

**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, AUGUST 13, 2019**

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; the Pledge of Allegiance was led by Mr. Angel.

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
Jeffrey W. Hall	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-19-154 **Motion** to approve the Agenda as presented was made by Mr. Angel; seconded by Mr. Sweeney and Mr. Pepper; carried by Roll Call vote seven (7) yeas.

Approval of Business Meeting Minutes of Tuesday, July 23, 2019

M-19-155 **Motion** to approve the Minutes of July 23, 2019 was made by Mr. Howell; seconded by Mr. Angel; carried by Roll Call vote seven (7) yeas.

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 the Clerk of the Peace 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 this meeting established by the Clerk of the Peace.

The Public Notice of the Hearing was published in the July 26, 2019 edition of the Delaware State News.

Mr. Buckson:

1. **Ordinance LC19-11**, An Ordinance to amend 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

Ms. Keifer: The ordinance before the Levy Court, LC19-11 is an application for a zoning map amendment. The site in question is just over two acres on the southwest corner of Indian Point Road and Andrews Lake Road just east of Felton. The site is currently zone AC, Agricultural Conservation and is proposed to be rezoned AR, Agricultural Residential. The Regional Planning Commission heard testimony on the application at their July 3rd hearing and at their July 11th business meeting voted unanimously to recommend approval citing that it is in keeping with the character of the area and it does comport with the Comprehensive Plan. So again this comes with a recommendation for approval; I'm happy to answer any questions you might have.

Public Hearing Open on Ordinance LC19-11

IN FAVOR – None

IN OPPOSITION – None

Public Hearing Closed on Ordinance LC19-11

M-19-156 Mr. Buckson: I make a **Motion** that we approve LC19-11 based on the Regional Planning Commission's unanimous recommendation and positive public testimony. The fact that there's no public opposition and some of the notes referenced in your packet referencing Exhibit B; my motion is to approve; seconded by Mr. Pepper.

Roll Call

Mr. Angel: Yes, with the RPC and Staff and Mr. Buckson's recommendation, also that the applicant should be reminded that DelDOT requires compliance with the State regulations regarding plant approvals and entrance permits whether or not this is a TIS that is required so I want to make sure that's added. Thank you.

Mr. Buckson: Yes, per my motion

Mr. Hall: Yes, per Staff and RPC recommendations.

Mr. Howell: Yes, reasons stated.

Mr. Pepper: Yes, per Mr. Buckson's statement.

Mr. Sweeney: Based on RPC recommendations, Staff and Mr. Buckson's comments, I vote yes.

Mr. Banta: Yes, for all reasons stated.

Roll Call reveals seven (7) yeas. Ordinance LC19-11 has been approved.

RECESS TO COMMITTEE MEETINGS – 7:08 p.m.

RECONVENE BUSINESS MEETING – 7:17 p.m.

OLD BUSINESS – None

NEW BUSINESS

Potential Action Items from Committee Meetings

Mr. Howell:

1. Commercial Trash Service Contract – Republic Services-Change Order #3

M-19-157 I **Move** to approve Change Order No. 3 to the Commercial Collection Services Contract with BFI Waste Services, LLC (Republic Services) in the amount of \$52,305.90 with a unit price increase of 2% and a one year contract extension until June 30, 2020. Funds for services are budgeted in the annual budgets of the General Fund and Sewer Fund; AND Move to approve to authorize the President of Levy Court to sign Change Order No. 3; seconded by Mr. Sweeney; carried by Roll Call vote seven (7) yeas.

Mr. Hall:

1. Community Event Promotional Grant Request – Frederica Day Event (August 17th)

M-19-158 I **Move** to approve the Community Event Promotional Grant Application dated July 11, 2019 submitted by the Frederica Senior Center in conjunction with the Town of Frederica in the amount of \$500.00 for advertising, marketing and promotions of the upcoming Frederica Day Event planned for Saturday, August 17, 2019; seconded by Mr. Buckson; carried by Roll Call vote seven (7) yeas.

2. Community Event Promotional Grant Request – Lady Bug Music Festival, Milford (September 21st)

M-19-159 I **Move** to approve the Community Event Promotional Grant Application dated July 25, 2019 submitted by the Downtown Milford Incorporated in the amount of \$750.00 as presented to assist with promotional costs associated with the upcoming Ladybug Music Festival, with the Grant being drawn from FY2020 Community Event Promotional Grant funds; seconded by Mr. Buckson; carried by Roll Call vote seven (7) yeas.

End of Potential Committee Meeting Action Items

Mr. Hall:

1. Appointment to the Building Code Review Committee

M-19-160

I Move to nominate Usman Sandhu to the Building Code Review Committee; seconded by Mr. Pepper; carried by Roll Call vote seven (7) yeas.

Mr. Buckson:

1. **Introduction** of the following ordinances for Public Hearing on Tuesday, September 24, 2019, at 7:00 p.m.:

- 1) **Ordinance LC19-16**, 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 (Reference: CZ-19-05 Raymond A. Piecuski)

- 2) **Ordinance LC19-17**, 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 (Reference: CZ-19-06 FAM Investments, LLC)

2. Reintroduction of **Ordinance LC19-02**, 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. (Reference: CZ-19-02 Alan Decktor) for Public Hearing on Tuesday, September 24, 2019 at 7:00 p.m.

OTHER BUSINESS - None

INFORMATION ITEMS

Mr. Petit de Mange wished to remind the Commissioners of a meeting at the County Building on Wednesday, August 14th at noon. The meeting will include some of Senator Carper's staff members who are working with him on the environment and public works committee as well as some of our County Staff.

PUBLIC COMMENTS - None

COMMISSIONER COMMENTS – None

M-19-161 **Motion** to Adjourn was made by Mr. Sweeney; seconded by Mr. Angel; carried by Roll Call vote seven (7) yeas. **7:26 p.m.**

A handwritten signature in cursive script that reads "Brenda Wootten". The signature is written in black ink and is positioned above a horizontal line.

Brenda Wootten
Clerk of the Peace