

Kent County Levy Court Combined Meeting Notice and Agenda
Kent County Administrative Complex
555 Bay Road, Dover, DE
Levy Court Chamber, Room 203
Tuesday, February 28, 2023

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

Approval of Levy Court Special Business Meeting Minutes of Tuesday, February 7, 2023

PRESENTATIONS:

1. Delaware Electric Cooperative Capital Credit Check Presentation to the Levy Court
2. Resolution 3975, March 2023 Brain Injury Awareness Month
3. Resolution 3976, Retirement of Marty Hayes
4. Tribute to William A. Yonker, Regional Sewer Advisory Board Member
5. Employee of the Month for March 2023
6. Black History Month Recognition

INTRODUCTIONS

PUBLIC HEARINGS

RESOLUTIONS EXTENDING THE KENT COUNTY
STORMWATER MAINTENANCE DISTRICT

Mr. Angel:

1. **Resolution 3973**, A Resolution to Extend the Kent County Stormwater Maintenance District pursuant to Chapter 52, Title 9 of the Delaware Code and Section 90.4.E(10), Chapter 187 of the Kent County Code "Parkers Run"

PUBLIC HEARINGS, continued

**RESOLUTIONS EXTENDING THE KENT COUNTY
STORMWATER MAINTENANCE DISTRICT**, continued

Mrs. Masten:

1. **Resolution 3974**, A Resolution to Extend the Kent County Stormwater Maintenance District pursuant to Chapter 52, Title 9 of the Delaware Code and Section 90.4.E(10), Chapter 187 of the Kent County Code "Ashland"

PETITIONS FOR CONDITIONAL USE APPROVAL:

Mr. Sweeney:

1. **Application #:** C-23-01; **Applicant & Owner:** E. Evens Community Solar Initiative, LLC & William Edgar Dill, Jr., James N. Dill, Wanda J. Stevens, and Robert S. Dill; **Zoning District / Proposed Use:** AR (Agricultural Residential) / Community Energy Generating Facility; **Area & Location / ID#:** 5.8 +/- acres (Project Area = 4.69 + acres – est.) located on the north side of E. Evens Road, approx. 2,036' west of S. Dupont Highway and approx. 1,416' east of S. Main Street, east of and adjacent to Viola / NM-00-120.00-02-11.00-000

Mr. Hertz:

1. **Application #:** C-23-02; **Applicant & Owner:** Lance Moffa & Suburban Propane, L.P.; **Zoning District / Proposed Use:** BG (General Business), IL (Limited Industrial) & IG (General Industrial) / Pawn Shop in BG; **Area & Location / ID#:** 3.4 +/- acres located on the west side of S. Dupont Hwy. (DE Rt. 13), approx. 90' north of Fairground Rd., south of Harrington/ MN-00-179.00-02-65.00-000

PETITIONS TO AMEND COMPREHENSIVE PLAN MAP AND ZONING MAP:

Mr. Scott:

1. **Ordinance LC23-01**, An Ordinance to amend the Comprehensive Plan Map Designation and the Official Zoning Map of Kent County, Delaware pursuant to the provisions of Kent County Code, Vol. II, Chapter 205 Zoning, Article III, Section 205-8 and Section 205-9, and Article XXVIII (changes and amendments) effective December 01, 2000, as amended.
(Ref: Application #: CZ-23-01 Scarborough; Applicant & Owner: Dean and Kelly Scarborough; Proposed Zoning District: AC (Agricultural Residential); Area & Location / ID#: 1.0 +/- acre located on the east side of Warner Road, approximately 2,191' west of North Dupont Boulevard, and approximately 3,489' East of Bowman Road, northwest of Milford / MD-00-174.00-01-05.01-000)

CLOSE PUBLIC HEARINGS

OLD BUSINESS

Kent County Levy Court Business Meeting Notice and Agenda

Tuesday, February 28, 2023

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NEW BUSINESS

Mr. Hertz:

1. Introduction of **Ordinance LC23-02**, An Ordinance amending Kent County Code, Vol. I, Chapter 180 by revising Article II Definitions, §180-05 Definitions to add a definition; by revising Article III Regulations of Sewer Use, §180-10 B Use of public sewers, B. Discharge and pretreatment prohibitions to amend the language; by revising Article III Regulations of Sewer Use, §180-12 Industrial Wastewater Discharge Permits, A[1] to modify references from “Limits” to “Loadings” and to delete names of specific metals; and by revising 180 Attachment 1 to rename the title of Table 180-III-1 from “Maximum Allowable Industrial Limits (MAIL)” to “Maximum Allowable Industrial Loadings (MAIL)” and to replace Table 180-III-1 in its entirety to show revised parameters and loadings. *for Public Hearing on Tuesday, March 14, 2023 at 7:00 P.M.*

Mr. Scott:

1. Appointment to the Board of Assessment Review
2. Appointment to the Sewer Advisory Board

Mr. Angel:

1. Appointment to the Board of Assessment Review
2. Appointment to the Board of Appeals

President Pepper:

1. Personnel Action

OTHER BUSINESS

1. Move to go into Executive Session immediately following the Workshop 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 March 7, 2023, 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 Committee Meeting

COMMITTEE MEETING

Immediately following the Business Meeting

Call to Order
Determination of a Quorum

Administration Committee
Mr. Angel, Chair
1. ARPA Reprioritization
Public Comments
Adjourn

WORKSHOP

Immediately following the Committee Meeting
Caucus Room

RE: FY24 Budget Review
Sewer Fund Budget

EXECUTIVE SESSION

Immediately following the Committee Meetings
if needed
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: 2/21/23

Revised: 2/23/23

Posted by: L. Tanaka

Time: 6:30 PM

Take down: Upon Replacement or on 2/29/23

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.