

**KENT COUNTY LEVY COURT MEETING NOTICE AND AGENDA**  
**Kent County Administrative Complex**  
**555 Bay Road, Dover, DE 19901**  
**Tuesday, March 28, 2017**  
**Levy Court Chamber (203)**

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**7:00 PM, BUSINESS MEETING**

**Call to Order**

**Invocation**

**Pledge of Allegiance**

**Moment of Silence for our Troops**

**Swearing In Ceremony Opening Remarks: President P. Brooks Banta**

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Oath to be administered by:

**The Honorable Brenda A. Wootten, Kent County Clerk of the Peace**

To: **James E. Hosfelt, Jr., Commissioner-Elect – 2<sup>nd</sup> District**

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**Roll Call and Determination of Quorum**

**Adoption of Agenda**

**Consent Agenda 17-04**

*The items on the Consent Agenda were discussed in Committee on Tuesday, March 21, 2017. The topics are considered routine and/or 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(s) shall be removed from the Consent Agenda and considered separately under New Business.*

*Items from the March 21, 2017 Committee Meetings:*

- Downtown Development District Match
- Housing Rehabilitation Project Change Order Greater than 25% of Base Contract
- RFP 16-IT-01 Comprehensive Technical Master Plan

**Approval of Regular Business Meeting Minutes of Tuesday, March 14, 2017**

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**PRESENTATIONS:**

1. **Resolution 3637**, Kent County Medal – Lieutenant General Vavala
2. **Resolution 3636**, Retirement of George J. Kuerner
3. Employee of the Month –April 2017

## INTRODUCTION

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### PUBLIC HEARINGS

#### PETITION FOR CONDITIONAL USE APPROVAL:

**Mr. Angel:**

1. **Application #:** C-17-01; **Applicant / Owner:** Deborah Batson / Richard C. Batson, Sr. & Pamela M. Knowles; **Zoning District / Proposed Use:** AR (Agricultural Residential) / Home Daycare; **Area & Location / ID#:** 0.69 ± acres on the northwest side of Persimmon Tree Ln. (Co. Rd. 337), approx. 225' southwest of Pleasanton Dr., north of Dover / LC-00-058.00-01-11.01-000

#### PETITIONS TO AMEND COMPREHENSIVE PLAN MAP AND ZONING MAP:

**Mr. Buckson:**

1. **Ordinance LC17-01**, 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  
*(Applicant / Owner: Davis, Bowen & Friedel, Inc. / Canterbury Land Development; Application # & Name: CZ-17-01 Hatteras Hills; Proposed Zoning Districts: RS1 (Single Family Residential) & RS5 (Medium Density Residential); Area & Location / ID #s: 97.38± acres (Area to RS1: 90.12± acres, Area to RS5: 7.26± acres) located on west side of Clapham Rd. (Co. Rd. 27) and south side of Sophers Row (Co. Rd. 377), south of Magnolia / SM-00-113.18-01-01.00 thru 99.00, SM-00-113.18-02-01.00 thru 99.00, SM-00-113.18-03-01.00 thru 43.00, SM-00-122.01-02-01.00 thru 47.00)*

**Mr. Angel:**

1. **Ordinance LC17-04**, 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  
*(Applicant / Owner: Sharp Energy, Inc. c/o Austin Cox / Saralee George, Trustee; Application #: CZ-17-03; Proposed Zoning District: BG (General Business); Area & Location / ID #: 1.0838± acres located on west side of North Dupont Hwy. (US Rt. 13), approx. 950 ft. south of Twin Oaks Dr., southeast of Cheswold / LC-00-046.00-01-31.00-000)*

**PUBLIC HEARINGS**, continued

**PETITIONS FOR CONDITIONAL USE REQUIRING SITE PLAN APPROVAL:**

**Mr. Banta:**

1. **Application # / Application Name:** CS-14-10 / Hickory Ridge Apartments; **Applicant & Owner:** Liborio 3, LLC; **Zoning District:** BG (General Business); **Present Use / Proposed Use:** Vacant / Apartment Complex; **Location / ID#:** On the southwest corner of Hickory Ridge Rd. (Co. Rd. 149) and S. DuPont Blvd. (US Rt. 13), south of Smyrna / DC-00-037.02-01-49.00-000

**KENT COUNTY ORDINANCE:**

**Mr. Buckson:**

1. **Ordinance LC17-05 Sports Medicine Facilities:** An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article V, AC – Agricultural Conservation District, §205-48, Conditional Uses and Article XXI, Conditional Uses, §205-305, Hospitals and §205-365, Table of Conditional Uses to permit physical therapy and sports medicine facilities and medical rehabilitation centers as conditional use in the AC – Agricultural Conservation District.

**CLOSE PUBLIC HEARINGS**

**OLD BUSINESS**

**NEW BUSINESS**

**Mr. Banta:**

1. Re-appointment of J. William “Bill” Andrew to the Kent Economic Partnership
2. Appointment of Tom Byrd to the Kent Economic Partnership

**OTHER BUSINESS**

1. Move to go into Executive Session immediately following the Business 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)
2. Move to go into Executive Session immediately following the Committee Meetings on Tuesday, April 4, 2017 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**

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**EXECUTIVE SESSION**

Immediately following the Workshop  
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:3/21/17**

**Revised:3/24/17**

**Posted by: L. Tanaka**

**Time:8:45 AM**

**Take down: Upon Replacement or on 03/29/17**

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.