

March 12, 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 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 for all the tragedies around the world.

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

PUBLIC NOTICES

The adoption notice for Code Home Rule 1-2024 Property Tax Credit- Commerce Zones was read into the record. The legislation was adopted on March 5, 2024, without amendments; and the provisions of this Act shall take effect on April 19, 2024.

The adoption notice for Code Home Rule 02-2024 To Rescind and Replace the Land Use Ordinance in its Entirety was read into the record. The legislation was adopted on March 5, 2024, without amendments; and the provisions of this Act shall take effect on March 15, 2024, contingent upon review and approval of the Critical Area Commission for the Chesapeake & Atlantic Coastal Bays according to the Md. Code Ann., Natural Resources § 8-1809, as the same may be amended from time to time.

CONSENT ITEMS

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

1. Regular Session Minutes, March 5, 2024
2. Liquor Minutes, March 5, 2024
3. Closed Session Minutes, March 5, 2024
4. April Bitter, Project Manager, Information Technology – GSA-Multiple Award Schedule Purchase Order Contract No. 47QTCA20D00B5. Term of 12 months March 12, 2024 – March 12, 2025.
5. Brian Prendergast, Program Manager, Maryland Department of Agriculture – Proposed Budget for Kent County Mosquito Control CY2024 (FY2025 Settlement). Local \$15,000.00; County \$32,500.00; State \$7,600.00 for a total working budget \$55,100.00.

PROCLAMATION

For All Seasons, Inc. – Sexual Assault Awareness Month (SAAM) - Kristy Mirando, Director of Victim Services For All Seasons, Inc., gave an overview of why it is important For All Seasons, Inc., to recognize April as Sexual Awareness Month. The goal of SAAM is to raise public awareness about sexual violence and educate communities on how to prevent it. SAAM calls attention to the fact that sexual harassment, assault, and abuse are widespread and impacts every person in this community. The organization will be offering a series of presentations across the five Mid Shore counties. Commissioner Nickerson read the proclamation into the record, and it was presented to Ms. Mirando.

APPOINTMENT

MACLEOD LAW GROUP, LLC: Lance Young, Attorney, McLeod Law Group, LLC, stated this is a follow-up meeting from November 28, 2023. Commissioners held a hearing on the Growth Allocation on November 28, 2023. The Commissioners deferred voting on the adoption of a resolution to approve the Wharf's Growth Allocation until discussions could be had with the Critical Area Commission (CAC) to implement a mitigation plan for the growth allocation that may be granted within the required 300' buffer. The Wharf has been in numerous discussions with the CAC regarding mitigation. It has not been possible to submit a final proposed application (with Mitigation) to the Commissioners for consideration before the 90-day expiration.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director, and Carla Gerber, Deputy Director, of Planning, Housing, and Zoning (DPHZ), discussed The Wharf at Handy's Point, Inc. Today's request is to approve the resolution and findings of fact for the Growth Allocation application for The Wharf at Handy's Point, Inc. The Application was presented before the Kent County Planning Commission (PC) on November 2, 2023, and it received a favorable recommendation. A public hearing was held by the County Commissioners on November 27, 2023. As part of the approval process, the Maryland CAC also reviews and approves Growth Allocation applications. The County's practice is to provide advance copies of materials to State agencies to facilitate the process and, if needed, receive early feedback on projects. DPHZ staff have been in contact regarding this Growth Allocation application with CAC staff who are familiar with the project. Discussion took place. Ms. Gerber was commended for her efforts in coordinating with the CAC. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously adopted Resolution No. 2024-03 to approve the Wharf at Handy's Point Growth Allocation.

ECONOMIC AND TOURISM DEVELOPMENT

Jamie Williams, Director of Economic and Tourism Development, requested the Board's approval to send a letter of support to Will Tilburg, Acting Director, Maryland Cannabis Administration (MCA). The MCA has announced that the first round of Cannabis Business Licenses will open on November 13th. The Administration has also announced the number of licenses, by license type that will be available in the first application round: Dispensary Licenses for Kent County – 1 Growers/Processors/Micro Licenses by Region - Eastern Region which includes Caroline, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties: Grower – 4, Processors – 8, and Micro – 6.

Arock Holdings, LLC is the only dispensary license application submitted for Kent County. Representatives from the Town of Millington attended: Kevin Hemstock, Mayor, Jo Manning, Administration, Wayne Starkey, Council Member, and Rahul "Rocky" Dutta, of Arock Holdings, LLC., answered questions from the Board. A copy of the Town of Millington's support letter was also provided. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the letter of support for Arock Holding's LLC's cannabis business license application.

Ms. Williams; Susan O'Neill, Executive Director, Upper Shore Regional Council; Frank Hodgetts of Home Partnerships; and Jo Manning from the Town of Millington gave an overview of the Rural Maryland Economic Development Fund, the Millington Infrastructure Project, respectively. Commissioner Fithian asked Mr. Hodgetts, Ms. O'Neill, and Mayor Hemstock to contact Jake Day, Secretary, Housing and Community Development, and advise there is a deadline of two weeks at which time if there is no movement, the County will need to pivot in another direction.

