

KENT COUNTY LEVY COURT MEETING NOTICE AND AGENDA
Kent County Administrative Complex
555 Bay Road, Dover, DE 19901
Tuesday, March 24, 2020
Levy Court Chamber (Room 203)

7:00 P.M., BUSINESS MEETING

Call to Order
Invocation
Pledge of Allegiance
Moment of Silence for our Troops and First Responders
Roll Call and Determination of Quorum
Adoption of Agenda
Consent Agenda

PRESENTATIONS:

1. **Resolution 3776**, Declaring April 11 - April 17, 2020 as Black Maternal Health Week
 2. **Resolution 3774**, Retirement of Cynthia Laird
 3. Employee of the Month for April 2020
-

PUBLIC HEARING

PETITIONS FOR CONDITIONAL USE APPROVAL:

Mr. Banta:

1. **Application #:** C-20-03; **Applicant & Owner:** Joseph Haas / Liborio Brenford, LLC; **Zoning District / Proposed Use:** BG (General Business) / Shed Sales; **Area & Location / ID#:** 1.2± acres located on the west side of S. DuPont Blvd (U.S. Rt. 13), approximately 472 ft. south of Brenford Rd. (Co. Rd. 42) south of Smyrna / DC-00-028.00-01-21.00-00001

CLOSE PUBLIC HEARING

OLD BUSINESS

NEW BUSINESS

Mr. Banta

1. Appointment to Kent County Library Advisory Board

OTHER BUSINESS

1. 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)
2. Move to go into Executive Session immediately following the Committee Meetings of April 7, 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)

INFORMATION ITEMS

PUBLIC COMMENTS

COMMISSIONERS' COMMENTS

ADJOURN

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: 3/17/20

Revised: 3/20/20

Posted by: L. Tanaka

Time: 2:52 PM

Take down: Upon Replacement or on 3/25/20

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.

Commission Members
Hon. P. Brooks Banta, President
Hon. Terry L. Pepper, Vice-President
Hon. Allan F. Angel
Hon. Eric L. Buckson
Hon. Jeffrey W. Hall
Hon. Glen M. Howell
Hon. George "Jody" Sweeney

Kent  County
Levy Court


Kent County
Administrative Complex
555 Bay Road
Dover, Delaware 19901
(Handicapped Accessible)
(302) 744-2305
FAX: (302) 736-2279

RESOLUTION 3776

Declaring April 11 – April 17 2020 as
“BLACK MATERNAL HEALTH WEEK”
In Kent County, Delaware

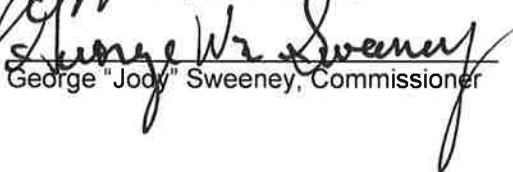
- WHEREAS,** in its third year, Black Maternal Health Week takes place annually from April 11 –17, and
- WHEREAS,** the month of April is recognized in the United States as National Minority Health Month; a month-long initiative to advance health equity across the country on behalf of all racial and ethnic minorities, and
- WHEREAS,** Established in 2019, Black Mothers in Power formed in Delaware to increase awareness, to develop community programming, and to design regulations and policies to improve Black Maternal Care in Delaware, and
- WHEREAS,** Black Mothers in Power aims to decrease the mortality rate of Black infants and mothers and to improve their health throughout the State of Delaware, and
- WHEREAS,** Black Mothers in Power seeks to examine maternal health care of Black Women who identify with the following groups: Disabled, Mentally Ill, Immigrant, Homeless, HIV/AIDS, Domestic Violence, LGBTQ, Incarcerated, Military/Veterans, Teen Mothers, and Addiction, to understand the connections to being a Black Woman and health issues.

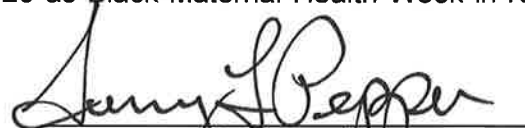
NOW, THEREFORE, BE IT RESOLVED that the Kent County Levy Court hereby declares the week of April 11 through April 17, 2020 as Black Maternal Health Week in Kent County, Delaware.


