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 20-5

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, March 24, 2020; Friday, March 27, 2020; Friday, April 3, 2020; and Tuesday, April 7, 2020
- April 21, 2020 Committee Meeting Items:
  - KEOP Plan Bid
  - Air Blower Optimization – Equipment Bid Award

PRESENTATION:
1. Employee of the Month for May 2020

PUBLIC HEARING

PETITION FOR CONDITIONAL USE REQUIRING SITE PLAN APPROVAL:

Mr. Banta:
1. Application # / Name: CS-20-01 / NKS Distributions, Inc.; Applicant / Owner: N.K.S. Distributors, Inc. / Big Woods, L.L.C.; Zoning District / Proposed Use: BG (General Business) / Warehouse / Distribution Facility; Area & Location / ID#: 25.6016± acres located on the north side W. Big Woods Rd., approx. 1,080’ east of S. Dupont Blvd., south of Smyrna / DC-00-028.00-02-12.05-00001

CLOSE PUBLIC HEARING

OLD BUSINESS

NEW BUSINESS

Mr. Hall
1. Extension of Elderly/Disability Application Deadline
Mr. Angel:
1. EMS Union Contract Extension

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 May 5, 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 to WORKSHOP

WORKSHOP
Immediately following the Business Meeting
Caucus Room

RE: FY21 General Fund Budget Review

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: 4/21/20
Revised: 4/24/20
Posted by: L. Tanaka
Time: 3:55pm
Take down: Upon Replacement or on 4/29/20

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.
Consent Agenda 20-5

April 28, 2020

- **Approval of Levy Court Business Meeting Minutes of Tuesday, March 24, 2020; Friday, March 27, 2020; Friday, April 3, 2020; and Tuesday, April 7, 2020**

- **April 21, 2020 Committee Meeting Items:**
  - KEOP Plan Bid
  - Air Blower Optimization – Equipment Bid Award
Call to Order

The Business Meeting of the Kent County Levy Court was called to order at 7:04 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 and First Responders

A moment of silence was observed for our Troops and First Responders 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.
PRESENTATIONS

Resolution 3776, Declaring April 11 – April 17, 2020 as Black Maternal Health Week

The following was read into the record by Lorri Tanaka:

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.

Motion to approve Resolution 3776 was made by Mr. Sweeney; seconded by Mr. Buckson; carried by Roll Call vote seven (7) yea.

Resolution 3774, Retirement of Cynthia B. Laird

Ms. Tanaka read the following into the record:

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.

**M-20-046**

Motion to approve Resolution 3774 was made by Mr. Angel; seconded by Mr. Sweeney; carried by Roll Call vote seven (7) yeas.

**Employee of the Month – April 2020**

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

Kent County Department Heads have selected Sierra E. Homey 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.

**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 March 6, 2020 edition of the Delaware State News.

PETITIONS FOR CONDITIONAL USE

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

Sarah Keifer: The application before the Levy Court is C-20-03 is a Conditional Use for shed sales. The site in question is zoned General Business, BG. It’s located inside the Growth Zone. It’s just over an acre on the west side of Route 13, south of Brenford Road, south of Smyrna. You can see that in the packet we provided. The Regional Planning Commission took testimony at their March 5th hearing and at their March 12th business meeting voted unanimously to recommend conditional approval. The condition also included in you Staff Report, included storage had to be within the building setback line. That there would be no more than 20 buildings on the property at a time and that the applicant would provide four parking spaces. At the Planning Commission
Hearing the applicant did agree to those conditions. Again this comes with recommendation for approval. I’m happy to answer any questions you might have.

**Public Hearing Open on Application C-20-03**

**IN FAVOR** – None

**IN OPPOSITION** – None

**Public Hearing Closed on Application C-20-03**

Motion was made by Mr. Banta to approve Application C-20-03 noting it is properly zoned, it is a clean operation and it is in mint condition and has RPC and Staff approval; seconded by Mr. Sweeney.

Mr. Buckson asked Staff how the Public is informed as to how to log on and or is notified of hearings.

Ms. Keifer: They were not called directly. It was posted on the County’s website; given how quickly conditions were changing there wasn’t much opportunity.

Mr. Petit de Mange: There was also a social media push on the contact information as well as a press release and obviously on our website of this change in format and the call-in information. I do believe that the Planning Staff contacted the applicant directly.

Ms. Keifer: Yes, yes.

Mr. Buckson: This is not criticism it’s just exploratory in trying to gain an understanding. You’re correct, this is unique times and we’re doing the best we can. I’m just curious as to how it works. So I appreciate the opportunity and I’m prepared to move on. Thank you.

Mr. Banta: Mr. Buckson, it might help you a little bit. I did receive two calls today, unexpected from two people who are going to be listening in tonight to the meeting so that gives me some feeling that people must have seen our website because I didn’t tell them.

Mr. Petit de Mange: We also posted change in the method of meeting on our building, on the exterior with the call-in numbers so anyone from the public who happens to approach the building over the course of the past couple of days would have the opportunity to receive it that way as well. So it was posted in a conspicuous location on the premises.
Roll Call

Mr. Angel: Yes.

Mr. Banta: Yes.

Mr. Buckson: Based on no public opposition, Staff favorable review and the fact that we continue to move businesses forward in these trying times, so I appreciate the effort of Staff and County in presenting the Public Hearings, so my vote is yes.

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

Mr. Howell: Yes.

Mr. Sweeney: Yes, for all reasons stated.

Mr. Pepper: Yes, for all reasons stated.

Roll Call reveals seven (7) yeas. Application C-20-03 has been approved.

PUBLIC HEARINGS CLOSED

NEW BUSINESS

Mr. Banta:
1. Appointment to Library Advisory Board

M-20-048 Motion was made by Mr. Banta; to approve the Appointment of Cynthia B. Laird to the Library Advisory Board effective April 1, 2020; seconded by Mr. Angel; carried by Roll Call vote seven (7) yeas.

OTHER BUSINESS

Mr. Pepper:

M-20-049 Move to go into Executive Session immediately following the Committee Meetings of Tuesday, 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); seconded by Mr. Sweeney; carried by Roll Call vote seven (7) yeas.
INFORMATION ITEMS

Mr. Banta wished to share something he had heard and agreed with: hope and teamwork is more contagious than the virus. He also stated that he had met with Leadership and they all wished to commend the County Administrator on doing an excellent job. He ended with expressing his appreciation for how well the County has come together in this unique time.

PUBLIC COMMENTS

A representative from Black Mothers in Power was online to thank the Commissioners for working so diligently in passing Resolution 3776.

Mr. Banta thanked her for her time, effort and volunteerism, stating it is certainly well deserved.

Joanne Masten commended the Commissioners for the great job they have done with the conference call with keeping it organized and flowing.

Mr. Banta thanked Ms. Masten for her time and patience.

COMMISSIONER COMMENTS

Mr. Pepper thanked all Commissioners that may have taken phone calls for him as he has been working considerably more hours.

Mr. Sweeney thanked Mr. Banta for his comments. He advised everyone the Delaware Presidential Primary has been moved to June 2nd. He finished by sharing that he along with Mr. Buckson and two of his children served over 2,400 families who were in need of food at the Food Bank. He added a quick thank you to Mr. Pepper for all that he is doing.

Mr. Angel thanked Mr. Sweeney for his work with Meals on Wheels.

Mr. Buckson wanted to personally say thank you to Mike Petit de Mange and Leadership as well as the employees. He stated that he would like to have a conservation as to what is going on and what they will be doing moving forward so he has a clear understanding of what others are doing. He assured them he is not angry, he is frustrated with the situation. Mr. Buckson concluded with, “It has nothing to do with the effectiveness of leadership at this time. It has everything to do with including all the Commissioners.”

Mr. Hall echoed Mr. Buckson’s comments calling to add a standing item to the agenda, with all the due public notice to give a status report, see what the issues are and raise the level of awareness so that they all can be on the same page.
Mr. Banta and Mr. Petit de Mange clarified that the Commissioners were looking to add this to the agenda. Mr. Petit de Mange thanked the Commissioners for the ideas and stated they would be prepared to include briefings moving forward. In the meantime daily updates would be provided. He further expressed his appreciation for the County employee’s cooperation and willingness to get thru this together and that to date none have reported any illness.

Mr. Banta asked Mr. Eliassen if all the Commissioners and County Administrator on a conference call would or would not be legal. Mr. Eliassen stated that in his opinion that would violate FOIA. For further clarification Mr. Banta asked if it would be appropriate if on any given day three Commissioners could gather and receive an update. Mr. Eliassen stated as long as it is less than four (4).

Discussion continued with Special Meetings being held for the purpose of briefings and updates on a day other than Tuesday evening and the amount of time needed for public notice.

M-20-050 Motion to adjourn was made by Mr. Angel; seconded by Mr. Sweeney; carried by Roll Call vote seven (7) yeas. 7:46 p.m.

Brenda Wootten
Clerk of the Peace
Kent County
Call to Order

The Business Meeting of the Kent County Levy Court was called to order at 12:00 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 and First Responders

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

Roll Call and Determination of Quorum

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There are seven (7) Commissioners present at Roll Call.
ADOPTION OF AGENDA

M-20-051    Motion to Adopt Agenda as presented was made by Mr. Sweeney; seconded by Mr. Hall; carried by Roll Call vote seven (7) yeas.

SPECIAL BUSINESS

Michael Petit de Mange:
Mr. Petit de Mange gave a timeline of COVID19 starting from January 13th when it was first identified outside of China in Taiwan to the naming of the virus by the World Health Organization on February 11th to the County Building being closed to the public on March 16th. There have been a number of amendments to the Governor’s Declaration of a State of Emergency issued on March 12th and the County has endeavored to adhere to each of those that affect the County. County employees continue to work, some remotely to meet the needs of the public.

1. Coronavirus Epidemic Update: Kent County Situational Awareness

   A. Staff Briefing on County Business Continuity Plan

   Chief Colin Faulkner, Director of Public Safety
   Chief Faulkner began by stating the paramedics, dispatchers and all members of Public Safety are doing an excellent job. He gave an extensive briefing as to how the Department of Safety is continuing to push out guidance to the public. Chief Faulkner is on several bridge calls daily in an attempt to maintain the needed supplies. According to Chief Faulkner, most things are “maintaining,” such as opioid abuse. One thing however that has changed is safety issues that were put in place to minimize COVID19 exposure risk. From 3/14 to 3/27 the 9-1-1 center utilized Protocol 36 (the protocol listed to screen out potential COVID19 cases) 69 times. Chief Faulkner said this is an example of the system working.

   Susan Durham, Director of Finance
   Ms. Durham stated Finance has 8-10 staff members in the office daily, processing payments, doing the banking and keeping everything going since the sewer bills were just sent out.

   Mr. Petit de Mange made note of the fact that Finance has assumed the role of the mailroom and they have been retrieving the mail daily from the Post Office and distributing it. As well, they have been helping Deeds Office and the Inspections and Enforcements Office on the collection and clearance of appropriate fees for permits and things of that nature.

   Ms. Durham thanked Mr. Petit de Mange and said she has a great Staff and they have been very good about coming in and taking care of the work that needs to be done.
Diana Golt, Director of Public Works
Currently Engineering has five people working in the office, four working in the field. As the need arises they call people in to the office that have been working remotely from home. At the plant, everyone is considered essential, so all employees are practicing social distancing, reducing maintenance to key items so there is less exposure and employees are using PPE to minimize risk. Through OSHA and CDC it is believed that with wastewater that risk can be mitigated by using the PPE. Concerns that they are trying to get out to the public: alternatives to toilet paper should not be used and trash concerns, i.e. do not overfill and place carts out appropriately. Repairs at the plant and facility, pump stations and the forcemain are being done. As well they are moving on with the investigation of the forcemain in the Dover area and continuing on with the construction project in Weatherstone and service the developer project with inspections.

Sarah Kiefer, Director of Planning Services
Inspections and Enforcements continues to function with most front counter staff coming in most days. The Inspectors are doing about ½ days because demand has been down. The Enforcement Staff is monitoring; this week there has only been three complaints. Planning GIF and Community Development are largely working from home; they come in as projects come in.

Jeremy Shepard, Director Community Services
Part-time staff are not reporting and not getting paid; full-time staff are working from home. County Librarian continues to report to answer phone calls and questions, update Staff and Social Media and communicate with County Leadership. Hoopla was launched State wide. Library material due dates were moved out and no fines will be assessed during this time.

All current recreation programs have been suspended until further notice. Programs that have no chance of being rescheduled are being cancelled and participants are being offered a credit or refund. Bus trips for the Spring are officially cancelled.

There is an ongoing discussion as to the Soccer League as there was a very positive response to.

Currently all recreation staff is working from home. Social Media is being updated as needed. Four part-time Staff are not reporting and not getting paid.

On March 26th the Recreation Center was toured by representatives from DEMA, National Guard and Army Corp of Engineers to determine if the facility could be used as a Medical Surge Facility for the outbreak. They also toured the Modern Maturity Center, the old Milford Memorial Hospital, Troop 7 and the Rehoboth Convention Center.
Currently all parks are open to the public. Park amenities that are closed to the public are restrooms, playground, pavilions, fitness stations and (?) fields at the Recreation Center. The Howell Mill Nature Center is closed and all programs are suspended until further notice. The Park Naturalist is not reporting to work and is not getting paid. The Park Staff are essential employees and are reporting in the morning to pick up trash and mow grass as needed.

Kim Crouch, Director of Information Technology
PCs were built and provided so that Staff were able to work from home. IT was able to provide approximately 35 PCs in about 2-3 days. IT has three people in the office supporting employees working from home as well as those still working in the building.

Allan Kujala, Personnel Director
Staff has been working from home and they are trying to keep all employees informed via email and news blog.

Dick McDonald, Facilities Management
Gloves, hand sanitizer handed out to all offices. Staff has been deep cleaning and staying on top of buildings.

B. Commissioner Review and Discussion

Commissioner Buckson expressed his appreciation to everyone, especially Mike and Colin for identifying the timeline. He stated that this meeting was of benefit to him. There has been fantastic work done by Department heads and County employees and he appreciates the efforts.

Mr. Angel stated that we need to keep calm and follow the rules for safety and stop the cross contamination. He had some concern as to children on bicycles up and down streets and if parents are doing what they are supposed to be doing perhaps we need to think about a curfew. He further stated he did not want to see a repeat of the 1918 Spanish flu that last two years and we lost 50 million people worldwide.

Mr. Banta stated that Mr. Petit de Mange and Staff have done an outstanding job, working well together as a team showing that we do have unity within the County government.

Mr. Buckson again stated he found this teleconference helpful and encouraged the continuation of such meetings. He had some question as to the static being encountered during the call.

Mr. Sweeney discussed options to conference and bridge calls such as Zoom. He also thanked Mr. Petit de Mange for sending out daily email status updates.
PUBLIC COMMENTS - None

COMMISSIONER COMMENTS

A discussion was held among the Commissioners and County Administrator regarding cost sharing of the rental and weekly cleaning of port-a-potties and hand washing stations with the City of Dover for the homeless community to make use of.

Additional discussions were held regarding scheduling future meetings, the budget, the employee health plan and Friday updates.

M-20-052 Motion to adjourn was made by Mr. Howell; seconded by Mr. Sweeney; carried by Roll Call vote seven (7) yeas. 1:32 p.m.

Brenda Wootten
Clerk of the Peace
Kent County
Call to Order

The Business Meeting of the Kent County Levy Court was called to order at 12:00 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. Hall.

Moment of Silence for our Troops and First Responders

A moment of silence was observed for our Troops and First Responders and led by Mr. Petit de Mange.

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 – Absent*
George W. Sweeney, Sr. Commissioner – Absent*
P. Brooks Banta President

There are five (5) Commissioners present; two (2) absent at Roll Call.

*Came on line during meeting
SPECIAL BUSINESS

Michael Petit de Mange:

1. Coronavirus Epidemic Update: Kent County Situational Awareness

   A. Staff Briefing on County Business Continuity Plan

   Chief Colin Faulkner advised that the Governor has requested that DEMA declare Delaware a major disaster. He stated they continue to receive and push out guidelines from the CDC and Health and Social Services. We conduct several *INAUDIBLE* DEMA, Health and Social Services County heads and others. In addition all of our department heads are on daily bridge calls with the County Administrator. Chief Faulkner thanked Mr. Petit de Mange for his help in plowing through these challenges with more to come.

