

KENT COUNTY LEVY COURT MEETING NOTICE AND AGENDA

Kent County Administrative Complex

555 Bay Road, Dover, DE 19901

Tuesday, November 10, 2009

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 09-17

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 November 3, 2009 Committee Meetings:

- Frederica West I Public Works Agreement
- DART Para-Transit Senior Transportation Subsidy
- DNREC Division of Fish and Wildlife, Dog Control MOA

Approval of Regular Business Meeting Minutes of Tuesday, October 27, 2009

PRESENTATIONS:

1. Tribute to Veterans Day and the Vietnam Veterans Memorial
2. Resolution 3066, National Adoption Day

INTRODUCTIONS

7:15 P.M., PUBLIC HEARINGS

Mr. Ennis:

1. Ordinance LC09-36, An Ordinance authorizing the issuance of up to \$9,271,310 General Obligation Debt of Kent County for the construction of effluent disinfection and alternative energy type improvements to its Wastewater Facilities and authorizing all necessary actions in connection therewith

(SYNOPSIS: *This Ordinance authorizes the issuance of up to \$9,271,310 of the County's General Obligation Bonds for the purpose of (i) financing the construction of certain improvements to its wastewater facilities, including but not limited to the Renewable Solar Energy Park Project which will include the installation of a photovoltaic solar system as well as a passive solar biosolids drying system and the UV Disinfection Project including, but not limited to, replacement of the biosolids chlorination and de-chlorination process and the wastewater treatment facility's water system expansions as well as the aeration basin weir control (collectively, the "Project"); and (ii) pay the costs of issuance of the Bonds.)*

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CLOSE PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

Mr. Angel:

1. *Action Item from November 3, 2009 Administration Committee Meeting:*
Kent County Prevention Coalition Grant

TAX EXEMPTION REQUESTS:

Mr. Banta

1. Milford Housing Development Corporation, Parcel No. 1-17-010.17-03-37.00
2. Delaware Municipal Electric Corporation, Parcel No. 1-17-018.00-01-04.03
3. Planters Woods Homeowners Association, Parcel No. 2-00-066.01-01-98.00
4. Town of Smyrna Parcels:
 - 1) 1-17-010.13-03-43.00
 - 2) 1-17-010.17-05-40.00
 - 3) 1-17-019.02-02-57.00
 - 4) 1-17-019.17-03-58.00
 - 5) 1-17-019.17-04-06.00
 - 6) 1-17-028.01-01-97.00

Mr. Buckson:

1. Nature Conservancy, Parcel No. 5-00-154.00-01-11.00
2. Milford Housing Development Corporation
 - 1) Parcel No. 5-16-183.10-02-10.00
 - 2) Parcel No. 5-16-183.10-04-02.00

Mr. Eaby:

1. Fox Hall West Addition Homeowners Association, Parcel No. 2-05-076.05-07-11.00
2. Wesley United Methodist Church, Parcel No. 2-05-077.09-05-08.00

End of Tax Exemption Requests

Mr. Banta:

1. Appointments to the Investment Advisory Committee (3 members)

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NEW BUSINESS, continued

Mr. Buckson:

1. Introduction of Ordinance LC09-35; APFO-Schools; An Ordinance to amend Kent County Code, Vol. II, Chapter 187 Subdivision and Land Development, effective June 10, 2003, as amended, Article XVII Supplementary Regulations, §187.90.2 Adequate public facilities, Item B, Definitions and Item F, Level of Service Standards, to repeal and re-enact adequate public facility regulations for schools
(**SYNOPSIS:** *This ordinance repeals and re-enacts Adequate Public Facility standards for schools.*)
2. Introduction of Ordinance LC09-37, An Ordinance to amend Kent County Code, Vol. II, Chapter 187, Subdivision and Land Development by revising Article XVII, Supplementary Regulations, §187-90.2, Adequate Public Facilities, Item F, Level of Service Standards to provide that in cases where the existing Level of Service for an intersection or road segment is below the required Level of Service standard, the existing Level of Service shall, at a minimum, be maintained, and shall not be further reduced.
(**SYNOPSIS:** *This ordinance adds a provision to the Roads portion of the Adequate Public Facilities Ordinance allowing that in cases where the existing Level of Service for an intersection or road segment is below the required Level of Service standard, the existing Level of Service shall, at a minimum, be maintained, and shall not be further reduced.*)
3. Introduction of **Ordinance LC09-38**, 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 *for Public Hearing on Tuesday, December 15, 2009 at 7:15 PM*
(**REF:** *Application CZ-09-03, Filed by Claudia Onken on behalf of Kathryn Moore;* **SYNOPSIS:** *This ordinance revises the Comprehensive Plan Map land use designation, and the Official Zoning Map for a portion of Tax Parcel SM-00-122.00-01-20.00/000 to permit commercial development.*)

OTHER BUSINESS

1. Move to have Executive Session following the Committee Meetings on November 17, 2009 pursuant to 29 Del.C. 10004(b)(2), (4), and (9); 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

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2. 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)

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: 11/04/09

Revised: 11/10/09

Posted by: L. Tanaka

Time: 1:00 PM

Take down: Upon Replacement or on 11/11/09

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.