

**MINUTES OF THE KENT COUNTY LEVY COURT
COMBINED BUSINESS MEETING
KENT COUNTY ADMINISTRATIVE COMPLEX
555 BAY ROAD, DOVER, DE
LEVY COURT CHAMBER, ROOM 203
TUESDAY, MARCH 25, 2025**

Call to Order

The Business meeting of the Kent County Levy Court was called to order at 7:00 p.m. by President Masten.

Invocation

The Invocation was led by Commissioner Pepper.

Pledge of Allegiance

The Pledge of Allegiance was led by Commissioner Scott.

Moment of Silence for our Troops

A moment of silence was observed for our Troops and led by Commissioner Sweeney.

Roll Call

Allan F. Angel	Commissioner
Jeffrey W. Hall	Commissioner
Paul Hertz	Commissioner
Terry L. Pepper	Commissioner
Robert Scott	Vice President
George W. Sweeney, Sr.	Commissioner
Joanne Masten	President

There are seven (7) Commissioners present at Roll Call.

ADOPTION OF AGENDA

M-25-071 **Motion** to adopt agenda as presented made by Mr. Angel; seconded by Mr. Pepper; carried by Roll Call vote seven (7) yeas.

Public Comments on Agenda Items other than Public Hearing Items

Note: Public Comments for Public Hearing Item(s) will be during their public hearings. - None

CONSENT AGENDA 25-04 (Action Items from February 18th and March 18th Workshops)

February 18th: Pension Plan – SMA Discretionary Service Model; March 18th: FY25 Application for Funding CDBG

Resolutions: (4092/Authorization to Submit Applications; 4093/Administrative Match; 4094/Affirmatively Furthering Fair Housing)

M-25-072 **Motion** to approve Consent Agenda 25-04 made by Mr. Angel; seconded by Mr. Scott; carried by Roll Call vote seven (7) yeas.

PRESENTATIONS

Resolution 4096, Retirement of April G. Durham

The following was read into the record by Ms. Lorri Tanaka:

Whereas, the retirement of April G. Durham, an employee of Kent County, State of Delaware, from her duties as Mailroom Clerk in the Administration Department, presents a suitable opportunity for expressing the esteem in which we hold April G. Durham, as a good and faithful public servant.

Therefore, be it resolved that the County of Kent expresses its warmest appreciation and thanks to April G. Durham for the able and loyal manner in which she performed her public duties.

Be it further resolved that this resolution be her evidence of a right to the pension provided by the Kent County Employees' Retirement Program; and that this Resolution be and hereby is incorporated into the official minutes of the March 25, 2025, meeting of the Kent County Levy Court.

M-25-073 **Motion** to approve Resolution 4096 made by Mr. Scott; seconded by Mr. Sweeney; carried by Roll Call vote seven (7) yeas.

Mrs. Masten: April, this is not a task that I really like. You've been here a long time and I've certainly known you for a very long time. The county 's going to miss you and hopefully you might miss us a little bit, but I wish

you the very, very best in everything you do and I'm sure you're going to enjoy every moment of your retirement.

Mr. Pepper: April, what she says is true. We're really going to miss you. We really enjoy your smiles, your encouragement and everything. So, you're a real cheerleader for the county, and we appreciate you. Hate to see you go and like I said, are you sure?

Mr. Hertz: Yeah, I'm really going to miss you too. From letting me sneak in the back door when I don't have my badge and give me a hard time and stuff. But you really brighten up my day when I'm here and I really appreciate you and have fun in retirement.

Mr. Hall: Certainly appreciate everything you've done for the county. Enjoy retirement. It's going to be great.

Kevin Sipple, County Administrator: April, congratulations on your retirement. I know our administrative staff is definitely going to miss the daily stops and you talking to Lorri and the different staff. Enjoy your retirement. I know you talked about taking care of horses, and I believe you're getting ready to go on a trip to Florida, so congratulations. Enjoy your time.

Mr. Scott: April, thank you for everything over the years. Your longevity, your loyalty and dedication to the county is second to none. This is kind of like a last opportunity for you to back out at this point if you'd like. But congratulations and thank you for everything.

Mr. Angel: Yes, April, thank you for everything you've done too, and now that you're retiring, you might want to come back and run for elected office, come back and see us again. Congratulations.

Mr. Sweeney: You don't have to wait to run for office, come back and see us. You have permission to come back in this building anytime you want to, and you'll be welcome back. There's not a single person in here that doesn't love you. We love you. We're sorry to see you go and we hope that your retirement is everything you want to be.

April Durham: First of all, I want to thank you all for your comments and everything. I appreciate it. Eleven years and three months, it seemed like a long time. But I didn't know I was going to have all these...audience, and I appreciate all of you tonight. And I know you're not here for me., but I appreciate you. And I'm going to miss all my coworkers and friends and smiling faces and everybody here that works at the county. And it's been a long journey and I'm ready to go, but I'll come back and visit. Thank you all.

Employee of the Month – Lisa Spence-Russ

Ms. Tanaka read the following into the record:

Kent County Department Heads have selected **Lisa Spence-Russ** from the Department of Finance – Finance Office as the April 2025 Employee of the Month.

Lisa, an Accountant II in the Finance Office, has been a dedicated member of the County team since May 2022. She began her career as an Accountant I and was promoted to Accountant II in November 2024. Lisa's meticulous attention to detail, eagerness to learn, and willingness to take on additional tasks and projects exemplify her strong teamwork attitude.

Lisa brings a wealth of knowledge and experience to her current role in the Finance Office. After dedicating 31 years to the State of Delaware and retiring in 2016, she re-entered the workforce to continue her career in Accounting and Finance. In her current position, Lisa plays a vital role in financial operations, including preparing general ledger journal entries, reconciling bank accounts, reviewing and approving purchase requests, assigning purchase order numbers, and assisting with special projects. Her extensive experience and attention to detail make her an invaluable asset to the team.

According to the Director of Finance, Susan Durham "Lisa truly embodies the essence of teamwork. Lisa's desire to learn and grow is evident in her keenness to ask questions and continuously refine her skills. She is not only a dedicated and detail oriented professional but also a caring and supportive team member. Her unwavering commitment to excellence, along with her genuine care for her colleagues, has a meaningful impact on the Finance Office and the County as a whole. Her dedication and outstanding contributions make her a truly deserving candidate for Employee of the Month."

Congratulations Lisa on a job well done! Lisa resides in Commissioner Scott's and Pepper's districts.

Susan Durham, Finance Director: So, I just wanted to say, Lisa, it's a well-deserved honor. It's been a pleasure working with Lisa. She's brought so much to our department. She's such a team player, positive person, just always willing to do whatever anyone asks. We just love her and are very thankful to have her, very blessed. Thank you, Lisa, and I hope you stay with us for a while longer. Because we need you.

Mr. Sweeney: Look, we're getting ready to go into one of the toughest times of the county and that's doing budgets. So, being in finance is really important, but everything that Susan just said and what was read about you, you're a great family member and we appreciate you as part of the family.

Mr. Angel: Yes, Lisa, retiring from the state and coming here and then coming, I think coming in 2022 and getting promoted again to the next level in 2024 and now to this position. Thank you. We need your help and with Susan behind you our Finance Department 's always going to be stronger with people like you. Thank you.