P. Brooks Banta, President


Allan F. Angel, Commissioner

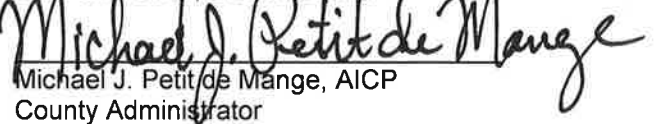

Jeffrey W. Hall, Commissioner


George "Jody" Sweeney, Commissioner


Terry L. Pepper, Vice-President


Eric L. Buckson, Commissioner


Glen M. Howell, Commissioner


Michael J. Petit de Mange, AICP
County Administrator

Kent



County

Commission Members
Hon. P. Brooks Banta, President
Hon. Terry L. Pepper, Vice President
Hon. Allan F. Angel
Hon. Eric L. Buckson
Hon. Jeffrey W. Hall
Hon. Glen M. Howell
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RESOLUTION # 3774

Retirement of "Cynthia B. Laird"

WHEREAS, the retirement of **Cynthia B. Laird**, an employee of Kent County, State of Delaware, from her duties as Funds Analyst, Department of Community Services, Library Division, presents a suitable opportunity for expressing the esteem in which we hold **Cynthia B. Laird**, as a good and faithful public servant.

THEREFORE, BE IT RESOLVED that the County of Kent express its warmest appreciation and thanks to **Cynthia B. Laird** for the able and loyal manner in which she performed her public duties.

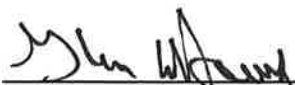
BE IT FURTHER RESOLVED that this resolution be her evidence of a right to the pension provided by the Kent County Employees' Retirement Program; and that this Resolution be and hereby is incorporated into the official minutes of the March 24, 2020 meeting of the Kent County Levy Court.



P. Brooks Banta, President
Kent County Levy Court




Terry L. Pepper, Vice-President



Glen M. Howell, Commissioner



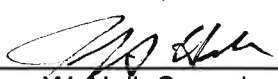
Allan F. Angel, Commissioner



Eric L. Buckson, Commissioner



George W. Sweeney, Commissioner



Jeffrey W. Hall, Commissioner

interoffice MEMORANDUM

to: Levy Court Commissioners
from: Allan Kujala, Personnel Director
subject: April 2020 Employee of the Month
date: March 20, 2020



Sierra E. Horney

Kent County Department Heads have selected SIERRA E. HORNEY from the Department of Public Safety as the April 2020 Employee of the Month.

Sierra is currently a Paramedic II and has worked for Kent County in the Division of Emergency Medical Services since September 2014. Her primary duties include treating patients using advanced emergency care procedures and insuring the high quality delivery of life support techniques.

Sierra stepped up early in her career as a Paramedic to act as a mentor to new employees, assisting them with orientation and system familiarity. Recently, she was chosen to take the lead on the social media presence for the department, developing an Instagram page and being the primary contributor to the EMS Division's Facebook page. Sierra is described by her co-workers as being a natural leader, a pleasure to work with and always willing to help when needed.

According to Director of Public Safety Chief Colin Faulkner, "Sierra is an extremely capable paramedic always willing to go the extra distance. She is well liked by all and clearly a role model. Her willingness to promote the Department via our social media outlets is just one example of Sierra's willingness to go above and beyond."

Congratulations Sierra on a job well done!

Sierra resides in Commissioner Banta's and Pepper's districts.



Kent County Levy Court

April 2020 Employee of the Month

Sierra E. Horney

On this, the 24th day of March 2020,
the Levy Court of
Kent County, State of Delaware, does hereby recognize
Sierra E. Horney
Paramedic II

Department of Public Safety/Emergency Medical Services Division
for her exceptional initiative, dedication, and conscientiousness in
the delivery of services to the citizenry of the County.

Hon. P. Brooks Banta, President

Hon. Terry L. Pepper, Vice-President

Hon. Allan F. Angel, Commissioner

Hon. Eric L. Buckson, Commissioner

Hon. Jeffrey W. Hall, Commissioner

Hon. Glen M. Howell, Commissioner

Hon. George W. Sweeney, Commissioner

Michael Petit de Mange, Co. Administrator

Kent County



Department of Planning Services Division of Planning

SARAH E. KEIFER, AICP
Director of Planning Services

Phone: 302/744-2471
FAX: 302/736-2128

KRISTOPHER S. CONNELLY, AICP
Assistant Director of Planning Services

REGIONAL PLANNING COMMISSION RECOMMENDATION REPORT

March 24, 2020

Application : C-20-03

Applicant : Joseph Haas
2614 S. DuPont Blvd
Smyrna, DE 19977

Owner : Liborio Brenford, LLC.
903 French St
Wilmington, DE 19801

Present Zoning District : BG (General Business)

