

KENT COUNTY LEVY COURT MEETING NOTICE AND AGENDA
Kent County Administrative Complex
555 Bay Road, Dover, DE 19901
Tuesday, March 23, 2010
Levy Court Chamber (Room 203)

7:00 P.M., BUSINESS MEETING

Call to Order

Invocation

Pledge of Allegiance

Moment of Silence for our Troops

Roll Call and Determination of Quorum

Adoption of Agenda

Consent Agenda 10-06

Items on the agenda were discussed in committee. They are considered routine and non-controversial and will be acted upon by a single roll call vote of the Levy Court. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item shall be removed from the Consent Agenda and considered separately.

Items from March 16, 2010 Committee Meetings

- Amendment #2 to the Kent County Levy Court/Diamond State CLT Memorandum of Understanding - Neighborhood Stabilization Program, signed 9/1/09
- Southern Bypass Project – Meding Property Easement Acquisition
- Southern Bypass Project; Milford Portion; Phase No. 1; Construction Award
- Central Transmission Forcemain and related projects – DelTech and DSU Forcemain Rerouting
- KCSDD No. 1 – Brookdale Heights & Hideaway Acres Area USDA Loan Resolution 3074 / Grant Authorization
- NACo Dental Card Program *(addition to the agenda that evening)*

Approval of Regular Business Meeting Minutes of Tuesday, March 9, 2010

PRESENTATIONS

1. Resolution 3076, Declaring Purple Day to raise awareness of Epilepsy in USA *(March 26, 2010)*
2. Tribute to Eagle Scout Raymond “Chris” Acocella, Jr.
3. Employee of the Month for April 2010

INTRODUCTIONS

7:15 P.M., PUBLIC HEARING

PETITION FOR CONDITIONAL USE APPROVAL:

Mr. Sweeney:

1. **Application Number:** C-10-01 CAP of Kent County; **Applicant:** CAP of Kent County, LLC; **Owner:** Rodney Village, LLC; **Present Zoning District:** BG (General Business); **Present Use:** Financial services business in Shopping Center; **Proposed Use:** Same with pawn shop; **Area and Location:** 15.792 acres ± located on the west side of US Rt. 13, at the southwest intersection of Charles Polk Road, north of Camden; **Kent County Property Identification Number:** ED-00-085.16-04-65.00-000

PUBLIC HEARINGS, continued

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PETITION FOR CONDITIONAL USE REQUIRING SITE PLAN APPROVAL:

Mr. Sweeney:

1. **Application Number & Title:** CS-10-02 Boy Scouts of America; **Plan Type:** Conditional Use with Site Plan for a service organization; **Applicant:** Del-Mar-Va Council, Inc.; **Owner:** Harvey C. Kesselring Trustees; **Engineer:** Becker Morgan Group, Inc.; **Present Zoning District:** RS1 (Single Family Residential); **Present Use:** Agricultural; **Proposed Use:** Service organization regional office & campground; **Area and Location:** 78.832 acres ± located on the southeast side of Co. Rd. 190 and the south side of Co. Rd. 192, south of and adjacent to the city of Dover; **Kent County Property Identification Number:** ED-00-085.00-02-04.01-000

ORDINANCE RE: ISSUANCE OF GENERAL OBLIGATION DEBT OF KENT COUNTY

Mr. Ennis:

1. **Ordinance LC10-10,** An Ordinance authorizing the issuance of General Obligation Debt of Kent County for the construction and equipping of sewer extension for Brookdale Heights and Hideaway Acres and authorizing all necessary actions in connection therewith

PETITION TO AMEND ZONING MAP:

**** PUBLIC HEARING will not be held. The application was TABLED for 60 days per request from applicant.**

Mr. Buckson:

1. ~~**Ordinance LC10-04,** An Ordinance to amend the Comprehensive Plan Map Designation and the Official Zoning Map of Kent County, Delaware pursuant to the provisions of Kent County Code, Vol. II, Chapter 205 Zoning, Article III, Section 205-8 and Section 205-9, and Article XXVIII (changes and amendments) effective December 01, 2000, as amended (ref: **Application Number:** Z-10-01; **Applicant:** Young, Malmberg & Howard; **Owner:** CTW Properties, LLC; **Present Zoning District:** AC (Agricultural Conservation) & AR (Agricultural Residential); **Proposed Zoning District:** RMH (Residential Manufactured Home); **Present Use:** Vacant; **Proposed Use:** Mobile Home Park; **Area and Location:** 48.749 acres ± located on the northwest side of Co. Rd. 376 approximately 762 feet southwest of Co. Rd. 27, south of Magnolia; **Kent County Property Identification Number:** SM-00-122.00-01-04.00-000~~

PUBLIC HEARINGS, continued

****HEARING POSTPONED - AMENDMENT TO CODE OF**

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KENT COUNTY VOL. I:

Mr. Buckson:

- ~~1. Ordinance LC10-02; Building Permit Fee Surcharge (APFO Compliance and Nonresidential Construction); An Ordinance to amend Kent County Code, Vol. I, Chapter 105 Subdivision Building construction, as amended, Article III Building Permit Fee Surcharge, § 105-6. Surcharge established; applicability to reduce amount of the education surcharge for nonresidential construction and eliminate the surcharge for residential construction for which a mitigation payment has been made pursuant to the Adequate Public Facilities Ordinance (schools)~~

~~(**Synopsis:** This ordinance revises the building permit fee surcharge for education to reduce the surcharge amount for nonresidential construction and eliminate the surcharge for residential construction for which a mitigation payment has been made pursuant to the County's Adequate Public Facilities Schools regulations)~~

CLOSE PUBLIC HEARING

OLD BUSINESS

NEW BUSINESS

Mr. Buckson:

1. Housing Rehabilitation Bids

Mr. Angel:

1. *Action Item from the March 16, 2010 Administration Committee Meeting: Proposed Kent County Levy Court Policy Amendment P10-01, re: Firearm Policy*

Mr. Eaby:

1. Introduction of Ordinance LC10-12, An Ordinance amending The Code of Kent County, State of Delaware, Volume I, Chapter 128 - Fees, §128-45 – Receiver of Taxes, to increase certain fees relating to Monitions *for public hearing on Tuesday, April 13, 2010 at 7:15 PM*

OTHER BUSINESS

1. Move to go into Executive Session immediately following the meeting for preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session regarding collective bargaining or pending or potential litigation; and personnel matters pursuant to 29 Del.C. 10004(b)(2), (4), and (9)

OTHER BUSINESS continued

2. Move to have Executive Session immediately following the Committee Meetings on Tuesday, April 6, 2010, for preliminary discussion on site

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acquisition for a publicly funded capital improvement; legal strategy session regarding collective bargaining or pending or potential litigation; and personnel matters pursuant to 29 Del.C. 10004(b)(2), (4), and (9)

INFORMATION ITEMS

PUBLIC COMMENTS

COMMISSIONERS' COMMENTS

ADJOURN

EXECUTIVE SESSION

Immediately following the Business Meeting
Caucus Room

For preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session regarding collective bargaining or pending or potential litigation; and personnel matters

Pursuant to 29 Del.C. 10004(b)(2), (4), & (9)

Posted: 3/16/10

Revised: 3/17/10

Posted by: L. Tanaka

Time: 4:15 PM

Take down: Upon Replacement or on 3/24/10

29 Del.C. §10004(e)(2). The Agenda items as listed may not be considered in sequence. This Agenda is subject to change to include additional items including Executive Sessions or the deletion of items including Executive Sessions, which arise at the time of the meeting.