

February 6, 2024

### **SPECIAL WORK SESSION HELD ON FEBRUARY 6, 2024**

A work session was held on February 6, 2024, at 3:00 p.m., with Commissioner John F. Price, and Commissioner Albert H. Nickerson. Also in attendance were Thomas N. Yeager, County Attorney; Shelley L. Heller, County Administrator; Mike Moulds, Director, and Dan Mattson, Deputy Director, Public Works; Bill Mackey, Director, and Carla Gerber, Deputy Director, Planning, Housing, and Zoning; and Jamie Williams, Director, Economic and Tourism Development. Commissioner Ronald H. Fithian joined the Work Session at 3:24 p.m.

Village of Kennedyville: Mike Moulds, Director, and Dan Mattson, Deputy Director, Public Works, gave an overview of the projects that need to be completed and provided information that was helpful in deciding what the next steps should be for this property. Discussion took place. Jamie Williams, Director, Economic and Tourism Development, provided an update and further information regarding the marketing of the property. Further discussion ensued. Bill Mackey, Director, Planning, Housing, and Zoning was asked to provide his opinion and possible solution for the property. Mr. Mackey obliged. Discussion took place. The Commissioners asked Mr. Moulds to calculate what it would cost to complete the projects and to present the findings at a future meeting.

Land Use Ordinance: Mr. Mackey and Carla Gerber, Deputy Director, Planning, Housing, and Zoning, provided an overview of the Land Use Ordinance and the next steps in the process of having it approved. Discussion took place.

The Work Session concluded at 4:47 p.m.

### **FEBRUARY 6, 2024, COMMISSIONERS MEETING**

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 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 all the despair and death around the world.

Thomas N. Yeager, County Attorney, and Shelley L. Heller, County Administrator, were 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 30, 2024
2. Liquor Minutes, January 30, 2024
3. Closed Session Minutes, January 30, 2024
4. Republicans of Kent, Raffle Only, February 17, 2024
5. Mike Moulds, Director, Public Works, Environmental Operations Division  
Reappointment of Marc Castelli to the Public Landings and Facilities Board for a term ending on June 30, 2029.

## **LEGISLATIVE SESSION**

At 6:07 p.m. a motion was made by Commissioner Price and seconded by Commissioner Nickerson; the Commissioners unanimously agreed to go into legislative session. Thomas N. Yeager, County Attorney, discussed the introduction of Code Home Rule Bill No. 2-2024 to Rescind and Replace the Land Use Ordinance in its Entirety, and the third read and voting on Code Home Rule Bill No. 6-2023 Adaptive Reuse of Existing Structures in AZD, Located on Parcels Under 20 Acres. Mr. Yeager summarized actions the Commissioners could consider. The proposed legislative bill was presented at this meeting to be passed, rejected, amended, or deferred to at a later date. Bill Mackey, Director of Planning, Housing, and Zoning joined Mr. Yeager to provide additional information and answer questions.

### **Introduction of Code Home Rule Bill No. 2-2024 To Rescind and Replace the Land Use Ordinance in its Entirety**

Mr. Mackey read 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”), in order to implement the recommendations of the Kent County Planning Commission on proposed revisions to the 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. Mackey further advised on August 1, 2023, the Board of County Commissioners transmitted a copy of a proposed DRAFT Land Use Ordinance for review and recommendation by the Agriculture Advisory Commission and the Kent County Planning Commission. The Planning Commission reviewed the document at its September, October, November, and December meetings. The Agriculture Advisory Commission reviewed the document at its September and October meetings and provided input to the Planning Commission for its November and December meetings. At its meeting on January 4, 2024, the Planning Commission favorably recommended to the County Commissioners the *Planning Commission Final Version of the Land Use Ordinance*, dated January 4, 2024, for its consideration and scheduling of public hearings as part of the legislative process. On January 30, 2024, the Board of County Commissioners received the *Planning Commission Final Version* and instructed staff to prepare a BOCC version for introduction by the County Commissioners. The version to be introduced includes newly adopted language in Code Home Rule Bill 5-2023 Outdoor Retreats in RC, RR, and CR; additional definitions to meet the Critical Area program requirements set by the State; and the addition of a Mixed-Use Development District and a Mixed-Use Development Critical Area District and for the bill to be scheduled and advertised for a public hearing at a future date in the Commissioners’ Hearing Room at 400 High Street, Chestertown, Maryland. Further discussion ensued. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to introduce Code Home Rule Bill No. 2-2024 To Rescind and Replace the Land Use Ordinance in its Entirety and for the Bill to be scheduled for a Public Hearing in the Commissioners’ Hearing Room at 400 High

Street in Chestertown, Maryland. Commissioner Price also mentioned for the public's benefit that the Board encourages citizens to participate in the process of the public hearing. Information can be found on the County's website at [www.kentcounty.com](http://www.kentcounty.com).