Mr. Scott: Lisa, thank you and thank you for your loyalty and dedication. And I like the fact that you and I agree so they say, great minds think alike, and you agree with me that you live in the best district of Kent County and Commissioner Hertz has fallen a little behind this year. But it's okay. But Lisa, thank you seriously for everything that you do for us.

Mrs. Masten: Lisa, thanks a lot for your time and all your efforts for the county, it's greatly appreciated. And I know Susan really likes to have the best that she can have and you obviously you rank very high to have only been here since what May of 2022 and to achieve this distinguished honor. So, I'm really proud of you and hope you're back here in December.

Mr. Pepper: Lisa, you got a tough, demanding job. And the thing you do best is you keep the seven of us straight. And believe me, we need it. So, thank you for all that you do. And Commissioner Scott, I'm fortunate because most of them live in my district because I'm Commissioner at large, so I can claim just about all of them. Except for the ones that don't live in Kent County.

Mr. Hertz: Well, I'll just start out, no sleight but look at the 6th district representation tonight. So, I think I'm doing pretty good. But thank you for all you do and congratulations, you do a hell of a job. Thank you.

Mr. Hall: Thanks for all you do. It's an important job, but a challenging job and really appreciate everything you do for the county. Glad you're here.

Mr. Sipple: Lisa, on behalf of all the employees here congratulations on Employee of the Month. Well deserved.

Lisa Spence-Russ: I just want to say thank you to the commissioners, to the county at large, to my director, Susan Durham and all the supervisors in the accounting...in the finance section and the employees. And thank

you for the kind words and giving me the opportunity for a second career. I'm truly appreciative. So, thank you.

PUBLIC HEARINGS

PETITIONS FOR CONDITIONAL USE REQUIRING SITE PLAN APPROVAL

Mr. Hertz:

Application # / Applicant & Owner: CS-25-04 First State Animal Center and SPCA; Zoning District / Proposed Use: AR (Agricultural Residential / Commercial Kennel; Area & Location / ID#: 11.4854± acres on the west side of Hartly Rd., approx. 0.30 miles north of Halltown Rd., east of Hartly / 9-00-073.00-02-26.01-000

Commissioner Hall recused himself from this application.

Sarah Keifer, Planning Services Director: Good evening, commissioners. Before we begin the hearing, just a word about how the hearing tonight will be conducted. This public hearing is being conducted for the purpose of giving the citizens of the county the opportunity to present testimony on the application before the Levy Court. Everyone will have a chance to speak. All statements are to be made from the podium at the front of the room. For the record, please give your name and address. Copies of any written statements or exhibits used during the hearing should be presented for identification and inclusion in the record. For each application before the Levy Court the President will introduce the application. Then the Levy Court will receive testimony from all of those in favor. Testimony will then be received from those who may be opposed. After everyone has had an opportunity to speak the hearing on the application will be closed and the Levy Court will take what action it seems appropriate. Levy Court's decision will be based upon public hearing testimony given at this meeting and a recommendation submitted to the Levy Court by the Regional Planning Commission. I would ask that that recommendation be included by reference in the permanent record of this meeting established by the Clerk of the Peace. The public notice of this hearing was published in the March 5, 2025, edition of the Delaware State News.

The application before the Levy Court tonight, CS-25-04 is a conditional use with site plan application for the First State Animal Center. The application is for an animal sanctuary. It's just under 11 1/2 acres on the west side of Hartly Road, north of Halltown Road, east of Hartly, outside the Growth Zone. The Regional Planning Commission considered the application and voted unanimously to recommend approval with some additional conditions. One, limiting the number of animals at the site to twenty, revising the landscape plan and that's reflected in the plans in front

of you, and changing the fencing along the road frontages to split rail rather than the privacy fence. I should note this also comes with a recommendation for approval of the waivers requested, which relate to the frontage sidewalks and connecting sidewalks on the site. The Regional Planning Commission determined that given the rural nature of the area the frontage sidewalks would not be called for. So again, this comes with a recommendation for approval. I'm happy to answer any questions you might have.

Public Hearing Opened on Application CS-25-04

IN FAVOR

Jon Falkowski, Becker Morgan Group, 309 S. Governors Avenue, Dover, DE: Thank you for having us here tonight. Again, Jon Falkowski. I'm here with John Parana and John Pardee as well. Here on behalf of the First State Animal Center and we got the slides here. There was a clicker. There we go. So, Ms. Keifer got your bearings straight on where this site is. It's just outside of Hartly. You can see outlined in yellow there with the star that says site. It's about 11 ½ acres, zoned AR at 3048 Hartly Road. You can see the surrounding area is mainly wooded, agricultural, residential and a mix to the east to northeast, some commercial uses as well. The existing use is agriculture and we're here tonight for the proposed conditional use for a commercial kennel. So, a little bit about First State Animal Center, you can see their mission statement there is to prevent the cruelty and suffering of animals and to protect and enhance the quality of life for the farm animals. They are a nonprofit funded by private donations and partly by the Department of Agriculture as well for the program. These animals are not what you would typically see at a commercial kennel. This is mainly livestock that is being pastured here at the property. They've been abandoned, they've been rescued from cruelty, abuse and neglect, where they're brought to this shelter, they're nursed back to health and they're either returned back to a productive farm life or they're kept at the facility for the remainder of their life. Those animals listed there could include cows, horses, pigs, goats, sheep, dogs and fowl. Again, this is not like a typical commercial kennel, however, this was the most suitable use that matched the program that they're trying to do here. It is a little different in that this is not open to the public. There are no customers. You cannot bring your animals here. It's not a boarding facility. There will not be fifty plus animals here. As you heard from Ms. Keifer, there was a condition imposed by the Planning Commission or recommended to limit the animals to twenty. And this is just a shot of the existing conditions planned. You can see the pole building which would be the kennel facility. There's an existing residential structure on the property as well that would house the twenty-four-hour caretaker on the site. But there is a gravel road and some existing fencing on the property now, and it's mainly pasture

area. This property will be improved as part of the conditional use site plan. So, all the items you see on this plan here were added as conditions of approval to meet the site plan requirements and I'll go over those. The fencing, the wooden fencing that is around the perimeter of the property will be replaced with vinyl fencing. It'll be four-foot tall, split rail fencing along the two road frontages, Hartly Road and Paul Rose 2 Lane. and then against...to the east, you'll see a little bit thicker landscape buffer. That property directly to the east is a residential property so we would provide a six (6) foot tall opaque vinyl fence with a forty (40) foot landscape buffer. We've also revised the landscaping to provide the street trees along Hartly. We think that'll provide a more of a better streetscape with that that split rail vinyl fence, it will be a nice farm look and kind of go in with the little bit more of the nature of the area than a thicker buffer with the six (6) foot opaque that felt very institutional. We did also widen the road to twenty-four (24) feet wide. I think it's about sixteen (16) or seventeen (17) feet now that will be widened to twenty-four feet (24). And then we'll also add the ADA parking spaces near the facility in case employees, or such would need those accommodations. So, there are four standard conditions in 205-67.G, they're listed there. We do meet all those requirements, and I'll touch on them briefly. The kennels and runs would have to be at least a hundred feet from any adjoining properties and three hundred (300) feet from any dwelling unit. We do meet those dimensional requirements, and then some. There will be a twenty-four-hour security caretaker on duty. That person will reside in the residence at the site. Any exterior lighting will be focused away from adjacent properties. There is no proposed lighting with this application but should any be added in the future it would not affect the adjacent properties. And then the buildings will be noise insulated per OSHA. So, we do meet those requirements. And as Sarah mentioned, we're here for two (2) waivers tonight for the elimination of frontage sidewalk on an arterial road, as well as a sidewalk coming into the facility from that road. As Sarah mentioned, it doesn't make sense for this application. It's not open to the public. There're no sidewalks to make connection with along the frontage, and it really does not fit in with the character of the area. It won't have an adverse impact from the community by not having it. And we did read the staff report as well as the Planning Commission report that recommended approval with additional conditions and requirements, and we do agree with both reports. And that's it. So, happy to take any questions. Again, I have John Parana and John Paradee here as well. If there's any more program specific questions you have, I'll have them come up and address them.