   Chief Faulkner gave a detailed account of how the Department of Safety has been handling 9-1-1 calls and possible Covid19 exposure. He talked about changes he has made to the Department of Safety Building. He explained the procedures they have asked paramedics and dispatchers to follow prior to reporting to work, such as taking their temperature to ensure public safety. He pointed out progress has been made in the direction of the disadvantaged citizens. His major concerns are to maintain the supply of personal protection equipment and continued safety of he first responders.

   Commissioner Sweeny: Are any of the funds that have been set aside for the Federal Government are they going to be able to be used to re-establish our inventory after this is over?

   Chief Faulkner: Well, so far we’ve got pretty good at...with, for example, I received last week 2,000 N95s. These are the good masks and that was from a stockpile. We haven’t utilized too much of our County *INAUDIBLE* that we have in terms of overtime. You know we have bought hand sanitizer. But my understanding is that with this Federal Disaster Declaration that that will make funds available for recovery. But I’ll keep you posted on that. I do believe that we’re going to get to the point where we’re going to have to outsource some of the product that we need. We’re not there yet. But I’ll definitely keep the Commissioners apprised of that situation.

   Commissioner Sweeney: Thank you.

   Commissioner Buckson offered his appreciation to Chief Faulkner on behalf of his District.

   Mr. Petit de Mange advised President Banta that the Departments are all continuing to address the core functions of the County Government from Finance,
Permits and Inspections, Planning Commission, Wastewater Processing, Public Works Engineering, Trash Collection and Street Lights are all functioning. Recorder of Deeds, Sheriff’s Office, Register of Wills and Clerk of the Peace all continue to function through this crisis. He continued on by saying it has been a great demonstration of teamwork and he appreciates each and every one.

B. Commissioner Review and Discussion

Mr. Banta expressed his appreciation to Mr. Petit de Mange for the daily briefings.

Mr. Buckson expressed his appreciation and asked for clarification as to whether there would be a briefing in addition to this meeting. He also asked if perhaps there is a better option for these meetings such as Zoom. He questioned whether there was any indication of what two weeks out looks like and also asked how the State could technically be open while the County is technically closed.

Mr. Petit de Mange responded to Mr. Buckson’s query by stating we are following the Governor’s and CDC’s guidelines. He stated that essential County employees are working, while other County employees are working remotely. There was further discussion regarding County policy, overtime and the Cares Act.

Mr. Banta stated he would classify this as a catastrophic event and one that the County has not had to deal with in the past. He further stated he believes we need to make sure the County employees continue to receive a paycheck on a regular basis, emphasizing that the pendulum is swinging evenly for each employee.

PUBLIC COMMENTS

Nancy Ward, Dover, DE: Ms. Ward stated she believes the teleconference works better for some than Zoom because of lack of internet access. She also asked if there was an extension to the senior tax deduction date.

Susan Durham stated they are accepting the applications as they are, realizing various other agencies are going to be impacted, i.e. the IRS. She further stated they are going to rely a lot on last year’s information. The tax bill, passed by law has to be out in August. She recommended to the Commissioners, based on the information that they have, that the date be moved to June 30th at this time to allow time to get paperwork done at this time based on the information they now have.

Mr. Banta advised they will take this up at a formal setting at a later time. Ms. Ward and Mr. Banta agreed the best thing for everyone would be to continue to be a little patient.
COMMISSIONER COMMENTS - None

M-20-053 Motion to adjourn was made by Mr. Howell; seconded by Mr. Sweeney; carried by Roll Call vote six (6) yeas; one (1) (Angel) absent. 12:49 p.m.

Brenda Wootten
Clerk of the Peace
Kent County
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 and First Responders

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

Roll Call and Determination of Quorum

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There are seven (7) Commissioners present at Roll Call.
ADOPTION OF AGENDA

M-20-054 Motion to Adopt the Agenda as presented was made by Mr. Sweeney; seconded by Mr. Pepper; carried by Roll Call vote seven (7) yeas.

Mr. Angel asked if there was a possibility to have a vote on Policy 4-2 (Closing of County Offices) - Proposed Revision after this evening’s Committee Meeting and was advised they were not prepared for that.

NEW BUSINESS

Mr. Buckson:
1. Withdrawal of Ordinance LC20-2 (currently scheduled for April 28, 2020 Public Hearing)

M-20-055 Motion to withdraw Ordinance LC20-2; seconded by Mr. Sweeney; carried by Roll Call vote seven (7) yeas.

INFORMATION ITEMS – None

PUBLIC COMMENTS – None

COMMISSIONER COMMENTS

Commissioner Sweeney asked if it had been discussed in Leadership if Ordinance LC20-2 would be brought back to Levy Court’s committee meeting. Mr. Banta assured Mr. Sweeney they could do that.

Mr. Buckson expressed his apologies if his actions caused any offense to anyone when trying to convey his concerns last meeting.

President Banta adjourned to Committee Meetings at 7:11 p.m.

M-20-056 Motion to adjourn was made by Mr. Angel; seconded by Mr. Sweeney; carried by Roll Call vote seven (7) yeas. 7:11 p.m.

Brenda Wootten
Clerk of the Peace
Kent County
April 15, 2020

TO:        Levy Court Commissioners  
           Mike Petit De Mange, County Administrator

FROM:      Chief Colin T. Faulkner  
           Director of Public Safety

RE:        KEOP (Kent County Emergency Operations Plan) Bid Documents

The Kent County Department of Public Safety’s Division of Emergency Management solicited bids to update the Kent County Emergency Operations Plan which is a required document and which ‘dovetails’ into the DEOP (Delaware Emergency Operations Plan). Our current KEOP requires this update to remain current with the National Incident Management System and Homeland Security Initiatives which assist all agencies with seamless communications and agency obligations.

This is an approved Capital Project with funds available in our budget via the EMPG (Emergency Management Planning Grant) and a County match.

The Department of Public Safety solicited bids per County Policy from the Delaware State News on February 2, 2020 and on February 9, 2020. The bid request was posted continuously on our County Website during this time frame.

One bid was received and publicly opened on February 27, 2020 at 2 PM at the Kent County Department of Public Safety’s Emergency Services Building.

The results were as follows: Vision Planning and Consulting: $44,900.00

Staff has reviewed the bid and have found it to be compliant with our bid request.

Proposed Motion: The Kent County Department of Public Safety Recommends that the Kent County Levy Court award the bid to revise the Kent County Emergency Operations Plan to Vision Planning and Consulting for $44,900.00.

“Serving Kent County With Pride”
DATE: April 21, 2020
TO: Levy Court Commissioners
FROM: Diana T. Golt, P.E., Public Works Director
RE: AIR SYSTEM (BLOWER) OPTIMIZATION PROJECT – EQUIPMENT PROCUREMENT BID AWARD - APG NEUROS

Synopsis: Public Works requests approval of the bid award for turbo blowers purchase related to Blower Optimization Project at the Regional Resource Recovery Facility.

Project Summary and Funding:

The FY20 Sewer Fund Capital Project Budget lists separate projects for Capacity Expansion & Nutrient Removal, Air Blower Optimization and the Plant-wide Generator for the Kent County Regional Resource Recovery Facility. The Capacity Expansion & Nutrient Removal Project was the initial project and its funding was obtained from USDA and DNREC in 2010. Subsequently the blower and generator work were added and supplemental funding was obtained between 2010 and 2014.

The projects use a specific funding strategy, developed by the Department and authorized by Levy Court, in order to minimize wage rate impacts to the project(s). State funding is subject to labor wage rates with the exception of equipment or engineering fees, but USDA Rural Development (USDA-RD) funding is not. If DNREC and USDA funds are blended it subjects the entire project to wage rates. Utilization of separate bid contracts for equipment versus construction provides an approach where wage rates are minimized or eliminated to save on overall cost.

The funding strategy also takes into account that USDA-RD is unable to fund 30% of the total project costs associated with the flows attributed to City of Dover. The percentage of cost associated with City of Dover is ineligible for USDA funds as the City is not considered a rural community. In 2018, the Department of Public Works approached DNREC regarding additional funding for the Air Blower Optimization Project, equipment portion. The Air Blower Optimization Project will: (1) replace two existing multi-stage blowers with two turbo blowers; (2) provide for piping modifications; (3) install electrical/control improvements; and (4) provide for minor improvements to the existing blower building. A loan in the amount of $1,023,000 was approved by DNREC for the purchase of the Air Blower Optimization “equipment” and the loan was closed on November 12, 2019. The loan was provided by the Delaware Water Pollution Control Revolving Fund (Fund) for a term of 20 years at an interest rate of 2.0%. The installation of the blowers will utilize existing USDA funds remaining from the Capacity Expansion & Nutrient Removal Project completed in 2016 and supplemental funds committed in 2016.
Equipment Procurement:

Hazen and Sawyer prepared the equipment procurement bid documents which were reviewed by DNREC, County Attorney, the Public Works Department and the Finance Department. The bid was advertised on February 11, 2020 and February 20, 2020 and a pre-bid meeting was held on February 26, 2020. Three (3) bid submittals were received and publically opened on March 18, 2020. APG-Neuros submitted the lowest responsive bid in an amount of $577,500.00 for two turbo air foil bearing blowers with a five year extended warranty and five-year service contract. The bid results were reviewed by the Department of Public Works, Hazen Sawyer and DNREC. As adequate funds for the material procurement have been secured through the DNREC SRF loan, the Department of Public Works recommends the award of contract to the low bidder contingent upon DNREC concurrence.

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>TOTAL BID</th>
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<tr>
<td>APG - NEUROS</td>
<td>$577,500.00</td>
</tr>
<tr>
<td>LONE STAR BLOWER</td>
<td>$636,700.00</td>
</tr>
<tr>
<td>FERGUSON WATERWORKS</td>
<td>$910,000.00</td>
</tr>
</tbody>
</table>

Based on the above, we recommend the following motions:

"Move to award the blower equipment procurement contract to APG-Neuros for a total amount of $577,500.00 for the Air System Optimization Project utilizing DNREC SRF loan funding, and contingent upon DNREC concurrence.

and

"Authorize the President of Levy Court to execute the associated Contract Documents for the equipment procurement."

Reviewed and concurred:

[Signature]

Susan Durham, CPA, Finance Director
Kent County Department Heads have selected Gregory J. Mansfield from the Department of Administration as the May 2020 Employee of the Month.

Greg started with Kent County in November 2015 and serves as a Computer Support Technician II in the Information Technology Office. His primary duties include troubleshooting computer hardware, software and/or network operating problems; responding to telephone calls to the I.T. Helpdesk; installing new computer hardware and configuring software; and assisting County employees with various computer related glitches. He was previously honored in October 2017.

At the outset of the COVID-19 pandemic, Greg took the lead to quickly install software upgrades on hardware to facilitate remote work or telework from home by County employees. He has made a point to report to the worksite almost every day since the business continuity response plan began in order to address various computer access issues.

In addition, Greg continues to perform his normal assignments working closely with the Department of Public Safety on the technical challenges of an around-the-clock operation, as well as the unique inter-agency needs of the Offices of Sheriff and Clerk of the Peace. He also provides backup to the Media Systems Coordinator for audio/visual support, streaming media and meeting recordation.

According to Information Technology Director Kim Crouch, “Greg surely was the “go to guy” during this crisis as he quickly found available PC and desktops to satisfy every request from Directors for staff to work remotely. And, with available software, Greg is able to provide real time assistance to users by connecting directly to their PCs. We are so very fortunate to have such a talented individual on the I.T. team.”

Congratulations Greg on a job well done!

Greg resides in Commissioner Sweeney’s and Commissioner Pepper’s districts.
Kent County Levy Court

May 2020 Employee of the Month

Gregory J. Mansfield

On this, the 28th day of April 2020, the Levy Court of Kent County, State of Delaware, does hereby recognize

Gregory J. Mansfield
Computer Support Technician II
Department of Administration – Information Technology Office
for his 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
REGIONAL PLANNING COMMISSION RECOMMENDATION REPORT
April 28, 2020

Application Number : CS-20-01
Site Plan Title : N.K.S. Distributors, Inc.
Present Zoning District : BG (General Business District)
Present Use : Vacant
Proposed Use : Warehouse Distribution Center
Property Identification Number : DC-00-02800-02-1205-00001
Area and Location : 25.6016 ± acres: located on the north side of W. Big Woods Rd. (Co. Rd. 2A), 1,080 ft. east of S. Dupont Blvd. (US Rt. 13), south of Smyrna.

REGIONAL PLANNING COMMISSION RECOMMENDATION

The Regional Planning Commission voted unanimously to recommend conditional approval of application CS-20-01 for a Warehouse Distribution Center located inside the Growth Zone Overlay District. This is based on Exhibit A - Staff Recommendation Report dated April 2, 2020, Exhibit B - Public Hearing Testimony dated April 2, 2020, and the findings of fact that:

a. The subject site is zoned BG (General Business) and §205-170 and §205-251 permit a warehouse distribution center as a conditional use.
b. The location is appropriate and complies with the Comprehensive Plan.
c. The site is located within an Employment Center as identified in the 2018 Comprehensive Plan.
d. The public health, safety and general welfare will not be adversely affected.
e. The proposal complies with the Adequate Public Facilities Ordinance.

Pursuant to Chapters 187 and 205 of the Kent County Code and pursuant to 9Del.C. §§4802 and 4811, the Commission has reviewed the application and the April 2, 2020 Staff Recommendation Report, and, furthermore as part of this approval, the applicant shall comply...
with all Staff and Agency Requirements as described in the April 2, 2020 Staff Recommendation Report and shall comply with the following conditions:

a. A final plan must be approved within 24 months of preliminary plan approval and construction must commence within 18 months of final plan approval.

b. The property lines shown on the site plan do not match the current property lines of the subject parcel. A lot line adjustment must be recorded prior to final plan approval to match the parcel lines shown on the site plan. Alternatively, the site plan may be recorded to accomplish this requirement.

c. There are parking landscape islands located in front of the building that will require plantings in accordance with §205-244(B) and (C). These are circled in orange and shown in the inset drawing in the staff report. If an island cannot accommodate trees, shrubs would be a suitable replacement. However, any required trees not planted in those islands must be planted elsewhere on the site.

d. The architectural and landscape features shall be incorporated into the building in conformance with Chapter 9 of the 2018 Kent County Comprehensive Plan and as shown on the renderings submitted to the RPC.

e. All requirements, regulations, and recommendations submitted by any agency member of the Development Advisory Committee shall be satisfied.

I. STAFF RECOMMENDATION:

The staff recommends APPROVAL based on the information submitted as the application demonstrates compliance Kent County Code.

A. Code Requirements:

1. A final plan must be approved within 24 months of preliminary plan approval and construction must commence within 18 months of final plan approval.

2. The property lines shown on the site plan do not match the current property lines of the subject parcel. A lot line adjustment must be recorded prior to final plan approval to match the parcel lines shown on the site plan. Alternatively, the site plan may be recorded to accomplish this requirement.

3. There are parking landscape islands located in front of the building that will require plantings in accordance with §205-244(B) and (C). These are circled in orange and shown in the inset drawing below. If an island cannot accommodate trees, shrubs would be a suitable replacement. However, any required trees not planted in those islands must be planted elsewhere on the site.
B. Recommendations:

2. Staff recommends the Regional Planning Commission (RPC) and Levy Court give considerable attention to the architectural integrity of the proposed building and that additional architectural and landscape features be incorporated into the building in conformance with Chapter 9 of the 2018 Kent County Comprehensive Plan which states:

“Large expanses of blank walls are to be avoided. The public façade should incorporate windows and primary doorway entrances along the street frontage, as well as projecting elements such as eaves, cornices, canopies, projecting bays, shadow lines and overhangs.” In addition it states: “Facades of new buildings should incorporate but not mimic the sense of lightness or weight exhibited in the architecture of existing buildings on neighboring properties and should incorporate similar proportions of solids (i.e., siding, blank walls, etc.) to voids (i.e., windows, door openings, etc.)” (2018 Comprehensive Plan page 9-5).

Staff recommends that architectural features be incorporated on the side of warehouse that fronts on W. Big Woods Rd., and faces the residential lots. The result would be more aesthetically pleasing to both homeowners living along W. Big Woods Rd. and employees. If incorporating architectural features are impracticable, providing additional landscaping along the front of building where landscaping is not already required would provide additional aesthetic benefit to the surrounding area.

Additional guidance for this type of design can be seen in Kent County Code §187-90.1.I(4). Revised architectural renderings showing the proposed design should be submitted prior to final approval.
3. All requirements, regulations, and recommendations submitted by any agency member of the Development Advisory Committee shall be satisfied.

