



**Kent County Levy Court Business
Meeting Notice and Agenda
555 Bay Road , Dover, DE 19901
Levy Court Chamber - Room 203
Tuesday, September 1, 2026**

7:00 PM, BUSINESS MEETING

Join the Meeting:

The public is welcome to attend in person, via WebEx, or by phone.

To join via WebEx go to:

<https://kentcountyde.webex.com/kentcountyde/j.php?MTID=mb5be1b37cbbf8809edf94daf921c9a4b>

or by phone: 1-408-418-9388; Meeting Access Code: 2342 429 6539; Password: #

Call to Order

Invocation

Pledge of Allegiance

Moment of Silence for our Troops and First Responders

Roll Call and Determination of Quorum

Adoption of Agenda

Public Comments on Agenda Items - 3 minutes per person. Each person's time is individual and cannot be given to another.

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

Consent Agenda 26-13

- *(Item(s) 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 this/these item(s) unless a Commissioner so requests, in which event the item(s) shall be removed from the Consent Agenda and considered separately under New Business.)*
 - Approval of Levy Court Business Meeting Minutes of Tuesday, August 11, 2026
 - **Potential Action Items from August 25, 2026 Workshop:**
 - SL-25-01 The Landings: Cash in Lieu of Active Open Space Requirement / Parcel LC-00-038.00-01-10.00-000
 - Update Kent County Levy Court Policy Manual

- *EagleView Contract Renewal*

PRESENTATIONS:

1. Resolution 4177 - Literacy Month and Adult Education and Family Literacy Week
2. September 2026 Employee of the Month

INTRODUCTION:

1. July 2026 New Hires - *for the record*
-

PUBLIC HEARING:

Mr. Angel:

1. Ordinance LC26-14, An Ordinance to amend the current Kent County Code Volume I, Chapter 68, Personnel Policy, §68-7 Vacancies, Recruitments and Appointments, Section (D)5 to Update Pre-Employment Drug Screening

CLOSE PUBLIC HEARING

OLD BUSINESS

Mr Angel:

1. Amendment of Effective Date for Ordinance 26-10 An Ordinance Amending the Current Kent County Code Volume I Chapter 68, Personnel Policy §68-21 Sick Leave (J)

NEW BUSINESS

Mr. Sweeney:

1. **SL-26-06 Harmony Hills II:** Appeal of a Decision to Deny a 93 lot Major Subdivision including 53 single-family homes and 40 duplexes located inside the Growth Zone overlay district / Parcel: NM-00-094.00-02-41.000, NM-00-094.00-02-40.00-000 & NM-00-094.00-02-38.00.000

OTHER BUSINESS

- Move to go into Executive Session immediately following the Business Meeting for preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session regarding collective bargaining or pending or potential litigation; and personnel matters pursuant to 29 Del.C. 10004(b)(2), (4), and (9)

INFORMATION ITEMS

PUBLIC COMMENTS - 3 minutes per person. Each person's time is individual and cannot be given to another.

COMMISSIONERS' COMMENTS

EXECUTIVE SESSION, if needed

- Immediately following the Business Meeting.
Caucus Room
For preliminary discussion on site acquisition for a publicly funded capital improvement; legal strategy session

regarding collective bargaining; pending or potential litigation; and personnel matters
Pursuant to 29 Del.C. 10004(b)(2), (4), & (9)

ADJOURN

Posting Info:

Posted: 8/25/26

Revised: 8/26/26 to add Presentation of Resolution 4177 for the month of September

Posted by: L. Tanaka

Time: 4:00 P.M.

Take down: Upon Replacement or on 9/2/26

29 Del.C. §10004(e)(2). The Agenda items as listed may not be considered in sequence. This Agenda is subject to change to include additional items including Executive Sessions or the deletion of items including Executive Sessions, which arise at the time of the meeting.

**MINUTES OF THE KENT COUNTY LEVY COURT
LEVY COURT BUSINESS MEETING
KENT COUNTY ADMINISTRATIVE COMPLEX
555 BAY ROAD, DOVER, DE
LEVY COURT CHAMBER, ROOM 203
TUESDAY, AUGUST 11, 2026**

Call to Order 7:00 p.m. - Vice President Robert Scott

Invocation - Commissioner Terry Pepper

Pledge of Allegiance - Commissioner Paul Hertz

Moment of Silence for our Troops and First Responders -- Commissioner Jody Sweeney

Roll Call and Determination of Quorum

Honorable Terry L Pepper
Honorable Allan F Angel
Honorable Robert J Scott
Honorable George "Jody" Sweeney
Honorable Paul Hertz

Commissioner Sweeney was present online.

Adoption of Agenda

Motion to approve Adoption of Agenda **M-26-107** made by Honorable Allan F Angel; seconded by Honorable Terry L Pepper; carried by vote 5 yeas.

Public Comments on Agenda Items - None

Consent Agenda 26-12

Approval of Levy Court Business Meeting Minutes of Tuesday, July 21, 2026

Department: Clerk of the Peace Office

Motion to approve Consent Agenda 26-12 **M-26-108** made by Honorable Terry L Pepper; seconded by Honorable Allan F Angel; carried by vote 5 yeas.

PUBLIC HEARING

Mr. Angel:

Ordinance LC26-12, An Ordinance to amend the current Kent County Code, Volume I, Chapter 68 Personnel Policy, §68-21 Sick Leave

Department: Administration

Noone present or online spoke IN FAVOR of or IN OPPOSITION to this ordinance.

Motion to approve Ordinance LC26-12, **M-26-109** An Ordinance to amend the current Kent County Code, Volume I, Chapter 68 Personnel Policy, §68-21 Sick Leave made by Honorable Allan F Angel; seconded by Honorable Terry L Pepper; carried by vote 5 yeas.

CLOSE PUBLIC HEARING

OLD BUSINESS - None

NEW BUSINESS

Mr. Hertz:

Chemical Contract: Quicklime-Bid Award

Department: Public Works

Sam Bautista, Public Workers Director presented the Bid Award to the Commissioners.

Motion to approve Chemical Contract, Quicklime-Bid Award **M-26-110** made by Honorable Paul Hertz; seconded by Honorable Terry L Pepper; carried by vote 5 yeas.

Mr. Angel:

Introduction of Ordinance LC26-14, An Ordinance to amend the current Kent County Code Volume I, Chapter 68, Personnel Policy, §68-7 Vacancies, Recruitments and Appointments, Section (D)5 to Update Pre-Employment Drug Screening for Public Hearing on Tuesday, September 1, 2026.

Department: Human Resources Office

Mr. Sweeney:

SL-26-06 Harmony Hills II: Appeal of a Decision to Deny a 93 lot Major Subdivision including 53 single-family homes and 40 duplexes located inside the Growth Zone overlay district / Parcel: NM-00-094.00-02-41.000, NM-00-094.00-02-40.00-000 & NM-00-094.00-02-38.00.000

Department: Planning Services

Motion to table SL-26-06 Harmony Hills II: Appeal of a Decision to Deny a 93-lot Major Subdivision **M-26-111** until September 1, 2026, NEW BUSINESS made by Honorable George "Jody" Sweeney; seconded by Honorable Terry L Pepper; carried by vote 5 yeas.

OTHER BUSINESS - None

INFORMATION ITEMS - None

PUBLIC COMMENTS - None

COMMISSIONERS' COMMENTS

Commissioner Sweeney advised those online cannot hear the Pledge of Allegiance being recited and suggested the use of the microphone in the future.

ADJOURN

Motion to adjourn **M-26-112** made by Honorable Allan F Angel; seconded by Honorable Terry L Pepper; carried by vote 5 yeas.

Brenda A. Wootten, Clerk of the Peace

Certifying Officer [Name, Title]

Brenda A. Wootten

Signature



Kent County Levy Court

LOCATION AND ZONING MAP Exhibit A

Application: SL-25-01
The Landings North

APPLICANT/OWNER:

TJT, LLC

ENGINEER:

Pennoni Associates Inc.
c/o Douglas D. Barry

PRESENT ZONING

DISTRICT:

AC (Agricultural Conservation)

LEVY COURT DISTRICT:

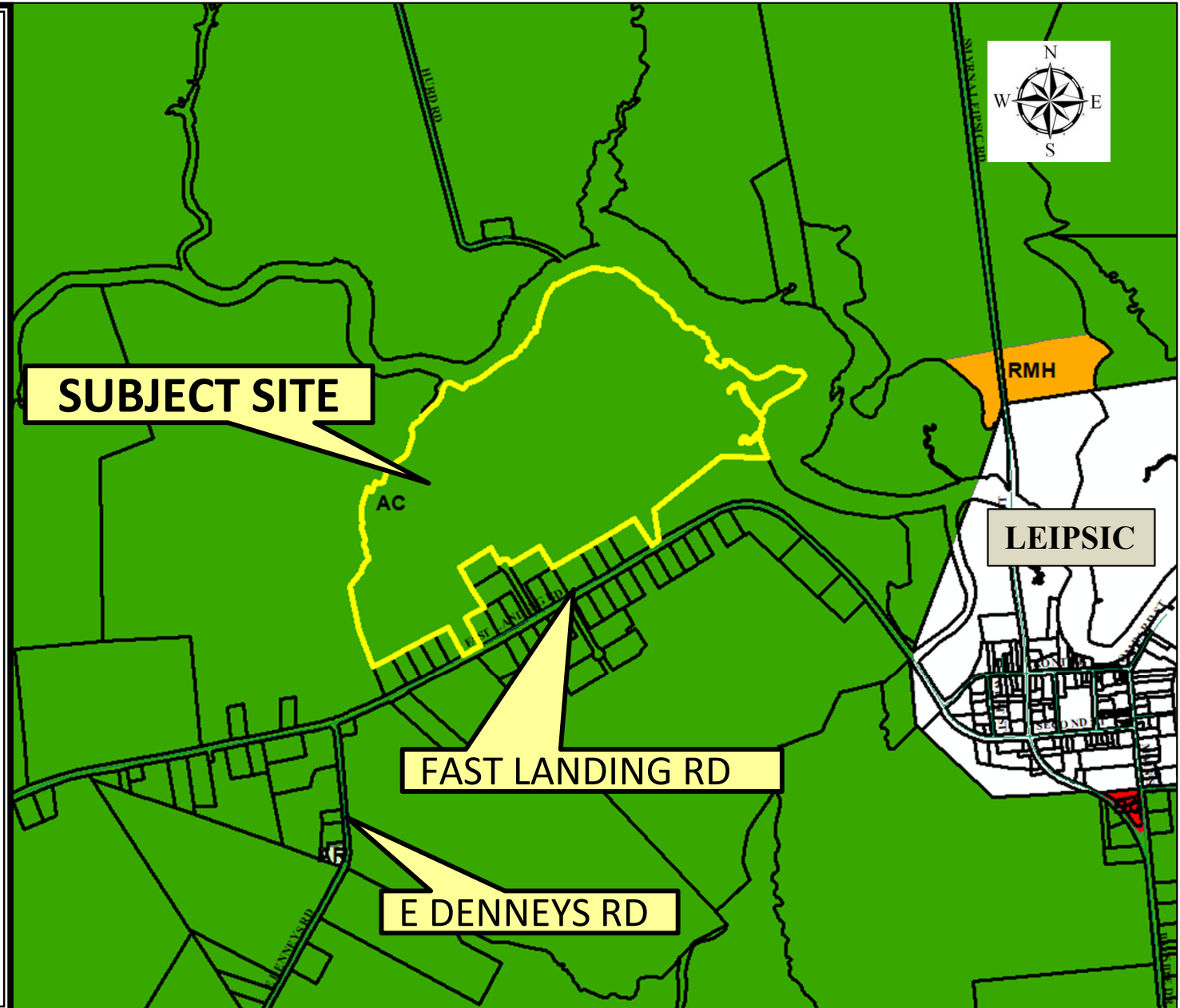
3rd - Angel

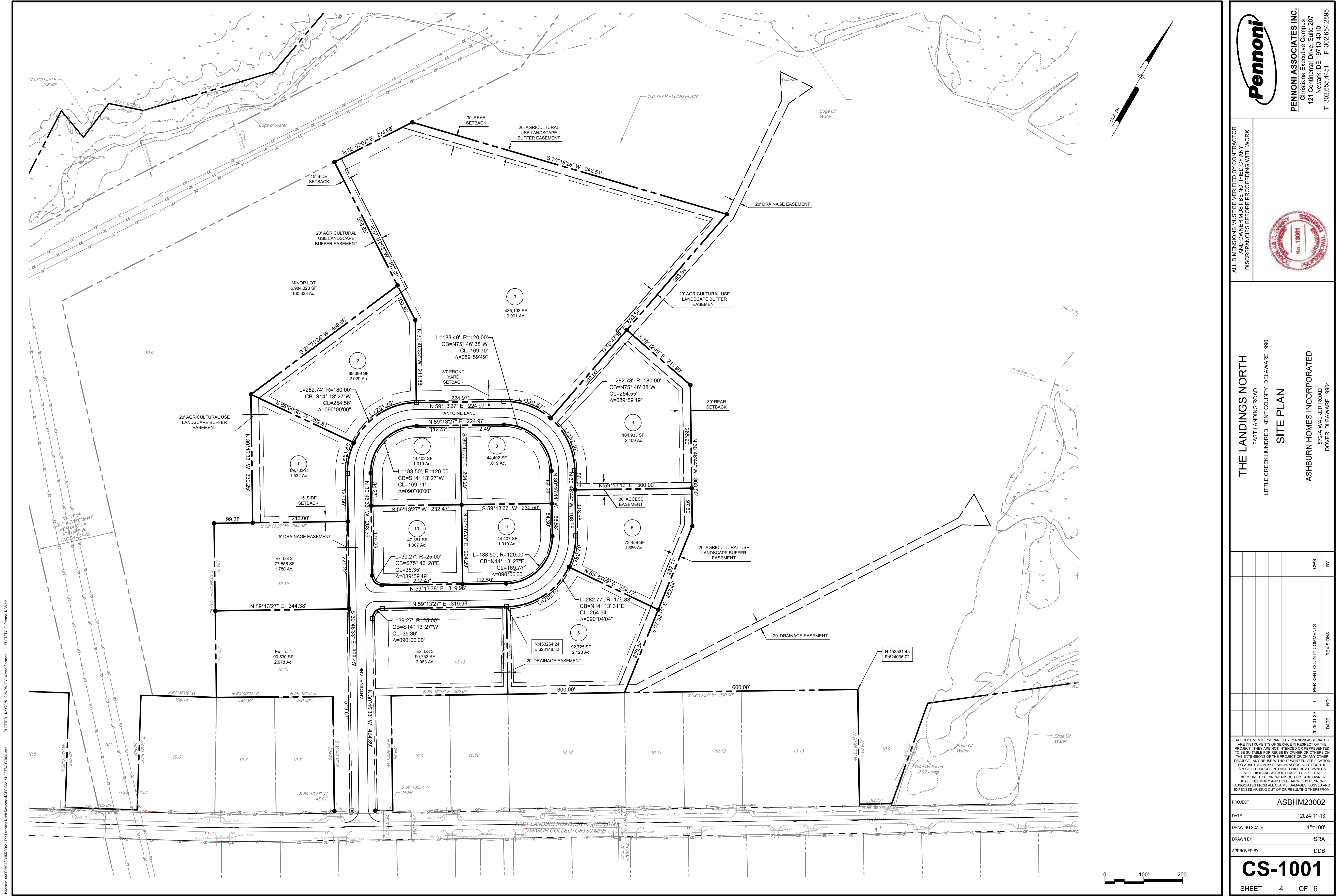
TAX MAP NO:

LC-00-038.00-01-10.00-000

LOCATION: Located on the north side of Fast Landing Rd., 0.47 east of E Denneys Rd., west of Leipsic.

REQUEST: for plan approval of a 10 Lot single family residential subdivision





Scott Z. Brown, Certified Real Estate Appraiser
Alternative Valuation Partners, LLC
9770 South DuPont Highway
Felton, Delaware 19943

To: Jordan Ashburn
Ashburn Homes Incorporated
872 Walker Road, Suite A
Dover, Delaware 19904

November 6, 2024

Subject: Appraisal of Hypothetical 0.5-Acre Lot on Parcel 4-00-03800-01-1000-000, Fast Landing Road, Dover, Delaware

Dear Mr. Ashburn,

At your request, I have completed an appraisal of a hypothetical 0.5-acre lot as part of parcel 4-00-03800-01-1000-000, located on Fast Landing Road in Dover, Delaware. This parcel is owned by TJT, LLC and comprises a total of 188.7 acres. The appraisal is conducted under the hypothetical conditions that the 0.5-acre lot exists and that it is non-buildable. I understand from our conversations that Kent County has requested this appraisal as part of your development process, and that this valuation will reflect the market value of surplus land in its current state.

To establish a reliable basis for the valuation, I utilized data from Bright MLS, focusing on settled land sales within Kent County. To ensure accuracy, the dataset was carefully refined, excluding any sales involving multiple lots, lots with subdivision potential, landlocked parcels, properties zoned for commercial use, and those unsuitable for septic or sewer services. This approach was taken to closely match the characteristics of the hypothetical lot in question. The effective date of this appraisal is today, and the data encompasses a three-year period to provide a statistically sound sample.

The decision to use 1 acre as the base excess land size was guided by prevailing market practices and analysis of local land sales data, which commonly value the initial acre separately as the primary development unit. This aligns with the characteristics of most residential and agricultural parcels in Kent County, where the first acre typically holds the primary value for either a potential dwelling or primary site use, while additional land is valued as surplus. Consequently, using a 1-acre base provides a more accurate reflection of market behavior than would a smaller base size, such as a half-acre.

The \$79,000 value attributed to the excess land (the first acre) was derived from MLS data on recent land sales for 1-acre parcels in Kent County, where the median sale price for similar properties was \$79,000. This figure is based on typical market expectations for land with development potential within the county and serves as the benchmark for the initial acre's valuation in this appraisal.

Based on this research, the following chart summarizes the valuation findings for excess and surplus land, detailing the median sales prices by acreage and the surplus land value per square foot:

Lot Size	Median Sale Price	Excess Land Value	Surplus Acreage	Surplus Land Value per Square Foot
2 acres	\$100,000	\$79,000	1 acre	00.48
3 acres	\$115,000	\$79,000	2 acres	00.41
4 acres	\$135,000	\$79,000	3 acres	00.43
5 acres	\$175,000	\$79,000	4 acres	00.55
6 acres	\$185,000	\$79,000	5 acres	00.49
7 acres	\$200,000	\$79,000	6 acres	00.47

Based on the research conducted, the surplus land values for comparable sales in Kent County range from 41 to 55 cents per square foot. The data for smaller acreage parcels provided the most reliable basis due to the higher volume of sales, giving increased confidence in the lower end of the range as a market indicator. However, it is also reasonable to consider appreciation over the three-year period covered by the research. Therefore, this analysis supports a surplus land value estimate of 46 cents per square foot. **For the hypothetical non-buildable 0.5-acre lot in question, the indicated value is \$10,000.**

To provide clarity, the following definitions are pertinent to this appraisal:

- **Hypothetical Condition:** A condition that is contrary to what is known to exist, but is supposed for the purpose of analysis. In this appraisal, the hypothetical condition assumes that a 0.5-acre lot exists on the parcel and is not buildable.
- **Surplus Land:** Land that is not needed to support the highest and best use of the property, but cannot be sold separately. In this context, all acreage beyond the first acre of a lot is considered surplus.
- **Excess Land:** Land that is not essential to the existing improvement or the highest and best use of the property, and that can be sold separately. For the purpose of this appraisal, the first acre of each lot is considered excess land, representing the primary value.

Please let me know if you have any questions or need additional insights for the county review. I appreciate the opportunity to assist with your development process.

Sincerely,

Scott Z. Brown

Certified Real Estate Appraiser, License #X2-0000331

NOT TRANSFERABLE

STATE OF DELAWARE
DIVISION OF PROFESSIONAL REGULATION

CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

PROFESSIONAL LICENSE

PROFESSION:	Real Estate Appraisers
LICENSE TYPE:	Cert. Residential Real Property Appr
LICENSE NUMBER:	X2-0000331
LICENSE STATUS:	Active
ISSUE DATE:	03/18/2003
EXPIRATION DATE:	10/31/2025
ISSUED TO:	SCOTT Z. BROWN
SIGNATURE:	_____

THIS CERTIFIES THAT THE PERSON NAMED IS HEREBY LICENSED TO
CONDUCT OR ENGAGE IN THE PROFESSION INDICATED ABOVE.
THIS DOCUMENT IS DULY ISSUED UNDER THE LAWS OF THE STATE OF DELAWARE



Department of State
Division of Professional Regulation

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of the public's health, safety, and welfare*

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DIRECTOR OF ADMINISTRATION

August 28, 2026

TO: Levy Court Commissioners

Via: Kevin Sipple, County Administrator

FROM: Joel Gartner, Director of Administration

RE: Policy Update P26-02 – Amendment to Policy 2: Compensation and Benefits

Purpose

This memo presents Policy Update P26-02, an amendment to the General Code Policy Manual, for review and approval of the following policies:

- Policy 2: Compensation and Benefits
- Policy 3: Conditions of Employment
- Policy 4: County Facilities and Equipment
- Policy 5: Drugs and Alcohol
- Policy 8: Health and Safety
- Policy 11: Leave
- Policy 12: Harassment and Discrimination

Overview

Policy Update P26-02 includes extensive revisions to Policies 2, 3, 4, 5, 8, 11 and 12. The substantial updates were reviewed during the Workshop on August 4, 2026, and were forwarded to the Business Meeting for action. Housekeeping-type cleanup has also been incorporated. All revisions are shown using stricken language for deletions and underlined language for additions. Staff has reviewed the amendments to ensure alignment with current practices. Because of the breadth of changes, the updated policy is submitted as a full replacement of the existing version.

Proposed Motion Language

"I move to approve the Kent County Policy Manual Amendment P26-02 as presented."

Policy 2

COMPENSATION AND BENEFITS

PART I Classification of Positions		PART IV Evaluations	
§ 2-1.	Annual pay plan.	§ 2-14.	Department manager performance evaluations.
§ 2-2.	Employee compensation.		
§ 2-2.1.	Slotting of deputies and chief deputies.		
PART II Compensation		PART V Training and Education	
		§ 2-15.	Higher education and certification rating system.
§ 2-3.	Shift differential.	§ 2-16.	Staff development and training.
§ 2-4.	Longevity pay for deputies and chief deputies.	§ 2-17.	Employee higher education tuition assistance.
§ 2-5.	Compensatory time; overtime.	§ 2-17.1.	Professional license/certification fees.
§ 2-5.1.	Overtime for deputies and chief deputies.		
§ 2-6.	On-call pay.	PART VI Awards and Recognition	
§ 2-7.	Payroll direct deposit.		
§ 2-8.	Pay day.	§ 2-18.	Government employees service recognition award program.
§ 2-9.	Dual compensation.	§ 2-19.	Retirement gift.
§ 2-9.1.	Salary for deputies, chief deputies and Sheriff's deputies.	§ 2-20.	Gainsharing program.
		§ 2-21.	Employee-of-the-month/-year recognition.
PART III Benefits		PART VII Employer Charitable Contribution	
§ 2-10.	Workers' compensation; on-the-job injury.		
§ 2-11.	Employee assistance program.	§ 2-22.	Benevolent Fund Program.
§ 2-12.	Employee health/medical and dental insurance.		
§ 2-13.	Employee life and long-term disability insurance.		

KENT COUNTY POLICY MANUAL

Kent County Code References

§ 68-2— Categories of employment service.

§ 68-12— Training and higher education.

§ 68-5— Classification.

§ 68-13— Performance evaluations.

§ 68-6— Compensation.

PART I

Classification of Positions

§ 2-1. Annual pay plan. [Adopted 3-27-1999, effective 7-1-1999 (P-67B)]

This Policy establishes the annual pay plan for Kent County employees, except those covered by a collective bargaining agreement.

