

January 30, 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 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 to keep the family of Darlene Neal in your thoughts and prayers and for the three United States Soldiers who were killed overseas on January 29, 2024.

Shelley L. Heller, County Administrator, was also present.

### **CONSENT ITEMS**

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

1. Regular Session Minutes, January 23, 2024
2. Liquor Minutes, January 23, 2024
3. Public Hearing Minutes, January 23, 2024
4. Closed Session Minutes, January 23, 2024

### **PUBLIC NOTICE**

Code Home Rule Bill 1-2024 Property Tax Credit Commerce Zones: Commissioner Fithian read the notice into the record. The notice was duly advertised on January 25, 2024, and the public hearing is scheduled for February 6, 2024, at 6:00 p.m.

### **APPOINTMENTS**

#### **Vietnam War Veterans Day Event**

Peter Sweetser, a planning committee member, representing the Town of Chestertown, is a member of the National Organization that supports the National Vietnam Veterans Day locally. The annual event is scheduled for March 29, 2024, from 6:00 p.m. - 7:00 p.m. in Memorial Park located in downtown Chestertown, Maryland. Nationally, this is the sixth edition of the solemn event, which honors all veterans who served on active duty in the U.S. Armed Forces at any time during what is considered the Vietnam War era. This will be the third year for the local event. Activities will include a special pinning ceremony to honor the Gold Star families of the five area servicemen who were killed in action; the spouses of Vietnam War-era veterans who have since died; and all who served during the Vietnam War era. Mr. Sweetser requested a donation of \$1,000.00 from the County to use for advertising the event via radio and newspaper listings, and outreach to veterans. The Commissioners thanked Mr. Sweetser for his efforts for veterans and their families. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to contribute \$1,000.00 from the County's contingency fund for the Vietnam Veterans Day Celebration scheduled for March 29, 2024. A proclamation is scheduled to be presented by the Commissioners at the event.

## SOCIAL SERVICES

Shelly Neal-Edwards, Director, Kent County Department of Social Services (KCDSS) discussed a program that will require increased funding in FY2025; no additional dollars are needed for this fiscal year. For the past two years, the County has funded the Summer Supplemental Nutrition Assistance Program (SNAP) now called Summer Electronic Benefit Transfer (S-EBT). The program runs during the Federal Fiscal Year (2024) but is administered in the State FY2025. The KCDSS plans to request \$10,228.00 from FY2025 to serve approximately 1,300 Kent County children. The cost is approximately \$1,000.00 more than in previous years. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to commit \$10,228.00 during the FY2025 preparations to support the Summer SNAP program.

## MACLEOD LAW GROUP, LLC

Chip MacLeod, Attorney, MacLeod Law Group, LLC representing Scott and Bergan Westcott, property owners of the Gregg Neck Boat Yard requested a follow-up appearance from the June 6, 2023, Commissioners' meeting regarding the County's refusal to issue a building permit to make repairs to docks at the marina. The Health Department posted a sign on the property declaring the premises unsafe and to be a public nuisance by order of The Board of Kent County Commissioners. The marina has been shut down for almost a year now. Mr. MacLeod offered three documents for the Board's review. Bill Mackey, Director, and Mike O'Neil, Code Enforcement Officer, of Planning, Housing, and Zoning joined the meeting at the Board's request. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously directed Planning, Housing, and Zoning staff to remove the sign from the property and permit Mr. Westcott to move forward with repairs to his pier to create a safe structure for boaters of Kent County to use for the upcoming boating season.

## HISTORIC PRESERVATION COMMISSION

The Granary at Turner's Creek: This was a follow-up to the December 19, 2023, meeting. The Commissioners had requested the Historic Preservation Commission (HPC) provide further information regarding the historic Granary structure before its demolition. Shelley Heller, County Administrator, on behalf of Jeremy Rothwell, HPC member gave an overview of the information compiled since the last meeting. Micheal J. Emmons, Jr. Assistance Director, Center for Historic Architecture and Design (CHAD) Biden School of Public Policy and Administration, University of Delaware prepared two proposals. Proposal #1 was for drawings, photography, and keeping the full record in an institutional archive for \$5,078.00 and proposal #2 included all that was listed in proposal #1 with an additional historical report for \$8,918.00. Ms. Heller reported Mr. Rothwell was not able to secure additional proposals for cost comparison. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the initiative and approved a funding source (contingency fund) not to exceed \$5,078.00 for drawings, photography, and keeping the full record in an institutional archive to be completed by March 1, 2024, with demolition to follow.

## **HUMAN RESOURCES**

Jennifer White, Human Resources Business Partner, and Vauné Johnson, Human Resources Specialist, Human Resources, on behalf of Herbert Dennis, Warden, Detention Center requested approval to offer a conditional employment offer to the recommended candidate to fill the vacant Correctional Officer (CO). Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate for a conditional employment offer to fill the Correctional Officer vacancy.

