

February 22, 2022

A meeting of the County Commissioners of Kent County was called to order at 10:04 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 a moment of silence for the passing of Alfred Solloway, a local farmer who was involved in an accident.

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

PUBLIC NOTICE

Commissioner Mason stated the adoption notice for a legislative bill has been posted. Code Home Rule Bill No. 1-2022, Primary Residence Located on a New Lot Created by a Bona Fide Intrafamily Transfers, is AN ACT to amend Article V. District Regulations, Section 3. Rural Character District, § 3.2 Permitted Principal Uses and Structures, by adding a new number 15. Primary Residence Located on a New Lot Created by a Bona Fide Intrafamily Transfers in accordance with these Regulations, in order to allow for two-acre parcels to be created for bona fide intrafamily transfers in the Rural Character zoning district and to amend Article XI. Definitions, Section 2., in order to add a definition for “Intrafamily Transfers, Immediate Family Member”. The legislation was adopted on February 15, 2022, without amendments, and the provisions of the Act shall take effect on February 25, 2022.

CONSENT ITEMS

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

1. Regular Session Minutes, February 15, 2022
2. Liquor Minutes, February 15, 2022

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.

PUBLIC WORKS

Mike Moulds, Director, Public Works presented a Lot Line Adjustment Agreement for Buck Neck Public Landing. At their September 7, 2021 meeting the Commissioners approved a lot line adjustment proposed for Worton Creek Marina, due to the encroachment of the existing marina building, underground fuel tanks, above-ground propane tanks, and a fence being on County property. Worton Creek Marina requested to locate the above-ground tanks in the same location as the existing underground tanks. Mr. Moulds attested to the underground tanks being removed and the Maryland Department of Environment (MDE) has approved there is no ground contamination. Thomas N. Yeager, County Attorney prepared the Lot Line Adjustment

Agreement. Mr. Yeager stated the lot line adjustment releases the County from any liability to the marina. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the Lot Line Adjustment Agreement by and between Kent County and Worton Creek Marina to adjust and memorialize property line boundaries for Buck Neck Public Landing to correct inconsistencies in current conditions.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director, Planning, Housing, and Zoning presented the draft Forest Conservation Easement Template for discussion. Mr. Mackey stated on January 6, 2022, the Kent County Planning Commission reviewed the draft Forest Conservation Easement and Agreement template for use by applicants to streamline the review process. Mr. Mackey explained as part of Final Forest Conservation Plans, agreements are required to ensure the permanent protection, management, and inspection of forests that are being protected under the Plan's requirements. The draft template was prepared by Cynthia McCann, Attorney, Planning Commission, to be able to adopt a standard document that will make it easier for applicants and staff and to ensure that forest conservation requirements are being satisfied. A correspondence dated January 6, 2022, was received from Kim Kohl, the chairperson of the Kent County Planning Commission, with a favorable recommendation of the proposed template. Mr. Yeager concurred with the preparedness of Ms. McCann's template. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the draft Forest Conservation Easement and Agreement template.

The Commissioners and staff discussed Resolution 2021-18, A Resolution to Introduce a Text Amendment to Revise Chapter 222, Zoning, to Remove the Requirement Related to the Maximum Percentage of Property in Lots (10% Rule) from the Agricultural Zoning District. At their February 3, 2022 meeting, the Planning Commission discussed the matter and tabled a decision pending further information. After a lengthy discussion, the Commissioners recommended inviting Ms. McCann to a future meeting to discuss recent inquiries and instructed staff to prepare examples of how the 10% rule would affect different kinds of properties.

KENT COUNTY LOCAL MANAGEMENT BOARD (KCLMB)

Rosemary Ramsey Granillo, Director, and Dawson Hunter, Housing and Transportation Coordinator, Kent County Local Management Board (KCLMB) reviewed the structure and the three (3) priorities of the department: Building Capacity, Services and Resources, and Child Well-being. A presentation was provided that outlined each priority.

HUMAN RESOURCES

Shelley L. Heller, County Administrator, on behalf of Marty Hale, Director, Human Resources presented three (3) hiring actions for the Board's consideration.

Ms. Heller, on behalf of Pat Merritt, Chief Finance Officer, Office of Finance, presented a request to fill the vacant Finance Associate I position, at the recommended rate. A first-choice

candidate has been chosen, should the first-choice candidate not accept the offer a second-choice candidate has been selected, at the same salary recommendation. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved the first-choice candidate to fill the Finance Associate I vacancy as requested, pending successful completion of County pre-employment requirements, and to approve the second-choice candidate if the first-choice candidate is not hired, pending successful completion of County pre-employment requirements.

Ms. Heller, on behalf of Wayne Darrell, Director, Emergency Services, presented a request to promote an employee to the vacant Paramedic Supervisor position, at the recommended rate. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved promoting the applicant to the vacant Paramedic Supervisor position, as requested.

Ms. Heller, on behalf of Sondra M. Blackiston, Clerk/KATE Manager, presented a request to fill the vacant Alcohol Beverage and Tobacco Inspector vacancy. Staff ranked three candidates and a salary recommendation. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously approved hiring the recommended first-choice candidate for the vacant Alcohol Beverage and Tobacco Inspector position as requested, pending successful completion of County pre-employment requirements, and to approve the second-choice candidate if the first-choice candidate not be hired, pending the same requirements.