- A. The base salary for each Kent County pay range shall be adjusted by the increased cost of living (COLA) as determined by the Levy Court. The minimum and maximum salary for each Kent County pay range shall be increased by the established COLA.
- B. The annual base salary or rate of pay for each Kent County employee, except temporary employees, and statutorily established salaries, shall be adjusted to reflect the increased cost of living (COLA) as determined by the Levy Court. Retired employees receiving a Kent County pension as well as employees hired any time during the previous fiscal year shall receive a full cost of living adjustment, unless otherwise determined as part of the annual budget process.
- C. The ~~[Personnel]~~ [Human Resources] Director shall annually calculate the adjusted salary of each applicable employee within 45 days of adoption of the annual budget, but no later than July 1 of each year. Each ~~[department head]~~ [Department Head] shall be advised of the annual salary figures for the employees within ~~[his or her]~~ [their] respective department, and they or a designee shall individually advise each employee of ~~[his or her]~~ [their] new fiscal year salary.
- D. As the final arbiter, any disputes regarding salary increases, cost of living adjustments or other payroll-related errors shall be resolved by the ~~[Personnel]~~ [Human Resources] Director in consultation with the County Administrator and the applicable ~~[department head]~~ [Department Head].
- E. The ~~[Personnel]~~ [Human Resources] Director and/or County Administrator shall ensure that the full costs and specific rates approved for the annual pay plan by Levy Court are incorporated into the annual budget document before it is presented for public hearing.
- F. [No employee is prohibited from inquiring about, disclosing or otherwise discussing their wages. The County will not terminate or otherwise discriminate or retaliate against employees because they engage in such inquiries, disclosures or discussions about their wages.]
- G. [This policy does not require the County to disclose wages of any employee except as required by law.]

§ 2-2. Employee compensation. [Adopted 4-27-1999, effective 7-1-1999 (P-77)]

This Policy establishes an employee compensation program with pay grades, pay ranges, pay step increases, and pay administration.

- A. All classified and unclassified positions shall be assigned a job class or pay grade on the basis of the kind and level of duties and responsibilities. Those positions exercising similar duties and responsibilities shall be placed in the same pay grade.
- B. Each pay grade shall be assigned a pay range with pay rates that reflect fairly the compensation for comparable positions in other places of public and private employment as determined by an independent analysis conducted from time to time as directed by Levy Court.
- C. New employees meeting the minimum requirements of a position shall be compensated the minimum rate for the position's pay range. If it is necessary to appoint a new employee of lesser qualifications, the person may be hired as an intern for a period of six months at a pay rate 5% less than the minimum. Upon the recommendation of the ~~[d]~~ [D]eartment ~~[H]~~ [h]ead, a new employee exceeding the minimum

qualifications may be compensated up to 5% above the minimum [~~with approval of the Personnel Director~~]. The County Administrator may approve a salary in excess of 5% [, not to exceed 8%] [~~upon recommendation of the Personnel Director~~].

- D. In order to advance within the individual pay ranges, each full-time and part-time employee in the classified or unclassified service shall receive a base pay rate step increase equal to 2% each year, effective with the start of the fiscal year and upon receipt of an effective performance appraisal. Those employees hired within the previous year shall receive a prorated increase as follows: employees with nine months or more of County service on June 30 shall advance one full 2% step; employees with not more than one day less than nine months, but less than three months, of County service on June 30 shall advance one-half 1% step; employees with not more than one day less than three months of County service on June 30 shall not advance to the next step; and employees with a pay rate between steps on June 30 shall advance to the next higher step and then one full step, if available.
- E. [To ensure consistency and equitable compensation practices, an employee that is promoted to a higher pay grade will be slotted into the new grade at the corresponding step that provides at least an 8% increase over their current rate of compensation.]
- F. Employees with an annual salary at or above the maximum pay range figure shall not be eligible for an annual step increase, but shall be eligible for any cost of living adjustment approved by Levy Court.
- G. All nonexempt employees shall be compensated at an hourly rate, with the annual salary figure based on the normal hours in the workweek (35 or 40) multiplied by the hourly rate and by 52 weeks. All exempt employees shall be compensated by an annual salary with the biweekly rate based on the salary figure divided by the number of pay periods during the year.
- H. All employees shall be compensated every other Friday one week in arrears, except when it falls on a holiday, for hours worked the previous two workweeks. Deductions for insurances shall be made from payroll in equal amounts over two pay periods each month.
- I. The ~~[Personnel]~~ [Human Resources] Director and/or County Administrator shall submit any proposed amendments to the employee compensation program to Levy Court at the same time the annual budget is presented for public hearing.
- J. [Deductions in Pay for Exempt Employees, Exempt employees are paid on a salary basis and are generally paid their full weekly salary for any week in which they perform work. However, their weekly salary may be reduced at the discretion of the County, but only in the following circumstances:
 - (1) Employees who are absent for a full day because of sickness, disability, or personal reasons who have no time off benefits accrued may not be paid for the day. For absences of less than a full day for these reasons, the employee will be paid for the day, but the employee's time off balance may be reduced by the amount of time the employee is absent from work.
 - (2) Employees who are absent from work for jury duty, attendance as a witness at a trial, or temporary military leave may have their pay reduced by the amount of payment they receive in the form of jury fees, witness fees, or military pay; however, their salary will not be reduced for the time absent from work unless they perform no work in a full workweek.
 - (3) Employees may be suspended without pay if found to have violated one of the County's policies regarding proper workplace conduct, but only in full-day increments.
 - (4) Employees who work less than a full week during the first or last week of employment will be paid a proportionate part of their salary for the time actually worked.
 - (5) Actual time taken off for Family and Medical Leave (FMLA) purposes.
 - (6) The County will reimburse any exempt employee whose pay is inadvertently reduced in violation of this policy. If an employee feels their pay has been improperly reduced, they should notify Human Resources as soon as possible so that the matter can be investigated and, if there was an error, reimburse the employee.]

~~{§ 2-2.1. Slotting of deputies and chief deputies. [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsection 9)]~~

- ~~A. Deputies and chief deputies deemed to meet the minimum qualifications of a Levy Court approved position description, as determined by the [Personnel] [Human Resources] Director, may be slotted into the County's Personnel Classification System and Pay Plan and receive compensation and benefits equal to that provided to other exempt employees in the "unclassified" service. Deputies approved for slotting are required to meet all standards established for similarly categorized employees, including but not limited to annual performance appraisal, attendance, conduct, etc.~~
- ~~B. Slotted deputies failing to meet standards established for similarly categorized employees or failure on the part of the appointing official to hold a deputy accountable through appropriate discipline, as determined by the [Personnel] [Human Resources] Director, shall lose all slotting benefits, including the higher compensation rate, and return to nonslotted status at the beginning pay rate in the range established by this Policy.~~
- ~~C. Each slotted deputy and chief deputy in position on the date of this policy's adoption shall be credited with 10 days of vacation leave, five personal days, and 80 hours of sick leave and shall henceforth accrue leave time at the rate established for years of service. Any existing deputy or chief deputy opting not to be slotted under this section cannot opt in at a later date, except at the beginning of a fiscal year, and shall be ineligible for these initially accrued benefits. Any slotted deputy or chief deputy opting out of the provisions of this section or terminating employment within one year of slotting shall receive no compensation for accrued vacation. New deputies or chief deputies eligible for slotting shall accrue vacation and other benefits like similarly classified employees.~~

~~D. — Slotted deputies and chief deputies continue to serve at the pleasure of the appointing official and are ineligible for appeal rights reserved for classified or unclassified employees.]~~

PART II Compensation

§ 2-3. Shift differential. [Adopted 4-25-1989, effective 7-1-1989 (P-33)]

This Policy provides additional compensation for those employees regularly working the second shift or the third shift, as shift differential.

- A. The second shift shall be defined as those hours between 4:00 p.m. and 11:59 p.m., and the third shift shall be defined as those hours between 12:00 midnight and 7:59 a.m.
- B. Employees occasionally starting work early and/or occasionally working longer hours are not entitled to shift differential, as determined by the ~~[Personnel]~~ [Human Resources] Director. The shift differential rate shall be determined by Levy Court during the annual budget approval process.

~~§ 2-4. Longevity pay for deputies and chief deputies. [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsection 8)]~~

~~Deputies and chief deputies are entitled to the same longevity increases as accrue to employees in the classified service, except that prior employment time may not be used to determine eligibility for a longevity increase if more than two years have transpired between the date of termination in good standing and the date of rehire.]~~

§ 2-5. Compensatory time; overtime. [Adopted 3-26-2002 (P-38A)]

This Policy establishes procedures for the use and approval of compensatory time and overtime.

- A. Department ~~[h]~~[H]eads or division managers shall authorize overtime and accrual of compensatory time only when absolutely necessary to complete a project with specific deadlines.
- B. Accrual of compensatory time off in lieu of monetary overtime compensation, shall be at a rate of not less than 1 1/2 hours of compensatory time for each hour of overtime worked over the normal workweek (35 hours or 40 hours as the case may be). Accrued compensatory time in excess of 40 hours shall be paid to any affected employee on a quarterly basis, unless waived by the ~~[Personnel]~~ [Human Resources] Director for a specified and legitimate reason, but in no case longer than two consecutive quarters.
- C. Compensatory time off may be scheduled in conjunction with annual leave with the approval of the ~~[D]~~[d]epartment ~~[h]~~[H]ead or division manager.
- D. Compensatory time off may be scheduled at the discretion of the ~~[d]~~[D]epartment ~~[h]~~[H]ead or supervisor without the employee's consent, or paid out in full at any time as determined by the ~~[Personnel]~~ [Human Resources] Director after consulting the affected ~~[d]~~[D]epartment ~~[h]~~[H]ead.
- E. ~~[Each quarter, t]~~[T]he ~~[Personnel]~~ [Human Resources] Director shall ~~[provide a written report to the County Administrator and Levy Court Commissioners, as to]~~ [annually review] the status of compensatory time being accrued and used [with the Finance Department].
- F. The Levy Court may at any time limit the authority of all or individual ~~[d]~~[D]epartment ~~[h]~~[H]eads or division managers to grant compensatory time.

~~§ 2-5.1. Overtime for deputies and chief deputies. [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsection 7)]~~

~~Deputies and chief deputies are not entitled to be paid for overtime work.]~~

§ 2-6. On-call pay. [Adopted 8-23-1994, effective 9-1-1994 (P-57)]

This Policy establishes an "on-call" compensation program for classified employees.

- A. Department ~~[h]~~[H]eads may select one or more exempt employees to be available to routinely respond to emergencies after normal business hours, provided such compensation has been included in the department's annual budget for such purposes.
- B. Department ~~[h]~~[H]eads may select one or more nonexempt (hourly) employees to be available to routinely respond to emergencies after normal business hours, provided such compensation has been included in the department's annual budget for such purposes. When responding to an emergency, the employee(s) shall be compensated for a minimum of two hours, inclusive of any follow-up callouts for the same incident.
- C. The compensation rate for being "on call" shall be established by Levy Court in the annual budget document.

§ 2-7. Payroll direct deposit. [Adopted 12-17-1996, effective 1-1-1997 (P-63)]

This Policy is intended to provide for the direct deposit of paychecks into the personal bank accounts of Kent County employees.

- A. Any employee of Kent County government shall be required to have ~~[his or her]~~ [their] payroll check electronically transferred into a personal bank account or other acceptable account. Required direct deposit information shall be provided by the employee to the payroll office during the first week of employment.
- B. A waiver from the direct deposit requirement may be granted by the [Human Resources] Director ~~[of Personnel]~~ to those employees who are students; have been denied a bank account based on poor credit history; if the employee's bank does not participate in direct deposit; for short-term employment less than three months; if the employee is new to the state and has not yet established a bank account (temporary waiver only); or for some personal reason to be fully explained on a waiver form available at the ~~[Personnel]~~ [Human Resources] Office. The employee's paycheck may be mailed to the employee's address.
- C. Direct deposit shall be a condition of employment, and notification that direct deposit is required shall be included on the Kent County employment application form.
- D. ~~[Failure on the part of any employee to abide by the requirements of this policy may result in disciplinary action up to and including termination.]~~

§ 2-8. Pay day. [Adopted 12-17-1996, effective 1-1-1997 (P-64)]

This Policy establishes the payday for current Kent County employees.

- A. Payday shall be and paychecks will be electronically credited to employees on a biweekly basis on Friday one week in arrears, unless the day is a recognized holiday, in which case paychecks will be distributed or credited on the last working day before the holiday.
- B. The weekly pay period shall be from 12:00 midnight Sunday through 11:59 p.m. Saturday, one week later.
- C. [Any manual] ~~[P]~~[p]aychecks, if issued in error, missing information, or for advanced vacation, may not be deposited or cashed until the date printed on the check.

- D. Employees must notify their supervisors and the payroll office immediately when errors are discovered in gross pay, net pay, pay rate, deductions, vacation and/or sick day accrual, holiday pay, credits, etc.
- E. Payroll errors shall be credited or deducted from the next paycheck following notification or completion of investigation.
- F. ~~[Failure on the part of any employee to abide by the requirements of this policy may result in disciplinary action up to and including termination.]~~

§ 2-9. Dual compensation.¹ [Adopted 5-13-2003 (P-90); amended 11-24-2009 (P09-07); 12-18-2018 (P18-05)]

This Policy establishes procedures to ensure that the taxpayers of Kent County are not paying employees for duties performed for other employers or positions during coincident hours of the workday.

- A. The primary occupation for all full-time classified or unclassified employees shall be the employee's County government position.
- B. Any classified or unclassified County employee, who has some other paid occupation or occupations outside ~~[his or her]~~ [their] County position, including any elected or paid appointed position in state government or in the government of any political subdivision of the state, including, but not limited to, any county or municipality, shall have ~~[his or her]~~ [their] pay or accrued vacation or personal leave reduced on a hour-per-hour basis for any hours or days missed during the course of the employee's normal workday or during the course of the employee's normal workweek while working in any other paid occupation or serving in an elected or paid appointed position which requires the employee to miss any work time which is normally required of other County employees in the same or similar positions.
- C. Any workday during which an employee misses work time due to ~~[his or her]~~ [their] other occupation, including elected or paid appointed positions, ~~[his or her]~~ [their] shall have ~~[his or her]~~ [their] immediate supervisor verify a signed time record stating specifically the number of hours physically worked and accounting for those hours not worked during the normal workday, said verification to take place not less often than once every pay period.
- D. All time records, so verified, shall be kept by the department or office until such time as they are requested by the ~~[Personnel]~~ [Human Resources] Office for review. The ~~[Personnel]~~ [Human Resources] Director shall perform an annual audit of the time records of classified employees with any other paid occupation(s), including elected or paid appointed positions, and refer any discrepancies to the employee's ~~[d]~~[D]eartment ~~[h]~~[H]ead for possible disciplinary action.
- E. No employee shall be permitted to make up time during hours other than the normal workday for purposes of compensation. A normal workday is defined as 8:00 a.m. to 5:00 p.m., except as provided in the Code of Kent County. A standard work schedule is defined as Monday through Friday, except as provided in the Code of Kent County.
- F. Hourly (nonexempt) employees shall be permitted to use accrued vacation, personal, or compensatory hours with their supervisor's approval for missed work time while performing in any other paid occupation, including elected or appointed official duties. Salaried (exempt) employees shall be permitted to use accrued personal or vacation leave for full-day absences or partial-day absences with their supervisor's prior approval for missed work time while performing in any other paid occupation,

1. Editor's Note: See also the State Code of Conduct.

including elected or appointed official duties. In addition, hourly or salaried employees who hold an elected or paid appointed position in state government or in the government of any political subdivision of the state, including but not limited to any county or municipality, shall with their supervisor's approval for the missed work time be permitted to waive compensation for such time, after using at least one-half of their applicable monthly vacation leave accrual rate. However, no more than four hours per pay week and no more than 40 total hours during any calendar year shall be "unpaid" while performing such elected or paid appointed duties. If the employee exceeds the limitation for unpaid hours and/or has no accrued time as prescribed in this Policy to cover any missed time while performing any other paid occupation, including elected or appointed official duties, it shall constitute just cause for immediate termination of the employee in accordance with Kent County Code § 68-14.

- G. Employees shall not be permitted to hold an elected Kent County government office and a Kent County government classified, unclassified or excluded position at the same time, except as provided herein. The commencement of an employee's term of elected Kent County government office shall constitute automatic resignation from any other County government position. ~~[Nothing in this section shall be construed to prohibit the Director of Finance from holding the office of Receiver of Taxes and County Treasurer, provided that the Finance Director shall receive no additional compensation for holding said office.]~~
- H. Employees violating this Policy, including failure to maintain complete and accurate time records, shall be subject to disciplinary action up to and including termination. Any individual violating the State Code of Conduct is subject to the penalties of the law and can be referred for criminal prosecution.

~~§ 2-9.1. Salary for deputies, chief deputies and Sheriff's deputies.² [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsection 1)]~~

~~Except as contained herein, deputies and chief deputies shall receive all County benefits which are applicable to employees in the classified service. Deputies appointed by an elected County row officer and court appointed chief deputies are included in the "elected" service of Kent County and shall be paid in accordance with the following salary rate schedules, unless slotted per § 2-2.1:~~

- ~~A. Salary rate for deputies. The beginning salary rate for deputies shall be \$18,000 per annum to a maximum rate of \$23,000. Upon the submission of a written favorable evaluation and recommendation by the appointing office holder to the Levy Court, no later than March 31 of each year, the deputy shall receive a salary increase up to, but not exceeding \$1,000 annually, to become effective July 1. Notwithstanding anything herein to the contrary, salary increases may be prorated as determined by and in the sole discretion of the Levy Court.~~
- ~~B. Salary rate for Sheriff's deputies. The beginning salary rate for the Sheriff's deputies shall be \$17,177 per annum. The Sheriff may increase the salary for the new deputy, after the deputy has been at the job for nine months. The beginning salary rate for a Sheriff's deputy with prior law enforcement experience may be up to the maximum of \$25,000 upon recommendation of the Sheriff and approval of the Levy Court. The maximum salary is \$25,000 per annum.~~
- ~~C. Salary rate for chief deputies. The beginning salary rate for chief deputies shall be \$23,000 per annum, to a maximum of \$29,000. Upon the submission of a written favorable evaluation and recommendation by the appointing official to the Levy Court, no later than March 31 of each year,~~

~~2. Editor's Note: For additional information regarding the Sheriff's Department, see Policy 13.~~

~~the chief deputy shall receive a salary increase up to, but not exceeding \$1,000 annually, to become effective July 1.~~

PART III
Benefits

§ 2-10. Workers' compensation; on-the-job injury. [Adopted 11-24-1998 (P-16A)]

This Policy establishes a procedure for the filing of workers' compensation claims and continuation of employee benefits due to incapacity to work or disability caused by an on-the-job injury or job-related illness.

- A. Coverage. As required by Chapter 23, Title 19 of the Delaware Code, Kent County Levy Court will provide workers' compensation coverage for its employees through a reputable insurance carrier conducting business within the State of Delaware, which at a minimum shall pay the costs attributed with the medical treatment of an on-the-job injury or job-related illness and 66 2/3% of the employee's average weekly wages, up to the maximum statutorily set by the State of Delaware for wages, after three days of job-related disability. If an employee continues to be out of work due to a job-related disability, on the seventh day, he or she will be eligible for lost wages at the 66 2/3% rate for the first, second, and third days of disability.
- B. Reporting. An employee injured or suffering an illness arising out of and in the course of employment shall as promptly as possible report such injury, no matter how minor, to ~~his or her~~ [their] supervisor and the ~~[Personnel]~~ [Human Resources] Office. If the injury requires treatment by a licensed physician, the employee may visit ~~his or her~~ [their] own doctor and advise the attending physician that the injury or illness is job-related or promptly seek treatment at a facility designated by the ~~[Personnel]~~ [Human Resources] Office to care for such injuries. Any employee suffering an injury requiring emergency medical treatment while on the job should immediately go to a hospital emergency facility. When a physical injury requiring emergency medical treatment occurs, the ~~[d]~~ [D]eartment ~~[h]~~ [H]ead, the supervisor, or the senior employee on site shall seek immediate medical assistance for the injured employee, secure the scene of the accident, and contact the County Safety Officer and ~~[Personnel]~~ [Human Resources] Office.
- C. Testing. Employees physically injured on the job and any other employee on the job site working with the injured employee are subject to immediate alcohol and/or substance abuse testing as directed by the ~~[Personnel]~~ [Human Resources] Office.
- D. Wages. Employees unable to work because of disability arising out of and in the course of employment shall continue to receive their full wages through the use of accrued sick leave less any wage replacement provided by the County's workers' compensation policy. ~~[If an employee has not yet received wage replacement and has exhausted his or her accrued sick leave, the Personnel Director may advance up to four weeks of sick leave to be paid back by monthly accrual upon the employee's return to work.]~~ [Upon the recommendation of the Department Head, the County Administrator may grant an unpaid leave of absence (with or without employee benefits) or paid administrative leave in response to extraordinary circumstances and when in the best interest of the Levy Court and of the employee. Leaves will be considered in accordance with any legal requirements.]
- E. Benefits. Employees unable to work because of disability arising out of and in the course of employment shall be placed on family and medical leave (FMLA) as provided in County policy and shall continue to receive County employee benefits for up to 12 weeks, from the date of the incident. The ~~[Personnel]~~ [Human Resources] Director may continue County benefits, during which all other accrued sick leave must be used, if a leave of absence is extended as provided in Subsection F.
- F. Return to work. If an employee is unable to work because of disability arising out of or incurred during the course of ~~his or her~~ [their] employment, and the employee does not or will not be able to return to work and perform the essential duties of ~~his or her~~ [their] position after a maximum of 12 weeks of leave as provided by FMLA, the employee shall be laid off; provided, however, that the ~~[Personnel]~~

§ 2-10

COMPENSATION AND BENEFITS

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[Human Resources] Director shall have the authority to extend the employee's leave of absence up to nine months from the date of

disability if, in the judgment of the [~~Personnel~~][Human Resources] Director, there is a reasonable likelihood that the employee will be able to return to work after the extended leave of absence. An employee unable to return to [~~his or her~~] [their] normal duties on a full-time basis may be transferred or reassigned to another vacant position for which [~~he or she is~~][they are] qualified or laid off. Requests for temporary alternative duties shall be reviewed and accommodated as long as the employee can be productive at the discretion of the affected [~~d~~][D]epartment [~~h~~][H]ead. [The County complies with all laws regarding employees with disabilities and reasonable accommodations.]

- G. False claims. Employees filing false workers' compensation claims or employees intentionally failing to report work-related injuries or illnesses shall be subject to immediate disciplinary action up to and including termination.

§ 2-11. Employee assistance program. [Adopted 9-25-1990 (P-42)].

- A. The employee assistance program is established by Levy Court to provide limited and confidential assistance to employees and family members experiencing such matters as family or marital conflicts, divorce, death, serious financial difficulties, and chemical dependency.
- (1) The program shall be available to employees and their family members, [as defined by the program provider,]and shall be administered by the [~~Personnel~~] [Human Resources] Office through a contracted service provider.
 - (2) The program is also intended to maintain compliance with the employee assistance provisions requirements for employers with employees with commercial driver's licenses.
 - (3) At a minimum the contracted service provider shall operate a twenty-four-hour toll-free telephone system to provide prompt assistance and indirect counseling to employees and family members in need. The provider shall also offer referrals to area professionals qualified to provide assistance in the problem area. [While use of the program is free to employees, referrals to specific providers or services will be paid for directly by the employee and/or through the employee's health insurance, if applicable.]
 - (4) [The County Administrator, Department Head, and Human Resources Director reserve the right to consult together to determine if an employee will be mandatorily referred to the program in lieu of termination under certain circumstances.]
- B. The program and all provisions therein are subject to change as part of the annual budget review and approval process.

§ 2-12. Employee health/medical and dental insurance. [Adopted 3-23-2004 (P-72B); amended 9-27-2011 (P11-03); 4-23-2013 (P13-02)³]

This Policy establishes the employee health/medical and dental insurance programs for Kent County employees and retirees and provides guidelines for the appeal of denied or hardship claims.