II. ADEQUATE PUBLIC FACILITIES ORDINANCE

The Emergency Medical Services, School, and Central Water Service are not applicable to this application because those standards only apply to residential subdivision and land development.

With respect to the Roads element of the Adequate Public Facilities Ordinance, staff has determined that road capacity exists to serve the proposed facility. The Ordinance provides that if a proposed land development meets any one of the following criteria, a Traffic Impact Study shall be conducted:

a. The proposal exceeds the projected average daily traffic warrants provided in DelDOT’s “Rules and Regulations for Subdivision Streets” as amended;

b. The proposal is projected to generate more than more than fifty (50) peak hour trips, excluding traffic passing by the subject property, unless the project is located in a DelDOT Special Study Area or District as designated by mutual agreement between Kent County and DelDOT;

c. The area of influence of the subject property includes roadway segments and intersections currently operating below the level of service D; or

d. The proposed development causes the total number of dwelling units within the Traffic Analysis Zone (TAZ) to exceed the projected totals set forth in the Dover/Kent County MPO Transportation Improvement Plan.

Paragraph (d) deals with increasing the number of dwelling units within the TAZ. This application will not add any dwelling units to the TAZ and the paragraph is not applicable to this application.

The proposal is for a nonresidential land development and the applicant has indicated that the project will not generate more than fifty (50) peak hour trips. The applicant has indicated the peak hour trips will be no more than 31 (AM) and 42 (PM). This does not require a Traffic Impact Study to be completed.

The ordinance provides that the area of influence shall extend beyond the site entrance to include additional intersections to the extent that the total projected peak hour site traffic exceeds 10% of the AADT on a local road. W. Big Woods Rd. (Co. Rd. 2A) is considered a local road. DelDOT states that the 2018 AADT for this section of W. Big Woods Rd. is 791. Because the peak hour trips do not exceed ten percent (10%) of the AADT (79.1) on a local road, the area of influence does not extend beyond the site entrance.

The proposed project is compliant with the Adequate Public Facilities Ordinance.
III. BACKGROUND INFORMATION:

- The 25.6016 ± acre subject site will be improved with a 257,263 sq. ft. warehouse with an office. The warehouse will be used by the applicant for storage and distribution of beverages. The property boundaries on the west and north of the building will have a landscape buffer. The front of the building will include landscape trees and shrubs while the tree line to the east of the site along Rt. 1 will be maintained.

- The property is zoned BG (General Business District). The Kent County Comprehensive Plan recommends that the subject property should be utilized for commercial purposes. This zoning district provides for warehouses as a conditional use requiring site plan review. If approved, this plan will comply with the 2018 Comprehensive Plan and the BG zoning district requirements.

- Chapter 2 (Economic Development) of the 2018 Comprehensive Plan identifies this area as a proposed industrial area and Employment Center. Employment Centers have been identified in key areas where infrastructure exists or is planned for the purpose of enabling larger scale employers. Employment Centers are not intended for development of retail or service uses but rather for uses that create jobs. Offices of all types and light industrial development are the types of uses contemplated.

- The character of this area is a mix of commercial, industrial, and residential uses that are zoned BG, IG (General Industrial), RS1 (Single Family Residential), and AC (Agricultural Conservation). Directly south of the site along W. Big Woods Rd. are residential lots typically smaller than a 0.5 acre. The east side of the site is bounded by Rt. 1. The surrounding properties to the west are predominately commercial along N. DuPont Hwy. The property immediately adjacent to the west is an automobile dealership, while the adjacent property west of the access drive is a former golf driving range. The parcel directly adjacent and east of the access drive is vacant, while the parcel farther to the east is used for seed and fertilizer sales. The two parcels north of the site along Rt. 1 are used for an antenna tower and billboard, while the other property to the north is zoned industrial, and used as a warehouse. Therefore, the proposed business is not out of character with the surrounding uses already in the area.

- A general layout of the proposed landscaping is provided for the site that meets the requirements of §187-74(C). This requires the planting of 224 trees around the site in addition to the trees proposed for the parking lot islands. Less than 224 trees are shown on the preliminary plan, and 224 will have to be shown on the final plan. Since none of the surrounding parcels are used for residential purposes no buffer is required. However, the applicant has decided to use the trees to create a buffer around the perimeter of the building.

- A portion of a 150 ft. wellhead protection area extends onto the west side of the subject property. This was noted by the Delaware Department of natural Resources and Environmental Control (DNREC) in its Preliminary Land Use Service (PLUS) comments, and Kent County planning staff during their review of the application. Section 187-79.1(A) of the Kent County Code states: “paved surfaces shall be permitted to be constructed nearer than 150 feet of a public drinking water supply well ...”. After discussion between the applicant’s attorney, Kent County, and DNREC, it was determined that the well in question does not meet the legal definition required to invoke Section 187-79.1(A) of the County Code. (see attached correspondence) Therefore, any
suggestions made by the County regarding wellhead protection as they apply to this application are recommendations, and not required.

- Prior to final plan approval, all outside agency requirements must be met.

IV. AGENCY COMMENTS:

A. PRELIMINARY LAND USE SERVICE (PLUS)
   Delaware Office of State Planning Coordination

   Requirement & Source:
   1. Chapter 92 of Title 29 Delaware Code

   Comments:
   1. See Attached

B. KENT COUNTY DEPARTMENT OF PUBLIC WORKS, ENGINEERING

   Requirement & Source:
   1. Adherence to the requirements of the accepted TFS, the Levy Court approved Preliminary Report and applicable sections of the Kent County Code, specifically Chapters 128 and 180.
   2. Providing sanitary sewer (SS) service to all existing strip lots in accordance with the Kent County Code, Chapter 187.
   3. Depiction of all SS easement, right-of-way and dedication areas.
   4. Adherence to Kent County’s Bulk Utility Standards, Chapter 187, as applicable.

   Comment:
   1. The Engineering Division grants “Conditional Approval”.

V. REQUIREMENT OWNER/DEVELOPER:

The owner/developer shall be aware of and be prepared to comply with all comments regarding this project stated in this report. All comments must be addressed in the final plan prior to final approval. Final approval of the plan must occur within 24 months from the date of preliminary plan approval. Failure to obtain final approval shall nullify the plan. Once the plan receives final approval, construction in accordance with the plan must occur within 18 months of final approval or the plan shall be deemed null and void. Letters of “No Objection to Final Approval” from the following agencies will be required prior to final approval:

1. DelDOT, Division of Highways
2. Kent Conservation District
3. Office of the State Fire Marshal
4. Office of Public Drinking Water
5. Kent County Department of Public Works
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 – Cropped Site Plan
- Exhibit C – Comprehensive Plan Map
- State PLUS Comments with Applicant’s Responses
- APFO Analysis Letter from Applicant
- Tarabicos Grosso, LLP letter dated March 2, 2020
- Tarabicos Grosso, LLP supplemental materials dated April 6, 2020
- Preliminary Site Plan
- N.K.S. Presentation
- RPC Public Hearing Testimony
DATA SHEET FOR CONDITIONAL USE WITH SITE PLAN

Regional Planning Commission Public Hearing of: **Thursday, April 2, 2020**

Regional Planning Commission Business Meeting of: **Thursday, April 9, 2020**

Levy Court Public Hearing of: **Tuesday, April 28, 2020**

<table>
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<tr>
<th>Application #</th>
<th>CS-20-01</th>
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<tbody>
<tr>
<td>Application Title</td>
<td>N.K.S. Distributors, Inc. - Smyrna Facility</td>
</tr>
<tr>
<td>Applicant</td>
<td>N.K.S. Distributors, Inc. c/o Paul Ruggiero 399 New Churchman’s Rd. New Castle, DE 19720</td>
</tr>
<tr>
<td>Owner</td>
<td>Big Woods, L.L.C. c/o William Willis 2707 S. Dupont Hwy Smyrna, DE 19977</td>
</tr>
<tr>
<td>Engineer</td>
<td>Becker Morgan Group, Inc. c/o Michael Riemann, P.E. 309 S. Governors Ave. Dover, DE 19904</td>
</tr>
<tr>
<td>Additional Contact</td>
<td>TARABICOS GROSSO, LLP c/o Michael J. Hoffman One Corporate Commons 100 W. Commons Blvd., Suite 415 New Castle, DE 19720</td>
</tr>
<tr>
<td>Zoning District</td>
<td>BG (General Business)</td>
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</table>
Comprehensive Plan Map Designation : Highway Commercial
Relation to Growth Zone : Inside
Present Use : Vacant
Proposed Use : Warehouse / Distribution Facility
Proposed Building Square Footage : 257,263 SF
Water : Artesian
Sewer : Kent County
Levy Court District : 1st - Banta
School District : Smyrna
Fire District : Smyrna
Area and Location : 25.6016± acres located on the north side W. Big Woods Rd., approx. 1,080’ east of S. Dupont Blvd., south of Smyrna
Kent County Property Identification Number : DC-00-028.00-02-12.05-00001
Exhibit A

Application: CS-20-01
N.K.S. Distributors, Inc. (Big Woods, LLC)

LOCATION AND ZONING MAP

APPLICANT: N.K.S. Distributors, Inc.
OWNER: Big Woods, LLC
ENGINEER: Becker Morgan Group, Inc. c/o Michael Riemann, P.E.
PRESENT ZONING DISTRICT: BG (General Business)
LEY COURT DISTRICT: 1st
PRESENT USE: Vacant
PROPOSED USE: Warehouse/Distribution Facility
LOCATION: 25.6016 +/- acres located on the north side of W Big Woods Rd., approx. 1,080’ east of S Dupont Blvd, south of Smyrna

TAX MAP NO: DC-00-028.00-02-12.05-000
Exhibit C

Application: CS-20-01
N.K.S. Distributors, Inc. (Big Woods, LLC)

PROPOSED DISTRIBUTION/WAREHOUSE FACILITY

- 2018 Comprehensive Plan Commercial Areas
- 2018 Comprehensive Plan Employment Centers
February 14, 2020

Mr. Steve Bayer, Planner
Delaware Office of State Planning Coordination
Haslet Armory
122 Martin Luther King Jr. Boulevard, South
Dover, Delaware 19901

RE: P.L.U.S. Comment Response
N.K.S. DISTRIBUTORS, INC. - SMYRNA FACILITY
Kent County, Delaware
2017219.00

Dear Mr. Bayer:

On behalf of our client, N.K.S. Distributors, Inc., we are hereby submitting the formal response to the P.L.U.S. comments issued on January 21, 2020 by your office.

If you have any questions, please do not hesitate to contact me.

Sincerely,

BECKER MORGAN GROUP, INC.

Michael J. Henry, LEED AP
Senior Associate

MJH/

201721900as-htr-plusresponse.docx
BMG Response – February 12, 2020

January 21, 2020

Michael Henry
Becker Morgan Group, Inc.
309 S. Governors Ave.
Dover, DE 19904

RE: PLUS review 2019-12-01

Dear Michael,

Thank you for meeting with State agency planners on December 18, 2019 to discuss the Proposed Warehouse/Distribution Facility project. According to the information received, you are seeking a review of a site plan for a 257,000 square foot warehouse on 25.62 acres along Big Woods Road in Kent County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the Kent County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

Strategies for State Policies and Spending
- This project is located in Investment Levels 1 and 2 according to the Strategies for State Policies and Spending. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near-term future.

Response: Noted

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

122 Martin Luther King Jr. Blvd. South – Haslet Armory · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www. stateplanning.delaware.gov
• The site access Big Woods Road (Kent Road 2A) must be designed in accordance with DelDOT’s Development Coordination Manual, which is available at http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes.  
Response: All improvements will meet the requirements of the D.C.M.

• Pursuant to Section 1.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review.  
Response: A pre-submittal meeting has already been held.

• The proposed plan appears to leave the billboard located in the northeast corner of the subject lands as a separate parcel with frontage only on Delaware Route 1. In accordance with Section 1.6.2 of the Manual, no access to the billboard will be permitted from Route 1. The developer must provide an access easement.  
Response: An access easement to the billboard parcel has already been recorded.

Further regarding access easements, the residual parcel that would occupy the corner of US Route 13 and Big Woods Road includes a driveway connecting an adjoining car dealership to Big Woods Road. DelDOT anticipates requiring an access easement for the continuation of that driveway when the residual parcel is proposed for development.  
Response: The residual parcel is under different ownership and is not part of this project and thus will have to be dealt with by that owner when they develop that property.

• Section 1.7 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.  
Response: Fees will be provided with the required submissions.

• Per Section 2.2.2.1 of the Development Coordination Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day.

The PLUS application states that the proposed development would generate 360 vehicle trip ends per day. DelDOT confirms that figure and finds the peak hour trip generation would be 21 and 26 vehicle trip ends per hour during the weekday morning and evening peak hours, respectively. Accordingly, a TIS is not required.

Per Section 2.3.2, DelDOT may require a Traffic Operational Analysis (TOA) for any development project that is expected to generate 200 or more vehicle trips per day and for which a TIS was not completed. The median crossover at the intersection of US Route 13
and Big Woods Road is not sufficient to shelter a truck turning left out of Big Woods Road. While DelDOT anticipates that most of the trucks exiting the site will be traveling north, DelDOT will require that this deficiency be addressed and, if necessary will require a TOA in that context.

Similarly, the proposed subdivision would leave the parcel east of the site driveway with limited frontage on Big Woods Road. Accordingly, DelDOT anticipates requiring the developer to either demonstrate that an adequate entrance to the east parcel can be built within that limited frontage or to provide an easement such that the developer of that east parcel can use the proposed site driveway for access.

The purpose of a TIS or TOA is to identify offsite improvements that the developer should build or contribute toward. Apart from the concerns just mentioned, DelDOT anticipates requiring the developer to improve Big Woods Road to support the traffic associated with the proposed development. DelDOT’s Local Road standards include 11-foot lanes and 5-foot shoulders but alternative cross-sections will be considered due to the road’s relatively low volume, even with the anticipated development and the relatively high proportion of trucks within that volume. DelDOT also anticipates requiring the developer to enter a signal agreement for the intersection of US Route 13 and Big Woods Road.

Response: DelDOT has provided pavement cores and the developer will work DelDOT to implement improvements to Big Woods Road Between RT. 13 and the entrance.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site’s frontage on Big Woods Road to meet DelDOT’s standards for local roads. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline. The following right-of-way dedication note is required, “An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat.”

Response: The additional right-of-way has already been dedicated as part of the minor subdivision which has already been completed and recorded.

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easements across the property frontage on Big Woods Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, “A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.”

Response: The 15’ wide permanent easement has already been dedicated as part of the minor subdivision which has already been completed and recorded.
• Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, in Level 1 Investment Areas, installation of a sidewalk or Shared Use Path along the development’s road frontage is required. DelDOT anticipates requiring a Shared Use Path along the development frontage on Big Woods Road. DelDOT recommends that the developer also provide a sidewalk along their site driveway so that employees walking to and from work can do so safely.

Response: The Developer will be requesting a waiver as there is no connection opportunity

• In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether turning lanes are warranted at the site entrance and how long the lanes should be. The worksheet can be found at http://www.deldot.gov/Business/subdivisions/index.shtml.

Response: Turn lanes will be provided if warranted by the Auxiliary Lane Worksheet

In this regard, DelDOT recommends that the developer contact Mr. Peter Haag, DelDOT’s Chief Traffic Engineer, to discuss whether the speed limit on Big Woods Road can be reduced. Presently, the speed limit there is 50 miles per hour, and apparently was set before the road was divided by Delaware Route 1. DelDOT may require the developer to submit an engineering study in this regard but the benefit in terms of reducing the design requirements for the site entrance should offset the cost of that study. Mr. Haag may be reached at (302) 659-4084 or Peter.Haag@delaware.gov.

Response: We have already met with Mr. Haag. A speed reduction study does not appear necessary at this point.

Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352

Stormwater Management

• A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the Kent Conservation District to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan as soon as practicable. The site topography, soils mapping, pre and post development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through Kent Conservation District. Contact Jared Adkins, Program Manager, at (302) 741-2600, ext. 3, for details regarding submittal requirements and fees.