Ms. Williams requested the Board's approval for a letter of support. Modern Stone Age Kitchen (MSAK) located in Chestertown, Maryland, is a woman-owned, family-run, business dedicated to nourishing the community and celebrating local Maryland farmers by making all of the food 100% from scratch using traditional processes. MSAK needs additional space and equipment and is applying for the Resilient Food Systems Infrastructure (RFSI) program grant through the Maryland Department of Agriculture (MDA) and the United States Department of Agriculture (USDA). The RFSI funding will have a direct and positive impact on the community by enhancing access to locally produced healthy food products, increasing job opportunities, and supporting hard-working farms and producers. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the signing of a letter of support to the MDA for Modern Stone Age Kitchen's Grant Application for the RFSI program from the USDA.

PUBLIC WORKS

Water and Wastewater Division: Dan Mattson, Director of Public Works (DPW), and Dan String, Senior Project Manager with KCI Technologies discussed the status of a Wastewater Treatment Plant (WWTP) project. Per the Commissioners' request, KCI provided an update on the status of the Kent County Regional WWTP design, including work completed, status and percent completion of current efforts, coordination with permitting agencies, and potential developers. Mr. String projected that 60 % of the project will be completed by June 2024, 90% by fall 2024, and the start of the project by early 2025. The location of the WWTP will be near the 301 corridors in Millington. Discussion took place.

Engineering: Mr. Mattson and Pete Landon, Director, Office of Emergency Services (OES) gave an update and reviewed the status of the new Emergency Medical Services (EMS) building. The initial design was presented to the Commissioners on December 12, 2023, and at that time, a solicitation of architectural proposals was requested by DPW. The Commissioners provided design input on the current layout, including 1. Changing the proposed split-bathroom design to separate men's/women's restrooms, each with their own toilet/sink/shower, 2. The Chief's Office Dimensions are suggested to be 12'x10' if practical, 3. A proposed front lobby for security

purposes, 4. One (1) additional office, and 5. Potential for attic storage in the designated storage area. It was also determined that the project would proceed more economically under a design/build approach than via an architectural proposal. The process would be similar to how the Grounds Maintenance Facility near Worton Park was designed, procured, and constructed. The purpose of this item was to present what Public Works and OES believe to be the final design of the building floorplan and site layout, incorporating previous comments by the

Commissioners as well as further coordination between PW, OES, and several potential contractors. If acceptable, Public Works would then seek approval to finalize the bid package and advertisement for the project. The current cost estimate for the project is approximately \$600,000.00. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the building floor plan and site layout design of the proposed new EMS building, to be located at 104 Vickers Drive, Chestertown.

Updates: Mr. Mattson is communicating with a company interested in leasing the Worton Lagoons for a floatable solar project. Commissioner Price asked for the procedure for requesting a culvert pipe replacement. Mr. Mattson advised the resident to email or call the Public Works division to file a request. Mr. Mattson gave an update on the following: FY2024 roadway surface treatment program (tar & chip), Clark Road culvert pipe project, Kent County Ag Center request for mowing assistance, demolition of the Granary at Turner's Creek, and Nicholson Groundwater Treatment Plant.

COUNTY ADMINISTRATOR REPORT

Kate Van Name, Executive Director of Kent Attainable Housing, Inc. (KAH) requested the Board's support for their 2025 Congressional Direct Spending (CDS) request. KAH is dedicated to alleviating intergenerational poverty through financial literacy and homeownership in Kent County. KAH aims to provide low-income families with quality, affordable homes that meet their needs, by providing financial literacy and education programs, as well as financial assistance services, to help families achieve homeownership and maintain their homes. A summary of the FY2025 CDS request outlines the plan to expand FY2024 projects in Chestertown and Butlertown and start efforts in three other Kent County towns. Due to time constraints, the Board signed a letter of support on March 5, 2024.

The Law Office of Cookerly & Barroll, LLC., sent a Release of Mortgage, Mercedes Freeman Bordley and Bonita R. Prather, M.L.M. No. 577, Folio 61 to the Commissioners' Office. To accommodate settlement deadlines, Commissioner Fithian signed the Release of Mortgage on March 5, 2024.

COMMISSIONERS COMMENT

Commissioner Fithian advised WBOC wrote an article on the opposition letter that was sent from Kent County Commissioners regarding the New Measures from the Atlantic States

Marine Fisheries Commission (ASMFC) to Limit Atlantic Striped Bass. Since the story's debut, Dorchester and Queen Anne's County stated they would be writing a similar letter to Secretary Joshua E. Kurtz of Maryland Natural Resources. There is a hearing scheduled for the lawsuit against the Atlantic States Marine Fisheries Commission (ASMFC). A response letter to the Board's letter is noted below.

