

April 18, 2023

FY2024 BUDGET WORK SESSION HELD ON APRIL 11, 2023

A budget work session was held on April 11, 2023, at 10:00 a.m., with Commissioner Ronald H. Fithian, Commissioner John F. Price, and Commissioner Albert H. Nickerson. Also in attendance were Shelley L. Heller, County Administrator, and Pat Merritt, Chief Finance Officer, Office of Finance.

Ms. Merritt offered a budget overview. Harris Murphy, County Administrative Judge, Circuit Court; Bryan DiGregory, State's Attorney, State's Attorney Office; Kent County Sheriff's Office; Dennis Hickman, Sheriff, Harry Kettner, Captain, and Kim Dixon, Office Manager; Kent County Detention Center; Herbert Dennis, Warden, Ernest Wicks, Captain, Steve Wallace, Captain, and Monaca Stickland, Office Manager; Wayne Darrell, Director, Emergency Services; Public Works; Mike Moulds, Director, Daniel Mattson, Deputy Director, and Daniel Bitter, Division Chief, County Roads; Scott Boone, Director, and April Bitter, Project Manager, Information Technology; Jill Coleman, Director, Parks and Recreation; Planning, Housing, and Zoning; Bill Mackey, Director, and Carla Gerber, Deputy Director; Rosemary Ramsey Granillo, Director, Local Management Board; Jamie Williams, Director, Economic and Tourism Development; Lisa Mazingo, Director, Kent Family Center; Jim Miller, Director, Human Resources; and Sondra Blackiston, Clerk/KATE Manager, Commissioners' Office were in attendance. Each agency, department, or division presented its respective FY2024 budget. The Commissioners took a lunch recess at midday and the budget work session ended at 4:00 p.m.

FY2024 BUDGET WORK SESSION HELD ON APRIL 18, 2023

A budget work session was held on April 18, 2023, at 3:00 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, and Pat Merritt, Chief Finance Officer, and Jeanne Edwards, Senior Accountant, Office of Finance. Ms. Merritt described the general fund overview and the capital summary.

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. Commissioner Fithian asked the audience to remain standing for a moment of silence for Ms. Faye Miller, Assistance Superintendent of Kent County Public Schools, and Chase Dolgos and his Family.

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, April 4, 2023
2. Liquor Minutes, April 4, 2023
3. Public Hearing Minutes, April 4, 2023

4. Closed Session Minutes, April 4, 2023
5. Verizon GSA Multiple Award Schedule Purchase Order Number 47QTCA20D00B5; the term is April 18, 2023, for 12 months

COUNTY ATTORNEY

Thomas N. Yeager, County Attorney reviewed the protocols for a Code Home Rule legislative bill. Mr. Yeager stated the legislative bill was presented at this meeting to be passed, rejected, amended, or deferred to a later date. Bill Mackey, Director, Planning, Housing, and Zoning joined Mr. Yeager to answer any questions the Board may have.

LEGISLATIVE SESSION

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

Code Home Rule Bill No. 1-2023, Erosion and Sediment Control, Flood Plain Management, Forest Conservation, Subdivision of Land

A Third and Final read was held on Code Home Rule Bill No.1-2023, Erosion and Sediment Control, Flood Plain Management, Forest Conservation, Subdivision of Land. AN ACT to delete the contents of Chapter 178 *Erosion and Sediment Control*, Chapter 182 *Floodplain Management*, Chapter 185 *Forest Conservation*, and Chapter 215 *Subdivision of Land* in the Public Local Laws of Kent County, Maryland, and to indicate that these Chapters are “Reserved” to reflect actions taken in 2022, whereby the contents of these Chapters were relocated to Chapter 222 *Zoning* of said Public Local Laws by adopting the Kent County Land Use Ordinance as a unified development ordinance.

On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously adopted Code Home Rule 1-2023 to amend the Public Local Laws of Kent County, Maryland.

On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously agreed to go out of legislative session and return to the regular session.

