

**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, NOVEMBER 18, 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-25-218 **Motion** to adopt agenda as presented made by Mr. Pepper; seconded by Mr. Scott; carried by Roll Call vote six (6) yeas; one (1) (*Sweeney) nay.

*Mr. Sweeney: Before I place my vote, I have a statement that I'd like to make. Tonight's agenda item has an item put there at the request of Commissioner Masten. Commissioner Masten has every right to appoint or unappoint any member of Levy Court to committees or as liaisons to community organizations. I'm not disputing that however bringing this forth for discussion is just creating a spectacle and responding for a single person who organized a group who complained about me exercising my rights under the First Amendment of the US Constitution. In 17 years on Levy Court and under President Brooks Banta or Terry Pepper appointing commissioners it was always handled after the election. Did I agree with those appointments? Mostly yes with very few reasons to disagree. Since Commissioner Masten was elected the president I'm aware of two times that an appointment was changed and both had to do with commissioners who could no longer fulfill their duties as liaisons to community organizations. In both those instances Commissioner Masten assigned me to take their place, one on the central Delaware Chamber of Commerce and the other on Dover Kent Metropolitan Planning Organization. In fact, I've recently been voted by fellow members of the Dover Kent MPO Advisory Board as vice chair under chair Robin Christensen. Recently I requested an appointment as liaison to the Kent Farm Bureau which did not work out but there was never a public discussion among commissioners as is taking place tonight. Taking action now is buckling under pressure from a single person who organized a group to attack me on September 23rd. Since that meeting, I've received dozens of messages and calls from family, constituents and friends showing support from my position of defending my person and my rights under the First Amendment. According to *Lindke versus Freed* in 2024, the US Supreme Court clarified when a public official's social media conduct is state action. A two-part test must be met. One, the official possessed actual authority to speak on the state's behalf on the relevant matter. There was no relevant matter and two, the official purported to exercise that authority in their post. As a single commissioner I've never purported to be speaking on the county's or other commissioner's behalf, and I've never *Inaudible my personal positions with my elected position or from the county or from any other commissioners. Responding to public pressure and discussing my removal from chair of county committees and liaison to community

organizations is strictly disciplinary. Because it is a disciplinary from leadership it should have been handled in Executive Session but since the agenda was made public on November 10th it is now public issue. It is meant to embarrass me in public forum and to give a few Levy Court commissioners license to bash me in public to appease their base. The president of Levy Court's authority includes signing documents, running meetings and these appointments. The position is not supervisory over other commissioners. On Sunday November 9th I was asked by Commissioner Masten to meet with herself and Vice President Robert Scott at 6:00 p.m. the next night. I asked what the meeting was about and through multiple text Commissioner Masten would not share what the topic was, eventually stating it had to do with my role in Levy Court. She would not discuss any details and used typical supervisory phrases like, "there are things better done one-on-one than through a text." When I asked if I was being sanctioned her response was, I have no desire to sanction you or anyone else. I suggested that I would not prefer to meet with Commissioner Scott who is a member of the other party as any discipline taking by her would surely be shared by members of this party who are not my allies. Ensuing text, Commissioner Masten suggests that she and Robert Scott had many long discussion which reeks of backroom decisions conspiring to discipline me and lack of transparency. Monday night was not an option for me. I offered Tuesday evening and Friday as possible alternatives and never heard back from her. Instead of handling this herself but bringing forward to the entire Levy Court is unprofessional and shows lack of leadership. Appointments have never required the discussion with all Levy Court commissioners especially in public. It shows a lack of respect for me in the 17 years I've been on Levy Court. Even state legislators I've discussed this with said they would never remove members from committees based on public input, only for committing actual crimes. This agenda item should have been removed from the agenda. I should get an apology from leadership for the attempt to embarrass me publicly. Commissioner Masten should provide the list of new appointments to committees and other community organizations without all the fanfare and attempt at public humiliation. But if I am disciplined with these removals, it will not diminish my attempts to address Levy Court issues that are truly pertinent such as *Inaudible out of control that is not keeping pace with school construction, road improvements or the ability for emergency services to respond in a timely manner. Removing me from committee chair positions will not hinder my support for improvements to county parks, expanding the recreational

center renovations at Brecknock Parks Goggin Mansion or support of groups like *Inaudible. Removing me as liaison will not stop me from supporting great organizations like the Dover Kent MPO and their efforts to advance road improvement and biking or walking paths. With that I'm voting no on the adopting the agenda.

Public Comments on Agenda Items other than Public Hearing Items

Note: Public Comments for Public Hearing Item(s) will be during their public hearings.

Good evening. Madam President and members of the Commission and staff for the record my name is **John Paradee**, I'm an attorney with the law firm Brockstedt Mandalas and Federico here in Dover and just a brief comment on an item of new business that is not scheduled for public hearing tonight but is scheduled for public hearing on December 16 which is less than 30 days from tonight. It's Ordinance LC25-28 regarding the keeping of animals. I think I know what inspired this which is a very limited problem, and I would submit to you that this proposed ordinance which I've just seen for the first time tonight is going to have a lot of unintended consequences, I think. It's venturing into dangerous waters I would respectfully submit. There are hundreds if not thousands of agricultural properties that will be impacted by this ordinance. All of your constituents, if you drive around the western and southern parts of Kent County, you'll see lots of properties that would violate this ordinance as it's written. I would just ask that you give careful consideration to the constitutional limits of your authority under Article II of the Delaware Constitution, Section 25 which severely limits your ability to regulate agricultural uses, and I would also respectfully request that you consult with the Department of Agriculture and the Delaware Farm Bureau because I suspect they would have a lot of problems with that ordinance, and I'll look forward to providing more substantive comment in December. Thank you very much.

CONSENT AGENDA 25-15

(Items on the Consent Agenda are considered routine and/or non-controversial and will be acted upon by a single roll call vote of the Levy Court. There will be no separate discussion of these items unless a Commissioner so requests, in which event the items shall be removed from the Consent Agenda and considered separately under New Business.)

- Approval of Levy Court Business Meeting Minutes of Tuesday, October 28, 2025
- Action items from November 4, 2025, Workshop:

- Housing Rehabilitation Project Change Order $\geq$ 40% of Base Contract (Contract Nos. 21-40 and 23-5).
- Chemical Contract for Thioguard – 1 Yr Extension-Change Order No. 2

M-25-219 **Motion** to approve Consent Agenda 25-15 made by Mr. Sweeney; seconded by Mr. Angel; carried by Roll Call vote seven (7) yeas.

PRESENTATIONS

Trudena Horsey, Human Resources Director: Good evening, commissioners. I have the pleasure of welcoming Donna Barnes upfront to speak about our December Employee of the Month honoree Miss Marissa Burgos. Unfortunately, Miss Burgos is unable to attend tonight, she's under the weather and she does have small children at home, but we will be reading her memo and certificate in for the record.

Donna Barnes, IT Director read the following into the record.

Employee of the Month – December 2025

Kent County Department Heads have selected **Marissa Burgos** from the Department of Administration as the December 2025 Employee of the Month.

Marissa currently serves as a Computer Programmer I in the Information Technology Office, having joined Kent County in October 2022. She holds a bachelor's degree in computer science from Adamson University. Her wealth of experience in software application design, maintenance, programming, testing, support analysis, and software engineering. Her technical expertise and dedication have made her an invaluable member of the IT team.

In her current role, Marissa is responsible for writing, creating, and developing complex computer code; providing support for advanced computer applications and user training; monitoring and analyzing software application issues; and identifying and implementing effective programming system solutions. From the outset of her tenure, Marissa demonstrated exceptional initiative by taking on the complex task of learning the full Tyler implementation for finance, tax, and sewer billing. This endeavor required not only a deep understanding of backend systems but also seamless collaboration with multiple departments. More recently, during a critical transition period within the office, Marissa once again rose to the occasion. She proactively assumed additional responsibilities and quickly adapted to new platforms such as Zendesk and OpenCities. Her ability to learn rapidly, manage complexity, and contribute

meaningfully across teams continues to be a tremendous asset to Kent County.

