

May 23, 2023

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 the audience to remain standing for a moment of silence for the safety of Memorial Day travelers and those attending events. Commissioner Fithian also expressed his condolences to the family of Sam Ferracane, Centreville Deputy who passed away on May 22, 2023.

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

PUBLIC NOTICES

Mr. Yeager read three public notices into the record.

Notice is hereby given that the Commissioners of Kent County will hold a public hearing for the Proposed FY2024 Budget on June 6, 2023, at 6:00 p.m. in the Commissioners' Hearing Room, of the R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland. The hearing is open to the public, and the public is encouraged to attend. Please contact the County Commissioners' Office at (410) 778-4600 and press 4 if you need further instructions on how to participate in the public hearing process. The County offers three (3) options for the public to input in the public hearing process:

1. In-person
2. Email: kentcounty@kentgov.org
3. U.S. Mail: 400 High Street, Chestertown, MD 21620

Notice of a proposed Real Property Tax Increase: The Board of County Commissioners of Kent County, Maryland proposes to increase real property taxes. The hearing is open to the public, and public testimony is encouraged. Persons with questions regarding this hearing may call 410-778-7478 for further information.

1. For the tax year beginning July 1, 2023, the estimated real property assessable base will increase by 2.37%, from \$3,054,226,645.00 to \$3,126,635,350.00.
2. If Kent County, Maryland maintains the current tax rate of \$1.012 per \$100.00 of assessment, real property tax revenues will increase by 2.37% resulting in \$732,776.00 of new property tax revenues.
3. In order to fully offset the effect of increasing assessments, the real property tax rate should be reduced to \$.9886, the constant yield tax rate.
4. The County is considering not reducing its real property tax rate enough to fully offset increasing assessments. The County proposes to adopt a real property tax rate of \$1.022 per \$100.00 of assessment. This rate is 3.38% higher than the constant yield tax rate and will generate \$1,044,296.00 in additional property tax rate increase will be held at 6:00 p.m. on June 6, 2023, at 400 High Street, Chestertown, Maryland.

Notice of Code Home Rule Bill No. 2-2023: AN ACT to amend Chapter 222, Zoning, of the Public Local Laws of Kent County, Maryland, also known as the Kent County Land Use

Ordinance, in order to update Article V. District Regulations, Section 11. Commercial District, § 11.5 Density, Area, Height, Width, and Yard Requirements, by adding a new provision to regulate the height of industrial structures in general and by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; to update Article V. District Regulations, Section 14. Employment Center District, § 14.5 Density, Height, Width, Bulk, and Fence Requirements, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; to update Article V. District Regulations, Section 15. Industrial District, § 15.5 Density, Height, Width, and Fence Requirements, by adding a new provision to regulate the permitted height of industrial structures in the 301 Corridor; and to update Article XI, Definitions, Section 2. Definitions, by adding a new definition for the Route 301 Corridor, inserted as item #278.25. A hearing will be held on June 13, 2023, at 10:00 a.m. in the Commissioners' Hearing Room, R. Clayton Mitchell, Jr., Kent County Government Center, 400 High Street, Chestertown, Maryland. The agenda for the meeting will be published online 24 hours in advance of the meeting at www.kentcounty.com/commissioners/meeting-agenda. Citizens are encouraged to participate in the public hearing process. If you require communication assistance, please contact the County Commissioners' Office at (410) 778-4600 and press 4 or visit Maryland Relay at www.mdrelay.org no later than noon on Friday, June 9, 2023. A complete copy of the proposed legislative bill is available in the Commissioners' Office, 400 High Street, Chestertown, MD, Monday through Friday, 8:30 a.m. to 4:30 p.m., and on the County's website at kentcounty.com/commissioners/draft-legislation

