

September 17, 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 silent for everyone affected by the unrest around the world. Keep everyone affected by disturbances and wars in our prayers.

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 all five items as presented:

1. Regular Session Minutes, September 10, 2024
2. Liquor Minutes, September 10, 2024
3. Public Hearing Minutes, September 10, 2024
4. Closed Session Minutes, September 10, 2024
5. Dan Mattson, Director of Public Works – Various HVAC projects with Johnson Controls, Inc., Sourcewell Cooperative Purchasing JHN #070121:
 - a. Replacement of Water Source Heat Pumps (WSHP) at 400 High Street Units #23 and #28; total \$34,524.00
 - b. Replacement of Packaged Terminal Air Conditioning (PATC) Courthouse Units #12, #17, and #4; total \$31,498.00
 - c. Replacement of Boiler at 400 High Street; total \$37,970.00
 - d. Replacement of Control Board at 709 Morgnec Road Quote Reference Number 1-1PF2LSQY; total \$5,659.00

PROCLAMATIONS

Suicide Prevention Month “No Matter What... You Matter” September 2024: Carly Palmer, Outreach Coordinator, and Katie Arend, Assistant Clinical Director, For All Seasons, gave an overview of Suicide Prevention Month “No Matter What... You Matter” and urged all citizens to work toward the prevention of suicide actively and to reach out to one another to listen without judgment and share vital resources to promote an inclusive and mentally healthy community. For All Seasons, Inc. offers walk-in services at 516 Washington Ave, Chestertown, Maryland 21620. For more information, please visit <https://forallseasonsinc.org>. Commissioner Price read the proclamation into the record and presented the proclamation to Ms. Palmer and Ms. Arend.

National Prisoner of War/Missing in Action Recognition Day, September 20, 2024: Denise Robinson, Founder Eastport/Annapolis, Legacy of Honor Project, and Piers Heriz-Smith MSgt, USAF (ret), from VFW Post 652 of Millington provided an overview of the National Prisoner of War/Missing in Action Recognition Day. Friday, September 20, 2024, will mark the

6th National POW/MIA Recognition Day. A day established by Congress to honor the sacrifice and courage of American Prisoners of War (POW) and Americans still Missing in Action (MIA). A day to show support for the families of our missing, who are still waiting for their loved ones to be found and brought home. This year, the Legacy of Honor Project has requested that the County join their "From the Mountains to the Sea - Maryland Remembers" campaign. Staff set up a display for a "Missing Man Table" to help raise awareness of the cause. Help Maryland honor our heroes and the families that were left behind. Commissioner Fithian read the proclamation into the record and presented the proclamation to Ms. Robinson and Mr. Heriz-Smith.

Hispanic Heritage Month or "Mes de Herencia Hispana" September 15 - October 15, 2024: Rosemary Ramsey-Granillo, Director of Kent County Local Management Board (KCLMB), and Marcelina Carranza of Eñe, gave an overview of the Hispanic Heritage Month or "Mes de Herencia Hispana" campaign. This is Kent County's second annual celebration. Eñe, the Hispanic Community and Cultural Network, KCLMB, and the Kent Cultural Alliance have organized activities to celebrate Hispanic Heritage Month in Kent County. Festivities include a Student Art Show, Latin American cuisine tasting, Spanish Karaoke, a Fiesta Latina dance party, and a salsa dance lesson. Commissioner Nickerson read the proclamation into the record and presented it to Ms. Granillo and Ms. Carranza.

LEGISLATIVE SESSION

At 6:25 p.m., on a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to go into a legislative session.

Legislative Protocol: Commissioner Fithian reviewed the protocol for a legislative session. The legislative bill was considered for a vote and its third read. Commissioner Fithian summarized the bill's intent. No proposed amendments to the bill were received, and no written comments were received during the comment period. Rob Tracey, Associate Planner, Planning, Housing, and Zoning, joined the Commissioners to provide an overview of the proposed legislative bill and answer any questions the Board had.

