

December 3, 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 was convened with the Pledge of Allegiance. Commissioner Fithian asked everyone to remain silent for peace around the world.

Shelley L. Heller, County Administrator, and Thomas N. Yeager, Attorney, were 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, November 19, 2024
2. Liquor Minutes, November 19, 2024
3. Closed Session Minutes, November 19, 2024
4. Bill Mackey, Director of Planning, Housing, and Zoning – Release Letter of Credit #167, Chester River Yacht and Country Club- parking lot expansion project \$50,344.00
5. University of Delaware – Invoice MISC083945 for \$5,078.00 for Historical Documentation – Granary at Turner’s Creek approval to pay with FY2025 contingency funds

ACKNOWLEDGEMENTS

Planning, Housing, and Zoning – Board of Appeals - Dr. Al Townshend was appointed to the Board of Appeals in 2000 and served for 24 years, while Patricia “Joan” Horsey was appointed in 2009 and completed 15 years of public service. Both Dr. Townshend and Ms. Horsey have decided not to seek reappointment. Commissioner Price read Ms. Horsey’s certificate, and Commissioner Nickerson read Dr. Townshend’s certificate into the record. The Commissioners expressed their gratitude and well wishes to Dr. Townshend and Ms. Horsey as they presented them with certificates of appreciation.

LEGISLATIVE SESSION

At 6:11 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: Thomas N. Yeager, County Attorney, reviewed the protocol for a legislative session. The legislative bill is submitted for the Board’s introduction and first-read consideration. Mr. Yeager and Carla Gerber, Deputy Director of Planning, Housing, and Zoning, summarized the bill’s intent. Genevieve H. R. Macfarlane, Esq. with Stevens Palmer, LLC, on behalf of Wicomico Hunt Club, Inc., with Cara Godack, leadership in the hunt club, and Eden Kloetzli, huntsman and property owner, joined the Commissioners to provide an overview of the proposed legislative bill and answer any questions the Board had. Mr. Yeager summarized the options the Board could consider during the legislative process.

1st Read and Introduction – Code Home Rule Bill No. 9-2024 Fox Hunting Club, Dog Kennels in Resource Conservation 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, in order to add a new land use and to permit said new land use in a single district as an accessory use: (1) by adding “10. Dog Kennel, Fox Hunting Club” to Article V. District Regulations, Section 2. Resource Conservation District, §2.4 A. Accessory Uses; (2) by adding a definition for “Dog Kennel, Fox Hunting Club” to Article XI. Definitions, Section 2. Definitions; (3) by including one non-codified provision; and (4) by providing for an effective date related to the required Critical Area Commission review and approval of the zoning text, per Md. Code Ann., Natural Resources § 8-1809, as the same may be amended from time to time. On November 7, 2024, the Kent County Planning Commission held a public hearing, reviewed the proposed applicant-initiated zoning text amendment, and made favorable recommendations to the County Commissioners. On November 26, 2024, the Kent County Agriculture Advisory Commission reviewed the proposed zoning text amendment and made favorable recommendations to the County Commissioners. The above-noted letters were provided for review. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved introducing Code Home Rule Bill 9-2024 and for the Bill to be scheduled for a Public Hearing in the Commissioners’ Hearing Room at 400 High Street. Further discussion took place. There were no additional legislative bills, so the session concluded at 6:27 p.m.

PUBLIC HEARINGS – GRANTING NEW GROWTH ALLOCATIONS RELATED TO THE REZONING OF PROPERTIES ALREADY INDICATED ON THE ADOPTED ZONING MAP AND THE ESTABLISHMENT OF A KENT COUNTY AGRICULTURAL PRESERVATION DISTRICT

Public hearings were held on the following: Granting New Growth Allocations Related to the Rezoning of Properties Already Indicated on the Adopted Zoning Map, and the Establishment of a Kent County Agricultural Preservation District. Public information regarding the above-mentioned hearings and minutes is posted on the County’s website at <https://www.kentcounty.com/commissioners/meeting-agenda>.

APPOINTMENTS

Kent County Health Department and Mid Shore Behavioral Health: Bill Webb, Health Officer, Kent County Health Department, and Kathryn Dilley, Executive Director, Mid Shore Behavioral Health, discussed a treatment program. A presentation was shared that offered more details. This is a behavioral health initiative that targets citizens with severe mental illness who routinely cycle through Emergency Departments or Detention Centers. State Law mandated this program during the 2024 Legislative session. The next deadline for this initiative is January 1, 2025. The presenters sought guidance from the Commissioners for their preferences for establishing an Administrative Outpatient Treatment Program for the County. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to offer support as Kent County Commissioners representing Kent County Government to support the Outpatient Treatment Program with a regional concept.