According to IT Director, Donna Barnes, “In addition to her technical skills, Marissa brings a calm and composed demeanor to every situation. Her professionalism, adaptability, and commitment to excellence exemplify the values of the Information Technology Office. Marissa’s reliability, problem solving mindset, and collaborative spirit make her an indispensable part of our team.”

Congratulations Marissa on a job well done! Marissa resides in New Castle County.

INTRODUCTIONS

Sam Bautista, Public Works Director: Good evening, Madam President and commissioners. I have the pleasure of introducing **Julie Bowman**. Julie joined Kent County as a Utility Services Specialist on October 6, 2025. She most recently served as a Customer Service Advocate with Modivcare, which helped coordinate transportation needs to patients. Before that, she worked as a Rental Manager with Logix Car Rental. Julie resides in Commissioners Angel’s and Pepper’s district. Thank you, Julie, for joining our Public Works team and we welcome you to Kent County.

Ms. Bowman: Thank you very much. Very glad to be here and this opportunity to work in a different type of environment. I'm used to corporate, so this is like a breath of fresh air. So, thank you.

Mr. Pepper: Well Julie welcome aboard. I wish you a long happy career here.

Mr. Angel: Yes, Julie thank you for joining the Levy Court family. I was actually starting to wonder whether I was going to ever get anybody to come on to the 3rd Levy Court District again. Commissioner Pepper 's got all the districts, so. But I'd like to have somebody come in every once in a while, in the 3rd District like the other commissioners but thank you and congratulations and longevity.

PUBLIC HEARINGS

PETITION TO AMEND COMPREHENSIVE PLAN MAP AND ZONING MAP

Mr. Scott:

Ordinance LC25-25, 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 No. CZ-25-06, Rajkumar Thangavelu for Deborah Webb Trustee) for Public Hearing on Tuesday, November 18, 2025 at 7P.M. CZ-25-06 / LC-25-25: Rajkumar Thangavelu: Request to amend the Zoning Map from AR (Agricultural Residential / Low Density Residential) to BG (General Business / Highway Commercial) located outside the Growth Zone Overlay District / Parcel # MN-00-188.00-01-53.00-000

Sarah Keifer, Public Works Director: 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 29, 2025, edition of the Delaware State News.

The ordinance before the Levy Court tonight, LC25-25 is an ordinance to amend both the Zoning Map and the Comprehensive Plan Future Land Use Map. The site itself is just about 15 ½ acres on the east side of South DuPont Highway and the west side of Gun and Rod Club Road, north of Farmington. The site currently is zoned AR (Agricultural Residential), and the proposal is to rezone it to BG (Highway Commercial). The Regional Planning Commission voted unanimously to recommend denial of the ordinance citing that the area in question is primarily agricultural with

some single family. The character of the neighborhood has not changed over time to such an extent that the zoning map should change. With the exception of two small commercial properties, the existing commercial and industrial zoned land remain undeveloped and in agriculture. And finally, the proposal does not conform to the 2018 Comprehensive Plan. So, again this application comes with a recommendation for denial by the Regional Planning Commission. I'm happy to answer any questions you might have.

Public Hearing Opened on Ordinance LC25-25

IN FAVOR

John Paradee, Brockstedt Mandalas Frederico, Dover, DE: Good evening, Madam President and commissioners and staff. For the record again my name is John Paradee. I'm an attorney with the law firm Brockstedt Mandalas Frederico. Let the record reflect that I gave the Clerk of the Peace copies...hard copies of our PowerPoint presentation tonight, as well as a copy of a declaration of deed restrictions which you'll hear me talk about the property owner has agreed to voluntarily record. So, I'll try to make this brief and move right into the PowerPoint. Our position for you tonight is that the application meets the legal criteria for approval of the zoning change under Section 205-408 (B) of your code for the reasons that the character of the neighborhood has changed to such an extent that the zoning map should be changed, the proposed zoning classification conforms to the Comprehensive Plan., infrastructure facilities adequate to serve the area are either proposed or an existence, and there is compatibility between the use of the property as reclassified and surrounding uses. So, first I want to show you some photographs that were taken within the last two weeks and I'll just ask you to take a look at these photos and think about the character of the area that you see in these photographs and then I'm going to show you some photographs of the area around the subject property. So...did I do that? These are all photographs of properties in lower Kent County. And the question is, you know what do they look like, do they look like properties that are Inside or Outside the Growth Zone. And I will represent to you that every single one of these properties is Inside the Growth Zone, south of Harrington and north of Greenwood. The subject property is located just a little bit south of all the photographs that you just saw, it's about 15 ½ acres on the east side of South DuPont highway, west of Gun and Rod Club Road about halfway between the towns of Harrington and Farmington. You heard me say the

first criteria under your code we believe we satisfy that the character of the neighborhood has changed to such an extent that the zoning map should be changed. This map is taken from the staff packet and what it shows is there are five BG zoned properties, those are shown in red; two IL, that's Light Industrial zoned properties, those are shown in light blue; and two IG zoned properties, those are shown in purple, almost directly across the street from this property and they're all within the immediate vicinity. This is one of the IL properties located at 19130 South DuPont Highway. This is one of the BG zoned properties located on the southeast corner of Williamsville Road and Route 13, it's a propane distribution. This is on the northeast corner of that same intersection, 19627 South Road this is BG property. And this is at 19456 South DuPont Highway. I'm going to back up real quick here and show you, well actually this map shows it. The last three photos you saw are the three red BG properties that are closest to the subject property and all three of those properties were rezoned by Kent County from AR to BG. This is an aerial photograph of the area in 2005 and again you have copies of these photographs in your hard copy of the PowerPoint so I would encourage you to compare these two photographs, 2005 and 2025 and you'll see that there's been quite a bit of change in the area particularly the properties that I've identified where the zoning is other than Agricultural or Residential. And this is really a telling slide because it shows the location and zoning of each of those properties, you see the two IL properties in light blue, you see the five BG properties with red pin dots and then the two IG properties with purple pin dots. The subject property is shown with the green, light green pin dot very close to the BG properties and the IG property. The second criteria is that the proposed zoning classification conforms to the Comprehensive Plan. We submit that it does. This is the...a map from your Comprehensive Plan and what it shows is the area of the Growth Zone around Harrington and if you look just south of that purple southern line outside of Harrington you'll see just below the intersection of Williamsville Road and Route 13 and the brightly colored...it looks almost red...reddish purple that...those are the two BG...I'm sorry the two IG properties and the subject property's almost directly across the street from those, just South of the two BG properties that straddle Williamsville Road on the north and south side of the east side of the intersection. So, this property is just barely outside the Growth Zone but remember the photographs that I showed you at the beginning, all of those photographs are well north of this property inside the Growth Zone so you have to scratch your head a little bit and say, you know maybe the Growth Zone