3rd Read and Vote – Code Home Rule Bill No. 7-2024 Self-Storage Centers In The Industrial District

AN ACT to amend Chapter 222, Zoning, of the Code of Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use Ordinance, to add self-storage centers as a permitted use in the Industrial district by (a) amending Article V, District Regulations, Section 15. Industrial District, §15.2 Permitted Principal Uses and Structures, by adding a new #20 as follows: "Self-storage centers provided the front façade of the center and any other façade visible from adjoining public roads reflect the scale, materials and design features common to residential or historic structures in the County. Self-storage centers are subject to site plan review;" (b) by amending Article V, District Regulations, Section 11 Commercial, §11.2 Permitted Principal Uses and Structures, by replacing #6 with: "Self-storage

centers provide the front façade of the center and any other façade visible from adjoining public roads reflect the scale materials and design features common to residential or historic structures in the County. Self-storage centers are subject to site plan review;” and (c) by including a certain, non-codified provision to instruct County staff to make similar changes in the upcoming re-adoption of the Land Use Ordinance.

The proposed amendment would add self-storage centers as a permitted use in the Industrial District. This use would extend to the Industrial District, which is currently permitted within the Village, Intense Village, and Commercial districts. The Kent County Comprehensive Plan recognizes the importance of supporting existing businesses and providing for more diversity in the size, number, and types of businesses by promoting the development of small, locally owned businesses. On July 11, 2024, the Planning Commission held a public hearing and favorably recommended the zoning text amendment to the Commissioners. A letter from the Planning Commission was provided. On August 20, 2024, the County Commissioners voted to introduce the bill, and on September 10, 2024, the County Commissioners held a public hearing.

Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously adopted Code Home Rule 7-2024 as presented. The bill passed without amendments.

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to adjourn the legislative session at 6:28 p.m.

HUMAN RESOURCES

Jim Miller, Director of Human Resources, requested approval to hire the recommended candidate to fill an Emergency Medical Technician (EMT) vacancy in the Office of Emergency Services. 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.

Mr. Miller requested approval to hire the recommended candidate for a Motor Equipment Operator (MEO) I vacancy. Discussion occurred regarding the exact number of operator vacancies in the County Roads Division. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved a conditional offer of employment to the recommended candidate to fill a Motor Equipment Operator vacancy in the County Roads Division.

COUNTY ADMINISTRATOR

Shelley L. Heller, County Administrator, offered several public announcements:

The Kent County Ethics Commission will meet on Friday, September 20, 2024, at 11:00 a.m. in the Commissioners Hearing Room. This is an organizational meeting. The purpose of the

meeting is to discuss a new Code Home Rule for a new Ethics Ordinance mandated by the State of Maryland.

The Maryland Department of Transportation's Annual Consolidated Transportation Programs (CTP) Tour is scheduled for October 8, 2024. On September 5, 2024, Ms. Heller sent letters of invitation to the District 36 Delegation and the five municipalities. During this event, constituents will have the opportunity to raise their concerns and discuss Legislative Bond Initiatives (LBI) or any other legislative matters. Commissioner Nickerson stated that the Department of Transportation has announced no funds for new projects.

PUBLIC NOTICES

Ms. Heller gave an overview of the LBI Process and explained that these funding requests are presented to the General Assembly by entities with specific projects needing additional funding. Until last year, entities in Kent County went directly to the Delegation to submit LBIs, bypassing the County and its input altogether. However, the Board changed the process on September 12, 2023. Entities must now submit LBIs to the County for prioritization before being forwarded to the State. This allows the entity to present its initiative publicly and enables the County to provide input, prioritize, and potentially provide a letter of support for the most desired projects. Ms. Heller presented a draft timeline regarding the scheduled dates related to the LBI process. The two public notices scheduled for publication were submitted for the record. The proposed timeline is as follows:

September: Publish public notice/guidelines
October 1: Deadline for LBI preliminary proposals
October 8: Publish preliminary proposals and hold a public hearing
October 29: A work session to discuss proposals
November 19: Legislative Package finalized and sent to Delegation

PUBLIC COMMENT

Before opening the floor to public comment, Commissioner Fithian introduced Dr. McComas, Superintendent of Kent County Public Schools, inviting her to say a few words. Dr. McComas thanked the Commissioners for joining the staff on the first day of school. Kent County Public Schools are celebrating Hispanic Heritage Month and Suicide Prevention Month. Commissioner Price thanked Dr. McComas for her leadership style and heartwarming interactions with the children. Dr. McComas enjoys the school size, allowing her to interact with all children daily. Third grade is making great strides. Dr. McComas and the fourth graders spent the day on the Sultana today.