Commissioner Price requested an update from Mr. Webb regarding the processes of the Maryland Department of Health and the Maryland Department of Environment related to Environmental Operations in Kent County. Mr. Webb provided some insights into the in-house procedures.

Veteran and Military Support Alliance: Eric Johnson, Executive Director; Lee Ellington, Deputy Director; and Bruce Bereano, Lobbyist representing Veteran and Military Alliance (VASMA), presented on behalf of the Veteran & Military Support Alliance (VAMSA). A presentation and flyers were provided during the meeting. Current services offered to veterans and their families were highlighted. VASMA is requesting the County's support through monetary funding. Although a dollar amount was not specified, Commissioner Fithian asked staff to request funding during the FY2026 Budget session.

FINANCE

Patricia Merritt, Chief Finance Officer, Office of Finance; Jamie Williams, Director; and Rose Osborn, Administrative Specialist, Economic and Tourism Development, gave the FY2025 First Quarter update on the Short-Term Rental Tax. Ms. Merritt discussed the project's progress and reviewed certain comparisons with the previous fiscal year.

PUBLIC WORKS

Environmental Operations - Bayside Landing Marina Improvements Project: Dan Mattson, Director of Public Works, reviewed the following three bids:

1. \$1,794,520.00 - Sweitzer Marine (low bidder)
2. \$2,017,796.00 - Dissen & Juhn
3. \$2,664,963.00 - Specialty Underwater Services

Sweitzer Marine presented a complete bid package and was deemed the responsive low bidder. The Public Works Department and the Department of Natural Resources (DNR) approved the contract award. Funding is split 50% from the DNR, and the County covers the remaining costs. Various funds have been reallocated to fully finance the project. Construction is anticipated to start in late December of 2024 and will take approximately three months. The total costs include all "Base Bid" Schedule A items and "Schedule B - Contingent Items," covering necessary elements like piles, sheeting, and replacing the existing sewage pump at the Landing. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved contract #25PWBLMI0625 with Sweitzer Marine in a total amount of \$1,794,520.00 for the Bayside Landing Marina Improvements Contract.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

Mr. Mattson requested approval of the following:

1. Water and Wastewater- Worton Wastewater Plant Dewatering Equipment Purchase Contract: The solids press at the Worton wastewater treatment plant dewater solids from wastewater and septage. This facility is the designated site for septage disposal in Kent County.

The current press, installed in 2011, is out of service and needs replacement to meet disposal standards at the Mid Shore landfill. Vendors were invited to submit proposals by October 17, 2024, for the equipment and installation support. PW Tech LLC and Esmil submitted proposals, which were reviewed by the county's design engineer (GMB) and Department of Public Works (DPW) staff using a selection matrix. The recommendation is to award the contract to PW Tech LLC. Despite their higher initial cost, PW Tech's equipment offers lower installation and long-term maintenance costs compared to the more complex Esmil equipment, which lacks local service support and spare parts. The Department has submitted a contract to PW Tech LLC for signature and requested approval to finalize it and obligate ARPA funds by the December 31 deadline. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the award of a contract to PW Tech, LLC, for \$470,200.00 to supply replacement dewatering equipment at the Worton Wastewater Treatment Facility. Funding for the purchase is to be obtained from ARPA funds.

2. Water and Wastewater – Engineering Services: The inability to redevelop Fairlee Well #2 leaves the Fairlee service area reliant on Fairlee Well #3, which is also aging and needs redevelopment. To ensure a reliable water supply, it is crucial to construct a new Well #4. McCrone Engineering has submitted a proposal for the design, permitting, and construction oversight of the new well, partnering with Earth Data, Inc. for its hydrogeologic expertise. Both companies have experience in public well construction and have previously worked with the county. The process is expected to move quickly because McCrone holds an IDIQ contract with the county. The estimated costs for design and permitting are \$32,359.00, while construction management is \$46,000.00. Since no funding is available in the FY2025 budget, staff requests the obligation of \$78,359.00 in ARPA funds for this project. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Work Assignment No. 6 under an existing IDIQ agreement with McCrone Engineers for \$78,259.00 using ARPA funding to perform Engineering Services for the Replacement of Fairlee Well No. 2.

