

January 9, 2025

A meeting of the County Commissioners of Kent County was called to order at 1:00 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 to honor the late Former President Jimmy Carter and keep everyone in our prayers affected by Southern California's fires and weather conditions.

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

PUBLIC NOTICE

Commissioner Fithian read the Public Notice into the record. The County Commissioners of Kent County, Maryland, will hold a Public Hearing on Tuesday, February 4, 2025, at 6:00 p.m. in the Kent County Commissioners' Hearing Room, R. Clayton Mitchell Jr., County Government Center, 400 High Street, Chestertown, Maryland. The agenda for the meeting will be published online at www.kentcounty.com/commissioners/meeting-agenda, 24 hours in advance of the meeting. Citizens are encouraged to participate in the Public Hearing and may offer comments either by attending in person or by submitting written comments. If you require communication assistance, please contact the County Commissioner's Office at (410) 778-4600 and press 4 or visit Maryland Relay at www.mdrelay.org no later than January 31, 2025. The Public Hearing is scheduled for the purpose of discussing the proposed Code Home Rule Bill No. 10-2024 Construction Trades Board.

CONSENT ITEMS

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved all nine consent items as presented:

1. Regular Session Minutes, December 17, 2024
2. Liquor Minutes, December 17, 2024
3. Closed Session Minutes, December 17, 2024
4. C. Henry Price, II American Legion Post 246, Raffle Only, January 10- December 12, 2025
5. Bill Mackey, Director of Planning, Housing, and Zoning, – Release of Letter of Credit No. 166, Landscaping -Chester River Yacht and Country Club Parking Lot Expansion
6. Mr. Mackey – Release of Letter of Credit No. 714, Landscaping -Prestwick-Kent
7. Jill Coleman, Director of Parks and Recreation; Carrie Klein, Deputy Director of Public Works, Renaming Ball Fields at Worton Park
8. Dan Mattson, Director of Public Works – American Rescue Plan Act Funds: Worton Wastewater Plant Dewatering Equipment- Change Order No. 1 decrease from \$470,200.00 to \$420,000.00
9. Thomas N. Yeager, County Attorney – Certificate of Satisfaction – Harold and Joyce Somerville

PUBLIC HEARING – RESOLUTION 2024-14 AMENDED, RESOLUTION AND DECISION TO GRANT GROWTH ALLOCATION FOR THE REFERENCED AREAS ON THE NEW ZONING MAP

A public hearing was held to discuss granting new growth allocation for an additional item related to the rezoning properties already indicated on the adopted Zoning Map as a new Marine (M) at Haven Harbour South in Rock Hall. Public information regarding the above-mentioned hearings and minutes is posted on the County's website at <https://www.kentcounty.com/commissioners/meeting-agenda>.

KENT COUNTY DETENTION CENTER

Captain Steve Wallace of the Kent County Detention Center (KCDC) discussed a treatment agreement. The University of Maryland Medical Center provides professional and pharmaceutical services for the Medication Assisted Treatment (MAT) Program and provides methadone as an alternate treatment for Incarcerated Individuals. All funds for this will be reimbursed to the County from the Performance Incentive Grant Fund (AKA Justice Reinvestment Fund). Captain Wallace informed the Commissioners that the contract needed to be revised due to the incorrect breakdown of fees. Mr. Yeager stated that the Commissioners could approve and sign the contract contingent upon receiving a revised contract and that the County will not release the signed contract until a revised contract has been received. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Agreement between the University of Maryland Medical Center and Kent County Detention Center for the Medication Assistance Treatment Program to be covered by the Performance Incentive Grant Fund contingent upon receiving a revised copy of the contract as presented.

ECONOMIC AND TOURISM DEVELOPMENT

Jamie Williams, Director of Economic and Tourism Development, requested approval of a Letter of Intent for Incentives with Avail Enclosure Systems, which includes a Maryland Economic Development Assistance Fund (MEDAF) Conditional Loan requiring a local match. Avail Enclosure Systems is located in Millington on the Queen Anne's County side, 3011 Millington Road. It was founded in 1989 as Power Electronics, Inc. and acquired in 2016, leading to the formation of Avail Enclosure Systems. The facility at 31850 Millington Road (old Infinity Recycling building) off of U.S. 301 will allow the company to move the smaller jobs, relays, and control panels to meet the growing demand for their products. The Commerce MEDAF conditional loan of \$200,000.00 (which becomes a grant if all conditions are met) with a 10% (\$20,000.00) required local match will create forty-five new jobs in Kent County. Avail will maintain the 117 jobs in Queen Anne's County and create 45 new jobs in Kent County by December 17, 2027. The Letter of Intent is not binding; it is the proposed State and County assistance for the project. Loan documents from Commerce will need to be prepared and executed. The funding can be included and approved in the FY2026 budget. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved and signed the Letter of Intent for Incentives for Avail to include a MEDAF Conditional Loan, which requires a 10%, \$20,000.00 local match that will be addressed with the FY2026 Budget.