Relation to Growth Zone : Inside

Present Use : Vacant

Proposed Use : Shed Sales

Levy Court District : 1st - Banta

Area and Location : 1.2± acres on the west side of S. DuPont Blvd. (U.S. Rt. 13), approximately 472 ft. south of Brenford Rd. (Co. Rd. 42), south of Smyrna

Property Identification Number : DC-00-028.00-01-21.00-00001

REGIONAL PLANNING COMMISSION RECOMMENDATION

The Regional Planning Commission voted unanimously to recommend **conditional approval** of application C-20-03 for a shed sales facility located inside the Growth Zone Overlay District. This is based on Exhibit A - Staff Recommendation Report dated March 5, 2020, Exhibit B - Public Hearing Testimony dated March 5, 2020, and the findings of fact that:

- a. The subject site is zoned BG (General Business) and §205-170 of the Zoning Ordinance permits shed (prefabricated buildings) sales as a conditional use under the same Standard Industrial Classification Industry Group 5211 as lumberyards.
- b. The location is appropriate and not in conflict with the Comprehensive Plan.
- c. The public health, safety and general welfare will not be adversely affected.

Pursuant to Chapter 205 of the Kent County Code and pursuant to 9Del. C. §4802, the Commission has reviewed the application and, furthermore as part of this approval, the applicant shall comply with all Staff and Agency Requirements as described in the March 5, 2020, Staff Recommendation Report and the following conditions of approval:

- a. Any outside storage should be kept within the building setback lines for General Business: front 75', side 20' with an aggregate of 50', and rear of 40'. All storage should maintain a neat and organized placement at all times.
- b. Per the applicant's request, no more than 20 buildings shall be placed on the property, in the building area as outlined in red on exhibit D, at any given time.
- c. Four parking spaces should be on the property with at least one being a handicap parking space built to ADA requirements. All parking spaces must meet the front setback of 25', side and rear of 10'.
- d. Failure to comply with the conditions of approval or applicable regulations can result in a revocation of any permits issued for this conditional use and a revocation of the conditional use itself.

I. STAFF RECOMMENDATION:

The staff recommends **CONDITIONAL APPROVAL** based on the information submitted as the application demonstrates compliance with the conditions for approval as outlined in the Kent County Code, as follows:

§205-170. Conditional uses.

- A. The following use is permitted in BG (General Business District) in accordance with the conditional use provision of Article XXI:
 - (1) Retail of prefabricated buildings is not a listed use in the County Code. This use is listed in the SIC Code in industry group 5211, which also includes lumberyards.

Lumberyards with storage

- (1) There are no specific conditions for lumberyards with storage listed, however, the staff offers the following recommendation to protect the neighboring property owners and preserve the character of the area:
 - (a) Any outside storage should be kept within the building setback lines for General Business: front 75', side 20' with an aggregate of 50', and rear of 40'. All storage should maintain a neat and organized placement at all times.
 - (b) Per the applicant's request, no more than 20 buildings shall be placed on the property, in the building area as outlined in red on exhibit D, at any given time.
 - (c) Four parking spaces should be on the property with at least one being a handicap

parking space built to ADA requirements. All parking spaces must meet the front setback of 25', side and rear of 10'.

- (2) Address any other conditions that may be applied to this use during the hearing process.

II. BACKGROUND INFORMATION:

- Public water and sewer are available to the property but are not being used at this time.
- The shed sales will be located on the southern half of the property.
- The Comprehensive Plan calls for Highway Commercial uses in this area.
- If approved, the proposed use would be compliant with the existing zoning district and the Comprehensive Plan.
- Signage is permitted on this property in accordance with **§205-236. Signs on divided highways in the General business District.**
- The subject site is 1.2± acres and is currently unimproved. The character of the surrounding properties is primarily commercial in nature. The property that is located to the north and west is zoned General Business but is currently vacant. To the south is a property that is currently being used as a retail nursery. On the east side of Dupont Highway is another retail nursery, a residential home, and a retail shopping center.
- There was a previous land use application on the subject site approving an auto repair business (C-91-30), on November 26, 1991. By 2007, this use no longer existed.
- This conditional use for proposed Shed Sales does not require a site plan; therefore it does not fall under the purview of the Adequate Public Facilities Ordinance. [§187-90.2 (D) (8)]

III. AGENCY COMMENTS:

A. None.

This recommendation was made without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services. The Regional Planning Commission shall give considerable weight to public testimony received during public hearing in considering its recommendation to Levy Court in this matter.

