

**KENT COUNTY LEVY COURT MEETING NOTICE AND AGENDA**  
**Kent County Administrative Complex**  
**555 Bay Road, Dover, DE 19901**  
**Tuesday, September 24, 2019**  
**Levy Court Chamber (Room 203)**

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**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 19-7**

*Items on the Consent Agenda 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 items shall be removed from the Consent Agenda and considered separately under New Business.*

- **Approval of Levy Court Business Meeting Minutes of Tuesday, September 10, 2019**
- **September 17, 2019 Committee Meeting Items:**
  - Kent County Life Saving Award
  - Kent County Newsletter Bid Results

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**PRESENTATIONS:**

1. **Resolution 3754**, Retirement of Mary F. Eisenbrey
2. Employee of the Month for October 2019
3. **Life Saving Award Medal** Presentation

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**PUBLIC HEARINGS**

**STORMWATER MAINTENANCE DISTRICT EXTENSION (Fox Hollow):**

**Mr. Sweeney:**

1. **Resolution 3750**, A Resolution to extend the Kent County Stormwater Maintenance District pursuant to Chapter 52, Title 9 of the Delaware Code and Section 90.4.E(10), Chapter 187 of the Kent County Code – SWM-18-02 Fox Hollow

PUBLIC HEARINGS, continued

PETITION FOR CONDITIONAL USE APPROVAL:

**Mr. Banta:**

1. **Application:** C-19-05; **Applicant & Owner:** John C. & Michele Gearhart; **Zoning District / Proposed Use:** AC (Agricultural Conservation) / Home based Contractors Establishment; **Area & Location / ID#:** 2.7± acres on the eastern side of the cul-de-sac of Pee Wee Ct., approx. 487ft. southeast of Underwoods Corner Rd. (Co. Rd. 94), north and west of the Town of Clayton / KH-00-018.00-01-28.32-00001

PETITIONS FOR CONDITIONAL USE REQUIRING SITE PLAN APPROVAL:

**Mr. Hall:**

1. **Application/Name:** CS-15-06 (REV) Lakeland Mini Storage (Millstone); **Applicant/Owner:** Lakeland Commercial Group, Inc.; **Zoning District / Proposed Use:** BN -Neighborhood Business (±11.38 Acres) & BG -General Business (±9.08 Acres) / Additional Office Buildings and Mini Storage; **Area & Location / ID#:** 20.46 ± acre parcel (Area of Redevelopment = ±5.04 acres) located on the east side of South State Street and the south side of Beechwood Avenue, with proposed development along both sides of Lakeland Avenue, south of Dover / ED-00-086.00-01-19.01-00001

**Mr. Howell:**

1. **Application/Name:** CS-19-03/Hillandale Farms; **Applicant/Owner:** Becker Morgan Group, Inc. / Ian & Linda Sydel; **Zoning District / Proposed Use:** AC (Agricultural Conservation) / Wholesale Trade with Facilities for Storage and Transport of Farm Products; **Area & Location / ID#:** 66.40± acres on the north side of Fords Corner Rd. (Co. Rd. 98) approx. 980ft. east of Everetts Corner Rd. (Co. Rd. 48), northwest of Hartly / KH-00-053.00-01-63.00-00001 & WD-00-063.00-02-07.00-00001
2. **Application/Name:** CS-19-04/Rose Industries; **Applicant/Owner:** Rose Industries; **Zoning District / Proposed Use:** BG (General Business) / Contractors Establishment; **Area & Location / ID#:** 8.1 ± acres on the west side of S. DuPont Hwy. approx. 1,518ft. south of Plymouth Rd. (Co. Rd. 239), north of Felton / SM-00-129.01-01-60.00-00001

**Mr. Hall:**

1. **Application/Name:** CS-19-05 / Redeemed Christian Church of God; **Applicant/Owner:** Vincent Ikwuagwu / Redeemed Christian Church of God; **Zoning District / Proposed Use:** RS1 (Single Family Residential) /Church; **Area & Location / ID#:** 2.0± acres on northeast corner of S State St. (US Rt. 113A) and Highview Ave. (Co. Rd. 354), south of Dover / ED-00-086.09-01-76.00-00001

PUBLIC HEARINGS, continued

PETITIONS TO AMEND COMPREHENSIVE PLAN MAP AND ZONING MAP:

**Mr. Howell:**

1. **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.  
(Ref: **Application:** CZ-19-02; **Applicant / Owner:** Decktor, Alan / County Line Investments, LLC; **Proposed Zoning District:** BG (General Business); **Area & Location / ID#:** 2.88± acres on the west side of South DuPont Highway, approximately 2,400 ft. south of Marsh Branch Road, south of Farmington / MN-00-199.00-01-51.07-000)
2. **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  
(Ref: **Application:** CZ-19-05; **Applicant & Owner:** Piecuski Raymond A.; **Proposed Zoning District:** BG (General Business); **Area & Location / ID#:** 0.355± acres (Area of Petition: 0.15+ acres) on the south side of Forrest Ave, approx. 1,002' west of Nault Rd., west of Dover / WD-00-074.02-01-39.00-00001)

**Mr. Hall:**

1. **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)  
(Ref: **Application:** CZ-19-06; **Applicant & Owner:** FAM Investments, LLC c/o Rodney Alexander; **Proposed Zoning District:** AR (Agricultural Residential); **Area & Location / ID#:** 0.44± acres located on the north side of Forrest Ave, approx. 176' east of Sharon Hill Rd., west of Dover / ED-00-075.02-01-18.00-00001)

**PUBLIC HEARINGS, continued**

**KENT COUNTY ORDINANCES AMENDING THE CODE OF KENT COUNTY:**

**Mr. Buckson:**

1. **Ordinance LC19-18, Amendments to Chapter 187 (Subdivision and Land Development)** - An Ordinance to amend Kent County Code, Vol. II, Chapter 187, Subdivision and Land Development, as amended by revising the following sections: Article II, §187-5, Definitions; Article III, §187-13, Jurisdiction of the Department of Planning Services; and, Article VII, §187-33.B., Administrative Approvals, for the purpose of designating the County Administrator as the staff level administrative decision making authority for Kent County Code, Chapter 187
2. **Ordinance LC19-19 Amendments to Chapter 205 (Zoning)** - An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising language throughout Chapter 205, Zoning, and revising the following sections: Article I, §205-4, Interpretation; Article II, §205-6, Definitions; and, Article XXVII, §205-404, Administrative Variance, for the purpose of designating the County Administrator as the staff level administrative decision making authority for Kent County Code, Chapter 205

**MEETING ROOM FEE SCHEDULE AMENDMENT ORDINANCE:**

1. **Ordinance LC19-21**, An Ordinance amending The Code of Kent County, State of Delaware, Volume I, Chapter 128 – Fees, §128-49 – Meeting Room Fee Schedule

**CLOSE PUBLIC HEARINGS**

**OLD BUSINESS**

**Mr. Angel:**

1. CS-18-07 Meyer & Meyer, Inc. – Revision (Reconsideration of a Condition of Approval)

**NEW BUSINESS**

**Mr. Angel:**

1. Appoint Negotiating Team for The CWA (The Communication Workers of America) Contract

# Kent County Levy Court Meeting Notice and Agenda

Tuesday, September 24, 2019

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## 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 of Tuesday, October 8, 2019 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 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: 9/17/19**

**Revised: 9/20/19**

**Posted by: L. Tanaka**

**Time: 1:58 PM**

**Take down: Upon Replacement or on 7/24/19**

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.