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. Buckson.

Moment of Silence for our Troops and First Responders

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-20-010 Motion to approve Agenda as presented was made by Mr. Sweeney; seconded by Mr. Pepper; carried by Roll Call vote seven (7) yeas.

CONSENT AGENDA 20-2

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, January 14, 2020
- January 21, 2020 Committee Meeting Items:
  - Pump Station #14 (Isaacs Branch) – Pump Purchase
  - Delaware Union Soccer Club Lease Termination Agreement

M-20-011 Motion to approve Consent Agenda 20-2 made by Mr. Sweeney; seconded by Mr. Howell; carried by Roll Call vote seven (7) yeas.

PRESENTATIONS

Delaware Electric Cooperative Capital Credit Check Presentation to the Levy Court

The Commissioners asked representatives present from Delaware Electric Cooperative, including President/CEO J. William Andrew, P.E. and Rob Book, Vice-President, Member Services to please join them and the County Administrator at the front of the dais for the presentation, remarks and photos. Mr. Andrew presented Levy Court, Delaware Electric Co-Op’s largest member, with two checks totaling $65,004.00, an amount representing Kent County’s capital credits. A total of $6.3 million was given back to members this year and Mr. Andrew stated they hope to do it again next year. The Commissioners expressed their appreciation and thanked Mr. Andrew and Delaware Electric Co-Op for all they do.

Resolution for Retirement of Jack Loftin

Lorri Tanaka read the following into the record:

Resolution 3770, Retirement of Jack M. Loftin
Whereas, the retirement of Jack M. Loftin, an employee of Kent County, State of Delaware, from his duties as Dispatcher, Department of Public Safety, Emergency Communications Division, presents a suitable opportunity for expressing the esteem in which we hold Jack M. Loftin, as a good and faithful public servant.

Therefore, be it resolved that the County of Kent express its warmest appreciation and thanks to Jack M. Loftin for the able and loyal manner in which he performed his public duties.

Be it further resolved that this resolution be his evidence of a right to the pension provided by the Kent County Employees' Retirement Program; and that this Resolution be and hereby is incorporated into the official minutes of the January 28, 2020 meeting of the Kent County Levy Court.

Motion to approve Resolution 3770 was made by Mr. Pepper; seconded by Mr. Sweeney; carried by Roll Call vote seven (7) yeas.

Mr. Loftin joined the Commissioners, County Administrator, Chief Colin Faulkner, Director of Public Safety and Kevin Sipple, Assistant Director of Public Safety for presentation of the resolution, congratulatory remarks and commemorative photos.

Employee of the Month for February 2020

The following was read into the record by Ms. Tanaka:

Kent County Department Heads have selected Robert L. Watts from the Department of Public Safety as the February 2020 Employee of the Month.

Robbie has worked for Kent County since October 2002 and now serves as the Operations Support Officer in the Emergency Communications Division. His primary duties include maintaining the computer aided dispatch (CAD) system that will result in the proper dispatch responses for fire services, ambulance services and paramedics of Kent County, training all new dispatch employees on the computer system and providing support for all emergency services and related computer systems.

Robbie was previously recognized as the February 2013 Employee of the Month when he was a Dispatcher III. At the time, his co-workers said he could be counted on to remain calm and professional in the most demanding and challenging situations. Today, his co-workers say the same, adding that he is always willing to tackle new projects and will get the job done.

According to Assistant Director of Public Safety Kevin Sipple, "Robbie spends countless hours trying to find ways to improve our delivery of 911 services to the public. He oversees the newly created Drone program, oversees and manages the
Tyler Computer Aided Dispatch, Fire Records and Mobile Data Program and manages the GIS data for all programs involved with Public Safety. Robbie has also enhanced our outreach programs to include Rave Panic Button, Smart911 and PulsePoint.”

Congratulations Robbie on a job well done! Robbie resides in Commissioner Banta’s and Pepper’s districts.

Robbie joined the Commissioners, County Administrator, Chief Colin Faulkner and Assistant Director Kevin Sipple at the front for the award presentation, congratulations and photos.

**Perfect Attendance Awards**

Allan Kujala announced there were 58 employees who earned Perfect Attendance for the Calendar Year 2019. Those in attendance this evening were called forward to receive their certificate, a gift and a personal congratulations from the Commissioners.