- A. Eligibility.
- (1) Full-time employees, elected officials and their appointed deputies, former employees retired from active service, and COBRA-eligible former employees and their respective dependents shall be eligible to participate in the County's group health/medical and dental insurance programs. Covered retirees becoming Medicare-eligible shall use a supplemental health/medical insurance product offered through the County.
 - (2) Part-time employees, temporary or seasonal employees and similar positions working fewer than 30 hours per week on average over one full year are ineligible for any employee insurances or

benefits.

- (3) Employees are eligible to participate in the State Insurance Exchange, but health insurance

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3. **Editor's Note: This amendment provided that it shall be effective upon adoption, except where a later effective date is permitted under the Patient Protection and Affordable Care Act.**

coverage provided by the County to eligible employees meets or exceeds the minimum essential coverage and affordability requirements established by the Patient Protection and Affordable Care Act. Therefore, eligible employees would not be entitled to any subsidy or tax credits under the Act.

B. Employee coverage.

- (1) The group health/medical insurance coverage shall at a minimum cover major medical, routine physician visits, and prescriptions at the levels and limits prescribed in the Plan. The group dental insurance coverage shall at a minimum cover preventative care, fillings, and extractions at the levels and limits prescribed in the Plan. Copayment, deductible, coinsurance and benefit limits shall be as established by the group health/medical and dental Plan(s) approved by the Levy Court.
- (2) Insurance coverage for new employees shall be effective the first of the month following the date of hire, provided all requirements of the Plan(s) have been and continue to be met.
- (3) Eligible employees will be automatically enrolled in the basic plan offered and must maintain individual medical/health insurance while actively employed by Kent County. Those employees declining coverage provided by the County must execute a waiver of insurance coverage and produce, as requested, verification of medical/health insurance coverage from another source.

C. Dependent coverage. Eligible employees and retirees may purchase medical/health insurance and dental insurance for eligible dependents at the costs approved by the Levy Court. The County will pay such costs as determined by Levy Court associated with the individual portion of the premium, and the employee shall pay the remainder for dependent coverage through payroll deduction, less any dependent contribution approved by the Levy Court. Premiums are paid in advance by a schedule approved by the ~~[Personnel]~~[Human Resources] Director.

- (1) Employees serving on active duty as a member of the National Guard or military reserve shall not be required to pay any such premium normally due and payable for self or dependent coverage for any period of military service encompassing a full month when no hours of work are performed directly on behalf of the County.

D. Coverage costs.

- (1) Group health/medical shall be provided to individual eligible active employees and retirees at no or reduced premium cost as determined from time to time by the Levy Court. The County's group health/medical coverage shall also be available to former employees and dependents for a specific period of time and at the established premiums required by the federal COBRA rules and regulations.
- (2) The premium cost for individual and dependent health/medical insurance coverage is subject to change by the Levy Court.
- (3) Group dental insurance shall be provided to individual eligible active employees and retirees at a nominal premium cost as determined from time to time by the Levy Court. The County's group dental insurance coverage shall also be available to former employees and dependents for a specific period of time and at the established premiums required by the federal COBRA rules and regulations.
- (4) The premium cost for individual and dependent dental insurance coverage is subject to change by the Levy Court.

- E. Medical incentives. In order to encourage employees to practice wellness and avoid costly health/medical treatments in the future, the County may offer financial or other incentives to promote wellness and healthier lifestyles. In compliance with cafeteria plan regulations, taxable medical cash-back will be provided to eligible employees and retirees waiving County health/medical insurance due to equal or better coverage provided by another source. If such other coverage lapses, the employee must promptly enroll with the County's health/medical insurance plan. Medical incentives are subject to change by the Levy Court.
- F. Administration. The ~~[Personnel]~~[Human Resources] Office shall serve as administrator for all Kent County employee insurances and liaison between employees, retirees and their respective dependents and the group health/medical and dental insurance plan(s) carrier(s) or administrator(s). The Plan(s) documents shall be maintained in the ~~[Personnel]~~[Human Resources] Office and open for inspection by eligible employees, retirees, and dependents during regular office hours.
- G. Appeals and hardship.
- (1) The ~~[Personnel]~~[Human Resources] Director shall develop a form upon which eligible employees, eligible retirees, or eligible former employees may file an appeal when a medical or dental claim is denied or payment of a claim, coinsurance, deductible or other related cost is a personal financial hardship.
 - (2) Upon receipt of a claim appeal, the ~~[Personnel]~~ [Human Resources] Director shall review the information and make a determination whether the appeal is or should be covered by the County's health/medical or dental insurance Plan(s) and pursue payment with the insurance carrier or administrator. The ~~[Personnel]~~[Human Resources] Director may authorize payment or reimbursement from the Medical Trust Fund of claims judged proper but denied by the carrier/administrator, up to a maximum of \$500 per individual employee per calendar year incurred. Payments for claims exceeding \$500 must be approved by the Employee Insurance Appeal Committee (EIAC).
 - (3) Upon receipt of a hardship appeal, the ~~[Personnel]~~[Human Resources] Director shall review the information and make a determination whether the appeal is justified. If it is determined that a true hardship exists, the ~~[Personnel]~~[Human Resources] Director may authorize payment of a claim or reimbursement from the Medical Insurance Trust Fund up to a maximum of \$500 per individual employee per calendar year incurred. Payment for claims or reimbursement in excess of \$500 must be approved by the Employee Insurance Appeal Committee. Hardship appeals denied by the ~~[Personnel]~~ [Human Resources] Director may be further appealed to EIAC.
 - (4) Claim and/or hardship appeals shall be submitted to the ~~[Personnel]~~[Human Resources] Director for consideration for payment or reimbursement within one year of the original date of service or within 60 days of final denial by the insurance plan, whichever is later.
 - (5) The Employee Insurance Appeal Committee (EIAC) shall be composed of the Levy Court Administration Committee Chair~~[man]~~, County Administrator, Director of Finance, [Human Resources] Director ~~[of Personnel]~~ and one employee member selected by the Employee Council and shall meet as required to determine if payment from the Medical Trust Fund should be made for claims exceeding \$500 due to denial by the insurance carrier or plan administrator, personal financial hardship, or denial by the ~~[Personnel]~~[Human Resources] Director.
- H. Medical trust fund. Necessary funds shall be budgeted and maintained in a Medical Trust Fund for payment of group medical/health and dental insurance premiums/claims and related costs as provided in this Policy. An annual report shall be provided to the Levy Court detailing expenditures.

- I. Taxation. Employees are responsible for all federal, state, and/or any other taxes on medical incentives, hardship payments, and reimbursements.
- J. Plan changes. The County's group health/medical and dental insurance Plan(s) shall be that determined solely by the Kent County Levy Court to meet the needs of the eligible employees, eligible retirees, and eligible former employees, and it reserves the right to make changes at any time and for any reason whatsoever to the approved Plan(s) or options and select a new Plan(s) or option(s), to change eligibility criteria, to change insurers, providers and networks, end coverage(s) for some or all employee groups, and/or to amend this Policy.
- K. The Employee Insurance Appeals Committee shall develop appropriate guidelines, rules and forms as necessary to use in the decision-making process. The maximum annual cumulative payments and/ or reimbursement per employee, retiree, or dependent shall be limited to \$3,000, such amount may be adjusted from time to time by Levy Court as part of the annual budget review and approval process.
- L. [In order to certify that an Employee or Pensioner's spouse is or is not covered by a health care plan where the spouse works or where the spouse is collecting a pension benefit, all Employees or Pensioners who enroll a spouse MUST complete the Spousal Coordination of Benefits Form to accompany submission of the enrollment application, each year during open enrollment and anytime throughout the year if your spouse's employment or insurance status changes. The Spousal Coordination of Benefits Form is used to determine the spouse's eligibility for primary or secondary coverage in a State of Delaware Group Health Insurance plan.]

IT IS THE EMPLOYEE OR PENSIONER'S RESPONSIBILITY TO UPDATE SPOUSAL INFORMATION WITHIN 30 DAYS AFTER THE SPOUSE LOSES OR GAINS COVERAGE AND EACH YEAR DURING OPEN ENROLLMENT.

The Human Resources Director will guide affected employees about how this coordination is handled.]

§ 2-13. Employee life and long-term disability insurance. [Adopted 8-25-1998, effective 6-1-1998 (P-73)]

This Policy establishes the employee life with accidental death and dismemberment and long-term disability insurance programs for Kent County employees and retirees.

- A. Eligibility.
 - (1) Full-time employees, elected officials and their appointed deputies, members of the Board of Assessment, and former employees retired from active service shall be eligible to participate at no cost in the County's group term life insurance program.
 - (2) Full-time employees, elected officials and their appointed deputies, and members of the Board of Assessment shall be eligible to participate at no cost in the County's group long-term disability insurance program. Retirees are not eligible for long-term disability insurance coverage.
 - (3) Part-time employees, temporary or seasonal employees, ~~[the Mortgage Commissioner]~~, and like positions are ineligible for any employee insurances or benefits.
- B. Employee coverage.
 - (1) Term life insurance coverage shall at a minimum provide a beneficiary a benefit equal to the annual salary of the eligible active employee with applicable age reduction. The beneficiary of an eligible retiree shall at a minimum receive \$5,000 with applicable age reduction. Life and accidental death and dismemberment benefits shall be provided under the conditions and at the levels and limits prescribed in the Plan approved by the Levy Court. Employees are responsible

for applicable taxes due to excess benefits.

- (2) Long-term disability coverage shall at a minimum provide a disabled eligible employee a benefit equal to 60% of the annual salary (\$36,000 maximum salary) until age 65 or recovery from the disability. Long-term disability benefits shall be provided under the conditions and at the levels and limits prescribed in the Plan approved by the Levy Court.
- (3) Insurance coverage for new employees shall be effective the first of the month following the date of hire, provided all requirements of the Plan(s) have been and continue to be met.

- C. Supplemental coverage. Eligible active employees may purchase supplemental life insurance at rates approved by the Levy Court. The employee must pay the full cost for any additional or supplemental insurance through payroll deduction, and failure to pay such premium shall cause the coverage to expire. Premiums are paid by a schedule approved by the [~~Personnel~~][Human Resources] Director.
- D. Coverage costs.
 - (1) Eligible employees and retirees shall be covered by the County's group life insurance or long-term disability plans at the levels provided in the Plan document at no premium cost to the individual.
 - (2) The premium costs for supplemental or additional life insurance are subject to change by the Levy Court with or without notice.
- E. Administration. The [~~Personnel~~][Human Resources] Office shall serve as administrator for all Kent County employee insurances and liaison between employees, retirees and their beneficiaries and the respective Plan carrier or administrator. The Plan documents shall be maintained in the [~~Personnel~~][Human Resources] Office and be open for inspection by eligible employees and beneficiaries during regular office hours.
- F. Funding. The necessary funds shall be budgeted by department and dispersed for payment of life and long-term disability premiums as provided in this Policy. As part of the annual budget review and approval process, a report shall be provided to the Levy Court detailing expenditures.
- G. Taxation. Employees and/or their beneficiaries are responsible for all federal, state, and/or any other taxes on claims or payments.
- H. Plan changes. The County's group life and long-term disability insurance plan(s) shall be those determined solely by the Kent County Levy Court to meet the needs of the eligible employees and retirees, and it reserves the right to make changes to the approved Plan(s) or option(s), select a new Plan(s) or option(s), end coverage(s) for some or all employee groups, and/or amend this Policy at any time and for any reason whatsoever.

PART IV
Evaluations

~~§ 2-14. Department manager performance evaluations. [Adopted 4-2-1985 (P-7)]~~ [Moved to 3.2]

- A. The County Administrator shall annually undertake a performance evaluation of each ~~[d]~~[D]epartment ~~[manager]~~[Head] appointed by the Levy Court, with certain exceptions. This evaluation shall be conducted for the purpose of providing the Levy Court with written information to be used by the Levy Court in determining, among other considerations, adjustments to the annual salary of the ~~[d]~~[D]epartment ~~[manager]~~[Head].
- B. The performance evaluation shall be conducted in a manner to be determined by the County Administrator and shall include but not be limited to an evaluation of overall job performance, supervisory and administrative skills, reliability, ~~[Personnel]~~[staff] relations and responsibility.
- C. The ~~[d]~~[D]epartment ~~[manager]~~[Head] will be asked to sign the written performance evaluation indicating that he or she has reviewed it with the County Administrator and understands it. The evaluation shall be considered confidential by the County Administrator and shall be given only to the Levy Court.
- D. All evaluations are to be completed and presented annually to the Levy Court no later than June 1.

PART V
Training and Education

§ 2-15. Higher education and certification rating system. [Adopted 6-22-2004 (P-80B); amended 2-18-2020 (P19-03)]

This Policy establishes a rating system for the award of pay increases to eligible employees for achieving an advanced educational degree or job-related professional certification under the provisions contained in the Kent County Code.

- A. In order to be eligible for the award of a pay increase under this Policy, an employee must request and receive approval in writing from ~~[his/her]~~[their D]epartment ~~[h]~~[H]ead and the ~~[Personnel]~~[Human Resources] Director or the County Administrator before embarking on a course of study or training.
- B. County employees earning a Master's Degree or Doctorate Degree or the following professional licenses in a state-regulated profession, Certified Public Accountant, Professional Engineer, or Physician's Assistant, shall be eligible for a five-percent base salary increase; provided, however, the degree or license must be in the employee's current field of employment.
- C. County employees earning a Bachelor's Degree in their current field of employment shall be eligible for a four-percent base salary increase.
- D. County employees earning an Associate's Degree in their field of employment or a Master's or Bachelor's Degree in a related field of employment, or a professional certification as a Certified Building Official (CBO), Associate of Risk Management (ARM), ICMA-Certified Professional, IPMA-HR Certified Professional, Certified Government Benefits Administrator (CGBA), Emergency Medical Technician (EMT), Certified Arborist, Fundamentals of Engineering (FE/EIT), American Institute of Certified Planners (AICP), or specific professional certification as determined and approved in advance by the ~~[Personnel]~~[Human Resources] Director and County Administrator based upon overall benefit to/needs of the County and the employee, in consultation with the Department Head, shall be eligible for a two-percent base salary increase. The Associate's Degree or certification must be in the employee's current field of employment.
- E. ~~[County employees earning 15 training credits within a three year period (may be combination of in-house and outside programs, but available to hourly classified employees only) shall be eligible for a one percent base salary increase as determined and approved in advance by the Personnel Director and County Administrator, in consultation with the Department Head. Any pay increase under this section shall be limited to one per twenty four month period (rolling year basis) from the date of award. Excess training credits earned during the twenty four month period do not carry over.]~~
- F. Documentation sufficient to prove achievement of a degree, certification, training credits or designation shall be submitted to the ~~[Personnel]~~[Human Resources] Director for consideration.
- G. For the purposes of this Policy, "current field of employment" shall directly relate to the employee's current position (i.e., paramedic and nursing degree, human resources technician and human resources degree, etc.); "related field of employment" shall closely relate to the employee's current position (i.e., paramedic and degree in public administration, etc.); educational "degree(s)" must be awarded by an accredited college or university verified through the Delaware Department of Education; "training credits" shall mean the assigned Continuing Education Units (CEU's) or one hour of actual contact training time equals one-tenth CEU, unless given a different value by the ~~[Personnel]~~[Human Resources] Director.
- H. Any nonretroactive pay increase permitted under the rating system shall be effective upon approval

of the ~~[Personnel]~~[Human Resources] Director, based on the submission date, but shall not include the following: any degrees or certifications earned before January 1, 2017, or hire date; certification required in the position description or specific training for the employee's current position, including new procedures; or any National, State, County, professional, or similar accreditation required license, certification, or training; or credits earned as part of a continuing education requirement for any previously earned or awarded certification/designation. Such pay increases may exceed the pay plan maximum for salaries, but no employee shall be compensated for earning more than one educational degree per level (i.e., Associate's, Bachelor's, or Master's) or a lower degree awarded without significant additional coursework.

- I. Any employee receiving a pay increase for achieving a certification/designation with continuing education requirements shall annually confirm that said certification/designation remains valid. Any employee failing to report such status or failing to retain/maintain any certification for which a pay increase was previously awarded shall have ~~[his or her]~~ [their] current salary reduced by the same percentage pay increase previously awarded retroactive to the date of loss of certification or standing.
- J. The ~~[Personnel]~~[Human Resources] Director shall develop appropriate forms and guidelines and shall be responsible for the administration of this program. The ~~[Personnel]~~[Human Resources] Director shall make an annual report to Levy Court regarding participants, degrees/certifications earned, and program costs. Any disagreement between the ~~[Personnel]~~[Human Resources] Director and ~~[department head]~~[Department Head] on an employee's eligibility or percentage raise to be awarded shall be resolved with finality by the County Administrator.
- K. [Employees are expected to complete any coursework during nonworking time, unless otherwise approved by their Department Head.]

§ 2-16. Staff development and training.⁴ [Adopted 11-14-2000 (P-82)]

This Policy establishes a procedure for the review and approval of courses, seminars, classes, workshops, or conferences utilized for staff development and training purposes.

- A. County staff members are encouraged to participate in staff development/training opportunities or courses, such as seminars, workshops, conferences, and related activities, in order to enhance their knowledge and improve performance to better serve the citizens of Kent County.
- B. Whenever a staff member determines that a particular staff development/training opportunity will be beneficial to the employee and County, a request shall be submitted to the ~~[d]~~[D]epartment ~~[h]~~[H]ead for review and consideration for approval, ~~[d]~~[D]epartment head, legal staff, and appointed advisory board, committee or commission member requests must be reviewed for approval by the County Administrator, and, in ~~[his or her]~~[their] absence, the ~~[Personnel]~~[Human Resources] Director, for participation in any training conference/opportunity.
- C. Department ~~[h]~~[H]eads or the County Administrator may approve participation in staff development programs if the training course(s) will improve the employee's knowledge or ability to perform ~~[his or her]~~[their] duties and if adequate funds have been budgeted for the proposed course(s).
- D. Department ~~[h]~~[H]eads or the County Administrator may require any or all employees to participate in specified staff development/training programs whenever the employee's performance will be enhanced, to achieve certification or mandated training, for continuing education purposes, or to meet risk management obligations.
- E. Upon return from an approved training course(s), the staff member shall submit a report to the approving authority outlining the name of the course(s), date(s) attended, and personal/professional knowledge gained from attendance.

4. Editor's Note: See also § 6-1, Travel and meal reimbursement; and § 2-18, Higher education and certification rating system.

§ 2-17. Employee higher education tuition assistance. [Adopted 9-16-2003 (P-91)]

This Policy provides for the partial reimbursement of higher education tuition and lab fees to eligible employees seeking an advanced educational degree from an accredited college or university.

- A. Full-time, nonprobationary County employees are eligible for reimbursement of up to 75% of tuition costs, including individual course, lab, and registration fees, within a specified maximum upon application and satisfactory completion (passing grade of 2.0/C or better) of course work leading to an Associate's, Bachelor's or Master's Degree from an accredited college or university as determined by the Delaware Department of Education. All other costs, including books, insurances, etc., shall be the financial responsibility of the employee.
- B. The Levy Court shall establish a maximum reimbursement rate(s) per fiscal year, but the full 75% of eligible costs shall be reimbursed over time as long as the employee continues to be employed by Kent County and maintains satisfactory work performance and attendance standards.
- C. Eligibility for reimbursement is limited to those employees without other financial assistance, such as scholarships or military-service-connected educational benefits. In addition, the academic course work must lead to a degree in a field applicable to Kent County government work.
- D. The ~~[Personnel]~~[Human Resources] Director shall develop appropriate application forms and guidelines and shall be responsible for the administration of the program within annual budget constraints. The ~~[Personnel]~~[Human Resources] Director shall make an annual report to Levy Court regarding participation, retention, and completion rates.
- E. Eligible employees participating in the program and terminating employment within one year of completing any approved course(s) shall reimburse the County the full amount paid by the County for the course(s), lab fees, and/or registration fees. This amount shall be deducted from the terminating employee's final paycheck. If the amount of the final paycheck is not sufficient to cover the costs, the employee will be required to reimburse the County for the amount due at the time of termination.

§ 2-17.1. Professional license/certification fees. [Adopted 2-8-2005]

This Policy establishes guidelines for the payment or reimbursement of professional license or certification fees and expenses for employees in positions requiring such designation.

- A. Full-time, nonprobationary County employees are eligible for payment or reimbursement of professional license(s) or certification(s) renewal fees up to a maximum of \$500 per employee per fiscal year, provided the employee's position description requires such license or certification.
- B. Employees embarking on a course of study to achieve a job-related professional license or certification shall be eligible for payment or reimbursement of the examination expense, initial license or certification application fee, subsequent renewal fees, related preparation costs, and required continuing education or training courses. Said payment or reimbursement must be within annual budget constraints, and the course of study shall have been approved in advance by the ~~[d]~~[D]eartment ~~[h]~~[H]ead and ~~[Personnel]~~[Human Resources] Director. Examination expenses for a specific license or certification may be paid or reimbursed for the first and second attempts and the final passing exam only. Any costs for additional examination attempts shall be borne by the employee.
- C. Eligibility for payment or reimbursement is limited to those existing employees without other financial assistance, such as scholarships or military-service-connected educational benefits. If an

employee receives payment or reimbursement under this Policy, ~~[he/she]~~[they] may not use the license or certification to perform related work or services for personal gain or profit.

- D. The ~~[Personnel]~~[Human Resources] Director shall develop appropriate forms and procedures and shall be responsible for the administration of these provisions. The ~~[Personnel]~~[Human Resources] Director shall make an annual report to Levy Court regarding professional licenses and certifications held by employees, renewal requirements, and any costs paid by the County.
- E. Eligible employees participating in the program and terminating employment within one year of payment(s) or reimbursement(s) shall reimburse the County the full amount paid by the County for the examination(s), license, certification, renewal fee, or associated training/continuing education costs. This amount shall be deducted from the terminating employee's final paycheck. If the amount of the final paycheck is not sufficient to cover the costs, the employee will be required to reimburse the County for the amount due at the time of termination.

PART VI
Awards and Recognition

§ 2-18. Government employees service recognition award program. [Adopted 4-8-1985, effective 7-1-1985 (P-10A); amended 7-21-1987]

- A. Progressive service awards will be given each December to qualified employees who have accrued full-time active service with the government of Kent County, Delaware. The County Administrator or designee shall request eligible employees to make a choice from a variety of pre-selected gifts appropriate for 5, 10, 15, 20, 25, 30, 35, or 40 years of service. If an employee should fail to make a selection within the allotted time frame, the County Administrator shall make a selection on the employee's behalf.
- B. Eligibility.
- (1) Eligible time: all accumulated time accrued as a ~~[permanent]~~[regular] full-time active employee of Kent County through the end of January of any year. Time during the probation period following hire is eligible. If a qualified employee terminates employment with Kent County for good cause and returns to employment with Kent County within two years, ~~[his or her]~~ [their] previous eligible time will be counted as qualified service for the purposes of this program.
 - (2) Ineligible time: part-time, temporary time, time during unpaid leaves of absence and time during suspensions.
 - (3) Eligible employees: employees in the classified and unclassified service, elected County officials and County Attorneys.
 - (4) An employee who is otherwise eligible must be actively employed by the County at the time that the award is given.
- C. Selection. If a selection is offered in an award category, the recipient will be required to indicate ~~[his or her]~~ [their] choice in writing on the form provided for this purpose.
- D. Presentation. Awards will be formally presented to eligible recipients by the President of the Levy Court or his designee each year at the annual Kent County Employees' ~~[Christmas Dinner/Dance]~~ [holiday party] for service completed through the end of the following January. Recipients are urged to attend the presentation.

§ 2-19. Retirement gift. [Adopted 4-9-1985, effective 7-1-1985 (P-11A)]

Upon retirement, a suitable gift will be presented to any long-term employee who qualifies in accordance with the conditions listed below:

- A. To receive a retirement gift, the employee must have accrued at least 25 years of eligible time and be eligible to receive a pension immediately following the last day of employment.
- B. Eligible time: all accumulated time accrued as a ~~[permanent]~~[regular] full-time active employee of Kent County through the last day of employment immediately preceding retirement.
- C. Eligible employees: employees in the classified and unclassified service, elected County officials, appointed County Attorneys.