map needs to be revised because you've got properties that are zoned for commercial use outside the Growth Zone and you've got a lot of land north of that that's in the Growth Zone but not being used for any business or residential purpose. In your Comprehensive Plan under Future Land Use, it talks about what that map I just showed you indicates, Map 7B reflects the county's Future Land Use Map and it shows this particular area shaded in green being Low Density Residential but importantly under the permitted land uses in areas that the comp plan designates as Low Density Residential it says limited commercial uses are permitted. And I would submit to you that you should be encouraging that wherever infrastructure and development supports it and that's the case here. We'll talk about South DuPont Highway and this area has a little over 25,000 vehicle trips per day. It's the principal arterial roadway through this part of the county so if you're going to have development happening you want to have it happening around infrastructure and roads, sewer and water are the key infrastructure elements and this property has all of those. The coordinator comp plan, this is a direct quote, "neighborhood commercial uses could be considered appropriate to support the existing small towns and residential communities in areas outside the Growth Zone," like this one. Particularly so given that Highway Commercial areas are generally located in and around areas along major roadways. The third criteria under your code is infrastructure facilities adequate to serve the proposed use are either in existence or program for construction. Here they're already in existence, you have, with regard to transportation facilities this property is located on Route 13 again a principal arterial road with over 25,000 vehicle trips per day. There's not a busier road in Kent County other than SR 1, okay, so this is where you should be looking to place development. Water and sewer systems are already available through Artesian. Stormwater drainage, a mini storage facility which is what my client is proposing would have no adverse environmental impacts and this project importantly could easily comply with all DNREC and KCD requirements. Likewise with regard to fire suppression this project would comply with all State Fire Marshall requirements. The last criteria is compatibility between the use of the property as reclassified and surrounding land uses so as to promote health, safety and welfare of present and future residents. I would ask you to take a look at the Declaration of Restrictions that I provided to you, and you will see that the declaration has been signed by the owner of the property Deborah Webb who's the trustee of the trust that owns the property. And what this deed restriction says is that if this application were to be approved then the permitted use of the property

shall be limited to a mini storage facility use as permitted under the provisions of the Kent County code. Paragraph two of the declaration provides that if the application is denied then the declaration becomes null and void. And the third paragraph provides that if it is approved this covenant can be enforced at law or in inequity against any person or persons violating or attempting to violate the covenant in order to restrain any violation. So, the intention there is that if you were inclined to approve it, and again this is a deed restriction that the county has no authority to enforce. I think your council will tell you that, and you can't agree to approve it contingent on this declaration because that would be contract zoning. What I'm telling you is my client, and the property owner have voluntarily agreed to deed restrict the property to assuage any concerns that neighbors might have that this could be something other than mini storage. Because if you rezone it to BG then it could be anything that's permitted under BG and my client doesn't want to do that. My client only wants to do a mini storage facility and to memorialize his commitment, his promise not to do anything other than that. That's what the deed restriction does. Again, it wouldn't be up to the county to enforce but it would be enforceable by neighbors, by private property owners. So, we submit that there would be compatibility between that use and the neighborhood. Mini storage facility would be compatible because it's a very low impact use, minimal traffic, no significant nuisance, the hours of operation would be restricted, all light would be directed away from neighboring properties and there would be no other noise or significant nuisance. So, in conclusion it's our position that the application meets the legal criteria for approval of a zoning change under your code for all the reasons that I mentioned, and I'll be happy to answer any questions you might have. Thank you.

Mr. Sweeney: So, Mr. Paradee, under the AR zoning that is currently, if we...if this is not passed tonight what could the owner do with that property?

Mr. Paradee: So, my understanding is that the most they could do would be to subdivide the property for four...up to four houses. It's not big enough and I believe has been previously subdivided off other property. I'm not sure I entirely understand but my client researched that question and was satisfied that the best they could do would be to put four houses on it but otherwise if you know one house two house, three house, four house max would be all that you could do. And I'm not sure that that's economically viable when you're talking about a 15 ½ acre piece of

property, it's almost 4 acres per lot. You'd have to get a pretty hefty price and it's just not a very efficient... I would say not a very appropriate use if you wanted to encourage residential uses, you'd probably have to allow a little bit more density than that in order for it to be viable.

Mr. Sweeney: What's...what did...obviously it's being used for agriculture and now and then and that's it.

Mr. Paradee: Correct it's being farmed presently.

Mr. Sweeney: And this is Mrs. Webb 's desire to do something with her land?

Mr. Paradee: I don't believe that Matt Webb is here tonight, but he testified at the RPC hearing remotely because he lives in Newark and he explained, and I'm just going to repeat what was said on the record, this...don't...this is not my words, these are his. But his mother is...Dorothy is the owner. She's elderly and infirm and they've been trying to sell the property for some time to help pay for her living expenses, I believe she's in a nursing home and so he's trying to sell the property to sustain his mother's life and just letting it be farmed is not going to...not going to cover that. So, he's trying to find something to do. I don't know what he'll do if this gets denied. Obviously, the RPC recommended denial so we would need five votes which is admittedly a heavy lift. But I just think this is one of those cases that you have to ask yourself if not here then where, you know at what point do you need to start thinking about properties like this that are caught on the edge of your municipalities, they might be just outside the Growth Zone. You've got that little nook between Harrington and Greenwood that is technically not in the Growth Zone because at the time the Growth Zone was created in 1996 there were no sewer stations you know within two miles of that area so they were sort of left out, but I would submit to you with all the traffic and the things that are going on there, if you drive around this area, you'll see there is a fair amount of business cropping up and down Route 13 between Harrington and Greenwood and eventually at some point in time if not tonight, if not next year, if not 10 years from now, at some point that's where you want you to fill in with your growth, you don't want it to go out on the western side of the county or out on the eastern side of the county. You need to channel your growth; you know around infrastructure and this property has the infrastructure. One last thing I'll say, and I apologize for rambling on but the properties directly across the street that are zoned IG, that is one of if not the most intensive zoning districts under your code and while it

may be true that that property currently is being farmed, the reason you didn't see a picture of anything with a factory on it there's because it doesn't exist right now, it's being farmed. So, you know opponents will say, oh well this, you know this area is all farmland it should stay farmland forever and I get that. I mean you know that's not an unreasonable position to take but you have to think about that property zoned IG it's actually two parcels and it's really big and someday somebody's going to come in front of you with an application for an IG zoned project on that property and you won't be able to turn it down because it's a permitted use. So, I'm just suggesting to you this is an area that's in transition and if, you know if tonight's not the night for a project like this you're going to have to address this question at some point when you get to redoing your Comprehensive Plan.

Mr. Sweeney: You showed us what was south of Harrington including some of the areas that were already rezoned. Yeah, back one more. There. You didn't go down farther than that...Farmington right below...isn't that where Eastern Shore Waste is?

Mr. Paradee: Yes, and in this map, you'll see where it says the word Farmington and the roads IN, that little gray square that's actually the municipal limits of Farmington. But there is a lot of development north and south of Farmington.

Mr. Sweeney: And not in the Grow Zone?

Mr. Paradee: No, that's not in the Growth Zone.

Mr. Sweeney: Thank you.

Mr. Angel: I actually...John I was actually at 19627 South DuPont, that little farming stand there that was on...right there. I've been here twice in the last month 's coming back from a trip. I saw that area *Inaudible well, I said what a great place for something to be developed there and I was leaning to that until you mentioned houses. We have a housing shortage right now in this state. Having something like this put in here now, I was going to vote yes for this. But I think I'm going to vote no for denial because we need houses for people that are moving here that can't find livable space.

Mr. Paradee: Yeah, I don't disagree.

Mr. Angel: Four or five houses now would definitely help the economy as well as the people that need it. So, I want to...I'm actually on the border right now. I'm still thinking but I just want to be truthful with you how you changed my mind in a split second when you mentioned houses. That he would put that up instead of doing this.

Mr. Paradee: That's a great question but I would submit to you respectfully Commissioner that you don't want to put housing developments right on Route 13, right, because if their access is on Route 13 then you're going to run all the residential traffic through that entrance off of Route 13. Ideally you would want your residential developments to be the next block off of 13, you know just remove slightly...down a side road with an entrance on Williamsville Road or something like that. I don't disagree with you, we need housing, especially affordable housing in Kent County. We should be doing everything we can to encourage that and changing the zoning here from AR to BG would not serve that, I agree but I would also submit to you that putting housing directly on Route 13 doesn't make a lot of sense because you're making a traffic problem worse by doing that. I think you want your residential development to happen., you know maybe 1000 feet or 2000 feet off of Route 13 so that there's some buffer because you know as you've seen happen over time residential development happens first. Commercial development doesn't happen first. Commercial development typically happens in response to residential development. You don't build grocery stores until there's people around who are going to shop at the grocery store. Same with restaurants and everything else. So, you know on Route 13 you should be encouraging, in cooperation with DelDOT and making sure it's safe and the traffic patterns all make sense you should be encouraging some sort of limited commercial development on 13 and then your residential as I say the next block over. I don't think you want to put houses directly on Route 13.