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

COUNTY ADMINISTRATOR

Shelley Heller, County Administrator, gave an update on the grant agreement on behalf of Mr. Mattson. At the November 19, 2024, meeting, the Commissioners approved the request to accept the Waterway Improvement Grant Agreement MF-1420H-20 Modification #3 to the Maryland Department of Natural Resources and designated signature authority. Ms. Heller signed the agreement on November 20, 2024.

PUBLIC COMMENT

The procedures for public comment were in effect. Dr. Mary McComas, Superintendent of Kent County Public Schools (KCPS), gave an overview of the following:

- Community Conversation project

- Annual State of Maryland Star Ratings
- The Third-Grade overall test results
- The proposed Middle School architect plans and meetings
- Meeting scheduled for Monday, December 9, with Delegate Jay Jacobs, Delegate Steven Arentz, Delegate Jeff Ghrist, and Senator Stephen Hershey members to discuss the upcoming legislative cycle
- Thanked the community for their donation to date of \$2,600.00
- Middle and High Schools will participate in a play, The Lion King, in March 2025
- The new KCPS Board members will take their seats in January 2025. The meetings are on the second Monday of every month at 6:00 p.m.

FOR YOUR INFORMATION

Staff received a letter dated November 20, 2024, from Chris Mulhall, Senior Manager of Government Affairs for the Comcast Beltway Region, regarding price adjustments that will affect residents of Kent County. The letter was provided for review, and the Information Technology Department received a copy.

CONTINGENCY FUND

The FY2025 Contingency balance as of November 19, 2024, is \$144,351.00. The FY2025 use of Fund Balance is \$105,307.00.

At 8:36 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, December 17, 2024, at 6:00 p.m.

Respectfully submitted,

Sondra L. Blackiston
Clerk

Approved:

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

December 3, 2024

PUBLIC HEARINGS

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; Carla Gerber, Deputy Director and Robert Tracey, Associate Planner, Planning, Housing, and Zoning.

Thomas N. Yeager, County Attorney, read the notice into the record. The rules for public hearings were in effect.

Granting New Growth Allocations Related to the Rezoning of Properties Already Indicated on the Adopted Zoning Map

The first public hearing commenced at 6:28 p.m. in the County Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, MD. A public hearing to discuss granting new growth allocations related to rezoning properties already indicated on the adopted Zoning Map as a new Marine (M) and Mixed Use Development Critical Area (MXDCA). Carla Gerber, Deputy Director, Planning, Housing, and Zoning (PHZ), summarized the request and further details of the proposed resolution and the findings of fact. As part of the approval process, the Maryland Critical Area Commission (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. Department of PHZ staff have contacted CAC staff familiar with the project regarding this growth allocation application. Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to close the hearing at 6:33 p.m.

Resolution and Decision 2024-14: A Resolution of The County Commissioners of Kent County, Maryland, Adopted Pursuant To The Authority In The Maryland Annotated Code, Natural Resources Article § 8-1808, Et Seq. And The Kent County Growth Allocation Policy Adopted On October 22, 2024, To Grant Growth Allocation, Subject To Certain Restrictions, Conditions, And Limitations As Noted In The Natural Resources Article, To Two Areas Being Rezoned As Part Of The Comprehensive Rezoning Update's New County Zoning Map. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the adoption of Resolution 2024-14 to grant 60.3 acres of growth allocation for the two referenced areas on the new Zoning Map.

Establishment of a Kent County Agricultural Preservation District

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to open the second public hearing at 6:34 p.m.

The public hearing was duly advertised. Robert Tracey, the Associate Planner for PHZ, presented details of the hearing along with maps for the applicants, Claude and Stephen Westcott. An agricultural preservation district is a legal agreement between a property owner and the Commissioners that the property will not be developed for at least three years. The property owner may terminate the district after three years if an easement has not been sold. Creating the

local Agricultural Preservation District is the first step in selling an easement to the Maryland Agricultural Land Preservation Foundation (MALPF). It ensures that the property meets the minimum criteria established by State law. The property under consideration for an Agricultural Preservation District is located at 12982 Augustine Herman Highway in Kennedyville. On August 28, 2024, the Kent County Agricultural Preservation Advisory Board reviewed the application and recommended approval. On September 6, 2024, the Planning Commission reviewed the application and recommended approval. Mr. Tracey also offered a favorable recommendation. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to close the hearing at 6:35 p.m.

