

May 16, 2023

FY2024 BUDGET WORK SESSION HELD ON MAY 16, 2023

A budget work session was held on May 16, 2023, at 1:00 p.m., with Commissioner Ronald H. Fithian, Commissioner Albert H. Nickerson, and Commissioner John F. Price. Also in attendance were Shelley L. Heller, County Administrator, Jim Miller, Director, Human Resources, and Pat Merritt, Chief Finance Officer, Office of Finance.

Ms. Merritt reviewed the changes from last week's session. Opportunities to further reduce the budget were discussed.

At 1:21 p.m., a motion was made by Commissioner Price, seconded by Commissioner Nickerson, and carried unanimously to go into a closed session to discuss personnel and public safety matters. 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 (10) To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans. Staff and the public left the hearing room.

CLOSED SESSION, PERSONNEL, AND PUBLIC SAFETY

Topics to be discussed: Public security and specific personnel requests.

Reasons for closing: The details of specific public security matters must be protected, and the evaluation and compensation of one or more specific individuals must be shielded for privacy.

Ms. Heller, Mr. Miller, and Ms. Merritt explained the details of each personnel request. Dennis Hickman, Sheriff, Kent County Sheriff's Office joined the discussion. Each individual request was discussed along with its budgetary consequences. At 3:34 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. The closed session was limited to discussion and no action was taken.

FY2024 BUDGET WORK SESSION CONTINUED

Ms. Merritt gave an overview of items that need to be clarified and confirmed items that changed. Funding options, personnel requests, employee salary and benefits, debt service, and an increase in the property tax rate were discussed. Other parts of the budget were evaluated, and additional reductions were discussed. The work session concluded at 4:18 p.m.

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.

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 unanimously approved the following items:

1. Regular Session Minutes, May 9, 2023
2. Liquor Minutes, May 9, 2023
3. Betterton Still Pond Club, Combined Raffle, June 10, 2023

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney reviewed the public hearing protocols.

PUBLIC HEARING – AGRICULTURAL LAND PRESERVATION DISTRICTS

A public hearing was held for the creation of ten (10) Agricultural Land Preservation Districts. Public information regarding the above-mentioned hearing and minutes are posted on the County's website at <https://www.kentcounty.com/commissioners/meeting-agenda>.

SPECIAL ANNOUNCEMENT/INTRODUCTION

Commissioner Fithian introduced Pete Landon as the new Director of the Office of Emergency Services.

COUNTY ATTORNEY

Mr. Yeager reviewed the protocols for a Code Home Rule legislative bill. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to go into Legislative Session.

LEGISLATIVE SESSION

Mr. Yeager explained the proposed legislation will 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. Discussion took place. On a

motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to go into the legislative session.

Bill Mackey, Director, Planning, Housing, and Zoning read Code Home Rule Bill No. 2-2023 Industrial Structures in 301 Corridor. For background, On March 14, 2023, the County Commissioners adopted Resolution 2023-02 to consider a zoning text amendment to update the permitted height of industrial structures in the Industrial, Commercial, and Employment Center zoning districts and located in the Route 301 Corridor. On April 6, 2023, the Kent County Planning Commission held a public hearing on the proposed change and requested additional information from the planning staff. Related information was posted online. On May 4, 2023, the Kent County Planning Commission met and discussed the proposed change and voted to provide an unfavorable recommendation to the County Commissioners on the proposed amendment, suggesting that the County Commissioners introduce an amendment that allows for additional height via a special exception for heights in the Industrial, Commercial, and Employment Center zoning districts. A letter from the Kent County Planning Commission was received with their recommendation on the matter. This item was presented for a first reading and introduction of a Bill, in order to schedule a public hearing. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved to introduce Code Home Rule Bill 2-2023 and for the Bill to be scheduled for a public hearing as soon as possible.