Jeff Brown, 1108 Pearson s Corner Road, Dover, DE: Again, I live about a mile and a quarter from the facility. I've looked this over myself. I have also reviewed the recommended conditions and have to agree with those. I think it's a good use of the property, so I am in favor of it. I think it would be an advantage certainly, these animals that have been mistreated have a

chance at a new life, basically. And that's something that well, we all have our humanity to deal with. So, I am in favor of it. Am I permitted to ask a question, gentlemen? Am I? I would have to direct it to the commissioners. The only question I have is, how would the property be administered if the caretaker quits, leaves and the position is open for a certain time. That's my question. Thank you.

Inaudible speaker from audience.

Mr. Sweeney: Hold on. Mr. Parana, hold on a second. You can testify and answer his question, but you have to be sworn in and so we can capture it on the transcript.

Dustin Rawlins, 794 Hartly Road, Hartly, DE: So, I just rise to speak in favor of the proposals for the adjustments to the property. I really am in favor of the animal sanctuary and as a voter and a resident of Hartly, this has my full support.

Mr. Sweeney: Sir, hold on a second. Craig, did you swear him in.

Mr. Rawlins: I swore.

Mr. Sweeney: Thank you.

Mr. Rawlins: I swore. Add to the record, I've sworn twice. I swear I really support this.

Skye Fonticiella, 12 Main Drive, Townsend, DE: So, I have been a vet tech for a while now. I have seen countless times with neglected, abused, just animals that need the love and care. I am extremely in favor of this because this gives the old animals that are eleven, twelve, thirteen that haven't had a home, the opportunity to be somewhere that's peaceful and where they can be loved. This also gives the neglected, abused animals a chance to recover and, you know, be placed in a different situation that is more improved than where they were. I do truly believe that First State is doing something extremely great and something that can absolutely help improve not even just in Hartly, but in Delaware, period. This could open up a new door for many places and many opportunities for other people to want to also open up a sanctuary and just open up a door to help other animals. They're already doing stuff great by having the shelter taking care of the animals and I think this will definitely create a better world and place. Thank you.

Donna Young, 31 Loxley Lane, Loxley, DE: I am very much in support of the sanctuary. My only concern is that enough animals will not be placed there. I would like it more, if not doubled from twenty to forty (40).

I think that it should be for a need basis, but that's here nor there. But I am very much in support of it and I'm very proud to be just down the road from them and to have them there and that you all are doing this. I'm very appreciative and grateful. Thank you.

Ruth Withers, 1302 Gunter Road, Hartly, DE: No audible testimony

Aubrey Masten, 517 Gum Bush Road, Townsend, DE: Okay, my name is Aubrey, also known as Santa Paws. To go a little bit more into what Santa Paws means is what I call myself and what I'm mostly known as. I donate to shelters around Christmas time to assure animals who are left behind have a little present. First State has always been my favorite to donate to and have always been good towards us. First State's number one priority is caring for their animals. Currently, many SPCA facilities are limited to smaller animals such as cats and dogs due to space available. With more land, First State SPCA could extend its research efforts, including larger animals such as horses, goats, pigs and even cows and even small farm dogs, which are often victims of neglect, abuse or abandonment. Larger animals require more room for proper care, exercise and rehabilitation, making additional land a necessity. The same will also benefit towards the larger animals by giving them larger space for them to live out their lives instead of having to be put down. This land, that was already there was farm and will remain a private farm for these animals.

Tim Collins, 119 Howe Drive, Dover, DE: I just want to offer my support for First State for their plans here. I fully approve and agree with the recommendations. I do believe that there actually would be room for more animals, but. The recommendations are certainly not objectionable. The perspective I'd like to share maybe for folks who are considering whether they think it's reasonable or not is take for granted if this...take for example if the property were to be turned into a subdivision and the number of homes that would go there and the number of personal pets and whatnot that those different homes would have. I happen to live in a subdivision. Where a second subdivision was built behind us and you know, how homes are on half acre and quarter acre lots and some of those homes have three, four, five dogs of their own and you know, it gets numerous, and they bark, and they do their thing. And so, this is out in a nice agricultural setting, and I believe the plans they have here certainly would not present any problems for anyone living there so. It's a great organization, they're very self-sufficient and I hope the hope the county will fully support them. Thank you.

Jackie Gaines, 923 Mount Olive Cemetery Road, Felton, DE: I support this organization, and I support this plan. It's a shame that we can only give the shelter to twenty animals. I hope that can be revisited in the future. I think it shows our integrity and our dignity as people to take care

of animals and I hope that this state will follow through on this. Thank you.

Lauren Craig, 4231 Arthursville Road, Hartly, DE: Myself and my family fully support this and also agree that we would like to revisit it being more than just twenty animals. Also, hopefully introduce to children in school the opportunity to volunteer and see if they would like to be a part of their career in animal care, being a veterinarian or any...anything of the sort. That's it.

Angela Clacher, 16 South Carter Road, Smyrna, DE: I just wanted to say that I am very much for this. I too have a concern of there only being the limit of twenty animals. But I think this is going to be a great opportunity for school kids to volunteer. I have a lot of concerns the older I get for humanity in a whole and doing something like this is a good thing. It's kind and it teaches our children what it means to care about something...something else you know, to have a heart. And I think it's very important and I hope that more sanctuaries open up in Delaware and I'm proud to be in a no kill state. Thank you.

Sarah Collins, 442 West Dennys Road, Dover, DE: I support the SPCA and I'm all for the sanctuary. I think it's a great place for the animals and I would even volunteer there.

Jennifer Wright, 14 Briar Road, Dover, DE: So, I have had the unfortunate opportunity to see first-hand a lot of the neglect that a lot of these larger animals, horses, you know, pigs, different species or types of livestock have endured. And I have become fully aware of the needs that they require as far as their care, their rehab, you know that kind of stuff. So, I think that having a place where they can do this safely, quietly, it's a huge need for this county. So, I hope that you know the state can support this need.

Arnold Durham, 2119 West Denneys Road, Dover, DE: Yes, I'm all for the sanctuary being put there in Hartly. I think it would do a world of good, would definitely do Hartly some good.

