

April 15, 2025

### **FY2026 BUDGET WORK SESSION HELD ON APRIL 15, 2025**

A budget work session was held on April 15, 2025, at 3:03 p.m., with the following present: Commissioner Ronald H. Fithian, Commissioner John F. Price, and Commissioner Albert H. Nickerson. Shelley L. Heller, County Administrator, and Pat Merritt, Chief Finance Officer, Office of Finance, attended as well.

Ms. Merritt shared the general fund overview, a preliminary Kent County Public Schools budget, allocations, new positions, and operating summaries. The budget work session ended at 4:23 p.m.

### **REGULAR SESSION**

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 Petty Officer Dakota Collison, a Kent County resident, who passed away because of a motorcycle accident while stationed in Hawaii. Commissioner Fithian asked if we would keep him and his family in our prayers. County flags will be flown at half-mast for one week.

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, by unanimous vote, approved all seven consent items as presented:

1. Regular Session Minutes, April 8, 2025
2. Liquor Minutes, April 8, 2025
3. Closed Session Minutes, April 8, 2025
4. Jim Miller, Director of Human Resources, Request to Move Funds for Scanning Project in the amount of \$5,000.00
5. Agricultural Preservation Advisory Board – Member Appointments – Robert Clark, III and Bart Hopkins
6. Construction Trades Board – Member Appointments – William Baldwin, Dave Eason, Jason Pinder, Victor Shepard, and Erin Zierfuss
7. Eastern Shore Rabbit Rescue and Education Center, Inc., Raffle Only, April 19, 2025

### **SPECIAL RECOGNITIONS**

Proclamation National Public Safety Telecommunications Week April 13-19, 2025 – Pete Landon, the Director of the Office of Emergency Services, began with opening remarks emphasizing the importance of emergency response and expressing heartfelt appreciation for the dedication of all public safety personnel. Commissioner Fithian read the proclamation into the

record and presented it to Marshall Ellsworth, 9-1-1 Specialist II, and Brooke Yeager, 9-1-1 Specialist I, both from the Office of Emergency Services.

Proclamation Two Lights for Tomorrow April 19-21, 2025 - Gail Owings, the Executive Director of Eastern Shore Heritage, Inc., spoke about the historical significance of remembering the events of April 1775 for the nation. Commissioner Nickerson read the proclamation into the record and presented it to Ms. Owings and Carla Gerber, Deputy Director, Planning, Housing, and Zoning.

### **PUBLIC HEARING – CODE HOME RULE BILL 2-2025 COMMUNITY REINVESTMENT AND REPAIR COMMISSION AND SPECIAL REVENUE FUND**

A public hearing was held on Code Home Rule 2-2025, Community Reinvestment and Repair Commission and Special Revenue Fund. Information regarding the abovementioned hearing and its minutes is posted on the County's website at <https://www.kentcounty.com>.

### **LEGISLATIVE SESSION**

At 6:22 p.m., on a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to go into legislative session.

Legislative Protocol: Two legislative bills were submitted for the Board's consideration. Mr. Yeager summarized each bill's intent and the options the Board could consider during the legislative process. Bill Mackey, Director of Planning, Housing, and Zoning, was available to assist with the details and questions.

Third Reading and Vote - Code Home Rule Bill No. 1-2025 Assisted Living Facilities In the Critical Area Residential (CAR) and Community Residential (CR) - 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 certain districts as a special exception: (1) by adding "5.75. Assisted living facilities with nine to sixteen beds provided" to Article V. District Regulations, Section 3. Critical Area Residential, §5.3 Special Exceptions; (2) by adding "4.75. Assisted living facilities with nine to sixteen beds" to Article V. District Regulations, Section 3. Community Residential, §6.3 Special Exceptions; (3) by adding "3.5. Assisted living facilities with nine to sixteen beds" to Article VII. Special Exceptions, Section 6. Procedures; (4) by adding specific conditions for said new land use "6.75. Assisted living facilities with nine to sixteen beds" to Article VII. Special Exceptions, Section 7. Special Exceptions; (5) by including one non-codified provision; and (6) 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. No written comments were received after the hearing date. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously adopted Code Home Rule Bill 1-2025.