Response: We have already had a pre-application meeting with Mr. Adkins. Sediment and stormwater plans will be submitted to KCD.
Wellhead Protection Area
- DNREC mapping has identified that this project has intersected a wellhead protection area (WHPA) on the western edge of the subject parcel. A WHPA is the surface and subsurface area surrounding a water well, or wellfield supplying a public water system through which contaminants are likely to reach such well, or wellfield. Wellhead Protection Areas are delineated by the DNREC Division of Water and constitute a critical area as defined under Chapter 92, Title 29 of the Delaware Code. As such, WHPA’s are protected under local (County/Municipal) ordinances. County and municipal ordinances have set limits to the amount of impervious cover and land use practices that can occur within these areas. It is up to the applicant to make sure that their project complies with all County and municipal codes that affect public drinking water supply WHPA’s. For more information regarding wellhead protection areas please contact the DNREC Source Water Assessment and Protection Program at (302) 739-9945.

Response: Based on research the wellhead is not a Public Water Supply Wellhead.

Total Maximum Daily Load (TMDL) and excess nutrients
- A nutrient management plan is required under the Delaware Nutrient Management law (3 Del. Chapter 22) for all persons or entities who apply nutrients to lands or areas of open space in excess of 10 acres. This project’s open space may exceed this 10-acre threshold. Please contact the Delaware Nutrient Management Program at (302) 739-4811 for further information concerning compliance requirements, or view additional information here: http://dda.delaware.gov/nutrients/index.shtml

Response: We will verify the extent of open area and will provide applicable measures if necessary.

State Historic Preservation Office – Contact Carlton Hall 736-7400
- There no known archaeological sites or known National Register-listed or eligible properties on the parcel. There doesn’t seem to be a historic use of the parcel. There is low potential for archaeological resources within the parcel.

- If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54).

- If there are any questions, inquiries, or concerns, feel free to contact the Delaware State Historic Preservation Office for assistance at 302-736-7400.

Response: Noted

Delaware State Fire Marshall’s Office – Contact Duane Fox 259-7037
At the time of formal submittal, the applicant shall provide; completed application, fee, and three sets of plans depicting the following in accordance with the Delaware State Fire Prevention Regulation (DSFPR):
Fire Protection Water Requirements:
- Water distribution system capable of delivering at least 1500 gpm for 2-hour duration, at 20-psi residual pressure is required. Fire hydrants with 800 feet spacing on centers.
- Where a water distribution system is proposed for Storage sites, the infrastructure for fire protection water shall be provided, including the size of water mains for fire hydrants and sprinkler systems. If the fire protection water distribution system necessitates a fire pump and/or a fire protection water storage tank, complete details are to be submitted by a licensed fire protection company.

Fire Protection Features:
- All structures over 10,000 Sq. Ft. aggregate will require automatic sprinkler protection installed.
- All large area buildings where the 1st floor exceeds 60,000 gross square feet, a Class I horizontal standpipe system shall be provided.
- All large area buildings exceeding one-hundred thousand (100,000) square feet gross floor area on any one floor shall be equipped with a smoke management system approved by the Office of the State Fire Marshal and shall be capable of being operated by the fire department. At a minimum, this smoke control system shall consist of manually operated smoke vents.
- Buildings greater than 10,000 sqft, 3-stories or more, over 35 feet, or classified as High Hazard, are required to meet fire lane marking requirements
- Show Fire Department Connection location (Must be within 300 feet of fire hydrant), and detail as shown in the DSFPR.
- Show Fire Lanes and Sign Detail as shown in DSFPR

Accessibility
- All premises, which the fire department may be called upon to protect in case of fire, and which are not readily accessible from public roads, shall be provided with suitable gates and access roads, and fire lanes so that all buildings on the premises are accessible to fire apparatus.
- Fire department access shall be provided in such a manner so that fire apparatus will be able to locate within 100 ft. of the main entrance.
- The use of speed bumps or other methods of traffic speed reduction must be in accordance with Department of Transportation requirements.
- The local Fire Chief, prior to any submission to our Agency, shall approve in writing the use of gates that limit fire department access into and out of the development or property.

Gas Piping and System Information:
- Provide type of fuel proposed, and show locations of bulk containers on plan.

Required Notes:
Provide a note on the final plans submitted for review to read "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the Delaware State Fire Prevention Regulations"

- Proposed Use
- Alpha or Numerical Labels for each building/unit for sites with multiple buildings/units
- Square footage of each structure (Total of all Floors)
- National Fire Protection Association (NFPA) Construction Type
- Maximum Height of Buildings (including number of stories)
- Note indicating if building is to be sprinklered
- Name of Water Provider
- Letter from Water Provider approving the system layout
- Provide Lock Box Note (as detailed in DSFPR) if Building is to be sprinklered
- Provide Road Names, even for County Roads

Response: We will provide all required fire protection measures as based on these comments and the state fire code.

Recommendations/Additional Information
This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. These suggestions do not represent State code requirements. They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (but in no way required) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Department of Transportation – Contact Bill Brockenbrough 760-2109
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.

Response: Noted

- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision dates of March 21, 2019 and March 25, 2019. The notes can be found at https://www.deldot.gov/Business/subdivisions/.

Response: We will use the current version of the notes.

Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352
Nature Preserves
- The proposed stormwater management pond is located in an existing drainage ditch. A portion of the Bombay Hook Natural Area is located downstream from this site. The
Office of Nature Preserves encourages volume management to minimize hydrologic impacts off-site and downstream of the subject parcel.

Response: SWM design will meet DNREC Requirement

Total Maximum Daily Load (TMDL) and excess nutrients

- Total Maximum Daily Loads (TMDLs) exist for most of the State’s water bodies. A TMDL is the maximum amount of a pollutant allowed to enter a waterbody so that the waterbody will meet and continue to meet water quality standards. To support the State’s water quality efforts, DNREC reviewers encourage applicants to reduce the amount of pollutants that enter local waterways by limiting the disturbance of natural habitat and increasing the use of green infrastructure.

Response: Noted. The project site is currently used for agriculture and no natural habitat is being disturbed by this project.

- Based on NRCS soils survey mapping update, wetland-associated hydric soils are likely present in over 50 percent of the proposed project area. The Division of Watershed Stewardship discourages building on hydric soils because they are functionally important sources of water storage (function as a “natural sponge”). The loss of water storage through excavation, filling, or grading of intact native hydric soils increases the probability for more frequent and destructive impacts from flooding events. The increased probability for damage from stormwater runoff is further aggravated by increases in impervious surfaces in the landscape as building density increases over time.

Response: Noted

- Destruction of hydric soils increases the amount of pollutant runoff which contributes to lower observed water quality in regional waterbodies and wetlands (i.e., hydric soils sequester carbon and filter or absorb nutrients and other pollutants).

Response: Noted

Recommendations:

- Therefore, the applicant should delineate these soils and avoid construction activities within the areas. Contact a licensed (Delaware Class D) soil scientist to make a site specific assessment of the soils on this site. A list of licensed soil scientists can be obtained from the Ground Water Discharges Branch at (302) 739-9947.

Response: Geotechnical evaluations of the site have been completed.

- A pollution control strategy has not been established for the Leipsic River watershed to date. However, the applicant is still strongly urged to reduce nutrient and bacterial
pollutants through voluntary commitment to the implementation of the following recommended best management practices:

- Calculate post-construction surface imperviousness with all forms of created (or constructed) surface imperviousness (e.g., rooftops, driveways, parking lots, sidewalks, open-water storm water management structures, ponds, and roads) included in the calculation for surface imperviousness. Omission of any of the above-stated forms of surface imperviousness will result in an underestimate of the actual post-development surface imperviousness and the environmental impacts associated with this imperviousness.

**Response:** All impervious surfaces are required to be accounted for in the design of the stormwater management for the project and will be included.

- Have a United States Army Corps of Engineers (USACE) wetlands delineation conducted by a qualified soil scientist (Delaware licensed Class-D soil scientist with wetland delineation experience) before commencing any construction activities. NRCS soil survey mapping suggests that hydric soils and wetlands (non-tidal) are likely present in the subject parcel. A field based site-specific wetlands delineation by a licensed soil scientist is recommended to more precisely assess the presence of hydric soils and wetlands in this parcel (prior to obtaining the recommended approval from the USACE). A list of licensed Class D soil scientists can be obtained here:
  [http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Pages/GroundWaterDischargesLicensesandLicensees.aspx](http://www.dnrec.delaware.gov/wr/Information/GWDInfo/Pages/GroundWaterDischargesLicensesandLicensees.aspx)

**Response:** A wetland delineation has been completed for the site. No wetlands are present within the project area.

- Maintain vegetated buffer of at least 100-feet from all wetlands and waterbodies; the proposed 50-foot buffer is insufficiently protective of water quality.

**Response:** The project maintains a 100’ buffer from blue line streams. Additionally, no impervious surfaces are proposed within 100’ of the offsite wetlands.

- Employ green-technology stormwater management and rain gardens (in lieu of open-water management structures) to mitigate or reduce nutrient and bacterial pollutant runoff. If open-water stormwater management is selected for use, they should be employed for their intended function - that is, the management of stormwater - not for the creation of additional pond acreage to enhance property/aesthetic values. It should also be noted that open-water stormwater ponds attract nuisance geese and nuisance algae that can contribute to the degradation of water quality of waters in the Leipsic River watershed.
Response: The open water pond is for the stormwater management of the site. This option for stormwater management was chosen due to the types of site soils which preclude infiltration practices.

- Make use of pervious paving materials (where compatible with concerns for the protection of the wellhead protection area identified onsite) instead of conventional paving materials to help reduce the amount of water and pollutant runoff draining to adjoining streams and wetlands. Pervious pavers are especially recommended for areas designated for parking.

Response: We will consider this is with the owner

- Assess nutrient and bacterial pollutant loading at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a methodology known as the “Nutrient Load Assessment protocol.” The protocol is a tool used to assess changes in nutrient loading (e.g., nitrogen and phosphorus) resulting from the conversion of individual or combined land parcels to a changed or different land use; thus providing applicants and governmental entities with quantitative information about the project’s impact(s) on baseline water quality and help them design and implement the most environmentally-effective strategies.

Response: We will utilize DNREC’s current DURMM worksheet which addresses this

Nuisance Wildlife

- To deter waterfowl from taking up residence in the stormwater ponds, DNREC reviewers recommend planting the surrounding open space with a mix of native wildflower plantings (to be planted in accordance with the Sediment and Stormwater Plan approval agency requirements). In addition to deterring nuisance waterfowl, the native wildflower mix will also serve to attract bees, butterflies, and other pollinators, and reduce run-off, which can contain oil and other pollutants from the parking areas. DNREC’s botanist, Bill McAvoy, would gladly assist in drafting a list of plants suitable for this site. Bill can be contacted at (302) 735-8668 or William.McAvoy@delaware.gov.

Response: We will consider this in our landscape design.

Sustainable Development Recommendations

- The applicant should consider the use of recycled, energy efficient materials, and renewable energy infrastructure.

- The Division of Climate, Coastal, & Energy offers incentives for clean transportation (Workplace EV Charging) and energy efficiency. These programs address climate change goals of reducing greenhouse gas emissions and improving overall air quality (www.de.gov/greenenergy, www.de.gov/cleantransportation, www.de.gov/eef).
Response: The owner will consider recycled, energy efficient materials, and renewable energy infrastructure in the design of the building.

Delaware State Fire Marshall’s Office – Contact Duane Fox 259-7037

- Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.statefiremarshal.delaware.gov, technical services link, plan review, applications or brochures.

Response: We have scheduled a meeting with the State Fire Marshal’s office.

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland, AICP
Director, Office of State Planning Coordination

CC: Kent County
February 12, 2020

Mr. Jason Berry, Planner
Kent County Planning Services
555 Bay Road
Dover, Delaware 19901

RE: APFO Analysis
N.K.S. DISTRIBUTORS, INC. - SMYRNA FACILITY
Kent County, Delaware
2017219.00

Dear Mr. Berry:

We are hereby submitting an analysis of the APFO as part of the Conditional Use with Site Plan Submission to your office. I offer the following information with respect to the four (4) APFO ordinances.

- **Ordinance 07-08 – “ROADS”**
  DelDOT issued comment in the PLUS letter dated January 21, 2020 which acknowledges that the aforementioned project does not require a TIS. The DelDOT comment is as follows “The PLUS application states that the proposed development would generate 360 vehicle trip ends per day. DelDOT confirms that figure and finds the peak hour trip generation would be 21 and 26 vehicle trip ends per hour during the weekday morning and evening peak hours, respectively. Accordingly, a TIS is not required.” Thus this project qualifies for a TIS waiver in accordance with section 187-90.2.F(3)(c) of the county code. As a result, the project is in compliance with ordinance 07-08.

- **Ordinance 06-41 – “Central Water Service”**
  This project does not consist of a residential subdivision; therefore ordinance 06-41 does not apply to this project.

- **Ordinance 06-42 – “emergency medical services (EMS)”**
  This project does not consist of a residential subdivision; therefore ordinance 06-42 does not apply to this project.

- **Ordinance 07-09 – “Schools”**
  This project does not consist of a residential subdivision; therefore ordinance 07-09 does not apply to this project.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Michael J. Henry, LEED AP
Senior Associate

MJH/
APFO Compliance Form – Non-Residential Projects

1. Project Name: NKS Distributors, Inc. - Smyrna Facility

2. Total Peak Hour trips generated from project (50 or more requires T.I.S):
   Entrance 1: 31 am, 42 pm  Entrance 2: NA

3. Road(s) being accessed by Project:
   a. Road Name: (1) Big Woods Rd. West  (2) 
   b. Road Number: (1) K2A  (2) 
   c. Road Segment AADT: (1) 791  (2) 
   d. Road Classification: (1) Local  (2) 

4. Determine Area of Influence:
   a. Entrance on Arterial Road: 1% of AADT from above = NA 
   b. Entrance on Collector Road: 5% of AADT from above = NA 
   c. Entrance on Local Road: 10% of AADT from above = 79.1 

5. Do the peak hour trips from Part 2 exceed any of the percentages calculated in Part 4?

   Yes □ (project must determine Level of Service of intersections within the Area of Influence prior to submitting application)

   No ☒ (Project in compliance with APFO)
March 2, 2020

VIA FIRST CLASS AND ELECTRONIC MAIL

Jason Berry, AICP
Planning Supervisor
Kent County Administrative Complex
555 Bay Road
Dover, Delaware 19901
jason.berry@co.kent.de.us

RE: N.K.S. Distributors, Inc. – Smyrna Headquarters Facility
Kent County Tax Parcel No. 1-00-02800-02-1205-00001

Dear Mr. Berry:

Our firm represents the contract purchaser/developer of the above-referenced property; specifically, that approximately 25.6 acres in unincorporated Kent County located along Big Woods Road (the “Property”). N.K.S. Distributors, Inc. proposes to develop a new Headquarters Distribution/Warehouse Facility on the Property (the “Project”). A Conditional Use (with Site Plan) Application for the Project was filed on February 12, 2020 and is currently pending.

Following its review, the Kent County Department of Planning Services (the “Department”) identified four areas requiring relief from the Kent County Code (the “Code”): (1) relief from Section 187-79.1(A) of the Code to allow pavement within a 150-foot wellhead protection zone; (2) relief to allow paving within the 10-foot paving setback requirements; (3) relief from Section 205-224(B) of the Code to allow no landscape parking islands within the paved distribution operations areas; and (4) relief from Section 205-221(C)(2) of the Code to allow an entrance width less than 35 feet. In order to keep the project moving forward, the project team has submitted an application for a waiver to the Regional Planning Commission concerning wellhead protection area relief, and an application to the Board of Adjustment for
variances concerning the paving and landscape island relief. Those applications are currently pending.

Notwithstanding the pending applications, we request that the Department reconsider its interpretation of the Code provisions concerning the wellhead protection zone and maximum entrance width requirements. The basis for this request is outlined below.

**Wellhead Protection Zone**

Section 187-79.1(A) of the Code prohibits “buildings, structures, or paved structures” within 150-feet of a public drinking water supply well. Section 187-79.1(D) defines a “public drinking water supply well” as “any well from which the water is used to serve a community water system by Section 22.146 (Public Water Systems) in the Delaware State Regulations Governing Public Drinking Water Systems.” The Delaware State Regulations Governing Public Drinking Water Systems define a “community water system” as “a public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents”.

Here, the asserted wellhead protection zone would surround a private well which serves only the adjacent commercial property owned by Chev Properties, LLC. Thus, it does not meet the plain language definition of a “community water system” necessary to invoke the Section 187-79.1(A) wellhead buffer restriction. Had the Code intended to broadly require a wellhead buffer for any public water system (as defined under the Delaware State Regulations Governing Public Drinking Water Systems), the Code would not have specifically limited application to “any well from which the water is used to serve a community water system”. To ignore this express limitation would render the statutory language superfluous, contrary to the canons of statutory interpretation.