Theresa Reed, 40 Huntley Circle, Dover, DE: Okay, I believe in the sanctuary, 100%, maybe even 1,000%, because as we all get beaten down and abused, we all get back up and we show the world how strong we are and I think that's a great message to bring kids in from elementary schools to show that this animal was showed an unkindness, and he has the strength to keep on going.

Mr. Sweeney: Madam President, I have a question. Mr. Falkowski, is there somebody here from the First State that can also testify real quick? Okay, after this.

Cynthia McMahon, 27564 Reed Court, Milton, DE: As I said, my name is Cynthia McMahon, and the reason I'm here today is because I'm currently writing a book on rescues and sanctuaries. And I usually don't include SPCAs, usually just include private facilities, but I live in Delaware, and I was just so impressed that first of all that this property was donated to this organization and I just feel proud that not only do I live in Delaware, but now I can include hopefully good results for your sanctuary to be successful.

John Parana: 3174 Arthursville Road, Hartly, DE: Before we get going maybe it'll be easier on the court, if we can just ask the people, because it could get quite lengthy, who does support the sanctuary to stand? If people that do support can stand. If that can eliminate maybe some time for the court because I do respect your time.

Mrs. Masten: Thank you.

Mr. Parana: I'm sure all these people would want to testify, and we could be here until after midnight. Feel free...I'd like to answer any questions you have at this time. What I would like to say is first of all, we'd like to thank the Planning Commission for working with us to get this through. This sanctuary that we agreed to limit to twenty animals will have all species involved. One of the biggest complaints I've been getting through a few, just a few people in the public was their concern that there's going to be rabid, raging, aggressive dogs throughout this property. It's absolutely not the case. This property is going to house all different species. We may have four horses one day, two pigs, four dogs. We may have eight dogs one day and you know, I say one day it's a matter of months. You know, we don't know, but we're going to limit it to twenty, abiding by all conditions. But I just want to run one thing by the court and the folks that showed up. Working in a shelter that houses over a hundred animals every day, we can house up to a hundred dogs, we can house now up to eighty cats and we're expanding. This facility is not a kennel. This facility is going to be used for those animals that we have that need medical attention because the caretaker will be licensed vet technicians. We will have veterinarians out weekly to check on these animals. Any dogs that may be housed are going to be those animals that were not adopted for three, four, five years sitting in the kennel in a two by four-foot concrete slab, that don't get adopted because they have arthritis. They have one eye. Folks walk by them because nobody wants a dog that they have to care for two years, and then it's going to die. They want puppies. They want the purebreds. Our goal is to get these animals that we know

will never be adopted on a soft bed in a larger facility where they can live out their natural lives, absolutely not aggressive. Absolutely animals that deserve humane treatment. And I want to continue the no kill status in this state. We're fighting for assisted suicide in humans and we're not going to do that with our animals. And I plead with the court to see our mission and to ask any questions that you may. Any questions?

Mr. Sweeney: So, Mr. Parana, you had mentioned during the RPC testifying that the Camden site is going to expand the number of kennels to accommodate more.

Mr. Parana: Yes and thank you for bringing that up. We have to expand because we have a very, very unfortunate situation in this state. The biggest problem we have as one of the larger shelters in the state is we have a mega donor base that gives huge funds to the largest shelter in the state and that is Brandywine Valley, a Pennsylvania based organization. They are a no kill in this state, they are not a no kill out of the state. They just took on Washington, DC animal control and care, Harrisburg. They're now in New Jersey. They do have the animal sheltering contract for the state of Delaware. They did win. It, they did win the bid. It is a task. The problem is to keep their organization going they must bring in and adopt out thousands and thousands of dogs a year. You'll see mega adoptions throughout the state, Harrington, Newark, Delaware, Wilmington, Delaware. Twelve hundred, thirteen hundred dogs getting adopted out by Brandywine. After two weeks, two months, three months, these dogs come back. Brandywine does not take them back into their shelter they refer them to...for a state animal center. They refer them to Delaware Humane, which is now a humane animal partner. They refer them to Faithful Friends pp in New Castle. People want to return their animals for whatever reason, financial or housing situations. We get a lot from the air base of people that are moving out of the county. Brandywine will not take them back and we know that if for any reason they don't take them back, we need to take them back. So, Mr. Sweeney, that is why we have to expand to try to accommodate these animals that are being brought into our state and not really letting us take care of the animals we have properly. So, that's what we are up against all day and that's why we're expanding the Camden facility. And again, the Hartly sanctuary is only for those animals that we know will never get adopted because they're old, typically they need medical care, which is too costly. If that answers your question.

Mr. Sweeney: It does, thank you. I commend you guys for what you're doing, not only for dogs in our county, but also in our state.

Mr. Parana: Thank you so much.

Mr. Sweeney: There was a question asked concerning staffing at the new site.

Mr. Parana: Yes, sir.

Mr. Sweeney: If someone quits or is sick or not able to...

Mr. Parana: Correct. We have, as we speak, fifty employees of which we had to grow to maintain these animals that we do. We have an employee that will be in that particular facility overnight. We will have paid employees there in the daytime. It'll take about two employees. One caretaker at night, which I'll have cameras on all the animals. If that employee were to leave, I have other employees of which I have a few here that can come up and testify that they would love to live in that house on twelve acres and take care of animals 24/7. That is the least of our problems. Our biggest problem is meeting the conditions that we agreed to which to bring it up to the standards is about a quarter million dollars. So, we're hoping that upon your approval that we can start a capital campaign to get those funds because it is quite costly.

Mr. Sweeney: So, you're aware of the conditions that are being forwarded to us from the Regional Planning Committee of no more than twenty.

Mr. Parana: We are 100% aware. I've worked very closely with Jonathan Falkowski here from Becker, Reimann and Mr. Paradee and we worked extremely closely with them and the Regional Planning.

Mr. Sweeney: So, I would ask that if you're okay with it, to move forward in about a year, come back to Levy Court let us know how things are going. And if you think, as some people have suggested that you'd like to expand to go through the process of maybe adding five more, ten more, whatever it takes in order to, you know, then you're going to get the people who live around it, who are...possibly may have flipped and said yes, I completely agree. They've been great neighbors for the last year and then come back and do that.

Mr. Parana: That's very gracious. Thank you.

Mr. Sweeney: Before you sit down, I'd like to, before I'm done, I'd like to recognize Representative Shawn Lynn from the 31st District who joined us. I saw he stood when you asked people to stand up, so I appreciate that and appreciate Representative Lynn. Would ask... You had a couple of people who came up to the mic that said they'd like to volunteer, so I'm going to ask the audience, you know about this. How many of you will volunteer at this site? There you go. Get their names before you leave. Get their names. Thank you, Sir.

Mr. Angel: Well, since I've been the longest serving on this board now, I've had...I've seen animals come forth and a lot of animals have been neglected over the years. So, when they're found, usually they go to the SPCA. So, when you get bombarded with ten, fifteen dogs that are being abused or whatever, housed, they think they're being taken care of, but they're not being fed or properly taken care of., how are you going to differentiate between your spot and this spot?