APPOINTMENTS

STATE'S ATTORNEY

Bryan DiGregory, State's Attorney, Office of the State's Attorney, gave an overview of a grant opportunity that will fund the purchase of a comprehensive case management system designed for prosecutors. Mr. DiGregory requested approval for the submission of the Edward J. Byrne Memorial Justice Grant (BJAG) application for the State's Attorney's Office case management system. There is a one-time cost of \$57,500.00. Annual support service costs are not covered by the grant beginning in year two and will cost \$8,400.00 for every year thereafter. The annual support services include services for eight users; the "external agency portal;" hosted services for eight; "eDiscovery;" and an interface with Maryland Electronic Courts (MDEC). Annual support services equal an annual subscription fee to continue services. Commissioner Price recommended Mr. DiGregory absorb the \$8,400.00 in the State Attorney's department FY2024 budget or ask for assistance from the Narcotics Task Force. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the submission of the Edward J. Byrne Memorial Justice Grant (BJAG) application for the State's Attorney's Office case management system and approve signing the required grant documents once grant submission is approved and the application is prepared.

SOCIAL SERVICES

Shelly Neal-Edwards, Director, and Julie Handzo, Assistant Director, Family Investment Administration, Kent County Department of Social Services (DSS), gave an overview of the

Summer Supplemental Nutrition Assistance Program (SNAP). Ms. Neal-Edwards requested authorization to use the FY2023 funds for the first month of the program and approval to support the FY2024 initiative. The Summer SNAP initiative was developed to fill a nutritional gap for school-aged children of 5-18 years of age with limited access to summer meal sites. Benefits per child are \$30.00 during each summer month and \$10.00 during winter school break. There are no additional dollars being requested. If the Commissioners approve the initiative and the State approves the application, the DSS FY2023 budget has unspent funds to be used for the first month of the project, and the FY2024 DSS budget request already includes the funding for the rest of the summer. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously support the FY2024 Summer Supplemental Nutrition Assistance Program (SNAP) as presented. Commissioner Fithian signed 1.) a letter that allows DSS to use the remaining FY2023 balance of funds for the administration of the FY2024 program, and 2.) a certification of local share funds which acknowledges the County's FY2024 financial commitment of \$6,220.00.

HUMAN RESOURCES

Jim Miller, Director, Human Resources, requested the Commissioners grant the Director of Human Resources, in conjunction with the hiring department and the County Administrator, the authority to approve the hiring of staff at or below a grade six (6) pay grade without bringing the requests to the Commissioners for approval. Many of the recruits are in positions at or below grade six (6) pay grade level. Discussion took place. The Board did not grant the request, however, invited Mr. Miller to revisit the conversation at a later date.

Mr. Miller stated a personnel request planned for discussion has been taken off the agenda based on the budget work session discussion earlier in the day.

DISCUSSION ITEMS

Worton Grounds Maintenance Facility Paving Project: Commissioner Nickerson requested the approval granted at the May 9, 2023, meeting for the Worton Grounds Maintenance Facility Paving Project to be retracted. Commissioner Nickerson stated the County discussed budget cuts during the May 15, 2023, budget meeting and found the Worton Grounds Maintenance Facility Paving Project was not necessary at this time. It is best to delay the project and have the money revert to this year's budget. Discussion took place. On a motion made by Commissioner Nickerson and seconded by Commissioner Price, the Commissioners unanimously approved placing the project on hold and by doing so, the County will save \$93,387.00.

Daisy Drive, Millington: Commissioner Fithian asked who is responsible for the property on Daisy Drive, Millington, Maryland. Mr. Yeager stated it is still in the estate process, the decedent's estate owns 50% and the surviving owner retains 50% of the property. Discussion took place. Mr. Yeager recommended the Planning, Housing, and Zoning staff and the Health Department discuss zoning issues and that a letter be mailed to the estate and interested parties to request the parcel be kept up, such as keeping the grass mowed.

Citizen Request: Commissioner Price requested Mr. Mackey give an update on the Heavlow property in Rock Hall. Mr. Mackey advised that letters of credit are required from the lien holder to be sent to the County for release. Discussion ensued regarding a third bond. Mr. Mackey will confer with Carla Gerber, Deputy Director, Planning, Housing, and Zoning, to research the requirements of the Critical Area. Once the final inspections are completed and final documentation is submitted, the occupancy permit will be released. Mr. Mackey will contact the requestor.