APPOINTMENTS

Kent County Chief’s Association: James Price, President, and Allan Schaubert, Secretary, sent a letter requesting FY2024 Funding. Jeff Thompson, Past President, and Past Fire Chief of Chestertown Volunteer Fire Department represented the seven (7) Kent County Fire and Emergency Medical Service (EMS) companies in attendance requesting consideration to increase funds allotted to the Fire and EMS Companies. The short-term request is an increase in funding for FY2024. The long-term request requires the passage of a legislative bill to change the Emergency Services Board appropriations. The increase requested would be generated from the

real property tax base as of today at a rate of \$0.322 per one hundred to \$.0488 per one hundred. Mr. Thompson requested an automatic increase every three years to include 1/10 percentage in the new bill so the funding will change periodically. Mr. Thompson requested the Board's consideration of any short-term fix to help with the rising costs Fire and EMS are experiencing. Mr. Thompson thanked the Commissioners for the Length of Service Awards Program "LOSAP" for each company. Mr. Thompson gave an overview of the costs of Fire and EMS apparatus, turnout gear, and salaries. Discussion took place. Commissioner Fithian thanked all the volunteers that attended the meeting and everyone that could not make it for their time and their dedication to Kent County, Commissioner Nickerson, and Commissioner Price concurred. Commissioner Fithian stated the request would be considered in the same manner as other requests and will be taken into consideration.

Kent County Detention Center: Ernest Wicks, Captain, and Roland Sheppard, Sergeant, Kent County Detention Center (KCDC), introduced the newest employees: Officer Stephanie Switalksi, February 2022; Officer David Schroth, December 2021; Officer Alea Jacobs, September 2022; Officer Kenyon Johns, March 2022; and Officer Jalen Newnam, February 2023. The Commissioners thanked everyone for attending and for their dedication to KCDC.

Police Accountability Board (PAB): Charlie Mills, GAFF Consultancy, made a recommendation to appoint two candidates to the Police Accountability Board. Mr. Mills gave an update on the PAB and the Administrative Charging Committee (ACC). Discussion took place. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the recommended candidates, Leon Frison and LaMonte Cooke, to the Police Accountability Board. Each member will serve a full four-year term ending on April 18, 2027.

Historic Preservation Commission: Turner's Creek Discussion – This was a follow-up from the March 14, 2023, meeting. The Commissioners requested the Historic Preservation Commission (HPC) offers its recommendation for the historic Granary structure. HPC staff Jennifer Moore, President, Jeremy Rothwell, HPC (1st Election District), and Elizabeth Beckley, HPC Chair (1st Election District), gave an overview of the information compiled since the last meeting. Members of the HPC asked for more time to research the cost of preserving and restoring the structure. Mr. Rothwell stated there are grants available and asked the Commissioners to consider contributing fifty percent (50%) to match a National Historic Trust grant. Mr. Rothwell further explained there are other grants available that do not require as much of a local match. Discussion took place. Commissioner Fithian asked the HPC to submit a formal request in the form of a letter stating the funds needed to obtain a structural engineer and a list of the types of grants that will be applied for. The Board can review the funding request during the FY2024 budget process.

EMERGENCY SERVICES

Wayne Darrell, Director, Office of Emergency Services, revisited a request discussed at the April 4, 2023, meeting. The Maryland Public Safety statute 1-311 allows each county by ordinance or resolution to impose a 9-1-1 fee on all current phone bills. The current Kent County 9-1-1 fee is \$.75. The statute also permits Counties to raise the 911 fee "If revenues

attributable to the County 9-1-1 fee for the fiscal year do not provide the revenues necessary to cover a County's operational costs for the 9-1-1 system for that fiscal year, the County may, for the following fiscal year, impose a County 9-1-1 fee sufficient to cover the County's projected operational costs for the 9-1-1 system" The FY2022 Maryland 911 Board audit shows the total 9-1-1 center operating expenses of \$1,247,43.00 and County 9-1-1 fee revenue is \$193,802.00. Operational costs exceed the revenue collected by \$1,053,941.00. Mr. Darrell requests permission to proceed with a Public Hearing. The Public Service Commission requires a Resolution by May 1, 2023, to consider raising County 9-1-1 fees to cover 9-1-1 Center operational costs. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved staff to proceed with the public hearing notice and advertisement for the proposed increase in 9-1-1 fees in Kent County not to exceed \$1.50. Discussion took place.

Members of the County Emergency Services and volunteers on behalf of Allan Schaubert, Secretary, Kent County's Fire Chief's Association honored Mr. Darrell with a plaque for his services in the County. Mr. Darrell expressed his appreciation of the gift and stated he is grateful for the relationship built over the years as he nears his retirement date at the end of this month.