Mr. Parana: That's actually an excellent question. The way we differentiate is we are fully capable; we are just adding to our veterinary clinic in the Camden location. It's a thirty-five hundred square foot. We just hired the entire staff out of Dover VCA, including all their doctors to run a low-cost community, full service veterinary clinic. People are coming...it is so expensive to take your animal just for preventative treatment or maintenance and exams these days that we are serving the community by cutting those prices in half. So, we have enough staffing to medically treat these animals at the Camden facility. The sanctuary is only going to be used for those animals that we feel are not going to get adopted and that need to live out the rest of their lives, peacefully, quietly and we do, we probably have four or five right now there. I've had humane animal partners. I've had Senator Walsh call me numerous times to see if we could work with New Castle County and some of the animals that have been long timers up in in the shelters up there which is humane animal partners with the Patrick and course, Jane Pierantozzi and Faithful Friends. Spoken to her a few times, she has a couple of animals with the same scenario. So, it's only for those animals that are not adoptable. However, with livestock, it's a different story., you know, it may take months for us to get a horse with a body score of two back to where they hopefully you know, can become healthy. Healthy enough to be a pasture pet somewhere. We recently had a couple that have gone to wonderful homes. We've had a couple that have gone out to wonderful rescues. And we have one right now that we took an eye out of. I may have mentioned we're doing a full dental on it and that horse is primed to go to Hartly. He's a thirty-year-old gelding. You can't ride him. He limps around, he needs medication daily. And this is the perfect place for him. So, those are the types of animals. That's how we make those decisions.

Mr. Angel: The other question I wanted to ask too, if something like that like that would happen. I know I belong to a lot of organizations that help people for medical and dental Hope Clinic at the Modern Maturity Center. We have people come in, doctors, nurses and stuff. Do you partner with any of the local vets in the area that have that?

Mr. Parana: We do. Yes, here's what we do. We do a tremendous amount...and one or two of my vet techs are here tonight and they can talk

if they want. We get weekly calls from other veterinarians, New Castle County, Kent County, Animal Haven, Governor 's Avenue, you know, long-term standing that, say, listen, these animals need a four, five-thousand-dollar operation, whether it be exploratory for a foreign body, whether it be a Pielo, whether it be bladder stones, and these folks can't afford it. So, we ask them, they send them to us, and we are now able to take those people that do not absolutely have the wherewithal to pay to save that animal 's life, and we ask them, what do you have? And if they say I can pay for their medications, we take it. If they say we can pay \$500.00, we take it. So, we are literally saving tens of thousands of dollars every month for people that cannot afford through these other organizations, and they are sending the animals to us. So, that's what we do you, you know, so, there's a lot of misconception about what really goes on, and I urge each and every one you to come out and see the operation. It would make you proud to be in Kent County.

Mr. Angel: Thank you, and we will.

Mr. Parana: Love it. Thank you.

WebEx participants in favor of this application who wished to address Levy Court were asked to press *3 on their mobile device or raise their electronic hand on their computer. There was no response.

IN OPPOSITION

Sharon Geyer. 2895 Hartly Road, Hartly, DE: I'm sorry I have to read this because I'm a terrible speaker but I'm a good reader. When my neighbors and I acquired our homes, we bought into a quiet neighborhood with a beautiful view. We're asking that our new neighbors not destroy that. There have been conflicting stories about what the property is to be used for from the people representing the SPCA. A Mr. Bruce Berry stated that it would be a dog sanctuary and even gave our neighbor Mr. Downes a tour of the facilities where he explained that the dogs would be in the barn stalls, outfitted with couches and TV 's. He also showed him a large shed and stated it would be for a dog who doesn't like other dogs. Another room is built under the awning of the back of the barn and the use was unspecified. The SPCA 's Council stated that the property would only be for farm animals, specifically horses, if my memory serves me. Mr. Parana has stated two different stories, the first one on WBOC he stated that the dogs will have someone to lay down with at night, leading the public to believe that the dogs would be kept inside the house. The second story at the planning hearing was that the property will be used for farm animals and a handful of sweet, cuddly dogs that you can hold in your lap and that they will have couches and TVs. Since the statement that there would only be a handful of dogs was given under sworn testimony at the planning

hearing, we ask that it be a condition of the use in writing with a limit of four dogs, which is the Kent County Code for all residential properties. We ask this for the following reasons: dangerous dogs. In my ten and a half years at the SPCA, I did work there, we never had a case where a dog with special needs wasn't placed into a permanent home or foster situation. The only dogs that were in need of sanctuary were dangerous dogs and we're worried that these are the dogs that will be held at the property. The possibility of escape when a kennel crazed dog wants to get out, he or she will find a way, not to mention human error. There are many children and animals in the neighborhood who could be at risk. The three is the noise. Many barking dogs will cause irritation to the neighbors and will likely violate the noise ordinance on a daily basis. We want to continue to enjoy our yards. Four is roaches and vermin. Dog food gets into cracks and crevices, giving roaches, mice and rats a place to thrive. It's a common problem in shelters, no matter how clean they keep it. Once they're overcrowded or lose their food source, they travel to neighboring houses. Also, I'm here asking that the SPCA not ruin the aesthetics of our neighborhood. This is a business who made a conscious decision to move into a residential setting. They chose this property instead of a much more rural place where neighbors wouldn't be affected, instead of them making a bold statement with privacy fences and tall trees which would make it appear to be a top-secret government installation or a junkyard. I ask that they blend in with normal farm fencing in the absence of the man-made forest. And I did see where they changed the plan again to make...to...I'm sorry, choose places with split rail fences.

Mrs. Masten: Ma'am, excuse me not to cut you short, but your three-minute limit. I'm sorry.

Ms. Geyer: Oh no. OK, sorry. Thank you for hearing me.

Ms. Masten: I'm sorry, thank you.

Ms. Geyer: That's okay.

Kuentin Smart, 2856 Hartly Road, Hartly, DE: And I agree with my neighbor Sharon. We've been...we bought that...our property, I've been living out there since 2000 and a lot of those other...my other neighbors been out there longer than I have. We bought the property with intent to have it, you know, pretty secluded. If we wanted to live in a noisy environment we would have lived in the city. And one of our biggest concerns is I think we've all have lived somewhere before where there was dogs that were barking, had neighbors somewhere in your development where you live, or your apartment building and it annoyed the heck out of you. And out there in the open country, we can hear dogs barking, probably an eighth of a mile up the road. Now, just imagine we have the

sanctuary next door and dogs start barking. And you have one start barking, another start barking. Next thing you know, you have a bunch of dogs annoying, you know the neighbors. So, that's one of the biggest concerns that I have. And also noticed that on the plot plan, there was nothing on the back of the property to prevent a dog from getting you know away, and you know, attacking somebody in nearby properties. That's something that I'm concerned about and there was nothing back there, no fence or anything on the back. So.... The... It was a... I do want to finish what my neighbor wrote. Also want to be clear, I have no problem with the livestock. My only concern is the dogs. That's it. The horses, there were horses there for years, ever since I moved out there. I have no problem with the horses, goats, pigs, all the other livestock, no problem. I'm just afraid of the dog issue. Oh, but I won't be able to finish that, this screen locked. But basically, in closing and I just...that's my biggest opposition think it's a noble cause to go out there and put something to, you know, for animals to live out there like later years. But the only animal that I have an issue with is the dogs. Nobody can guarantee, I've had people always say, oh, my dog is a good dog. Yeah, until it bites somebody else. And again, there are a lot of kids out there in the country and we like to be able to walk up and down the street without fear of a dog. I grew up in the city of Detroit. We always walk back and forth to school. We had to worry about dogs jumping fences chasing us home from school or chasing us to school. I moved out here because I didn't want to you know, bother with that. And I did have a neighbor next door before she did move into that property, she owned two dogs, and they actually ended up getting put down because they attacked two kids at my house. Unprovoked. So, I just want to make it clearly understood livestock, no problem. I just don't want any dogs next door. Nobody can guarantee that we'll be safe.

