

**MINUTES OF THE KENT COUNTY LEVY COURT
COMBINED BUSINESS MEETING
KENT COUNTY ADMINISTRATIVE COMPLEX
555 BAY ROAD, DOVER, DE
LEVY COURT CHAMBER, ROOM 203
TUESDAY, NOVEMBER 27, 2018**

Call to Order

The Business Meeting of the Kent County Levy Court was called to order at 7:00 p.m. by President Banta.

Invocation and Pledge of Allegiance

The Invocation was led by Mr. Howell and the Pledge of Allegiance was led by Mr. Hosfelt.

Moment of Silence for our Troops

A moment of silence was observed for our Troops and led by Mr. Sweeney.

Roll Call and Determination of Quorum

Allan F. Angel	Commissioner
Eric L. Buckson	Commissioner
James E. Hosfelt, Jr.	Commissioner
Glen M. Howell	Commissioner
Terry L. Pepper	Vice President
George W. Sweeney, Sr.	Commissioner
P. Brooks Banta	President

There are Seven (7) Commissioners present at Roll Call.

Adoption of Agenda

- M-18-214** **Motion** to table Ordinance LC18-14 made by Mr. Pepper; seconded by Mr. Buckson; carried by Roll Call vote seven (7) yeas.
- M-18-215** **Motion** to approve the Agenda as amended made by Mr. Sweeney; seconded by Mr. Angel; carried by Roll Call vote seven (7) yeas.
- M-18-216** **Motion** to approve the Business Meeting Minutes of Tuesday, October 23, 2018 made by Mr. Sweeney; seconded by Mr. Pepper; carried by Roll Call vote seven (7) yeas.

PRESENTATIONS**Employee of the Month – December 2018**

Lorri Tanaka read the following into the record:

Kent County Department Heads have selected Patricia A. (Trish) Brown from the Clerk of the Peace Office as the December 2018 Employee of the Month.

Trish has been a Kent County employee since January 2017 and serves as the Deputy Clerk of the Peace. Her primary duties include assisting the elected official with office operations, collecting and verifying information required to issue marriage licenses, officiating marriage ceremonies, preparation of Levy Court meeting minutes and publication of hearing notices and ordinances, collecting/depositing applicable fees and electronically filing marriage records, and staff supervision duties.

Trish previously worked more than 19 years as a Judicial Case Manager for the Court of Common Pleas and developed a strong commitment to customer service while there. That experience has proven invaluable in this highly public office and earned her many comments about her pleasant and friendly attitude. She is regularly praised by couples for her helpfulness during the marriage license application process and for going above and beyond when helping customers by telephone.

According to Clerk of the Peace Brenda Wootten, “Trish is dedicated to Kent County and can be depended upon to perform marriage ceremonies, take Levy Court business meeting minutes, and oversee the day-to-day operations in my absence. She is a joy to work with and always goes the extra mile to see that all tasks are done to perfection. She is truly deserving of recognition as Employee of recognition as Employee of the Month.”

Congratulations Trish on a job well done! Trish currently resides in Commissioner Howell’s and Pepper’s districts.

The Commissioners, County Administrator and Clerk of the Peace gathered at the front with Trish to offer their congratulations on receiving this honor and commemorate it with a photo.

PUBLIC HEARINGS

Sarah Keifer stated these Public Hearings are being conducted for the purpose of giving the citizens of the County the opportunity to present testimony on the application and ordinances that are before the Levy Court.

Everyone will have a chance to speak. All statements are to be made from the podium at the front of the room. For the record, please give your name and address. Copies of any written statements or exhibits used during the hearing should be presented to for identification and inclusion in the record.

For each application before the Levy Court:

1. The President of Levy Court will introduce the application;
2. The Levy Court will then receive testimony from those in favor;
3. Testimony will then be received from those who may be opposed.
4. After everyone has had an opportunity to speak, the hearing on the application will be closed and the Levy Court will then take what action it deems appropriate.

Levy Court's decision will be based upon public hearing testimony given at this meeting and a recommendation submitted to the Levy Court by the Regional Planning Commission. I would ask that the recommendation be included, by reference, in the permanent record of the meeting established by the Clerk of the Peace.