First Read and Introduction – Code Home Rule Bill No. 3-2025 Fox Hunting Club Dog Kennels License Process - AN ACT to amend the Public Local Laws of Kent County, Maryland,

by revising Chapter 64 Animals, by adding a new Article II, and providing for an effective date. This Article establishes requirements for licensing Fox Hunting Club Dog Kennels in Kent County. It covers only the physical facilities where hounds are kept.

Mr. Mackey gave an overview of the proposal. The proposed legislation creates a comprehensive licensing system for Fox Hunting Club Dog Kennels in Kent County. The legislation balances the agricultural and cultural tradition of fox hunting with the need to protect neighboring property owners from possible nuisances. It creates a clear process for obtaining and maintaining licenses, while giving the County Commissioners, acting as the licensing board, the flexibility to impose appropriate conditions based on each facility's specific circumstances. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the introduction of Code Home Rule Bill 3-2025 and for the Bill to be scheduled for a Public Hearing.

This concluded the legislative matters for discussion and action. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to return to the regular session at 6:25 p.m.

### **FRIENDS OF EASTERN NECK NATIONAL WILDLIFE REFUGE**

Friends of Eastern Neck Board of Directors, comprised of William Burton, President, Bonnie Ford, Vice President, John Smith, and Dave Holyoke, Members, were in attendance. The Eastern Neck National Wildlife Refuge (NWR) is supported by the Friends of Eastern Neck Board (FENB), which regularly funds and volunteers for various projects within the Refuge. Currently, the FENB maintains the Butterfly Garden, staffs the lodge, bookstore, and gift shop, and organizes Winter Waterfowl walks, trash cleanup events, and educational field trips for students. Funding cuts will impact the operation of NWR, and the FENB requests a support letter from the Commissioners. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved preparing a letter to all three representative members at the Senate and Congress level expressing the County's concerns about the future of the budget as well as requesting some form of discussion to find out where all of this is going.

### **PUBLIC WORKS**

Dan Mattson, Director of Public Works, advised that staff have received an email requesting more information regarding the Public Works Department's responsibilities for Eastern Neck Island. Staff is preparing a full breakdown of work, including what property belongs to the County and other work the County is legally required to do at the site.

Mr. Mattson provided a timely update on the Bayside Landing Marina Improvement Project. The contract deadline was set for April 14, 2025. Staff will continue to assess a daily penalty for completion delays to help offset some of the costs incurred while the project remains unfinished. The piers and bulkheads are expected to be completed in approximately two weeks. The contractor has agreed to refund the County for the lost slip revenue during this period.

There are additional issues concerning the electrical hookups, and upgrades will need to be made to comply with current codes and plans. Staff coordinated with the Department of Natural Resources and has agreed to increase the contribution to cover 50% of the total costs as initially proposed. The total contract amount increases to \$69,420.00. Staff identified \$8,620.00 that can be allocated to the Change Order and requested additional funds not to exceed \$30,400.00 to proceed with the project. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to move \$30,400.00 from Fund Balance to the Contingency Funds. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the use of \$30,400.00 from the Contingency Fund, not to exceed that amount. Further information was provided, and a funding modification was recapped. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved amending the Memorandum of Understanding with the Department of Natural Resources for a 50% Contribution.

Mr. Mattson also advised that Carrie Klein, Deputy Director of Public Works, had extensive conversations with the Department of Natural Resources regarding the status of the Waterway Improvement Fund. The amount of funding is increasing, with the possibility of 100% funding or up to \$1,000,000.00 for future projects regarding marinas and up to \$500,000.00 for landings. Grants for emergency repairs (spot grants, as needed) have increased to \$25,000.00 from \$5,000.00.