CONSENT ITEMS

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

1. Regular Session Minutes, May 16, 2023
2. Liquor Minutes, May 16, 2023
3. Public Hearing Minutes, May 16, 2023

RECOGNITIONS

Kent County High School and Galena Elementary School: The Maryland Association for Environmental and Outdoor Education (MAEOE) recognized Kent County High School (KCHS) and Galena Elementary School (GES) as the 2023 Green Schools. This program provides students with educational opportunities that empower them to make changes to reduce environmental impact, practice environmental stewardship, encourage sustainability, increase awareness of how our relationship with the environment ultimately impacts public health and society, and foster environmental literacy. Green Schools have access to an extensive network of partners in their community and statewide resources. The Commissioners honored KCHS and GES with a Certificate of Recognition. Kris Hemstetter, Principal, KCHS attended the meeting to receive the certificate. Commissioner Price read the certificate into the record.

Department of Social Services: Julie Handzo, Kent County Department of Social Services (KCDSS) announced a longtime employee will be retiring effective June 1, 2023.

Robin Hawthorne was an employee for twenty-three (23) years as the Family Investment Supervisor, Department of Human Services /KCDSS. Ms. Hawthorne shared that she was retiring to start a small business in Rock Hall. Commissioner Fithian read the certificate of appreciation into the record. Milhan Trustee, Shana Flamer, Brittany Hughes, and Shelly Neal-Edwards were also in attendance for Ms. Hawthorne's appreciation award.

APPOINTMENTS

MARYLAND ASSOCIATION OF COUNTIES (MACo) ANNUAL VISIT 2023: Calvin Ball, Howard County Executive and 2023 Maryland Association of Counties (MACo) President, and Michael Sanderson, Executive Director, MACo presented information to the Commissioners General Assembly's 2023 legislative session. MACo advocates on behalf of public services and will continue to advocate on behalf of Maryland's county governments. Discussion took place. Commissioner Fithian emphasized the financial stress of supporting public schools with County-required funding under the current Blueprint mandates.

STATE HIGHWAY ADMINISTRATION: Bob Rager, Community Relations Manager, District 2 State Highway Administration (SHA); Maurice Agostino, Director, Office of Structures, SHA and Rod Thornton, Office of Structures, SHA; and Ken Fender, District 2 Engineer, SHA, were in attendance to discuss the proposed weight restriction of MD 299 Bridge over Jacobs Creek. A brief presentation offered bridge statistics, testing results, and the next steps of the design/replacement project. Discussion took place.

CHESAPEAKE NEIGHBORS: Judi Olinger, Executive Director, Chesapeake Neighbors stated their mission is to create opportunity by making quality, affordable housing accessible to all. Chesapeake Neighbors is developing affordable housing in Chestertown and is interested in expanding their portfolio throughout Kent County. Their parent company, The Arc Central Chesapeake Region, is building its new regional Headquarters in Easton. Discussion took place.

ENTERPRISE FLEET MANAGEMENT: Frank Cinquegrani, Senior Account Manager, Enterprise Fleet Management, gave an overview of the program and how beneficial it is for Kent County. A presentation summarized the results of Kent County's five (5) years with the program. Mike Moulds, Director, Public Works, was also present for questions or explanations concerning Kent County's vehicle fleet. Discussion took place.

PUBLIC WORKS

Mr. Moulds on behalf of the County Roads Division requested approval to piggyback off of a competitive bid contract for roadway line striping services. The Howard County Contract shall expire on March 31, 2024, with an option to renew. The Kent County Contract will expire June 30, 2023, with the option to renew. The Division's FY2023 budget included funding for line striping roadway projects for \$50,000.00. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to piggyback on the March 23, 2023, Howard County Department of

County Administration Contract No. PA-096-2023 with Alpha Space Control Company, Inc. for roadway line striping not to exceed the amount of \$50,000.00 under the same pricing, terms, and conditions of Howard County Department of County Administration Contract No. PA-096-2023. This contract will expire June 30, 2023, with the option to renew for five (5) one-year options.