The Public Notice of the Hearing was published in the November 9, 2018 edition of the Delaware State News.

PETITIONS FOR CONDITIONAL USE APPROVAL

Mr. Howell:

1. **Application #/Name: C-18-07 / Price, Raymond E. Jr.; Applicant & Owner: Raymond E. Price Jr.; Zoning District / Proposed Use: AR (Agricultural Residential) / Home-based Contractor –Plumbing; Area & Location / ID#: 0.46 ± acres located on the north side of Halltown Rd. (DE Rt. 8), approx. 645 ft. east of Crystal Rd. West of Dover. / WD-00-073.04-01-29.00-000**

Ms. Keifer: The first application before the Levy Court tonight, C-18-07 is a Conditional Use Application for a Home-based Contractor establishment. The site is just under ½ acre on the north side of Halltown Road east of Crystal Road, west of Dover. It is outside the growth zone and zoned AR Agricultural Residential. The Regional Planning Commission took testimony on this application at their November 1st hearing and at their November 8th business meeting voted unanimously to recommend conditional approval of the application finding that it does indeed meet all of the criteria for a Home-based Contractor establishment. So again this comes with a recommendation for approval. I'm happy to answer any questions you might have.

Public Hearing Open on Application C-18-07

IN FAVOR – None

Raymond Price, 5017 Halltown Road, Hartly, DE: We applied for the home-based business to run our plumbing company. We sent out all of the letters, did everything that we were supposed to do so we are hoping for an approval today, the final approval. Any questions that anybody might have?

Mr. Angel: Mr. Price, did you have a business on North Little Creek Road at one time, between Nixon and...

Mr. Price: Yes.

Mr. Angel: Okay, the reason I'm asking is because you ran such an efficient business there that I didn't even know you had a business until I saw your trucks, so... Welcome to Levy Court.

Mr. Price: Thank you.

IN OPPOSITION – None

Public Hearing Closed on Application C-18-07

M-18-217

Mr. Howell: I Move that we approve C-18-07 for Raymond E. Price, Jr., Applicant/Owner is the same. Zoning District/Proposed Use is Agricultural Residential/Home-based Contractor - Plumbing. The Area and Location/ID is 0.46 + or – acres located on the north side of Halltown Road Route 8, approximately 645 east of Crystal Road, west of Dover/WD-00-073.04-01-29.00-00; seconded by Mr. Angel.

Roll Call

Mr. Angel: Yes, based on the unanimous decision of the RPC, no opposition and Mr. Howell's comments, yes.

Mr. Buckson: Yes, based on reasons stated.

Mr. Hosfelt: Yes, based on reasons given.

Mr. Howell: Yes, based on the reasons that were given. Also, we just reaffirm our total commitment to businesses of any nature, so, yes.

Mr. Pepper: Yes, based on reasons stated including the statement made by Commissioner Angel about the applicant's cleanliness and work ethic.

Mr. Sweeney: Yes, for all reasons stated.

Mr. Banta: Based on the recommendation of the Regional Planning Commission, the Staff, no opposition here tonight, Mr. Angel's comment, Mr. Howell's comments, I vote yes.

Roll Call reveals seven (7) yeas. Application C-18-07 has been approved.

PETITIONS TO AMEND COMPREHENSIVE PLAN MAP AND ZONING MAP

Mr. Hosfelt:

1. **Ordinance LC18-13**, 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 #: CZ-18-07; Applicant & Owner: RO-Z Camden 113, LLC.; Proposed Zoning District: BG (General Business); Area & Location/ID#: 1.16 ± acres (Area of Petition: 0.22 +/- acre) on the east side of South DuPont Hwy. (US Rt. 13) between POW/MIA Parkway and South Taylor Drive, northeast of Camden/ED-00-085.20-01-08.00.00-000

Ms. Keifer: The next item is Ordinance LC18-13. This is a re-zoning and Comprehensive Plan Map amendment application. The site is .22 acre east of Route 13, between POW/MIA Parkway and south Taylor Drive, just northeast of Camden. The site is currently zoned RS1, Single Family Residential and it's designated in the Comprehensive Plan for Medium Density residential. The proposal is to rezone it to BG, General Business with a Highway Commercial designation in the Comprehensive Plan. The Regional Planning Commission took testimony at their November 1st meeting and at their November 8th business

meeting voted unanimously to recommend approval of the ordinance siting that the proposal is indeed consistent with the area and it does indeed at least partially conform to the 2018 Comprehensive Plan and it's located within the Growth Zone Overlay District. So again this comes with a recommendation for approval; I'm happy to answer any questions you might have.