Jason Gary, 3136 Hartly Road, Hartly, DE: I'm pretty much the same way. I don't care about the farm animals. I just don't want the dogs, or they keep changing the amount of dogs that's going to be there, anywhere from four to eight...if you make it twenty, they could have twenty dogs there. So, that's my only concern. Don't have a problem with the farm animals at all.

Steven Downes, 2989 Hartly Road, Hartly, DE: I live right directly across from this so-called sanctuary they're wanting to do, and I've been there for over forty years and I'm really not looking forward to getting up every morning and look across the street and see a bunch of animals running around, especially dogs. Now I've...and I've got another question for. Mr. Parana. Where are they going to house all these animals? If you got twenty some animals in here, they tore down some of the buildings already. So, where, if you get...I understand that the building is only going...it's got ten stalls in it. So, if you got ten dogs where is the rest of

the animals going to go? You have to have shelter for the rest of them. So, where is all these animals going to be placed? I was in the building, I...this gentleman right here took me around the building and showed me that when he came to my house and the things that he told me weren't true. He told me that there was only going to be ten dogs there and there would not be no large animals at all. So, somebody needs to get the story straight before you all approve everything. Because they're...I've been told two or three different things and this gentleman right here, I got right in his car with him, and he took me to...through the place and showed me everything. So., I mean, if you got large animals and you've got a whole bunch of dogs, where is everything going to be housed at? Because there's a law where they got to have some type of housing. And then like all these people here, that's for it, if they lived right across the street, how happy would they be? No, you wouldn't it. No, you wouldn't. No, you wouldn't. No, you wouldn't. So, I'm totally against it.

Mr. Hertz: Can I ask your question, Sir? Sir, can I ask you a question? So, you let me be clear, you're against all animals.

Mr. Downes: I have animals myself. I was a meat inspector for 25 years. My father-in-law picked up dead animal, Kohout. So, I have nothing against animals.

Mr. Hertz: So, if they had animals minus the dogs, you wouldn't have a problem?

Mr. Downes: I don't...I already know you can't trust them because they've already showed me that. So, what else are they going to be doing?

Mr. Hertz: That's not what I asked. I just asked the question, if they didn't have no dogs, would you be okay with the large animals. That's a yes or no question.

Mr. Downes: No, because I would rather see.... I would rather see it as a four.

Mr. Hertz: So, you don't want no animals?

Mr. Downes: I would rather see it as a farm. That's not a farm.

Mrs. Masten: Sir, I don't mean to be rude, but your three minutes are up.

Mr. Downes: Excuse me?

Mrs. Masten: Your three minutes is up, sir.

Mr. Downes: Okay.

Mrs. Masten: Thank you.

Alyssa Middleton Hall, 240 South Shore Drive, Dover, DE: Good evening, commissioners. I've been involved in animal rescue for a very long time. I volunteered for First State for ten plus years and even worked there during COVID for a little under a year. I currently volunteer with two rescues, and I have taken in many older animals that didn't have a place to go because you know, that's what you do. You care about people; you care about living beings. I am truly an animal person, so this has nothing to do with being against animals. I save spiders in my house. I'm not a neighbor of the planned sanctuary. I am simply here in support of the neighbors that do reside in the area. I would encourage Levy Court to set some restrictions when this is approved or some conditions. The Planning Commission recommended a limit of twenty animals. Twenty animals could be 20 farm animals, or it could be 20 dogs, or it could be anything in between. There's a difference between living across the street from twenty farm animals versus twenty dogs. I've worked in a shelter; I know how loud that can be. I know that sound can travel. I love dogs. My two dogs drive me crazy with their noise, so I know that twenty animals across the street is going to be very loud for the neighbors. So, in addition, I am concerned because I do know that a lot of the animals in the past, from my experience, animals that have stayed in the shelter, were there for long periods of time, not because of a disability or because of an illness, but because of a bite history or behaviors that might appear aggressive. I have seen animals scale fences before in the kennel at the shelter. Large animals scale fences so, I would just appeal to your sense of safety for the neighbors in that area as well as for the noise. They bought their home, thinking that it would be a safe place to hang out in their yard in a peaceful environment. So, while I am not against the sanctuary, I would encourage you to set limits, because if you don't, I can promise you that there could be twenty dogs, and then apparently there's a lot of people who want more, so that could be forty in the future if you don't set the condition now. Thanks very much.

Nathaniel Cole, 2929 Hartly Road, Hartly, DE: I live right across the street, and I've got two grandkids. I don't care about *Inaudible dogs. I got...like dogs, but if they're gonna have aggressive dogs over there, I don't want them. I don't want them. They have had two accidents in my yard. We live in a curve, in a dangerous section of 44. Ain't nobody says nothing about the speed, that comes down 44, where I live at, Hartly Road, that's what you all call it. They fly. They fly down there. If one of those animals get hit, I got all these people that walk, that drive their horse and buggies down the side of the street. They...them dogs' bark. They scare the horses, the horses run in the street, hit a car. Then what's going to

happen? We have accident out there. So, you have to pay attention to all that. Nobody thinks about that when they come out there and look around at that property. I've been out there ever since 2007 so, I've been out there about nineteen, twenty years now. So, it's like I watch all that stuff and with my grandkids, I don't need nothing to happen to them, because they got one time to come to my house and they don't have no dogs across the street. I'm not going to...the dog that come over there, ain't going to come back because I don't play with an aggressive dog in my yard with my grandkids and they are little. I got one autistic...I got two autistic grandkids that come...one is her son and the other one, my other grandson he comes to visit, and I don't need that in my neighborhood. Thank you.

Cathy Moore, 968 Lockwood Chapel Road, Hartly, DE: My concerns with this is it was deemed to be a sanctuary for farm animals. You're already allowing dogs with the original hearing. It was going to be one or two dogs. Now you've got room for twenty animals. Again, if you have twenty dogs on site and you have two or three horses that need to come in, are you removing dogs to take them out of there or are you putting those horses somewhere else? You're going to put up white vinyl fence up, are you going to put wire to it to hold the sheep or the goats that you're going to be holding in there too? Or is this primarily for dogs. And I do believe that it is primarily for dogs which not every dog is a farm animal. I grew up on a farm. Every farmer I ever knew who had a dog on their farm never turned a dog into the SPCA. They kept it till it died, or if it was sick and couldn't be healed they put it down. So, these are not farm dogs that you're talking about. So, I am opposed to this.