John Witzke, Tom Williams, Robbie Watts, Katie Ridgeway, Kevin Sipple, Justin Pippin, Danny McLaughlin, Colin Faulkner, Jill Johns, Kris Connelly, Mike Petit de Mange and Allan Kujala all were presented with their certificate and a gift.

**Toys for Tots**

A Certificate of Appreciation was presented to Kent County Levy Court for “outstanding support for the United States Marine Corps Toys for Tots Program” by Dennis Sipple. This year they were able to provide 3,427 children with presents, 464 more than last year. Mr. Sipple presented the Commissioners and County Administrator with a Challenge pin. Mr. Banta returned the honor by presenting Mr. Sipple with a County pin.

**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.


**Petitions for Conditional Use Approval**

**Mr. Banta:**

1. **Application #: C-19-06;** Applicant/Owner: Training Tails, LLC/Albert & Phyllis J. Moses; Zoning District/Proposed Use: AC (Agricultural Conservation)/Dog Training and Dog Daycare Facility; Area & Location/ID#: 2.9± acres located on the eastern side of Wheatley’s Pond Road, approx. 1,400 ft. northeast of Bryn Zion Road and 1,495 ft. southwest of Calico Circle, northeast of Kenton/KH-00-036.00-02-04.04-00001

Ms. Keifer: The first application before the Levy Court tonight, C-19-06 is a Conditional Use Application for a Dog Training and Dog Daycare Facility, just under 3 acres on the eastern side of Wheatley’s Pond Road northeast of Bryn Zion Road, northeast of Kenton, outside of the Growth Zone. The site is zoned Agricultural Conservation. The Regional Planning Commission took testimony about this application at their January 2nd hearing; at their January 9th business meeting voted unanimously to recommend conditional approval. The conditions are noted in the RPC Recommendation Report. Some that they added and the applicant agreed to was that signage would be limited to 6 square feet; 5 feet above grade similar to that of a home occupation and that indeed there would be no overnight boarding. So again this comes with unanimous recommendation for approval. I’m happy to answer any questions you might have.

**Public Hearing Open on Application C-19-06**
IN FAVOR

Thomas Moore, 83 Integro Drive, Clayton, DE: Mr. Moore advised the Commissioners he came forward in the event any of the Commissioners had any questions for him.

Mr. Buckson wished to clarify the conditions already agreed upon one being there would be no overnight boarding. Mr. Buckson further stated he had spoken to a few other facilities in the area similar to the one Mr. Moore is pursuing. He further stated he would like Mr. Moore to agree to have one employee for every 15 dogs in his care. Mr. Moore agreed that this was his intent as his business grows. An additional concern brought up by Mr. Buckson was the number of dogs. They both agreed 30 was a fair number to start off with and if the need arises Mr. Moore could petition the County for an increase at a later date. For informational purposes, Mr. Moore advised there are (3) 30 x 40 outdoor runs, a small triangular 20 x 30 area for smaller dogs. The air conditioned indoor rooms include (1) 240 square foot room, (1) 1200 square foot room and a 50 or 60 square foot room for smaller dogs. There is also a reception room.

IN OPPOSITION - None

Public Hearing on Application C-19-06 is Closed

M-20-013 Motion was made by Mr. Banta to approve Application C-19-06; seconded by Mr. Sweeney.

Roll Call

Mr. Angel: Yes, based on RPC approval and the administration’s determination letter of Mike Petit de Mange, our County Administrator, yes.

Mr. Banta: Based on the RPC recommendation, Staff recommendation and no public opposition, I vote yes.

Mr. Buckson: Yes, based on the comments I made and the comments that have been made just now. And I also want to state very clearly for the record that the decision made tonight I think is a just decision and how it got here although complicated ended up doing what it is supposed to do. And I also want to state very clearly for the record that I and I believe all of us value very much the decisions made by the Regional Planning Commission and in no way deem this in any kind of a slight. It had everything to do with legal jargon, site plan or not, but stating very clearly for the record that the overwhelming amount of times we value, accept, utilize and in fact follow the advice of the Regional Planning Commission it’s not a guaranteed system. But I wanted to state that very clearly, so my vote is yes based on the comments. Thank you.
Mr. Hall: Yes, based on Staff and RPC recommendations with all conditions applied.

Mr. Howell: Yes, based on comments made and no opposition.

Mr. Sweeney: Yes, for all reasons stated.