~~§ 2-20. Gainsharing program. [Adopted 3-9-1993 (P-52)]~~

~~A.—Program purpose.~~

- ~~(1) The Kent County Gainsharing Program recognizes and rewards County employees who have made valuable, cost saving, suggestions for improvements to County operations. The reward for making such a suggestion is a cash award, the amount of which is based on the actual cost savings to the County. The procedure for calculating the amount is described below.~~
- ~~(2) The Gainsharing Program contributes significantly to improving government productivity and services. All eligible suggestions submitted are evaluated. Under this program, awards are based on the merits of the contribution and the benefits that accrue without regard to race, color, religion, sex, marital status, national origin, physical handicap, age, political affiliation, or union membership affiliation or participation.~~

~~B.—Calculation of award. As governed by the following guidelines, an amount equal to 10% of the first year's cost savings, cost avoidance and/or revenue enhancement will be awarded to the employee submitting the idea. The maximum amount of any award shall be limited to \$2,500. Any financial advantage gained by the County after the 12 months of implementation shall not enter into the award calculation. (The Levy Court has the option of increasing this limit if the savings to the County are of an exceptional nature.)~~

~~C.—Timetables.~~

- ~~(1) Timetable for award. Fifty percent of the gainsharing award will be paid to the employee at the end of the first six months after the start of suggestion implementation. The remaining 50% will be paid at the end of the first 12 months after the start of suggestion implementation.~~
- ~~(2) Timetable for implementation. Suggestions adopted under these guidelines will be implemented as soon as is reasonably possible.~~

~~D.—Documentation of proposal success. The Director of Finance shall document actual results of all suggestions which are implemented under this program. Documentation must show that the expected monetary savings or gain to the County are real and in excess of the \$2,500 annual minimum allowed by this program. Any award, if justified, shall be based upon these actual results rather than the projected results submitted on the Gainsharing Program application.~~

~~E.—Eligibility.~~

- ~~(1) Eligible employees. All full-time, permanent part-time, contract, and/or temporary employee are eligible for a gainsharing award. The following are not eligible for a gainsharing award: elected officials, appointed officials, row office deputies, and department heads or division managers.~~
- ~~(2) Eligible suggestions. In order to receive consideration for this award, a suggestion must identify an estimated savings, cost avoidance and/or revenue enhancement of \$2,500 minimum to be accrued during the first year of implementation.~~

~~F.—Procedure for entering suggestions.~~

- ~~(1) A form on file in the County offices will be used for submission of suggestions. This form shall include the following information:~~
 - ~~(a) Estimated cost savings over the program length.~~
 - ~~(b) A detailed analysis on how the cost savings will be achieved.~~

- ~~(c) All positive and negative aspects of the proposal.~~
- ~~(d) The name(s) of the person(s) responsible for the suggestion and who will receive the award shall be the same name(s) as appear on the application. No other person(s) can lay claim to the award. In the event more than one name is recorded as originator on the application form, any monetary reward shall be divided equally amongst those named. The sum total of money awarded shall be equal to 10% of the documented value as determined by the Director of Finance.~~
- ~~(2) To protect the rights of the originator(s) of a suggestion, the application may be filled out in part with the name(s) of the originator(s) and brief description of intended suggestion with savings estimates. This incomplete suggestion must be stamped with the date received by the Finance Department. A copy of the stamped application shall be kept on file in the Finance Department. In the event that two or more identical or substantially similar suggestions are received by the Finance Department, the date stamp will determine which suggestion was submitted first, and its originator(s) shall be given the award.~~
- ~~(3) Once an idea is date stamped, the originator(s) have 30 workdays to complete the application and submit it to the Director of Finance. Applications not completed in the allowed time shall be invalidated, and the originator(s) shall lose their rights of protection as described in this section. Should this occur, the suggestion proposed on the invalidated application may be implemented by the County with no further obligation to the originator. The thirty day deadline may be extended for good cause at the request of the originator(s). A decision to extend shall be made by the Suggestion Review Committee.~~
- ~~G. Proposal review. All suggestions shall be reviewed using a multi step process which shall proceed in the following order:~~
 - ~~(1) The department manager. It is the duty of the department manager with supervisory duties over any person(s) submitting a suggestion to settle any disputes, should they arise, on any proposal prior to referring the proposal to the Suggestion Review Committee. This duty includes any disputes arising from having multiple claimants for a single suggestion.~~
 - ~~(2) A committee composed of the Director of Finance and two other department managers. This committee shall be known as the "Suggestion Review Committee."~~
 - ~~(3) The County Administrator.~~
 - ~~(4) Upon completion of the review conducted by the County Administrator, the proposal shall be submitted to the Levy Court for final approval.]~~

§ 2-21. Employee-of-the-month/-year recognition. [Adopted 10-8-2002 (P-70A); amended 2-8-2005; 7-8-2008]

This Policy establishes an Employee-of-the-Month and Employee-of-the-Year recognition award program for Kent County.

A. Employee of the month.

- (1) ~~[Permanent]~~, [Regular] full-time classified employees ~~[and slotted deputies]~~ who positively promote Kent County to the public, demonstrate sustained [good] performance, contribute to the achievement of County objectives, distinguish themselves in other pursuits of County goals, and/or actively participate in community organizations, civic projects, etc. are eligible for nomination as

"Employee of the Month." [Department Heads, Directors, Assistant Directors, Appointed Deputies and Chief Deputies are not eligible for this recognition.]

- (2) On a regular basis the ~~[five]~~ appointed ~~[d][D]epartment [directors][Heads]~~, the County Administrator, and one representative from the ~~[six]~~ elected Row Officers shall meet as a quorum of no less than four to nominate and select an Employee of the Month. Employees may suggest the names of eligible co-workers by making such recommendation to their ~~[d][D]epartment [h][H]ead~~ or Row Officer.
- (3) The individual selected as Employee of the Month shall be informed by ~~[his or her]~~~~[their]~~ ~~[d][D]epartment [h][H]ead~~ and recognized by the Levy Court at its last meeting each month for the following month.
- (4) During the month of recognition, the Employee of the Month shall be entitled to a reserved parking space at the County Administration Building; the employee's photograph shall be prominently displayed inside the major County buildings [(unless the employee requests that this not be done)]; and the employee shall receive one day off with pay during the month of award, which may be used back-to-back with weekends, holidays, and vacation days, but not sick days. The time may not be divided into [partial-day] increments. The scheduling of this time off must be approved by the employee's supervisor.
- (5) The Employee of the Month shall also receive a \$100 stipend in recognition of ~~[his or her]~~~~[their]~~ award.

B. Employee of the year.

- (1) The Employee of the Year shall be selected from among the 12 Employees of the Month by the Employee Council in late November or early December of each year in coordination with the ~~[Personnel]~~[Human Resources] Director.
- (2) The name of the Employee of the Year shall be announced at the annual Employee Holiday ~~[Dinner/Dance]~~[event] or similar event, and the Employee of the Year shall receive a \$500 stipend and a Kent County lapel pin or similar appreciation gift. In addition, the employee's name shall be placed on a plaque displayed in the Kent County Administration Building and ~~[his or her]~~~~[their]~~ photograph shall be displayed for the following year[, unless the employee requests that their photograph not be displayed.]

C. Previous recipients of Employee-of-the-Month or Employee-of-the-Year recognition awards may be renominated, but may not be selected again until one calendar year elapses.

D. The ~~[Personnel]~~[Human Resources] Office shall be responsible for facilitating the administration of this Policy.

§ [2-22. Appointed Deputies and Chief Deputies.]

[This section applies to the deputies and chief deputies appointed by the elected Sheriff, Clerk of the Peace, Recorder of Deeds and Register of Wills and expected to support the day-to-day function of these offices.]

A. Slotting of deputies and chief deputies. [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsection 9)]

- (1) Deputies and chief deputies deemed to meet the minimum qualifications of a Levy Court approved position description, as determined by the Human Resources Director, may be slotted into the County's Human Resources Classification System and Pay Plan and receive compensation and benefits equal to that provided to other exempt employees in the "unclassified" service. Deputies approved for slotting are required to meet all standards established for similarly categorized employees, including but not limited

to annual performance appraisal, attendance, conduct, etc.

- (2) Slotted deputies failing to meet standards established for similarly categorized employees or failure on the part of the appointing official to hold a deputy accountable through appropriate discipline, as determined by the Human Resources Director, shall lose all slotting benefits, including the higher compensation rate, and return to nonslotted status at the beginning pay rate in the range established by this Policy.
- (3) Any existing deputy or chief deputy opting not to be slotted under this section cannot opt in at a later date, except at the beginning of a fiscal year, and shall be ineligible for these initially accrued benefits. Any slotted deputy or chief deputy opting out of the provisions of this section or terminating employment within one year of slotting shall receive no compensation for accrued vacation. New deputies or chief deputies eligible for slotting shall accrue vacation and other benefits like similarly classified employees.
- (4) Slotted deputies and chief deputies continue to serve at the pleasure of the appointing official and are ineligible for appeal rights reserved for classified or unclassified employees.

B. Longevity pay for [appointed D][d]eputies and Chief Deputies. [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsection 8)]

Deputies and chief deputies are entitled to the same longevity increases as employees in the classified service, except that prior employment time may not be used to determine eligibility for a longevity increase if more than two years have transpired between the date of termination in good standing and the date of rehire.

C. Overtime for Deputies and Chief Deputies. [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsection 7)]

Deputies and chief deputies are not entitled to be paid for overtime work.

D. [Salary and Time off for Unslotted] [salary for d]Deputies and C[e]hief D[d]eputies.² [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsection 1)]

Deputies appointed by an elected County row officer and court-appointed chief deputies [may be] included in the "elected" service of Kent County and shall be paid in accordance with the following salary rate schedules, unless slotted per § 2-22:

- (1) Salary rate for deputies. The beginning salary rate for deputies shall be \$18,000 per annum to a maximum rate of \$23,000. Upon the submission of a written favorable evaluation and recommendation by the appointing office holder to the Levy Court, no later than March 31 of each year, the deputy shall receive a salary increase up to, but not exceeding \$1,000 annually, to become effective July 1. Notwithstanding anything herein to the contrary, salary increases may be prorated as determined by and in the sole discretion of the Levy Court.
- (2) Salary rate for Sheriff's deputies. The beginning salary rate for the Sheriff's deputies shall be \$17,177 per annum. The Sheriff may increase the salary for the new deputy, after the deputy has been at the job for nine months. The beginning salary rate for a Sheriff's deputy with prior law enforcement experience may be up to the maximum of \$25,000 upon recommendation of the Sheriff and approval of the Levy Court. The maximum salary is \$25,000 per annum.
- (3) Salary rate for chief deputies. The beginning salary rate for chief deputies shall be \$23,000 per annum to a maximum of \$29,000. Upon the submission of a favorable evaluation and recommendation by the appointing official to the Levy Court, no later than March 31 of each year, the chief deputy shall receive a salary increase up to, but not exceeding \$1,000 annually, to become effective July 1.

- (4) Except as contained herein, deputies and chief deputies shall receive all County benefits which are applicable to employees in the classified service.
- (5) Deputies and chief deputies shall serve at the pleasure of the appointing official and shall not accrue vacation or sick leave. The amount of any time off shall be determined by the appointing official.

E. Work hours for Deputies and Chief Deputies. [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsection 6)]

It shall be the responsibility of the appointing official, or designee, to determine the hours of work for deputies and chief deputies. Hours of work shall be coordinated between the appointing official and the deputy or chief deputy. Slotted deputies are expected to work the number of hours required to get their work done, consistent with the number of hours worked by other similarly responsible exempt employees.]

PART VII
Employer Charitable Contribution

§ 2-2[2][3]. Benevolent Fund Program. [Adopted 5-13-2025 by P25-03]

- A. This section outlines the guidelines for the Benevolent Fund Program, which is designed to provide support and recognition for employees of Kent County Levy Court during significant life events.
- (1) Congratulatory recognition.
 - (a) Cards will be sent for employee marriages, births, or adoptions.
 - (2) Health and recovery support.
 - (a) Get Well cards will be sent to employees who are hospitalized or ill for more than two weeks, excluding elective procedures.
 - [1] Examples of elective procedures: cosmetic or corrective vision surgery, wisdom teeth extractions, plastic surgery, or other elective medical procedures of a non-serious nature.
 - (3) Sympathy and memorials.
 - (a) Cards will be sent for the passing of an employee's immediate family member.
 - [1] Immediate family members include spouse, child, mother, father, mother-in-law, father-in-law, grandparents, brother, sister, stepchild, stepparent.
 - (b) Floral arrangements will be sent on behalf of the County for the passing of current employees and former elected officials.
 - (4) Funeral tributes.
 - (a) Automatically arranged for active employees and former elected officials.
 - (b) Retirees require a special request from the ~~[department head]~~[Department Head].
 - (5) Notification responsibility.
 - (a) While it is the intent to treat all employees equally, ~~[department head]~~[Department Heads] must inform the Human Resources Office within 10 days of an event for a donation to be considered.
 - (6) Program adjustments.
 - (a) Subject to change during the annual budget review and the availability of fund.
 - (b) The Levy Court, by majority vote, may choose to adjust the parameters of inclusion for specific occurrences as the need arises.

Policy 3**CONDITIONS OF EMPLOYMENT**

- | | | | |
|--------|--|--------|---------------------------------|
| § 3-1. | Work hours for deputies and chief deputies. | § 3-3. | Performance evaluations. |
| § 3-2. | Flex time. | § 3-4. | Customer service policy. |

Kent County Code References

§ 68-11 — Attendance policy; hours of work.

§ 68-19 — General prohibitions.

~~§ 3-1. Work hours for deputies and chief deputies. [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsection 6)]~~

~~It shall be the responsibility of the appointing official, or designee, to determine the hours of work for deputies and chief deputies. Hours of work shall be coordinated between the appointing official and the deputy or chief deputy. Slotted deputies are expected to work the number of hours required to the get their work done consistent with the number of hours worked by other similarly responsible exempt employees.]~~

§ 3-[2][3-1]. Flex time. [Adopted 1-28-1997 (P-66); amended 1-17-2006]

This Policy establishes a flexible work schedule and flexible working hours program for County employees.

- A. County offices must be sufficiently staffed at all times during regular office hours.
- B. The use of a flexible schedule and/or flexing working hours during a particular workweek must be approved in advance by the respective ~~[department head]~~[Department Head].
- C. Like the normal work schedule, all work performed before or after regular office hours must be productive and beneficial to the mission of the department.
- D. Flexible or modified work schedules may be approved by ~~[department head]~~[Department Heads], if:
 - (1) The work schedule is established in writing and for a period no less than two consecutive workweeks;
 - (2) The work schedule eliminates the accrual of overtime by the participating employee; and
 - (3) The proposed work schedule is reviewed by the ~~[Personnel]~~[Human Resources] Director.
- E. Flexible working hours may be approved or enforced by a ~~[department head]~~[Department Head] or ~~[his/her]~~[their] designee, if:
 - (1) An employee has worked additional hours earlier in the week or day and the total number of hours worked for the week is not less than 40 (or 35 for thirty-five-week employees); and
 - (2) The flexed hours do not require an employee to work more than seven consecutive hours without a lunch break. (Employees are required to take a lunch break unless flexed under this

provision.)

- F. Flexible hours may not be used to offset full-day deductions from sick leave accruals.
- G. Flexible schedules are subject at all times to revocation or alteration by the ~~[department head]~~[Department Head] to meet staffing needs, to achieve performance initiatives, or failure by the participating employee to accrue necessary hours for flexing.

§ 3-~~3~~2. Performance evaluations. [Adopted 2-20-2007]

This Policy establishes provisions for the evaluation of employee performance: to provide introductory employment employees with timely reports of ~~[his/her]~~[their] progress and allow for correction of deficiencies; to provide all employees with positive recognition of strengths and special abilities and an opportunity to improve deficiencies; to provide an ongoing performance record which may become part of documentation used in taking personnel actions; to provide employees with an opportunity to discuss ways and means for improvement; and to cause current job descriptions to be formulated and/or maintained.

- A. Format. Supervisors shall use a standard performance appraisal form issued by the ~~[Personnel]~~[Human Resources] Office. Annual training shall be provided by the ~~[Personnel]~~[Human Resources] Office for employees and supervisors on performance evaluation process and forms.
- B. Probationary employees. Employees on introductory (probationary) employment status shall be evaluated at least at the midpoint of such status and two weeks prior to the end of the introductory employment period, at which time the employee shall be advised of ~~[his/her]~~[their] status (regular or terminated).
- C. All ~~[personnel]~~[staff] shall be evaluated at least once a year. All employees are evaluated on an annual basis prior to the new fiscal year with a due date determined by the ~~[Personnel]~~[Human Resources] Director. Department ~~[h]~~[H]eads may choose to evaluate employees more often. Those employees receiving an "Effective" evaluation shall be eligible for an annual step increase, unless the employee is at the top of the range.
- D. Procedures. Employees who regularly supervise one or more full-time employees are evaluated using a supervisory personnel form. All other employees are evaluated using the form designated for their type of work. Employees are encouraged to do a self-evaluation, in order to facilitate the open discussion process. Once the supervisor and the employee have completed the evaluation form, both parties shall meet to discuss the contents, discuss training needs, and establish performance goals for the upcoming year, and the supervisor's performance rating of the employee. In order to achieve an "Effective" (3.00) or higher on the performance evaluation, all goals must have been substantially met. A score of "Highly Effective" (4.00) or "Exceptional" (5.00) would only be granted to the degree performance exceeded documented expectations and timelines.
- E. Performance improvement plan. Employees receiving a performance evaluation score less than "Effective" (3.00) overall will receive a performance improvement plan developed by the supervisor and reviewed with the employee. The supervisor shall establish specific tasks or behaviors required to improve performance with specified dates of accomplishment. Employees failing to meet the deadlines and receiving a subsequent less than effective evaluation may be terminated. If performance has improved and the employee achieves an "Effective" score, ~~[he/she]~~[they] shall receive a nonretroactive step increase.
- F. Adjustments to ratings. An employee is required to sign the performance evaluation form as an acknowledgement that it was completed and that ~~[he/she]~~[they] ~~[is]~~[are] aware of its contents. The supervisor likewise signs the form. Completed evaluations and recommended adjustments are subject to review

and approval by the ~~[department head]~~[Department Head], where applicable, and then the ~~[Personnel]~~[Human Resources] Director, whose determination shall be final. The department ~~[h][H]~~ead and/or ~~[Personnel]~~[Human Resources] Director may change the recommended adjustment or return it for reconsideration due to budget considerations, evidence of rating error, bias, or other relevant factors. The employee and supervisor should make a copy of the evaluation for use in future evaluations. The original shall be kept in the employee's confidential ~~[personnel]~~[human resources] file.

- G. ~~[department head]~~[Department Heads]. ~~[The performance of [department head]~~[Department Heads] appointed by the Levy Court shall be annually evaluated by the County Administrator using a format of ~~[his/her]~~[their] choosing.] ~~[After discussing the evaluation with the individual [department head]~~[Department Heads], the completed evaluations shall be reviewed with the Commissioners, and any desired revisions made thereto. An annual evaluation of the County Administrator's performance shall be conducted by the individual Levy Court Commissioners using a form or format approved by them, and the contents thereof reviewed in confidence with the President.]
- (1) The County Administrator shall annually undertake a performance evaluation of each Department Head with certain exceptions. This evaluation shall be conducted for the purpose of providing the Levy Court with written information to be used by the Levy Court in determining, among other considerations, adjustments to the annual salary of the Department Head.
 - (2) The performance evaluation shall be conducted in a manner to be determined by the County Administrator and shall include but not be limited to an evaluation of overall job performance, supervisory and administrative skills, reliability, ~~[personnel]~~[employee] relations and responsibility.
 - (3) The Department Head will be asked to sign the written performance evaluation indicating that they have reviewed it with the County Administrator and understand it. The evaluation shall be considered confidential by the County Administrator and shall be given only to the Levy Court.
 - (4) After discussing the evaluation with the individual Department Heads, the completed evaluations shall be reviewed with the Commissioners, and any desired revisions made thereto. An annual evaluation of the County Administrator's performance shall be conducted by the individual Levy Court Commissioners using a form or format approved by them, and the contents thereof reviewed in confidence with the President.
 - (5) All evaluations are to be completed and presented annually to the Levy Court no later than June 1.
- H. Appeals of ratings. Ratings may not be appealed or grieved, but employees may attach written comments to the evaluation form identifying those areas of dispute and providing supporting statements.
- I. Employees with less than one year of service. Employees who will have more than three months but fewer than nine months of service by July 1 shall be evaluated and are eligible for a half-step (1%) pay increase. Employees with more than nine months of service shall be evaluated and eligible to receive the full step increase. Employees employed three months or less need not be evaluated and shall receive no step increase for the upcoming fiscal year.
- J. The ~~[Personnel]~~[Human Resources] Director shall develop appropriate forms and any additional procedures necessary to effect the administration of this Policy.

[§ 3-4 Confidentiality]

[Protecting the confidential information of employees and members of the public is critical for the County to maintain its position of trust and integrity. All individuals who represent the County must ensure that any access they have to confidential information remains safeguarded. Misuse or negligence in handling confidential information and/or disclosing or accessing it for any purpose that is not authorized and job-related could subject the employee to discipline as well as civil or criminal penalties.]

Any representative of the County who has access to confidential information is required:

- A. To follow County policies and procedures regarding both physical and electronic security
- B. Not to expose customer or employee confidential information (social security numbers, account information, driver's license numbers, credit card information, etc.)
- C. Not to expose health-related information or violate HIPPA regulations
- D. Not to engage in or permit unauthorized use of information in any County files or programs
- E. Not to seek to benefit personally or permit others to benefit personally through the release of confidential information
- F. Not to exhibit or divulge the contents of any County record except in the conduct of authorized work duties and then only to those who are authorized to have the information
- G. Not to disclose non-public County business to unauthorized individuals
- H. Not to remove or cause to be removed any official record or report, including copies, from any file from the location where the information is stored except in the performance of authorized duties
- I. To password protect all devices and technology resources used in the performance of duties and to take all reasonable steps to protect the devices and resources themselves
- J. Not to aid, abet, or act in conspiracy with another to violate any portion of this policy
- K. To report any violation or potential violation to their supervisor, Department Head, Human Resources Director and County Administrator immediately]

[§ 3-5 Personal Appearance]

[Employees should use discretion in wearing attire that is presentable for the workplace, their position, and any professional contacts they may have that day (whether in person or via video conferencing). This includes grooming and hygiene habits.]

- A. We trust employees to make appropriate choices; however, certain items are specifically prohibited:
 - (1) Anything sheer/revealing, excessively tight or short, or that exposes the back, midriff or undergarments;
 - (2) Garments containing offensive and inappropriate text, graphics, or other depictions and content, such as profanity, nudity, or symbols of hate or violence
 - (3) Garments that are torn, ripped, or have excessive holes or fading
- B. Any visible tattoos must also be presentable for the workplace. Tattoos containing offensive or inappropriate content, such as profanity, nudity, or symbols of hate or violence, must be covered

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regardless of location. Hair, fingernails, jewelry, and other accessories must not interfere with an employee's ability to safely perform their job duties.

- C. In addition to the above, certain employees and work areas have dress requirements that may include uniforms as well as specific types of shoes, and other types of personal protective equipment (PPE). Employees are to strictly adhere to these requirements.
- D. Should an employee make an inappropriate choice, they may be asked to return home to change without pay. Exceptions to accepted attire may be made on a case-by-case basis due to, for example, a medical condition or religious observance. Employees in need of an exception should speak to their supervisor or the Human Resources Director.]

§ 3-[4][6]. Customer service policy. [Adopted 12-13-2011 (P11-04)]

This Policy establishes expectations for a high quality of service and assistance provided by County employees when interacting with external customers, co-workers, constituents, business owners, governmental officials, and other members of the public. This Policy is intended to list in clear, concise language the goals and objectives of each County employee with respect to customer service.