Lillian Ridgeway Freeman, 102 Downs Drive, Hartly, DE: I'm trying to listen real closely to what everything is being said and for what I had understood with the dog situation, the dogs are probably in no condition to do any running, barking and jumping fences and stuff. They're sickly or old. And I would think that they would go outside, you know. I didn't...I understood that they may live in a house or if they are somewhere else comfortable. I can't picture them being vicious dogs, if that's the type of dogs you're going to take. And I live not too far from there and I usually go down that road because I go to Smyrna a lot. And I think it's a blessing that the lady thought enough to leave that. It's the best thing since they had sliced bread, and you know when sliced bread come up that was a big thing. So, I'm sorry. But no, I really think that it is a good thing. I have animals. I have two pit bulls, and they'll fight sometimes and want, you know, each other stuff. But we're talking about sickly elderly dogs. You know, something might change in years to come, and then you'll have to come back to court or here, I'm assuming I don't know, but I think that in... You do have children, but up and down that road, mostly it's the main road, there's no sidewalks or like you're in a little town or something. We are right in the country, and I think it's a shame that people talk about

just because dogs' bark. Like I say, if you have a whole lot of dogs and stuff, the other dogs bark, they fight and stuff. But if you keep to the elderly, sickly or whatever dogs I don't see where that's going to be a problem. But like I say, I live in Hartly at Long Farm Estate, I'm not that far from there, come down the road, go right around the corner by the store. So, I hope that everything goes through at that sanctuary, like it should be. As far as volunteers, they'll work that out about what credentials you need or whatever; I will go over there and stay some nights. Might not move around too fast, but it might be somebody else there that's a staff member, and they just need somebody else in the house. I guess that's all I've got to say. Thank you.

WebEx participants in opposition of this application who wished to address Levy Court were asked to press *3 on their mobile device or raise their electronic hand on their computer. There was no response.

Public Hearing Closed on Application CS-25-04

Mr. Hertz: I'd like to bring Mr. Parana up again, ask a few questions. We talked yesterday.

Mr. Parana: Yes, we did.

Mr. Hertz: And the concern I threw to you was the fencing, which that's been taken care of. And the other thing we talked about was the dogs and that seems to be the problem with all the opposition, is the dogs. So, my first question to you, how are these dogs going to be kept in this barn and kept from running over...running wild over the whole 11 1/2 acres?

Mr. Parana: OK, per our discussion, any dogs that are there, they're going to...there will be fencing. That will not be jump proof, not be dig proof or where they can't dig underneath, they'll be housed inside. Not necessarily in the barn where some larger animals may be. We have a mini house out there now. It is agricultural. We'll probably be looking with the planning board to build a couple under 300 square foot houses for them individually. There will be privacy fencing around all the dogs. All the housing for any dogs is going to be soundproofing, as we discussed. There will be little to no noise if heard. Certainly a lot less noise being heard than the concrete and asphalt processing plant adjacent to our property behind us, or the tri axle dump trucks that come up and down Paul Rose Lane. It'll certainly be odor free because we don't leave droppings in the grass. We pick them up promptly. We'll do that as opposed to the gentleman that was here who has a body shop, two houses down that when he spray-paints cars, the odor is terrible. These are things that, you know you all may not be aware of. You know, we have a scrap yard right in front of us. These dogs, to get back to your question, will be completely

contained. They're not going to be vicious, aggressive dogs. They would not go there. Those vicious or an aggressive dog has to be maintained in a kennel environment such as we have over at First State. If an animal is a danger to themselves, a danger to the human being or its quality of life is at jeopardy because of aggressiveness that is the one criterion where they are humanely euthanized. So, what you're hearing, sir, is completely not correct. We never said we would have one dog or two dogs. We're looking for twenty animals of a combined species. We cannot say we're going to have ten, four, three of any particular species, but I can tell you this with twelve acres, we are not planning on having any more than twenty animals at this point in time. To revisit Mr. Sweeney's question, if we were to come back in a year from now and it's successful, we would hopefully say we're looking for another piece of property. We don't want to cramp these animals. As far as farm animals, where would they go? Once again in the front it's farm like setting. The white three rail vinyl fence will have wire meshing on the inside that you cannot see from the road but will keep those smaller animals from getting out, sheep, goats and the like. In the front, the farm like setting will also have large run-ins resembling beautiful barns that match the ones that we have there, for the larger animals. There's also stalls in the front of the barn that can house them also. So, I hope that clarifies your question, sir.

Mr. Hertz: Well, to my second question, I haven't asked yet, so you're planning on building more barns?

Mr. Parana: Not large, no. No. We would only build for single animals. Again, we cannot have four to five horses or cows or the like. You know, we will build protection for the ones that we have. If we can't house anymore over there that need the medical attention on a daily basis, we have twelve stalls, thirteen stalls in our Camden facility. We have a new barn there, so we have two barns in Camden that, one was funded by the Department of Agriculture for us. This is specifically for animals that need that rehabilitation.

Mr. Hertz: OK, because that barn, I mean, what's a minimum requirement for say a horse. What would be the minimum square footage?

Mr. Parana: Minimum requirement for a stall is 12 x 12.

Mr. Hertz: That's 140 square feet, so you couldn't have twenty horses out there because...

Mr. Parana: We couldn't. We don't have the property. First of all, a large grazing animal, you know, needs a certain amount of pasture. Granted, you bring hay in, but we want to beautify the property. We certainly don't

want the property all taken apart, but will we have two or three horses at one time? That it's a very strong possibility? But, yes, Sir.

Mr. Hertz: But you won't have twenty.

Mr. Parana: No, of course not. The property doesn't warrant that. That's why we, you know, we specify twenty. You know, non-delineated species. We just don't know.

Mr. Hertz: All right. My thing is, I'm fine with the twenty animals, but I think we need to put a limit on the number of dogs. I know it's unpopular, but you've got to listen to both sides, and I think we should come up with a number, a limit of dogs. It can't be twenty.

*Multiple unidentified persons speaking from audience at the same time.

Mr. Parana: Mr. Hertz, may I say something? The gentleman that was here before he was very, very accurate. If there was...that property of twelve acres were subdivided, if we were to do that, and we were to put twelve houses on there, that each can have four dogs, there would be sixteen dogs of which we're never going to have. And the dogs that would be on those on those twelve acres would certainly be younger and be able to jump and do the things that dogs do. So, when you're looking at that aspect, no we're not...

Mr. Hertz: Yeah, but you and I talked yesterday, and we agreed, you know, I was at five and you were at ten...

Mr. Parana: No, I was at fifteen. You were saying, a compromise with ten.

Mr. Hertz: No, you were at ten, sir. I remember it quite clearly and to stay with what we've done in the past; we passed Dog Tails a year or so ago and we limited them to ten dogs that stayed around the clock or overnight. So, I don't see why we should go outside of what we've already...a precedence that we've already set. Things should be set at ten dogs out of the twenty.

Mr. Parana: Yes, sir. And no disrespect, the Regional Planning Board designated our usage as conditional uses as a commercial kennel. And we're not going to put all dogs in there.

Mr. Hertz: Yes, sir. But we approved a kennel a little over a year ago out on Hopewell Road, which is also in my district for overnight boarding, and we limited them to ten dogs.

