

**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, OCTOBER 28, 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 Hall.

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-25-208** **Motion** to adopt agenda as presented made by Mr. Angel; 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

Approval of Levy Court Business Meeting Minutes of Tuesday, September 23, 2025, and October 14, 2025

- M-25-209** **Motion** to approve Business Meeting Minutes of Tuesday, September 23, 2025, and October 14, 2025, made by Mr. Sweeney; seconded by Mr. Pepper; carried by Roll Call vote seven (7) yeas.

PRESENTATIONS

Tribute to Outstanding 4-H Member 2025 Ava Gallo

On Sunday, October 5th, Kent County Levy Court recognizes Ava Gallo for the Outstanding 4-H Member 2025, Peach Blossom 4-H Club.

Kent County Levy Court proudly recognizes Ava Gallo for her exceptional leadership, dedication, and service to Delaware's 4-H program. A member for fourteen years, Ava continues to lead by example—serving as club president, excelling in public speaking, and representing Kent County at the state level with distinction.

Her commitment to youth development, environmental education, and camp leadership reflects the very best of 4-H values. Even while recovering from surgery, Ava remained a source of support and spirit for her peers demonstrating heart, resilience, and unwavering dedication.

We commend Ava for her outstanding contributions and are honored to celebrate her as a nominee for the 2025 Outstanding 4-Her Award.

Mrs. Masten: Ava, I feel quite honored to be able to present you with this tribute. I met you for the very first time down in Harrington very recently, and the only thing I heard after it was mentioned that you were the award recipient is the amount of effort that you put into 4-H, the leadership traits that you display to the younger folks, as well as your overall customer service, but the enthusiasm and the smile is still here. So, congratulations on a job well done.

Mr. Scott: Ava, congratulations. It's kind of a distinguished honor there to receive that award. So, goes to show you have the respect of your peers as well as your community, so job well done, thank you.

Mr. Sweeney: Ava, were you ever a Cloverbud? That's how long I've known you if that tells you anything. So, for those who don't know, I do public speaking judging for 4-H every year, and usually I see Ava two times a year at the county level and again at the state level until she became part of the leadership and then you didn't do much speaking anymore, but, yeah, she is...I think you live in Bobby Scott's district I'm so sorry Bobby. This is her aspirations just so you know. So, congratulations. This is very much deserved, and we know how much you love 4-H and how much 4-H loves you.

Mr. Angel: Yes, congratulations, very exceptional for an exceptional person. Thank you for *Inaudible. Thank you.

Mr. Pepper: I'm really sorry that I wasn't at the banquet to present this to you. That's a banquet I really enjoy attending every year, but other things kept me away. But congratulations, I'm not surprised. I mean you've worked towards this for a long, long time and I'm really proud of you and I think this just opens the gates for you, for other leadership roles. So, I know that the rest of us better be looking over our shoulders because you're coming for us. So, congratulations, keep up the good work. Thank you.

Mr. Hertz: Congratulations, Ava. It's great to see young people be leaders in the community and achieve things that you're achieving. Good luck.

Mr. Hall: Congratulations. Many long years of hard work and dedication to the organization, it's good to recognize you tonight.

Kevin Sipple, County Administrator: Ava, congratulations on your award tonight. Again, 14 years involved in the 4-H, that's a lot, that speaks a lot for you. Congratulations.

Ava: It's truly an honor to receive this award. As mentioned, multiple times, I've been in 4-H for 14 years and I've served in many different roles, but most recently I've been able to serve at my club, county, and state level and serve as president, and I don't think I would have been able to do that without my previous leadership opportunities that I've had. And as mentioned in my tribute, I still attended 4-H events after my surgery, even though I wasn't able to be at the event for the whole time, I still was able to show up and show my support to all my 4-H family. And it's just truly an honor to be able to receive this award after seeing many 4-H'ers

I've had as role models receive this award. So, I thank you all for this as well.

Krista Gallo: It is truly an honor to have Ava receive this award. I know she's worked very hard, and I've worked right alongside of her and pushed her along the way so it's truly her senior year of high school and going further to just make a difference in the community and make a difference for kids. It's truly an honor to be here tonight with her and to see her receive this. So, thank you very much.

Employee of the Month – October 2025

The following was read into the record by Eugenia Thornton, Recorder Deeds.

Kent County Department Heads have selected Cathy Moore from the Recorder of Deeds Office as the October 2025 Employee of the Month.

Cathy currently serves as a Deed Clerk II, having joined the County in April 2019. She began her career as an Office Support Specialist II in the Engineering Office of the Department of Public Works, later transferring to the Recorder of Deeds Office as a Deed Clerk I in July 2022. Her strong work ethic, dedication, and commitment to providing exceptional customer service led to her promotion to Deed Clerk II in July 2024.

In her current role, Cathy serves as the primary clerk who greets and assists customers at the front desk, providing courteous and efficient service. In addition to her front-line responsibilities, she manages the majority of paper recordings, carefully reviewing documents to ensure accuracy and completeness. Cathy receives all incoming documents for recording, performs data entry for indexing, and processes payments, deposits, and receipts with precision. She also successfully handled a significant increase in customer volume following the passage of the Transfer on Death Deeds Act, approaching this entirely new area of work with remarkable efficiency and enthusiasm.

According to Recorder Thornton, "Cathy's cheerful attitude, extensive knowledge of recordings, and dedication to both customers and coworkers make her an invaluable member of our team and a wonderful representative of Kent County."

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

Mrs. Masten: Cathy, I didn't have too much interaction with you until very recently and I have to say you always have that smile, always that

can do attitude, and it's so much appreciated especially when you go in there and you're not quite sure what you're looking for, but you've always been very resourceful, and for that I'm very, very happy. Thank you.