Mr. Angel: Well, looking back on history our roads a lot of houses are on major roadways, that's what they are now. And I know future...things are changing. But four or five houses is not to me a subdivision it's still close to getting to the stores that are in the area or have to be in that area. Since that is an open area for a commercial, I'm still leaning towards the houses more than a commercial.

Mr. Paradee: Understand. And I respect that position.

Mr. Hall: Going back to the map of Harrington and in those areas that have been rezoned over time outside the Growth Zone that's pretty much the definition of spot zoning, is that a fair statement.

Mr. Paradee: It may have been the first time it happened. So, imagine if you will that none of these properties were BG, IG, or IL and the first property that pops up says I want to be IG right at the southwest intersection of Williamsville Road and 13. I think that's a very good point, Commissioner that, you know that would I think be a good example of spot zoning because it's the first commercial zoning in that area that doesn't have any commercial zoning. That's not what is being proposed here tonight. What's being proposed here tonight is a BG zoning that would be the sixth BG zoning in the immediate area and also you have two IGs and two ILs so, I don't think that it fits the classic definition of a spot zoning at this point. But I would agree with your premise that, you know if you're looking at an area that's exclusively agricultural and residential and you plunk a commercial right in the middle of it then yeah, I think that would be.

Mr. Hall: Okay, thank you.

Mr. Hertz: Looking at all the pictures of stuff, my biggest...is of drainage, and not only on that property but the houses around it. And building highways myself Route 13's an old highway and it doesn't have the swales built into it like a Route 1. So, in order to develop your property, you would have to build it up because you got a ton of lakes on there and if you build your property up where's your water going to go? It's not going to go into swales because swales really don't work on 13, so where's it going to go? It's going to go on neighboring properties and that's my concern, that you're going to impact neighboring properties and we've already seen pictures of the house next door where their...underneath their house is always wet when it rains.

Mr. Paradee: That's a very valid concern, Commissioner and I appreciate you bringing that up. The reality is under KCD regulations you cannot discharge water off of your property beyond what the natural condition provides so my client would have to, if this property were to be developed, he would have to install on site stormwater management, you know a pond of some sort that would have to manage all of the water so there would be no water flowing off of this property beyond what the natural state of things would be. That is KCD regulation 101. You can't increase the amount of stormwater flow off your property, you have to manage it on

site so, it's a valid concern, but I respectfully submit to you that the project would have to comply with KCD regulations which would prevent that from happening.

Mr. Hertz: I agree with you, and I understand the regulations from also doing developments and building stormwater ponds myself. The point is the water is already high, it's already...I mean if you walk through it in boots and stuff when you're like a foot and a half underwater so if you build a pond your water level is already there. So, you would have to build the ground up and you have to have an outlet by KCD rules in that pond, you have to have an outfall structure which outfalls to either a ditch...where's it going to go and that's my concern. You're going to have to build the property up. The water's already above the ground so that's the concern. It's not like you got a plain piece of property, you go out there and dig a pond and take all the water to the pond. This has already got water above the ground and that's my concern.

Mr. Paradee: Fair concern but I would submit to you that it couldn't be farmed if it was underwater, and it's been farmed actively. So, there's a way to manage that but again, I don't want to argue with you it's a valid concern. I appreciate it.

IN OPPOSITION

Kaitlyn Lister, 1253 Gun and Rod Club Road, Harrington, DE: So, we have many concerns you know regarding this mini storage unit being put next door to us. Me and my husband and our two little kids, two boys. Our oldest is 3 years old and our youngest is 1 ½. So firstly, I'd like to start with, you know safety and privacy. There's going to be a lot of strangers if you will in and out of that area that we don't know. Not saying that they're not on the road now but our neighbors we have a chance to get to know and develop our relationship with them, see familiar cars. And, also with that being said the entrance will have to be on Gun and Rod Club Road which will create a lot more traffic for us. So, as Mr. Paradee would like to emphasize that this should be developed because it's on Route 13, there's gonna be no entrance on Route 13, so is it really a business that's benefiting from the traffic on that major highway or not, just my thought process on that. We do live in a farming community. This weekend, the farmers next door that actually currently till that land, they put on a great show for us, they came in with their two combines and me and my boys we sat in the bedroom with the blinds up and watched them as they worked. And on the other side, this property her my oldest son stood outside - and we have a mound system where we live - on top of the...he stood on top of the mound and watched that farmer as he worked in the ground because he just took off his soybean harvest recently. Also, this

piece of land is in farmland preservation, so it's going to stay agriculture and as you can see the many chicken houses that are surrounding in this picture. Another argument I have is that they have suggested that there will be minimal noise and noise disturbances or light disturbances, you know you can't control how loud your customers come in with...if they have their music turned up loud and it's you know in the earlier hours of the morning or the later hours of the night, you can't control how loud their vehicles are, if they have loud muffler systems on, so I do think that there could very well be a lot of noise disturbances. Also, with the lights they say they will be pointed away from our properties. Well, if you point lights away from my property consequently it's going to be pointing towards my neighbor. and vice versa. I also would like to point out that there has been other offers put in on this property, so as the seller is putting an emphasis on that he needs to take care of his mother, I do very well understand that as I'm a registered nurse and I work with dialysis patients, so I primarily work with the older generation that as they age, they do need a lot of care. But this is not the only option, has not been the only option I do know that. And as you say...Mr. Paradee said, obviously that the land 's not too wet because it can be farmed if it was underwatered it wouldn't be able to be farmed. Well, that is true but I'm not sure how much, I know my husband would probably know a little bit better because he is a farmer., how many times that farmer has to come in...how many...year after year and replant a couple of acres that have been drowned out especially on the years, we get a lot of rain in the early seasons. And in talking with the farmer this weekend after he got done with the harvest, I was explaining to him what was planning on going on and he did say well, if they're planning on doing that, they're going to have to haul in a lot of dirt here to make that happen. So, I would say that him himself should know more than anybody but us too as we see plenty of water there as it gets wet. So, I just ask you if you could just keep our neighborhood the way that it is, you know right now it's quiet, we do enjoy the, you know being able to freely walk to our neighbors you know and, you know doing agricultural things and just not having to worry as much as if we had many strangers that had very close access to our property on a daily basis. Thank you.

Yvonne Rollins, 1101 Gun and Rod Club Road, Harrington, DE: I live right next to the proposed property, and I can honestly tell you that it is wet. If we have any significant amount of rain or even when the snow melts off, I have lakefront property. I have horses, you know...I don't...he keeps saying Route 13, Route 13, it's not...the entrance is not going to be on Route 13 it's going to be on Gun and Rod Club Road. There, if you look at the entrance...my driveway, my lane, there's a curve in the road and it's dangerous there, you know to pull in and out. Now you're adding extra traffic because that's going to be the entrance, okay. I have horses, you know I'm not looking for extra traffic on that road. I think that it

would be better served, if he wants to do a storage unit somewhere else, like maybe on Route 13 somewhere. I understand there's houses going on in behind the Food Lion there, you know somewhere else because anybody that lives on that road that needs destroy anything they're going to build a shed, you know it's not going to fit the needs of our community. I just think it would...it's not going to serve us where we are and the way that we live, and I'm really wish he would do it somewhere else. And I'm a little bit resentful for the fact that somebody from Virginia is coming and telling us that lived there like what we need and how we should you know move forward and, you know our way of life and I just like things the way they are and that's why I bought there in 2008. Thank you.