Because the nearby private well does not meet the definition of a “community water system”, the Section 187-79.1(A) 150-foot wellhead buffer restriction does not apply to the Project, per the plain language of the Code. We ask that the Department reconsider its interpretation so the project team may withdraw the pending waiver application on this issue.

Although the Section 187-79.1(A) wellhead buffer restriction does not apply to the Project, it bears mentioning that even if the restriction applied, the Project’s impact is negligible at best. Indeed, the Project’s total impervious surface within the buffer, had the buffer applied,

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2. Kent County Code, Section 187-79.1(D) (emphasis added).
would only be approximately 6.24-percent. And this impervious surface is proposed to be sloped such that runoff will be collected by the Project’s stormwater management system and not set to infiltrate into the ground within 150-feet of the adjacent private well.

**Entrance Width**

Chapter 205, Article XVII of the Code addresses Kent County’s parking requirements. References to parking and loading “drive aisles” and “parking and loading entrance[s] and exit[s]” within Article XVII concern, specifically, parking area drive aisles and parking area entrances/exists, not site access. For example, Section 205-221(B) of the Code provides that “each two-way interior parking and loading drive aisle for two-way traffic shall be at least 24 feet wide” and “each one-way drive aisle for one-way traffic shall be at least 12 feet wide for parallel parking and diagonal parking when less than 45 [degrees], and at least 20 feet wide for perpendicular parking and diagonal parking that is 45 [degrees] or greater.” In conjunction with these requirements governing drive aisle width for parking and loading areas, Section 205-221(C)(3) requires that each parking and loading entrance and exit shall “have a maximum width of 35 feet.” These regulations are separate from site access requirements.

Per the Code’s plain language, the Section 205-221(C)(3) **parking and loading** entrance and exit width requirement is separate from, and does not apply to, the site’s entrance and exit, where said entrance and exit is separate from the parking and loading area. Indeed, this separate treatment is confirmed via Section 205-223(E), which provides that interior driveway and drive aisles are governed by the Section 205-223(B) setback requirements, while the property entrance setback is governed separately by Section 205-223(F). Unlike parking and loading entrances and exits, site access entrances/exits adjacent to rights of way may warrant larger widths based upon, for example, vehicle speeds and necessary turning radii.

Here, the Property’s site entrance/exit is separate from the parking and loading area entrance/exit. Thus, the Property’s site entrance/exit is not subject to a 35-foot maximum width, which pertains exclusively, and plainly, to parking area entrances/exists. The Property’s site entrance/exit is, however, subject to the Section 205-223(F) entrance 10-foot setback. We ask that the Department reconsider its interpretation applying a 35-foot maximum width to the Property’s entrance.

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3 See, Exhibit A.
4 Kent County Code, Section 205-221(B)(1).
5 Kent County Code, Section 205-221(B)(2).
If you should require anything further on this matter or wish to discuss, please do not hesitate to contact me.

Respectfully submitted,

Michael J. Hoffman

Attachment
cc: Sarah E. Keifer, AICP, Director of Planning Services (via electronic mail)  
Mr. Paul Ruggiero, N.K.S. Distributors, Inc. (via electronic mail)  
J. Michael Riemann, P.E. (via electronic mail)  
Michael J. Henry, LEED AP (via electronic mail)
150' RADIUS WELL HEAD BUFFER AREA = 70,686 S.F.

PROPOSED PAVEMENT WITHIN
WELL HEAD BUFFER = 4,410 S.F.
4,410 S.F. / 70,686 S.F. = .0624 = 6.24%

EXISTING WELL

TOTAL PAVEMENT WITHIN BUFFER
23273 EX. + 4410 PR. = 27683
27683 / 70685 = 39.2%

EXISTING PAVEMENT WITHIN
WELL HEAD BUFFER = 23,273 S.F.
April 6, 2020

VIA ELECTRONIC MAIL

Kent County Regional Planning Commission  
c/o Jason Berry, AICP  
Planning Supervisor  
Kent County Administrative Complex  
555 Bay Road  
Dover, Delaware 19901  
jason.berry@co.kent.de.us

RE: N.K.S. Distributors, Inc. – Smyrna Headquarters Facility  
Kent County Tax Parcel No. 1-00-02800-02-1205-00001  
Application No. CS-20-01

Dear Chairman Jester and Members of the Regional Planning Commission:

As you know, our firm represents the contract purchaser/developer of the above-referenced property; specifically, that approximately 25.6 acres in unincorporated Kent County located along W. Big Woods Road (the “Property”). N.K.S. Distributors, Inc. proposes to develop a new Headquarters Distribution/Warehouse Facility on the Property (the “Project”). A Conditional Use (with Site Plan) Application for the Project was filed on February 12, 2020 and a hearing on that application was held before the Regional Planning Commission last Thursday, April 2, 2020. Please accept this letter as a supplement to the material that was included in the project application and that was presented during the April 2nd hearing.

Project Description

NKS proposes to invest approximately $30 million to construct a new, state-of-the-art Headquarters Distribution/Warehouse Facility in Kent County. NKS has been proudly operating in Delaware for seventy years and looks forward to solidifying its roots in Delaware through this
new flagship facility. The proposed structure includes approximately 257,263 square feet of warehouse/distribution and supporting office space (see Exhibit "A"). Storage, loading and unloading operations are all proposed to be self-contained within this climate-controlled structure.

Access to the proposed facility is via W. Big Woods Road. A Minor Subdivision Plan and Lot Line Adjustment was approved in February, which subdivided the original property into the existing parcels. An additional Lot Line Adjustment Plan will be pursued to tweak the existing lot lines to allow for additional separation from the access driveway and the adjacent currently undeveloped parcels. This change will allow room for signage and other utility infrastructure.

The 2018 Kent County Comprehensive Plan (the “Comprehensive Plan”) identifies the subject area as appropriate for commercial development and uses. In addition, the Comprehensive Plan identifies the subject property as within an “employment center” intended for the creation of jobs such as those proposed here. Indeed, the Project promotes the Comprehensive Plan’s policy objectives of creating economic development opportunities within areas designated for growth.¹

The Comprehensive Plan specifically identified “creation of local jobs” as the biggest issue facing Kent County, and the “lack of strength in [the] County’s economic base” as the biggest threat to Kent County.² The Comprehensive Plan further identified distribution warehousing as a key economic sector for the County to target that would support existing businesses.³ When complete, this distribution warehousing project will provide an estimated 140 full-time jobs, 100 of which will be new jobs to Kent County. In addition, the Project will provide seasonal employment opportunities, along with increased property tax revenue for Kent County and other anticipated positive impacts on the local economy.

The Property is zoned BG – General Business and is surrounded by other nonresidential properties/uses. Specifically, the adjacent nonresidential properties consist of an automobile dealership to the west of the Property, a vacant former golf driving range to the west of the proposed driveway, and State Route 1 along the eastern side of the Property. North of the Property are parcels also supporting nonresidential uses, including a construction company and a commercial antenna tower. In sum, the proposed Headquarters Facility is compatible with the nature of the surrounding uses.

¹ 2018 Kent County Comprehensive Plan at 7-12.
² Id. at 2-1.
³ Id. at 2-7, 2-8.
A hearing was held before the Delaware Preliminary Land Use Service ("PLUS") on December 19, 2019, with the PLUS comments issued shortly thereafter on January 21, 2020. As the PLUS comments verify, the Property is located within Investment Levels 1 and 2 according to the Strategies for State Policies and Spending, so the Project is appropriate from the State-planning perspective.

The fully enclosed character of the distribution warehouse facility will minimize impacts on adjacent properties, including concerning noise. All loading will occur indoors, and receiving will occur from sealed dock doors. Site lighting is proposed to face inwards and not towards adjacent properties.

The Project includes two separate paved areas supporting the proposed use. The parking area at the front of the property provides employee and visitor parking for the facility and is accessible to the general public. Separate from the front parking area is the paved operations area secure from the publicly accessible area. This paved operations area provides space for operations-related parking and vehicle movements; general access and parking is not proposed or appropriate for this area. Altogether, the Project proposes 261 off-site parking spaces, which is three more parking spaces than the 258 parking spaces required by the Kent County Code.

DelDOT and the Kent County Department of Planning Services (the "Department") confirmed that the Project does not require a Traffic Impact Study due to its low trip generation. Specifically, the Project is projected to generate 361 average daily trips, with 31 morning peak hour trips and 42 evening peak hour trips. This anticipated trip generation is sufficiently below the 500 average daily trip and 50 peak hour trip threshold required for a Traffic Impact Study. In addition, Planning Staff has confirmed that the Adequate Public Facilities Ordinance requirements have been met for this project.

The Project will feature modern architecture, including stone and brick material for the front office portion of the structure. Abundant landscaping, including 224 trees, will complement the building materials and architectural accents to provide an attractive aesthetic, while recognizing that the property will contain a functioning warehouse distribution facility where garage bays and industrial elements are inherent, expected, and appropriate. Sarah Keifer, Kent County Director of Planning Services, confirmed during the April 2, 2020 Regional Planning Commission public hearing that the Applicant’s renderings, which were provided after the Department issued its Staff Recommendation Report for the Project, addressed Staff’s concerns regarding the Project’s architecture facing W. Big Woods Road.
**Driveway Width**

Planning Staff concluded in the Staff Recommendation Report that the entrance width at W. Big Woods Road exceeds a maximum allowable width of thirty-five (35) feet. We respectfully disagree. Attached as Exhibit “B” is my letter from March 2, 2020 outlining our legal position regarding the entrance width issue; specifically, that the 35-foot maximum width applies only to parking and loading entrances, not site entrances.

Unlike interior driveway widths, the widths of site entrances are determined based upon safety-related considerations concerning turning movements and ingress and egress from the adjacent public street. These turning movements and design-related details, including driveway radii and width, are based upon traffic engineering considerations and application of DeIDOT entrance standards. Some properties will inherently require larger entrance widths than other properties based upon variations in these safety-related considerations. For this reason, the Kent County Code simply requires that entrance widths be setback at least 10-feet from adjacent property lines. Here, the proposed entrance will meet the minimum 10-foot setback from adjacent property lines.

Notably, this interpretation is consistent with the County’s prior interpretations concerning at least two other projects, where site entrance widths wider than 35-feet were allowed. As I mentioned during the public hearing, we submit that this issue can be resolved separately as part of the above-referenced Lot Line Adjustment Plan process, and we intend to continue our discussions with Staff on this issue.

**April 2, 2020 Public Hearing Comments**

There were no concerns raised during the April 2, 2020 public hearing requiring rebuttal in this supplemental submission.

**Conditional Use Standards**

As the Regional Planning Commission and the Department of Planning Services are aware, applicants for a Conditional Use must establish compliance with the Kent County Code’s Section 205-251 General Guidelines and Standards. Accordingly, each applicable standard is briefly reviewed below:
A. The location is appropriate and not in conflict with the Comprehensive Plan.

The Project is located within a Kent County-identified employment center and within a State-identified Investment Level 1 and 2 area (see Exhibit “C”), so the location is appropriate for the proposed development both per the Comprehensive Plan and according to State of Delaware Planning objectives. In addition, the Property is planned for nonresidential use within the Kent County Future Land Use Plan (see Exhibit “D”). The Project complies with the County’s Adequate Public Facilities Ordinance and there is adequate infrastructure to support the Project, including adequate sanitary sewer capacity and service through Kent County and water service through Artesian.

The Property is ideal for the proposed distribution warehouse use given that it is located between two heavily traveled roads, Route 13 and Route 1, and is surrounded by nonresidential uses. Moreover, the proposed facility will be set back approximately 700 feet from W. Big Woods Road, which provides access to a mixture of residential and nonresidential properties.

In addition, the goals and principles of the Kent County Comprehensive Plan, including those promoting economic development in areas where infrastructure is available to support the proposed use, are met with the Project. Indeed, the Department of Planning Services confirmed in its Staff Recommendation Report for the Project that if the Conditional Use application were approved, the Project would be compliant with the Comprehensive Plan and the Kent County Code requirements for the General Business District.

B. The public health, safety and general welfare will not be adversely affected.

There were no concerns raised during the project review process or during the April 2, 2020 public hearing that would suggest a risk to the public health, safety, and general welfare should the Project be approved as presented. The Project complies with the Kent County Code’s requirements for development and, as noted above, is consistent with the goals and principles of the Kent County Comprehensive Plan. The proposed distribution warehouse use is an approved use in the General Business zoning district and is frankly ideal for the Property, given its proximity to the transportation network, location among other nonresidential uses, and location within a designated Kent County Employment Center. In addition, the below-referenced safeguards proposed to be implemented to mitigate impacts on neighboring properties add further support to the contention that this Project does not pose a risk to public health, safety, and welfare.
C. Adequate off-street parking facilities will be provided.

The Kent County Code requires that the Project provide 258 off-street parking spaces, which is more than the proposed use demands. The Project provides 261 off-street parking spaces. Each of the proposed off-street parking spaces comply with the Kent County Code’s standards. Accordingly, the Project provides adequate off-street parking facilities.

D. Necessary safeguards will be provided for the protection of surrounding property and persons.

As noted above, the fully enclosed character of the distribution warehouse facility will minimize impacts on adjacent properties, including concerning noise. All loading will occur indoors, and receiving will occur from sealed dock doors. Site lighting is proposed to face inwards and not towards adjacent properties. In addition, landscaping is strategically located to provide a buffer between the Project and adjacent properties.

E. The additional standards of Article XXI (Conditional Uses) of the Kent County Code are complied with.

Article XXI (Conditional Uses) of the Kent County Code does not include any additional standards for Warehouse uses within the General Business zoning district.

On behalf of our project team, thank you for your time and consideration of this pending application.

Respectfully submitted,

Michael J. Hoffman

Attachments
cc: Sarah E. Keifer, AICP, Director of Planning Services (via electronic mail)
    Mr. Paul Ruggiero, N.K.S. Distributors, Inc. (via electronic mail)
    J. Michael Riemann, P.E. (via electronic mail)
    Michael J. Henry, LEED AP (via electronic mail)
Exhibit “A”
Exhibit "B"
March 2, 2020

VIA FIRST CLASS AND ELECTRONIC MAIL

Jason Berry, AICP
Planning Supervisor
Kent County Administrative Complex
555 Bay Road
Dover, Delaware 19901
jason.berry@co.kent.de.us

RE: N.K.S. Distributors, Inc. – Smyrna Headquarters Facility
Kent County Tax Parcel No. 1-00-02800-02-1205-00001

Dear Mr. Berry:

Our firm represents the contract purchaser/developer of the above-referenced property; specifically, that approximately 25.6 acres in unincorporated Kent County located along Big Woods Road (the “Property”). N.K.S. Distributors, Inc. proposes to develop a new Headquarters Distribution/Warehouse Facility on the Property (the “Project”). A Conditional Use (with Site Plan) Application for the Project was filed on February 12, 2020 and is currently pending.

Following its review, the Kent County Department of Planning Services (the “Department”) identified four areas requiring relief from the Kent County Code (the “Code”): (1) relief from Section 187-79.1(A) of the Code to allow pavement within a 150-foot wellhead protection zone; (2) relief to allow paving within the 10-foot paving setback requirements; (3) relief from Section 205-224(B) of the Code to allow no landscape parking islands within the paved distribution operations areas; and (4) relief from Section 205-221(C)(2) of the Code to allow an entrance width less than 35 feet. In order to keep the project moving forward, the project team has submitted an application for a waiver to the Regional Planning Commission concerning wellhead protection area relief, and an application to the Board of Adjustment for
variances concerning the paving and landscape island relief. Those applications are currently pending.

Notwithstanding the pending applications, we request that the Department reconsider its interpretation of the Code provisions concerning the wellhead protection zone and maximum entrance width requirements. The basis for this request is outlined below.

**Wellhead Protection Zone**

Section 187-79.1(A) of the Code prohibits "buildings, structures, or paved structures" within 150-feet of a public drinking water supply well. Section 187-79.1(D) defines a "public drinking water supply well" as "any well from which the water is used to serve a community water system by Section 22.146 (Public Water Systems) in the Delaware State Regulations Governing Public Drinking Water Systems." The Delaware State Regulations Governing Public Drinking Water Systems define a "community water system" as "a public water system which serves at least fifteen (15) service connections used by year-round residents or regularly serves at least twenty-five (25) year-round residents".¹

Here, the asserted wellhead protection zone would surround a private well which serves only the adjacent commercial property owned by Chev Properties, LLC. Thus, it does not meet the plain language definition of a "community water system" necessary to invoke the Section 187-79.1(A) wellhead buffer restriction. Had the Code intended to broadly require a wellhead buffer for *any* public water system (as defined under the Delaware State Regulations Governing Public Drinking Water Systems), the Code would not have specifically limited application to "any well from which the water is used to serve a community water system".² To ignore this express limitation would render the statutory language superfluous, contrary to the canons of statutory interpretation.