Mr. Scott: Cathy, I couldn't have summed it up any better. That's one of the things that stands out, as every time I come into the building and I stop into the Recorder of Deed's office, you always have a smile no matter what's going on, so and it seems to carry right on through to the customers. So, very well deserved and nice job. Thank you for all that you do.

Mr. Sweeney: Cathy, we get a lot of Employees of the Month up here that were...that are engineers that did something cool for the county or they saved the county money or... The best is always the person that comes up here because they represent us in customer service. Because that's what we know we do, and you did it great. Congratulations.

Mr. Angel: Yes, customer service is number one with us and you are... exemplify that. Thank you very much for your hard work and due diligence and keeping this lady straight behind me.

Ms. Thornton: Thank you, Cathy. We're very proud of you.

Mr. Pepper: Well, Cathy, I've known you a year or two. To say the least. Being two kids that grew up out west of Dover, Hartly, I've known Cathy for quite a while, so I'm not surprised that she's Employee of the Month. She really exemplifies all the good in Kent County. So, Cathy congratulations and thank you.

Mr. Hertz: Cathy, congratulations. Every time I'm in the building, I always save your department for last while I'm going out and you guys always make me laugh and send me on my way. So, congratulations, job well done.

Mr. Hall: Cathy, it's clear why you earned this award tonight. Congratulations. Glad you're here and well done.

Mr. Sipple: Well Cathy, they've wore out the smile, so it's a little hard for me to say that again, but as I look up at the picture, that's what I see every day when I pass you in the hallway or stop in and visit. So, congratulations on behalf of all the employees here at Kent County. Congratulations again for being selected as the October Employee of the Month.

Cathy Moore: Gene, thank you for nominating me and commissioners, thank you for honoring me with such a prestigious award. I have been around the block a few years with customer service. I've spent 40 years

with the state, so, and part of that time I worked with Commissioner Pepper's mom, so, it's a small world indeed. But I truly enjoy my job at the Recorder of Deeds office and every day it's a different day and I just thank you very much for the opportunity.

Employee of the Month – November 2025

Sam Bautista, Director, Public Works: Good evening, Madam President and Levy Court commissioners. Thank you for this opportunity to honor one of our public works team members with November's Employee of the Month. The Public Works Wastewater division is a group of highly skilled men and women that ensure the health and safety of Kent County's residents' night and day in the sweltering heat and during torrential storms. They maintain the wastewater system and keep the plant running 24/7. I have Wastewater Facility superintendent Dave Whitney here to introduce Wastewater Operator Jonathan Cole and acknowledge his achievements.

The following was read into the record by Mr. Whitney.

Kent County Department Heads have selected Jonathan Cole from the Department of Public Works as the November 2025 Employee of the Month.

Jonathan currently serves as a Plant Operator III, having joined Kent County in July 2011. He began his career as a Custodian I in Facilities Management and transitioned to the Wastewater Facility as a Plant Operator I in April 2013. Driven by a strong commitment to professional growth and continuing education, Jonathan earned promotions to Plant Operator II in September 2019 and to Plant Operator III in March 2022.

In his current role, Jonathan operates, monitors, and reports on wastewater treatment plant equipment and sludge disposal structures; assists in monitoring all plant processes, including sludge pumps, flow and chlorine rates, solids removal and recycling, and septage receiving facilities; helps train Plant Operator II, I, and Trainee positions; and assists with minor mechanical repairs. In addition to his core responsibilities, Jonathan has consistently demonstrated initiative by identifying process deficiencies throughout the treatment facility. His keen attention to detail and proactive approach has been instrumental in ensuring that necessary repairs and improvements are addressed promptly and effectively.

According to Director of Public Works, Sam Bautista "Jonathan has played an integral role in supporting the success of our Public Works Team in multiple areas. He has an ability to recognize where his strengths can be utilized most effectively at any given time and is always willing to

step in to get the job done. His strong attention to detail and organizational skills have proven to be valuable assets to Kent County. Having employees like Jonathan is what makes our Public Works Team capable of meeting the wide range of challenges necessary for success. Public Works is fortunate to have Jonathan on our team. His dedication, technical expertise, and leadership make him a vital member of the team.”

Congratulations Jonathan on a job well done! Jonathan resides in Commissioner Sweeney’s and Pepper’s districts.

Mrs. Masten: Congratulations Jonathan on your achievement here, especially with the position that you have and the importance that it holds within the county and throughout the state. We certainly do appreciate everything you’ve done and look forward to seeing you back up here in December.

Mr. Scott: Jonathan, congratulations, job well done. I’m not hugging. Job well done. I know you guys don’t always have the easiest down there, so, you know, I’m very proud of what you guys do down there and *Inaudible appreciated very, very much. So, congratulations.

Mr. Sweeney: Jonathan, like I said, customer service and engineers. Congratulations. We know the job down there is not nice, but it’s a good job. Thank you very much for everything that you do.

Mr. Angel: Yes, Jonathan. Over 20 years ago when I first became a commissioner, we had a little lady come up before us with the problem with our wastewater system. She says when I flush, I don’t want to see it again. And thank you, that’s the last complaint I ever got. So, thank you.

Mr. Pepper: Jonathan, thank you for all the hard work. As Commissioner Angel alluded to, if something goes wrong in your field, it’s felt by the entire county and noticed by the entire county, so keep up your good work. We appreciate you, appreciate everything that the treatment plant does for the county. Thank you.