FOR YOUR INFORMATION

Correspondence was received on March 7, 2024, from Secretary Kurtz, in response to the opposition letter the Commissioners sent on March 5, 2024, regarding New Measures from the Atlantic States Marine Fisheries Commission (ASMFC) to Limit Atlantic Striped Bass. The letter was available for review.

PUBLIC COMMENT

The procedures for public comment were in effect. Allan W. Schaubert, Kent County Orphan's Court Judge asked if an appointment has been made to fill the Orphan's Court Judge vacancy. The matter awaits Senate approval.

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 March 5, 2024, is \$244,896.00. The FY2024 use of Fund Balance is \$128,225.00.

At 12:18 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, March 19, 2024, at 6:00 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

March 12, 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; Thomas N. Yeager, County Attorney; 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, March 5, 2024.

SPECIAL CLASS C LICENSES

The United Way of Kent County applied for a Beer and Wine only Special Class C (Per Diem) liquor license. The event is a fundraiser on April 6, 2024, from 1:00 p.m. to 4:00 p.m., at Wilmer Park; the rain date is April 7, 2024. The application was reviewed and met the requirements for an event license. Staff recommended approval. Hearing no objections, on a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Special Class C liquor license application for The United Way of Kent County.

ShoreRivers applied for a Beer and Wine only Special Class C (Per Diem) liquor license. The event is a community meeting on April 17, 2024, from 3:00 p.m. to 8:00 p.m. at the Betterton Fire Hall. The application was reviewed and met the requirements for an event license. Staff recommended approval. Hearing 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 for ShoreRivers.

PUBLIC HEARING PROTOCOL

Mr. Yeager read the public notice into the record. Notice, an application has been made by Rumit H. Dusia, President/Treasurer representing Huriom Petroleum Corporation, Inc., to upgrade from a Class A, Beer and Wine License to a Class A, Beer, Wine, and Liquor License on the premises known as, Galena Mini Mart, which shall authorize the holder thereof to keep for sale and to sell Beer, Wine, and Liquor at the place therein described, for off-premises consumption. A hearing on the application will be held in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr. Government Center, 400 High Street, Chestertown, Maryland on March 12, 2024, at 10:00 a.m., at which time any exceptions to the application will be heard. The hearing was duly advertised.

Mr. Yeager reviewed the public hearing protocols. Mr. Yeager administered the Oath to applicant Rumit H. Dusia, and Bonnie Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE), and anyone wishing to testify. The rules for a public hearing were in effect.

HURIOM PETROLEUM CO. INC. TRADING AS GALENA MINI MART, CLASS A, BEER, WINE, AND LIQUOR LICENSE

The hearing commenced at 10:10 a.m. Mr. Yeager stated a legal review of the application for a Class A, Beer, Wine, and Liquor License was completed. Galena Mini Mart is an established business with an existing liquor license. The application was submitted to upgrade the current license to allow the sale of liquor (spirits) in addition to beer and wine which is currently licensed. No comments were offered in favor of or in opposition to the application. There being no objections, on a motion by Commissioner Price seconded by Commissioner Nickerson, the Commissioners unanimously approved the application to upgrade the Galena Mini Mart license to a Class A, Beer, Wine, and Liquor License.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Compliance Check Results: Inspector Pearsall provided the Commissioners with an update on recent tobacco enforcement efforts. Twenty-nine (29) compliance checks were completed during February at County retail establishments licensed to sell tobacco and electronic cigarettes/products. Inspector Pearsall was pleased to announce 100% compliance. Letters and responsible retailer certificates for the establishments were prepared.

License Updates: On February 27, 2024, the Board approved Shore Hospitality, LLC DBA Flying Decoy Bar & Grill for a Class B, Beer, Wine, and Liquor License with Caterer's Privilege (CP) and Corkage Privilege (CKP). License No. 4909 was issued on February 28, 2024. Inspector Pearsall conducted a routine inspection of The Jefas Mexican Grill on February 21, 2024. During the inspection, no employees/staff were working and serving alcoholic beverages with a valid alcohol awareness certification card on their person or anywhere located on the premises. There were no personnel records at the establishment of staff members which listed records of alcohol awareness training, commonly referred to as "TIPs". Therefore, Inspector Pearsall could not verify that any of the employees were tips certified. This violates the Maryland Annotated Code, Alcoholic Beverages article, Section 24-1903. Given the nature of the violation and this being the first offense, a letter was hand-delivered and served as a written warning. Any subsequent violations will cause a fine and/or an additional penalty.

The above-noted transactions will be recorded in the monthly report of retail license activity required by the Comptroller of Maryland, Field Enforcement Division.

At 12:18 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price, the Commissioners unanimously approved to adjourn the meeting. The Board is scheduled to meet again on Tuesday, March 19, 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