Because the nearby private well does not meet the definition of a "community water system", the Section 187-79.1(A) 150-foot wellhead buffer restriction does not apply to the Project, per the plain language of the Code. We ask that the Department reconsider its interpretation so the project team may withdraw the pending waiver application on this issue.

Although the Section 187-79.1(A) wellhead buffer restriction does not apply to the Project, it bears mentioning that even if the restriction applied, the Project's impact is negligible at best. Indeed, the Project's total impervious surface within the buffer, had the buffer applied,

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² Kent County Code, Section 187-79.1(D) (emphasis added).
would only be approximately 6.24-percent.\textsuperscript{3} And this impervious surface is proposed to be sloped such that runoff will be collected by the Project’s stormwater management system and not set to infiltrate into the ground within 150-feet of the adjacent private well.

\textit{Entrance Width}

Chapter 205, Article XVII of the Code addresses Kent County’s parking requirements. References to parking and loading “drive aisles” and “parking and loading entrance[s] and exit[s]” within Article XVII concern, specifically, parking area drive aisles and parking area entrances/exits, not site access. For example, Section 205-221(B) of the Code provides that “[e]ach two-way interior parking and loading drive aisle for two-way traffic shall be at least 24 feet wide”\textsuperscript{4} and “[e]ach one-way drive aisle for one-way traffic shall be at least 12 feet wide for parallel parking and diagonal parking when less than 45 [degrees], and at least 20 feet wide for perpendicular parking and diagonal parking that is 45 [degrees] or greater.”\textsuperscript{5} In conjunction with these requirements governing drive aisle width for parking and loading areas, Section 205-221(C)(3) requires that each parking and loading entrance and exit shall “[h]ave a maximum width of 35 feet.” These regulations are separate from site access requirements.

Per the Code’s plain language, the Section 205-221(C)(3) \textit{parking and loading} entrance and exit width requirement is separate from, and does not apply to, the site’s entrance and exit, where said entrance and exit is separate from the parking and loading area. Indeed, this separate treatment is confirmed via Section 205-223(E), which provides that interior driveway and drive aisles are governed by the Section 205-223(B) setback requirements, while the property entrance setback is governed separately by Section 205-223(F). Unlike parking and loading entrances and exits, site access entrances/exits adjacent to rights of way may warrant larger widths based upon, for example, vehicle speeds and necessary turning radii.

Here, the Property’s site entrance/exit is separate from the parking and loading area entrance/exit. Thus, the Property’s site entrance/exit is not subject to a 35-foot maximum width, which pertains exclusively, and plainly, to parking area entrances/exists. The Property’s site entrance/exit is, however, subject to the Section 205-223(F) entrance 10-foot setback. We ask that the Department reconsider its interpretation applying a 35-foot maximum width to the Property’s entrance.

\textsuperscript{3} See, Exhibit A.
\textsuperscript{4} Kent County Code, Section 205-221(B)(1).
\textsuperscript{5} Kent County Code, Section 205-221(B)(2).
150' RADIUS WELL HEAD BUFFER AREA = 70,688 S.F.

PROPOSED PAVEMENT WITHIN
WELL HEAD BUFFER = 4,410 S.F.
4,410 S.F. / 70,688 S.F. = 0.0624 = 6.24%

EXISTING PAVEMENT

TOTAL PAVEMENT WITHIN BUFFER
23273 EX. + 4410 PR. = 27683
27683 / 70685 = 39.2%

EXISTING PAVEMENT WITHIN
WELL HEAD BUFFER = 23,273 S.F.
Exhibit “C”
Exhibit "D"
W. Big Woods Road, Smyrna

N.K.S. Distributors, Inc.

Project No. CS-20-01
REGIONAL PLANNING COMMISSION
PUBLIC HEARING MINUTES
Conference Call
April 2, 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

CS-20-01 NKS Distributions, Inc.: Request Conditional Use with Site Plan approval of a Distribution / Warehouse Facility located inside the Growth Zone Overlay District.

Application # : CS-20-01
Application Title : N.K.S. Distributors, Inc. - Smyrna Facility
Applicant : N.K.S. Distributors, Inc.
c/o Paul Ruggiero
399 New Churchman’s Rd.
New Castle, DE 19720
Owner : Big Woods, L.L.C.
c/o William Willis
2707 S. Dupont Hwy
Smyrna, DE 19977
Engineer : Becker Morgan Group, Inc.
c/o Michael Riemann, P.E.
309 S. Governors Ave.
Dover, DE 19904
Additional Contact : TARABICOS GROSSO, LLP
c/o Michael J. Hoffman
One Corporate Commons
100 W. Commons Blvd., Suite 415
New Castle, DE 19720
Zoning District : BG (General Business)
Comprehensive Plan Map Designation : Highway Commercial
<table>
<thead>
<tr>
<th>Relation to Growth Zone</th>
<th>Inside</th>
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<tbody>
<tr>
<td>Present Use</td>
<td>Vacant</td>
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<tr>
<td>Proposed Use</td>
<td>Warehouse / Distribution Facility</td>
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<tr>
<td>Proposed Building Square Footage</td>
<td>257,263 SF</td>
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<td>Water</td>
<td>Artesian</td>
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<tr>
<td>Sewer</td>
<td>Kent County</td>
</tr>
<tr>
<td>Levy Court District</td>
<td>1st - Banta</td>
</tr>
<tr>
<td>School District</td>
<td>Smyrna</td>
</tr>
<tr>
<td>Fire District</td>
<td>Smyrna</td>
</tr>
<tr>
<td>Area and Location</td>
<td>25.6016± acres located on the north side W. Big Woods Rd., approx. 1,080’ east of S. Dupont Blvd., south of Smyrna</td>
</tr>
<tr>
<td>Kent County Property</td>
<td>DC-00-028.00-02-12.05-00001</td>
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</tbody>
</table>

**In Favor**

Michael Hoffman
TARABICOS GROSSO, LLP

Mr. Hoffman: Thank you Mr. Chairman, members of the Regional Planning Commission as I mentioned I'm Michael Hoffman of Tarabicos Grosso, I'm the attorney for the applicant NKS Distributors Incorporated. With me on the call today, I believe, are Chairman of the Board and CEO Bob Tigani, Sr., Chief Operating Officer Paul Ruggiero, and Chief Financial Officer Kathy Willis. Also with us are Mike Riemann, Mike Henry and Chris Duke from Becker Morgan Group project engineer. Before I get into the presentation I do want to personally extend our thanks to the Commissioners and County Staff for coordinating this teleconference during these unprecedented times. Your efforts to get us up and running today are very much appreciated on behalf of the project team. With that, I see Sarah is on it, if we could go to the second slide after that instruction slide. Going forward I will say next slide just to keep things moving, and hopefully that will keep us on track here. The first point; we’re here this afternoon regarding the applicant’s request for conditional use and site plan approval for a beverage warehouse and distribution facility on approximately 25.6 acres along West Big Woods Road. The property is located to the east of Route 13 and to the west of Route 1 adjacent to the Willis Chevrolet dealership. The proposed distribution facility will be the new corporate headquarters for NKS Distributors a Delaware based company that has been serving and supporting our state for over 70 years. In fact NKS stands for New Castle, Kent and Sussex so it truly is a Delaware company to its core. For those not aware NKS is in the alcoholic beverage distribution business primarily beer distribution. The project represents an estimated $30 million investment in Kent
RPC Public Hearing Minutes
Conference Call
NKS Distributors, Inc
April 2, 2020
Page 3 of 7

County with a new NKS headquarters, and when complete it will provide approximately for an estimated 140 full time jobs 100 of which will be new jobs in Kent County. In addition the project will provide (inaudible) employment opportunities along with additional property tax revenue for Kent County, and other anticipated positive impact on the local economy. As a result the project is firmly aligned with the economic development goal of the Kent County Comprehensive Plan which itself identified a creation of local jobs as the biggest issue faced in Kent County and allow strength in the County economic base as the biggest threat to Kent County. The project is located within a County identified Employment Center intended for a creation of jobs such as those proposed here today. We are excited to present to you what we believe is a win/win project for NKS and Kent County. As I mentioned, the subject property is approximately 25.6 acres and it is currently unimproved land. North of the property are several nonresidential uses including a commercial tower, Paradise Nursery, and Kent Construction. Access to the proposed facility should be a West Big Woods Road. A minor subdivision plan and lot line adjustment was approved back in February which subdivided the original property into parcels you see before you today. An additional lot line adjustment plan will be pursued to tweak the existing lot line to allow for additional separation from the access driveway and the adjacent currently undeveloped parcels. This change will allow room for signage and other utility infrastructure. Now one thing I should point out from the Staff recommendation report, Staff did note it’s position that the proposed entrance for the project is 80 feet wide compared to a required 35 feet. We respectfully disagree with the Staff’s interpretation, but that said, we intend to continue that conversation as we work through the remaining lot line adjustment. The subject property is currently zoned general business so the property is properly zoned for the proposed warehouse distribution use, but with conditional use approval required. The property is located within a state investment level one and two area, this development is appropriate from State Planning prospective as well. (Inaudible) to offer context for property surrounding we have compiled pictures showing the character of the location. As I mentioned before the subject property is located between two heavily traveled roads Route 13 and Route 1, and it’s surrounded by nonresidential uses. The proposed building will be set back approximately 700 feet from West Big Woods Road. West Big Woods Road provides access to a mixture of residential and nonresidential properties. On the screen the first picture will provide a perspective in the direction of the yellow arrow that is shown on the screen. You can see a portion of Willis Chevrolet to the left; Route 1 is in the background. The next picture will show the perspective facing to the east. This next picture will show the perspective facing north. You can see the commercial tower I mentioned to the left of the screen; see a billboard in the far background. You have another perspective facing north. And here you can see Willis Chevrolet. This next perspective will be facing west. And you can see West Big Woods Road to the left of the screen with Route 13 in the far background. Another perspective facing west this time from Route 1. And this perspective facing east from Route 13. The commercial tower is now to the left of the screen and Willis Chevrolet to the right. This is an aerial picture of the nonresidential uses located to the north of the property. And lastly this is an aerial picture that shows property further to the south. The proposal is to construct an approximately 257,000 square foot distribution headquarters building. And the proposed building will be a fully enclosed climate controlled warehouse with associated office space, the property will be secure with fencing to separate the distribution work area from the public parking area. The fencing is shown on the screen as the little black dots if you can make them out, but they surround the building and the perimeter. The fully enclosed character of the warehouse will minimize impact on adjacent properties (inaudible/interference). All loading will occur indoors, and receiving will occur from (inaudible). Vehicles will be instructed to travel at low speeds while on site (interference) and to reduce vehicle noise. As
I mentioned NKS has been in the distribution business for over 70 years and they take their reputation seriously. That includes their reputation for being a good neighbor. We’re not aware of any complaints about their operations at either of their two current warehouse distribution facilities sending in excellent testimony to the effectiveness of their internal operation models. (Inaudible) lighting for the site is proposed to face inward so it will not face away from the subject property towards other properties. Del-DOT and Kent County Planning confirmed that this project does not require a Traffic Impact Study due to its low daily trip generation. Although Planning staff has confirmed the adequate public facilities ordinance requirements are met for this project. Separately, as part of this project the applicant will be making some improvements to West Big Woods Road including widening West Big Woods Road, and we anticipate installing a traffic signal at Route 13. The project team met with Del-DOT on an issue and discussion is ongoing as we work on the details of that process. Located to the northeast on the property is a landlocked parcel that contains the billboard I mentioned previously. This landlocked billboard parcel is owned by the Willis’ who also own the adjacent Willis Chevrolet Dealership. (Inaudible) as provide access to this billboard parcel an easement was recorded back in January providing the right to access this billboard parcel via the area shown on the screen by the yellow arrows. A gate with a locking device will be provided to allow access through the fence with proper notice to NKS. The proposed facility will feature modern architecture including stone and brick materials for the front portion of the structure. Abundant landscaping including 224 trees will complement the building material and architectural accents providing attractive aesthetic. This next rendered perspective shows the anticipated view from Route 1. This is a functioning warehouse distribution facility; the garage being an industrial element are inherent expected and are very much appropriate, but you can see how the landscaping is proposed to complement the design including along the front of the property in the rendering shown previously. We submit that this satisfies the intent behind the staff’s recommendation that on the front portion of the structure the aesthetic (inaudible). Regarding parking; there are 261 parking spaces provided which is three more spaces that the 258 parking spaces required by code as a result adequate offsite parking facilities will certainly be provided. Regarding stormwater management; a runoff retention pond wet pond facility is proposed to the southeast of the building, water runoff will be directed to this facility via a closed drainage system that is all around the entire facility consisting of underground piping and cascade. This wet pond facility is designed to accommodate the (inaudible) and 100 year storm event per the State Stormwater Management Regulation. And lastly regarding utility service; water service will be supplied by Artesian as was mentioned, and Kent County will provide sewer service at the property that was added to the sewer district just last month. With that Mr. Chairman I want to thank you for your time and our team will be happy to answer any questions.

Mr. Jester: Thank you very much I do appreciate your design and the flow that (inaudible) run around the building with that large building we get, hopefully you’ll never need fire service, but it does offer all kinds of benefits when you do that kind of flow design. Is there anybody else with your team that has anything that they’d like to say before I open it up for questions?

Mr. Hoffman: No we’re all standing by to answer questions. If I’m not able to field them they can offer greater detail.

Mr. Davis: I have a question or two; Mr. Hoffman I really like your information that was said, and I read it in detail today the PLUS letter about all the comments and how you responded to it, and I think you have a wonderful diagram here. I do have a couple questions, one of them is I think it stated in there that stormwater management pond will be part of a (inaudible) ditch and I guess my question is,
you just touched on it a few minutes ago, where’s the outflow going to go for that stormwater management pond, and does it tie into a ditch that would be part of that tributary or Leipsic river?

Mr. Hoffman: Certainly, one verification we have the wet pond system for our site runoff which will be separate from the existing swale. Your question (inaudible) tie together though let me punt that one over to Becker Morgan Group, Mike Riemann if you’d like to take that.

In Favor
Mike Riemann
309 S. Governors Ave.
Dover, DE

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

Mr. Riemann: I do. If you’re looking at the site plan that is on the screen right now you can see the blue that is the intended wet pond that will manage stormwater from our system. What the comment you are referring to was there is an existing ditch that currently traverses through the site which picks up drainage from the adjacent Willis Chevrolet property, and you can actually see that adjacent to the blue pond and that layered green kind of thin, I can’t control the mouse but if I could, that gray swale and light green adjacent to the pond. That’s the swale that, what we were referring to was we are having to relocate that swale so that we can continue to collect drainage from the Willis property and divert it around our (inaudible) so that we do not impede their drainage in any way. We then collect all of our drainage on site into the new stormwater facility is blue and then they both discharge to the east where there’s an existing stream (inaudible) in that location.

Mr. Davis: So I guess the question would be of me is does that stream, I think I read that it’s tied into the Leipsic River through the ditch process and ditches and things like that?

Mr. Riemann: Correct.

Mr. Davis: So you are basically going to be using swales to filter that out?

Mr. Riemann: We’re utilizing extended detention so one of the things that, in the new stormwater reg that were adopted just last year, DNREC created some stringent changes to the stormwater program one of which was changes the houses to the stormwater wet pond facilities are created and that’s one of the reasons this facility is actually much bigger, I mean if you noticed how much bigger that is it’s a pretty large facility because the amount of time that it will require to hold water and discharge what is called the RPV or the storm event also known as a volley storm event much longer now so we are using that pond facility to help with filtering out the water and allowing the (inaudible) to settle out prior to discharge.

Mr. Davis: Okay, now I do have another question, and I think Mr. Hoffman needs to answer this one here I guess. Are you there Mr. Hoffman? (Yes I’m here.) There was some comment about the Planning Staff, I guess, about the aesthetics of the building, and about the lack of windows. Is that been addressed, and what are you going to do about is?

