

**MINUTES OF THE KENT COUNTY LEVY COURT
REGULAR BUSINESS MEETING
KENT COUNTY ADMINISTRATIVE COMPLEX
555 BAY ROAD, DOVER, DE
LEVY COURT CHAMBER, ROOM 203
TUESDAY, MAY 13, 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 Angel.

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-25-104** **Motion** to adopt agenda as presented made by Mr. Scott; seconded by Mr. Angel; 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 25-07

- **Approval of Levy Court Business Meeting Minutes** of Tuesday, April 22nd and April 29, 2025
- **Action items from May 6, 2025, Workshop:** Vineyard Farm Lease Extension Request; Frederica EMS Station – Sewer Service Agreement; Central Septage Receiving – KCI Professional Services Agreement – Construction Services; Proposed Policy Amendment P25-3, re: Benevolent Fund Program

- M-25-105** **Motion** to approve Consent Agenda 25-07 made by Mr. Sweeney; seconded by Mr. Scott; carried by Roll Call vote seven (7) yeas.

PRESENTATIONS

Resolution 4103, Retirement of Mark Stayton (For the Record)

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

WHEREAS, the retirement of **Mark P. Stayton**, an employee of Kent County, State of Delaware, from his duties as Electronics Supervisor in the Department of Public Works – Wastewater Facilities Division, presents a suitable opportunity for expressing the esteem in which we hold **Mark P. Stayton**, as a good and faithful public servant.

THEREFORE, BE IT RESOLVED that the County of Kent expresses its warmest appreciation and thanks to **Mark P. Stayton** for the able and loyal manner in which he performed his public duties.

BE IT FURTHER RESOLVED that this resolution be his 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 May 13, 2025, meeting of the Kent County Levy Court.

- M-25-106** **Motion** to approve Resolution 4103 made by Mr. Sweeney; seconded by Mr. Pepper; carried by Roll Call vote seven (7) yeas.

PUBLIC HEARINGS - None

OLD BUSINESS

Mr. Angel:

Lift **Application CS-22-02** Calpine's Kent County Solar Energy Center; Applicant/Owner: Calpine Mid-Atlantic Development, LLC c/o William Ferguson – Public Hearing Closed on May 24, 2022, and application tabled by motion M-22-102 then proceed.

Sarah Keifer, Planning Director: Good evening, commissioners. I believe it also needs to be lifted from the table for it to be...

Craig Eliassen, County Attorney: It does, and we probably should lift it from the table now, before we address it at all.

M-25-107 Mr. Scott: **Motion** to lift Application CS-22-02 from table made by Mr. Scott; seconded by Mr. Angel; carried by Roll Call vote seven (7) yeas.

Ms. Keifer: The application before you tonight, CS-22-02 is an application for a solar facility. It was submitted under the previous code, prior to Levy Court adopting specific legislation regarding solar facilities, so it was accepted and processed as a public utility application. This would be the last one in the pipeline. Levy Court did table it in May of '22 because the Levy Court was in the middle of litigation regarding an earlier solar facility where Levy Court approved that facility, and a neighbor filed suit against the county and the applicant. Just recently the Supreme Court ruled in that litigation in the county's favor, that the county acted properly in approving that project. So, the applicant for this case has asked to take this up again. It does meet all the criteria for approval. The applicant had also, when they submitted it, included a lot of the conditions Levy Court was considering at that time. The additional buffering, for example, they've included that as well as, the reclamation plan and surety to cover the cost of reclamation. So, those were not required, the applicant did that voluntarily. It was recommended for approval by the Planning Commission, and again, this, under current conditions, this will be the last one you see. I'm happy to answer any questions you might have.

Mr. Hertz: Because they're from 2022, they won't be required to get that third party on a remediation price?

Ms. Keifer: You could certainly add that as a condition if you choose.

Mr. Hertz: Yeah, I want to put that as a condition then that they have to get a third-party for the remediation price.

Ms. Keifer: Then I would suggest you include it in the motion.

Mr. Scott: Sarah, you said it's going to be the last one of this magnitude. Is that due to the acreage size that's capped?

Ms. Keifer: The fact that it's a public utility, it's a utility solar as opposed to community solar. Under current conditions, as the code stands today, you will not see another one like this in this kind of location, in this zoning district.

Mr. Scott: Thank you.

Mr. Angel: Well, even though I don't like solar the way we were doing it, this is the last one on this magnitude, so we've got to follow the rules and regulations that we put in place. So, I **Move** that the Levy Court conditionally approve Application CS-22-02 for the Regional Planning Commission recommendation including the conditions recommended by the commission, the plan is compliant with the zoning regulations in effect at the time of the application, the location is appropriate and not in conflict with the comprehensive plan and other public health, safety and welfare will not be adversely impacted.

Mr. Hertz: Commissioner Angel, I'd like you to add an amendment to have a third party...they have to get a third party for the remediation.

Mr. Eliassen: Hang on just a second. I think Mr. Angel's motion needs a second and then we can go to Mr. Hertz' proposed amendment.

Mr. Hertz: I'll second it, then I'd like to propose an amendment that they are required to get a third party...

Mr. Angel: We need to vote on it first, Paul.

Mr. Sweeney: So, counselor...

Mr. Eliassen: No, no. We're going to...

Mr. Sweeney: He wasn't done making his motion, can't he include that condition in the original motion? That original motion's not formal yet.

Mr. Eliassen: Yeah, I mean if...

