

KENT COUNTY LEVY COURT MEETING NOTICE AND AGENDA
Kent County Administrative Complex
555 Bay Road Dover DE 19901
Tuesday, September 27, 2022
Levy Court Chamber (Room 203)

Commissioners will meet in the Levy Court Chamber. The public is welcome to attend in person or via WebEx. Thank you.

Join the meeting via WebEx by going to:

<https://kentcountyde.webex.com/kentcountyde/j.php?MTID=mb5be1b37cbbf8809edf94daf921c9a4b>

or

By phone, by calling 1-408-418-9388

Meeting number (access code): 2342 429 6539

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 22-11

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 20th:

- *Rate Increase for Paramedics at Special Events (MOU/Mass Gatherings and Temporary Employee Hourly Increase/Dept. of Public Safety)*
- *Project Manager for 911 Center Upgrades*

PRESENTATIONS:

1. Resolution 3951 – Retirement of Kevin L Curtis
 2. Resolution 3952 – Retirement of Barbara A. Gibbs
 3. Employee of the Month for October 2022
 4. NACo 2022 Achievement Award – Kent County
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PUBLIC HEARINGS

FY23 DTC REIMBURSABLE TRANSPORTATION BUDGET
FOR SENIOR TRANSPORTATION SERVICES:

Mrs. Masten:

1. **Resolution 3955**, FY23 Delaware Transit Corporation Reimbursable Transportation Budget

PUBLIC HEARINGS, continued

**ORDINANCE AUTHORIZING ISSUANCE OF KENT COUNTY
GENERAL OBLIGATION BOND**

Mrs. Masten, continued

2. **Ordinance LC22-19**, An Ordinance authorizing the issuance of a Kent County General Obligation Bond in an amount not to exceed \$17,000,000 for the Biosolids Capacity Expansion Project and authorizing all necessary actions in connection therewith

PETITIONS FOR CONDITIONAL USE REQUIRING SITE PLAN APPROVAL:

Mr. Howell:

1. **Application # / Name:** CS-22-04 / American Holly Solar Farm; **Applicant / Owner:** American Holly Solar Farm, LLC c/o Yannick Tamm / Robert Parnell; **Zoning District / Proposed Use:** AC (Agricultural Conservation) / Public Utility; **Area & Location / ID#:** 151.08 +/- total acres (Conditional Use Area 25.58 + acres) located on the south side of Burnite Mill Road, approximately 3,252 ft. east of Black Swamp Road, and approximately 1,288 ft. west of Hopkins Cemetery Road, west of Felton / SM-00-137.00-01-26.00-000
2. **Application # / Name:** CS-22-05 / Lady Bug Solar; **Applicant / Owner:** Lady Bug Solar Farm, LLC c/o Jeff Machiran / Jason and Caroline Evans; **Zoning District / Proposed Use:** AR (Agricultural Residential District) / Public Utility; **Area & Location / ID#:** 148.65 +/- total acres (Conditional Use Area 24.17 + acres) located on the south side of Sudlersville Road, approximately 2,886 ft. east of Downs Chapel Road, and approximately 3,255 ft. west of Owls Nest Road, west of Kenton / KH-00-043.00-02-79.00-000
3. **Application # / Name:** CS-22-06 / Grey Fox Solar Farm; **Applicant / Owner:** Grey Fox Solar Farm, LLC c/o Yannick Tamm / Marshall & Gale Anthony; **Zoning District / Proposed Use:** AR (Agricultural Residential District) / Public Utility; **Area & Location / ID#:** 87.65 +/- total acres (Conditional Use Area 21.96 + acres) located on the northwest side of Brownsville Road, approximately 1,916 ft. west of Fox Hunters Road, and approximately 9,111 ft. east of Red Bird Lane, west of Harrington / MN-00-168.00-01-37.00-000

KENT COUNTY ORDINANCES:

Mrs. Masten/Mr. Angel:

1. **Ordinance LC22-16, Community Solar Definition.** An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article II Definitions, §205-6 Definitions to delete the reference to regulation by the Public Service Commission in the definition of Community Energy-Generating Facility and add the maximum size of 50 acres.

PUBLIC HEARINGS, continued

Mrs. Masten/Mr. Angel, continued

2. **Ordinance LC22-12, Solar Facilities.** An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article V Agricultural Conservation District, §205-48, Conditional Uses; Article VI Agricultural Residential District §205-64, Conditional Uses; Article XXI Conditional Uses, §205-363.1 Utility Solar Facility; Article XXI Conditional Uses, §205-365 Table of Conditional Uses, and Article XXVII, Supplementary Regulations §205-397.9 Community Energy Generating Facility in order to eliminate Utility Solar Facility as a conditional use in the Agricultural Conservation and Agricultural Residential zoning districts, establish a limit of one Community Energy Generating Facility per parcel, and establish an expiration date for approved Community Energy Generating Facility projects

CLOSE PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

Mr. Sweeney:

1. Appointment to Dover/Kent County Metropolitan Planning Organization-Public Advisory Committee (Dover/Kent MPO-PAC)

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 4, 2022, for preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session regarding collective bargaining or pending or potential litigation; and personnel matters pursuant to 29 Del.C. 10004(b)(2), (4), and (9)

INFORMATION ITEMS

PUBLIC COMMENTS

COMMISSIONERS' COMMENTS

ADJOURN

EXECUTIVE SESSION

Immediately following the Business Meeting
Caucus Room

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

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

Posted: 9/20/22

Revised: 9/23/22

Posted by: L. Tanaka

Time: 10:30 AM

Take down: Upon Replacement or on 09/28/22

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.