Mr. Hoffman: Sure, the Planning Staff’s comment are referred to the rendering of the front portion of the building, that’s the building that would face Big Woods Road, and we did have the rendering here, that’s where a lot of the architectural elements
and material are incorporated so the brick and the stone, where we have the larger open spaces we will add landscaping that’s shown both on the aerial you can see here but then also the rendering that we previously provided, and so we submit that we have drafted the comment in way.

Mr. Davis: I thought I read staff that they could show me correct on this that they had a concern about the lack of windows in the building that would be facing the housing development.

Ms. Keifer: Mr. Davis we actually made those comments before we saw the renderings so (Okay) I think it’s fair to say they’ve come a long way to satisfy them.

Mr. Davis: Okay no problem, I just read that previously and I just wanted to get that clarified. Okay that’s all my questions then thank you very much.

In Favor
Representative Bill Carson

Mr. Carson: Thank you for allowing me to speak I would like to call to support this project 100%, it’s very good for Kent County. The project has been well laid out, the building is beautiful, and it’s a really clean industry that we’re looking out for Kent County, and I support it 100%.

In Favor
Linda Parkowski
Kent Economic Partnership

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

Ms. Parkowski: I do. I’m in support of the project, and Kent Economic Partnership is in support of the project. It would be able to get over 100 some jobs into Kent County is a wonderful thing especially in the times that we are going through now. And as Representative Carson said this is a nice clean industry, and we’re actually thrilled that anything that looked at Kent County for this project so in summary Kent Economic Partnership and probably almost all the Economic Development agencies and organizations in Kent County are in favor of this.

In Favor
Bill Willis
Willis Chevrolet

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

Mr. Willis: Yes sir I do. We have Willis Chevrolet, and we do own, well our children actually own the land that we are selling. My brother (inaudible), who is on the phone as well I think, we own 2%, and then his children own 48%, and our children own 48%, but we are in support of this project.

In Favor
Whitney Snow
684 Hay Point Landing Road
Smyrna, DE

Mr. Eliassen: Ms. Snow do you swear or affirm to tell the truth, the whole truth, and nothing but the truth?
Ms. Snow: Yes sir. I am speaking as a part owner of said lands and (inaudible), and we are very happy about this project. It will be a great addition for Kent County.

No one else on the phone to speak about this project, Public Hearing is now closed.
MEMORANDUM

Department of Finance
555 Bay Road
Dover, DE 19901
Phone: (302) 744-2386

TO: Levy Court Commissioners
    Mike Petit de Mange, County Administrator

FROM: Susan Durham, CPA
      Director of Finance

DATE: April 28, 2020

RE: DEADLINE EXTENSION FOR ELDERLY/DISABILITY EXEMPTION
    APPLICATION

Background

As per Kent County Code, Part II/Taxation Chapter 191 the County has an elderly exemption and disability program. The elderly program requirements are 65 years or older, owner of the residency in which the application references. The disability program requirements are "Totally disabled and able to document said disability by meeting the definition of "totally disabled" as defined by social security disability or by filing certified copies of award letters from government agencies indicating that the applicant is totally disabled. Both exemptions have a residency, ownership, and income requirement. The applications are required to be filed annually.

Action Required

The purpose of this memo is to request an extension of the application filing date for the elderly/disability exemption due to the impact of COVID-19. The current due date is no later than April 30, 2020. The request is to move the due date to no later than June 15, 2020.

On a side note the Senior School Tax credit deadline is also April 30, 2020. The action taken per this memo will not extend the deadline for those applications because the rules and regulations are established by the State of Delaware.
Memo to Levy Court Commissioners
RE: Extension of Elderly/Disability Application Due Date
April 28, 2020
Page 2

With the extension of the deadline it is anticipated the applicants will have questions and concerns about information they may not be able to include with the application because of the current circumstances created by the COVID-19 virus that we are all dealing with. Instead of anticipating the various questions in this memo, it would be better to post on the County website and through Kelly Pitts and social media contact information so their questions and concerns can be addressed. For anyone with questions about their taxes or other parts of the application we would ask that they please contact the Assessment Office at (302)744-2401. If no one answers, please leave a message and the Assessment Office will get back to them. Another option is to email your questions to Assessment@co.kent.de.us.

**Background**

As per Kent County Code, Part II/Taxation Chapter 191 the County has an elderly exemption and disability program. The elderly program requirements are 65 years or older, owner of the residency in which the application references. The disability program requirements are “Totally disabled and able to document said disability by meeting the definition of "totally disabled" as defined by social security disability or by filing certified copies of award letters from government agencies indicating that the applicant is totally disabled. Both exemptions have a residency, ownership, and income requirement. The applications are required to filed annually.

**MOTION:**

*I move to extend the due date of April 30, 2020 for the Elderly and Disability exemption applications to June 15, 2020.*
MEMORANDUM

TO: Levy Court Commissioners
VIA: Michael J. Petit de Mange, County Administrator
FROM: Allan Kujala, Personnel Director
SUBJECT: EMS union contract extension
DATE: April 24, 2020

Bargaining for a successor agreement between Kent County Levy Court and AFSCME Council 81 Local union 781 representing emergency medical services employees has been hampered by the ongoing COVID-19 pandemic response. The current contract is set to expire on June 30, 2020.

In light of continuing conditions, a one year extension of the agreement has been proposed with certain assurances.

If you have any questions, please contact us at 744-2311.

Recommended motion: I move to authorize the President of Levy Court and County Attorney to execute the Memorandum of Agreement as presented, which extends for one year the terms of the collective bargaining agreement with AFSCME Council 81 Local 781 representing emergency medical services employees.
TO: Levy Court Commissioners

FROM: Mike Petit de Mange, AICP
County Administrator

DATE: April 24, 2020

SUBJECT: FY 2021 General Fund Capital Projects

During the Budget Workshop held on Tuesday, April 21, 2020, Levy Court reviewed the proposed FY21 Budget along with the planned Capital Projects included. In light of the current pandemic crisis and the impact on revenues, Staff was directed to review the General Fund Capital Budget Project list and determine which projects are mission critical and those that could be postponed.

To that end, meetings were held with the leadership of each Department that have Capital Projects planned for FY21. As a result of these meetings the planned Capital Projects have been separated into three (3) distinct categories:

1) Mission Critical Projects – Immediate;
2) Priority Projects – Frozen Pending Authorization; and,
3) Postponed Projects – Moved to FY22.

Under this scenario, those projects listed as Mission Critical are budgeted and shall proceed to implementation upon adoption of the FY21 Budget. Projects listed as Priority Projects are also budgeted, but require further authorization by Levy Court prior to initiation in FY21. Postponed Projects will not be funded in FY21 and will be moved to the FY22 Budget for consideration at that time.

Attached is Table 1 (Fiscal Year 2021 General Fund Capital Projects – Revised Proposal) that reflects the breakdown of Capital Projects into these categories. You will see that thirteen (13) projects totaling $1,397,150 are identified as Mission Critical. Another ten (10) projects valued at $158,000 are proposed as Priority Projects to be frozen in the FY21 Budget. We propose to postpone fourteen (14) projects and to shift portions of two (2) fund allocations to FY22, thus reducing the overall FY21 General Fund Capital Projects Budget by $669,500.
Memo to Levy Court Commissioners  
RE: Proposed FY21 General Fund Capital Projects  
April 24, 2020  
Page 2

One project that I would like to draw to your attention is the Cardiac Monitor Replacement Project within the Department of Public Safety. The Draft FY21 Budget envisioned this project totaling $625,000 to be implemented roughly in halves in both FY21 ($332,500) and FY22 ($225,000) Budgets coupled with $ 67,500 budgeted in prior years. During the Budget Workshop of March 3, 2020, there was an expressed interest among Commissioners to complete this project in its entirety in FY21. To do that, we are showing the budget for this Project increasing by $225,000 in the FY21 Capital Budget to $557,500. It should also be noted that Staff is investigating a Lease Option for Cardiac Monitors and will determine whether a lease or purchase will best serve the interests of Kent County before proceeding.

I would also like to draw to your attention that we are proposing to move the ESRI GIS Hardware/Software Upgrade Project to FY22. In doing this, we are requesting an increase to the Information Technology Division Budget of $30,000 for ESRI GIS Consulting Services.

A revised FY21 Capital Projects Summary Table along with updated Revenue and Expense Budget Summary Tables are in process and will be forwarded to you on Monday, April 27, 2020 for your review.

Levy Court is scheduled to review this information during a Budget Workshop Session at the conclusion of the Business Meeting on Tuesday, April 28, 2020. Should you have any questions prior to the Workshop, please feel free to contact me.

Thank you.
<table>
<thead>
<tr>
<th>INFORMATION TECHNOLOGY</th>
<th>Mission Critical Projects</th>
<th>Priority Projects - Frozen</th>
<th>Moved to Out Year FY22</th>
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<tr>
<td>- Disaster Recover</td>
<td></td>
<td>$45,000</td>
<td>$ 25,000</td>
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<td>- Server/Hdwr/Stwtr Repl.</td>
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<td>$100,000</td>
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<td>- Department Upgrades</td>
<td>$ 76,750</td>
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<td>- IT Enterprise Solutions</td>
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<td>- County Website</td>
<td>$ 15,000</td>
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<td>- Data Line Comm. Upgrade</td>
<td>$ 50,000</td>
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<td>- Surveillance Repl/Enhncmt</td>
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<td>- ESRI Hdwr/Stwtr Upgrade</td>
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<td>COMMUNITY SERVICES</td>
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<td>- Brecknock Hist Str Fund</td>
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<td>- Sports Fields Irrigation Sys</td>
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<td>- Hunn Wildcat Hist Str Fund</td>
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<td>- Kesselring Park Development</td>
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<td>- Park Equipment:</td>
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<td>- 72” Zero Turn Mower</td>
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<td>- Compact Utility Tractor</td>
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<td>$ 12,500</td>
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<td>- Parks Vehicle ¾ Ton PU</td>
<td>$ 32,100</td>
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<td>- Parks Pavilions</td>
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<td>$ 15,000</td>
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<td>- Sealcoating/Restriping</td>
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<td>$ 10,000</td>
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<td>- Surveillance Cameras</td>
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<td>- Recreation Turf Field PA Sys</td>
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<td>- Library Carpet (Main Library)</td>
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<td>PLANNING SERVICES</td>
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<td>PUBLIC SAFETY</td>
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<td>- Fire/EMS Paging System</td>
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<td>- Cardiac Monitors</td>
<td>$557,500*</td>
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<td>- Radio Replacement</td>
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<td>- Vehicle/Conversion</td>
<td>$ 71,000 [one (1)]</td>
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<td>$ 71,000 [one (1)]</td>
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<td>- Generator Replacement</td>
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<td>ROW OFFICES</td>
<td>Mission Critical Projects</td>
<td>Priority Projects - Frozen</td>
<td>FY21 - Proposed Reductions^1</td>
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<td>- Sheriff Vehicle Replacement</td>
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<td>SPECIAL PROJECTS</td>
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<td>- Comm. Asst. Fund – Policy 30</td>
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<td>- Econ Dev – DDD Program</td>
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<td>- Econ Dev – Land Pur &amp; Constr</td>
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<td>- Econ Dev – Strategic Fund</td>
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<tr>
<td>- Equipment/Vehicle Replace</td>
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<td>$32,000</td>
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<tr>
<td>- Facilities Maintenance Fund</td>
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<td><strong>TOTALS</strong></td>
<td><strong>$1,417,150</strong></td>
<td><strong>$158,000</strong></td>
<td><strong>$669,500</strong></td>
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</table>

^1 Costs listed below reflect reductions from the amounts originally proposed for FY21. Planned out year amounts to remain unchanged.
<table>
<thead>
<tr>
<th>Department and Project Description</th>
<th>FY 2021 Estimated Costs</th>
<th>Reserve Transfer General Fund Contribution</th>
<th>Reserve Transfer General Fund RETT Contribution</th>
<th>Fees</th>
<th>Grant Funding</th>
<th>General Fund - Reserve Transfer Balance</th>
<th>Reserve Transfer GF Contribution Pending Final Approval in FY 2021</th>
<th>Total</th>
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<tbody>
<tr>
<td>Administration - Information Technology</td>
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<tr>
<td>Server/Hardware/Software Replacement</td>
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<td>For replacements due to unexpected hardware/software failures.</td>
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<td>Department Upgrades</td>
<td>76,750</td>
<td>76,750</td>
<td>76,750</td>
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<td>Replacement of outdated workstations. Review and</td>
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<td>recommend new computer hardware and software.</td>
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<td>Data Line Communication Upgrade</td>
<td>50,000</td>
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<td>Upgrade communications to Facilities which will provide 100 meg line.</td>
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<tr>
<td>Surveillance Replacement / Enhancement</td>
<td>10,000</td>
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<td>10,000</td>
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<td>Replace and enhance building surveillance.</td>
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<tr>
<td>Revamp County Website</td>
<td>15,000</td>
<td>15,000</td>
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<tr>
<td>Improvement to County Website</td>
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<tr>
<td>Administration - Information Technology</td>
<td>196,750</td>
<td>151,750</td>
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<tr>
<td>Department and Project Description</td>
<td>FY 2021 Estimated Costs</td>
<td>Reserve Transfer General Fund Contribution</td>
<td>Reserve Transfer RETT Contribution</td>
<td>Fees</td>
<td>General Fund - Reserve Transfer Balance</td>
<td>Reserve Transfer GF Contribution</td>
<td>Pending Final Approval in FY 2021</td>
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<td><strong>Community Services - Parks</strong></td>
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<tr>
<td>Parks Equipment</td>
<td>10,000</td>
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<tr>
<td>72inch Zero Turn Trim Mower (Browns Branch)</td>
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<td>Parks Vehicle</td>
<td>32,100</td>
<td>32,100</td>
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<td>32,100</td>
<td>32,100</td>
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<tr>
<td>New 3/4 Ton Truck</td>
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<tr>
<td>Surveillance Cameras (All Parks)</td>
<td>20,000</td>
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<td>20,000</td>
<td>20,000</td>
<td>20,000</td>
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<tr>
<td>To provide surveillance cameras at County owned parks</td>
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<td><strong>Total Community Services</strong></td>
<td>62,100</td>
<td>32,100</td>
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<td>30,000</td>
<td>62,100</td>
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<td><strong>Planning - Inspections &amp; Enforcement</strong></td>
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<tr>
<td>Vehicle Replacement</td>
<td>24,000</td>
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<td>24,000</td>
<td>24,000</td>
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<tr>
<td>Replacement of vehicle with high mileage and mechanical issues</td>
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<td><strong>Total Planning</strong></td>
<td>24,000</td>
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### Fiscal Year 2021 General Fund Capital Projects

<table>
<thead>
<tr>
<th>Department and Project Description</th>
<th>FY 2021 Estimated Costs</th>
<th>Reserve Transfer General Fund Contribution</th>
<th>Reserve Transfer General Fund RETT Contribution</th>
<th>Fees</th>
<th>Grant Funding</th>
<th>General Fund - Reserve Transfer Balance</th>
<th>Reserve Transfer GF Contribution Pending Final Approval in FY 2021</th>
<th>Total</th>
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<tbody>
<tr>
<td><strong>Public Safety - Emergency Communications Division</strong></td>
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<tr>
<td>Fire/EMS Paging System Replacement</td>
<td>350,000</td>
<td>350,000</td>
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<tr>
<td>Replacement of Fire/EMS paging transmitters. Third installment of total to be funded over four years.</td>
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<tr>
<td>Cardiac Monitors</td>
<td>557,500</td>
<td>557,500</td>
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<td>557,500</td>
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<tr>
<td>This project supplements existing inventory of multi-functional cardiac monitor/pacemaker/defibrillator</td>
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<tr>
<td>Radio Replacement</td>
<td>9,000</td>
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<td>9,000</td>
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<td>Replace final two of twenty six portable radios due to rebanding</td>
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<td>Vehicle/Conversion - Emergency Response Unit Replacement</td>
<td>71,000</td>
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<td>71,000</td>
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<td>Replace one emergency response vehicles. Includes conversion of vehicle to emergency medical response unit</td>
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<td><strong>Public Safety Headquarters</strong></td>
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<td>Building Generator Replacement</td>
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<td>84,800</td>
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<td>Building Generator for Public Safety building</td>
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<tr>
<td><strong>Total Public Safety</strong></td>
<td>1,072,300</td>
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<td>978,500</td>
<td>-</td>
<td>84,800</td>
<td>-</td>
<td>9,000</td>
<td>1,072,300</td>
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<table>
<thead>
<tr>
<th>Fiscal Year 2021 General Fund Capital Projects</th>
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<tr>
<td>Vehicle Replacement</td>
<td>20,000</td>
<td>20,000</td>
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<tr>
<td>Replacement of vehicle with high mileage and choosing an SUV vs. car or truck</td>
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<tr>
<td><strong>Total Sheriff Department</strong></td>
<td>20,000</td>
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## Fiscal Year 2021 General Fund Capital Projects