Isaac W. Henry, Jr., 19857 South DuPont Highway, Harrington, DE: I live in the, let me see if I can show it to you. My wife and I live in the house directly across the property right adjacent to it and when we first moved there, we loved the home. She in fact...we're religious people we believe in the Lord and she prayed when they started building the house, about that's my house, that's my house, so Mr. Wayne died, and I told everybody I got this big headache because soon as she found out the house was a property, I was working at Kent General Hospital, I'm a constable there and I told everybody I got to buy this house because my wife wants it. So, I put a claim in, I put \$1,000.00 down to secure it. And it took three months to get it, but we've been there since September 26, 2019. I'm a little nervous, you need to bear with me. I'm the person that submitted the drawings of the house with the water under it and the drawings of the backyard full of water. As my neighbors have said, that property we're talking about, what I did, where that little line is, all that stays full of water and it *Inaudible with the property and the water runs down on our property causing my sump pump to overwork itself. I have two of them now. I had to have it all done, it cost me \$30,000.00 to get it done correctly. So, anytime it rains real hard the water comes from both properties, the back field and that field onto us. We have a lake at our backyard. I don't disagree with what Commissioner Angel said. It's nothing wrong with having homes there, because it won't be too many or like Mr. Hertz said, it's not really a good place to have commercial property because like you said you have to build a property up and the water is only going to come down on us. I checked with DNREC and...with the property when it was agriculture, and they said there was nothing I can do other than put a ditch out to the road; and they don't want that water going to 13 because there's nowhere to go. Under my driveway and the next driveway is pipes but they go into an inlet that goes across the road, so in everybody's best interest that lives there, I still think we don't need storage buildings because like you said it's going to be asphalt and concrete and the water has nowhere to go, it's going to come on us. So, thank you for hearing me and I appreciate your time.

John St. Pierre, 20057 South DuPont Highway, Harrington, DE:

Honorable Commissioners, I want to thank you for your time and your work to run Kent County. We like living here, our family has made it our home. We really appreciate the benefits and resources we have here. We've made this property our home and invested in it. We enjoy the agrarian community away from the beach. We enjoy the neighbors who are self-sufficient but never unwilling to lend a hand. There is a true community there. And we enjoy the creativity to cultivate the land, raise animals and raise our families. And I do have concerns about this project that I want to bring to your attention so that using the master plan, using the structure of the laws it's given you can help us to protect the community that we enjoy so much. We've discussed the character of the neighborhood tonight which is agricultural and single family and when I talk about our neighborhood, I want to point you to south of Williamsville, north of Williamsville is a little bit more built up, has the State Fair complex not too far away. Williamsville is a bit of an artery to get toward Milford and things east but once you pass south of Williamsville it really becomes a much more agrarian zone, it is a calmer environment. I had trouble, I could not get natural gas down there, it's too far from Harrington and so we get propane shipped in. And it is an area of single-family home and agriculture. There are no changes to this, in fact one of the other properties nearby, this one is a new single-family home just a few years ago built so that is the character of the area. For Mr. Paradee to tell us that making it residential is not very appropriate just doesn't pay attention to who we are and what our community is. The BG properties you see, some of them were approved in 1977 or in the 90s as Mr. Paradee himself pointed out in the previous hearing and so we are not caught on the edge of a municipality as he says. We're happily in a quiet agrarian zone. I realize there's 13 there but our houses are set back, and we enjoy the pace of life that we that we have. The IG property is currently being farmed and you can tell just what the character is, there's no question about that. As far as the Pep Up station on the corner, there was a mixed zone property that was cleared up but it's nothing to change what's been there forever and what's quietly a part of what's going on. It's also a corner property just like the King's Market stand on the corner. It's not in jagged lines between a bunch of houses with drainage problems, it's run by local owners that are making a community investment. As far as the comprehensive plan, I want to congratulate the applicant for finding some property in western Kent County that's agricultural in his photograph, tons of western Kent County is agricultural, inside and outside the Growth Zone. That doesn't prove anything except that we live in a state that's blessed with bountiful agriculture. We are outside the Growth Zone; the line is appropriately drawn and being south of Harrington and north of Greenwood is an awfully big zone to be talking about. We are in an area, when it's well considered is truly just an Agricultural Zone. As far as the infrastructure, there are tons of concerns here and I don't think they're just as simple as

what's been presented. Gun and Rod Club Road would be an awful place with the multiple turns in the road, with some of the tight lanes and the lack of any kind of shoulder along the way. Imagine the trailers that are being brought in to put stuff in the storage units that could be there. There are pedestrians that walk along there, animals, all that kind of stuff. And on Williamsville there have been numerous accidents at this intersection, Williamsville and Highway 13, there have been numerous accidents including tragic and serious ones that we see from our home regularly. We don't want to increase the traffic there and risk other human lives and catastrophes. As far as sewer, I read in the Delaware State News just back in...about September or October that they were planning on...that Artesian was planning on doing something in the next 10 years in this area but to say that it's readily available seems to be a bit of a stretch. We've already talked about the drainage on the field; you can see it represented here in the pools of water; I don't need to elaborate further on that. We share the same concern and have multiple sump pumps at our property. As far as a mini storage that generates minimal traffic, why would a gentleman from Virginia want to come and buy property in Delaware to generate minimal traffic for his business? I imagine he wants to generate some traffic, and I don't think what's proposed is well equipped to deal with it. As far as compatibility with the current neighborhood which is one of the criteria that Mr. Paradee pointed out, let me just point out how many properties are adjacent or easily affected by this. This is not a corner property, this is not a property removed from other structures, but this is right in the middle of a vibrant Agricultural and Residential Zone. As far as considering just the mini storage, let me just encourage you...a zoning change is to consider the possible range of options which can include depending on right of use or conditional use or approved use casinos, adult businesses, drive through businesses and all other manner of things that could fit BG. You can't argue a business model will have limited hours, that's not appropriate to make the case here. If you want to rezone it, you rezone it, and we don't think that that is an appropriate use of our neighborhood. Are there going to be employees here, at this at this place that are going to make a big economic impact? It doesn't seem like you're likely to employ many people. But to send profits out of state to someone who's not one of your constituents or our neighbors, and so this does not seem to be a good fit for our neighborhood. Instead, you've heard how our families have enjoyed this area, how we use it well for its purpose and I'd ask you to consider our community and to deny this application so that we can continue enjoying what we already have there. Thank you for your time and consideration.

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 LC25-25

M-25-220

Mr. Angel: Well, based on the information presented, the Kent County code, the comprehensive plan, staff and a signed petition we just received of the people in that area, I vote to deny the request to amend the Zoning Map - Comprehensive Plan Future Land Use Map. The proposed rezoning does not meet the conditions for approved rezoning change of the Kent County Code, Section 205-408b.

Max Walton, Kent County Attorney: Sir, may I...excuse me, would you incorporate the staff's recommendation as part of your vote? Thank you.

Mr. Walton: Remember you have to state the reasons in the record, or you can state that per the motion, because it's a rezoning.

Mr. Angel reiterated his Motion; seconded by Mr. Hall.

Roll Call

Mr. Angel: Yes, as per my motion.

Mr. Hall: Yes, per staff and RPC recommendations.

Mr. Hertz: Yes, based on RPC recommendations.

Mr. Pepper: Yes, even though I do believe that the low impact nature of this project, if it remains this project and doesn't change after the zoning would be a very low impact and would not affect the neighbors that much but I have to go along with the recommendations of staff. This area is in transition, but I don't think it's in full transition at this time.

Mr. Scott: Miss Lorri, I'm going to have to abstain from voting to continue to keep the integrity of Kent County Levy Court in play.

Mr. Sweeney: So, I think, correct me if I'm wrong counselor, we need a super majority in order to override the RPC, correct?

Mr. Walton: That's correct.

Mr. Sweeney: Okay, that's for the record. My vote's no. I think that this is an appropriate rezoning of property; it's close enough to other properties from Harrington down to south of Farmington, it is a low impact, and I agree with Commissioner Angel we do need houses, but we don't need houses that are on 4 acres that are very large. We need affordable housing and that's not some place where we're going to be able to put affordable housing, so my vote's no.

