

# KENT COUNTY LEVY COURT MEETING NOTICE AND AGENDA

Kent County Administrative Complex

555 Bay Road Dover DE 19901

Tuesday September 28, 2021

Levy Court Chamber (Room 203)

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*Commissioners will meet in the Levy Court Chamber. While the public is welcome to attend, attendance can also be by calling in or virtual:*

**Join from the meeting link**

<https://kentcountyde.webex.com/kentcountyde/j.php?MTID=m251cb5838465b32d7568366ea3869fe0>

**By Phone by calling:** +1-408-418-9388 United States Toll

Meeting number (access code): 173 700 7551

Meeting password: “#”

## 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 21-08**

*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.*

- **Committee Meeting Items from September 21<sup>st</sup>:**

- *Milford Senior Center Project, Potential Policy 30 Grant*
- *Air System Optimization & Plant-wide Standby Power Project Engineering Services Agreement Contract Amendment – Hazen Sawyer*

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## PRESENTATIONS:

1. Employee of the Month for October

## INTRODUCTIONS

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## **PUBLIC HEARINGS**

### **PETITIONS FOR CONDITIONAL USE APPROVAL:**

#### **Mr. Sweeney:**

1. **Application #:** C-21-03; **Applicant & Owner:** Robert & Grace Ongaco; **Zoning District / Proposed Use:** RMH (Residential Manufactured Home) /Home Occupation; **Area & Location / ID#:** 0.34 +/- acres on the east side of Cypress Drive, approx. 213 ft. north of Carter Road, northwest of Magnolia / NM-00-095.20-01-17.00-000

### **PETITIONS FOR CONDITIONAL USE REQUIRING SITE PLAN APPROVAL:**

#### **Mr. Howell:**

1. **Application # / Name:** CS-21-02 J&J Contracting, Inc.; **Applicant / Owner:** John W. & June A. Bubniak; **Zoning District / Proposed Use:** BG (General Business) / Existing Contractors Establishment Expansion; **Area & Location / ID#:** 3.66 +/- acres on the east side of S. DuPont Highway (US Rt. 13), approx. 1,205 ft. north of Andrews Lake Rd. (CR 380), northeast of Felton / SM-00-129.00-02-12.04-000

#### **Mr. Sweeney:**

1. **Application # / Name:** CS-21-03 / Dover Fast Food Restaurant; **Applicant / Owner:** Cato Inc.; **Zoning District / Proposed Use:** BG (General Business) / Restaurant with Drive Thru; **Area & Location / ID#:** 2.723+/- acres (combined) on the southeast side of S. Lebanon Road, approx. 380' west of Bay Road and approx. 625' northeast of Pine Cabin Road, west of Dover / ED-00-086.16-03-03.00-000 & ED-00-086.16-03-04.01-000

#### **Mr. Buckson:**

1. **Application # / Name:** CS-21-04 / Porter Sand & Gravel – Mining; **Applicant / Owner:** Porter Sand & Gravel, Inc.; **Zoning District / Proposed Use:** AC (Agricultural Conservation) / Extractive Commercial Use (Level 2); **Area & Location / ID#:** 77.74 +/- acres at the intersection of Sandbox Rd., and Killens Pond Rd., northeast of the City of Harrington / MD-00-161.00-01-42.00-000
2. **Application # / Name:** CS-21-05 / Porter Sand & Gravel – Mulching; **Applicant / Owner:** Porter Sand & Gravel, Inc.; **Zoning District / Proposed Use:** AC (Agricultural Conservation) / Mulching Operation; **Area & Location / ID#:** 99.4 +/- acres 638 ft. west of the intersection of Sandbox Rd. (Co. Rd. 398), and Cloverfield Lane (Co. Rd. 397), northeast of the City of Harrington/ MD-00-161.00-01-40.00-000

#### **Mrs. Masten:**

1. **Application # / Name:** CS-21-06 / FPS Cedar Creek Solar; **Applicant / Owner:** FPS Cedar Creek Solar LLC / The Piney Cedar Trust c/o Dr. Richard Peoples & James C. Jr. & Cheryl A. Knotts; **Zoning District / Proposed Use:** AC (Agricultural Conservation) / Solar Farm / Public Utility; **Area & Location / ID#:** Combined total of 528.66+/- acres: on the north side of Lighthouse Rd. (CR 82), and the north side of Woodland Beach Rd (CR 9), east of the Town of Smyrna/ DC-00-003.00-01-14.00-000, DC-00-003.00-01-16.00 & DC-00-003.00-01-28.00-000

## **CLOSE PUBLIC HEARINGS**

## **OLD BUSINESS**

## **NEW BUSINESS**

### **Mr. Howel:**

1. Paris Villa / London Village Septic Elimination Project – Authorize Acceptance of USDA Letter of Conditions

### ***Introduction of the following Resolutions for Garbage and Street Light Districts for Public Hearing on Tuesday, October 12, 2021 at 7:00PM:***

#### **Mrs. Masten:**

1. Introduction of **Resolution 3898**: A Resolution Establishing Auburn Meadows (aka Auburn Square) Street Light District No. 187
2. Introduction of **Resolution 3899**: A Resolution Establishing Auburn Meadows (aka Auburn Square) Garbage Collection District No. 187

#### **Mr. Sweeney:**

1. Introduction of **Resolution 3895**: A Resolution Establishing Loganberry Village Street Light District No. 186
2. Introduction of **Resolution 3896**: A Resolution Establishing Loganberry Village Garbage Collection District No. 186
3. Introduction of **Resolution 3888**: A Resolution Adding Yard Waste Collection to Pinehurst Village Garbage Collection District No. 127

### ***End of Garbage and Street Light District resolution introductions.***

## **OTHER BUSINESS**

1. Move to go into Executive Session immediately following the Business Meeting for preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session regarding collective bargaining or pending or potential litigation; and personnel matters pursuant to 29 Del.C. 10004(b)(2), (4), and (9)
2. Move to go into Executive Session immediately following the Committee Meetings of October 5, 2021 for preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session regarding collective bargaining or pending or potential litigation; and personnel matters pursuant to 29 Del.C. 10004(b)(2), (4), and (9)

## **INFORMATION ITEMS**

## **PUBLIC COMMENTS**

## **COMMISSIONERS' COMMENTS**

**ADJOURN**

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**EXECUTIVE SESSION**

Immediately following the Business Meeting  
Caucus Room

For preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session regarding collective bargaining or pending or potential litigation; and personnel matters

Pursuant to 29 Del.C. 10004(b)(2), (4), & (9)

**Posted: 9/21/21**

**Revised: 9/28/21**

**Posted by: L. Tanaka**

**Time: 11:10AM**

**Take down: Upon Replacement or on 9/29/21**

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.