

March 5, 2024

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 H. 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 everyone in our prayers during these troubling times around the world.

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 the following items:

1. Regular Session Minutes, February 27, 2024
2. Liquor Minutes, February 27, 2024
3. Public Hearing Minutes, February 27, 2024
4. Closed Session Minutes, February 27, 2024

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney reviewed the protocol for a legislative session. Jamie Williams, Director of Economic and Tourism Development, Bill Mackey, Director, and Carla Gerber, Deputy Director of Planning, Housing, and Zoning joined Mr. Yeager to provide an overview of the proposed legislative bills and answer any questions the Board had.

Mr. Yeager summarized actions the Commissioners could consider taking during the legislative session. The legislative bills are presented at this meeting to be passed, rejected, amended, or deferred to a later date. There were no proposed amendments for Code Home Rule 1-2024 Property Tax Credit-Commerce Zones and Code Home Rule Bill No. 2-2024 To Rescind and Replace the Land Use Ordinance in its Entirety.

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.

3rd Read and Vote – 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, by amending §152-35, of the Code of Public Local Laws of Kent County, Maryland for the purpose of defining tax credits under this Article as non-transferrable.

Ms. Williams gave a brief overview of Code Home Rule 1-2024 and answered questions from the Board. Ms. Williams stated the Bill was introduced and read for the first time on January 23, 2024, and the public hearing was held on February 6, 2024. No comments were

received while the hearing record was open. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the adoption of Code Home Rule Bill No. 1-2024, as presented.

3rd Read and Vote – 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 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. Mackey and Ms. Gerber discussed Code Home Rule 2-2024 and answered questions from the Board. Mr. Mackey stated the Bill was introduced and read for the first time on February 6, 2024, and the public hearing was held on February 27, 2024. Written comments during the open hearing record were received from Ms. Elizabeth Watson, Ms. Karen Holcomb, and Ms. Judy Gifford. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the adoption of Code Home Rule 2-2024 to rescind and replace the Land Use Ordinance in its entirety, as presented, and to direct staff to forward the adopted Land Use Ordinance to the Critical Area Commission for its review and comments.

Introduction of Code Home Rule Bill No. 3-2024 Short-Term Rental Tax

Ms. Williams read Code Home Rule Bill No. 3-2024 Short Term Rental Tax, AN ACT concerning Chapter 152 Taxation, Article III Hotel Rental Tax. For the purpose of ensuring equal treatment of all transient lodging including short-term rentals. By repealing Chapter 152 Taxation, Article III Hotel Rental Tax, and reenacting with amendments Chapter 152 Taxation, Article III Short-Term Rental Tax herein. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the introduction of Code Home Rule 3-2024, Short Term Rental Tax.

At 6:29 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.

RECOGNITION

Certificate of Appreciation to Kent County Parks and Recreation (KCPR) Youth Basketball Coaches: Jill Coleman, Director of KCPR stated that Basketball coaches are instrumental in helping players develop their skills teamwork, and sportsmanship on and off the

court. These coaches spend countless hours creating practice plans, analyzing game strategies, and guiding their players. Their passion for the game and commitment to their team's success are admirable. Through their leadership and dedication, they play a crucial role in shaping young athletes into confident and disciplined individuals both in sports and in life.

Commissioner Fithian read the recognition for the record. The following were recognized: Beth Baugher, Anthony Black, Tiyares Frazier, Thomas Goldsborough, Sam Hurlock, Loren Jones, Deontez Lee, John Mann, Antoine Reid, Maggie Schmidt, Jarmen Thomas, Watson Tinch, Paul Tue, and Jacquelyn Walters. Messrs. Mann and Tue accepted their certificates in person.

PARKS AND RECREATION

Ms. Coleman presented the 2022-2023 Annual Report, Year in Review. Over the last year, KCPR has been working with Shore Strategies, LLC and this report highlights the various initiatives and programs implemented to enhance the community's well-being and recreation. The report detailed the successful completion of several projects aimed at improving park facilities and increasing access to recreational activities, and special events for all age groups. Additionally, it showcased the positive impact of community engagement and volunteer efforts in maintaining the beauty of public spaces. The comprehensive overview presented in the annual report underscores the department's commitment to creating a vibrant and healthy environment for all residents to enjoy.