Mr. Hertz: Jonathan, thank you. The biggest thing I got from your bio is that you started with the county I believe in 2011 as a custodian. So, that’s really something that you went from a custodian to a wastewater operator and that you had the desire to improve yourself and make yourself better. Congratulations.

Mr. Hall: Jonathan, two biggest, most important jobs in the county paramedics and public works because as it was said, it affects the entire county. So, thanks for everything you do. That was quite a resume.

Mr. Sipple: Jonathan congratulations on behalf of all the employees here with Kent County and being recognized as the November 2025 Employee of the Month. Look forward to seeing you back in December. Get that name in hopefully, get the grand prize for the year. And as all the commissioners said, the vital infrastructure that you support and for the county is well appreciated. Thank you.

Jonathan Cole: Thank you. It's been a pleasure to work for the county for the last 14 years. Hopefully I continue to do a good job and moving forward.

INTRODUCTIONS

Alissa Hill, I am the Human Resources Administrator. I work for our director, Trudena Horsey who unfortunately was unable to be here in person, but I will represent. Our first, we have two employees. I will be introducing the first one. If I could have Shelly Dixon.

Shelly Dixon joined Kent County as a Custodian on September 8, 2025. Shelly brings valuable experience from her previous role as a Custodian at Bay Health Medical Center. Prior to that, she served at Delaware State University where she later retired. And I want to let you know that Shelly is residing in Commissioner Hall's district. I introduce you to Shelly Dixon.

Our next one I will ask that Recorder of Deeds Eugenia Thornton will come up to introduce our next employee, Brenda Owens.

Mrs. Masten: Welcome aboard Shelly.

Shelley Dixon: Thank you.

Ms. Thornton: Hello again. Brenda is a constituent of President Masten and Commissioner Pepper. So, Brenda is the mother of three children and three grandchildren. She's a retired Air Force veteran who served 20 years of military service traveling extensively throughout the United States and overseas. And after parting the AirForce, she pursued a legal career spending 23 years as a legal assistant working in various law firms while experiencing a diverse aspect of the law. She joined Kent County as it Deeds Clerk I on August 25, 2025. And before she joined us, she worked in Dover as a receptionist for First State CPAs and Associates, and she also worked as a Clerical Assistant with the Kent County Department of Elections. So, welcome Brenda.

Brenda Owens: Thank you all.

PUBLIC HEARINGS

ORDINANCE LC25-27, AMENDING KENT COUNTY CODE RE: RECORDER OF DEEDS FEE SCHEDULE UPDATE

Mr. Sweeney:

Ordinance LC25-27, Recorder of Deeds Fee Schedule Update. An Ordinance Amending Kent County Code Volume I, §128-44 (Recorder of Deeds), Chapter 128 Fees, Part 2 Fee Schedule, Article XI Fees Enumerated, to Add an Appointment Fee, establish a Flat **Recording Fee** for Transfer on Death Deeds, and Remove a Corporation Fee not collected by the Recorder of Deeds.

Public Hearing Opened on Ordinance LC25-27

IN FAVOR

Eugenia Thornton, Recorder of Deeds: I'm asking you to approve a few administrative corrections to the Recorder of Deeds fee schedule and one new fee, which is all I'm going to concentrate on today. The new fees, because Transfer on Death Deeds are now legal in Delaware as they are in more than 30 other territories and states in the United States. And even though the law does not take official effect until December the 4th, we've already recorded 40 of them in our office since the bill passed unanimously back in June. So, what we've done is we've discovered a little bit about the bill, and that is we're using a form and the mode and the median number of pages for this ToDD form is four pages, which equals an \$88 recording fee. However, occasionally, there's an exceptionally long legal description, and the legal description is required to be attached to the form and that increases the recording fee of \$98, which as you have read from the letter from the prime sponsor of the bill, Leader Harris is not in keeping really with the low-cost alternative estate planning tool that the ToDD is supposed to be. So, in an effort to avoid this higher fee, some customers are retyping the form, which means, you're using smaller font, which means that my clerks have to sit there and read it line by line. And others have asked us to fiddle around with the copy machine to try and squeeze it into that third page, so they won't have to pay the extra fee. So, both of these cost saving measures take up time at the customer service desk when we really should be recording deeds. So, in addition, when I go out, out and about and I talk about the bill and the law, people say, how much does it cost to record it? And I have to go, humahumahum because recording fee and this and that and the other. So, what would be nicer for me to say is it's \$88 for the first five pages and \$10 for pages six, seven and beyond. The semi fixed fee is supported in writing by the prime sponsor of the bill. You have a copy of that in your packet. And verbally by Senator Eric Buckson, the other Kent County sponsor for the bill and

by Susan Duram, Director of Finance for Kent County. Anybody have any questions?

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 – None

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 Ordinance LC25-27

M-25-210 Mr. Sweeney: **Move** to approve Ordinance LC-25-27, Recorder of Deeds Fee Schedule Update, an Ordinance amending Kent County Code Volume I, Subsections 128-44 (Recorder of Deeds), Chapter 128 Fees, Part 2 Fee Schedule, Article XI Fees Enumerated, to add an Appointment Fee, Establish a Flat Recording Fee for Transfer on Death Deeds, and remove a Corporation Fee not collected by the Recorder of Deeds; seconded by Mr. Pepper.

Roll call

Mr. Angel: Yes, for reasons stated by Commissioner Sweeney.

Mr. Hall: Yes.

Mr. Hertz: Yes.

Mr. Pepper: Yes, for reasons stated.

Mr. Scott: Yes, reasons stated.

Mr. Sweeney: Yes, per my motion and no public opposition.