ENC: Data Sheet
Exhibit A – Location and Zoning Map
Exhibit B – Plot Plan
Exhibit C – Plot Plan
Exhibit D – Display area and potential parking
RPC Public Hearing Testimony

Kent County



Department of Planning Services Division of Planning

SARAH E. KEIFER, AICP
Director of Planning Services

Phone: 302/744-2471
FAX: 302/736-2128

KRISTOPHER S. CONNELLY, AICP
Assistant Director of Planning Services

DATA SHEET FOR CONDITIONAL USE REVIEW

Regional Planning Commission Public Hearing of: **Thursday, March 5, 2020**

Regional Planning Commission Business Meeting of: **Thursday, March 12, 2020**

Levy Court Public Hearing of: **Tuesday, March 24, 2020**

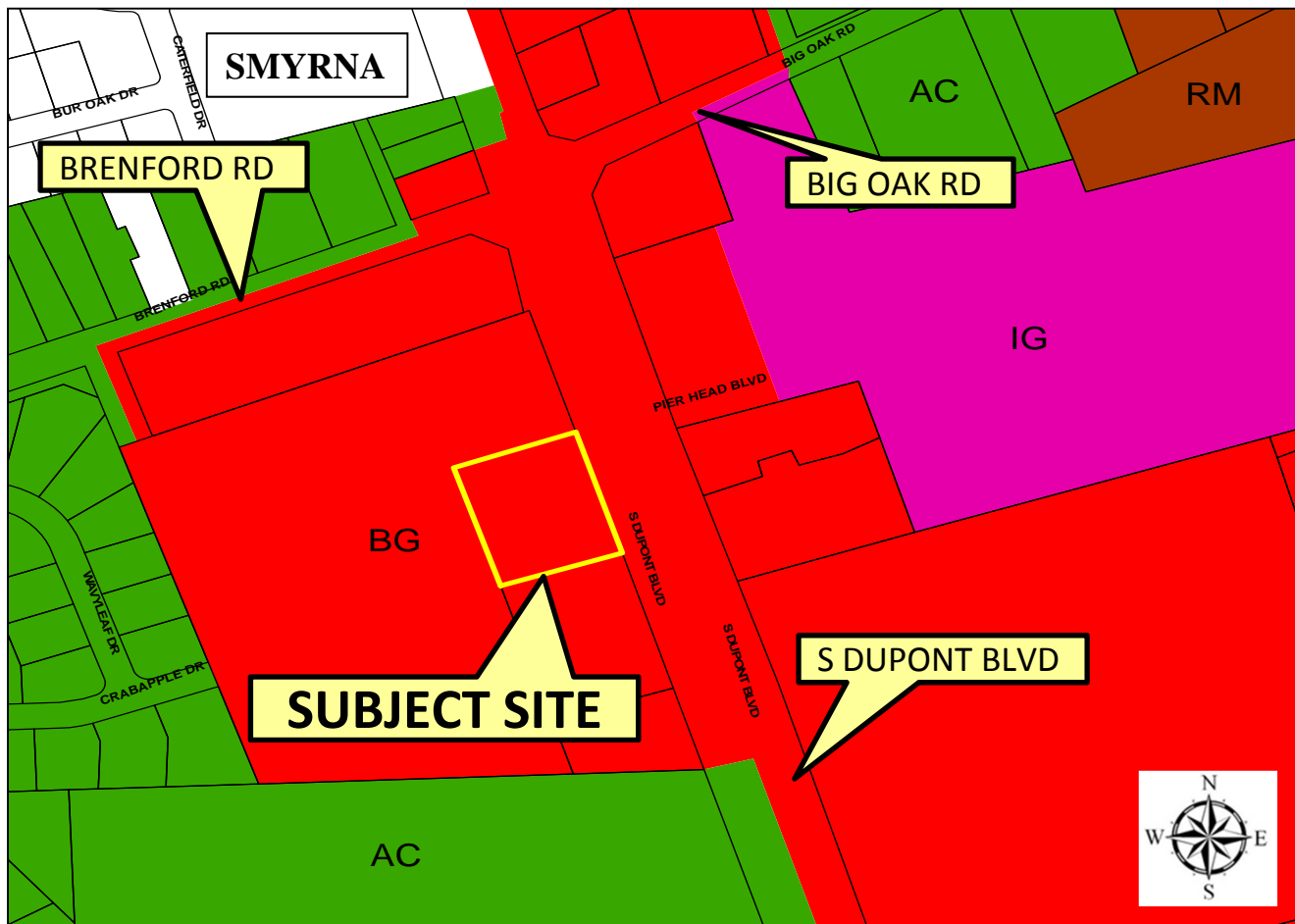
Application	:	C-20-03
Applicant	:	Joseph Haas 2614 S. DuPont Blvd Smyrna, DE 19977
Owners	:	Liborio Brenford, LLC. 903 French St. Wilmington, DE 19801
Present Zoning District	:	BG (General Business)
Relation to Growth Zone	:	Inside
Present Use	:	Vacant
Proposed Use	:	Shed Sales
Levy Court District	:	1 st – Banta
School District	:	Smyrna
Fire District	:	Smyrna
Area and Location	:	1.2± acres on the west side of S. DuPont Blvd. (U.S. Rt. 13), approximately 472 ft. south of Brenford Rd. (Co. Rd. 42), south of Smyrna
Property Identification Number	:	DC-00-028.00-01-21.00-00001

