

**Kent County Levy Court Business Meeting Notice and Agenda**  
**Kent County Administrative Complex**  
**555 Bay Road, Dover, DE**  
**Levy Court Chamber, Room 203**  
**Tuesday, March 14, 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**

**Consent Agenda 23-03**

*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 Item from March 7, 2023:**
  - *Delaware Bay Beach Association Partnership*

---

**INTRODUCTIONS**

---

**PUBLIC HEARING**

**Mr. Hertz:**

1. **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.

**CLOSE PUBLIC HEARING**

**Kent County Levy Court Business Meeting**

**Tuesday, March 14, 2023**

**Page 2 of 3**

**OLD BUSINESS**

**NEW BUSINESS**

**President Pepper:**

1. Appointment of County Administrator to various Boards & Commissions

**Mr. Angel:**

1. *Action Item from March 7, 2023 Administration Committee Meeting re: **ARPA Prioritization***
2. **Resolution 3978**, Authorizing Kent County to participate in new National Opioid Settlements and the execution of participation forms and settlement documents associated therewith

**Mr. Hertz:**

1. Introduction of **Ordinance LC23-06, Swimming Pool Barriers**. An Ordinance to amend Kent County Code, Vol. II, Chapter 105, Building Construction, as amended by revising Article I – General Provisions, §105-1 General provisions; applicable regulations, Item D (12), Swimming pools and spas, in order to prohibit the use of powered safety covers in lieu of fencing as a safety barrier restricting entry into areas having swimming pools. *For Public Hearing on Tuesday, April 25, 2023, at 7:00PM*

**Mrs. Masten/Mr. Angel:**

1. Introduction of **Ordinance LC23-04 Zoning**. An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning as amended, by revising Article II – Definitions, Article III – Districts and District Maps, Article IV – General Provisions, Article XXVIA – Supplementary Regulations, Article XXIX – Administration and Enforcement, Article XXX – Legal Status and Effective Date, and Appendix E Building Height and Roof Styles to delete the Definition of Cellar & Basement graphic; deleting in their entirety Article V – AC Agricultural Conservation District, Article VI – AR Agricultural Residential District, Article VII – RS1 Single Family Residential District, Article VIII – RS5 Medium Density Residential District, Article IX – RM Multifamily Residential District, Article X – RMH Residential Manufactured Home District, Article XI – BN Neighborhood Business District, Article XII – BN1 Neighborhood Business District, Article XIII – BG General Business District, Article XIII A – OC Office/Office Complex District, Article XIV – IL Limited Industrial District, Article XV – IG General Industrial District, Article XXI – Conditional Uses, Article XXII – Home Occupations, Article XXIII – Emergency Provisions, Attachment 1 – Matrix AC, Attachment 2 – Matrix AR, Attachment 3, Commercial, Attachment 4 – Matrix RM, Attachment 5 – Matrix RMH, Attachment 6 – RS1, Attachment 7 – Figure 6-1, Attachment 15 – Appendix H; and adding a new Article V – Permitted Uses, Article VI – Conditions of Approval, and Article VII – Area and Bulk Requirements to reorganize the Chapter, eliminate the BN-1 zoning district, delete the Coastal Zone Protection Overlay, establish revised permitted and conditional uses, revise the conditions of approval for various uses, and establish new and revised area and bulk regulations. *for Public Hearing on Tuesday, April 25, 2023, at 7:00 P.M.*

**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 March 21, 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 Workshops

---

**WORKSHOPS**

Immediately following the Business Meeting  
Caucus Room

**RE:** Department Updates: Facilities Management

Followed by:

**RE:** FY24 Budget Review  
General Fund Overview & Capital Projects Review

---

**EXECUTIVE SESSION**

Immediately following the Business Meeting  
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: 3/7/23**

**Revised:3/10/23**

**Posted by: L. Tanaka**

**Time: 9:39 AM**

**Take down: Upon Replacement or on 3/15/23**