Mrs. Masten: Yes, reasons stated.

Roll Call vote reveals seven (7) yeas. Ordinance LC25-27 has been approved.

**ORDINANCE LC25-26, AMENDING KENT COUNTY CODE RE:
PROMOTIONAL INCREASE LANGUAGE**

Mr. Angel:

Ordinance LC25-26, An Ordinance to Amend Chapter 68 of The Kent County Code to update the Promotional Increase language

The proposed change would allow employees receiving a promotion to be placed in the new pay grade at the step that aligns with the approved promotional increase of at least 8 %. This ensures consistency, transparency when awarding promotions.

Public Hearing Opened on Ordinance LC25-26

IN FAVOR - None

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 – None

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 Ordinance LC25-26

M-25-211

Mr. Angel: I **Move** to approve the Ordinance revision as presented with implementation in accordance with the recommendations discussed during the October 7, 2025, workshop. This ordinance applies to all employees who received a promotion from July 1, 2023, until October 28, 2025, that were eligible for an 8 % promotion increase yet received less due to a pay scale slotting. These employees will receive a half step pay rate increase with retroactive pay being applied from July 1, 2025, to present; seconded by Mr. Sweeney.

Roll Call

Mr. Angel: Yes, per my statement and motion and no opposition.

Mr. Hall: Yes.

Mr. Hertz: I'm voting no and the reason I'm voting no is, because I just confirmed with the County Administrator, next week we're going to get an overview on Policy 68 where the Staff wants to make five or six other changes. So, because of that, I don't understand why we pulled this one item out of Policy 68 and rushed it through instead of workshopping it with the totality of the entire policy and I think this is one of the places we

get it wrong at Levy Court when we pull one item out and then later go discuss the rest of it. And for that fact, I'm voting no.

Mr. Pepper: Yes, based on the statements of Commissioner Angel.

Mr. Scott: Yes, based on the fact it's been discussed since approximately May, before any of the other policies were even introduced for changing and based on reasons stated.

Mr. Sweeney: Yes, all reasons stated and no public opposition.

Mrs. Masten: Yes, per reasons stated.

Roll Call vote reveals six (6) yeas; one (1) (Hertz) nay. Ordinance LC25-26 has been approved.

PETITIONS FOR CONDITIONAL USE APPROVAL

Mr. Hertz:

Application # / Applicant: C-25-02 / Level Up Assets I, LLC; Owner: William Davis III; Zoning District / Proposed Use: AR (Agricultural Residential) / Telecommunication Tower; Area & Location / ID#: 274.6+ acres (Project Area 0.06± acres) on the south side of Willow Grove Rd., 0.11 mi east of Willow Tree Circle, southwest of Camden. / NM-00-109.00-02- 36.00-000

Public Hearing Opened on Application C-25-02

IN FAVOR

Sarah Keifer, Director of Planning Services: Good evening, commissioners. First just a word about how the hearings 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 applications before the Levy Court. Everyone will have an opportunity 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, the president of Levy Court will introduce the application. The Levy Court will then 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 deems 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 October 8, 2025, edition of the Delaware State News.

The first application before Levy Court tonight, C-25-02 is a conditional use application for a telecommunications tower. The site itself is zoned AR (Agricultural Residential). The project area is 0.06 acres. It's on the south side of Willow Grove Road, southwest of Camden, Outside the Growth Zone. The Regional Planning Commission voted unanimously to recommend approval, citing that the use is indeed permitted in the zoning district and complies with the conditions of approval. You'll see in the Planning Commission's recommendation; they are also recommending a safety light to be installed at the top of the tower. But again, this comes with a recommendation for approval. I'm happy to answer any questions you might have.

Public Hearing Opened on Application C-25-02

Dave Grigonis, Level Up Towers, 3801 Berrybridge Way, SE, Marietta, GA: I can be really quick today. I know it's, it's a late one here but...and she already kind of hit the highlights for me. I guess the first question I want to kind of address is on the south...it's on the...it's a 199-foot monopole tower. It is...the first question I always get is, well, how did you go about finding this parcel? Why is it going here? So, the first thing I wanted to do is, we have a whole RF department, and all the carriers have to list all their coverage, their current coverage data on the FCC website, so we pull all the data that the carriers actually have to give. This is actually how they map out their own networks. So, we actually use the exact same software that they do. So, this first...this is the...T-Mobile is the carrier that I'm targeting as the first tenant. Hopefully, if this does get approved, we will move forward with funding their site...to move forward. As you can see, the Willow...we call the site Willow Grove. It's about...it's on the south side of Willow Grove Road. You can see the yellow area...the red areas are where there are existing towers. What's that? Oh, ok. These red areas up here and then down here as well and you can see another one up in this corner. Those are where existing sites are. You can see this whole area right here. I mean, there's no coverage right here...sorry. This is T-Mobile's coverage right here. I'm going to go into...I'm going to show AT&T's and Verizon's next. So, right here is showing this little orange spot, so, right there, when I was walking around with my phone, I had one bar when I was first doing the mapping for this site. Let's see, how do I go to the next page? Okay, there we go. So, now this is Verizon's, so you can see there still has a big gap; it still has that yellow. It's very, very, very...you might get a call off if you're outside. None of this in the yellow here is in building coverage, meaning people