3<sup>rd</sup> Read and Vote – Code Home Rule Bill No. 6-2023 Adaptive Reuse of Existing Structures in AZD, Located on Parcels Under 20 Acres.

Mr. Mackey read Code Home Rule Bill No. 6-2023 Adaptive Reuse of Existing Structures in AZD, Located on Parcels Under 20 Acres. Mr. Mackey stated the Bill was introduced and read for the first time on December 19, 2023, and the public hearing was held on January 23, 2024. For background, correspondence dated November 2, 2023, from Joe Hickman, Chair, Kent County Planning Commission stated the Commission reviewed the proposed applicant-initiated zoning text amendment and made a favorable recommendation to the Commissioners. A second correspondence dated September 6, 2023, from Jennifer Debnam, Chair, of Kent County Agriculture Advisory Commission provided a favorable recommendation and approved the zoning text amendment to the Commissioners. Both recommendation letters were submitted for reference. No comments were received while the hearing record was open. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the adoption of Code Home Rule Bill No. 6-2023, to amend the zoning code by adding "Adaptive reuse of existing structures in AZD, located on parcels under 20 acres."

**COUNTY ATTORNEY**

A public hearing was held for proposed Code Home Rule Bill No. 1-2024 Property Tax Credit – Commerce Zones. Public information regarding the hearing and minutes are posted on the County's website <https://www.kentcounty.com/commissioners/meeting-agenda>.

At 6:14 p.m. a motion was made by Commissioner Price and seconded by Commissioner Nickerson; the Commissioners unanimously agreed to go out of legislative session and to go back into regular session.

**APPOINTMENT**

Kent Museum: Discover Turner's Creek Event: Stephanie Gosman, Kent Museum requested a letter of support from the Board. Kent Museum requested funds from the Stories of the Chesapeake Heritage Area to use for the Discover Turner's Creek event scheduled for May 18, 2024. The event is free, and visitors of all ages will have fun learning about Kent County history, experiencing Turner's Creek by kayak/canoe, checking out Charley's house and the Kent Museum, enjoying the many hiking trails, and much more. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to sign the letter of support for the project.

**EMERGENCY SERVICES**

Pete Landon, Director of Office of Emergency Services, and Barry Byers, Chair, Kent County Police Accountability Board gave an overview of the 2023 Police Accountability Board Annual Report. Following the Maryland Police Accountability Act of 2021 and Resolution 2022-11 of the Kent County Public Laws, the Chairperson of the Police Accountability Board (PAB) will submit an Annual Report. The members of the Kent County PAB, including the members of the Administrative Charging Committee have demonstrated their dedication, professionalism, and service to our community as volunteers. Under the law, the PAB has been discharging its duties since July 1, 2022. The PAB has held public meetings, completed requisite trainings and committee meetings, and in 2023 held quarterly meetings with each of the County's three law enforcement agencies: Kent County Sheriff's Office, Chestertown Police Department, and Rock Hall Police Department. The PAB has been able to partner with and collaborate with Kent County law enforcement departments to increase accountability and transparency and will hopefully engage the residents of Kent County as partners in police accountability according to need. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously accepted and approved the 2023 Police Accountability Board Annual Report.

### **LOCAL MANAGEMENT BOARD**

Rosemary Ramsey-Granillo, Director of Kent County Local Management Board presented the Findlay House Global "Beyond Your Mental" Contract for review and approval. Kent County Local Management Board (KCLMB) seeks to contract with Findlay House Global (FHG) to implement our student behavioral health program for FY2024. This contract covers the next pilot phase of the program at a cost not to exceed \$59,989.00. Ms. Ramsey Granillo gave an overview of the FY2023 work Findlay House Global facilitated. They provided a youth-led program design process to address student behavioral health needs at Kent County High School. A group of thirty-five (35) students designed a youth-led cross-age peer mentoring program called "Beyond Your Mental" (BYM). The students were focused on supporting 8th and 9th graders in their transition to high school and promoting healthy and positive development among their younger peers. Current contract: In FY2024 KCLMB released another Request for Proposal (RFP) to transition from planning and program design to piloting the ideas developed in FY2023. Findlay House Global and the Kent Family YMCA both submitted proposals. KCLMB's program committee selected FHG's proposal and proposed that the elements of the YMCA proposal be incorporated into the pilot as a sub-recipient. Over the next six months classmen students, community stakeholders, and the FHG project team will evaluate the feasibility, duration, cost, adverse effects, barriers, limitations, and opportunities of the BYM program. The official soft launch, where student leaders will establish mentor-mentee 'matches' and facilitate meetups will occur between April and May. Piloting the program will give the insights needed to improve upon and optimize program design before full-scale implementation in the 2024-2025 school year. Staff expects to renew the contract in FY2025 for full implementation during the 2024-2025 school year. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously accepted and signed the Findlay House Global Contract for Beyond Your Mental.