Kent County Levy Court



Exhibit A

Application: C-20-03
Haas(Liborio Brenford, LLC)



LOCATION AND ZONING MAP

APPLICANT: Joseph Haas

OWNER: Liborio Brenford, LLC

PRESENT ZONING DISTRICT: BG (General Business)

PRESENT USE: Vacant

PROPOSED USE: Shed Sales

LEVY COURT DISTRICT: 1st

TAX MAP NO: DC-00-028.00-01-21.00-000

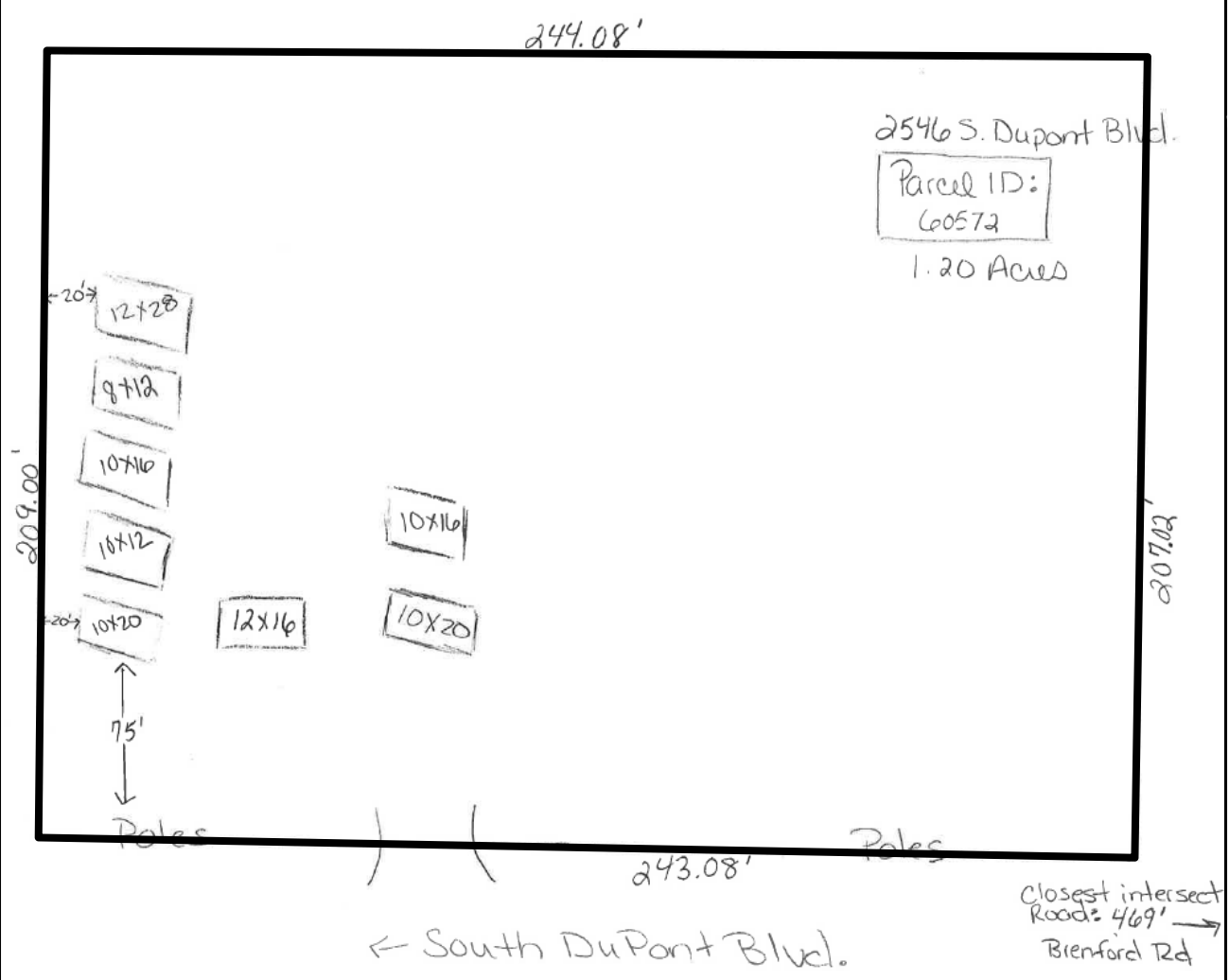
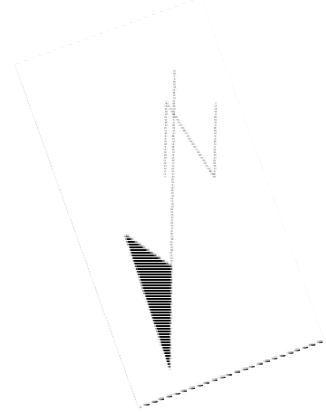
LOCATION: 1.2+/- acres located on the west side of S. DuPont Blvd. (U.S. Rt. 13), approx.