PUBLIC NOTICE

Mr. Yeager read a public notice into the record. The County Commissioners of Kent County, Maryland, do hereby provide public notice of the following Resolution introduced on April 18, 2023, will be subject to a Public Hearing before the County Commissioners on April 25, 2023, at 10:00 a.m. The meeting is open to the public. No later than noon on Friday, April 21, 2023, citizens may call 410-778-4600 and press 4 or email to receive further instructions. The purpose of the hearing will be to discuss Resolution 2023-06, raising the charge applied to current telephone bills rendered for switched local exchange access service, commercial mobile radio services providers ("CMRS"), or other 9-1-1 accessible service providers within Kent County from \$.75 to \$1.50 per month.

ECONOMIC AND TOURISM DEVELOPMENT

Shalyn Boulden, Tourism Manager, Economic and Tourism Development, advised in 2021 and 2022 the Chestertown Tea Party Festival won the Stars of Delaware for Kent County, MD Community Event. The first festival was held in the Spring of 1968. Joy Ferrio, Marketing Consultant, Delaware State News thanked The Chestertown Tea Party Festival Committee for their hard work in continuing this tradition that began in 1968 and attracts an average of 10,000 visitors to our County to enjoy the festivities and all that Kent County has to offer. Monica Sella and Thomas Hayman, members, Chestertown Tea Party Festival, Inc., were presented with banners.

COUNTY ADMINISTRATOR

Ms. Heller summarized a letter received from a resident of Kent County dated April 3, 2023. The citizen is requesting a waiver of late fees accrued on a utility bill, stating the bill was not received in the mail. 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 accessed.

Ms. Heller on behalf of the Commission on Aging followed up on a request made during the February 14, 2023, meeting. The Commission on Aging met on March 17, 2023, to vote on the proposed language and voted to remove the sentence entirely in Article IV, Section 3 of their bylaws. Today the Commission on Aging has submitted final amendments to the language and is requesting to remove the second sentence in Article IV, Section 3, the Resolution memorializes the change. Per their current bylaws, Amendments of these bylaws may be proposed at any time by a motion made and seconded by any voting member at any regular meeting of the Commission. The amendment shall be placed on the agenda and voted upon at the next meeting. A two-thirds vote of all members of the Commission is necessary for approval. Amendments approved by the membership shall be subject to approval and adoption by the County Commissioners before becoming effective. Discussion took place. On a motion made by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved the amendment to the bylaws and approved Resolution 2023-05, as presented.

COUNTY ADMINISTRATOR REPORT

Ms. Heller summarized five (5) items:

- A letter received by Clay B. Stamp, Talbot County Maryland, County Manager, addressed to Santo Grande, Executive Director of Delmarva Community Services, Inc., advising that Talbot County Maryland will act as the lead County for Delmarva Community Transit's Annual Transportation Plan for FY2024 on behalf of Caroline, Kent, and Talbot counties.
- National Opioid Settlements: The Commissioners previously delegated signing authority to Shelley Heller, County Administrator, due to this delegation, only Ms. Heller could sign the participation forms. This process is by electronic signature and Ms. Heller completed the next steps necessary on April 10, 2023.
- The Honorable Stephanie M. Smith, Maryland House of Delegates, testified on behalf of House Bill 1196 – Blueprint for Maryland's Future Implementation – Funding and Independent Evaluation - Alterations. Commissioner Fithian requested a thank you letter be composed and sent for her support. On April 11, 2023, the letter was signed and processed appropriately.
- At the April 4, 2023, Commissioners Meeting, the Commissioners approved, adopted, and signed Resolution 2023-03 Support of an Application for Worton/Betterton Kent County Enterprise Zone Designation. Commissioner Fithian signed the finalized joint Enterprise Zone Application on April 14, 2023.
- On April 4, 2023, a letter of support was sent to The Honorable J. Travis Breeding, President, Caroline County Commissioners, in support of extending Mid-Shore II Regional Landfill Operating Dates.