Ms. Ramsey-Granillo requested the Board to approve the recommended candidates to fill three KCLMB vacancies. Discussion took place. On a motion made by Commissioner Price

and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidates to the Kent County Local Management Board. Susan Berman, Jill Barbara Gill, and Claudia Wayne were each appointed to a three-year term ending on June 30, 2027.

### **COUNTY ADMINISTRATOR**

Commissioner Fithian discussed a Crab Pot Regulatory Line off the shoreline of Rock Hall. Commissioner Fithian further stated moving the line inward will create confusion for our commercial crabbers. This Rock Hall location was established over fifty years ago and the longitude and latitude coordinates in place are broadly identified by local crab potters. It appears that the proposed change does not benefit the community stakeholders or the resource. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to sign the opposition letter as drafted by Commissioner Fithian. The letter, addressed to Mike Luis, Maryland Department of Natural Resources, respectfully requests the line remain untouched.

### **HUMAN RESOURCES**

Jim Miller, Director of Human Resources, on behalf of Mr. Mackey, requested approval to offer a conditional employment offer to the recommended candidate to fill the vacant Associate Planner position in the Department of Planning, Housing, and Zoning. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidate for conditional employment.

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

Mr. Miller, on behalf of Mr. Moulds, requested approval to offer a conditional employment offer to the recommended candidate to fill the Utility Technician vacancy in the Water and Wastewater Division. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved a conditional offer of employment to the recommended candidate.

### **PUBLIC COMMENT**

The procedures for public comment were in effect. Testimony was offered by Captain Robert Newberry, Delmarva Fisheries Association, Inc. Captain Newberry thanked the Board for their support of the Crab Pot Regulatory Line off the shoreline of Rock Hall. Captain Newberry requested a letter in opposition to the sewage spillage into the Chesapeake Bay from the City of Baltimore. Captain Newberry stated the Atlantic States Marine Commission put forward a Bill to decrease the limit of Rock Fish caught during charter season.

### **FOR YOUR INFORMATION**

A correspondence dated January 31, 2024, from Kevin J. Shearon, P.E., LEED AP, DMS & Associates, LLC was received. The letter informed the Commissioners of a proposed new convenience store/deli on the lands of KNR, Inc., 10816 Worton Road, Worton, Maryland. An informational open house meeting will be held on Thursday, February 15, 2024, at the Kent County Community Center in Worton. For questions, call 443-262-9130.

### **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 30, 2024, is \$252,564.00. The FY2024 use of Fund Balance is \$118,377.00.

### **CLOSED SESSION**

At 6:51 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.

Shelley L. Heller, County Administrator; Thomas N. Yeager, County Attorney; Jim Miller, Director, Human Resources, Pete Landon, Director, Office of Emergency Services; Dan Mattson, Deputy Director, Public Works; and Sondra M. Blackiston, Clerk/KATE Manager, were also in attendance. Four matters were taken up for discussion.

### **MATTER NO. 1 PERSONNEL**

At 6:52 p.m., Jim Miller, Director, Human Resources (HR), and Pete Landon, Director, Office of Emergency Services joined the closed session to discuss the above-noted matter.

Topic to be discussed: A hiring recommendation.

Reason for closing: The discussion of the qualifications of specific individuals should be safeguarded.

Mr. Miller and Mr. Landon discussed the application pool for a grant-funded, part-time position. Each candidate's qualifications were discussed with the Board. Staff submitted a

candidate recommendation. Further discussion occurred. At 7:26 p.m., Mr. Landon departed the closed session.

### **MATTER NO. 2 PERSONNEL**

At 7:27 p.m., Dan Mattson, Deputy Director, Public Works joined the closed session to discuss the above-noted matter. All the other people in attendance remained.

Topic to be discussed: Personnel matters.

Reason for closing: The details of certain employees' compensation should be shielded for privacy.

Mr. Miller submitted a confidential memorandum dated February 6, 2024, to the Commissioners and Shelley L. Heller, County Administrator. Options were discussed.

At 8:27 p.m., Mr. Mattson departed the closed session. All the other people in attendance remained for the next two closed-session matters.

