter was presented for informational purposes only and no action was needed by the Board.

At 10:48 a.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, June 28, 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

June 21, 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, June 14, 2022.

SPECIAL CLASS C LICENSE

Main Street Historic Chestertown has submitted a Special Class C (Per Diem) liquor license application to sell Beer and Wine for a "Carnival on High", First Friday event in Chestertown. The event will be held on July 1, 2022, from 5:00 p.m. to 8:00 p.m. There being no objections, on a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the application as presented.

LICENSE UPDATES

On June 21, 2022, Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement submitted a memorandum to the Board. On May 25, 2022, two licenses were issued. A Class B Country Inn, Beer, Wine, and Liquor License No. 4824 was issued to Freedom Hospitality, Inc., trading as Great Oak Manor. In addition, a Class B, Beer, Wine, and Liquor License No. 4759 was issued to Goose Pointe, LLC trading as 98 Cannon Riverfront Grille. On May 26, 2022, a Class B, Beer, Wine, and Liquor License No. 4765 was issued to Shottie N Huey, LLC trading as Blue Heron Oyster House and Inn. The staff is working with seven establishments to clear minor compliance issues.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, June 28, 2022, at 10:00 a.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sondra M. Blackiston
Clerk, KATE Manager

Liquor Minutes
June 21, 2022
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Approved:

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