Mr. Pepper: Yes, all reasons stated.

Roll Call reveals seven (7) yeas. Application C-19-06 has been approved.

PETITIONS FOR CONDITIONAL USE APPROVAL

Mr. Buckson:
1. Application #: C-20-01; Applicant & Owner: Furqan Munir Ahmed & Rehana Yasmeen; Zoning District / Proposed Use: AC (Agricultural Conservation) / Professional Office (Wholesale Auto / Paper Office Only); Area & Location / ID#: 1.0± acre on the northeastern side of Ponderosa Dr. (Co. Rd. 364) approx. 72 ft. south of Cypress Branch Rd. (Co. Rd. 363), north of Magnolia / NM-00-105.00-02-48.00-0001

Ms. Keifer: Application C-20-01 is another Conditional Use application for a professional office, Wholesale Auto on the northeastern side of Ponderosa Drive south of Cypress Branch Road, north of Magnolia, inside the Growth Zone. The Regional Planning Commissioner took testimony on this application at their January 2nd hearing and at their January 9th business meeting voted unanimously to recommend conditional approval. Among the conditions, no signage on the property, no vehicle storage and no retail sales. So again, this comes with a recommendation for approval; I’m happy to answer any questions you might have.

Mr. Buckson: I’m curious as to how this type of application even crosses our radar, is it the applicant contacting us and requesting it?

Ms. Keifer: Del-DOT won’t give out the license without our approval so that’s how they come here.

Mr. Buckson: As a matter of fact you have told me that before, we’ve dealt with these before. Thank you.

Public Hearing Open on Application C-20-01

IN FAVOR

Furquan Ahmed, 652 Ponderosa Drive, Magnolia, DE: Mr. Ahmed did not have any additional comments and relied on the paperwork he had filed.
Mr. Pepper asked Mr. Ahmed where he planned to work on and clean up the vehicles he was working on. Mr. Ahmed responded if he gets the vehicle he will make arrangements and does not have any plans to do any of the work in his own driveway.

Mr. Buckson stated for the record the one individual that was in opposition expressed he was willing to accept the application as long as no cars stacked up on the property and Mr. Ahmed would just have an office.

**IN OPPOSITION – None**

Mr. Pepper asked that a condition of no repairs or working on vehicles on property be added to the motion.

**Public Hearing Closed on Application C-20-01**

**M-20-014 Motion** was made by Mr. Buckson to approve Application C-20-01 with the condition that there shall be no storage, stacking, repair or other of vehicles on the property to include the recommendations by Staff listed in the packet; seconded by Mr. Pepper and Mr. Angel.

Roll Call

Mr. Angel: Yes, based on Staff approval, RPC approval and Commissioner Buckson’s remarks.

Mr. Buckson: Yes, based on comments made.

Mr. Hall: Yes, based on Staff and RPC recommendation with all conditions applied.

Mr. Howell: Yes, comments made; no opposition.

Mr. Pepper: Yes, based on comments I already made plus recommendations of Staff with the addition of the new condition.

Mr. Sweeney: Yes, for all reasons stated.

Mr. Banta: Based on Mr. Buckson’s motion, RPC approval, Staff approval and no opposition, I vote yes.

Roll Call reveals seven (7) yeas. Application C-20-01 has been approved.

2. **Application #: C-20-02;** Applicant & Owner: Shirlene & Charles Mann; Zoning District / Proposed Use: AR (Agricultural Residential) / ECHO Unit;
Area & Location / ID#: 7.9± acres located on the northern side of Stuffs Cove, approx. 390 ft. west of Old Beach Road, north of Frederica / SM-00-122.00-01-30.00-0001

Ms. Keifer: Application C-20-02 is for an ECHO Unit on an existing residential property located inside the Growth Zone. The Regional Planning Commission took testimony on this application at their January 2nd hearing and at their January 9th business voted unanimously to recommend conditional approval citing that it currently meets all of the conditions and certainly with the condition that it continue to throughout the life of the unit. 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-20-02

IN FAVOR

Shirlene Mann, 76 Stuffs Cove, Frederica, DE: Mrs. Mann explained to the Commissioners that during a summer visit to her parent’s farm she and her husband were shocked to find it less than what they were used to seeing. Her parents both suffer health issues and are not able to care for the property alone so Mr. and Mrs. Mann made the decision to move home from West Virginia. After being advised they were not legally allowed to live in a camper on her parent’s property they inquired within the County as to what options were available to them. Mrs. Mann stated the ECHO Unit was brought to their attention and they were advised they met all the qualifications. She further stated they then followed the step-by-step guide provided by the County in getting the unit set up in what she called a “very timely fashion.” What brings them here today, according to her is one neighbor has a concern which was brought to their attention the day they were issued their placement permit.