The Commissioners unanimously approved the submitted Agricultural Preservation District application on a motion made by Commissioner Price and seconded by Commissioner Nickerson.

PUBLIC COMMENTS / WRITTEN COMMENTS

Citizens were invited to sign the testimony log and comment during both public hearings. No comments were made, either spoken or written, before or during the hearing.

Respectfully submitted,

Sondra M. Blackiston, Clerk

Approved:

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

December 3, 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.

PUBLIC NOTICE

Commissioner Fithian read a public notice into the record. Notice an application has been made by Members David Blake Eason, Sr., David Blake Eason, Jr., and Randall Neil McLennan, representing Riley's Mill Ale Works, LLC, for a Class D, Beer, Wine, and Liquor License on the premises known as Riley's Mill Ale Works, 860 High Street, Chestertown, MD 21620, 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 December 17, 2024, at 6:00 p.m. At that time, any exceptions to the application will be heard.

CONSENT ITEM

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, November 19, 2024.

SPECIAL CLASS C

Main Street Chestertown submitted a Special Class C (Per Diem) liquor license application to sell beer and wine for two days during the Dickens of a Christmas Special Event. The event is scheduled for December 6, 2024, from 5:00 p.m. to 9:00 p.m. and on December 7, 2024, from 12:00 p.m. to 5:30 p.m. at the 200 Block of High Street, Chestertown.

The Rock Hall Volunteer Fire Company (RHVFC) submitted a Special Class C (Per Diem) liquor license application to sell beer, wine, and liquor for the Kent County Commissioners Banquet (Employee Appreciation Dinner). The event is scheduled for December 14, 2024, from 6:00 p.m. to 10:00 p.m. at the RHVFC banquet hall.

There were no objections, so the Board took both applications for a vote. On a motion by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved the Special Class C (Per Diem) liquor license application for Rock Hall Volunteer Fire Company and Main Street Chestertown.

ADMINISTRATIVE HEARING

The administrative hearing began at 6:37 p.m. Thomas N. Yeager, the County Attorney, outlined the protocol for the hearing. The case centers on the allegation that Coleman's Tavern has failed to obtain a trader's/business license and has remained non-compliant since the renewal of its alcoholic beverage license in April. On November 7, 2024, Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE), issued and hand-delivered a written warning to Carolyn M. Jones, the President and Treasurer of Coleman's Tavern, regarding the absence of the license.

Mr. Yeager swore in Ms. Jones, Inspector Pearsall, and Sondra M. Blackiston, the Clerk/KATE Manager, to provide testimony. Inspector Pearsall detailed the enforcement efforts to bring the establishment into compliance and noted that Ms. Jones has cooperated throughout the process. Ms. Jones informed the Commissioners that she has contacted a lawyer to assist with the issue and expects it to be resolved shortly. Mr. Yeager provided legal guidance. Mr. Yeager advised that in past cases, the Commissioners have continued the administrative hearing to afford the licensee time to obtain needed approvals and clearances. If the licensee can present evidence of a valid license, the continuation of the hearing will be canceled, and the matter will be considered closed. If not, the licensee must provide further explanation at the hearing. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Board unanimously agreed to postpone the administrative hearing until January 7, 2025. Mr. Yeager affirmed with the Board that if the licensee presented evidence of a valid license to the Inspector, the hearing would be vacated. The hearing concluded at 6:45 p.m.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

Inspector Pearsall informed the Commissioners that Alcoholic Beverage License No. 4802 for Pip's Bar and Discount Liquors, Inc., trading as Pip's Discount Liquors, was surrendered on November 19, 2024. They will receive a pro-rated refund of \$771.87 for surrendering their license before the expiration date. Alcoholic Beverage License No. 4910 was issued to Hari Corp, trading as Pip's Discount Liquors, on November 19, 2024, for a pro-rated amount due of \$975.00. Inspector Pearsall delivered the state-issued Bulk Transfer Permit on November 25, 2024.

Inspector Pearsall also informed the Commissioners that M&M Rock Hall, LLC, trading as Rock Hall One Stop Shop, was approved for a Class A, Beer and Wine alcoholic beverage license contingent upon providing the "Length of Time Acquainted with Applicants" as required by the application. The applicant, Hassan Mahmood, provided the required information on November 21, 2024, and was issued Alcoholic Beverage License No. 4911 for a pro-rated amount of \$175.00.

At 8:36 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, December 17, 2024, at 6:00 p.m.

Liquor Minutes
December 3, 2024
Page 3 of 3

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