Ms. Coleman requested approval to award and sign the contract for C.W. Services, LLC (under the County's bidding process) for replastering and balancing the shallow end of the Community Center Pool for a total of \$39,652.96. In addition, a request to allocate \$7,144.95 of the over-budgeted funds to be used to power wash the decks, and walkways (Community Center & Millington, and the building at Millington Pool). The shallow end at the Community Center main pool needs replastering, due to normal wear and tear. The plaster is deteriorating and dissolving. The FY2024 budget for repair/replaster/balancing of the pool is budgeted for \$65,000.00. Upon receipt of two proposals, it was discovered that the current approved budget for the project is over budget by \$25,347.04. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved, awarded, and signed the contract for C.W Services, LLC (under the County's bidding process) in the amount of \$39,652.96 for replastering and balancing the shallow end of the Community Center Pool. In addition, approved the request to allocate \$7,144.95 of the over-budgeted funds to use to power wash the decks, and walkways (Community Center & Millington, and the building at Millington Pool).

ECONOMIC AND TOURISM DEVELOPMENT

Ms. Williams advised in September of 2022; The Maryland Office of Tourism (OTD) informed each Destination Marketing Organization (DMO) that they were 'earmarked' for a grant of up to \$112,320.00 from the Economic Development Administration. It was a requirement that each DMO submit a grant application, that would then be approved. The grant application was submitted to the OTD on November 2, 2023, for FY2024 and FY2025 Television and Streaming Radio Advertising in the amount of \$111,800.00. On February 13, 2024, staff received notice from the OTD that the grant application was approved. The approval letter was available for

review. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to accept the grant agreement as presented and authorized the County Administrator to take the training on behalf of the Commissioners.

Ms. Williams attended a meeting in Talbot County on March 2nd to listen to the topic of conversation regarding the Atlantic States Marine Fisheries Commission to Limit Atlantic Striped Bass. Commissioner Fithian read out loud a letter he drafted addressed to Secretary Joshua E. Kurtz, Secretary of Natural Resources in opposition to the New Measures from the Atlantic States Marine Fisheries Commission (ASMFC) to Limit Atlantic Striped Bass.

INFORMATIONAL TECHNOLOGY

Scott Boone, Director of Kent County Informational Technology (KCIT) gave an update on the Broadband Projects for FY2022-2023. The FY2022-2023 Broadband Grants were completed as of December 30, 2023. All paperwork was submitted to the Office of Statewide Broadband, and staff are awaiting reimbursement for a few of the projects. The County Commissioners agreed to provide a 5% match of the total project costs for each project. Both Internet Service Providers (ISPs) were under budget in several grant areas. The following information is a breakdown of the total County American Rescue Plan Act (ARPA) Savings: ThinkBig Networks: Martin Wagner County ARPA Savings: \$2,090.85 and Gregg Neck County ARPA Savings: \$4,595.15. Talkie Communications: Lovers, Stockton, Chinquapin ARPA Savings - \$1,003.14; Ricauds Branch ARPA Savings - \$3,521.36; Shallcross Wharf ARPA Savings - \$1,068.00; Still Pond A ARPA Savings - \$6,008.55; and Still Pond B ARPA Savings - \$3,274.09. Total ARPA Savings: \$21,541.14.

Mr. Boone requested contingency funds for security enhancements. There have been several requests to replace or install additional panic buttons at 400 High Street to increase building security. KCIT met with Atlantic Security onsite, on February 22, 2024, and a quote was obtained. KCIT is requesting the replacement of the legacy panic button system at 400 High Street through Atlantic Security. The proposal is for twenty-two (22) commercial panic buttons, keypads, and a cellular communicator. KCIT is currently exploring options to replace Plain Old Telephone Service (POTs) lines soon. The project would align with the initiative to reduce the number of POTs lines and ideally reduce costs. The current panic button system uses POTs lines. A proposed cost: Equipment cost - \$4,895.00 and a 3-Year Monitoring Contract - \$408.00 annually. The Contract was available for review. Atlantic Security is the current camera vendor for other County facilities and the vendor for the employee badge system. All security would be under the same vendor and platform. KCIT also requested the replacement of eleven (11) security cameras at 400 High Street. The existing camera system was installed in 2018. KCIT can no longer purchase replacement hardware. Current CAT5e cabling will be utilized by the vendor. The vendor will supply a new Network Video Recorder, UPS, and cameras. Kent County will own the equipment. The proposed cost: Equipment Cost - \$8,995.00. The Contract was available for review. Discussion took place.

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the allocation of \$5,303.00 from FY2024

Contingency Funds unless the Homeland Security Grant funds are approved for the upgraded and additional panic buttons at the County Government Center and name Atlantic Security as the sole source vendor pending legal review.