Public Hearing Open on Ordinance LC18-13

IN FAVOR

James Taylor, Project Engineer, Duffield Associates, 5400 Limestone Road, Wilmington, DE, Representing owner RO-Z Camden: As was mentioned this parcel is 1.16 acres. Out of that, 2.2* acres of the parcel is currently zoned RS1 while the rest of it is zoned BG. What we're proposing to do is make the whole parcel BG instead of having a split zoned parcel and as was mentioned, conformance with the surrounding area as well. So, any questions?

*Area of Petition is 0.22 acres

Mr. Buckson: It's a little off base and you may not be able to answer it. Maybe you answered but not the proper forum. A lot going on there; I think it's great. Maybe you can share with us some of the already expected outcomes?

Mr. Taylor: Well I believe back last year we were in here re-zoning the parcel to the south, 1965 South DuPont, from IG to BG, which is also owned by our client. So the client now...the property... The owner owns two properties adjacent to each other. They're looking to develop the property as a commercial area. Right now there are no tenants lined up but there...there's nothing lined up right now. There is hope for a restaurant at one point in time but that's now dissipated. So they're actively searching for tenants of that area.

IN OPPOSITION - None

Public Hearing Closed on Ordinance LC18-13

M-18-218

Mr. Hosfelt: I'd like to make a **Motion** to approve Ordinance LC18-13. This is an ordinance to amend the Comprehensive Plan Map Designation and the Official Zoning Map of Kent County; it's in regards to Application CZ-18-07. The Applicant/Owner is RO-Z Camden 113, LLC. The Proposed Zoning District is BG, General Business; Area and Location is 1.16 +/- acres, specifically the area of petition is .22 +/- acres on the east side of South DuPont Highway, Route 13 between POW/MIA Parkway and South Taylor Drive, northeast of Camden; seconded by Mr. Sweeney.

Roll Call

Mr. Angel: Yes, based on Staff approval, unanimous RPC and no opposition, I vote yes.

Mr. Buckson: Yes, reasons stated.

Mr. Hosfelt: Yes, based on the reasons given.

Mr. Howell: Yes, reasons stated.

Mr. Pepper: Yes, based on reasons stated, plus it's consistent with the area and a potential for business growth, yes.

Mr. Sweeney: Yes, for all reasons stated especially Mr. Pepper's. We have a small business in that area and look forward to developing what's across the street.

Mr. Banta: Yes, for all reasons stated by Mr. Pepper and Mr. Sweeney, I vote yes.

Roll Call reveals seven (7) yeas. Ordinance LC18-13 has been approved.

PUBLIC HEARINGS CLOSED

RECESS TO COMMITTEE MEETINGS – 7:22 p.m.

RECONVENE BUSINESS MEETING – 8:42 p.m.

OLD BUSINESS – None

NEW BUSINESS

Mr. Angel:

1. Action Item from November 13, 2018 Administration Committee Meeting Retirement Program Investment Objective and Policy Revisions

Mr. Kujala: Thank you, Commissioner Angel. You may recall back in October approving a recommendation from the Pension Review Committee to select three new fund managers for four asset allocations. That triggered the need to rewrite your Overall Policy Objectives to incorporate those new fund managers. The Pension Review Committee took a look at those revisions on November the 1st and approved the motion to recommend to Levy Court that you adopt those new rewritten, revised stated of Investment Objectives and the overall Policy. Any questions?