Mr. Sweeney: Ms. Mann, what was the neighbor’s concern?

Mrs. Mann: It’s been a multitude of things. I’m really confused with the whole situation. I’m just going to be really open and transparent. It was initial concern of my brothers. My brothers are not here for a reason. They cannot help my parents for a reason. We can. That concern I feel is invalid. The other concern was that I think there was a misconception that I was a different person, that the neighbor did have an issue with and, you know we told the County please provide my driver’s license whatever you need to provide. We even sent a certified letter to him stating, “hey, we’re just simple people her, we’re just trying to help my parents, please we want to be friendly neighbors.” And I believe the last concern is the state of the property itself. One of the issues with dementia, if you are not aware, is people do tend to have hoarding tendencies which I’ll be honest my father is trickling down that road. But with the help of my husband and myself we are slowly trying to combat that but it is a process.
Charles Mann, 76 Stuffs Cove, Frederica, DE: Mr. Mann explained to the Commissioners he is doing his best to clean up the property as his time allows. He currently works 4 a.m. to around 6 or 7 p.m. six days a week and to date has moved three full dumpster loads off the property. As well he has gotten a tractor that was dormant for three years running and they are now able to move the larger items. Mr. Mann concluded by asking that the process of getting an ECHO Unit be made less stringent. He believes the last thing anyone needs to worry about when trying to help their family is going through the same process over and over again, getting emails and phone calls every day.

Mr. Banta: We started these ECHO Housing Units many years ago. I’ll say at least 15 or 20. I don’t recall in my 24 years of service that I’ve had anybody. I was not the President then just a member of Levy Court, the same as the rest of the guys I had one vote, never received anybody in opposition of these because people really were endeared with taking care of their parents. So I commend you for that. I don’t know how the hearing will go. I don’t know what votes will occur but I just think you and your wife need to be commended for taking care of your parents. Unfortunately sometimes people don’t do that and then other things occur and the family becomes very disoriented and you’ve got major issues. Certainly appreciate your time. Thank you very much for being here.

Mr. Buckson: This one’s complicated. This is not the normal process and so it is in fact not a traditional path forward for an ECHO Unit, so your experience, although troubling for you as well as individuals who may be in opposition to it, is not a traditional experience for this type of situation. This is unique to the circumstances that surround this particular application in starting with how the permit was issued to where we are tonight. I’m confident that moving forward other ECHO Units, while there’s no guarantees there will be no barriers put in place by Levy Court other than the ones that are currently there.

Renee Hoffman, 72 Stuffs Cove, Frederica, DE: Mrs. Hoffman stated there has been a mobile home on this property for over 25 years and her mother, brother and grandfather all had an ECHO Unit there. She further stated they have done everything the County has asked them to do, permits, well and septic recertifications. Mrs. Hoffman shared the financial aspects of what her daughter and son-in-law have incurred so far with the mobile home they have purchased. She gave measurements of the distance between the neighbor’s property line and home to the mobile home as well as a visual of what he can and cannot see due to grass, shrubs and bamboo. She reiterated they are in the process of cleaning up the property and asked that the Commissioners allow the mobile home to remain on there.

Mr. Howell: Could you give just one example of the complaint this guy has about this movement?
Mrs. Hoffman: He actually wrote a 12 page letter so, there’s a lot of complaints there. He blames us for not being able to have his family, he blames us for his marriage break-up, for his separation from his children, he blames us for just about everything that’s happened in his life in the last several years.

Mr. Howell: Okay, that’s good enough. Thanks.

IN OPPOSITION

Anthony Matuszewski, 7889 Old Beach Road, Frederica, DE: Mr. Matuszewski began by expressing sympathy for the pain the Hoffmans are going through. He continued by stating their sons had committed over 120 burglaries in Kent County between 2005 and 2011 and he was one of the recipients which was the reason he did not wish to have the ECHO Unit close to him. At this point Mr. Banta cautioned Mr. Matuszewski that this is a Land Use decision and he should stick to the facts pertaining to that. Mr. Matuszewski wanted to add that this was the reason the sons were not here. He continued by listing some of his concerns with the placement of the ECHO Unit on the Hoffman’s property.