Mr. Parana: And that's...and I agree that is great, but we're not...

Mr. Hertz: That's fair.

Mr. Parana: We're not doing boarding. There'll be no public.

Mr. Hertz: But you're having dogs overnight. It's the same concept. It's just a technicality between boarding and staying.

Mr. Parana: I respectfully disagree, sir.

Mr. Hertz: Well, my thing is to put a conditional use to a limit of ten dogs, however there's seven commissioners and I just ask for a vote to add that condition and we either...in favor of what I want or it's not, so, I go with what the majority says. My thing is to put a limit on it, but if there's four commissioners that disagree with me then so be it.

Mr. Parana: Mr. Hertz, I guarantee you, you will not have a problem with dogs in the neighborhood.

Mr. Hertz: Sir, I'm asking the other commissioners, is there four commissioners that either agree or disagree with me? I mean, and I'll go with the majority. My feeling right now is to put a condition of ten dogs, but I will ask my fellow commissioners...

*Unidentified speaker from audience

Mr. Hertz: Ma'am, quiet. I'm asking my fellow commissioners, what do you guys think?

Mrs. Masten: Ma'am, please. Commissioner Hertz is speaking.

Mr. Hertz: I'm saying a condition of ten dogs. Does anybody agree with me, raise their...

Mr. Sweeney: Point of order from our counselor. So, he should make the motion and then make another motion to alter it to ten and we vote on them separately.

Mr. Eliassen: I agree. Put a motion out there. Offer an amendment. Vote on the amendment first, and if it's amended, then it attaches. If it's not, then you go with the original motion.

Mr. Sweeney: Yup.

Mr. Hertz: Alright, I make a motion to amend the conditional use to limit the animals...the dog part to ten dogs, only ten dogs' part of the twenty.

Mrs. Masten: Commissioner Hertz, you have to make the motion that's in the book first.

Mr. Sweeney: No, you can make the motion without that condition and then make a second motion to amend the first motion to limit to ten dogs.

M-25-074 Mr. Hertz: I **Move** that Levy Court grant conditional approval for application CS-25-04, a Conditional Use Site Plan for the commercial kennel located outside the Growth Zone Overlay District, including approval of the waiver, 187-60.A and B requiring installation of sidewalks. This is based on Exhibit, A - RPC Recommendation Report dated March 25, 2025; Exhibit B - Public hearing testimony dated March 6, 2025, and public hearing testimony given tonight, subject to the following conditions: the number of animals housed on the site shall be limited to twenty; landscaping shall be installed in accordance with the revised plan submitted March 10, 2025, and C – a four foot split rail fence shall be installed along the road frontages and a six foot oblique fence along the eastern property line.

Mr. Sweeney: So, I'll second the motion and wait for Commissioner Hertz to offer an amended motion that we would vote on first.

M-25-075 Mr. Hertz: Now I make a **Motion** to amend A - which says the number of animals housed at the site shall be limited to twenty that, of that twenty only a max of ten can be dogs; seconded by Mr. Scott.

Mr. Eliassen: And to be clear, the roll call is on the amendment first.

Roll Call – Amendment

Mr. Angel: No, to the amendment.

Mr. Hall: Abstained

Mr. Hertz: Yes.

Mr. Pepper: No, to the amendment.

Mr. Scott: Even though I have a concern of how we're going to control or monitor it, yes to the amendment.

Mr. Sweeney: No, to the amendment.

Mrs. Masten: No, to the amendment.

Roll Call reveals two (2) yeas; four (4) nays and one (1) Abstained.

Roll Call - Original Motion

Mr. Angel: Well, first of all, let me just say that every animal on this earth needs to have humane service. I just wish we all had common sense to help our veterans and our homeless people in our community, too, like we are right now. So, based on my belief and the facts I heard tonight, I do approve this.

Mr. Hall: Abstained

Mr. Hertz: I'm for it, except for the fact that I think the number of dogs should be limited and because of that I'm voting no.

Mr. Pepper: Well, first off, a couple of comments. I'd like to commend First State Animal Center and SPCA for their mission and what they do. In fact, just by coincidence, I was there today at their clinic that they have there. I was fortunate enough to be able to take my mother's cat for its' shots, so I was there today. And also, I was fortunate enough to have grown up in Hartly. Passed by this field with the buildings that were on it for many, many years. And I went...I made a trip out there today to see the facility, and wow, it's looks better than it's ever looked. And along with the other conditions that were put on with the fence and everything, it'll probably be a showplace and asset to the community. It's just a shame that most people here don't care about the large animals which have to be taken care of as well as the animals that are abused. It seems like most of them are opposed to the dogs and it is just a shame that dogs can't remain cute, cuddly, healthy puppies forever. So, we need a place like this for them to live out their remainder of their lives. So, with that, all that being said, yes, I'm in favor of the motion.

Mr. Scott: Based on the Staff's recommendation, RPCs recommendation, I vote yes.

Mr. Sweeney: So, based on previous comments, my vote 's yes, but I need to say something. Most of you probably don't even remember that back in the day, only Commissioner Angel and I were on Levy Court during that debacle of the animal welfare and animal care when Mr. Usilton was in charge of the Kent County SPCA at the time.

Mr. Pepper: Commissioner Sweeney, I was here also.

Mr. Sweeney: Okay, there you go, so. Commissioner Pepper, he didn't

mention it. But those are the days that the Kent County SPCA and I did not see eye to eye on pretty much anything. But I can tell you in the years since that's happened the First State Animal Center has well improved its reputation in Kent County. They are doing a great thing for Kent County in my eyes, and I hope they'll keep doing it and I hope that this property will help them and any other properties that they obtain will help take care of the animals as they need to be.

Mrs. Masten: Yes, I've been by the area, and I commend Mr. Parana and his staff for the work that they've done out there. I'm happy to say that I vote yes for this, and I look forward to a long-lasting relationship with you and wish you well.

Roll Call vote reveals five (5) yeas; one (1) nay; one (1) Abstained.
Application CS-25-04 has been approved.

CLOSE PUBLIC HEARING

OLD BUSINESS - None

NEW BUSINESS

Action Item from March 18, 2025, Workshop

Mr. Angel:

Introduction of **Ordinance LC25-06**, An Ordinance to amend Chapter 68 of the Kent County Code to allow for Annual Leave Accruals to be adjusted for New Hires in the Department Head Positions for Public Hearing on Tuesday, April 8, 2025, at 7:00 p.m.

Mr. Sweeney: Ladies and gentlemen, we still have business to complete here so if you guys could move out into the hall, that 'd be great. Thanks.

OTHER BUSINESS

M-25-076 Mr. Scott: **Move** to go into Executive Session immediately following the Committee Meetings/Workshop on Tuesday, April 1, 2025, 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), , and (9); seconded by Mr. Sweeney and Mr. Pepper; carried by Roll Call vote seven (7) yeas.

INFORMATION ITEMS - None

PUBLIC COMMENTS - None

COMMISSIONERS' COMMENTS - None

M-25-077 **Motion** to Adjourn made by Mr. Angel; no second; carried by seven (7) ayes. **8:44 p.m.**


Brenda A. Wootten
Clerk of the Peace
Kent County