The procedures for public comment were in effect. Crain Houston, a resident of Kent County, offered comment regarding a weekly report published by ShoreRivers concerning the bacteria content of the Chester River. Mr. Houston asked the Commissioners to investigate the Chester River bacteria report, which includes sixteen (16) sites from Millington to Centreville. Twelve (12) out of sixteen (16) sites failed.

Commissioner Price asked staff to invite the ShoreRivers staff to a future meeting to give a status update on the Chester River.

FOR YOUR INFORMATION

Mark Carper, Associate Planner of Planning, Housing, and Zoning, notified the Kent County Commissioners, as an adjacent property owner, that the Kent County Planning Commission will review a site plan application submitted by Morgnec Road Solar, LLC, on October 3, 2024, requesting a preliminary site plan review of a 245-acre utility-scale solar facility.

The Commissioners received correspondence dated September 10, 2024, from the Caroline County Commissioners Office to Daniel D. Schuster, Finance Policy Analyst at Maryland Higher Education, regarding Maryland Community Colleges.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

The Commissioners were provided with a copy of the ARPA Spend Plan outlining the approved expenditures to date for informational purposes.

CONTINGENCY FUND

The FY2025 Contingency balance as of September 10, 2024, is \$323,850.00. The FY2025 use of Fund Balance is \$101,347.00.

CLOSED SESSION

At 6:55 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; and (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

Shelley L. Heller, County Administrator; Bill Mackey, Director, Planning, Housing, and Zoning; Sondra M. Blackiston, Clerk/KATE Manager; and Lacey T. Cox, Deputy Clerk II, were also in attendance.

MATTER NO. 1: PERSONNEL AND PENDING OR POTENTIAL LITIGATION

The topics to be discussed: Personnel matters and consulting with staff concerning a pending or potential litigation matter.

Reasons for closing: Personnel information is confidential and should be safeguarded, and advice from staff concerning pending or potential litigation should be kept private to the public and is meant to shield specific details.

Commissioner Fithian discussed a specific pending or potential litigation matter. Shelley Heller, County Administrator, and Bill Mackey, Director of Planning, Housing, and Zoning further discussed the case, its details, and its timeline. A discussion occurred. Mr. Mackey and Ms. Heller further explained the case-specific details and the next steps involved in the process.

At 7:29 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

Matter No. 1: Personnel and pending or potential litigation: Commissioner Price summarized the closed-session discussion regarding potential litigation, including personnel involvement. The discussion was short but very involved, and no action is to be taken at this time.

At 7:30 p.m., on a motion made by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, September 24, 2024, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

September 17, 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, was 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, September 10, 2024.

SPECIAL CLASS C LICENSES

Kennedyville Volunteer Fire Company submitted a Special Class C (Per Diem) liquor license application to sell beer only during Molly's Place three (3) day Open House event. This is scheduled for September 20th from 4:00 p.m. - 8:00 p.m., September 21st from 12:00 p.m. - 6:00 p.m., and September 22nd from 11:30 a.m. - 3:00 p.m. in the parking lot of Molly's Place. There being no objections to the application, the Board took a vote. 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 Kennedyville Volunteer Fire Company.

Kent County Bar Association submitted a Special Class C (Per Diem) liquor license application to sell beer and wine during their annual Crab Feast. The event is scheduled at Turner's Creek from 5:00 p.m. to 8:00 p.m. on October 10, 2024. There being no objections to the application, the Board took a vote. 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 Kent County Bar Association.

FOR YOUR INFORMATION

License Update: Babylon Revisited, LLC d/b/a/Zelda Speakeasy was placed on probation for being non-compliant on May 10, 2023. Jeffery P. Maguire, the owner of the establishment, was unable to provide an average of daily receipts from the sale of food that was at least twenty-five (25) percent of the total average. Mr. Maguire's probationary period was extended for an additional six (6) months. After reviewing submissions through June 2024, it was found that the establishment was compliant, and the probation was lifted. Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE), issued a hand-delivered letter to Mr. Maguire on September 9, 2024. A copy of the letter was provided to the Board for its review.

At 7:30 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, September 24, 2024, at 10:00 a.m.

Liquor Minutes
September 17, 2024
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OF KENT COUNTY, MARYLAND

Sondra M. Blackiston
Clerk/KATE Manager

Approved:

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