- A. Excellence. County employees shall strive to go beyond the minimum required to provide the highest quality of customer service that regularly exceeds customer expectations. To monitor our progress, the County will actively seek feedback from our customers and will use this feedback as an aid in assessing our strengths and weaknesses, and for seeking continual improvement. Feedback will be solicited in a number of ways, including but not limited to direct contact, customer comment cards, written correspondence, and website customer satisfaction postings.
- B. Accessibility. County employees shall be reasonably accessible for consultation and meetings with customers. Departments with regular public interaction shall have the front counter staffed at all times during normal business hours. Inquiries and requests for meetings with technical staff, division managers and ~~[department head]~~[Department Head]s shall be arranged promptly and at the most immediate and mutually convenient time possible. It is expected that division managers and ~~[department head]~~[Department Head]s shall make themselves available for consultation as soon as possible and in deference to the customer's preference.
- C. Clarity and responsiveness. It shall be the responsibility of each employee to operate within the limits of ~~[his/her]~~[their] County job description and area of responsibility to provide clear, concise, and courteous

responses to inquiries for assistance and/or requests for information. When inquiries are received that would best be responded to by another County employee or County department, the employee receiving the inquiry shall bear the responsibility of assuring that every effort has been taken to confirm that a person-to-person relay of the inquiry has been made.

- (1) For inquiries, complaints and other requests that require research, analysis, site visits, inspections, or consultation, the employee handling the request shall be responsible for following up with the inquiring party to provide status reports and/or to communicate how that inquiry is being processed or resolved. There shall be no exception to this provision unless an inquiring party indicates that the party does not want to be contacted.
 - (2) In many situations, there may be alternative approaches to resolving an inquiry, problem, or complaint. In such situations it shall be the responsibility of the County employee to consider alternative approaches and to offer options and alternatives to the customer for ~~his/her~~their consideration. The goal of the County employee shall be to achieve and/or maintain compliance with all applicable laws, codes and ordinances while striving for the maximum level of satisfaction for all parties involved in the most expedient manner practicable.
- D. Timeliness. All requests for assistance and/or information shall be processed and responded to promptly, with most routine inquiries being satisfied immediately or within 24 hours. Requests for information pursuant to Delaware Code Title 29, Chapter 100 (Freedom of Information Act), shall be processed in accordance with County Policy P08-05.⁵
- E. Commitment. It is the expressed policy of Kent County Levy Court that every County employee shall engage each customer with respect, service and assistance in a manner equal to or exceeding what the employee would expect if ~~he/she~~they were the customer.
- F. County employees shall strive to maintain compliance with the provisions of this Policy at all times in their official capacities as County employees. Lapses in compliance with this Policy shall be considered deficiencies in performance and may be subject to disciplinary action as prescribed in Chapter 68, § 68-4, of the Kent County Code.

5. Editor's Note: See Ch. 29, Community and Media Relations, § 29-3, Freedom of Information (FOIA) requests.

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Policy 4

COUNTY FACILITIES AND EQUIPMENT

PART I Use and Designation of County Buildings		§ 4-7.	Vehicle safety.
§ 4-1.	Public use of County Administrative Complex Building.		PART III Equipment
§ 4-2.	Closing of County government offices.	§ 4-8.	Purchase of electronic data processing equipment, software and supplies.
§ 4-3.	Use of Levy Court Chambers and conference rooms.	§ 4-9.	Posting of non-government public notices on County bulletin boards.
§ 4-3.1.	Designation of names and naming honors.	§ 4-10.	Restrictions and fees for access to County computerized databases.
§ 4-3.2.	Kent County Recreation Center, 1683 New Burton Road, Dover, DE.	§ 4-11.	Disposal of surplus equipment and supplies.
	PART II Vehicles	§ 4-12.	Telephone use.
		§ 4-13.	Computer network usage.
§ 4-4.	Use of vehicles for County business.	§ 4-13.1.	Social media use.
§ 4-5.	Clean Air Act; carpooling using County vehicles.	§ 4-14.	Uniform acquisition and use.
§ 4-6.	Defensive driving.	§ 4-15.	Sale of County-owned excess property.

Kent County Code References

§ 68-11 — Attendance policy; hours of work.

§ 68-19 — General prohibitions.

PART I

Use and Designation of County Buildings**§ 4-1. Public use of County Administrative Complex Building. [Adopted 10-23-1990 (P-1B); amended 2-20-2007]**

A. The Kent County Administrative Complex Building is open for public use in accordance with the following times and conditions:

(1) Monday through Friday:

- (a) 8:00 a.m. to 5:00 p.m.: open; full public access.
- (b) 5:00 p.m. to 12:00 midnight: limited access to designated offices for authorized badge holders and to attendees of meetings held in building; public must go directly to designated meeting room and promptly leave upon conclusion of the meeting.
- (c) 12:00 midnight to 8:00 a.m.: closed; no access except authorized badge holders.
- (d) Buildings will be closed at 7:00 p.m. on the eve of Thanksgiving Day, Christmas Day, New Year's Day and at 5:00 p.m. on the evening of the Employee Dinner Dance.
- (e) Said hours will be automatically extended such time as is necessary to accommodate the schedule of County government or advisory committee meetings or as may be designated by Levy Court.

(2) Saturday: open to the public for limited access to designated offices for specific purposes, and authorized badge holders.

(3) Saturday 5:00 p.m. to Monday 7:30 a.m.: closed; no access except authorized badge holders.

(4) Sunday: closed; no access except authorized badge holders.

(5) Legal County holidays and special holidays: closed; no access except authorized badge holders.

- (a) Kent County government buildings shall be closed in observance of legal holidays listed in Title 1, Chapter 5, § 501, of the Delaware Code and specific special holidays authorized by Levy Court, including emergency closings..
- (b) If any legal holiday falls on a Saturday, the preceding Friday shall be the legal holiday (observed). If any legal holiday falls on a Sunday, the following Monday shall be a legal holiday (observed). Any change in the hours specified in this Policy will be posted on the front door of the Kent County Administrative Complex building.
- (c) After-hours building access/entry badges for certain nonemployees may be authorized by the Recorder of Deeds upon payment of a nonrefundable fee of \$65 per year per person. The ~~[Personnel]~~[Human Resources] Office will issue badges to such authorized persons, including attorneys, surveyors, title searchers, realtors, paralegals, and others who can demonstrate a need for access to the Recorder of Deeds' office in the building after the close of the normal business day. **[Amended 3-12-2013 (P13-01)]**

B. Upon request of the family, the President of Levy Court or Levy Court by a majority vote may authorize the use of the Kent County Administrative Complex building to lie in state and/or for the funeral services of such former elected County officials, certain dignitaries, and employees who have

distinguished themselves in service to Kent County.

- C. Fees for use of conference rooms or other space in the Kent County Administrative Complex Building may be established by Levy Court and for such amounts as set from time to time by ordinance of the Levy Court. Whenever deemed appropriate, such fees may be waived by the County Administrator or by majority vote of the Levy Court. The Levy Court Chamber may be authorized for use only by the state or other government-affiliated entities.

§ 4-2. Closing of County government offices. [Adopted 7-10-1990 (P-24A); amended 12-14-2010 (P10-07); 4-14-2020 by P20-02; 3-9-2021 by P21-01; 1-17-2023 by P23-01; 1-30-2024 by P24-02]

This Policy establishes procedures for the closing of County offices.

- A. Closure, late opening, and/or early dismissal due to inclement weather. The Kent County Levy Court administrative complex will close when offices of the State of Delaware (in Kent County) are closed by the Governor due to inclement weather. This includes modifying operating schedules such as opening late and dismissing early. While the intent of the Levy Court is to follow closing, late opening, and early dismissal decisions made by the state, employees are advised to rely on notices issued by the Department of Public Safety through the employee notification system [for official information and status].
- B. Closure, late opening, and/or early dismissal due to exigent circumstances. The County Administrator may modify, delay, or terminate the normal schedule of operations of County government whenever circumstances dictate that it is in the best interest of the government and/or the citizens of the County to do so and if applicable, shall determine the time period for such closing for payroll purposes. Exigent circumstances include but are not limited to fire, flooding, loss of electrical power, and/or hazardous conditions.
- C. Special holidays. The President of the Levy Court, or the Vice President, or a majority of the Levy Court shall have the authority to modify or terminate the normal schedule of operations of County government by declaring a special holiday(s) and close County buildings if it is determined to be in the best interest of the government and/or citizens to do so.
- D. Extended closures. Whenever the normal schedule of operations is terminated/suspended for one or more major buildings with County offices for five consecutive working days or more, a special meeting shall be called by the President of the Levy Court, or any two members of the Levy Court, as permitted by law and pursuant to the adopted rules of procedures, to review the circumstances and consider such procedures or processes required to resume normal operations as quickly and safely as possible.
- E. Notice. The County will use its website, email, and/or text message service to notify employees of late openings, early dismissals, and closure. The Department of Public Safety will be responsible for maintaining and operating the notification system with the support of Human Resources. Employees are responsible for providing up-to-date contact information to Human Resources to ensure notifications are received. Notices about closures or late openings generally will be sent as soon as possible.
- F. Designation of employees. For the purpose of this policy, Levy Court employees are divided into two broad categories: ~~[administrative and operational]~~[essential and non-essential]. If an employee's job is one of the mission critical services provided by the Levy Court, the employee's position may be designated as ~~[operational]~~[essential]. Designations shall be based on the recommendation of the ~~[department head]~~[Department Head] in consultation with the Director of Public Safety ~~[and included in an employee's job description]~~.

G. ~~Operational~~Essential employees.

- (1) ~~Operational~~Essential employees are not eligible for liberal leave and are required to report for work for any scheduled shift unless they are specifically excused by their supervisor. ~~Operational~~Essential employees are:
 - (a) All personnel of the Department of Public Safety.
 - (b) All operational personnel of the Kent County Wastewater Treatment Facility.
 - (c) Any other County personnel determined to have mission critical responsibilities. [This may vary based on the nature of the closure and what resources are required. The County Administrator, Human Resources Director and Department Head will determine who is considered essential based on the nature of the event.]
- (2) All County personnel are subject to ~~operational~~essential designation and must promptly report to work to perform necessary duties at such location as directed. If ~~operational~~essential personnel are unable to report for work because of transportation issues related to inclement weather, those employees should contact their supervisor and/or the Emergency Operations Center to request transportation. Human Resources will issue labels for the ID badges of ~~operational~~essential employees.

H. ~~Administrative~~Non-essential employees. ~~Administrative~~Non-essential employees are eligible for liberal leave in accordance with the terms and conditions of this policy.

I. Liberal leave, definition. "Liberal leave" is a liberalization of existing leave policies. Employees who are unable to transport themselves to work due to inclement weather or who must remain at home, arrive late, or leave early due to circumstances such as caring for children due to a school delay or closing may use leave (annual or personal) without prior authorization from a supervisor. When liberal leave is authorized, liberal leave requests shall be granted to the extent possible.

J. [Liberal leave is applicable to designated events when an employee's work location/building is open. During periods when an employee's work location/building is closed, the employee will be paid regular wages during the closure (excluding any overtime). Depending on the nature of a closure, employees may be required to work in an alternative location.]K. Liberal leave, policy. ~~Administrative~~Non-essential employees are allowed to be absent for a portion of a workday or the entire workday and are charged paid leave (i.e., annual or personal) or leave without pay, as appropriate, for the period of the absence. Employees must notify their supervisors in advance if they intend to take liberal leave. Employees may not use sick leave for a liberal leave absence unless the absence meets the criteria for sick leave.

L. Liberal leave, authorization.

- (1) In response to inclement weather severe enough to warrant the delayed opening, early dismissal, or closure of local schools but not of local, state or federal offices in the area, a ~~department head~~Department Head may authorize liberal leave for ~~administrative~~ employees as defined by this Policy.
- (2) In response to inclement weather severe enough to warrant the delayed opening, early dismissal, or closure of state or federal offices in the area, the County Administrator may authorize liberal leave for ~~all administrative~~non-essential employees. ~~department head~~Department Heads also may call in or hold over ~~operational~~essential employees depending on the needs of the Levy Court. ~~department head~~Department Heads may call in ~~administrative~~non-essential employees to serve as temporary ~~operational~~essential employees.

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- (3) [When liberal leave is ~~in effect~~ chosen by the employee, exempt employees will be charged liberal leave for the entire day, even if their work location/building is closed for a portion of the day. Non-exempt employees will be charged liberal leave only for the hours their work location/building was open that the employee was not at work as scheduled.]
- M. Liberal leave, other emergencies. Liberal leave is most often associated with weather events although it is possible Kent County employees will be forced to deal with other situations, including natural disasters, mass casualty events, or other circumstances where curtailing routine operations is in the best interest of the public, the Levy Court and its employees. Any time a state of emergency is declared by the Levy Court Commissioners, a liberal leave policy may be implemented.
- N. Late to work. If inclement weather or another emergency causes an ~~[operational]~~ employee to be late for work, the employee shall inform the supervisor or ~~[department manager]~~[Department Head] of the impending lateness

and state the expected time of arrival for work. ~~[A]~~ ~~[R]~~ [r] easonable delay in arriving at work due to poor travel conditions will not be a basis for charging vacation leave or docking the employee's pay.

O. Compensation for time worked during closure.

- (1) ~~[Operational]~~ [Essential] employees who are required to report to work when the normal schedule of operations of County government has been terminated shall be compensated at their regular rate of pay, plus, at the employee's option, either equal time off for those hours actually worked as hour-for-hour compensatory time during the designated time period of closing or half pay for those hours actually worked during the designated time period of closing. No additional compensation shall be due for delayed opening or emergent situations confined to some but not all buildings.
- (2) ~~[Operational]~~ [Essential] employees who work additional hours in addition to their normal shift or work schedule due to the emergency are entitled to compensation for those additional hours worked at their regular hourly rate plus, at the employee's option, either equal time off for those additional hours worked beyond their normal work schedule period as hour-for-hour compensatory time or half pay for those additional hours worked beyond their normal work schedule period.
- (3) Unless the emergency or closing covers a day ~~[which]~~ [that] is a legal holiday of the County, the emergency day shall not be considered a holiday for pay purposes. If any ~~[operational]~~ [essential] employee is required to work but is specifically prevented by the police or other emergency personnel from traveling to their work site due to a natural or man-made emergency, and after notifying such emergency personnel of ~~[his or her]~~ [their] ~~[operational]~~ [essential] status, the ~~[operational]~~ [essential] employee shall immediately notify their supervisor of the obstruction.
- (4) If the ~~[operational]~~ [essential] employee's attendance at work is critical to County operations, the ~~[department manager]~~ [Department Head] shall contact the Emergency Operations Center for pickup or if safe to do so, dispatch a coworker to do so. If the employee's service is not critical or pickup is not possible, the absence shall be excused and not charged. Before approving sick leave during a declared emergency/offices closing, the department manager shall require either a physician's certificate or a written statement by the employee setting forth the reason for the absence. Any employee, ~~[operational or administrative]~~ [essential or non-essential], who already is on annual leave or sick leave during a declared emergency/offices closing, is not affected by this Policy and their annual or sick leave will be charged as if no emergency occurred.
- (5) Compensatory time accrued during an emergency/building closing may be taken with the approval of the department manager or paid out at the discretion of the ~~[Personnel]~~ [Human Resources] Director.
- (6) Compensation for ~~[operational personnel]~~ [essential employees] under this section shall not exceed a maximum of 80 hours of equal time off or half pay for the duration of the emergency/closure (or 84 hours for employees normally scheduled for forty-two-hour workweeks).

§ 4-3. Use of Levy Court Chambers and conference rooms. [Adopted 2-14-1989 (P-25)]

- A. This Policy is applicable to use of the Levy Court chambers and conference rooms in the Kent County Administration Building by civic and/or nonprofit organizations and other non-County government agencies.
- B. Any organization or agency wishing to use the Levy Court Chambers and conference rooms in the County Administration Building must schedule it in advance with the Levy Court administrative staff

and is subject to the following conditions:

- (1) Conference rooms will be available on a first-come, first-served basis.
 - (2) The Levy Court Chambers will be available on a first-come, first-served basis.
 - (3) All organizations or agencies are responsible for leaving the room(s) in the same condition they found it when they arrived. Furniture must be returned to the normal seating arrangement after each use. If using the room for more than one day, the room must be placed in order at the end of each day.
 - (4) Food and drinks will be allowed only upon prior approval by Levy Court administrative staff, and the organization or agency is responsible for removing any trash.
 - (5) Cancellations must be reported to the Levy Court administrative staff in a timely fashion.
 - (6) Any organization or agency using the Levy Court Chambers accepts full responsibility for any damage or loss of County property during the time it is using County facilities.
- C. County government-related organizations must also comply with Subsection B(3), (4), and (5) and will also be scheduled on a first-come, first-served basis.
- D. The Levy Court reserves the right to refuse the use of the Levy Court Chambers or any other County facility to any organization or agency if it is in the best interest of the County.
- E. The Kent County Administration Building is closed on all legal holidays.

§ 4-3.1. Designation of names and naming honors. [Adopted 6-13-2006, effective 6-13-2006]

This Policy establishes guidelines for the designation of names for County buildings and rooms therein, parks, natural areas, structures, etc. and the procedures to be used to honor an individual with the attachment of ~~his/her~~ their name to such facilities.

- A. Whenever a tangible County-owned asset such as a park or building or part thereof is to be given a formal descriptive name, the Levy Court shall do so by formal motion. Generally, the name(s) selected should easily identify the use or purpose of the facility or its location.
- B. If a County-owned asset is proposed to be named for an individual or group, a special committee composed of three citizens and two Levy Court Commissioners appointed by the Levy Court President shall review suggested and other potential honorees and make a recommendation to the Levy Court for consideration. The County Administrator or designee shall provide administrative support to the committee. The committee shall serve without compensation.
- C. The Levy Court shall consider recommendations forwarded to it and formally adopt a resolution bestowing the honor upon the individual or group and arrange for ceremonious presentation of the signed resolution.
- D. A plaque, sign or other media recognizing the honor shall be appropriately displayed at or in the facility. Where possible, the honoree and family members shall be invited to any formal dedication ceremonies.
- E. The County Administrator shall develop appropriate forms and any additional procedures necessary to effect the administration of this Policy.

§ 4-3.2. Kent County Recreation Center, 1683 New Burton Road, Dover, DE. [Adopted 3-22-2016 (P16-01)]**A. Smoking and tobacco usage prohibited.**

- (1) This Policy establishes a prohibition on the act of smoking, vaping, the usage of electronic cigarettes, and the usage of tobacco and/or tobacco products at the Kent County Recreation Center building and associated parkland property located at 1683 New Burton Road, Dover, Kent County, Delaware. It is the expressed intention of this Policy to designate the property located at 1683 New Burton Road as a "Smoke- and Tobacco-Free Property." The County government may post signage at the referenced property as it deems appropriate and necessary to publicly proclaim this designation.
- (2) The Kent County Recreation Center and associated lands are intended to be utilized by people of all ages in the pursuit and enjoyment of wellness, recreation and healthy lifestyles. Smoking, vaping, the usage of electronic cigarettes and similar devices, and the usage of tobacco and/or other related products at this property is and shall be expressly prohibited.

PART II
Vehicles

§ 4-4. Use of vehicles for County business. [Adopted 9-16-2003 (P-14E)]

This Policy establishes procedures for the use of County-owned and personal vehicles for the conduct of County business.

A. Operating vehicles while on County business.

- (1) Employees shall have a valid motor vehicle operator's license[, including any required endorsements][~~that is legal~~] for the type of vehicle being driven.
- (2) Employees shall be of sound mind and body when operating any vehicle. Vehicles are not to be operated if the employee has a[n] [~~physical~~] impairment [(i.e., ~~illness and/or injury, etc.~~)] or is under the influence of alcohol or any controlled substances which could impair the individual's [~~physical and/or mental abilities~~][ability to safely operate the vehicle]. The restrictions also apply to individuals taking medications which impair the safe operation of a motor vehicle and/or medications that the manufacturer has provided specific warnings about operating a motor vehicle while using the product.
- (3) Employees shall operate vehicles in a safe manner within the posted speed limits or at lesser speed, depending on existing road and weather conditions. Any moving or standing motor vehicle violation incurred by a Kent County employee while operating a vehicle on County business will be the sole responsibility of the employee operating the vehicle and promptly reported to the employee's supervisor.
- (4) Seat belts shall be worn at all times in vehicles so equipped. Employees will operate vehicles in compliance with all the provisions of Title 21 of the Delaware Code.
- (5) Smoking is prohibited in all County vehicles.

B. Private vehicles used for County business.

- (1) All requirements set forth in Subsection A of this Policy apply, with the exception of Subsection A(5).
- (2) Any motor vehicle used for County business must have and maintain valid automobile insurance with at least the minimum liability coverages required by law.
- (3) When an employee's personal vehicle is used during the execution of authorized County business, the employee is eligible for mileage reimbursement at a rate that is determined by the Levy Court. Appropriate request forms must be submitted to receive reimbursement. "Authorized County business" refers to any activities that are consistent with an employee's assigned duties. These duties include, but are not limited to, office-related errands, off-site meetings, seminars and conferences.
- (4) Employees traveling out-of-state and/or overnight are required to document all mileage and additional expenses incurred during their excursion on a "Kent County Travel Expense Report" form.

C. County vehicles.

- (1) County-owned vehicles are to be used for the sole purpose of conducting Kent County business, except as provided herein. Non-employee passengers are not permitted in County vehicles

except those persons with a legitimate government business purpose, those persons participating in ~~[department head]~~[Department Head-]approved ride-along programs (provided a waiver of liability is properly executed), or as authorized by the County Administrator.

- (2) County vehicles are only to be operated by Kent County employees, with the exception of employees from federal, state and local governments, employees of firms supplying materials, equipment or services required to conduct County business and Volunteer Fire Company members, who shall operate any County vehicle in a safe manner consistent with this Policy. When necessary, the Kent County Sheriff and ~~[his or her]~~ [their] deputies may use their vehicles to transport persons and/or documents relating to business affiliated with the state courts or County.
 - (3) Departments in possession of County vehicles are to maintain a daily log that will detail each time the vehicle is used, who is operating the vehicle, destination, mileage, gasoline purchases and any part replacement and/or repairs. These daily reports shall be retained for a period of 24 months. Copies of the daily logs will be forwarded to the Finance Director by the 5th of each month for the maintenance of a scanned record. That information will be used to compile a comprehensive report that will accompany the department's annual budget submission.
 - (4) No County employee is to use a County vehicle to transport any material or equipment that is not the property of Kent County, rented by Kent County or legally in the possession of Kent County. No employee is to use a County vehicle to transport staff members on personal errands, to transport family or other persons to places outside the normal travel work hours and route between home and work, or for travel of a personal nature outside Kent County.
 - (5) Any County employee assigned a County vehicle for on-call use will only use it to travel to and from work and during situations where work-related travel is required after hours. Employees assigned a County vehicle will be allowed to make personal stops of short duration while traveling to and from work (i.e., pharmacy, dry cleaners, etc.). ~~[No other uses are permitted.]~~ [Employees must remember that they represent the County when in a County vehicle, even if the employee is not on working time. As such, no personal stop, no matter how brief, is permitted that could impact the County's reputation or could be perceived as a violation of County policy. Examples of prohibited stops include, but are not limited to, liquor stores, vape stores, marijuana dispensaries, and bars/clubs.] Employees on vacation or extended sick leave shall leave assigned vehicles at the work site to be available for use by others.
- D. Vehicle incidents, accidents and insurance claims (applies to County-owned vehicles and any vehicle(s) used to conduct County business).
- (1) All accidents that occur involving an employee who is conducting County business, regardless of the severity, will be immediately reported to the department manager of the involved party. This applies to both County-owned and employee-owned vehicles. The department manager will determine whether immediate notification of the County Administrator is required. All serious accidents involving personal injury or damage to another party's vehicle or property will be reported to the County Administrator as soon as possible. The County Administrator will determine the urgency and evaluate the need to provide information to the Levy Court.
 - (2) County employees authorized to operate County vehicles shall report any defects in the vehicles that would impair their safe operation to their supervisor and/or department manager immediately. Such defects noticed during non-work hours will be reported to the supervisor and/or department manager at the beginning of the following working day.
 - (3) Accident and incident reports will be filed no later than the beginning of the following workday. All reports must be submitted to the Insurance Claim Officer in the ~~[Personnel]~~[Human

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Resources] Office, with a copy forwarded to the County Administrator. In incidents involving an employee- or other-owned vehicle used for County business, the County will reimburse the owner for the amount

of ~~his or her~~ their insurance deductible up to the limit allowed on the County's own auto policy.