Ms. White and Ms. Johnson, on behalf of Mike Moulds, Director, of Public Works, requested approval to offer a conditional employment offer to the recommended candidate to fill a Motor Equipment Operator, II (MEO II) vacancy. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate to fill one of the Motor Equipment Operator vacancies in the County Roads Division for a conditional employment offer.

Commissioner Price asked for the status of the County retirees' health insurance processing. Ms. White advised that Benecon is currently writing the document and a meeting with staff has been scheduled for Friday, February 2<sup>nd</sup>. Medicare and Humana will flow through the Health Reimbursement Arrangement (HRA). Retirees were instructed to keep all records because reimbursements will be made effective January 1, 2024.

## **PLANNING, HOUSING, AND ZONING**

Bill Mackey, Director of Planning, Housing, and Zoning presented Resolution 2024-02 Planning Commission Final Version, Land Use Ordinance for review. On January 4, 2024, the Planning Commission recommended the "Planning Commission Final Version" of the Land Use Ordinance to the County Commissioners for consideration. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Resolution 2024-02 to accept the Land Use Ordinance proposal from the Kent County Planning Commission and the Agricultural Advisory Commission and to instruct staff to draft a bill for introduction on February 6, 2024.

## **COUNTY ADMINISTRATOR**

Comptroller of Maryland: Joe Francaviglia, Director, Office of Finance Programs, Maryland Department of Commerce, requested Kent County to proclaim February 1, 2024, as Unclaimed Property Tax Day. Local awareness is an important tool to help ensure more Marylanders are reunited with their unclaimed property. Discussion took place. The proclamation was acknowledged by the Board.

## **COUNTY ADMINISTRATOR REPORT**

Work Session Announcement: A Work Session has been scheduled for February 6, 2024, at 3:00 p.m., to discuss the Village of Kennedyville and The Kent County Land Use Ordinance.

## **PUBLIC COMMENT**

The procedures for public comment were in effect. Testimony was offered by Linda Knight, a Kent County resident urging the Board to follow up with the State of Maryland for the status of the Property Tax Assessment Appeal Board appointments.

## **FOR YOUR INFORMATION**

Andy Fish, Senior Director, Office of Finance Programs, Maryland Department of Commerce announced the Private Activity Bond 2024 Initial Allocation for Maryland Jurisdictions. This year's total allocation of \$772,531,625.00 is calculated from a population of 6,180,153 multiplied by \$125.00 per capita as stated in the Financial Institutions Article Section 13-801 through 13-807 of Maryland Code guidelines, in addition to the United States Tax Reform Act of 1986.

## **AMERICAN RESCUE PLAN ACT (ARPA) FUNDS**

A copy of the ARPA Spend Plan outlining the approved expenditures to date was provided to the Commissioners for informational purposes.

## **CONTINGENCY FUND**

The FY2024 Contingency balance as of January 23, 2024, is \$258,642.00. The FY2024 use of Fund Balance is \$118,377.00.

## **CLOSED SESSION**

At 11:55 a.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session to discuss a personnel matter. 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; Sondra M. Blackiston, Clerk/KATE Manager and Lacey T. Cox, Deputy Clerk II, were also in attendance. A five-minute recess arose before the start of the closed-session discussion.

## **PERSONNEL**

Topic to be discussed: A personnel matter that involves specific employees.

Reason for closing: The details of personnel matters are to be shielded to maintain privacy.

Shelley L. Heller, County Administrator, recounted a personnel action. Copies of original and updated forms were submitted for the Board's information. Ms. Heller recommended a course of action and asked for the Board's guidance. A lengthy discussion ensued.

At 12:50 p.m., a motion made by Commissioner Price, seconded by Commissioner Nickerson, the Commissioners unanimously adjourned the closed session and reconvened in an open session.

### **OPEN SESSION**

Commissioner Price summarized the closed-session discussion. The Commissioners and the County Administrator spoke about a personnel issue. After talking about the personnel issue, the Board is now ready for action. Commissioner Price made a motion and was seconded by Commissioner Nickerson directing the County Administrator to carry out what the Board discussed; the vote was unanimous.

At 12:52 p.m., on a motion by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved to adjourn the meeting. The Board is scheduled to meet again on Tuesday, February 6, 2024, at 6:00 p.m.

Respectfully submitted,

Sondra M. Blackiston  
Clerk

Approved:

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

January 30, 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 Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement 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, January 23, 2024.

### **KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)**

Bonnie S. Pearsall, Inspector, KATE gave an update on Washington College. Washington College has submitted a License Modification Application requesting to remove Laura Johnson and add Matthew Criswell as a Member to their liquor license #4816. The application has been reviewed and has met all the requirements for approval of a license modification. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the license modification application for Washington College.

A letter was received from the Comptroller of Maryland requesting a hold be placed on the 2024 renewal of two licensed establishments in Kent County due to the lack of compliance with taxes administered by their office. Letters were signed by Inspector Pearsall and mailed on January 24, 2024, to the two establishments informing them of the request. Copies of the letters were provided for the Board's information. Discussion took place.

At 12:52 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, February 6, 2024, at 6:00 p.m.

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