472 ft. south of Brenford Rd. (Co. Rd. 42), south of Smyrna

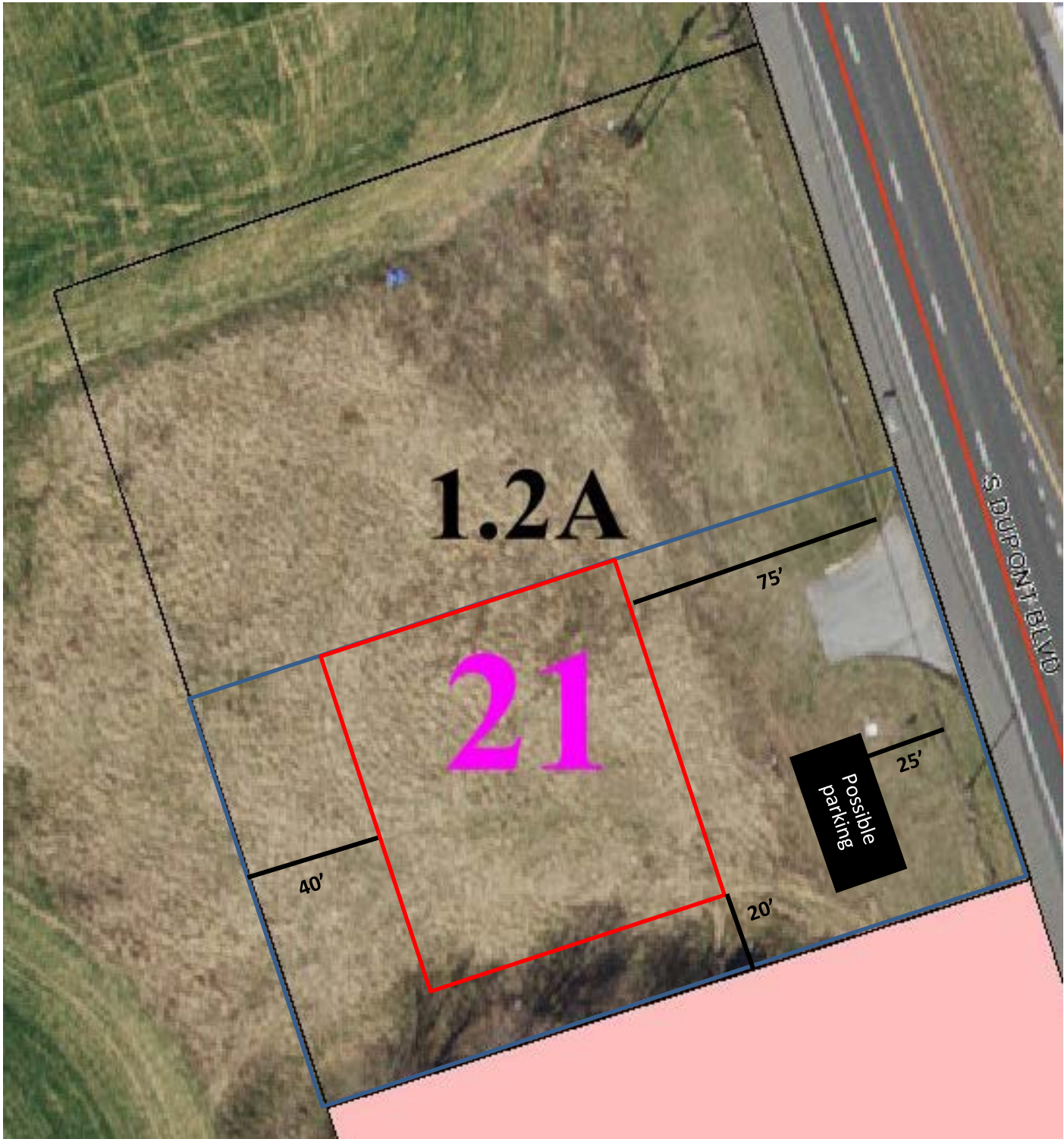
Exhibit C

Application: C-20-03
Haas (Liborio Brenford, LLC)

PROPOSED CONDITIONAL USE: SHED SALES



PLOT PLAN



REGIONAL PLANNING COMMISSION
PUBLIC HEARING MINUTES
March 5, 2020

The following members were present:

William Jester
William Spanarelli
Peter Servon
David Peterman
Paul Davis
Denise Kaercher
Delbert Mills

Also present were:

Sarah Keifer - Director of Planning
Craig Eliassen - Attorney

C-20-03 Haas, Joseph: Request Conditional Use approval of Shed Sales located inside the Growth Zone Overlay District.

Application	:	C-20-03
Applicant	:	Joseph Haas 2614 S. DuPont Blvd Smyrna, DE 19977
Owners	:	Liborio Brenford, LLC. 903 French St. Wilmington, DE 19801
Present Zoning District	:	BG (General Business)
Relation to Growth Zone	:	Inside
Present Use	:	Vacant
Proposed Use	:	Shed Sales
Levy Court District	:	1 st – Banta
School District	:	Smyrna
Fire District	:	Smyrna
Area and Location	:	1.2± acres on the west side of S. DuPont Blvd. (U.S. Rt. 13), approximately 472 ft. south of Brenford Rd. (Co. Rd. 42), south of Smyrna
Property Identification Number	:	DC-00-028.00-01-21.00-00001

In Favor

Lori Haas
949 S. DuPont Boulevard
Smyrna, DE

Mr. Eliassen: Do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?