E. Gasoline purchases.

- (1) The Kent County Finance Department shall oversee all bulk gasoline purchases necessary for Kent County, in addition to the procurement and administration of gasoline credit cards.
- (2) Gasoline cards shall be issued by the Finance Department to departments with vehicles. Each department will maintain list of authorized users, with a copy forwarded to the Finance Department.
- (3) Gasoline is to be purchased by authorized County employees for use in County-owned vehicles only.

F. Disciplinary measures.

- (1) Employees violating this Policy shall be subject to disciplinary action up to and including termination and/or the suspension of use privileges.
- (2) Elected officials or deputies violating this Policy shall be subject to suspension of use of County-owned vehicles and/or no mileage reimbursement for such period(s) of time as determined by Levy Court.

~~§ 4-5. Clean Air Act; carpooling using County vehicles. [Adopted 10-25-1994 (P-58)]~~

~~[This Policy sets up guidelines and rules for the use of County vehicles for carpooling to assist in compliance with the Clean Air Act.~~

- ~~A. A minimum of two people in each vehicle will be required to form the carpool. The driver will be responsible for keeping all mileage logs and records.~~
- ~~B. Non-County employees may be allowed to participate.~~
- ~~C. Carpool participants must carpool four days per week.~~
- ~~D. Rules of the carpool arrival times, late policy, and other procedures will be set up by the participants of each carpool. These rules will include the procedure to follow if the driver is sick, on vacation, or unable to drive on any given day.~~
- ~~E. There will be a "Guaranteed Ride Home" policy for emergencies. If a person needs to get a ride home before the end of their regularly scheduled workday, the County will provide another vehicle to give him or her a ride home.~~
- ~~F. After work hours, vehicles will be used for car pooling only. Stops for other than discharging or picking up participants are limited to circumstances authorized by the department manager responsible for the vehicle.~~
- ~~G. A nominal fee will be charged to participants; it may be waived for the driver. Fees will be prepaid monthly at the appropriate County office. The fees will be determined by the amount of the additional cost of operating each vehicle, divided by the number of participants.~~
- ~~H. The County Administrator shall designate a certain number of parking spaces sufficient to meet the needs of carpooling employees, and special car tags shall be provided to indicate authorization to park in the reserved spaces. Employee or other vehicles parking in said spaces without authorization shall~~

~~be subject to towing at the owner's expense.]~~

§ 4-6. Defensive driving. [Adopted 12-8-1998 (P-75)]

This Policy establishes a requirement that employees regularly operating County-owned vehicles achieve and maintain defensive driving certification.

- A. The County will coordinate, sponsor, and/or offer defensive driving training classes on a regular basis to its employees.
- B. All County employees will be eligible to participate in County-sponsored defensive driving training up to the maximum number permitted in the class. Priority will be given to those employees who regularly operate County-owned vehicles, as determined by the ~~[Personnel]~~[Human Resources] Director.
- C. Employees who regularly operate County-owned vehicles shall attend a defensive driving course within one year of the start of County employment. Said employees shall maintain defensive driving skills through recertification every three years during their employment with Kent County.
- D. Costs associated with the required defensive driving classes and recertification shall be paid by the County for those employees regularly operating a County-owned vehicle. Other interested employees must pay for normal course costs.
- E. Employees failing to achieve or maintain required defensive driving certification shall be subject to disciplinary action up to and including termination.

§ 4-7. Vehicle safety.⁶ [Adopted 9-10-2002 (P-87)]

This Policy establishes requirements for the safe operation of motor vehicles by County employees who drive a vehicle in the performance of County duties.

- A. Employees shall possess and maintain a valid motor vehicle operator's license that is appropriate for the type of vehicle being driven.
- B. Employees shall report to their respective supervisor all motor vehicle violations in any jurisdiction, including those received operating non-County-owned vehicles.
- C. Employees with special motor vehicle operator's licenses and/or endorsements (i.e., CDL) shall maintain compliance with provisions of the state and federal statutes for such designations.
- D. Seat belts shall be worn by the driver and all passengers in vehicles so equipped.
- E. Employees not wearing a seat belt while driving a County-owned vehicle or driving any vehicle in the performance of County duties, while said vehicle is in motion, shall be subject to progressive disciplinary action.
- F. At least once per calendar year, the motor vehicle record of employees regularly operating County-owned vehicles or driving any vehicle in the performance of County duties shall be reviewed by the ~~[Personnel]~~[Human Resources] Director. Employees and their respective ~~[department head]~~[Department Head]s will be advised of any unreported or serious violations. For the purpose of determining whether County employees will be permitted to drive County vehicles, or drive vehicles in the performance of their County duties, the ~~[Personnel]~~[Human Resources] Director will evaluate the points assigned to an operator's license for a County employee

6. Editor's Note: See also § 4-4, Use of vehicles for County business.

based on when points are accumulated. Points assigned to an operator's license for motor vehicle violations over one year old shall be reduced by one-half; points assigned for violations over two years old shall be reduced by one-half again; and points for violations over three years old shall not be counted.

- G. Employees with motor vehicle records which indicate revocation or suspension shall not be permitted to drive a County-owned vehicle or drive any vehicle in the performance of County duties. Employees whose position description requires the retention of a valid motor vehicle operator's license shall be subject to termination.
- H. Employees who drive a County owned vehicle in the performance of County duties and accumulate motor vehicle operator violation points, by their state of residence, shall be subject to the following:

Number of Points Accumulated	Consequence
4 — 5	Loss of commuting privileges for one week
6 — 7	Loss of commuting privileges for one month
8 — 9	Loss of commuting privileges for six months
10 or more	Prohibited from driving any County vehicle and possible termination

- I. In addition, employees who drive a County-owned vehicle in the performance of County duties and who are charged or accumulate motor vehicle operator violation points while operating a County-owned vehicle shall be subject to the following additional disciplinary action:

Number of Points Accumulated	Disciplinary Action
2 — 3	Oral reprimand
4 — 5	Written reprimand
6 — 7	Suspension without pay
8 or more	Possible termination

- J. Employees incurring a motor vehicle violation which imposes five points or more on ~~[his or her]~~ [their] motor vehicle record (i.e., reckless driving, aggressive driving, 15 miles over the speed limit, etc.) shall not be permitted to drive a County-owned vehicle or drive any vehicle in the performance of County duties, and shall be subject to termination if ~~[his or her]~~ [their] position description requires the retention of a valid motor vehicle operator's license. Employees enrolling and successfully completing the DUI first offender's program may retain their positions, provided the individual agrees to random alcohol and/ or drug testing at ~~[his or her]~~ [their] cost as directed by the ~~[Personnel]~~ [Human Resources] Director and sufficient staff is available to drive the employee's assigned County-owned vehicle(s) during the program period and any related motor vehicle operator's license restrictions.

PART III
Equipment

§ 4-8. Purchase of electronic data processing equipment, software and supplies.⁷ [Adopted 5-27-1986 (P-17)]

- A. The Information Technology Office is designated as the "clearinghouse" for the purchase of all electronic data processing equipment, software and related supplies used by Kent County government. All requests for computers and related equipment, software and supplies shall be submitted to the Information Technology Manager or his designee for approval before a purchase order is issued.
- B. The Information Technology Manager or his designee shall determine the appropriateness of all requests in a timely manner based upon their impact on at least the following:
 - (1) Compatibility with existing computer systems.
 - (2) Cost effectiveness.
 - (3) Potential for shared use.
 - (4) On-hand supplies.
 - (5) Existing maintenance contracts/agreements.
 - (6) Training requirements.
 - (7) Ease and probable cost of maintenance.

§ 4-9. Posting of non-government public notices on County bulletin boards. [Adopted 5-26-1987 (P-20)]

- A. This Policy is applicable to the posting of all non-governmental public notices on all County bulletin boards in the Kent County Administration Building, Kent County Emergency Services Building, Wastewater Treatment Facility, and other County buildings.
- B. Anyone wishing to post information of potential interest to the general public on County bulletin boards shall first receive permission from the County Administrator or designee, except that no posting of any public notice shall be permitted which:
 - (1) Discriminates against any individual or group of individuals on the basis of race, religion, color, national origin, sex, age or handicap.
 - (2) Promotes any political party or candidate for office.
 - (3) Could be construed to offend public morals.
 - (4) Promotes any illegal purpose or is potentially libelous or defamatory to any individual or group.
- C. When not prohibited by Subsection B above, all notices must meet the following criteria:
 - (1) No notice shall be larger than 11 inches by 17 inches.

7. Editor's Note: For additional information regarding purchases for County purposes, see Policy 22, Part IV, Procurements.

- (2) All notices shall include the date of posting, "take down" date and the name and phone number of the person or group responsible for the posting.
 - (3) Due to limited space, no notice shall be posted except in areas designated for non-governmental public notices.
- D. The posting of any non-governmental notice which is in violation of the above shall be subject to removal without prior notification.

§ 4-10. Restrictions and fees for access to County computerized databases. [Adopted 4-11-1989 (P-32)]

- A. Scope. This Policy restricts access to all computer-readable data collected and maintained by the County on its central computing equipment or on any computing equipment owned by the County and situated away from the Information Technology Office. The Policy applies regardless of the size or capacity of the computing equipment and regardless of the magnetic media on which the data is stored.
- B. Background. In the course of carrying out their statutory responsibilities, the operating agencies of Kent County collect, convert, store and maintain significant quantities of data in a form that is readily available for computer processing. This data represents a substantial investment which the County has made over the years and continues to make in order to support modern, cost-effective computer processing. The current direction of the County indicates that the range of machine-readable data will increase dramatically over the next decade. The data collected by the County has great value to the operating agencies and is essential to the performance of their duties. This same base of data also has value to organizations and individuals outside County government. It is the growing interest for data by these outside agents that recommends the establishment of this Policy.
- C. Policy statement. It is the policy of the Levy Court that access to the computerized information bases of the various County agencies be available to organizations and individuals outside its agencies in consideration of the following restrictions:
 - (1) All data made available to outside agents must be public in nature and may not be governed by confidential information restrictions imposed by federal or state agencies.
 - (2) The intended use of any data acquired from the County must be clearly within moral, ethical and legal standards as determined by the Levy Court or its representative.
 - (3) Data requested by a political subdivision of Kent County will be provided at no cost where there is a statutory basis for supplying data.
 - (4) Data requested by state and federal agencies, other counties and their political subdivisions for the performance of their work, and data requested by legally tax exempt, not-for-profit organizations which are involved in charitable or civic activities within the County will be provided at the County's cost of production as defined in this section.
 - (5) Data requested by individuals, agents or organizations outside of the categories defined in Subsection C(4) and (5) will be provided at the estimated market value of production as defined in this section.
 - (6) No provisions in this policy are intended to conflict with the provisions of any applicable "Freedom of Information" statutes or the legitimate orders of any court in the state.

- D. Cost of production fees are set by ordinance and subject to change.
- E. Authorization. The County Administrator shall authorize all requests for access to the County's databases. The Information Technology Office will schedule the production of labels, lists and other requested media only upon receipt of an authorization signed by the County Administrator. The work shall be scheduled at the convenience of the County.

§ 4-11. Disposal of surplus equipment and supplies. [Adopted 6-11-1991 (P-45)]

This Policy provides for the disposal of any and all surplus equipment and supplies, being the property of Kent County, in a manner which will be in the best interest of Kent County.

- A. ~~[department head]~~[Department Heads] and row officials will determine when equipment and/or supplies become surplus to their department.
 - (1) Listing of items shall be forwarded to the County Administrator for ~~[his or her]~~ [their] review and concurrence.
 - (2) Listing of items will be forwarded to all Kent County departments to determine whether or not the items could be utilized elsewhere.
- B. After the steps outlined in Subsection A(1) and (2) are complete, the surplus equipment and/or supplies shall be transferred to a designated area in Kent County.
- C. Items with a value of \$50 or more will be publicly advertised and sold to the highest bidder who presents a sealed bid with acceptable surety.
- D. If no bid is received, the department manager, designated by the County Administrator, shall dispose of the surplus items in one of the following ways:
 - (1) Sell to a scrap/salvage company willing to remove them for the best price or least cost to Kent County.
 - (2) Transfer to a public auction such as Spence's Bazaar but not limited to Spence's Bazaar.
 - (3) If unsold, dispose of as normal trash.
- E. The Finance Department shall be notified of all surplus items with fixed asset inventory numbers after transfer or disposal is completed.

§ 4-12. Telephone use. [Adopted 11-9-1999 (P-79)]

This Policy establishes a procedure for the proper use of County-owned or -provided telephones, including cellular phones.

- A. For the purposes of this Policy, the following terms shall have the meanings indicated:
 - OCCASIONAL — No more than two telephone calls per day.
 - OFFICIAL — A person elected to public office.
 - PERSONAL — Any telephone call not related to the exercise of one's duties, job, or position.
 - SHORT DURATION — Any telephone call lasting five minutes or less.
- B. Telephone use is essential to the delivery of County services in a timely and convenient manner and

as such should be reasonably available to permit access to County offices or officials.

- C. Voice mail and other communications requesting a response from an employee shall be regularly reviewed and telephone calls returned promptly.
- D. The occasional use of a County-owned or -provided telephone for making or receiving local area personal calls of short duration is permitted. Whenever possible, such personal calls should be made or received during normal breaks or rest periods and outside of customer service areas. Emergency use of telephones is always permitted.
- E. Employees shall complete and retain a report on such form as designated by the Finance Department of all long-distance telephone, facsimile, or toll calls for auditing purposes. Monthly telephone invoices shall be reviewed and all personal long-distance or toll calls identified for reimbursement to the County.
- F. Personal long-distance telephone, facsimile, or toll calls should not be made on County-owned or -provided telephones, but whenever such a call cannot be avoided, the responsible employee or official shall reimburse the County the cost indicated on the bill for the specific toll call(s). A receipt indicating reimbursement for such calls shall be submitted with the individual office's monthly long-distance telephone toll call invoice. A receipt indicating payment for such calls by an official shall be submitted monthly to the Finance Department. For cellular telephone users, all personal calls made after exhausting allowable charges (free minutes), if any, shall be presumed to be toll calls and reimbursement made to the County. Allowable charges shall first be applied to County business-related calls and only after covering all business calls shall such be applied to personal calls.
- G. The use of a County-owned or -provided telephone for inappropriate or illegal purposes, such as but not limited to harassing telephone calls or contacting a "900" number or similar type services, is prohibited.
- H. Enforcement of this Policy relating to employees shall be the responsibility of each ~~[department head]~~[Department Head]. Any employee complaints, disputes or objections arising from this Policy shall be directed to the affected ~~[department head]~~[Department Head] or the ~~[Personnel]~~[Human Resources] Office.
- I. Enforcement of this Policy as to officials shall be the responsibility of the Kent County Levy Court.
- J. Portable County-owned or -provided telephones are the responsibility of the employee or official having possession of same and as such the employee or official must exercise due care to prevent the loss or damage of such equipment. If such telephones are lost or damaged due to carelessness, the employee or official shall be responsible for paying for the replacement of the equipment.
- K. Employees violating this Policy shall be subject to disciplinary action up to and including termination and/or the suspension of use privileges.
- L. Elected officials and deputies violating this Policy shall be subject to suspension of use of County owned or provided telephone(s) for such period(s) of time as determined by the Levy Court.

§ 4-13. Computer network usage. [Adopted 9-12-2000 (P-81)]

This Policy establishes the guidelines for usage of all Kent County computer networks and computer network applications and includes Internet usage guidelines.

- A. Policy compliance.

- (1) Computer network and Internet systems, just as with other County resources, are for official use only. Use of Kent County networks and the Internet must be consistent with the goals of facilitating and disseminating knowledge, encouraging collaborative projects and resource sharing, aiding technical transfer to Kent County businesses, fostering innovation and competitiveness within Kent County, and building a broader infrastructure to support professional, work-related activities.
- (2) Each department is responsible for the activities of its employees and for ensuring that its employees are familiar with this Policy.

B. Data processing standards.

- (1) Use of County computers, e-mail, networks and the Internet subjects each user to monitoring. Transmitting inappropriate material over County networks or the Internet, including pornography, gambling material, documents containing religious or racially disparaging content, and illegally obtained copyrighted material, is a violation of this policy.
- (2) The County e-mail system will be monitored and audited for inappropriate usage. Information shared using the e-mail system is not to be regarded as private or confidential. Mailing software files and chain mail is not authorized. Mass broadcast mailings to larger organizations should be limited to those needed for business purposes and may be made only with written approval from the sender's supervisor.
- (3) Use of the Internet to further professional knowledge is authorized; however, accessing sites for entertainment, to further personal or commercial financial gain, or to participate in "chat rooms" is in violation of this Policy.
- (4) Only licensed copies of software programs that are supported by the County Information Technology Office will be loaded and supported on County PC's and networks.
- (5) Employees should not copy programs, zipped (compressed) files or other executable files into user or shared directories on the network.
- (6) Users should monitor their own directories, ensuring that only current data is stored on the network. Old data (data that has not been accessed in six months) should be archived (by copying it to a floppy disk or CD) and deleted from the network, to enable efficient use of network storage space.
- (7) Network backups will be performed nightly. Since any file open when the backups occur will not be copied to the backup, users should close all programs and log out of the network each night prior to leaving their workstation. This will enable the information stored on the networks to be successfully backed up in the nightly process. (Any data stored on the user's C drive will not be included in the nightly backup, as this information resides on the PC's hard drive only.)
- (8) The networks will automatically prompt users to change their passwords each 30 days. Easily guessed passwords (such as initials, a child's name, birthdays) should not be used. Passwords should never be written or displayed on a workstation.

C. Privacy rights.

- (1) Computer network systems (including e-mail) and Internet systems are the property of Kent County and are to be used for official County business only. Usage of these systems, and information shared using these systems, is not to be considered private or confidential in any

manner or at any time.

- (2) Computer network and Internet systems will be monitored and audited for inappropriate usage. If a user accidentally accesses questionable information using County-provided computer networks or the Internet, that user must immediately notify ~~[his or her]~~ [their] supervisor of such access. Accidental access will be noted and will not be considered as a violation of this Policy, provided the proper notification is made immediately.
 - (3) Kent County reserves the right to remove unauthorized software and data from all County computer equipment without notice.
- D. Acceptable uses. The following acceptable uses list includes ways that information on the County networks and the Internet may be used. This is not an inclusive list; each user should use ~~[his or her]~~ [their] own discretion as to how to use the networks and the Internet for County business purposes, realizing that usage is monitored.
- (1) To provide and facilitate communication with other County, state and federal agencies and business partners of Kent County agencies.
 - (2) To communicate and exchange professional development; to maintain or debate issues in a field of knowledge.
 - (3) To use for professional society, university association, government advisory, or standards activities related to the user's professional/vocational discipline.
 - (4) To use in applying for or administering grants or contracts for work-related applications.
 - (5) To use as a means of administrative communication or with activities in direct support of work-related functions.
 - (6) To announce products or services for use within the scope of work-related applications, but not for commercial advertising of any kind.
- E. Principles of ethics. The following principles of ethics will apply to County computer networks and Internet usage:
- (1) Users will not seek information on, obtain copies of, or modify files, data, or passwords belonging to other users.
 - (2) Users will not intentionally represent themselves as another user unless explicitly authorized to do so by that other user.
 - (3) Users will not violate copyright laws when using County computer networks and the Internet. Users will not load or use unlicensed software.
 - (4) Users will not intentionally develop programs that harass other users.
 - (5) Users will not invade a computer or computing system and/or damage or alter its software components.
- F. Unacceptable uses. The following list identifies unacceptable uses of County computers, networks and the Internet. This list is intended as a guideline and is not inclusive.
- (1) Transmitting or receiving inappropriate material. This includes sending or receiving pornographic or sexually provocative material, gambling material, documents containing

religious or racially disparaging content, and illegally obtained copyrighted material.

- (2) Illegal or malicious use. Use should be consistent with guiding ethical statements and accepted community standards. The County networks and the Internet may not be used in ways that violate applicable laws or regulations such as transmitting or soliciting threatening, obscene, or harassing materials. The County computer networks or the Internet may not be used to solicit information with the intent of using such information to cause personal harm or bodily injury.
 - (3) Changing the manner in which the networks communicate with each other or share information between users.
 - (4) Unsolicited commercial advertising.
 - (5) Use for recreational games, except in conjunction with a Kent County sponsored activity.
 - (6) Use for revenue-generating activities, unless related to Kent County business.
 - (7) Use for private or personal business activities.
 - (8) Displaying religious themes, comments or images.
 - (9) Distributing unsolicited advertising.
 - (10) Distributing computer worms or viruses.
 - (11) Gaining unauthorized entry to another machine.
 - (12) Attempting to circumvent County user authentication or security.
 - (13) Attempting to interfere with or deny service to any user or network.
 - (14) Forging e-mail header information.
 - (15) Sending unsolicited mail messages (spam or junk mail).
 - (16) Forwarding or posting "chain letters" of any type.
 - (17) Participating in Internet "chat rooms."
- G. Remedial action. When the Information Technology Office (IT) learns of a possible inappropriate use, IT staff will immediately notify the ~~[Personnel]~~[Human Resources] Director and director of the department in which the inappropriate use occurred. In order to prevent further possible unauthorized activity, IT may temporarily disconnect an irresponsible user from the County network. Any determination of unacceptable usage serious enough to require disconnection will be promptly reported to the department director.
- H. Violation of this Policy will be subject to disciplinary action up to and including termination and/or the suspension of use privileges (or access).

§ 4-13.1. Social media use. ~~[Adopted 6-14-2011 (P11-01)]~~

~~[This Policy establishes provisions for the appropriate use of social media by employees, but is not intended to replace or substitute normal standards of good judgment and professional conduct.]~~

~~A. Social media includes all forms of online computer applications, websites, tools, and platforms that~~

~~enable communications between users. The specific types of social media change frequently but, as a general matter, include: (1) social networking sites such as Facebook, MySpace, LinkedIn, etc. (2) blogs and microblogs such as Blogger, Twitter, Wordpress, Tumblr, etc.; and (3) content sharing sites such as You Tube, Flickr, Vimeo, Scribd, etc. Additionally, comments posted to a website or blog, and other user generated content, are subject to the standards set forth in this Policy.~~

- ~~B. Employees are prohibited from engaging in, accessing, or otherwise using social media during working hours, unless authorized by their [department head][Department Head] to so do as part of County sponsored social media activities or job related duties.~~
- ~~C. Misconduct via social media may result in disciplinary action under other County policies/ordinances. Employees should remain aware of the public nature of their online activities, and there should be no expectation of privacy with respect to content posted on the Internet.~~
- ~~D. Employees violating this policy shall be subject to disciplinary action, up to and including termination.]~~

[Kent County is committed to the responsible use of social media by County officers, employees and appointed officials —ensuring communications are accurate, responsive, and transparent. Every post and interaction should reflect our values, honor our legal obligations, and strengthen public trust.]

A. Definitions and Account Types

(1) Social Media

Digital platforms that allow users to create, share, and engage with content and communities. Examples include Facebook, X (formerly Twitter), Instagram, LinkedIn, YouTube, Threads, Nextdoor, etc.

(2) Feed

An updated list of all the new content posted by the accounts a user follows on social media. It's the main screen users scroll through to see what's new—from official updates to community conversations.