AMERICAN RESCUE PLAN ACT FUNDS (ARPA)

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.

PUBLIC COMMENT

The procedures for public comment were in effect. No remarks were received.

FOR YOUR INFORMATION

The Commissioners received a courtesy copy of a letter from Chuck Callahan, President, County Council of Talbot County to the Honorable J. Travis Breeding, President, Caroline County Commissioners. The letter supports the extension of operating dates for the Mid-Shore II Regional Landfill in Ridgely Maryland.

Maryland Department of Environment sent a Notice of Public Informational Hearing advising a public hearing will be held on Wednesday, May 17, 2023, at 5:00 p.m. at Washington College, 300 Washington Ave, Litrenta Lecture Hall in Toll Science Center, Room SG10, Chestertown, MD 21620. The subject discussed will be the application to Appropriate and Use Waters of the State No. KE2021G001/01 submitted by Harborview Farms Partnership.

CONTINGENCY FUND

The FY2023 Contingency balance as of May 9, 2023, is \$199,719.00, and the FY2023 use of Fund Balance is \$371,715.00.

At 6:56 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, May 23, 2023, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk

Approved:

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

May 16, 2023

PUBLIC HEARING AGRICULTURAL LAND PRESERVATION DISTRICTS

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 William Mackey, Director Planning, Housing, and Zoning.

Thomas N. Yeager, County Attorney, read the public hearing procedures for testifying. The public notice was duly advertised and included as part of the record. The rules for a public hearing were in effect.

The public hearing commenced at 6:04 p.m. to discuss the voluntary creation of ten (10) Agricultural Land Preservation Districts. Mr. Mackey provided a written summary of each proposed district and stated the Kent County Planning Commission and the Agricultural Preservation Advisory Board recommended approval of the following applications:

1. John F. Coleman, Trustee: Map 20, Parcel 21 a 157.75-acre farm located on Lambs Meadow Road near Lynch in the Third Election District. The farm consists of 155 acres of crop land. Approximately 98.5% of the soils are considered Class I, II, or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is adjacent to over 1,100 acres of districts and easements. It is outside the 10-year water and sewer plan service areas.
2. Fry Cooper Farm, LLC: Map 21, Parcel 83 a 194.3-acre farm located on Augustine Herman Highway near Kennedyville in the Second Election District. The farm consists of 52 acres of crop land, 67 acres of pasture, and 28 acres of woodland. Approximately 62.7% of the soils are considered Class II or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is adjacent to over 14,000 acres of districts and easements. It is outside the 10-year water and sewer plan service areas.
3. Fry Cooper Farm, LLC: Map 21, Parcel 86 a 270-acre farm located on Comegys Road near Kennedyville in the Second Election District. The farm consists of 146 acres of crop land, 51 acres of pasture, and 26 acres of woodland. Approximately 79.5% of the soils are considered Class II or III. There is one dwelling on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is adjacent to over 14,000 acres of districts and easements. It is outside the 10-year water and sewer plan service areas.
4. David A. Hill: Map 21, Parcel 4 a 268.3-acre farm located on Kennedyville Road near Kennedyville in the Second Election District. The farm consists of 246 acres of crop land and 22 acres of woodland. Approximately 93.3% of the soils are considered Class I, II, or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is adjacent to over 4,800 acres of districts and easements. It is outside the 10-year water and sewer plan service areas.