### **COUNTY ADMINISTRATOR REPORT**

Shelley L. Heller, County Administrator, announced that Richard Story has resigned from the Economic and Tourism Development Commission. A letter in gratitude for Mr. Story's tireless service on the Commission was signed at the Commissioners' meeting on April 8, 2025.

Department of Public Works - Regional Wastewater Treatment Plant Site Letter of Intent to Purchase Property from Millington Crossing Associates, Inc. On April 8, 2025, the Commissioners discussed acquiring real property. After the discussion, President Fithian was authorized to sign the letter of intent addendum before the meeting concluded. Additionally, the secondary work proposal with David A. Bramble was signed to proceed with the site grading and access road for the Wastewater Treatment Plant, as detailed in the scope of work and pricing.

### **KENT COUNTY HEALTH DEPARTMENT**

Bill Webb, Director of Kent County Health Department (KCHD); Erika Hercher, Director of Environmental Health Services; and Nony Howell, Program Manager of the Wastewater Pollution Prevention and Reclamation Program at Maryland Department of the Environment (MDE), gave an update on the agency and its current protocols. Mr. Webb shared a presentation. Kacey Hammer, an environmental health aide and trainee from KCHD, was also in attendance. Discussion took place regarding staff shortages and accreditation, as well as the lack of wet weather testing and permits issued. In addition to health department staff, contractors, and realtors, David Holman, Jesse Parks, John Johannsen, Maylon Stoltzfus, and William Norris asked questions regarding current permits.

### **LETTERS OR DOCUMENTS FOR SIGNATURE**

Mayor and Council, Town of Chestertown - Request for Waiver - On April 8, 2025, the Commissioners discussed the new Office of Emergency Services Building. They directed the staff to prepare a letter requesting that the Mayor and Town Council of Chestertown reduce or waive the permit fees. The letter was submitted for the Board's signature.

### **PUBLIC COMMENT**

The procedures for public comment were in effect. No comments were made.

### **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 April 8, 2025, is \$19,604.00. The FY2025 use of Fund Balance is \$680,572.00.

### **CLOSED SESSION**

An agenda item was proposed for a closed session during this evening's meeting to discuss a personnel matter in accordance with the Annotated Code of Maryland, General Provisions Article §3-305 (b)(1). This section allows for discussion of topics such as the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials under the jurisdiction of this public body, as well as any other personnel matters that affect specific individuals. However, a closed session did not take place.

At 7:46 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, April 22, 2025, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston  
Clerk

Approved:

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

April 15, 2025

### **PUBLIC HEARING**

County Commissioners Ronald H. Fithian, Albert Nickerson, and John F. Price were in attendance, as were Shelley L. Heller, County Administrator, and Thomas N. Yeager, County Attorney.

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

### **CODE HOME RULE BILL NO. 2-2025, COMMUNITY REINVESTMENT AND REPAIR COMMISSION AND SPECIAL REVENUE FUND**

The public hearing commenced at 6:16 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 Code Home Rule Bill No. 2-2025, Community Reinvestment and Repair Commission and Special Revenue Fund, AN ACT to add Chapter 15 Community Reinvestment and Repair Commission and to amend Chapter 152 Taxation by adding Article XII Community Reinvestment and Repair Special Revenue Fund § 152-43. For the purpose of establishing Kent County's Local Management Board as the Community Reinvestment and Repair Commission to oversee the use of funds pursuant to the State of Maryland Cannabis Reform Act of 2023; providing the duties of the Community Reinvestment and Repair Commission; defining the permitted uses of the funding; and establishing a special revenue fund.

Shelley L. Heller, County Administrator, provided a summary and further details of the legislation's intent. Discussion took place.

### **PUBLIC COMMENTS**

During the public hearing, citizens were invited to sign the testimony log and offer comments on the proposed legislation. No comments were offered.

### **WRITTEN COMMENTS**

No written comments were received at the time of the public hearing.