(3) Account Types

Kent County recognizes three categories of social media accounts:

<u>Account Type</u>	<u>Definition</u>	<u>Ownership</u>	<u>Purpose</u>
<u>Official Account</u>	<u>Created and managed by the County to represent departments, programs, or elected offices</u>	<u>County government</u>	<u>Share public information, services, alerts, and community updates</u>
<u>Personal Account</u>	<u>Created by an individual for private use, not affiliated with County branding or duties</u>	<u>Individual</u>	<u>Express personal views, interests, and activities</u>
<u>Hybrid Account</u>	<u>Personal account that references County role or shares work-related content</u>	<u>Individual</u>	<u>Blend of personal and professional content; subject to additional scrutiny</u>

B. Acceptable Use Guideline(1) Official Accounts

- (a) Must follow branding and voice standards, including consistent tone, logo use, and messaging. Kent County's official voice is professional, transparent, and responsive. All communications must use clear, accurate language that reflects respect for the public and reinforces trust in County government. Tone should remain consistent across platforms, avoiding jargon, bias, or informal slang, while ensuring accessibility for all audiences.
- (b) Content must be accurate, responsive, transparent, and compliant with County policies and legal obligations.
- (c) Only authorized staff may post or manage content.
- (d) Posts must avoid political endorsements, confidential information, or personal opinions.

(2) Personal Accounts

- (a) Employees and officials may use personal accounts freely, but must not:
 - Misrepresent County positions or policies
 - Share confidential or privileged information
 - Use County logos or branding without permission
- (b) If referencing County employment, users should clarify that views are their own.

(3) Hybrid Accounts

- (a) Must clearly distinguish personal views from official County positions.
- (b) Should avoid frequent use of County branding unless authorized.
- (c) May not be used to conduct official business unless explicitly approved.

(4) Personal Business and Monetization

- (a) Official county social media accounts must never be used to promote, link to, or support personal business ventures, including efforts to increase followers, drive traffic, or monetize content. This includes:
 - Tagging or cross-promoting personal business accounts from County platforms
 - Sharing County content on personal business pages to boost visibility or engagement
 - Using County branding, logos, or messaging to lend credibility to personal business activities
 - Embedding County links, hashtags, or media in monetized content (e.g., sponsored posts, affiliate marketing)
- (b) Such entanglement blurs the line between public service and private gain, undermines public trust, and may violate ethics rules or procurement policies. Violations may result in disciplinary action and removal of posting privileges.

C. Conduct and Compliance

- (1) All users must adhere to Delaware FOIA laws, Kent County Code, and applicable HR policies.

- (2) Harassment, discrimination, or defamatory content is strictly prohibited.
- (3) Violations may result in disciplinary action, including revocation of posting privileges or employment consequences.

D. Oversight and Support

- (1) The PIO oversees official accounts and provides guidance, and content support.
- (2) Questions about account classification, branding, or appropriate use should be directed to the PIO/County Administrator's Office.]

§ 4-14. Uniform acquisition and use.⁸ [Adopted 3-26-2002 (P-85)]

This Policy establishes provisions for the acquisition, rental, design, allocation, and proper use of County uniforms.

- A. The County will provide a uniform(s), in whole or in part, to the following positions: Department of Public Safety employees, Division of Facilities Management employees, except administrative staff; Division of Wastewater Facilities employees, except administrative and clerical staff; building inspectors, property assessors, and other positions regularly working out-of-doors and needing to be easily recognized by the public as determined by the County Administrator.
- B. All uniforms worn by County employees, including shirts, pants, jackets, patches, shoes, etc., featuring the County seal, logo, or identifying a County department, division or office shall be ordered or reimbursed, with prior approval, through the Department of Finance from the individual "uniform" line items in the approved annual budget.
- C. As much as possible, all uniforms will be similar in design so as to present an appropriate and consistent appearance for County employees, depending on the type of job performed. The particular uniform style or features, as well as all proposed changes to the appearance of the County uniforms, must be approved in advance by the County Administrator.
- D. The allotment of uniforms (number of shirts, pants, shoes) shall be annually reviewed and funds included in the annual budget line item(s) to meet the need per eligible employee, to replace uniforms as needed, and to purchase uniforms for any new employees. The specific articles of clothing to be provided by the County and the specific type of clothing to be provided by the employee shall be determined by the County Administrator as funds allow.
- E. Employees provided uniforms shall wear the assigned uniform each workday. Uniforms shall be maintained in a clean, neat, properly sized condition and worn only when performing job duties or en route to or from the workplace. Employees shall avoid locations or activities while wearing a uniform, which might reflect negatively upon the County government. Employees shall be responsible for laundering uniforms and providing sufficient advance notice when replacement is needed. Due to the nature of the work performed by some employees, their uniforms will be professionally laundered

8. Editor's Note: For additional information on the use of County insignia, see Policy 10, Insignia, Emblems and Badges.

without cost to the employee. ~~[department head]~~[Department Head]s may exempt specific positions from this requirement as deemed necessary.

- F. Damaged uniforms caused by carelessness of the employee or unusual wear and tear outside the norm for the expected work activity shall be replaced at cost by the employee. A terminating employee returning damaged uniforms shall be held liable for the cost of replacing the damaged clothing or equipment. The County will pursue legal action as necessary to recover replacement of lost/damaged clothing and all legal costs.
- G. All uniforms and any associated equipment provided by the County shall be returned in clean condition upon termination of employment.
- H. Employees violating this Policy shall be subject to disciplinary action up to and including termination.

§ 4-15. Sale of County-owned excess property. [Adopted 3-11-2003 (P-89)]

This Policy establishes negotiation procedures for the sale of County-owned excess property.

- A. After receiving direction from the Levy Court to begin the process of disposing of real estate, the County Administrator shall request from a licensed appraiser a fair market value appraisal of such parcel(s).
- B. Upon receipt of an appraisal, the County Administrator may accept the appraisal or reject it for an apparent material inadequacy and refer the matter back to Levy Court for further instruction.
- C. The County Administrator shall obtain the names and addresses of adjoining owners via the public record.
- D. If there is only one adjoining owner, the County Administrator shall contact that owner and offer to sell the property for the amount of the approved appraisal. If the owner is in agreement, the owner shall be invited to submit a contract or asked to sign a sales contract prepared for the County. Should the adjoining owner not wish to purchase the property at the approved amount as established by the accepted appraisal, the County Administrator may entertain lesser offers, with the explicit instruction to the offeror that Levy Court approval is required to reach a binding agreement.
- E. If there are multiple adjoining owners the County Administrator shall notify by certified mail, return receipt requested, each owner of the intent to dispose of the property. A sealed bid form shall be included with the notice. The information will advise the abutting owners of the approved appraisal value and that the property will be sold to the highest bidder offering. Further information shall indicate that should an adjoining owner bid an amount less than the appraisal value and should that bid be the highest bid received, the bid shall be subject to Levy Court approval. The bid form shall specify the time period by which all bids must be received. The high bidder shall be invited to submit a contract or asked to sign a sales contract prepared for the County.
- F. The above policy is applicable to lands deemed "excess" given their relative modest value. An alternate or modified procedure may be employed, where Levy Court deems it necessary to do so to obtain appropriate consideration for any given parcel. This Policy is not to be interpreted to limit Levy Court from adopting a commercially reasonable mechanism to convey lands that Levy Court deems, in its sole judgment, to have a relative substantial value.

Policy 5**DRUGS AND ALCOHOL**

§ 5-1. Substance abuse policy.

§ 5-2. Smoking.

§ 5-1. Substance abuse policy. [Adopted 2-13-1990 (P-35)]

A. Purpose.

- (1) The pervasive presence of alcohol and substance abuse in our society and the adverse effect on employee health, safety, and productivity in the workplace requires the establishment of an effective, fair, and lawful policy governing the Kent County Levy Court.
- (2) The Kent County Levy Court, in a positive effort to provide a healthy and safe working environment for all of its employees, has developed a substance abuse policy.
- (3) It is therefore expected that all employees will maintain an appropriate level of fitness for duty. All persons covered by this Policy should be aware that violations of the Policy may result in discipline, up to and including termination, or in not being hired. The guidelines and procedures for this Policy are defined as follows, and shall cover all Kent County employees.

B. Policy.

(1) Preemployment substance screening.

- (a) [Consistent with applicable law,] [a] substance screening for excessive alcohol [and/or marijuana use], misused prescription drugs, or illicit drugs, will be required as a condition of employment for all new hires [in Public Safety, Sheriff Deputies, Building Code Inspectors, Housing and Community Development Specialists, Assessors, Heavy Equipment Operators, Maintenance Mechanics and Workers, Electricians and Electrician Helpers, Parks Workers, and Utility Locators and Coordinators.]
- (b) ~~[A substance screening for excessive alcohol use, misused prescription drugs, or illicit drugs, will be required as a condition of employment for all new hires.]~~
- (b) A positive confirming second test, on the original screening sample, for alcohol use, misused prescription drugs, or illicit drugs will be the basis for disqualification of the applicant.
- (c) If either of the tests is negative, the applicant satisfies the substance level requirements.
- (d) An applicant whose test shows a positive result will have 24 hours after receiving notification of the positive result to provide bona fide verification of a current valid prescription [to the medical review officer used by the testing site].

(2) Policy statement.

- (a) It is the policy of the Kent County Levy Court that employees shall not:

[1] Report to work under the influence of alcohol or drugs, [including marijuana, even if used

for medical purposes].

- [2] Have the odor of alcohol or drugs on their breath~~[, or have alcohol or drugs]~~ in their possession, while on duty or "on-call." [This includes marijuana, even if used for medical purposes.]
 - [3] Sell or provide drugs or alcohol~~[, including marijuana.]~~ to any other employee or to any person ~~[while such employee is on duty]~~.
 - [4] Have their ability to work impaired as a result of alcohol or drugs~~[, including marijuana]~~.
- (b) Such actions will constitute violation of the established personnel policy, and are cause for disciplinary action up to and including termination.
- (3) The appropriate law enforcement agency will be notified of any sale, distribution, possession, and/or use of illegal substances by an employee while on duty, during lunch and other breaks, or at any time while the employee is on a County work site or County working time.
 - (4) Confirmation of drug or alcohol use or abuse will result in disciplinary action.
 - (5) While use of medically prescribed or some otherwise legal medications and drugs is not a violation of this Policy, when such drug use adversely affects job performance, the employee will be required to use sick leave, and then a personal leave of absence, if necessary.
 - (6) When taking medications or drugs which may interfere with the safe and effective performance of duties by a County employee, failure to notify an employee's supervisor before beginning work may result in a disciplinary action up to and including termination.
 - (7) Discipline for being under the influence of alcohol or nonprescribed controlled substances during non-job-related activities will be based on the employee's work history, previous disciplinary actions, and previous identification of substance use problems.
 - (8) When an employee's driver's license is suspended due to alcohol or drug use or abuse, and driving is required by the employee's job description, said employee is subject to disciplinary action or termination.
 - (9) Substance screening for current employees:
 - (a) Alcohol and/or drug tests of existing employees will only be conducted when there is reasonable suspicion that alcohol or substance abuse is involved in the workplace~~[, or as otherwise required by law]~~.
 - [1] "Reasonable suspicion" shall be based on objective and definitive facts sufficient to lead a reasonable, prudent supervisor to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or so that the employee's ability to perform ~~[his or her]~~ [their] job safely is reduced. [Reasonable suspicion of an employee being under the influence of drugs or alcohol during working time or on work property shall be documented on the attached Impairment Observation Checklist. A completed Checklist must be signed by the observing supervisor and a representative of Human Resources before an employee will be taken for testing.]
 - [2] All charges of reasonable suspicion must be confirmed by a second higher ranking supervisor and/or ~~[department manager]~~ [Department Head].
 - (b) The circumstances in which drug and/or alcohol testing may be required due to a reasonable suspicion of alcohol or drug use or abuse may include the following:

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- [1] Observed alcohol or drug possession or use during work hours [on County property or in County vehicles] (i.e., drug paraphernalia, remains of marijuana cigarettes, plastic sandwich bags with non-food residue inside[, etc.].)
- [2] Apparent physical state of intoxication or drug-induced impairment of motor functions (i.e., red and watery eyes, dilated pupils, drowsiness or sleeping, slurred speech, hand tremors, inability to walk in a straight path, alcohol on breath).

- [3] Incoherent or irrational mental state (i.e., irrational physical altercation, irrational verbal altercation, [unusual] memory gaps[, etc.]).
 - [4] Marked changes in personal behavior, or attitude not attributable to other factors (i.e., sudden unexplained changes in mood and personality, changes in disposition, changes in appearance, including inattention to personal hygiene, frequently borrowing money[, etc.]).
 - [5] Deteriorating work performance or attendance problems not attributable to other factors (i.e., persistent tardiness, persistent absenteeism, an above-average injury rate, [, etc.]).
 - [6] Employee involvement in an accident during work hours in which a review of the circumstances of the accident or other relevant facts lead to a reasonable suspicion that the employee may be under the influence of alcohol or drugs.
 - [7] Incriminating information from a reliable source or other employee actions or conduct that leads to a suspicion that the employee is under the influence of alcohol or drugs, suffers from substance abuse, or is in violation of existing County rules concerning the use of substances (i.e., reports by family members or friends about employee's alcohol or drug abuse, unexplained secret meetings with other employees or others).
- (c) An employee whose test shows a positive result will have 24 hours after receiving notification of the positive result to provide bona fide verification of a current valid prescription which may have caused the positive result. The prescription must be in the employee's name.
- (10) Drug and alcohol use during off-hours will also violate this Policy when such usage impairs job performance, at which time an employee is subject to disciplinary action and the rules regarding reasonable suspicion.
- (11) When there is reasonable suspicion of alcohol and/or drug use by an employee involved in serious ~~[or repetitive]~~ accidents causing death or personal injury to self or others, and/or significant property damage, [or repetitive accidents,] alcohol and drug tests shall be administered to employees immediately following such work-related incidents. Confirmation of such drug or alcohol use through documented reasonable suspicion and a positive drug/alcohol screen test shall be cause for termination.
- (a) When reasonable suspicion has been adequately established, an [employee shall be placed in unpaid administrative leave immediately ~~disciplinary suspension may be issued.~~ If the subsequent drug test is negative, the employee shall be paid for all time missed while on administrative leave.]
 - (a) When reasonable suspicion has been adequately established, refusal to submit immediately to an alcohol and/or drug analysis when requested by management will [~~constitute insubordination~~ be considered a positive test, and disciplinary action up to and including termination will be implemented pursuant to this policy.]
- (12) It is the policy of the County to provide a just procedure for the presentation, consideration, and disposition of employee grievances. Such will be done in accordance with the personnel rules and regulations.

C. Testing procedure.

- (1) To insure accuracy, employee specimens must be given as soon as possible after ~~[charges]~~[concerns] of drug

or alcohol use or abuse have been made. These [~~charges~~][concerns] must follow the guidelines for establishing reasonable suspicion.

- (2) In establishing reasonable suspicion, the supervisor or an employee suspected of being impaired by alcohol or drugs [~~or another supervisor, if applicable~~] shall document [~~his or her~~] [their] observations and confirm those observations with a higher ranking supervisor and/or [~~department manager~~][Department Head]. Following such time, the supervisor and/or [~~department manager~~][Department Head] [~~may require~~] [shall drive] the suspected, impaired employee to report to a designated physician, clinic, or hospital on the County's time and at the County's expense for [~~a fitness for duty examination, which will include, but not be limited to, urine analysis testing~~][drug and alcohol testing].
- (3) Any employee who refuses to submit to said testing will be found in violation of this Policy. In such case, the determination of impairment made by the supervisor and/or department manager will be binding and the employee will be removed from the work site and subject to disciplinary action.
- (4) Alcohol and drug tests on employees immediately following work-related incidents that involve serious or repetitive accidents causing death or personal injury to self or others and/or significant property damage, when there is reasonable suspicion that alcohol and/or drug abuse by the employee is involved.
 - (a) Testing will be done for at least the following substances:
 - Amphetamines (uppers)
 - Barbiturates (downers)
 - Benzodiazepines (Valium)
 - Cocaine
 - [Marijuana]
 - Opiates (opium)
 - Phencyclidine (PCP)
 - Methaqualone (quaaludes)
 - Alcohol
 - (b) The analysis shall be conducted in accordance with legally established clinical procedures of privacy, which include a defined chain of custody and mandatory consent.
 - (c) The urinalysis or screening method used is the EMIT method. Gas chromatography is used as a confirming second test if the screening is positive. If either of the tests is negative, the employee has passed.

D. Employee assistance.

- (1) The Kent County Levy Court recognizes alcohol and/or drug dependency as a treatable condition. An employee who [~~se job performance, health, or behavior has deteriorated as a result of~~][believes that] alcohol or drug use [~~may be a problem for them may~~] use the employee referral program and health coverage insurance as appropriate. Employees should contact the [~~Personnel~~][Human Resources] Office for additional information. [Employees who voluntarily seek treatment before their substance use or dependence impacts work will not be subject to]

disciplinary action.]

- (2) [The County maintains a policy of nondiscrimination of employees who are recovering from substance abuse (not currently using) or have a history of substance abuse treatment.]
[Volunteer][Voluntary] efforts to seek and use such help will not jeopardize an employee's employment

status. Such efforts will not appear on ~~[his or her]~~ [their] personnel records if the employee volunteers prior to documented reasonable suspicion. However, said employees must follow suspension guidelines before returning to work.

- (3) Employees receiving treatment for drug or alcohol abuse may use sick leave, vacation leave, and then may be granted a limited leave without pay, or an extended leave without pay in accordance with established ~~[personnel]~~ [County] policies. [Employees may also be eligible for leave under the Family & Medical Leave Act (FMLA) or Delaware Paid Family Leave, consistent with applicable law. The Human Resources Office will evaluate eligibility when an employee seeks leave.]
- (4) Involvement of an employee in an alcohol and drug program does not suspend disciplinary measures which an employee may be subject to as a result of conduct or behavior which violates work rules or regulation or is contrary to County policy. [While the County supports employees seeking help, expectations for attendance, conduct and performance remain the same.]

E. Suspension guidelines.

- (1) [The County Administrator, in their sole discretion, Department Head and Human Resources Director will determine the appropriate course of action for an employee who tests positive on a drug/alcohol screen or otherwise violates this policy. Depending on the circumstances, an employee may be terminated for a first offense. Employees who are not terminated for a first offense may be offered one opportunity to retain their employment, as detailed below.]
- (2) Employees placed on suspension from employment due to confirmed abuse of alcohol or drugs ~~[shall be required to complete the following before]~~ [may only be reinstated] ~~[reinstatement]~~ to any position with the County government [upon execution of a last-chance agreement governing the terms of reinstatement.]
 - (a) ~~[Submit at least 15 attendance slips showing proof of daily participation in Alcoholics Anonymous, or another approved rehabilitation organization.]~~
 - (b) ~~[Submit the name and telephone number of the rehabilitation organization sponsor to the County [Personnel][Human Resources] Director.]~~
 - (c) ~~[Submit the results of at least three drug screening tests beginning of the first day of affiliation with a rehabilitation organization.]~~
- (3) ~~[Upon completion of the above three items, a meeting attendance will be required at a designated counseling center to determine the condition of applicable disease. Attendance may also be required at meetings with the County Administrator and the [Personnel][Human Resources] Director to explain the diagnosis. The [Personnel][Human Resources] Director and the County Administrator will then consider the safety and security of the employee's employment and a decision will be made as to whether a suspension shall be lifted and reinstatement made in some capacity.]~~
- (2) Any employee who has a positive substance screening must be given a return-to-duty substance screening before resuming duties. Additional unannounced screenings may be required by the Levy Court for up to ~~[60]~~ [12] months after duties have been resumed. All costs of such return-to-duty screenings and treatment shall be the responsibility of the employee.

F. [Termination.]

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- (1) [Any violation of this policy, including refusal to take a required screen or tampering with or falsifying a screening sample or submitting an adulterated sample, will result in disciplinary action, up to and including termination. Employees who test positive on a drug/alcohol screen face disciplinary action, up to and including termination of employment. The disciplinary action taken will be determined solely by the County Administrator, Department Head and Human Resources Director based on a variety of factors. Employees who are not terminated for a first offense will be expected to immediately terminate the inappropriate and prohibited use of drugs and/or alcohol, will be suspended, and will be required to seek assistance as a condition of continued employment, as outlined above. If the employee has another positive screen at any time, the employee will be terminated.]

G. Confidentiality.

- (1) It is the policy of the Levy Court not to conduct random testing of existing employees. However, the County shall require unannounced retesting of employees in [designated safety-sensitive positions] or who have agreed to such testing as part of a [disciplinary action or rehabilitation program]~~program~~[last-chance agreement as a condition of reinstatement].
- (2) Laboratory reports or test results shall be maintained in an employee's confidential medical file. The reports or test results may be disclosed to a designated person in County management on a strictly need-to-know basis and to the tested employee upon request.

§ 5-2. Smoking. [Adopted 2-9-1999 (P-76)]

This Policy prohibits smoking in all County-owned or -controlled buildings and vehicles, regulates smoking breaks by County employees, and establishes the provisions of the Delaware Clean Indoor Air

Act regulations.

- A. Smoking by employees or the public is prohibited in all public areas and offices within County-owned or -controlled buildings and in County-owned vehicles.
- B. Smoking shall only be permitted in specific areas outside County-owned and -controlled buildings. The specific areas shall be located at the rear of a building outside of public view, away from public or employee entrances, and at least 20 feet from any exterior entryway (except that smoking shall be permitted on the second floor of the Administrative Complex rooftop mezzanine). The County will not incur any expense to make structural or physical modifications to accommodate individual smoking preferences. **[Amended 3-27-2018 (P18-02)]**
- C. Smoking by employees shall be limited to permitted breaks and rest periods of short duration or during the scheduled meal period. Lengthy or an excessive number of smoking breaks is prohibited.
- D. Enforcement of this Policy shall be the responsibility of each ~~[department head]~~[Department Head]. Complaints, disputes or objections arising from this Policy shall be directed to the affected ~~[department head]~~[Department Head] or the ~~[Personnel]~~[Human Resources] Office.
- E. Employees violating this Policy shall be subject to disciplinary action up to and including termination, but employees exercising their rights under the Delaware Clean Indoor Air Act shall not be subject to retaliation or any adverse personnel action.
- F. This Policy shall be displayed in all normal employee posting areas and "no smoking" signs shall be installed where appropriate.
- G. [This Policy applies to all tobacco and tobacco-related products, including chewing tobacco, smokeless tobacco and devices, and vapor cigarettes (e-cigarettes).]

Policy 8**HEALTH AND SAFETY**

§ 8-1.	Safety program.	§ 8-2.	Workplace violence prevention.
		§ 8-3.	Epidemic/contagious disease response.

§ 8-1. Safety program. [Adopted 5-13-2003 (P-74A)]

This Policy establishes a safety program for Kent County operations and assigns responsibility for administering the program to the Division of Emergency Management.

A. Goals and purpose.

- (1) The goals of the safety program are to:
 - (a) Create an awareness that County government activities are subject to risks of loss and that these risks can be controlled;
 - (b) Teach ~~[department head]~~[Department Heads] the five steps of risk management (risk identification, risk evaluation, risk treatment, selection and implementation, and monitoring); and
 - (c) Motivate ~~[department head]~~[Department Head]s to identify and control risks in their respective departments.
- (2) The safety program shall have three specific purposes:
 - (a) Increase safety awareness among employees;
 - (b) Minimize the County government's exposure to liability and financial losses; and
 - (c) Develop accountability of all employees for safety.