M-18-219 Mr. Angel: I **Move** to approve the revised Statement of Overall Investment Objectives and Policy for Kent County Employee Retirement Program to incorporate the combined fixed income asset allocation and manager specific investment guidelines as recommended by the Pension Review Committee; seconded by Mr. Sweeney; carried by Roll Call vote seven (7) yeas.

Mr. Sweeney:

1. **Potential Action Item from Community Services Committee Meeting:**
Unitrends Multi-year Maintenance Agreement

M-18-220 I **Move** to approve a multiple year maintenance agreement with Unitrends to cover dates of October 2108 through October 2021 for an annual cost of \$23,670.02 to be funded by Information Technology operating and capital budget; seconded by Mr. Howell; carried by Roll Call vote seven (7) yeas.

Mr. Howell:

1. **Potential Action Item from Public Works Committee Meeting:**
BioSolids Capacity Expansion Project – Engineering Services Award

M-18-221 I **Move** to authorize the Director of Public Works to negotiate a contract for engineering services for the BioSolids Capacity Expansion Project. Funding is Working Capital Reserve and sewer impact fees AND Move to authorize the President of Levy Court to sign the contract subject to the County Attorney's concurrence; seconded by Mr. Pepper; carried by Roll Call vote seven (7) yeas.

Mr. Buckson:

1. Introduction of Ordinance 18-19 – Mini-warehouses, An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article XI, BN – Neighborhood Business District, §205-140, Conditional Uses; Article XIII, BG – General Business District, §205-169, Permitted Uses and §205-170, Conditional Uses; Article XIV, IL – Limited Industrial §205-184, Permitted Uses and §205-185, Conditional Uses; Article XV, IG – General Industrial, §205-199, Permitted Uses and §205-200, Conditional Uses; and Article XXI, Conditional Uses, §205-365 Table of Conditional Uses in order to permit mini-warehouses as a conditional use in the BN district and by-right in the BG, IL, and IG Districts for Public Hearing on Tuesday, December 18, 2018 at 7:00 p.m.

Question Mr. President for our counselor, is it absolutely necessary that I read into the record that in its' entirety, which I just read?

Mr. W. Pepper: Yes, that's the title of the ordinance.

Mr. Buckson: Fair enough. I've got to do a better job of reading it in advance next time.

OTHER BUSINESS

M-18-222 Mr. Pepper: I'd like to make a **Motion** to move to go into Executive Session immediately following the Committee Meetings of December 4, 2018 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); seconded by Mr. Sweeney; carried by Roll Call vote seven (7) yeas.

INFORMATION ITEMS

Mr. Petit de Mange: I want to remind all the Commissioners that on Thursday the 29th of this month, two days from today is the Ceremonial Tree Lighting in downtown Dover and we are once again invited to and are participating in the celebration. The event begins at 5:00 p.m., runs till 8 and we will be singing again on stage so plan to be there. Can I see a show of hands whose coming? Okay, so the ones who raised your hands bring your good voice okay?

Mr. Sweeney: Are you bringing the paraphernalia for us to wear for Frosty the Snowman?

Mr. Petit de Mange: We'll work on something, yes. And the second item of notice to the Commissioners is on Friday morning the 30th, this Friday is the Mayor's Prayer Breakfast at the Modern Maturity Center, it's at 7 a.m. and several of us have signed up to be at that event. Thank you Mr. President.

PUBLIC COMMENTS - None

COMMISSIONER COMMENTS

Mr. Angel: I won't be attending the singing because I'll be here at the County building working with the HOA from Fieldstone. I have a meeting with them from 5 to 8 so I will not be singing on Thursday the 29th. Also, I just wanted to let you all know; I wanted to actually apologize to you all. At the last meeting I was a little confused when doing something for somebody who was Employee of the Month and I said retirement. If you remember correctly at the meeting went on I kept referring to Mr. Hosfelt, I wish he was here because we were talking about the noise ordinance. Well, when I got home I had a hard time getting home after I left here. I had reached a dangerously low level on my sugar so it was at 33. So I don't even know how I made it home. But that's why if you ever see me looking a little confused or colors off please pull me aside. I didn't know till I got home. So I just wanted to apologize and I will apologize to the young lady too for making that error but it wasn't me per se, so, just to let you know. Thank you.