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the use of remaining KCIT Capital funds for \$6,630.41 to purchase security camera hardware and approve the allocation of \$2,364.59 from FY2024 Contingency Funds or the Homeland Security Grant funds are approved for the replacement of security cameras at the County Government Center and name Atlantic Security as the sole source vendor pending legal review.

Commissioner Nickerson asked Mr. Boone for an update on Valerie Mason and Cindy Moore of Kent Ag Center's request for internet upgrades. Mr. Boone advised communication is open and a proposal has been sent to Kent Ag staff. The site has fiber on the premises. Commissioner Fithian asked for status on the Kent Ag Center's request for mowing the property. Ms. Heller sent the request for mowing the property to the Public Works staff for review.

COUNTY ADMINISTRATOR

Maria Wood, Executive Director, of the Historical Society of Kent County requested a letter of support from the Commissioners to submit with their application for a competitive grant from the Maryland Heritage Areas Authority for a project related to 28 boxes of Kent County-related photograph negatives. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the support letter as drafted.

Commissioner Fithian requested the Board to approve the opposition letter to the Honorable Joshua E. Kurtz, Secretary of the Natural Resources Department concerning new measures from the Atlantic States Marine Fisheries Commission (ASMFC) to limit Atlantic striped bass. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the letter of opposition as drafted. This matter was discussed with Ms. Williams earlier on the agenda.

COMMISSIONERS COMMENTS

Commissioner Fithian advised he sent an email to Jake Day, Secretary of Housing and Community Development on March 5, 2024. Commissioner Fithian requested a status update on the Millington Housing Project.

Commissioner Nickerson requested the status of Ms. Betty Carroll's replacement in the Orphan's Court and vacancies on Property Tax Assessment Appeal Board (PTAAB) members. There has been no word on Ms. Carroll's replacement and a PTAAB member has been appointed and hearings have been scheduled by the Kent County Tax Assessment office.

PUBLIC COMMENT

The procedures for public comment were in effect. Testimony was offered by Captain Robert Newberry, Delmarva Fisheries Association, Inc. in opposition to the New Measures from the Atlantic States Marine Fisheries Commission (ASMFC) to Limit Atlantic Striped Bass.

FOR YOUR INFORMATION

A correspondence was received on February 8, 2024, from Kevin Hemstock, Mayor of the Town of Millington, to Susan O'Neill, MPA, CPM, Executive Director of Upper Shore Regional Council. The Town of Millington supports the spending of funds for Millington infrastructure in partnership with Home Partnership, Inc. The letter was available for review.

A notice of application was received for a State Permit and an opportunity for a hearing from the Maryland Department of the Environment. Issue date of March 7, 2024, in the Kent County News. The Water and Science Administration is reviewing the application for the State Permit KE1993G006/06 – Lester C. Jones & Sons, Inc., 12667 Massey Road, Maryland 21650.

The Commissioners received a copy of a letter dated March 1, 2024, from Joe Goetz, President, Kent County Board of Education to the Honorable Benjamin S. Barnes, Chair, and members of the Appropriations Committee. The letter supports House Bill 0365/Senate Bill 0110 School Construction- Local Cost-share- Alteration.

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 February 27, 2024, is \$252,564.00. The FY2024 use of Fund Balance is \$128,255.00.

At 7:15 p.m. a motion was made by Commissioner Price and seconded by Commissioner Nickerson; the Commissioners unanimously agreed to go into closed session.

CLOSED SESSION

At 7:16 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; and Sondra M. Blackiston, Clerk/KATE Manager, were also in attendance.

MATTER NO. 1: PERSONNEL, LEGAL ADVICE, 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.

This personnel matter was previously discussed in a closed session. Thomas N. Yeager, County Attorney, recounted confidential attorney-to-attorney communications. Mr. Yeager and Shelley L. Heller, County Administrator, made suggestions and Mr. Yeager offered legal advice on the matter.

At 7:44 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. Matter No. 1: personnel, legal advice, pending or potential litigation. The Commissioners spoke with legal counsel at the table. On a motion by Commissioner Price, and seconded by Commissioner Nickerson, the Commissioners unanimously approved to direct the County Attorney to proceed as discussed.

At 7:46 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price, the Commissioners unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, March 12, 2024, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

March 5, 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, February 27, 2024.

At 7:46 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price, the Commissioners unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, March 12, 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