Mrs. Masten: Yes, for reasons stated.

Roll Call vote reveals five (5) yeas; one (1) nay; one (1) abstaining. Denial of Ordinance LC25-25 has been approved.

RESOLUTION PROPOSING TO EXTEND KCSDD1
Trunk Branch Area - Davis Properties

Mr. Scott:

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

Mr. Bautista: Yes, good evening commissioners. The resolution before you is to extend Kent County Sewage Disposal District No. 1 in the Trunk Branch Area and covers four properties owned by Miss Sylvia Davis, located within the boundaries of the Kent County Primary Growth Zone, on the north side of Sofers Row in Magnolia. The proposed service would involve four EDUs consisting of four single family homes. The proposed sanitary sewer service requires connection to the existing gravity sewer main located at the adjacent Chaselynd Hill Subdivision by a pump station and forcemain. There is adequate capacity in the downstream sewer system to support this development. The applicant accepted the terms of service and is responsible for the design, permitting and construction of the proposed sewer system. The owner of the property is responsible for the payment of all required fees for residential sewer permits as well as district and county wide impact fees. Staff recommends Levy Court to open the public hearing and collect any testimonies to decide whether or not to extend the sewage disposal district.

Public Hearing Opened on Resolution 4139

IN FAVOR - None

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 Resolution 4139

M-25-221 Mr. Scott: I make a **Motion** for Resolution 4139, a Resolution upon the 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; seconded by Mr. Pepper.

Roll Call

Mr. Angel: Yes, reasons stated.

Mr. Hall: Yes.

Mr. Hertz: Yes.

Mr. Pepper: Yes.

Mr. Scott: Yes.

Mr. Sweeney: Yes.

Mrs. Masten: Yes.

Roll Call vote reveals seven (7) yeas. Resolution 4139 has been approved.

PUBLIC HEARINGS CLOSED

OLD BUSINESS - None

NEW BUSINESS

Mr. Hertz:

Award of On-Call Engineering - Professional Services Agreements (PSA)

Mr. Bautista: Good evening commissioners. This is a very important item for Public Works and I'm here to present the On-Call Engineering - Professional Service Agreements. So, you know the question is why use these professional service agreements. Wastewater conveyance and transmission is a very specialized field, and we need consultants that are highly qualified to do the work. Treatment, every treatment plant is different and so we need those consultants to inspect and analyze our treatment plant and give us full details and recommendations in order to improve the treatment of the plant. Public Works has a need for professional services to design...to assist in design, construction management and geotechnical engineering and by using these professional services agreements it increases design capability bandwidth by awarding

multiple professional services agreements to several consultants to deliver projects in a timely manner. So, in order to get these on-call consultants we went through a procurement process. Staff prepared a request for qualifications which was advertised in July of 2025 and in response to that RFQ staff did receive 21 proposals. Staff evaluated these proposals and rated and ranked these proposals based on firm reputation, technical expertise, their experience, office locations, familiarity with public works projects and we also looked at the rates. And we've had previous discussions before and the plan is to award at least four agreements to consultants specializing in conveyance and transmission, three consultants in treatment process, three in construction management and three in geotechnical engineering. And this is a list of the recommended firms ranked by staff, so in terms of wastewater engineering we have Carollo Engineers, Century Engineering, HDR Engineering, Johnson, Mirmiran, and Thompson, KCI Technologies, Whitman, Requardt & Associates, and Verdantas. In construction management we have Davis Bowen and Friedel, George, Miles & Buhr, Hoch Consulting. And in geotechnical engineering we have Century Engineering, JMT, and Verdantas. So, staff recommends the following action, move to award contracts with engineering firms listed in the Memorandum for on-call engineering professional services for an initial three (3) year term and allow for two (2) one (1) year extensions. Funding will be through Sewer Fund operating revenues and other specific project funds as budgeted or amended. Total contract amount up to \$150,000.00 per firm, and then authorize the Public Works Director to negotiate with the firms listed for associated professional services subject to the County Attorney 's concurrence, and to authorize the President of Levy Court to sign these agreements. And with that, that concludes my short presentation. I'll answer any of your questions.

Mr. Sweeney: Mr. Bautista, thanks for that. When you say on-call, you're not meaning after...just for the record, I know what the answer is but you're not meaning on-call like after hours coming in working on emergencies. This is on-call, we need assistance with something during the day so no changes in the rates based on having to come in at 2:00 o'clock in the morning?

Mr. Bautista: Right, that's correct Commissioner Sweeney.

Mr. Sweeney: Okay, thank you.

Mr. Hertz: Thanks for reading my motion but I think I've got to reread it.

- M-25-222** So, I **Move** to award on-call contracts as needed with selected engineering firms listed in this Memorandum for On-Call Engineering-Professional Service Agreements, for an initial three-year term and allow for two one-year extensions. Funding will be through the Sewer Fund operating revenues and other specific project funds as budgeted or amended, total contract amounts up to \$150,000 per firm; No. 2, Authorize the Public Works Director to negotiate with the firms listed for the associated professional services subject to the County Attorney concurrence; and Authorize the President of Levy Court to sign said contracts: seconded by Mr. Scott; carried by Roll Call vote seven (7) yeas.

Mr. Scott:

Action Item from November 4, 2025, Workshop re: Policy 30 Community Projects Assistance Grant Request – Magnolia Volunteer Fire Company EMS Utility Terrain Vehicle (UTV)

At this time, I'd like to go into a local fire department, Magnolia Fire Company has issued a...they've acquired a special equipment for different fire calls and rescues and so forth throughout their district. Magnolia has never...I checked with a couple of commissioners, I don't think they've ever really come to the county for anything in the past, so tonight I will

- M-25-223** **Move** to award a Community Project Assistance Grant, Policy 30 in the amount of \$3,000 to support the purchase of an EMS Utility Terrain Vehicle for the Magnolia Volunteer Fire Company. Funds shall be applied toward the acquisition, outfitting of the unit to enhance emergency medical response capabilities within the Magnolia Fire District and surrounding mutual aid areas; seconded by Mr. Pepper.

Mr. Scott: Also, just another explanation, I should probably have done this before the motion, I'm sure Max has stopped me when it's incorrect. Just so that everyone's aware that there was...this was about a \$50,000 project and Magnolia has got some funding through legislators, but they've had a secured around \$18,000 balance out of their pockets, so I don't want anyone to think that we're just handing money over; seconded by Mr. Pepper; carried by Roll Call vote seven (7) yeas.

Mr. Sweeney: I'm going to vote yes but I would warn the commissioners that we're opening a five-gallon bucket of worms with this for every fire company that wants to come in and buy a specialty vehicle, piece of equipment, scuba gear or whatever but \$3,000.00, my vote's yes.

Mr. Hall:

Introduction of **Ordinance LC25-28**, Keeping of Animals. An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article IV General Provisions, §205-30 Enclosure of livestock, §205-34 Keeping of poultry, pigeons, ducks, and similar animals, §205-36 Keeping of domestic pets, and Article VII Area and Bulk Requirements, §205-84 Agricultural structures to integrate, expand, and clarify the requirements and limitations on the keeping of animals, and clarify the area and bulk requirements for structures housing animals. For Public Hearing on Tuesday, December 16, 2025, at 7:00 p.m.

Mr. Sweeney: Commissioner Masten, before you take up the next topic, I won't be voting so I'm going to excuse myself from the chambers and depart.

Mrs. Masten: Thank you, Commissioner Sweeney.

Mrs. Masten:

Discussion and potential Removal of Commissioner George "Jody" Sweeney from Assigned Committees and Liaison Roles, at the behest of the Levy Court President.

The next item is probably the hardest one I've had to address in the five years that I've been here, but I'd like to open the discussion for the potential removal of Commissioner George Jody Sweeney from his assigned committees and liaison roles at the behest of myself, Levy Court President. Discussion?