HUMAN RESOURCES

Jim Miller, Director of Human Resources (HR), requested the approval of a new Employment Agreement for a recently hired Senior Staff employee. Employee Agreements automatically renew effective January 1st of every year. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the attached employment agreement for the calendar year 2025.

Mr. Miller and Rachel Morlock, HR Administrative Specialist, requested approval to hire the recommended candidate to fill the Kent Family Center child development teacher (part-time) vacancy. 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 the vacancy.

Commissioner Price requested that the Employee Appreciation Dinner survey results be provided to the Commissioners for review.

COUNTY ADMINISTRATOR

Shelley Heller, County Administrator, requested the Board approve and sign an in-kind response letter. Deborah Voshell wrote a letter to the Commissioners regarding her quarter utility bill for water and sewer. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to sign the in-kind response letter addressed to the resident as drafted.

Kent County Public Library (KCPL) – Library of Trustees Board: Robert Bell, Executive Director of the KCPL, was introduced by Ms. Heller to the Commissioners. The Board of Library Trustees will have two vacancies as of January 2025. The terms of the two trustees ended as their tenure in the position expired. The Board recruited widely for Trustee applicants, publishing details on the library website and in local papers. The Board of Trustees submitted its nominations. Letters for Jay Silcox and Amy Sine were also drafted for signatures, thanking both trustees for their service. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously appointed Clara Rankin and Deborah Westerland to serve on the Board of Library Trustees for a 5-year term ending December 31, 2029.

Proclamation - Reverend Dr. Martin Luther King, Jr., Living the Dream...Starts with Me, January 20, 2025: Lamonte Cooke, Queen Anne's County Warden and member of the National Association of Colored People (NAACP) submitted a request for a proclamation for the annual breakfast celebration on January 20, 2025. Commissioner Nickerson read the proclamation into the record. A Facebook post included the following information: a celebration to be held at Washington College, followed by Fellowship at the community breakfast at Hodson Dining Hall; tickets cost \$20.00. Tickets can be purchased online or by contacting 302-566-8160. A free program will include music, poetry, and more at 10:00 a.m. at the Decker Theater.

COUNTY ADMINISTRATOR REPORT

Commissioner Fithian signed the Estimated Expenditures for Police Protection Grant - Kent County Sheriff's Office document on December 17, 2024.

On December 11, 2024, staff received a letter from David Foster, Mayor of Chestertown, requesting to meet with the Commissioners to discuss the County property tax rates for municipalities in Kent County, also known as the tax differential/rebate. Mayor Foster's letter is available for review. Ms. Heller sent letters of invitation to the mayor and council members of each of the five municipalities for a work session with the Commissioners on February 11, 2025, at 3:00 p.m.

DOCUMENTS FOR SIGNATURE

On behalf of Mr. Mackey, the following board and commission letters were provided for signatures based on the Commissioners' December 17, 2024, meeting:

Agricultural Advisory Commission: Jennifer Debnam and Sean Jones are reappointed to serve another three-year term, ending on December 17, 2027. A letter of gratitude to Catherine Abramavage has also been prepared.

Agricultural Preservation Advisory Board: Letters expressing gratitude for their contributions have been prepared for Davidson Coleman and Ernest "Tot" Strong.

Board of Appeals: Benjamin Legow is appointed as an alternate member, and Rob Davis and David Hill are appointed as members, all to serve three-year terms ending on December 31, 2027. Dr. Albert Townshend and Patricia "Joan" Horsey were thanked for their service, and letters were prepared to express this gratitude.

Historic Preservation Commission: Jennifer Moore is reappointed as a member until July 1, 2025. A letter thanking Melinda Zupon for her service has been prepared.

Planning Commission: Jonathan Quinn is appointed a member for a five-year term ending December 31, 2029. Paula Reeder was thanked for her service. A letter was prepared to express this gratitude.

Commissioner Fithian inquired about the status of the Little Neck Farm Pier. Ms. Heller responded that a letter of release had been offered to the Homeowners Association. Commissioner Fithian then provided additional background information regarding the pier at Little Neck Farm, prompting further discussion.