Mr. Buckson assured Mr. Matuszewski he had read his information and he focused on what was before Levy Court this evening. Through no malintent on Staff’s part the solution of putting an ECHO Unit on the Hoffman’s property was offered at the time the Mann’s came in requesting to revisit this idea. He further assured Mr. Matuszewski that he did look into it. The placement of the unit is on the exact footprint as the previous structure, so it completely makes sense according to Mr. Buckson, which is why it ended up where it is now. Mr. Buckson continued by bringing up Mr. Matuszewski’s willingness to compromise due to the situation. Summarizing, Mr. Buckson brought up a yearly revisit which would eliminate Mr. Matuszewski’s concern the ECHO Unit would transfer over and over again. He continued by saying there were other requirements they could not do.

Ms. Keifer: As long as any proposed occupant meets the criteria outlined for the ECHO Unit we’ve allowed people to transfer. That’s been traditional so, as long as somebody meets the criteria whether it be age or infirmity.

Mr. Buckson: In your position, you’re the professional here as far as interpreting the code this unit whether the cart came before the horse or not meets the criteria?

Ms. Keifer: Yes.

Mr. Matuszewski stated his belief the ECHO Code needed to be re-read as he does not believe this application meets the criteria, the criteria being the person living there is to be 62 years of age or handicapped. He continued by reading a portion of the suggested provisions he had provided in letter form to the County.
Mr. Buckson stressed that he knows this is a bad circumstance all the way around, acknowledging the applicant as well as Mr. Matuszewski have done everything they were supposed to do. He spoke directly to the six conditions as he sees them. “Number 1 is listed in the conditions for approval so that’s already been included. The request of excluding any other family member is in language, meaning that they would have to come in for approval. We are not going to sit up here and exclude any and all and other. I don’t think that that’s within our rights to do. But they will have to follow through the normal process and I’m confident that the process will not be as complicated as this previous one. So in reference to number 2, we are not going to be able to put in there that no longer will any other family member be able to participate.”

Mr. Matuszewski: Oh I didn’t say that. In this ECHO home, when Daniel is no longer...no longer needs assistance they have 90 days to remove it and I want it removed at that point.

Mr. Buckson: Unless...

Mr. Matuszewski: Without any conditions.

Mr. Buckson: Unless they meet the terms and conditions of some other type of ECHO Unit.

Ms. Keifer: Yes, if for example someone else in residence meets the criteria either by age or infirmity we would simply note that on the ECHO approval. The ECHO approval is about the unit not the people living there.

Mr. Buckson: We do agree in principle to what you’re asking for there. Number 3, is just not acceptable. We are going to tonight by way of a vote, if we approve it, certify it, we’re not going to go through...back to planning and leadership and everyone else to sign off again. Tonight’s decision will be essentially that approval for this. Obviously RPC’s already dealt with this. Four we talked about. Five speaks to your concerns for how you would be treated if you came here. I can assure you there would be no willful intent to harm you at all if that’s what you’re speaking on behalf of your property itself. And there would be no reason for an ECHO Unit to cause problems. I understand what you’re saying. You want to operate a business now I have a residential development next to me and they’re here in opposition. It’s on the record, I appreciate you mentioning that, it’s on the record. If you do present to us in the future as a business you can certainly mention that as a part of the record. We can’t list that in the condition.

Mr. Matuszewski: I want cooperation.

Mr. Buckson: And that speaks to the final one which is exactly what you’ve just said again that you want to be able to do business. I can’t promise you...I can’t ensure that you get the same process that was given because the process that was
given wasn’t the correct channel and was not effective or we wouldn’t be here tonight like we are. So if that’s what you’re asking, and it appears I’m going to give you an honest, fair treatment.

Mr. Matuszewski: And I wrote in one of my papers that I don’t expect them to bend the rules for anybody while harming somebody else.

Mr. Buckson: So that’s where we are and I appreciate your time and these comments.

Public Hearing Closed on Application C-20-02

M-20-015 Motion to approve Application C-20-02 was made by Mr. Buckson, based on Staff comments A through C as well as Staff recommendation report A through E to include some of the comments recently made to the individual in opposition; seconded by Mr. Angel.