would have to go over to their window, over to their phone. The scary part here is too, especially where there's no coverage at all, I mean, there are tax ditches all through here and we have, you know with kids driving around, the biggest scare is, the biggest main point is public safety, to be able to make a phone call if there's an accident. And then we can go to the next page, and we can show the...and then this is AT&T's coverage. You can see that hole is there for all three carriers. So, our objective is to put one site in and get all three carriers there to kind of fill this hole. We already spoke with the tax ditch guys...can we go to the next page? This is our site plan here and then the next one. This kind of comes in down the...Willow Grove Road is up here. You...the access would come down here. This is the existing farm road. This is the tax ditch here. We spoke with the tax ditch department with the state, and they said...they actually did give us approval to go inside the tax ditch if we wanted to, as long as nothing permanent got placed there. But what they did ask us to do was move it from this side over to this side. That's because there is a tax ditch up here and they said since there's not one down here, we would just have to maintain wetlands setbacks for the site as opposed to the easement setbacks of the tax ditch, which was agreeable. And then I already talked about the...I know you guys said you guys wanted a light on top of the tower. The FAA does not require it, but if the county does require it, that's not a problem at all. We can make sure it's lit. And then, wanted to make sure you...see if you guys had any questions for me. This one's pretty cut and dry. This...there was no crazy engineering with it. We were able to meet...this is the largest parcel in the area, so we were able to meet all the setbacks from all property lines, buildings existing residential which is up there, up in here. I mean this is the...I believe this is the 500-foot setback right here, this big, long one, so you can see how much space there is out here. I don't think you can find a better spot for this site in this *Inaudible When I drive around and I'm looking over there no one's going to notice this especially coming from this side. You have these trees that are going to be blocking it. Coming from over here on Willow Grove Road when you're coming up, you could look over probably about a half a mile and you'll see it, but you're really only going to see the part that sticks above the tower, of the of the tree line. So, I think it's a really good location as far as aesthetics. No one's going to know what's back there unless they're really looking for it. What they will notice though is really good coverage on their phones and iPads.

Mr. Sweeney: So, you mentioned the tax ditch department for the state?

Mr. Grigonis: Yep.

Mr. Sweeney: Are you...because we have...every tax ditch has its own subgroup of people who live in that tax ditch district. Did you talk to them?

Mr. Grigonis: I just talked with the person from the...you guys gave me the contact of the person I needed to speak with.

Mr. Sweeney: Sarah?

Ms. Keifer: *Inaudible

Mr. Sweeney: Okay.

Ms. Keifer: I think he's discussing the tax ditch right-of-way.

Mr. Sweeney: Okay.

Ms. Keifer: That DNREC has to let...

Mr. Sweeney: Okay. She...he does not have to go to the tax ditch?

Ms. Keifer: No.

Mr. Sweeney: Okay. Perfect. Thank you.

Mr. Angel: In reading the comments, there was a question about the tower if it fell, would it hit the farmhouse. I know that if the trees are on somebody's property and they fall on somebody else's property, it's not where the tree fell from, it's the people's property that get hit from where the tree wasn't there until it falls. So, if that does damage to the property, do you have a claim or is there a policy to cover that so that people who have insurance its' covered?

Mr. Grigonis: Yes, sir. The site is fully covered. It's fully covered with insurance and we...if it does fall, these things are engineered to collapse upon themselves so that, they usually don't fall like a tree. I believe that up to the point where if there's a tornado and it rips this thing out, it's not it's going to fall...t's going to fall like that. But yes, that's the reason why it is insured. It's 100 % insured. But they are designed...and you can see this little set back right here this shows that it's fully within their property. If it did fall, it would not hit anyone else's property at all or anything in general. It will just hit farm field.

Mr. Angel: Just wanted to get on record. 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 – None

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 C-25-02

M-25-212 Mr. Hertz: I **Move** that Levy Court grant conditional approval of the Application C-25-02, a telecommunications tower located outside the Growth Zone Overlay District. This is based on Exhibit A - RPC Recommendation Report dated October 28, 2025, and Exhibit - B public hearing testimony dated October 2, 2025, and public hearing testimony given tonight with the following added condition, a red blinking safety light shall be installed at the top of the tower to help ensure safety for low flying pilots; seconded by Mr. Angel.

Roll Call

Mr. Angel: Yes, per motion of Commissioner Hertz and it's an underserved area to make it better for our community. Yes.

Mr. Hall: *Inaudible

Mr. Hertz: Yes, per my motion.

Mr. Pepper: Yes, for all the recommendations made previously by RPC, staff and the main factor would be public safety.

Mr. Scott: Yes, for reasons stated.

Mr. Sweeney: Yes, all reasons stated.

Mrs. Masten: Yes, reasons stated.

Roll Call vote reveals seven (7) yeas. Application C-25-02 has been approved.

Mr. Sweeney:

Application # / Applicant & Owner: C-25-03 / Samuel Melgar & Tyonna Brockington-Melgar; Zoning District / Proposed Use: AC (Agricultural Conservation) / Professional Office (Wholesale Auto / Paper Office Only); Area & Location / ID#: 0.57+ acres on the north side of Hampton Hill Dr., being Lot 6 in the Hampton Hills subdivision, approximately 0.17 miles southeast of Anna Ct., west of Camden. / NM-00-102.02-03-06.00-000

Ms. Keifer: Application C-25-03 is a conditional use application for a professional office, specifically wholesale auto, paper office only. The site is zoned AC (Agricultural Conservation). It's just over 1/2 acre. It's lot six within the Hampton Hills subdivision, outside the Growth Zone. The Regional Planning Commission voted unanimously to recommend approval citing that indeed the application complies with the conditions of approval, including the condition that there will be no storage of vehicles on site. So again, this comes with a recommendation for approval. I'm happy to answer any questions you may have.