ECONOMIC AND TOURISM DEVELOPMENT

Jamie Williams, Director, Economic and Tourism Development, advised that Rob Thompson has served two full terms on the Economic and Tourism Development Commission (EDTC). The Membership Committee interviewed three candidates that met the current needs of the EDTC. On May 10, 2023, the Commission unanimously approved the recommendation submitted by the Membership Committee. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved appointing the candidate recommended by the Membership Committee. The Commissioners appointed David Bowman to a three-year term. A letter to Mr. Thompson was signed in gratitude for his years of service to the EDTC.

PLANNING, HOUSING, AND ZONING

Bill Mackey, Director, Planning, Housing, and Zoning (PHZ) gave an overview of a request made by the property owners to release three bonds related to the construction of a residential project at 4846 Huntingfield Road.

1. Bond No. 10730618 for Erosion and Sediment Control amount is \$10,181.25.
2. Bond No. 10730619 for Stormwater Management amount is \$24,975.00.
3. Bond No. 10730620 for Buffer Enhancement amount is \$15,281.25.

For the first bond, all requirements were met, inspections have been passed and the bond is ready for release. In the second bond, most requirements have been met, except for signing and recording one document. New changes to the document were proposed by the applicant. The second request was for release without finalization. The third bond requires plantings for the buffer area are not yet planted or inspected (early June is the anticipated planting date), and a required fee-in-lieu of \$6,000.00 is yet to be paid (collected after planting). The third request is for early release before work is initiated. Mr. Mackey stated a temporary Certificate of Occupancy (COO) can be issued at any time and has been offered to the property owner since January. For a final COO to be issued, required buffer plantings need to be planted and inspected, a fee-in-lieu paid, and the Stormwater Facility Maintenance and Inspection Agreement needs to be reviewed, approved, signed, and recorded. On May 17, 2023, Avon Dixon Insurance Company requested the release of the three bonds pending completion. Mr. Mackey further stated the release of bonds was not a requirement for issuance of either a temporary or permanent COO. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously made a motion to release Bond #10730618, for Erosion and Sediment Control and Bond #10730619 for Stormwater Management. Bond #10730619 was approved contingent upon the owner fulfilling the requirements for the project at 4846 Huntingfield Road. If the requirements are not fulfilled, it will be at the owners' expense.

PARKS AND RECREATION

Jill Coleman, Director, Parks and Recreation, advised two members of the Kent County Parks and Recreation Advisory Board (PRAB) whose appointed terms have expired, expressed interest in continuing to serve on the Board. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved reappointing the recommended candidates to the PRAB with a four (4) year term ending on December 31, 2027. Appointment letters were signed for Faye Little and Greg Welch.

Ms. Coleman advised the recruitment and hiring of lifeguards, who also serve as swim lesson instructors, has been a challenge this season. There are twenty-five (25) to thirty (30) lifeguards required each season to efficiently staff all water locations. This season, the number of guards available has decreased to seventeen (17), two (2) of which are only part-time. Currently, Parks and Recreation cannot adequately guard all four locations. Therefore, staff requested approval to eliminate lifeguards at Betterton Beach for the upcoming season and to post "SWIM AT YOUR OWN RISK" signage. Park Supervisors have been hired to be on duty at the beach to maintain the bathrooms and enforce the beach rules. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved no lifeguards at Betterton Beach for the 2023 summer season unless additional staff are hired.

COUNTY ADMINISTRATOR

Ms. Heller reviewed a request from Maddy Ciulu, Director, Single Family Housing, Community Development Administration. The 2023 Housing Bond Allocation for Kent County is \$638,072.00. The request is for approval to transfer the County's bond allocation to the Maryland Department of Housing and Community Development (DHCD). On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the transfer of Kent County's 2023 bond allocation to the DHCD.

Ms. Heller advised that staff received a request to waive interest/penalties fees from a citizen who stated he did not receive a property tax bill in the mail. Due to the bill not being paid on time the property owner accrued late fees. A staff memo with backup materials was provided. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously denied the request to return the penalty fees assessed. A letter will be sent to the property owner noting the outcome of the request.