Roll Call

Mr. Angel: I want to remind you gentlemen about two months ago I gave you something Montgomery County’s doing about putting another dwelling on a property. We need to go back and look at that because I think if we had that this wouldn’t happen either even though it’s an ECHO. I’ve had two ECHOs in my 16 years and this is the first time I’ve heard something like this. Yes, to the RPC, the applicants, Staff recognition and Mr. Buckson’s comments, yes.

Mr. Buckson: Yes, per my comments and I would encourage the applicant to get started on that fence.

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

Mr. Howell: Yes, per recommendations.

Mr. Pepper: Yes, per Staff recommendations and Commissioner Buckson’s comments.

Mr. Sweeney: Yes, for all reasons stated.

Mr. Banta: Based on the positive recommendation of RPC and Staff and this being a reasonable request and Mr. Buckson’s comments, I vote yes.

Roll Call reveals seven (7) yeas. Application C-20-02 has been approved.

PETITION TO AMEND COMPREHENSIVE PLAN MAP
AND ZONING MAP
Mr. Howell:

1. Ordinance LC19-28: 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: Application #: CZ-20-01; Applicant & Owner: Atlantic Concrete Company Inc.; Proposed Zoning District: IG (General Industrial); Area & Location / ID#: 8.0± acres (Area of Petition: 4.5± acres) located on the east side of S. DuPont Hwy. (Rt. 13), approx. 1,488’ south of Corn Crib Rd (Co. Rd. 433), south of Harrington / MN-00-180.00-02-21.00-0001)

Ms. Keifer: Ordinance LC19-28 is an application to change the Zoning Map. Currently the property is zoned IG and AR. The proposal is to make the entirety IG. The area of petition is just 4 ½ acres. It’s on the east side of Route 13, south of Corn Crib Road just south of Harrington. The Regional Planning Commission took testimony on this application at their January 2nd hearing and at their January 9th business meeting voted unanimously to recommend approval citing that it is indeed in keeping with the surrounding area and the limited size of the area will have a limited impact on infrastructure. So again this comes with a recommendation for approval; I’m happy to answer any questions you might have.

Public Hearing Open on Ordinance LC19-28

IN FAVOR

Benjamin Jones, 23082 Dove Lane, Milford, DE: I have no comments, sir.

Mr. Banta: Supporting it, is that correct?

Mr. Jones: Yes, sir.

Mr. Banta: Thank you very much for your time, appreciate it.

IN OPPOSITION – None

Public Hearing Closed on Ordinance LC19-28

M-20-016 Motion to approve Ordinance LC19-28 was made by Mr. Howell; seconded by Mr. Buckson.

Roll Call

Mr. Angel: Yes, based on RPC and Staff approval.
Mr. Buckson: Yes, comments stated.

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

Mr. Howell: Yes, RPC approval and no opposition.

Mr. Pepper: Yes, per previous comments.

Mr. Sweeney: Yes, for all reasons stated.

Mr. Banta: Based on Regional Planning Commission recommendation, Staff recommendation and no opposition, I vote yes.

Roll Call reveals seven (7) yeas. Ordinance LC19-28 has been approved.

KENT COUNTY ORDINANCE

Mr. Buckson:
1. Ordinance LC19-30 Amendments to Chapter 187 (Final Plan Approval): An Ordinance to amend Kent County Code, Vol. II, Chapter 187 Subdivision and Land Development, as amended, Article V Preliminary Plan Preparation and Procedure for Major Subdivisions, §187-21, Approval of preliminary plan, Item F and Article VIII Land Development, §187-41, Final plan approval to extend the deadline for final plan approval from 18 months to 24 months for both major subdivisions and land development plans and require written notification 6 months prior to expiration.

Ms. Keifer: Ordinance LC19-30 addresses Final Plan Approval for both subdivisions and site plans. Right now Chapter 187 limits preliminary approval to 18 months before you have to get to Final Plan or you expire. What this ordinance does is take that all to 24 months that you have to get to your Final Plan. Also calls for Staff to notify applicants six months in advance. So it comes with a recommendation for approval from the Regional Planning Commission. I'm happy to answer any questions.

Public Hearing Open on Ordinance LC19-30

IN FAVOR – None

IN OPPOSITION – None

Public Hearing Closed on Ordinance LC19-30

M-20-017 Motion to approve Ordinance LC19-30 was made by Mr. Buckson; seconded by Mr. Sweeney.
Roll Call

Mr. Angel: Yes.