Public Hearing Opened on Application C-25-03

IN FAVOR

Samuel Melgar, 678 Hampton Hill Drive, Camden Wyoming, DE: Alright, so, she pretty much touched it. Just want an office to be able to buy vehicles and sell them at the dealership. I currently work in Philadelphia at a car dealership, been in the business for 14 years, so just thought it was time that I started making myself some money and not the people that I'm working for a lot of money. So, me and my wife decided to, you know, start our...get our feet wet, and instead of opening up a car dealership, let's try the wholesale part first and then if that goes well, then we'll open up a little car lot. So yeah, we just want to use our home as an office just for papers, no vehicles will be stored whatsoever, and no customers will be at my address whatsoever.

Mr. Pepper: We've had applications similar to this before and the ones that regulate it are your neighbors. So, if you do not go by what is required of you on the application or the department, we'll find out about it. But my question is, if you're not going to...if you're going to sell cars and you're not going to keep them there where will you keep them?

Mr. Melgar: Oh, they will be shipped right to the dealership that I work at in Philadelphia.

Mr. Pepper: Oh, okay. So, you're abiding by the requirements of DMV by having to have an office location but an address, that's the purpose of this. So, you will not be keeping cars there.

Mr. Melgar: Yes sir.

Mr. Pepper: Okay, great, thank you.

Mr. Sweeney: Hi Mr. Melgar, so, I appreciate you being an entrepreneur, and you said you wanted to open up at some point, if you're successful a car dealership, not there, right?

Mr. Melgar: No, no, no, no, no, no. I'll find a...there's a lot of land in Delaware. We'll find a place.

Mr. Sweeney: Alright. Come back in and see us.

Mr. Melgar: Absolutely.

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 – None

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 C-25-03

M-25-213 Mr. Sweeney: I **Move** that the Levy Court grant conditional approval of application C-25-03, an auto wholesale, paper office only located outside the Growth Zone Overlay District. This is based on Exhibit A - RPC Recommendation Report dated October 28, 2025, which includes the staff recommendation for conditional approval; Exhibit B - public hearing testimony dated October 2, 2025, and public hearing testimony given tonight, as well as there was one public opposition, but I believe that Mr. Melgar was able to talk to the HOA and they did come around because there will be no cars stored on the lot; seconded by Mr. Hall.

Roll Call

Mr. Angel: Yes, reasons stated by Commissioner Sweeney.

Mr. Hall: Yes, per RPC recommendations.

Mr. Hertz: Yes, per RPC recommendations.

Mr. Pepper: Yes, per reasons already stated.

Mr. Scott: Yes, for reasons stated.

Mr. Sweeney: Yes, per my motion, the other reason stated as well as the applicant's acceptance of the condition that no storage of vehicles will be on site.

Mrs. Masten: Yes, for reasons stated.

Roll Call vote reveals seven (7) yeas. Application C-25-03 has been approved.

PETITION TO AMEND COMPREHENSIVE PLAN MAP AND ZONING MAP

Mr. Scott:

Ordinance LC25-22, 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 Reference: Application CZ-25-05, Michael L. & Allison B Richards Trustee (Re: Application #: LC25-22 / CZ-25-05; Applicant: Soltage c/o Zac Meyer, Director of Development & Owner: Michael L. & Allison B Richards Trustee; Proposed Zoning District: AC (Agricultural Conservation); Area & Location / ID#: 39.4082± acres (Area of Petition 30.22± acres) located on the west side of S. State St., approximately 0.13 miles south of Rising Sun Rd., and the east side of Walnut Shade Rd., approximately 0.15 miles south of Rising Sun Rd., east of Camden. / NM-00-104.00-01-27.00-000)

Ms. Keifer: Ordinance LC25-22 amends both the comprehensive plan and the zoning map. The site in question is currently zoned both RMH (Residential Manufactured Home) and BG (General Business). The proposal is to rezone to AC (Agricultural Conservation) and to change its' designation in the comprehensive plan to Low Density Residential. The site in question is just over 30 acres on the west side of South State Street, south of Rising Sun Road, east of Camden. It is inside the Growth Zone. The Regional Planning Commission voted unanimously to recommend approval of the ordinance, citing that the character of the area is indeed a mix of land uses, and the proposal would be compatible with the surrounding area. So again, this comes with a recommendation for approval. I am happy to answer any questions you might have.

Public Hearing Opened on Ordinance LC25-22

IN FAVOR

Mike Riemann, 309 South Governors Avenue, Dover, DE: I'm going to let...let me bring up the presentation, should be the same one from
 *Inaudible.

*Unidentified Speaker: It's whichever one...there it is, that looks familiar.

Mr. Riemann: Great, so as I said Mike Riemann with Becker Morgan, we're the engineers for the project. I also have with me this evening. Zach Myer from Soltage, who is the applicant, Bill Rhodunda, our legal counsel, and Michael and Allison Richards who are the property owners for the subject parcel. So, as was stated, we are here tonight to request a rezoning and comprehensive plan amendment for this particular parcel which is located near the intersection of South State Street and Walnut Shade Road. You can see Postlethwait School is sitting right there, South State Street, Walnut and the subject parcel highlighted in green with the yellow star. The standard for rezoning is here, we're going to go through these in our presentation, changing character of the neighborhood. There's been a mix of uses in the area. There's been some rezonings in the area as well. There's been some development that's occurred in this particular area. Comprehensive plan compliance, this request comes with a comprehensive plan amendment to Low Density Residential as well. Adequate public facilities, property does have water and sewer, and is located near a road network. And I'm sorry, I'm going to go back here. And compatibility with surrounding uses. The parcel is located adjacent to other AC zoned lands as well as some BG (General Business) located along State Street. Alright, so this is the comprehensive plan that you can see here. You can see our site located again where the red star is, located there in yellow. It's approximately 40 acres as it sits today. What you see in the green is low density residential around the property. The yellow is medium density residential. You see some of the red there, that's commercial, and that kind of orange color is high density residential. This highlights the existing zoning, so you can see the RMH zoning here in the tan color, and the AC zoning district, which is our requested zoning change this evening, almost completely surrounding that particular area in the green shades there. There have been a number of rezonings over the years. Some of them were RMH existing zoning districts that have been rezoned to General Business and RM and some IG and some BG. Our subject site here and some of those rezonings you can see kind of sporadic along South State Street. This is just a blow up of the plan. The request is to rezone a portion of the property, not the entire property. This came in combination of working with the staff to limit the rezoning to a future application that we're intending for this parcel. So, the rezoning is about 30.22 acres of the larger parcel. This portion up here not shaded in green would remain in the RMH zoning district. So, compatibility, the two districts, I know that there was a staff recommendation against this