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to close the public hearing for Code Home Rule Bill 2- 2025, Community Reinvestment and Repair Commission and Special Revenue Fund at 6:21 p.m. and for the record to remain open until the close of business on Friday, April 18, 2025. The legislative bill is scheduled to be considered for a vote on Tuesday, May 6, 2025. Mr. Yeager also noted that the written comment period will remain open until the close of business on April 18, 2025. The Board resumed in open session.

Public Hearing Minutes - Code Home Rule Bill No. 2-2025 Community Reinvestment and Repair  
Commission and Special Revenue Fund  
April 15, 2025  
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Respectfully submitted,

Sondra M. Blackiston  
Clerk/ KATE Manager

Approved:

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



April 15, 2025

The Board of License Commissioners met today with the following present: Ronald H. Fithian, presiding, and Albert H. Nickerson.

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, April 8, 2025.

### **SPECIAL CLASS C LICENSES**

The Dogwood Festival of Galena, Inc. has submitted a Special Class C (Per Diem) liquor license application to sell Beer Only during a Festival in the Park event. The event is scheduled for May 10, 2025, from 10:00 a.m. to 10:00 p.m. at 105 Sycamore Lane, Galena. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the Special Class C (Per Diem) Liquor License application for the Dogwood Festival of Galena, Inc.

Eastern Shore Rabbit Rescue and Education Center, Inc., submitted two (2) Special Class C (Per Diem) Liquor License applications. Both applications are for a Running Race event scheduled for May 10, 2025, and September 6, 2025, with plans to serve beer only. Both events are scheduled at Hopkins Hunting and Sporting Clays, 13003 Turners Creek Road, Kennedyville, MD. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved both Special Class C (Per Diem) Liquor License applications for Eastern Shore Rabbit Rescue and Education Center, Inc.

### **KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)**

2025 Alcoholic Beverage License Renewals: Bonnie S. Pearsall, Inspector, KATE, presented a request to renew the annual alcoholic beverage licenses. All alcoholic beverage licenses will expire on the last day of April. Sixty-one (61) licensees have submitted renewal applications. Inspector Pearsall and Sondra M. Blackiston, Clerk/KATE Manager, jointly submitted a memorandum providing a statement of any license changes. Having met the basic requirements for their applications to be considered by the Board, the staff recommends renewal of all licenses. Two (2) establishments have not yet submitted their renewal applications, and two (2) establishments are not qualified for renewal at this time. Seven establishments are on hold with the Comptroller's Office. Staff recommends approval of these liquor license renewal applications (without contingencies) despite being placed on hold by the Comptroller's Office. Staff have been in constant contact with these establishments and can confirm that they are all working on correcting the issues with the Comptroller's Office. It is at the Board's discretion to approve these applications with or without contingencies due to being placed on hold by the Comptroller's Office. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the sixty-one (61) renewal applications with any necessary changes required.

On April 8, 2025, the Commissioners approved a Class B Beer, Wine, and Liquor License with Caterer's Privilege for Shiv Kripa LLC, DBA It's Masala Time, and a Class B Beer, Wine, and Liquor License for Sassafras LLC. On April 9, 2025, both applicants paid the prorated fee and Liquor License Nos. 4915 and 4918 were issued, respectively. These transactions will be recorded in the monthly report of retail license activity required by the Comptroller of Maryland, Field Enforcement Division.

During the April 8, 2025, meeting, the Commissioners felt the need to send a letter to the Office of the Comptroller sharing ongoing concerns regarding delays and the quality of service received when our licensed establishments required assistance. A letter was drafted on behalf of the Board of License Commissioners and the Economic and Tourism Development Department and was provided for the Board's review.

At 7:48 p.m., a motion was made by Commissioner Nickerson and seconded by Commissioner Price; the Commissioners unanimously agreed to adjourn the meeting. The Board is scheduled to meet again on Tuesday, April 22, 2025, 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