PUBLIC COMMENT

The procedures for public comment were in effect. Testimony was offered by Michael V. Johnson, a Chesapeake Landing resident, seeking an update on an email he sent to the Commissioners regarding the enforcement of zoning laws in Chesapeake Landing. Janet Christensen-Lewis requested the public hearing scheduled for June 13, 2023, be moved to an evening meeting to accommodate many citizens that cannot attend the morning meeting.

AMERICAN RESCUE PLAN ACT (ARPA) FUNDS SPEND PLAN

A copy of the American Rescue Plan Act (ARPA) Spend Plan outlining the approved expenditures to date was provided to the Commissioners for informational purposes.

CONTINGENCY FUND

The FY2023 Contingency balance as of May 16, 2023, is \$199,719.00, and the FY2023 use of Fund Balance is \$371,715.00.

At 12:40 p.m., on a motion by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, June 6, 2023, at 6:00 p.m.

FY2024 BUDGET WORK SESSION HELD ON MAY 23, 2023

A budget work session was held on May 23, 2023, at 1:00 p.m., with Commissioner Ronald H. Fithian, Albert H. Nickerson, and John F. Price. Also in attendance were Shelley L. Heller, County Administrator, and Pat Merritt, Chief Finance Officer, Office of Finance. Ms. Merritt discussed ways to balance the budget. The Commissioners examined the budget overview, health insurance, personnel, allocations, operating, capital, and leases. Dr. Karen Couch, Superintendent, Kent County Public Schools; Jim Miller, Director, Human Resources; Rosemary Ramsey Granillo, Director, Kent County Local Management Board; and Jamie L. Williams, Director, Economic and Tourism Development, were also in attendance. The work session ended at 3:34 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

May 23, 2023

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, and Thomas N. Yeager, County Attorney, 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, May 16, 2023.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

LICENSE UPDATES

Sondra M. Blackiston, Clerk/KATE Manager, stated Jeffery P. Maguire, Member, Babylon Revisited, LLC d/b/a Zelda Speakeasy was issued a verbal warning on May 10, 2023, for failure to qualify the establishment as a restaurant. As background, part of the requirements of an establishment that is categorized as a restaurant when renewing its Alcohol Liquor License is to provide a "Statement of Purchase". This provides a six (6) month accounting of daily receipts. Zelda Speakeasy did not meet the minimum requirement of at least 25% of food sales. The verbal warning requires another six (6) months of daily receipts for inspection and compliance.

Ms. Blackiston stated on April 25, 2023, the Board approved Waterman's Hospitality, LLC trading as Waterman's Crab House for a Class B, Beer, Wine, and Liquor License with Extended Privilege (EXPR), with a contingency. The business has obtained its Food Service Facility License and met its outstanding contingency. Staff was pleased to report that License No. 4881 was issued on May 10, 2023.

REQUEST TO CHANGE MEMBERS

Ms. Blackiston reported a request was received to change the member status for the liquor license issued to Chestertown Liquors, LLC d/b/a C-Town Liquors and Deli. It was requested to remove Amar Kalidindi and Shalendra Cherukuri and to add Navajot Kaur and Sukhpal Singh as members of the C-Town Liquors and Deli alcoholic beverage license. Amar Kalidindi and Shalendra Cherukuri sold their ownership interest to Gurinder Singh Kaur and Sukhpal Singh. Proper documentation has been submitted and the applicants have met the requirements to be added to the license. The LLC has four members and has elected Sukhpal Singh, Sandra D. Krastel, and Navajot Kaur as the three members to serve as authorized persons for Chestertown Liquors, LLC d/b/a C-Town Liquors and Deli alcoholic beverage license #4774. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the membership changes to the alcohol beverage license, as presented.

Liquor Minutes

May 23, 2023

Page 2 of 2

At 12:49 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, June 6, 2023, 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