application for reasons of maintaining the ability to have high density and affordable housing options, but there have been some changes that have occurred within the zoning code that this body has adopted. One of those namely allowing duplexes in the AC zoning district, maybe six months ago, a year, I'm forgetting the timeframe, but within the last year or so, that that has occurred. When comparing the two zoning districts side by side, the AC zoning district here and the RMH zoning district, the uses outlined in those for housing are almost identical. The one use that is not permitted within the AC zoning district that's permitted within the RMH zoning district is a manufactured housing park. However, manufactured housing is permitted on a lot within the AC zoning district. So, when the Levy Court and the county reduced the lot sizes in the AC zoning district and allowed duplexes to occur within the AC zoning district, that actually brought these two zoning districts much more in align with each other than previously. So, we don't think that this change from RMH to AC is a significant change in the zoning district...or in the, I'm sorry within the allowable uses that would be permitted. Just looking at some of the area and what have you again our property located here, there have been some developments in the area; Patriots Glenn subdivision there. There's been some residential developments that have occurred. All of those developments have occurred in the AC zoning district, which is the district that we're requesting. In addition to that, our property owners who are here this evening Michael and Allison Richards, they live right there. They have no intent to develop their land as a mobile home park. They have lived here for a long time. They plan to stay here; they plan to keep the land in their family, and they really have no desire to develop the property as a mobile home park. So, our intended goal and the reason for this rezoning this evening is to allow for a portion of this property to become a community solar facility, and that will assist the Richard's family you know, with some additional income options for them and their heirs. But the question is why this property, why this site? So, what you're seeing here, it's a little bit tough to see, but this is Delmarva Power's territory map, and there are some major utility line facilities in these blue lines here that run basically all through this area. And this shaded area here, you can kind of see the edge of the outline covers...that's Delmarva Power's territory. So, that's why this property was strategically chosen for a community solar facility. That in combination with the Richard's family, not wishing to develop it really in any way, either into a housing development in the short term or even a mobile home facility. And to that point, there was a letter provided by them that should be in your packet, basically stating what I just said. As it relates to manufactured housing parks, we did reach out to Mr. Jerry Heisler who is the owner of Reybold, has done thousands of mobile home facilities throughout Delaware and asked him about his opinion as to the viability of being able to develop a mobile home park here, in Kent County. His letter has been provided, should be in your packet, but in summary, he does not believe that these

types of parks are viable in Delaware. We haven't seen any new ones since the 90s. This is a result of...a lot of additional regulations across the board that really make these facilities not as viable as they once were, hence, why we haven't seen these occur since the 90s. So, as it relates to the RMH zoning district here, not a major change between the AC zoning district and RMH; and RMH for a mobile home park really is not feasible in our opinion. I mentioned the purpose of this was ultimately for a community solar facility. I'm not going to go into any of these details here. Our...Zach Myer with Soltage is here if there are any questions. This is a rezoning application, so don't want to get into that but did want to be up front with you as to what the request is for and the long-term goal. Soltage has done solar development in Delaware. They're a reputable company. They have been involved from the beginning of the implementation of the community solar program here in Delaware. So, if there's questions in that regard, we can...they're certainly here to talk through those. But as it relates to this request, we do believe that there have been some changes in the area along with some changes in what you've done to the code that make this request compatible. It does come with a comprehensive plan revision to low density, which is very consistent with the areas surrounding this property. There...this project did go through PLUS, there was no objection from the Office of State Planning through that process. There are facilities...infrastructure facilities surrounding the project. It is compatible with the surrounding uses. So, with that, I'd be happy to answer any questions that you may have.

Michael L. Richards, 3390 Walnut Shade Road, Camden, DE: My wife and I have lived on this property for 51 years. My grandparents actually bought the place. I guess next year I can ask for a Century Farm sign because they bought it January 1, 1926. But this is about a third of what was the original farm. It...my grandfather would sell parcels off. And of course, the mobile home parks that are there came into existence before zoning even existed. I think zoning didn't start in Delaware until the 60s if I'm remembering correctly. So, we're very interested in the solar aspects and so we would very much like to move forward with that. Hopefully, the Levy Court is in agreement. If you have any questions, I'm glad to answer them.

Mr. Pepper: Just one question. Access, what would be the access route to get to the solar property? I know that small parcel there off of State Street, I think a lot of that has utilities running under it.

Mr. Riemann: So, it would either be off South State Street or Walnut Shade Road. We haven't done the design of the solar facility yet, that would be a future application that we would bring before the county.

