

Kent County Levy Court Combined Meeting Notice and Agenda
Kent County Administrative Complex
555 Bay Road, Dover, DE
Levy Court Chamber, Room 203
Tuesday, July 30, 2024

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: #

6:30 P.M., WORKSHOP (Part I)
Levy Court Chamber

Planning Items:

- 1) Consideration of amending Field of Dreams Conditional Use terms and conditions
- 2) Ordinance LC24-23 VIOLATIONS AND COMPLAINTS. This ordinance relocates all enforcement provisions to Chapter 90, clarifies appeals procedures, ticketing procedures, and cost recovery requirements.
- 3) Round 28 – Agricultural Land Preservation – Purchase of Development Rights

Public Works Items:

- 1) *FY25 Combination Jetter/Vacuum Truck Purchase*
- 2) *Pipeline Inspection CCTV Trailer Purchase*
- 3) *Pipeline Condition Assessments – Accept State Funding*
- 4) *US Route 13 Forcemain Projects (Puncheon Run to Rising Sun Rd) – Project Funding – Loan Ordinance LC24-21*

RECESS Workshop to 7PM BUSINESS MEETING - *if time sensitive Workshop items needing action remain, it will be discussed after the Public Hearings and the remaining Workshop items will be discussed after the Business Meeting, in the Caucus Room.*

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

Public Comments on Agenda Items

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PRESENTATIONS:

1. **Resolution 4067, Retirement of Nancy L. Thompson**
2. **Employee of the Month Presentations:**
 - July – Frederick Strauss, Jr.
 - August

INTRODUCTIONS (June hires)

PUBLIC HEARINGS

PETITION FOR CONDITIONAL USE REQUIRING SITE PLAN APPROVAL:

Mr. Angel:

1. **Application # / Name:** CS-24-03; **Applicant / Owner:** State of Delaware, Division of Historical and Cultural Affairs; **Zoning District / Proposed Use:** AC (Agricultural Conservation) same with Visitors Center; **Area & Location / ID#:** 95.4+/- acres (site area is 5.85+/- acres) located on the south side of Kitts Hummock Rd. (Co. Rd. 68) 1,302 ft. southeast of the intersection of Bayside Rd., east of Dover /ED-00-096.00-01-20.00-000

PETITIONS TO AMEND COMPREHENSIVE PLAN MAP AND ZONING MAP:

Mr. Hertz:

1. **Ordinance LC24-13**, 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-24-04; Applicant & Owner: Felton Drive-In LLC/Pizzadilli Partners, LLC; Proposed Zoning District/Comprehensive Plan Area: BG (General Business) / Highway Commercial; Area & Location / ID#: 97.3± acres (area of petition 18.0± acres) located on the north side of Peach Basket Rd., east side of Turkey Point Rd., approximately 420' west of S. Dupont Hwy, north of Felton. / Parcel #SM-00-129.00-01-14.00-000)

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PUBLIC HEARINGS, continued

Mr. Scott:

1. **Ordinance LC24-24**, 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-24-05; **Applicant & Owner:** DB Capital Investment, LLC; **Proposed Zoning District/Comprehensive Plan Area:** BG (General Business) / Highway Commercial; **Area & Location / ID#:** 1.03± acres (0.12± acres, 0.46± acres, and 0.45 ± acres) located on the south side of Old Milford Neck Rd. and the east side of Bay Rd., approximately 373' east of Milford Neck Connector Rd., southeast of Frederica /Parcels #MD-00-152.00-01-04.02-000, MD-00-152.00-01-05.00-000 & MD-00-152.00-01-07.00-000)*

Mr. Angel:

1. **Ordinance LC24-18**, 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-24-06; **Applicant & Owner:** BBB Properties LLC; **Proposed Zoning District/Comprehensive Plan Area:** BG (General Business) / Highway Commercial; **Area & Location / ID#:** 5.31± acres located on the west side of N Dupont Hwy., approximately 855' south of Messina Hill Rd., north of Cheswold /Parcels #LC-00-046.02-01-06.00-000 & LC-00-046.02-01-12.00-000)*

Mr. Scott:

1. **Ordinance LC24-19**, 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-24-07; **Applicant /Owner:** Paul Nichols /TGO DE LLC; **Proposed Zoning District/Comprehensive Plan Area:** BG (General Business) / Highway Commercial; **Area & Location / ID#:** 2.2± acres (Area of Petition: 1.18 acres) located on the Southeast corner of S Dupont Hwy. and Williamsville Rd., north of Farmington /Parcel # MN-00-188.00-01-50.00-000)*

CLOSE PUBLIC HEARINGS

RECESS BUSINESS MEETING if necessary

RECONVENE WORKSHOP (Part I) if needed

RECONVENE BUSINESS MEETING

OLD BUSINESS

NEW BUSINESS

Potential Action Items from Workshop:

Mrs. Masten:

- 1) *Amending Field of Dreams Conditional Use terms and conditions for Introduction*
- 2) *Introduction of **Ordinance LC24-23 VIOLATIONS AND COMPLAINTS**. This ordinance relocates all enforcement provisions to Chapter 90, clarifies appeals procedures, ticketing procedures, and cost recovery requirements. for Public Hearing on Tuesday, August 13, 2024 at 7pm*
- 3) *Round 28 – Agricultural Land Preservation – Purchase of Development Rights*

Mr. Hertz:

- 1) *FY25 Combination Jetter/Vacuum Truck Purchase*
- 2) *Pipeline Inspection CCTV Trailer Purchase*
- 3) *US Route 13 Forcemain Projects (Puncheon Run to Rising Sun Rd) – Project Funding – Loan Ordinance LC24-21*
- 4) *Introduction of **Ordinance LC24-21**, An Ordinance authorizing the issuance of a Kent County General Obligation Bond in an amount not to exceed \$6,894,015 for the US 13 Forcemain Puncheon Run to Rising Sun Road Project and authorizing all necessary actions in connection therewith for Public Hearing on Tuesday, August 13, 2024 at 7pm*
- 5) *Pipeline Condition Assessments – Accept State Funding*

End of Potential Action Items from Workshop

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)*

INFORMATION ITEMS

PUBLIC COMMENTS

COMMISSIONERS' COMMENTS

ADJOURN TO WORKSHOP in the Caucus Room

WORKSHOP (Part II)
Following the Business Meeting
Caucus Room

Planning Items continued:

- 1) Ordinance LC24-24 PARKING. This ordinance removes parking standards from Chapter 205, Zoning, creates a new Chapter 171, Parking, eliminates minimum parking standards, and revises the parking lot landscaping and buffer requirements.

Administration Items:

- 1) FY25 Budget Amendments
- 2) Use of County Seal by Delaware Fire Police
- 3) ARPA Fund Allocation Status

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: 7/23/24

Revised: 7/25/24

Posted by: L. Tanaka

Time: 4:25pm

Take down: Upon Replacement or on 7/30/24

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.