LETTERS FOR SIGNATURE

Ms. Maryann Ruehrmund, Executive Liaison, Chester River Hospital Center, requested a letter of support for the Chester River Hospital Auxiliary. The Auxiliary is applying for grant funding from the Maryland Historical Trust to re-point the bricks for its historic building, the old Methodist Meeting House. Staff drafted a support letter for the Board's consideration. No revisions to the letter were offered. The Board signed a letter addressed to Barbara Fisher, Capital Grant Administrator, Maryland Historic Trust which offered support for the above-mentioned project.

A vote made during the April 4, 2023 meeting, granted permission for Robert Fogwell to continue to farm the County owned property at Toal Park. A letter was drafted, and Mr. Yeager approved the language contained within. The Commissioners signed the written notice of termination of the cropland lease agreement modification. The Lease Agreement shall conclude no later than December 2023, to allow time for the final harvesting of soybeans.

PUBLIC COMMENT

The procedures for public comment were in effect. No testimony was offered.

FOR YOUR INFORMATION

Maryland Department of The Environment Water and Science Administration Notice of Application Received for State Permit and Opportunity for Hearing - The Water and Science Administration is reviewing application KE2021G001/01 - Harborview Farms Partnership. The letter was available for review.

Tawanda A. Bailey, Chair, Maryland Commission for Women writes to the Commissioners to urge the establishment of a Commission for Women in Kent County to advise the County Government and residents on the issues of importance to the women, girls, and their families, living in our jurisdiction. The letter was attached for review.

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.

CONTINGENCY FUND

The FY2023 Contingency balance as of April 4, 2023, is \$199,719.00, and the FY2023 use of Fund Balance is \$371,715.00.

At 7:06 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, April 25, 2023, at 10:00 a.m.

Respectfully submitted,

Sondra M. Blackiston
Clerk/Kate Manager

Approved:

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

April 18, 2023

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

Shelley 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 by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved Consent Item #2 - Liquor Minutes, April 4, 2023.

SPECIAL CLASS C LICENSES

Sons of the Betterton American Legion has applied for a Beer, Wine, and Liquor Special Class C (Pier Diem) License for their fundraiser event on April 29, 2023, at Red Acres Farm Venue, 25367 Lambs Meadow Road, Worton, MD.

Eastern Shore Rabbit Rescue and Education Center, Inc., has applied for a Beer only Special Class C (Pier Diem) License for their Running Race event on May 20, 2023, at Hopkins Game Farm, 13003 Turners Creek Road, Kennedyville, MD.

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 both applications. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved both liquor license applications as presented.

KENT ALCOHOL AND TOBACCO ENFORCEMENT (KATE)

LICENSE UPDATE

Bonnie S. Pearsall, Inspector, Kent Alcohol and Tobacco Enforcement, submitted a memorandum that supplied license updates for two establishments. A closeout inspection of The Backfin was completed on April 15, 2023. No alcohol was found on the premises; a bulk transfer permit is not applicable. License No. 4760 a Class A Beer, Wine, Liquor, with a BWLT (Beer, Wine, and Liquor Tasting) License was surrendered. The license holder voluntarily surrendered the license before its expiration date. At the April 4, 2023, Commissioners' meeting, the Commissioners approved a Class B, Beer license to Ford's Seafood, Inc., and on April 17, 2023, License No. 4874 was issued.

These transactions will be recorded in the monthly report of retail license activity required by the Comptroller of Maryland, Field Enforcement Division.

2023 ALCOHOLIC BEVERAGE LICENSE RENEWALS

Inspector Pearsall presented a request to renew the annual alcoholic beverage licenses. All alcoholic beverage licenses will expire on the last day of April. Fifty-nine (59) 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 the conditional renewal of all licenses. Eight (8) licensees are subject to one or more contingencies. KATE staff recommends approval of those applications, subject to meeting the contingencies noted. On a motion by Commissioner Price and seconded by Commissioner Nickerson, the Commissioners unanimously approved all renewal applications with any changes listed and granted conditional approval to eight (8) applications subject to satisfying any contingency as noted.

At 7:06 p.m., a motion was made by Commissioner Nickerson, seconded by Commissioner Price, and the Commissioners unanimously approved adjourning the meeting. The Board is scheduled to meet again on Tuesday, April 25, 2023, at 10:00 a.m.

THE BOARD OF LICENSE COMMISSIONERS
OF KENT COUNTY, MARYLAND

Sondra Blackiston
Clerk, KATE Manager

Approved:

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