Mr. Pepper: 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 – None

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 Ordinance LC25-22

M-25-214

Mr. Scott: I **Move** the Levy Court grant approval of Ordinance LC25-22 amending the zoning map from Residential Manufactured Home and BG (General Business) to AC (Agricultural Conservation) and the Comprehensive Plan Future Land Use Map from the Medium Density Residential and Highway Commercial to Low Density Residential located inside the Growth Zone Overlay District. This is based on Exhibits A - RPC Recommendation Report dated October 28, 2025; Exhibit B- public hearing testimony dated October 2, 2025, and public hearing testimony given here tonight; seconded by Mr. Sweeney.

Roll call

Mr. Angel: Yes, reasons stated by Commissioner Scott and no opposition.

Mr. Hall: Just wanted to take the opportunity to address the staff concerns. These sorts of projects compete with developable land, but I know that area out there really well and South State Street extension, in my view because I live close enough to it is already a traffic nightmare. Plus that unique intersection in Rising Sun. So, in that case, based on RPC recommendations, I'm going to vote to approve because I'd rather have a solar farm there than more traffic.

Mr. Hertz: Yes, based on RPC recommendations.

Mr. Pepper: Yes, based on all staff and RPC recommendations plus a lot of weight on what Mr. Hall stated. And I do live off of South State Street extended, and there's a traffic nightmare and there is a lot of congestion in that particular area, especially during school hours. So, I think this would be much better suited for a very low traffic solar amenity to the area than additional multi-unit housing.

Mr. Scott: Yes, based on RPC recommendation and my motion.

Mr. Sweeney: Yes, all reasons stated, and solar panels don't drive.

Mrs. Masten: Yes, for reasons stated.

Roll Call vote reveals seven (7) yeas. Ordinance LC25-22 has been approved.

**ORDINANCE LC25-23, AMENDING KENT COUNTY CODE RE:
DRAINAGE STANDARDS**

Mr. Hall:

Ordinance LC25-23 - Drainage Standards, An Ordinance to amend Kent County Code, Vol. II, 116 Drainage Standards to require lines and grades plans for development on lots smaller than one half acre, establish standards for positive drainage from structures, and establish minimum standards for basement construction.

Ms. Keifer: Ordinance LC25-23 is an amendment to chapter 116 Drainage Standards. This is an ordinance we discussed a few weeks ago in workshop. What the ordinance does is try to clarify some existing standards, give them a little more weight for us to work with, most notably creates a requirement for lines and grades, as well as a foundation survey prior to closing inspections to ensure they've met the plan. Specific to major subdivision, it adds minimum standards for drainage facilities, requires an evaluation for the suitability of basements within major subdivisions and a base requirement that any basements have to be 2 feet above the permanent pool of the closest storm water facility. This was developed in concert with the Conservation District, and Jared Atkins is here this evening as well if you've got specific technical questions. I would say this will give staff far more tools to help address drainage concerns and try to prevent a lot of the complaints Levy Court's been getting, both about drainage and about wet basements. So, I'm happy to answer any questions and again Jared is here as well.

Public Hearing Opened on Ordinance LC25-23

IN FAVOR - None

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 – None

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 Ordinance LC25-23

M-25-215 Mr. Hall: I **Move** the Levy Court adopt Ordinance LC25-23 Drainage Standards to require lines and grades, plans for development on lots smaller than ½ acre, establish standards for positive drainage from structures and establish minimum standards for basement construction; seconded by Mr. Pepper.

Roll Call

Mr. Angel: Yes.

Mr. Hall: Yes.

Mr. Hertz: Yes.

Mr. Pepper: Yes.

Mr. Scott: Yes, and I would also like to thank Lori and Jared both...or Sarah and Jared both for their extensive work on this. I know this has been an ongoing problem and I appreciate what you guys have done with this. Thank you.

Mr. Sweeney: Sarah, I like the ounce of prevention, and I like add tools to your toolbox. So, my vote's yes.

Mrs. Masten: Yes, for reasons stated.

Roll Call vote reveals seven (7) yeas. Ordinance LC25-23 has been approved.

PUBLIC HEARINGS CLOSED

OLD BUSINESS - None

NEW BUSINESS

Mr. Scott:

- 1. Resolution 4138** - A Resolution calling a Public Hearing upon a proposal to extend Kent County Sewage Disposal District No. 1, pursuant to Section 4606, Chapter 46, Title 9 of the Delaware Code, as amended - Trunk Branch Area- Davis Properties

M-25-216 **Motion** to approve Resolution 4138 made by Mr. Scott; seconded by Mr. Sweeney; carried by seven (7) yeas.

2. **Introduction of Resolution 4139** - A Resolution upon a proposal to extend Kent County Sewage Disposal District No. 1 pursuant to Section 4606, Chapter 4606, Chapter 46, Title 9 of the Delaware Code, as amended - Trunk Branch Area - Davis Properties for Public Hearing on Tuesday, November 18, 2025, at 7:00 p.m.

OTHER BUSINESS - None

INFORMATION ITEMS

Mr. Scott congratulated Mr. Hovis as outgoing president and extended his appreciation for him being present either in person or via Zoom for each meeting.

PUBLIC COMMENTS

Kevin Hovis 2341 Sandtown Road, Felton, DE: I just want to say Madame President, commissioners I am the outgoing president of Kent County Volunteer Firefighters Association, and we did receive the appropriations at the meeting this past month, and I do want to express my sincere gratitude in the amount of donations that were received. That's all, I just wanted to send a public comment, so thank you.

COMMISSIONER COMMENTS - None

M-25-217 **Motion** to adjourn made and seconded; carried by seven (7) yeas.
8:27 p.m.


Brenda A. Wootten
Clerk of the Peace
Kent County