Commissioner Fithian also asked when the contractor is scheduled to begin work on Bayside Landing, to which Ms. Heller provided an update. Additionally, Commissioner Fithian questioned a resolution that Queen Anne's County drafted concerning the Conowingo Dam Dredging Project. Ms. Heller indicated that this matter would be included on a future meeting agenda for further discussion.

PUBLIC COMMENT/ PUBLIC ANNOUNCEMENTS

The procedures for public comment were in effect. Mike Waal, a Kent County resident, asked the Commissioners to consider the real estate assessment increase and the 12% of Kent County residents who live in poverty. Mr. Waal provided a printout with information regarding the Real Estate Assessment increase and a solution the Commissioners could consider. Commissioner Price requested that Pat Merritt, the Chief Finance Officer, review Mr. Waals's numbers to determine what the County can do to reduce the burden on Kent County residents. Ms. Heller announced that Kent County residents are urged to file a Homestead Credit application with the Finance department to offset the annual tax increases. Residents are urged to file an appeal should they feel their property taxes are too high.

Carol Niemand, President of The Shelter Alliance, updated the Commissioners on the organization's work. The organization still needs a building to house homeless families and individuals.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS

The Commissioners received a copy of the final ARPA Spend Plan report.

CONTINGENCY FUND

The FY2025 Contingency balance as of December 17, 2024, is \$136,825.00. The FY2025 use of Fund Balance is \$105,307.00.

At 2:42 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, January 28, 2025, at 10:00 a.m.

Respectfully submitted,

Lacey T. Cox
Deputy Clerk II

Approved:

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

January 9, 2025

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 Carla Gerber, Deputy Director, Planning, Housing, and Zoning.

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to go into a public hearing.

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

Amended Resolution 2024-14 to Grant 63.4 Acres of Growth Allocation for the Referenced Areas on the New Zoning Map

The public hearing commenced at 1:16 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) at Haven Harbour South in Rock Hall. 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.

Amended 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 by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to close the public hearing at 1:21 p.m.

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the adoption of Amended Resolution 2024-14 to grant 63.4 acres of growth allocation for the referenced areas on the new Zoning Map.

PUBLIC COMMENTS / WRITTEN COMMENTS

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

Public Hearing Minutes – Amended Resolution 2024-14 to Grant 63.4 Acres of Growth Allocation
for the Referenced Areas on the New Zoning Map
January 9, 2025
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Respectfully submitted,

Lacey T. Cox
Deputy Clerk II

Approved:

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

January 9, 2025

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 Valerie Ashmore, Member, representing Rock Hall Brewing Company, LLC, for a Class D, Beer, Wine, and Liquor License on the premises known as Rock Hall Brewing Company, 5781 Main Street, 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 January 28, 2025, at 10:00 a.m., at which 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, December 17, 2024.

ADMINISTRATIVE HEARING

The administrative hearing began at 1:08 p.m. Thomas N. Yeager, the County Attorney, outlined the protocol for the hearing. Mr. Yeager administered the Oath to Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement (KATE), for testifying. The rules for an administrative hearing were in effect.

This is the continuation of an administrative hearing held on December 3, 2024, regarding the failure of Coleman's Tavern to obtain its 2024 trader's/business license. At the hearing, Mr. Yeager advised the Board that in past cases, hearings were continued to allow licensees time to obtain necessary approvals. If a valid license is presented, the hearing will be canceled. The Board agreed to postpone the hearing until January 7, 2025. Due to inclement weather, the Administrative Hearing was rescheduled for January 9, 2025, at 1:00 p.m. Coleman's Tavern has still not obtained 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 Jones, President/Treasurer, Coleman's Tavern, regarding the absence of the license. Mr. Yeager stated that the Licensee has had complications with the Comptroller of Maryland regarding personal property taxes.

Inspector Pearsall reported that Ms. Jones has been collaborating with the Economic and Tourism Development Department to address the ongoing issue. She has been working diligently

and making sincere efforts to resolve the situation. Ms. Jones indicated that the personal property taxes for 2024 and 2025 have now been filed and are awaiting a clearance letter from the Comptroller's Office. Once she receives the clearance letter, Ms. Jones can file articles for revival. Mr. Yeager recommended postponing the Administrative Hearing until the beginning of March. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to extend the Administrative Hearing until March 4, 2025, to give the Licensee a chance to work with the Comptroller's Office to straighten everything out.

The Administrative Hearing concluded at 1:15 p.m.

At 2:42 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, January 28, 2025, at 10:00 a.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Lacey T. Cox
Deputy Clerk II

Approved:

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