Ms. Haas: Yes I do. Joseph Haas and myself, my husband, and we would like to do the shed sales on the property that is in question. We do have the recommendation from the plan, from the Department of Planning, and we are in agreement with doing those recommendations. That's about it.

Ms. Kaercher: I'm just being nosey, it is in my area, there's just sheds no office?

Ms. Haas: The adjacent property is Country (inaudible) Materials which is also operated by us so that's where the clients actually come in and do the sales, but the display of the sheds.

Mr. Peterman: Is that where the trees are removed, is that where your office is?

Ms. Haas: The office is actually on 2614 S. DuPont Boulevard which is the adjacent property to the one we are, yes.

Mr. Servon: Are you planning to put crushed stone or something in there?

Ms. Haas: According to the recommendations they did recommend the four parking spots along with a handicapped parking spot with ADA specifications so we are doing that. As far as the Crush & Run they didn't say anything about that to us because again, this is more of like a display, and they'll come into our office, and we get on the computer and design the shed and then it's built elsewhere, and then shipped to their home.

Mr. Servon: So nothing is planned like that?

Ms. Haas: No.

Mr. Jester: You will have to have it for the parking areas and all like that.

Ms. Haas: And that's fine.

Mr. Jester: And have to mark out the handicapped spot as...

Ms. Haas: Right, right.

Public Hearing is closed.