COUNTY ADMINISTRATOR

Ms. Heller shared a meeting announcement. A joint public meeting between the Kent County Commissioners, and the Board of Education (BOE) is scheduled for February 24, 2022, at 6:00 p.m., at the Kent County Middle School, 402 East Campus Avenue, Chestertown, MD. The purpose of the meeting is to primarily tour the school, discuss certain budgetary matters or any other matters that each Board chooses to discuss. The meeting is open to the public.

Ms. Heller stated the Commissioners received a correspondence dated February 17, 2022, from Charles D. MacLeod, Esquire, MacLeod Law Group, LLC, on behalf of Russell H. Richardson, Principal of Richardson Fresh Ponds, LLC. Mr. MacLeod's letter stated that his client, Mr. Richardson, and neighboring property owners would like to provide the Commissioners and involved agencies with the progress regarding the Millington Crossing. Mr. MacLeod also suggested initiating action consistent with the County Comprehensive Plan (2018) in the context of the County's aggregated request for mixed-use zoning, which would include a coordinated development of the Millington growth area, incorporating integrated master planning and infrastructure phasing with the County, neighboring property owners and involved agencies. The collective property owners have been working with and monitoring the Comprehensive Rezoning and Update (CRU) Task Force and look forward to dialogue regarding development interest in the Millington growth area.

COUNTY ADMINISTRATOR REPORT

Ms. Heller, on behalf of the County Commissioners, sent a letter of support dated February 18, 2022, to the Honorable Stephen S. Hershey and District 36 Delegates: Jay A. Jacobs, Steven J. Arentz, and Jefferson L. Ghrist conveying the Board's decision on February 15, 2022, to request a legislative initiative to reduce the bow hunting setback from 150-yards to 75-yards from an occupied dwelling. The letter also requested the Delegation's support of an amendment to the Maryland Annotated Code to allow for the proposed decrease.

At their February 15, 2022 meeting, the Commissioners unanimously agreed to allocate \$41,710.00 to the Kent Ag Center, Inc., to complete a pavilion project. Ms. Heller, on behalf of the Board, sent a letter dated February 18, 2022, to Bradley Morris, Board Member, Kent Ag Center regarding the approved allocation.

PUBLIC COMMENT

The procedures for public comment were in effect. John Massey, a citizen, inquired if the joint meeting with the BOE at the Kent County Middle School will be live streamed.

FOR YOUR INFORMATION

The Commissioners were invited to attend the Kent County High School Future Farmers of America (FFA) Annual Banquet on Friday, February 25, 2022, at 6:00 p.m.

The Commissioners received a correspondence dated February 2, 2022, from Harry J. Romano II, Rail Program and Policy Manager, Rail, and Intermodal Freight Section, Maryland Department of Transportation. The letter detailed the Worton Track Safety Project which includes rehabilitating two sections of track within a 1.4-mile segment of the Chestertown Line. The first section involves Milepost 15.25 to 15.49, and the second section involves Milepost 16.12 to 16.65. The rail line is located adjacent to 25300 Chinquapin Road in Worton. Construction is anticipated to start in Spring 2023. Please contact Mr. Romano at 410-684-706 or by email at hromano@mdot.maryland.gov for any questions or concerns regarding this project.

CONTINGENCY FUND

The FY2022 Contingency balance as of February 15, 2022, is \$67,149.00 and the FY2022 Use of Fund Balance total is \$73,201.00.

At 11:26 a.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, March 1, 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

February 22, 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, February 15, 2022.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Sondra M. Blackiston, Clerk/KATE Manager, stated House Bill 506 / Senate Bill 603, Constitutional Amendment – Beer and Wine Licenses – Retail Grocery Establishments, was heard on February 21, 2022, in the House Economic Matters Committee. Ms. Blackiston stated the proposed Bill is an amendment to the Constitution of Maryland to establish that, on or after July 1, 2024, a retail grocery establishment in the State may obtain a license authorizing the retail grocery establishment to sell beer and wine. Ms. Blackiston explained chain grocery stores currently are not able to sell beer and wine. Mr. Yeager further explained there are very few exceptions within the State. Discussion took place. The Commissioners expressed their disapproval of the Bill and directed staff to write a letter to the District 36 Delegation noting their opposition. On a motion by Commissioner Fithian and seconded by Commissioner Jacob, the Commissioners unanimously agreed to address a letter to the local Delegation stating the Commissioners are against the Bill.

Ms. Blackiston presented a License Modification Application. On February 9, 2022, James G. Gruber submitted a license modification to add one member to the Class A Beer and Wine License with Beer and Wine Tasting issued to the members of Chestertown Natural Foods, LLC. Patricia L. Young-Gruber passed away in June of 2021, and Mr. Gruber received her member ownership. Mr. Gruber supplied all necessary documents and met the necessary requirements for approval of the request. Staff recommends adding James G. Gruber to License No. 4664. On a motion by Commissioner Jacob and seconded by Commissioner Fithian, the Commissioners unanimously approved the modification application for Chestertown Natural Foods, LLC.

There being no further business to claim their attention, the Board adjourned and agreed to meet again on Tuesday, March 1, 2022, at 6:00 p.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

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Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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