### **MATTER NO. 3 PERSONNEL, LEGAL ADVICE, AND PENDING OR POTENTIAL LITIGATION**

Topic to be discussed: A personnel matter, and legal advice involving the issue.

Reason for closing: Legal advice and the details of the personnel issue are not public.

On February 6, 2024, a memorandum from Messrs. Miller and Yeager was issued to the Commissioners regarding an ongoing issue. File copies were submitted for reference. Further instruction from the Commissioners is needed. After discussing the matter, Mr. Yeager suggested sending a second communication and identifying potential next steps.

### **MATTER NO. 4: PERSONNEL, LEGAL ADVICE, AND PENDING OR POTENTIAL LITIGATION**

Topics to be discussed: A personnel matter, and legal advice concerning a claim.

Reasons for closing: The advice of counsel and legal claims are confidential, and certain details should be shielded.

Mr. Yeager received a letter dated January 16, 2024, regarding a claim. A copy was submitted for reference. Discussion took place to keep the Board current on the matter. A position statement will be submitted to the appropriate person.

### **OPEN SESSION**

Commissioner Price summarized the following four closed-session matters:

1. Matter No. 1 Personnel, an applicant pool was discussed. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to move forward with a contract for the approved candidate. HR staff is directed to proceed with a conditional employment offer to the candidate selected by the Commissioners.
2. Matter No. 2 Personnel, the Commissioners discussed a compensation issue in the Roads Division. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to address the compensation issue in the County Roads Division and to put on hold the filling of a vacant Motor Equipment Operator (MEO) position.
3. Matter No. 3 involved a discussion with legal counsel. The staff has been directed to handle the ongoing legal matter.
4. Matter No. 4 was a report on potential litigation. No action was taken at this point.

At 8:49 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 13, 2024, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston  
Clerk

Approved:

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



February 6, 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, January 30, 2024.

### **PUBLIC NOTICE**

Commissioner Fithian read a public notice into the record. Notice an application has been made by Christopher J. Golder, Member, representing Shore Hospitality LLC for a Class B, Beer, Wine, and Liquor License with Caterer's Privilege (CP) and Corkage Privilege (CKP) on the premises known as Flying Decoy Bar and Grill, 21270 Rock Hall Road, Rock Hall, MD 21661, which shall authorize the holder thereof to keep for sale and to sell Beer, Wine, and Liquor at the place therein described, for on-premises consumption, or elsewhere. A hearing on the application will be held in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr. Government Center, 400 High Street, Chestertown, MD on February 27, 2024, at 10:00 a.m. at which time any exceptions to the application will be heard.

### **SPECIAL CLASS C**

Timothy Kern Memorial Fund has applied for a Beer only Special Class C (Per Diem) liquor license for a fundraising event to be held on March 23, 2024, at Hopkins Hunting and Sporting Clays. Staff recommended approval. 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 the Timothy Kern Memorial.

At 8:49 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 13, 2024, at 10:00 a.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

February 6, 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, and Jamie Williams, Director, Economic and Tourism Development.

Thomas N. Yeager, County Attorney, asked to waive the reading of the formal procedures for testifying. The rules for a public hearing were in effect.

## **CODE HOME RULE BILL NO. 1-2024, PROPERTY TAX CREDIT COMMERCE ZONES**

The public hearing commenced at 6:12 p.m. in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, MD. A public hearing for the purpose of discussing Code Home Rule Bill No. 1-2024, Property Tax Credit Commerce Zones, AN ACT to amend Chapter 152 Taxation, Article VIII Property Tax Credit – Commerce Zones, of the Code of Public Local Laws of Kent County, Maryland, for the purpose of defining tax credits under this Article as non-transferable, by adding (E) A tax credit granted under this article on real property owned by a business entity is non-transferable and shall end on the date the property is transferred to any subsequent property owner. In the taxable year in which the transfer occurs, the business entity shall be given a credit prorated based on the number of months the business entity owned the property, to Article VIII Property Tax Credit: Commerce Zones §152-35. Computation AND EXPIRATION tax credit.

Jamie Williams, Director, Economic and Tourism Development summarized the intent of the legislation. Discussion took place.

## **PUBLIC COMMENTS**

Citizens were invited to sign the testimony log and offer comments on the proposed legislation. 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 6:13 p.m. and stated for the record, that the written comment period will remain open until the close of business on February 9, 2024. The legislative bill is scheduled to be considered for a vote on Tuesday, March 5, 2024.

Respectfully submitted,

Sondra M. Blackiston  
Clerk/ KATE Manager

Approved:

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