Mr. Pepper: I think, before we do that, I think we need to have an explanation from you as President as to why this is on the agenda, to clarify things for the other commissioners.

Mrs. Masten: Sure, this has certainly been discussed with commissioners but in the past and I believe this probably started late August, early September and continued on for several weeks. The positions that have been posted on social media where even at one point in time a comment was thrown out there about, as long..."by the way folks" ...to the extent, I might not get the wording just right but, "when I'm finished, I will have my 20 years in and you're going to pay my pension for myself and my wife as long as we live. Are you butt hurt? Are your cheeks clenched?" What concerns me most of all is the rhetoric that's being used and the number of comments that not just myself but many of the others of you up here who have shared with me not only that, but the residents that have reached out to me no matter where I go, what are you going to do. Well, what residents don't understand there's only so much you can do with an

elected official, you know when I met with our County Attorney some options, we had which was sanctioning, which I did not support. There's censoring. But the best thing to do would be to remove him from committees and the liaison with other operations. That seemingly was the best option that we had, and I've had multiple conversations with every one of you sitting up here...

Mr. Walton: So, if I just...

Mrs. Masten: Yes?

Mr. Walton: I wanted to clarify something.

Mrs. Masten: Alright, sir.

Mr. Walton: If I could and I don't mean to interrupt.

Mrs. Masten: It's okay, you can always interrupt.

Mr. Walton: Alright so, in other words nothing that the Levy Court is going to do here tonight, if they accept this is going to prevent Commissioner Sweeney from doing his job or sitting at Levy Court?

Mrs. Masten: That is correct. His job will still continue.

Mr. Walton: So, I just wanted to make that very, very clear.

Mrs. Masten: I appreciate that, I hadn't gotten to that point yet. But none of this takes away from the job that he does, the meeting with constituents, the phone calls that he receives, takes away none of that. What I think is elected officials, I think all of you know most of you have been here a lot longer than me, we are held to a much higher standard than what the normal person is on the street and again, I'm moving this forward at the request of all of you in order that we take an effective action. Does that help you Commissioner Pepper?

Mr. Pepper: Yes, thank you.

Mrs. Masten: I'll open it up to any other commissioner who would like to comment.

Mrs. Masten: No comments?

Mr. Scott: Madam President, I'll say something. It's a sad day when we have to be up here to even be going through this. It's not good for anyone. Unfortunately, Levy Court does have standards, it has integrity, and we

need to maintain that position with it not only for the existing commissioners, for the commissioners in the future as well. And I just don't...nobody asked him to do the things that he did, say the things that he said, so I think on behalf of Levy Court I think we're taking the right action here.

Mr. Angel: The one thing that, long before you all were here and a lot of...I'm the only sitting commissioner left since I said this so I can actually say, I tried to do an ethics policy revision years ago and hopefully that will get done now. It's based on what we're going through. Though we need a protocol, we need an ethics, and we have a National Association to look at as well as our own revision and we're also looking at a social media revision, also at the same time, based on what I'm being told. So, I just want everybody to know this is not something that's...it should have happened years ago but now that it's happened, we're handling it the best we can.

Mr. Hertz: Yeah, while I'll agree with anybody's First Amendment rights, when you're an elected official you gotta have a certain decorum and you do have to watch what you say to public people and to individual people in the county and especially to constituents. And what he did as an individual brought a bad light to all of us because the public sees us as a group, not as one individual, so it was a bad look on all of us, all of us commissioners up here and all of our county employees. And I will say I'm very disappointed that Mr. Sweeney walked out of here because to me that's a coward move because he brought this on and he's getting exactly what he deserves.

Mr. Pepper: I've served with Commissioner Sweeney for most of his term as a seated commissioner. Commissioner Sweeney does an outstanding job representing his constituents, there's no question in that whatsoever. And this is evidenced by the many successful campaigns that he's won over the years. He and I both represent the same constituents since he represents the 5th District, and I represent the county at large. Commissioner Sweeney was elected and essentially hired by his constituents, so we did not hire Commissioner Sweeney. His constituents, 30 some thousand constituents in his district hired him, so but we serve with him on Levy Court. I've got to tell you I've had very, very few residents in the 5th District contact me or make any formal or informal complaints against Commissioner Sweeney about this incident or any other incident in the past and I believe we should all be afforded the protection of the First Amendment, but in this case I think Commissioner Sweeney crossed the line and we need to be able to take some kind of punitive action against our fellow commissioners to rectify or correct any situation similar to this and as Commissioner Angel has stated, we need to have a policy to deal with this in the future. We were kind of...our hands

were kind of tied at this point, but I think with the recommendation of the President is deemed necessary. I hate it, I don't want to do it. I hate it but I think that we need to set some kind of precedence so commissioners are aware that there are some kind of actions that Levy Court will take in the future or can take in the future if something like this continues on. But I've also got to say that you know looking at how things are run nationally or going nationally now a lot of people just don't care. They're accepting of this type of a thing, so. Look into Levy Court chambers tonight, this was publicized both on social media and through Levy Court and there's what, a handful and a half of people here that are concerned about this? So, but I, you know I really have mixed feelings about this but I do think that we need to address this, in this situation and to rectified the situation and just put it out there that, you know we may be limited at this point as to what we can do but we can do something, no matter how it's perceived by the community or by our constituents, whether they think it's not enough but please understand, we cannot fire Commissioner Sweeney. And I've heard that, and I've had people ask me that that he should be kicked off of here. We did not hire him as I said, his constituents 30 some thousand constituents in the 5th District, the majority of them voted for Commissioner Sweeney numerous times in fact in the past to keep him as their representative, so like I said, I hate to do this, but I do feel that the President was right to recommend this type of action.

Mrs. Masten: Thank you, Commissioner Pepper.

Mr. Angel: As the chair of the administration this was handed to me as my duty, so I have no problem doing my duty.

M-25-224 I **Move** to remove Commissioner George Jody Sweeney from all assigned committee and liaison appointments as listed above effective immediately with the Levy Court president to propose reassignments to other Levy Court Commissioners at the next available meeting; seconded by Mr. Scott; carried by Roll Call vote six (6) yeas; one (1) absent.

OTHER BUSINESS

M-25-225 Mr. Scott: I'll make a **Motion** to move to go into executive session immediately following the business meeting for preliminary discussion on site acquisition for our publicly funded capital improvement legal strategy session regarding collective bargaining or pending and potential litigation and personnel matters pursuant to 29 Delaware C. 10004 B 24 and 9; seconded by Mr. Pepper; carried by Roll Call vote six (6) yeas; one (1) absent.

INFORMATION ITEMS - None

PUBLIC COMMENTS

Kim Petters, 493 Sedgwick Drive, Magnolia, DE: So, I just wanted to say that I can only speak for myself when I say that I recognize how difficult this was for all of you. Even people you don't agree with, I mean half of you have worked with him for how many years. You form friendships, you form respect, it goes beyond just a professional relationship. I mean half my colleagues become family. And a comment was made that he has done a good job over the years, a great job, a fantastic job representing his constituents. There's absolutely truth to that. But it still doesn't make up for the things that he said and the things that he did. It still doesn't make up for the fact that he tagged innocent people and on a public platform, where he has tons and tons of followers because he's a commissioner and has been for decades. He put all of us all in the line of fire with awful accusations and I just want to say, when you make this decision, and I know some of you are probably going to go to bed maybe realizing you did the right thing, but the right thing is not always easy to do. It can be hard and so, I just ask you, what if it were your daughter or your wife or any of yours, no one and...no one individually that was called the POS publicly or had people sent after them. I said before that because of politics and because I'm a conservative I've had to meet with the FBI, the Delaware State police and people have literally gotten arrested for harassing me and when he did that when he made those comments, those same people came back after me. So, it's not like there are no repercussions, there is true damage to what he does in the words that he uses. And it didn't just hurt people like me and his constituency and the other people that he called out, it hurt all of you. It put all of you in this position and none of you deserve it. None of you made those comments, probably none of you ever would. President Masten, you didn't deserve to be put in this position and I have no doubt it was incredibly difficult. I have no doubt, I know you all have hearts. But I also want to tell you this. I didn't want it to be a big spectacle today, I knew...I knew that this was coming. I'd seen something on an agenda...the agenda. I'd been just watching over the last few months. I didn't say anything until today. It didn't need to be a whole big thing. So...but I will say this. I got so many messages saying that these actions gave people hope. Republicans and Democrats alike. We're used to as regular people because I'm just a regular people I'm not elected like any of you, we're used to elected officials can do whatever they want. And there's no repercussions and we just have to deal with it, and it doesn't matter how egregious, and it doesn't matter who it hurts. But you guys actually took a stand and said, Commissioner Sweeney, I respect you over here in this...over here in this portion and I do recognize all the work you've done but this particular action was wrong. And it forced you guys to have to stand up for yourselves because to be honest, Kent County Levy Court was a joke for a while, it was like a circus, you know, oh we got this antifa guy and yes everybody looked at