Mr. Sweeney: You could add that condition in the original motion, Commissioner Hertz can second it and then we don't have to go through a couple of votes.

Mr. Eliassen: He can restate his motion.

M-25-108 Mr. Angel: I **Move** that the Levy Court conditionally approve application CS-22-02 per the Regional Planning Commission recommendation including the conditions recommended by the commission. The plan is compliant with the zoning regulations in effect at the time of application, the location's appropriate and not in conflict with the comprehensive plan and the public health, safety, and welfare, and will not adversely impact, third party evaluation remediation; seconded by Mr. Hertz; carried by Roll Call vote six (6) yeas; one (1) (Pepper) not voting.

NEW BUSINESS

Mr. Sweeney:

Resolution 4120, Senate Bill 75 - Legislation Pertaining to Local Control of Retail Marijuana Stores by Counties

M-25-109 Mr. Sweeney: So, at the workshop last week we discussed the possibility of a resolution to send to the state legislature asking them to make sure they consider local control when looking at laws that impact county zoning...county ordinances. My request was for a generalized resolution and the resolution that came back had this specific in there for the Senate Bill 75, which I think is the wrong way to go. I think that we need to have a nonspecific resolution stating that Kent County would like the legislature to very politely stay out of our business. So, if we could table this, I'll make the motion and ask the county administrator and Ms. Keifer to rewrite the resolution with non-specifics in the resolution. So, my **Motion** is to table Resolution 4120 until next Tuesday night; seconded by Mr. Angel; carried by Roll Call vote seven (7) yeas.

Mr. Pepper:

Introductions of FY26 Budget Ordinance, related Resolutions, and Sewer Assessment Rolls for Public Hearing of Tuesday, May 27, 2025, at 7:00 p.m.:

Resolution 4109 - FY26 Sewer Assessment Rolls

Resolution 4110 – FY26 Property Tax Rate

Resolution 4111 – FY26 Old Mill Acres Suburban Park District Tax Rate

1. **Resolution 4112** – FY26 Royal Grant Suburban Park District Tax Rate

2. **Resolution 4113** – FY26 Eagles Nest Suburban Park District Tax Rate

3. **Resolution 4114** - FY26 - Kent County Disposal District No. 1 User Rates
4. **Resolution 4115** - FY26 Milford Library District Tax Rate
5. **Resolution 4116** - FY26 Duck Creek Library District Tax Rate
6. **Resolution 4117** - FY26 Lake Forest Library District Tax Rate
7. **Resolution 4118** - FY26 Caesar Rodney Library District Tax Rate
8. **Resolution 4119** - FY26 Capital Library District Tax Rate
9. **Resolution 4121** - Command to the Director of Finance to collect Sewer Delinquent Accounts by District as of March 31, 2025
10. **Ordinance LC25-13**, An Ordinance adopting the Annual Operating Budget for Kent County Delaware, for the fiscal year beginning on July 1, 2025, and ending June 30, 2026.

Mr. Sweeney: Really quick. So, the only one I got to look at was the Resolution 4110 and 4110 still lists .0572 as the tax rate for the 2026 year. We're not increasing it to .6? When did we not find that out? I was here.

Mrs. Masten: *Inaudible the workshop, there wasn't the *Inaudible to increase the taxes.

Mr. Sweeney: Okay, I'm fine. Good.

Mr. Hall:

Introduction of **Ordinance LC25-11**, An Ordinance amending §128, Article XI. Fees Enumerated, §128-42 Department of Planning Services to establish the annual Stormwater Maintenance District Fee for nonresidential uses and residential uses in single ownership charged by the Levy Court beginning in Fiscal Year 2026/Tax Year 2025. For Public Hearing on Tuesday, May 27, 2025, at 7:00 p.m.

INFORMATION ITEMS - None

PUBLIC COMMENTS - None

COMMISSIONER COMMENTS

Mr. Hall: Just an FYI and for consideration, Senator Buckson called on the state, the City of Dover and Kent County Levy Court to consider the disposition and placement of the Caesar Rodney statue, and so, I'm offering no opinion, but I'm just identifying that this will be something that may be coming towards us in the near future.

Mr. Angel: I just wanted to put everybody in the loop. I know I talked to you, and I talked to our county administrator, and I talked to Trudy. As one of the most senior people on the board here and with me being NACo, and I'm senior there now, one thing I've learned in life experiences is

continuity is...we lose continuity when we lose good people. And in saying that, there seems to be a loss of things that happen if people aren't around. So, I brought up the idea about doing a commissioner handbook, so everybody's on the same page in the same book at the same time. So, I started making a list of things that I think are...would be good, but I think the county administrator and Trudy are going to take part of it. If there's anything that you all know...that experienced over the years, I'm willing to listen to you all too, see if I maybe I can cross it off my list or we can add it to the list and get things moving forth because every two years we change, but as people go off the board, so does the experience and the value of what they had on this board. And then like every two years we can review it, keep it in our hearts and our memories of what's been transpired throughout the years. So, I just wanted to bring it up to make sure you all were...knew what I was trying to do.

OTHER BUSINESS

Mr. Scott:

- M-25-110** **Motion** to go into Executive Session immediately following the Workshop/Committee Meetings of June 3, 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), (4), and (9); seconded by Mr. Angel; carried by Roll Call vote seven (7) yeas.
- M-25-111** **Motion** to Adjourn made by Mr. Pepper; seconded by Mr. Angel; carried by seven (7) ayes. **7:25 p.m.**


Brenda A. Wootten
Clerk of the Peace
Kent County