Mr. Buckson: Yes, no public opposition, Staff comments and RPC approval.

Mr. Hall: Yes, for all reasons stated.

Mr. Howell: Yes.

Mr. Pepper: Yes, reasons stated.

Mr. Sweeney: Yes, for reasons stated as well as four words that are near and dear to my heart in the description, “provide increased customer service.”

Mr. Banta: Based on Mr. Buckson’s comments, I vote yes.

Roll Call vote reveals seven (7) yeas. Ordinance LC19-30 has been approved.

CLOSE PUBLIC HEARINGS

RECESS TO COMMITTEE MEETING – 8:51 p.m.

RECONVENE BUSINESS MEETING – 8:52 p.m.

OLD BUSINESS

Mr. Banta:
1. CS-19-05 Gearhart, John C. & Michele – Reconsideration of Conditions

Ms. Keifer: Application CS-19-05 is a Conditional Use for a Home based Contractor originally approved by the Levy Court in September. One of the conditions of approval that had been recommended by the RPC and accepted by the Levy Court was that a portion of the fence line showed on the screen would also include a planted buffer. Now that the fence is in and everyone can get a better understanding of how the site looks the applicant is now asking Levy Court to reconsider that planted buffer and simply let the fence stand as it is. I’m happy to answer any questions you might have. The property owner is also in the audience if you have questions.

Mr. Banta: I don’t have any questions. I had a chance to speak to a couple of the neighbors. They have absolutely no opposition to the request that’s being made. Is the next course of action to hear from the applicant or should we move forward? I’m ready to move forward.

Ms. Keifer: It’s Levy Court’s choice. You can move forward…
Mr. Banta: I’m only one person with one vote. So, hearing no opposition, Mr. Vice President?

Mr. Pepper: Mr. President, you have the floor.

**M-20-018**  
**Motion** to approve CS-19-05 was made by Mr. Banta; seconded by Mr. Sweeney; carried by Roll Call vote seven (7) yeas.

**Potential Action from Committee Meeting**

**Mr. Sweeney:**
1. Distribution of Residual Library Tax

**M-20-019**  
I **Move** to rescind Levy Court Motion M-19-22 made on November 12, 2019 and in lieu thereof I **Move** to reapprove the distribution of $625,000.00 in residual Library Tax Revenue to each of the four (4) Municipal Libraries – Dover, Smyrna, Harrington and Milford – and to the Kent County Public Library, for the expressed and limited purpose of providing additional financial resources, support, and assistance for library services in Kent County, Delaware; seconded by Mr. Howell; carried by Roll Call vote seven (7) yeas.

**NEW BUSINESS** - None

**OTHER BUSINESS**

**M-20-020**  
**Mr. Pepper:**  
**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); seconded by Mr. Angel; carried by Roll Call vote seven (7) yeas.

**Mr. Pepper:**  
**Move** to go into Executive Session immediately following the Committee Meetings of Tuesday, February 4, 2020 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. Angel; carried by Roll Call vote seven (7) yeas.

**INFORMATION ITEMS**

Mr. Sweeney stated he had met with Jennifer Cohan, Secretary of Department of Transportation to discuss the possibility of their participation in providing electricity to the flagpoles on the POW/MIA Highway and they declined. He advised Harvest Years will be coming back before Levy Court with their request
to pay for solar lights that will light the flagpoles. Mr. Sweeney further stated that the easement Del-DOT is providing behind the sign will have an easement for future electricity if the solar lights are “not up to snuff.” This will be a separate service from Del-DOT and will have a monthly associated cost.

Mr. Angel shared that he met with President Clark from Wesley College and it went very well.

PUBLIC COMMENTS - None

COMMISSIONER COMMENTS

Mr. Pepper advised the month of February would have condensed meetings as follows: February 4th Combined, February 11th No Meeting, February 18th Combined with Sewer Fund afterwards and February 25th No Meeting.

Mr. Angel shared that he and Jeremy Shepherd were certified as Certified Ambassadors for Tourism this week.

M-20-022 Motion to adjourn was made by Mr. Sweeney; seconded by Mr. Angel; carried by Roll Call vote seven (7) yeas. 9:02 p.m.

Brenda Wootten
Kent County Clerk of the Peace