<table>
<thead>
<tr>
<th>Department and Project Description</th>
<th>FY 2021 Estimated Costs</th>
<th>Reserve Transfer General Fund Contribution</th>
<th>Reserve Transfer General Fund RETT Contribution</th>
<th>Fees</th>
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<td>Community Projects Assistance Fund (Policy 30)</td>
<td>50,000</td>
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<td>50,000</td>
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<tr>
<td>Funding source to be used at the discretion of Kent County Levy Court to provide limited capital financing assistance to non-County owned Capital Projects that Kent County Levy Court, by majority vote, has determined to be of significant public benefit and importance to the citizens of Kent County</td>
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<td>Economic Development - Downtown Development Districts</td>
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<td>25,000</td>
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<tr>
<td>To increase funding available for matching grants in designated areas</td>
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<tr>
<td>Economic Development - Land Acquisition &amp; Construction</td>
<td>25,000</td>
<td>25,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>25,000</td>
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<tr>
<td>To increase land acquisition and construction funding</td>
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<td></td>
<td></td>
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<tr>
<td>Economic Development - Strategic Development</td>
<td>50,000</td>
<td>50,000</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50,000</td>
</tr>
<tr>
<td>To increase strategic development funding</td>
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<td></td>
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<td></td>
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<tr>
<td>Facilities</td>
<td>50,000</td>
<td>50,000</td>
<td></td>
<td></td>
<td></td>
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<td>50,000</td>
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<tr>
<td>Provide upgrades, repairs, furniture, and equipment for the County Complex, Emergency Services Buildings and the Library</td>
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<tr>
<td>Total Special Projects</td>
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<td>50,000</td>
<td>100,000</td>
<td></td>
<td></td>
<td>50,000</td>
<td></td>
<td>200,000</td>
</tr>
<tr>
<td>Total</td>
<td>1,575,150</td>
<td>233,850</td>
<td>1,078,500</td>
<td>20,000</td>
<td>84,800</td>
<td>50,000</td>
<td>108,000</td>
<td>1,575,150</td>
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</table>
With the recommended changes to Capital Projects and items discussed on 4/21/20 Levy Court Meeting with consensus the General Fund Expense Summary is adjusted as follows

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total General Fund Expenses March Book</td>
<td>$33,203,800.00</td>
</tr>
<tr>
<td>Reduced Capital Projects - See Revised CP Worksheet</td>
<td>(594,500.00)</td>
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<tr>
<td>Increased Capital Projects EMS Cardiac Monitors</td>
<td>225,000.00</td>
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<tr>
<td>Reduced Contingency</td>
<td>(384,100.00) *</td>
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<tr>
<td>Increased Pension Estimate</td>
<td>9,000.00</td>
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<tr>
<td>Removed Pay Study Raising to Minimum</td>
<td>(87,900.00)</td>
</tr>
<tr>
<td>Reduced Pay Study Implementation Step Placement</td>
<td>(137,100.00)</td>
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<tr>
<td>Correct Park Naturalist PPA Estimate</td>
<td>(25,000.00)</td>
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<tr>
<td>Added COLA 1%</td>
<td>125,800.00</td>
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<tr>
<td>Increase Community Service Grant - Code Purple</td>
<td>1,000.00</td>
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<tr>
<td>Increase Information Technology Budget -Consulting Fees</td>
<td>30,000.00</td>
</tr>
<tr>
<td><strong>Revised Estimated Budget</strong></td>
<td><strong>$32,366,000.00</strong></td>
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</tbody>
</table>

* Contingency was reduced by the open space preservation of $200,000 and the PPAs of $184,100
With the recommended changes to Capital Projects and items discussed on 4/21/20 Levy Court Meeting with consensus the General Fund Expense Summary is adjusted as follows

<table>
<thead>
<tr>
<th>Capital Projects</th>
<th>Total Capital Projects Expenses March Book</th>
<th>2,019,650</th>
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</thead>
<tbody>
<tr>
<td><strong>Information Technology</strong></td>
<td></td>
<td></td>
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<tr>
<td>Disaster Recover</td>
<td>(25,000)</td>
<td></td>
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<tr>
<td>I.T Enterprise Solutions</td>
<td>(100,000)</td>
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</tr>
<tr>
<td>ESRI Hardware/Software Upgrade</td>
<td>(56,000)</td>
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<td><strong>Community Services</strong></td>
<td></td>
<td></td>
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<tr>
<td>Brecknock Historic Structure Fund</td>
<td>(10,000)</td>
<td></td>
</tr>
<tr>
<td>Sports Field Irrigation System</td>
<td>(40,000)</td>
<td></td>
</tr>
<tr>
<td>Hunn Wildcat Historic Structure Fund</td>
<td>(10,000)</td>
<td></td>
</tr>
<tr>
<td>Kesselring Park Development Fund</td>
<td>(75,000) **</td>
<td></td>
</tr>
<tr>
<td>Compact Utility Tractor</td>
<td>(12,500)</td>
<td></td>
</tr>
<tr>
<td>Parks Pavilions</td>
<td>(15,000)</td>
<td></td>
</tr>
<tr>
<td>Parks Sealcoating/Restriping</td>
<td>(10,000)</td>
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</tr>
<tr>
<td>Recreation Turf Field PA System</td>
<td>(25,000)</td>
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</tr>
<tr>
<td>Library Carpet</td>
<td>(38,000)</td>
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<tr>
<td><strong>Public Safety</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>EMS Vehicle and Conversion</td>
<td>(71,000)</td>
<td></td>
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<tr>
<td><strong>Special Projects</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Economic Development - DDD Grant Program</td>
<td>(75,000)</td>
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<tr>
<td>Economic Development - Land Purchase</td>
<td>(75,000)</td>
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<tr>
<td>Equipment/Vehicle Replacement</td>
<td>(32,000)</td>
<td></td>
</tr>
<tr>
<td><strong>Total Reduction To Capital Projects</strong></td>
<td></td>
<td>(669,500)</td>
</tr>
</tbody>
</table>

| Additions to Capital Projects | | |
| Increased EMS Cardiac Monitors | 225,000 | |

| Total Revised Capital Projects | | 1,575,150 |

** The $75,000 funding for Kesselring Park Development was from Capital Projects "Contingency".
The Capital Projects Contingency come from other capital projects that come under budget and the remaining funds are moved into a contingency fund.
<table>
<thead>
<tr>
<th>Revenue Description</th>
<th>Actual FY 2018</th>
<th>Actual FY 2019</th>
<th>Adopted FY 2020</th>
<th>Amended FY 2020</th>
<th>Adopted FY 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Taxes</strong></td>
<td></td>
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<tr>
<td>Property Taxes - Current</td>
<td>10,575,526</td>
<td>10,844,121</td>
<td>10,846,300</td>
<td>10,846,300</td>
<td>11,200,000</td>
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<tr>
<td>Property Taxes - Delinquent</td>
<td>203,450</td>
<td>235,350</td>
<td>180,000</td>
<td>180,000</td>
<td>210,000</td>
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<tr>
<td>Library Tax - Current</td>
<td>694,658</td>
<td>712,886</td>
<td>701,000</td>
<td>701,000</td>
<td>715,000</td>
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<tr>
<td>Library Tax - Delinquent</td>
<td>16,210</td>
<td>14,675</td>
<td>14,500</td>
<td>14,500</td>
<td>14,500</td>
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<tr>
<td>Suburban Parks - Current</td>
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<td>15,548</td>
<td>15,300</td>
<td>15,300</td>
<td>15,300</td>
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<tr>
<td>Suburban Parks - Delinquent</td>
<td>56</td>
<td>79</td>
<td>100</td>
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<td>100</td>
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<td>Real Estate Transfer Tax</td>
<td>5,472,284</td>
<td>5,405,493</td>
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<td>5,500,000</td>
<td>5,650,000</td>
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<td>Telephone Tax</td>
<td>270,015</td>
<td>270,015</td>
<td>270,000</td>
<td>270,000</td>
<td>270,000</td>
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<td>Penalty &amp; Interest</td>
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<td>117,255</td>
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<td>115,000</td>
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<td><strong>Total Tax Revenue</strong></td>
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<td>17,815,422</td>
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<td>17,642,200</td>
<td>18,189,900</td>
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<td><strong>Payment in Lieu Of Taxes</strong></td>
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<td>9,114</td>
<td>13,000</td>
<td>13,000</td>
<td>10,000</td>
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<td><strong>Federal Grants</strong></td>
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<tr>
<td>Emergency Management Planning Grant</td>
<td>156,587</td>
<td>189,897</td>
<td>140,000</td>
<td>194,200</td>
<td>181,300</td>
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<td>LEPC State Grant</td>
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<td>67,200</td>
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<td>DEMA Special Projects Grants</td>
<td>15,571</td>
<td>2,776</td>
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<td>18,331</td>
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<td>162,835</td>
<td>168,439</td>
<td>168,400</td>
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<td>176,300</td>
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<td><strong>Fees for Services</strong></td>
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<td>Animal Fines</td>
<td>253</td>
<td>972</td>
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<td>Building Entrance ID's Fees</td>
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<td>EEDC Rental Space</td>
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<td>Non-Photo ID Fees</td>
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<td>6,080</td>
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<td>3,800</td>
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<td>Information Technology Fees</td>
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<td>Return Check Fees</td>
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<td>1,500</td>
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<td>Manufactured Housing Letter Fees</td>
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<td>15,180</td>
<td>14,200</td>
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<td>Assessment Office Fees</td>
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<td>516</td>
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<td>Park Rental Fees</td>
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<td>Donation - P &amp; R</td>
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<td>Recreation Fees</td>
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<td>Recreation CAM Fees</td>
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<td>27,000</td>
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<td>Library Room Rental Fees</td>
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<td>240</td>
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<td>Library Fines</td>
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<td>Library Materials Replacement Fees</td>
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<td>Tax Mapping Fees</td>
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<td>1,192</td>
<td>1,000</td>
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<td>1,200</td>
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<td>Street Addressing Fees</td>
<td>16,125</td>
<td>14,700</td>
<td>16,000</td>
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<td>Inspections &amp; Enforcement Fees</td>
<td>1,353,110</td>
<td>1,336,008</td>
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<td>Housing Demolition Reimbursement</td>
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<td>26,130</td>
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</tr>
<tr>
<td>Revenue Page 2</td>
<td>Actual FY 2018</td>
<td>Actual FY 2019</td>
<td>Adopted FY 2020</td>
<td>Amended FY 2020</td>
<td>Adopted FY 2021</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------</td>
<td>---------------</td>
<td>-----------------</td>
<td>----------------</td>
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<td>Grass Cutting Reimbursement</td>
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<td>Code Enforcement Fines</td>
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<td>Manufactured Housing Demo, Reimb.</td>
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<td>Planning Forms/Documents Fees</td>
<td>642</td>
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<td>600</td>
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<td>Planning/Zoning Applications Fees</td>
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<td>17,000</td>
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<td>Planning Copy Fees</td>
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<td>81</td>
<td>100</td>
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<td>100</td>
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<td>HOA Administrative Fee</td>
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<td>6,000</td>
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<td>Storm-water Management Fees</td>
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<td>4,454</td>
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<td>7,300</td>
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<td>CDBG Bid Packet Fees</td>
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<td>1,392</td>
<td>6,879</td>
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<tr>
<td>Public Safety Training Center Fees</td>
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<td>1,392</td>
<td>6,879</td>
<td>6,700</td>
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</tr>
<tr>
<td>Paramedic Fees - Special Events</td>
<td>112,367</td>
<td>96,117</td>
<td>90,000</td>
<td>90,000</td>
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</tr>
<tr>
<td>Dispatch Fees - Special Events</td>
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<td>20,401</td>
<td>22,000</td>
<td>22,000</td>
<td>19,000</td>
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<td>Clerk of the Peace Fees</td>
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<td>76,680</td>
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<td>70,000</td>
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<tr>
<td>Marriage Ceremony Fees</td>
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<td>22,850</td>
<td>25,000</td>
<td>25,000</td>
<td>23,000</td>
</tr>
<tr>
<td>Monitons Expenses Reimbursements</td>
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<td>57,485</td>
<td>55,000</td>
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<td>County Monitons Fees</td>
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<td>2,754,160</td>
<td>2,800,000</td>
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<td>64,808</td>
<td>75,000</td>
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<td>15,000</td>
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<td>14,000</td>
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<td>100,000</td>
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<td>Recorders Maintenance Fees</td>
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<td>22,000</td>
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<tr>
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<td>Deeds Internet Fees</td>
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<td>Wills Copy Fees</td>
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### Rental Income

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<thead>
<tr>
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<th>Actual FY 2018</th>
<th>Actual FY 2019</th>
<th>Adopted FY 2020</th>
<th>Amended FY 2020</th>
<th>Adopted FY 2021</th>
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</thead>
<tbody>
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<td>911 Center</td>
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### Employee Pension Withholding

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<th>Actual FY 2019</th>
<th>Adopted FY 2020</th>
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<th>Adopted FY 2021</th>
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<tbody>
<tr>
<td>142,779</td>
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### Interest Income

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<th>Actual FY 2018</th>
<th>Actual FY 2019</th>
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<td>989,314</td>
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### Other Revenues

<table>
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<th>Actual FY 2018</th>
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<th>Adopted FY 2020</th>
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<td>55,833</td>
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### Beginning Balance Transfer

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<tr>
<td>602,377</td>
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### Transfer General Fund Policy 30

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<thead>
<tr>
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<tr>
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### Reserve Transfer General Fund For Operating Expenses

<table>
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<th>Actual FY 2019</th>
<th>Adopted FY 2020</th>
<th>Amended FY 2020</th>
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<td>186,300</td>
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### Reserve Transfer General Fund for Capital Projects

<table>
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<tr>
<td>25,000</td>
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### Reserve Transfer General Fund RETT for Capital Projects

<table>
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<tr>
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<tbody>
<tr>
<td>869,000</td>
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### Total Revenues

<table>
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<tr>
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<th>Actual FY 2018</th>
<th>Actual FY 2019</th>
<th>Adopted FY 2020</th>
<th>Amended FY 2020</th>
<th>Adopted FY 2021</th>
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<tr>
<td>28,713,399</td>
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<td>31,608,400</td>
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<td>Adopted FY 2020</td>
<td>Amended FY 2020</td>
<td>Adopted FY 2021</td>
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<tr>
<td>-------------------------</td>
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<tr>
<td><strong>Departmental Expenditures</strong></td>
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<td><strong>Unrestricted Funds</strong></td>
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<tr>
<td>Administration</td>
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<td><strong>Special Grants and Programs</strong></td>
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<td>Less: Indirect Cost Allocation</td>
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<td>(5,707,091)</td>
<td>(6,532,100)</td>
<td>(6,532,100)</td>
<td>(6,532,100)</td>
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<td>Capital Projects Fund</td>
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<td>Sheriff Auction Fees</td>
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<td>Recorder of Deeds Fees</td>
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<td>Reserve Transfer General Fund to Capital Projects</td>
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<td>2,381,900</td>
<td>2,585,116</td>
<td>1,875,150</td>
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<tr>
<td><strong>Sub-Total Expenditures</strong></td>
<td>25,754,062</td>
<td>29,056,748</td>
<td>31,608,400</td>
<td>32,302,778</td>
<td>31,071,300</td>
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<tr>
<td><strong>Additional Expenses</strong></td>
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<tr>
<td>Health Insurance Increase Assuming NO Change 7.1% Increase</td>
<td>-</td>
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<tr>
<td>Estimated Pension Increase</td>
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<tr>
<td>Estimated OPEB Increase (Assuming NO Change)</td>
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<tr>
<td>COLA 1% Increase</td>
<td>-</td>
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<td>125,800</td>
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<tr>
<td>Sub-Total Open Items</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>1,294,700</td>
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<tr>
<td><strong>Total Expenditures and Open Items</strong></td>
<td>25,754,062</td>
<td>29,056,748</td>
<td>31,608,400</td>
<td>32,302,778</td>
<td>32,366,000</td>
</tr>
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