5. Chris and Susan Jackman: Map 14, Parcel 3 a 113.18-acre farm located off Augustine Herman Highway near Kennedyville in the Second Election District. The farm consists of 60 acres of crop land, 5 acres of pasture, and 45 acres of woodland. Approximately 67.7% of the soils are considered Class II or III. There are two dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD) and is within the Priority Preservation Area. It is adjacent to over 14,000 acres of districts and easements. It is outside the 10-year water and sewer plan service areas.
6. Lester C. Jones and Sons, Inc: Map 16, Parcel 5 a 192.36-acre farm located on Massey Road near Massey in the First Election District. The farm consists of 183 acres of crop land. Approximately 88.4% of the soils are considered Class I, II, or III. There is one dwelling on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is adjacent to over 1,000 acres of districts and easements. It is outside the 10-year water and sewer plan service areas.
7. Lester C. Jones and Sons, Inc: Map 32, Parcel 4, Lot 1 280.31-acre farm located on Speer Road near Millington in the First Election District. The farm consists of 216 acres of crop land and 64 acres of woodland. Approximately 79.5% of the soils are considered Class I, II, or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is adjacent to over 1,000 acres of districts and easements and is separated from the Town of Millington by Cypress Branch State Park. It is outside the 10-year water and sewer plan service areas.
8. Owings and Sons Business Trust: Map 22, Parcel 25, Lots 1 and 2 a 107.683-acre farm located on Morgnec Road near Kennedyville in the Second Election District. The farm consists of 107.683 acres of crop land, all of which is considered Class I, II, or III soils. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is adjacent to over 14,000 acres of districts and easements. It is outside the 10-year water and sewer plan service areas.
9. Rich Levels at Mill Creek, LLC: Map 16, Parcel 2 a 228.6-acre farm located on Sassafras Caldwell Road near Galena in the First Election District. The farm consists of 182 acres of crop land and 32 acres of woodland. Approximately 79% of the soils are considered Class I, II, or III. There are no dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and is within the Priority Preservation Area. It is not adjacent to any protected lands. It is outside the 10-year water and sewer plan service areas.
10. Thomas Wiltbank: Map 28, Parcel 42 a 300-acre farm located off Augustine Herman Highway near Chestertown in the Fourth Election District. The farm consists of 250 acres of crop land and 20 acres of woodland. Approximately 85.2% of the soils are considered Class I, II, or III. There are four dwellings on the property. The farm is zoned Agricultural Zoning District (AZD) and Resource Conservation District (RCD) and is within the Priority Preservation Area. It is adjacent to over 5,000 acres of districts and easements. It is outside the 10-year water and sewer plan service areas.

Mr. Mackey provided the Commissioners with a proposed Agricultural Districts 2023 map, and other documentation relative to the process. Discussion took place. Mr. Yeager

Public Hearing Agricultural Land Preservation Districts

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reminded everyone that the hearing was open and invited the public to comment for or against the proposed districts. Testimony was offered by: David Hill and Janet Christensen-Lewis. Mr. Hill stated he submitted an application for his farm. Mr. Hill recused himself from prior meetings. Ms. Christensen-Lewis spoke in support of Mr. Hill and the other applicants. Discussion took place. Commission Fithian stated the application process is well-vetted and thorough. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously find that the applications exceed the minimum criteria and move to approve the establishment of Agricultural Preservation Districts on these farms. The public hearing concluded at 6:16 p.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/ KATE Manager

Approved:

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

May 16, 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 9, 2023.

SPECIAL CLASS C LICENSES

The Betterton Still Pond Lions Club applied for a Beer and Wine Special Class C per diem license. The event is scheduled for June 10, 2023, from 5:30 p.m. to 10:00 p.m. at Betterton Volunteer Fire Company, Betterton Maryland 21610.

Singles on Sailboats applied for a Beer, Wine, and Liquor Special Class C per diem license. The event is scheduled for June 24, 2023, from 5:00 p.m. to 10:30 p.m. at Langford Bay Marina, 23002 McKinleyville Road, Rock Hall, Maryland 21661.

Sgt. Preston Ashley American Legion Auxiliary Unit 228 applied for two (2) Beer only Special Class C per diem licenses. The events are scheduled for July 2, 2023, from 1:00 p.m. to 5:00 p.m. at their Waterman's Day Celebration at the Rock Hall Bulkhead, and July 4, 2023, from 11:00 a.m. to 5:00 p.m. at the Rock Hall Civic Center, Rock Hall, Maryland 21661.

The applications were reviewed and met the requirements to be approved for an event license. There being no objections to any of the applications, the Board took one vote for all four applications. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved both liquor license applications as presented.

At 6:56 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, May 23, 2023, 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