all of you like that too. And yes, they did want you to do something and some people...a lot of people don't understand what your capabilities are and your boundaries and again I don't know my time I wasn't even planning on speaking actually, I just want to say that I recognize how hard it was...it is to remove your colleague from committees. I recognize how hard that is but I'm glad that you recognize the damage of his actions and his words. Because quite frankly if the people sitting here didn't do something, didn't take action then that would just continue and honestly, that's bullying. He's bigger and more powerful, he's been elected almost two decades, and he picked on people much smaller than him. And I appreciate all of you for saying, hey, we need to make some changes here, we need to step up our level of professionalism. I recognize it was hard, I can see it in your faces and I hate that for you, probably as much as you hate for us what he did. I hate to say it, but it reminds me of my children. Sometimes we have to discipline them in order to get them back on track and keep them from messing up their own lives, at least at this stage of life is what we do. I know it was hard, again no prepared words. I actually, I feel bad for him too I don't want anyone to hurt. But that was the whole point. To stop an elected official from hurting people because that's actually what happened. So, he can...he can blame it on one person, he cannot take any accountability even though we printed out his comments and said, look, this is what's being said, this is what's happening. I didn't put you in this position. He did. He put all of us in this position. And I thank you for taking action and I do pray for him. I don't want anybody to hurt. So, I'm sorry that that was not very eloquent but those are my feelings, and I thank you, you've given people hope. You've showed the community that we don't have to tolerate such awful behavior and sometimes there is accountability. Thank you.

Mrs. Masten: Mr. Goldsboro, because we have to go to Executive Session, do you think you can keep your comments to the three minutes?

Mr. Goldsboro: Yeah, that's why...I know...do I need to swear in?

Kevin Goldsboro, 668 Lighthouse Road, Smyrna, DE: So, he...too bad Commissioner Sweeney can't hear this and you're correct it did seem cowardly to walk out like that. He said there was a complaint by one person, that's not true. I've been on Rick Jensen's radio show about, I called in about 10:30 a couple of days after the first meeting here and he had...he had callers call in to at least about noon saying they would not want to have representation like this. He mentions the First Amendment, but I also agree, you know as elected official there is a higher standard there. The First Amendment as a citizen you have the right...he has the right to say something, he can't...there's nothing legally that can touch him, however being in an elected position that does not provide him limitless protections for a lack of professionalism. In Kent County the

constituents are the employers, and we must have a recourse of action and thank you for taking some recourse. Real quick, an example, if you were at McDonald's, you got an extra-large fry, they put three French fries, you know in your fry and the server 's like, oh, that's too bad about you because, well now McDonald's has a larger profit margin and it...and there's going to be more money in my pension because of the increased profit margin. I think most of us here would be like, uh, yeah, I would actually like to talk to, you know to management and for a constituency of Kent County, Commissioner Masten is our management, and I thank her for her actions. Real quick, on antifa they committed a lot of acts of violence to direct things into the political direction of where they want things to go. That's exactly what fascists would be doing, it's exactly what terrorists would, you know be doing then... They can call themselves whatever they want to call themselves, but actions do speak louder than words. And they like the burn police cars, riot, destroy peoples businesses that kind of thing. So, there...unless, yeah, I spoke my piece. Thank you. Were there any questions of me?

Susan Lanyon, 132 South Kimmer Lane, Camden, DE: Courage is a rarity these days. People who have courage stand up; cowards run. All of you have stood up, not only for yourselves but for those of us in Kent County, for all the public officials who are indeed held to a higher standard of behavior, who should be accountable, and who should honor those who have elected them to office and those they serve. And as this lady so eloquently put it, I'm sure it was quite difficult what you did tonight and I'm sure that this gentleman is your friend, but I will tell you that you have honored your constituents, you have created a level of accountability that will not go unnoticed and Mr. Angel to speak to your point about written ethics and policies and procedures, I applaud you for that. That's not only necessary it's non-negotiable. So, to all of you and your courage and the great difficulty with which you have shown your courage I thank you very much for doing what you did on behalf of all of us and on behalf of the integrity of public office.

*Inaudible from audience.

Mrs. Masten: Real quick.

Mr. Walten: He's already spoken.

Mr. Goldsboro: This has motivated a lot of us to look at election recall for the State of Delaware. So, there is a bill that is fully sponsored in the House and the Senate right now that's...it's currently in draft form, but this has motivated a lot of us to have election recall, you know for Delaware, so. If that's something that you appreciate, please reach out to your peers in the House and the Senate and ask him to pass this bill and, if a recall

process would exist you wouldn't...I don't believe that this behavior would happen, and you wouldn't need to be in this situation that you're in right now. Thank you.

Mr. Scott: Madam President, on a more positive note I'd like to wish everyone a safe and happy holiday. Also, Thanksgivings coming up and for those of you that don't know there's a group called Blessing for Badges and what will happen is on the 26 there's a group of us commissioners usually go up to Leipsic and help out with it. We make up right around 550, 600 lunches and then on the Thanksgiving Day you have another group of commissioners that take them around to police stations, firehouses, I think military spots and so forth, if I'm not...

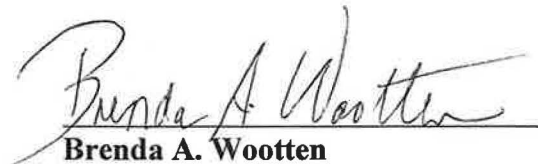
Mrs. Masten: It actually extends from the foot of the Roth Bridge all the way to the Kent-Sussex County line. All first responders get a Thanksgiving Dinner.

Mr. Scott: So, that's just one thing, if you happen to see these people that are doing this, hey tell them thank you, shake their hand. Another thing is you got a lot of municipalities that are putting on different Christmas parades and Christmas events, you know, if you can, take the chance, take the family out to some of these events. These municipalities and organizations go through a lot of work to put these things together, it doesn't just...it doesn't just appear, there's a lot of man hours that goes into it and they would love to have your support, so that's all I have and again, you know Happy Holidays for everyone.

Mr. Angel: Yes, I wanted to just give thanks for what we did on Tuesday, President Masten and myself and County Administrator Kevin Sipple were at...here for our veterans on...for Flag Day. So, it was a very cold day, I'm glad we pulled it inside we had four-star generals here, three...four of them sitting in this room. That's a first. I've seen one, but we had four. Yes, two...three were retired. But it was amazing for the amount of support that we had in this room for our military. I wanted to thank us that could make it to be there. Thank you.

Mrs. Masten: I think a big thanks goes to Joel Gartner because he was able to work it out where we could move it from the Veterans Park in here to the building and make sure everything was ready for them. So, hats off to Joel.

M-25-226 **Motion** to Adjourn to Executive Session made by Mr. Scott; seconded by Mr. Pepper; carried by six (6) aye


Brenda A. Wootten
Clerk of the Peace
Kent County