B. Administration.

- (1) The Division of Emergency Management in the Department of Public Safety shall be responsible for the administration of a County-wide safety program and the County's risk management effort. At least two employees designated by the ~~[department head]~~[Department Head] shall be the County's Safety Officers and responsible for developing and directing a workplace health and safety program by assisting operating personnel in achieving compliance with OSHA based guidelines.
- (2) At a minimum, the duties of the Safety Officers shall include:
 - (a) Investigating every workplace accident and documenting steps taken to remove or reasonably reduce hazards;
 - (b) Writing and distributing risk management policies and rules;
 - (c) Creating a risk management policy statement;

- (d) Establishing inspection procedures to identify, monitor, and remedy key risks in each department;
 - (e) Reviewing all major purchases, proposals of new services or designs for new buildings to identify loss exposures;
 - (f) Developing and conducting safety training programs for employees;
 - (g) Establishing procedures for reporting and investigating all claims, incidents, and safety violations;
 - (h) Preparing a financial impact analysis of potential risks;
 - (i) Developing and updating a safety procedure handbook; and
 - (j) Monitoring and publicizing safety efforts.
- (3) The Safety Officers shall each be vested with the authority to order the work of any County employee or Department stopped if judged by either of them to be unsafe or posing the risk of injury or significant financial loss. Work may not resume until a Safety Officer has determined that it is safe to do so. In addition, a Safety Officer may close, block off, or otherwise prevent the entry or use of any County facility or equipment judged to be unsafe or posing a risk of injury or significant financial loss.
- C. The Emergency Management Division Manager shall coordinate safety and risk management program efforts with the ~~[Personnel]~~[Human Resources] Office as the office responsible for County insurance administration; the Department of Finance as the office responsible for determining safety improvement costs; the Division of Facilities Management as the office charged with making building alternations; the Division of Wastewater Facilities, which has the largest employee base in a high risk environment; the Division of Emergency Medical Services, which is exposed to hazards unique to the field of work; the County Administrator to provide direction and leadership in assessing risk; and other departments in identifying and managing specific hazards.
- D. Employees violating this Policy or disregarding the safety handbook shall be subject to disciplinary action up to and including termination.
- E. An annual report shall be provided to the Levy Court detailing identified hazards, remediation efforts, compensable and noncompensable injuries, and related costs.

§ 8-2. Workplace violence prevention. [Adopted 9-10-2002 (P-88)]

This Policy defines and prohibits acts or behavior which might contribute to workplace violence and establishes reporting requirements for the protection of County employees.

- A. "Violence" shall mean an act or behavior that:
- (1) Is physically assaultive (including but not limited to fist fighting, punching or slapping);
 - (2) A reasonable person would perceive as obsessively directed (grudge, etc.);
 - (3) Consists of a communicated or reasonably perceived threat to harm another individual or in any way endanger the safety of an individual;
 - (4) Would be interpreted by a reasonable person as carrying potential for physical harm to the

individual or to another;

- (5) Is a behavior or action that a reasonable person would perceive as menacing;
 - (6) Involves the carrying or displaying of weapons, destroying property, or throwing objects in a manner reasonably perceived to be threatening; or
 - (7) Consists of a communicated or reasonably perceived threat to destroy property.
- B. Violence or violent actions on County property or facilities, or while on County business, are prohibited and will not be tolerated. Any unlawful violent action committed by employees or members of the public while on County property or while using County facilities will be prosecuted as appropriate.
- C. In the interest of maintaining a workplace that is safe and free of violence, except as hereinafter provided, possession or use of a firearm or dangerous weapons/instruments is prohibited on County property, in County vehicles, or in any personal vehicle which is used for County business or parked on County property. A dangerous weapon or dangerous instrument at a minimum is defined as any instrument capable of producing bodily harm, in a manner, under circumstances, and at a time and place that manifests an intent to harm or intimidate another person or that warrants alarm for the safety of another person. A dangerous weapon or dangerous instrument, as defined above, shall include, but not be limited to, all handguns, rifles, shotguns, knives or any instrument, device or object capable of causing physical harm or mental intimidation to another person.
- D. Employees and members of the public may only possess a firearm on County property or in County vehicles if engaged in military or law enforcement activities; or legally in possession of a firearm for which the person holds a valid permit to carry a concealed deadly weapon. Small knives or similar instruments used in the performance of duties shall be permitted, if possessed for their intended lawful purpose.
- E. Employees are responsible for refraining from acts of violence and for seeking assistance to resolve personal issues that may lead to acts of violence in the workplace; and reporting to their d[~~department head~~][Department Head] and/or supervisor any dangerous or threatening situations that occur or are observed in the workplace. Employees are also encouraged to report any situations that occur outside of the workplace which may affect workplace safety.
- F. [~~department head~~][Department Head]s and/or supervisors are responsible for taking immediate action to prevent the occurrence or reoccurrence of any act of violence and reporting said act or complaints of acts or possible acts of violence to the [~~Personnel~~][Human Resources] Director and Safety Officer for investigation and recommendation for appropriate resolution.
- G. Employees violating this Policy shall be subject to disciplinary action up to and including termination and criminal prosecution, where appropriate, to the fullest extent of the law.

§ 8-3. Epidemic/contagious disease response. [Adopted 9-22-2009 (P09-04)]

This Policy establishes provisions for the maintenance of County business operations during an epidemic, such as an especially virulent influenza or similar contagious disease/virus, and prevention of transmission of such diseases between employees and/or the public.

- A. In order to protect the health of employees and the public, the County may offer annual seasonal influenza vaccinations to employees, when vaccine is available. Priority for such vaccinations shall be given to employees working in public safety, wastewater processing, facilities management, and

directly with the public. Any remaining vaccine will be offered to other employees on a first-come-first-served basis and then to County retirees and employee family members. If vaccine for virulent influenzas or other communicable diseases is available, the County may offer vaccinations to eligible and interested employees/retirees in the priority order referenced above. Such vaccinations shall be provided to employees at no cost or reduced cost.

- B. Employees exhibiting symptoms of influenza or similarly contagious diseases/viruses are encouraged to remain at home and, if necessary, to seek medical attention. Supervisors, after consultation with their respective [~~department head~~][Department Head], are authorized to direct sick employees to leave the workplace in order to avoid the transmission of a communicable disease to coworkers and/or the public. Employees are responsible for treating or seeking treatment for the illness and keeping their supervisor informed about the seriousness of their health condition and their anticipated return-to-work date.
- C. Whenever a serious influenza or contagious disease outbreak occurs, the County Administrator, in consultation with the President of Levy Court and affected [~~department head~~][Department Head]s, may initiate a Business Continuity Response, which affords him/her maximum flexibility to maintain County government operations with limited available staff. At a minimum, the response plan authorizes building closures or reduced operating hours, suspension of absence verification provisions, reassignment of work duties and personnel, authorization for overtime, establishment of alternative work environments, cancellation of nonessential business travel, implementation of employee health assessments, extension of compassionate leave provisions, waiver of limitations for care of sick family members, acquisition of supplies necessary to reduce contamination, mandated use of protective devices, etc.
- D. The [~~Personnel~~][Human Resources] Director shall be responsible for coordination of the staffing components of this Policy and development of implementation guidelines.

§ [8-4 Workplace Searches]

- A. [To the extent permitted by law, as all offices, desks, files, lockers, equipment, etc., are the property of Kent County and are provided solely for use during one's employment, the County reserves the right to search any office, desk, files, locker, equipment or any other area or item on the premises. In light of this policy, employees who bring personal property onto County premises have no reasonable expectation of privacy in such property.]
- B. Employees who refuse to cooperate in an inspection, as well as employees who, after an inspection, are believed to be in possession of stolen property or illegal or unauthorized substances or have otherwise violated any County policy, will be subject to disciplinary action.
- C. There may also be surveillance cameras at County facilities, excluding restrooms and changing areas. These cameras are monitored for a number of reasons to promote the safety and security of the property and all individuals on the property, and employees should expect that any of their activities may be captured on these cameras and viewed by County management without notice.
- D. This policy will be administered based on reasonable and justifiable County needs and in accordance with all applicable laws and regulations. Law enforcement may also be contacted when appropriate.]

§ [8-5 Fit for Duty Policy]

[The County endeavors to provide a safe and effective workplace. This policy covers those situations in which an employee is having documented difficulty performing their work duties in a safe or effective manner. This policy outlines the circumstances under which an employee may be referred for a fitness for duty evaluation. The purposes of this fitness for duty policy are:

- A. To help ensure the safety and health of employees or others with whom they have contact.
- B. To establish procedures by which the County can evaluate an employee's ability to safely and competently perform their duties when performance issues arise.

Guidelines

- A. Employees are responsible for managing their mental and physical health in such a way that they can safely and effectively perform their essential job functions, with or without reasonable accommodation.
- B. Employees who have the responsibility for on-call shifts must remain in a fit condition for the entire on-call period.
- C. Department Heads may refer employees to Human Resources to determine whether a fitness for duty evaluation is appropriate under the following the adopted procedures. This may include a physical and/or mental fitness assessment.
- D. Application of this policy is not intended as a substitute for other County policies or procedures related to performance. In addition, application of this policy is not a substitute for discipline. In any situation involving misconduct, disciplinary action may occur.
- E. The County will pay the cost of fitness for duty evaluations.
- F. An impartial, independent health care evaluator with appropriate expertise (which will include one or more of the following: medical, psychological, alcohol, or other drug conditions) will conduct a fitness for duty evaluation.
- G. The County will make the final determination of an employee's fitness for duty status.
- H. An employee referred for a fitness for duty evaluation will be relieved of duties pending completion of the fitness for duty evaluation.
- I. When an employee is found to be unfit for duty, their employment status will be determined on a case-by-case basis, in accordance with County policy and practice.
- J. An employee's pay status while fitness for duty is being determined will be dependent on their employment status and the facts of the case.
- K. In all cases, the County must receive a "return to work/fitness for duty form" saying the employee is fit to perform the essential functions of the job, with or without a reasonable accommodation, from the independent evaluator before an employee may return to work.
- L. In most cases, a re-entry conference with the Department Head and Human Resources Director will occur prior to the employee's return to work.
- M. Non-compliance with a request for a fitness for duty evaluation may constitute insubordination and be

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grounds for disciplinary action, up to and including termination.

If an employee appears severely impaired, is violent, or is threatening harm to self or others, 911 should be contacted. The need for a fitness for duty evaluation will be addressed based on the circumstances after the employee has been treated and before they are permitted to return to work.

Records of fitness for duty evaluations will be treated as confidential medical records and be kept separate from existing department and personnel files; this information can be shared only on a strict “need to know” basis.]

Policy 11**LEAVE**

§ 11-1.	Family and medical leave.	§ 11-4.	National crisis/national disaster leave.
§ 11-2.	Donated leave.		
§ 11-3.	Time off for deputies and chief deputies.	§ 11-5.	Military family leave.

Kent County Code References

§ 68-20 — Holidays.	§ 68-24 — Military leave.
§ 68-21 — Sick leave.	§ 68-25 — Compassionate leave.
§ 68-22 — Vacation leave.	§ 68-26 — Special leaves of absence.
§ 68-23 — Family and medical leave.	

§ 11-1. Family and medical leave. [Adopted 8-26-1997, effective 7-1-1997 (P-54B)]

~~[The Kent County Levy Court strongly supports the Department of Labor's position that a direct correlation exist between stability in the family and productivity in the workplace.]~~ This Policy has been developed to ensure compliance with the Family and Medical Leave Act of 1993 (FMLA) and to promote a positive balance between family and work lives for all Kent County employees.

- A. Eligibility. [All] [Full-time regular] employees who have at least 12 months of service with Kent County [within the previous 7 years (need not be consecutive)] and have worked for the County at least 1,250 hours during the preceding 12 months [immediately preceding a qualifying leave] are eligible for family and medical leave.
- B. Entitlement. Kent County employees meeting the eligibility requirements indicated above are entitled to a maximum of 12 weeks of unpaid leave per twelve-month period under FMLA when taken:
 - (1) For the birth of the employee's child or placement of a child with the employee for adoption or foster care, and care of the child upon birth or placement in the employee's home (must be taken within 12 months following birth or placement); or
 - (2) To care for the employee's spouse, son or daughter, or direct parent who has a serious health condition; or
 - (3) For the serious health condition of the employee that makes the employee unable to perform the functions of the employee's position~~[: or] [A serious health condition is an incapacity or treatment, including prenatal care, that involves in-patient care or continuing treatment by a health care provider, not short term conditions for which treatment and recovery are very brief and for which regular sick leave would ordinarily be used].~~
 - (4) [A qualifying exigency of a spouse, child, or parent who is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order

[Employees may take up to 26 weeks of unpaid FMLA leave in a single 12-month period, beginning on the first day that they take FMLA leave to care for a spouse, child, or next of kin who is a covered service member and who has a serious injury or illness related to active duty service.]

- C. Spouses employed. Spouses employed [~~full-time~~] by Kent County are jointly entitled to a combined total of 12 weeks of family leave during any twelve-month period for the birth or placement of a child for adoption or foster care, and to care for a child or parent (but not a parent "in-law") who has a

serious health condition. [Similarly, spouses employed by the County will be limited to a combined total of 26 weeks of leave to care for a military service member. This 26-week leave period will be reduced, however, by the amount of leave taken for other qualifying FMLA events. This type of leave aggregation does not apply to leave needed for an employee's own serious health condition, to care for a spouse or child with a serious health condition, or because of a qualifying exigency.]

D. [Definitions. As used in this policy.]

- (1) [Spouse means a husband or wife as recognized under state law for the purposes of marriage in the state or other territory or country where the marriage took place.]
- (2) Child means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability at the time FMLA leave is to commence. A child for the purposes of military exigency or military care leave can be of any age.
- (3) Parent means a biological, adoptive, step, or foster parent or any other individual who stood in loco parentis to the employee when they were a child.
- (4) Next of kin for the purposes of military care leave is a blood relative other than a spouse, parent, or child in the following order: brothers and sisters, grandparents, aunts and uncles, and first cousins. If a military service member designates in writing another blood relative as their caregiver, that individual will be the only next of kin. In appropriate circumstances, the employee may be required to provide documentation of next of kin status.
- (5) Serious health condition means an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider. Ordinarily, unless complications arise, cosmetic treatments and minor conditions such as the cold, flu, ear aches, upset stomach, minor ulcers, headaches (other than migraines), and routine dental problems are examples of conditions that are not serious health conditions under this policy. Contact Human Resources with any questions about the types of conditions that may qualify.
- (6) Health care provider means a medical doctor or doctor of osteopathy, physician assistant, podiatrist, dentist, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, clinical social worker, or Christian Science practitioner licensed by the First Church of Christ. Under limited circumstances, a chiropractor or other provider recognized by the Company's group health plan for the purposes of certifying a claim for benefits may also be considered a health care provider.
- (7) Qualifying exigencies for military exigency leave include:
 - a. Short-notice call-ups/deployments of seven days or less (Note: leave for this exigency is available for up to seven days beginning the date of call-up notice);
 - b. Attending official ceremonies, programs, or military events;
 - c. Special childcare needs created by a military call-up including making alternative childcare arrangements, handling urgent and non-routine childcare situations, arranging for school transfers, or attending school or daycare meetings;
 - d. Making financial and legal arrangements;
 - e. Attending counseling sessions for the employee, the military service member, or the military service members' son or daughter who is under 18 years of age or is 18 or older but incapable of self-care because of a mental or physical disability;
 - f. Rest and recuperation (Note: 15 days of leave is available for this exigency per event);

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- g. Post-deployment activities such as arrival ceremonies, re-integration briefings, and other official ceremonies sponsored by the military (Note: leave for these events are available for 90 days following the termination of active duty status). This type of leave may also be taken to address circumstances arising from the death of a covered military member while on active duty;
- h. Parental care when the military family member is needed to care for a parent who is incapable of self-care (such as arranging for alternative care or transfer to a care facility); and
- i. Other exigencies that arise that are agreed to by both the Company and the employee.

- (8) A serious injury/illness incurred by a service member in the line of active duty or that is exacerbated by active duty is any injury or illness that renders the service member unfit to perform the duties of his or her office, grade, rank, or rating.]

E. Advance notice and medical certification.

- (1) The employee will provide 30 days' advance notice to the ~~[department head]~~[Department Head] when the need for leave is foreseeable. If, because of extenuating circumstances, the employee is unable to provide 30 days' notice, the employee will provide notice as soon as practicable. Notice will immediately be forwarded to the ~~[Personnel]~~[Human Resources] Director via the ~~[d]~~[D]epartment ~~[h]~~[H]ead.
- (2) The employee will provide timely medical certification to the ~~[department head]~~[Department Head] to support a request for leave because of a serious health condition of the employee's or the employee's spouse, son or daughter, or parent. Certification will be forwarded to the ~~[Personnel]~~[Human Resources] Director for approval. Medical recertification will be required ~~[every 30 days]~~[in accordance with the law and the individual circumstances]. In certain cases, the County may require a second or third opinion at County expense. ~~[U.S. Department of Labor (DOL) form "CERTIFICATION OF PHYSICIAN OR PRACTITIONER," is the preferred format for medical certification; copies]~~ [The necessary forms] are available in the ~~[Personnel]~~[Human Resources] Department. ~~[All information requested on the DOL form must be supplied regardless of the format utilized by the health care provider.]~~
- (3) If leave is taken due to a serious health condition of the employee, a fitness-for-duty certification must be provided to the employee's ~~[department head]~~[Department Head] and the ~~[Personnel]~~[Human Resources] Director prior to the employee's return to work.

F. Administration. The Kent County Levy Court's policy is to integrate the provisions of the FMLA with existing County leave policies, as defined in the Kent County Personnel Ordinance, wherever possible. Therefore, an employee requesting FMLA leave for a reason which would be allowable under another County leave policy must first exhaust all applicable accrued [vacation and, if applicable,] sick leave during the initial portion of the FMLA leave period. (At employee's option, he or she may retain one week of sick leave.) [The substitution of paid leave does not extend the FMLA period. FMLA will run concurrently with any other applicable leave for which the employee is eligible.]

- (1) [The 12 month period when calculating how much FMLA an employee has available is]~~[Eligible classified or unclassified employees are entitled to use 12 workweeks of unpaid leave for FMLA-qualifying purposes during]~~ a rolling twelve-month period measured backwards from when any FMLA leave is taken. ~~[If the employee has a bank of accrued sick leave, vacation, or other leave, it must be used concurrently and the total of combined paid and/or unpaid FMLA leave will not exceed 12 weeks].~~ "Workweek" is defined as seven consecutive twenty-four-hour periods designated as a workweek by the department in which an employee works. As an alternative to 12 consecutive weeks of unpaid leave, an employee may request an intermittent leave or a reduced leave schedule. **[Amended 11-13-2012 (P12-03(a))]**

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- (2) [If medically necessary, FMLA leave for a serious health condition may be taken intermittently (in separate blocks of time due to a serious health condition) or on a reduced leave schedule (reducing the usual number of hours worked per week or workday). FMLA leave may also be taken intermittently or on a reduced leave schedule for a qualifying exigency relating to covered military service.]
- (3) Employees requesting intermittent or reduced leave schedules may be required to transfer temporarily to an available alternative position with equivalent pay and benefits. The employee must be fully qualified to perform the duties of the alternative position. All alternative assignments must be approved by the ~~[Personnel]~~[Human Resources] Director.
- (4) The amount of leave used on an intermittent or reduced leave schedule will be determined by counting only the amount of leave time actually taken.
- (5) Leave without pay of less than one full day for documented FMLA-qualifying purposes will not affect an employee's Fair Labor Standards Act exempt status.
- (6) When an employee requests leave of any kind or is absent for more than three days, the ~~[Personnel]~~[Human Resources] Director will, upon notification, determine if the leave is FMLA-qualifying. The

employee will be promptly notified of the determination, and the employee shall promptly submit all FMLA forms as requested. [An employee may not refuse the FMLA designation.]

- (7) If a request for leave qualifies under the tenets of FMLA, the employee will be provided with a copy of the Kent County Levy Court Family and Medical Leave Policy, along with an Employee Request for Medical/Leave Form. The ~~[Personnel]~~[Human Resources] Department staff will be available if an employee requests assistance completing the form. The completed Employee Request for Medical/Leave Form must be returned to the ~~[Personnel]~~[Human Resources] Department within five days of issuance.
- (8) All leave (paid or unpaid) taken for FMLA reasons will count against the employee's annual FMLA leave entitlement.
- (9) While on FMLA leave, an employee must contact ~~[his or her]~~ [their] supervisor at least once per month and indicate ~~[his or her]~~ [their] intention to return to work as scheduled.

G. Health insurance and employee benefits.

- (1) Kent County will maintain the employee's health and dental insurance, life insurance, and long-term disability insurance coverage for the duration of the FMLA leave period. The County will continue to pay the full cost of the County's share of the employee's insurance coverage; additional eligible dependent coverage must continue to be paid by the employee. Normal payroll deductions will be made for the eligible dependent and other coverage during any period of paid leave. The employee is responsible for paying the premiums for eligible dependent and other coverage during periods of unpaid leave. Employee payments are due in the ~~[Personnel]~~[Human Resources] Department by the 20th of each month. [There is a 30-day grace period, which will be administered in accordance with FMLA regulations.]
- (2) Upon the employee's return from FMLA leave, any unpaid employee insurance premiums will be deducted from the employee's pay.
- (3) If an employee does not return to work at the end of the FMLA leave period, the employee will reimburse the County for all insurance premiums paid by the County on the employee's behalf during the unpaid portion of the FMLA leave. As mandated in the Family and Medical Leave Act of 1993, the employee will not be liable to reimburse the County if the reason the employee does not return to work is due to the continuation, recurrence or onset of a serious health condition (either affecting the employee or an immediate family member) that would entitle the employee to FMLA leave or does not return to work due to other circumstances beyond the employee's control.
- (4) FMLA leave will not be treated as a break in service for purposes of pension vesting and participation eligibility. However, the County will not make pension contributions during FMLA leave.
- (5) An employee will continue to accrue vacation and sick leave time at ~~[his or her]~~ [their] appropriate rates while on unpaid FMLA leave.
- (6) No part of FMLA leave will be considered a break in employment.

H. Job restoration.

- (1) Upon return from FMLA leave, the employee will be restored to ~~[his or her]~~ [their] original position or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

- (2) Kent County may deny restoration of employment to a key employee if restoration of the employee to employment will cause substantial and grievous economic injury to the operations of Kent County. A "key employee" is defined as a salaried FMLA-eligible employee who is among the highest paid 10% of all employees employed by Kent County.
 - (a) Written notice will be given to any key employee at the time FMLA leave is requested or when FMLA leave commences, if earlier, if the County intends to deny restoration to employment on completion of the FMLA leave. The notice will be served either in person or by certified mail and will explain the basis for the finding that substantial and grievous economic injury will result. The notice will provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as length of leave and the urgency of the need for the employee to return.
 - (b) If a key employee does not return to work in response to the notification of intent to deny restoration, the employee is still entitled to all rights under FMLA. These rights will cease when the employee gives notice of intent not to return to work or at the conclusion of the leave period.

I. [Paid Family and Medical Leave]

- (1) [Purpose: This item establishes the policy for administration of Delaware Paid Family and Medical Leave (PFML) and the coordination of PFML benefits with County-provided leave. PFML provides eligible employees of Kent County Levy Court with partial wage replacement and job-protected leave to manage serious health conditions, care for family members, or bond with a new child, in compliance with the Delaware Healthy Delaware Families Act.]
- (2) General
 - (a) Eligible employees may receive PFML benefits in accordance with Delaware law.
 - (b) PFML leave shall run concurrently with leave taken under the federal Family and Medical Leave Act (FMLA).
 - (c) Nothing in this item shall be interpreted to require an employee to use accrued sick or vacation leave prior to receiving PFML benefits.
 - (d) The County will maintain the employee's health, dental, and life insurance benefits under the same conditions as if the employee had continued to work. Employees remain responsible for their portion of benefit premiums.
- (3) Coordination of Benefits. PFML benefits shall be coordinated in accordance with Delaware law.
- (4) Relationship to Other Leave Programs. The County's donated leave program remains a separate policy and is not affected by this item.
- (5) Job Protection and Benefits Continuation
 - (a) Employees returning from PFML leave will be restored to the same or an equivalent position.
 - (b) Health benefits will continue during leave under the same terms as active employment.
- (6) Intermittent Leave. PFML leave may be taken intermittently or on a reduced schedule when medically necessary and supported by appropriate documentation.

(7) Employee Responsibilities. Employees must

- (a) Provide advance notice when leave is foreseeable
- (b) Submit required documentation or certification
- (c) Apply for PFML benefits through the designated state or approved private plan administrator
- (d) Maintain communication with their department and HR during leave

(8) Employer Responsibilities. Kent County Levy Court will

- (a) Maintain compliance with Delaware PFML regulations
- (b) Provide require employee notices
- (c) Accurately remit contributions and maintain records
- (d) Coordinate PFML with other applicable leave policies

(9) Funding

- (a) As a covered employer with 25+ employees, Kent County Levy Court participates in the state program using an approved private plan that provides equal or greater benefits and protections.
- (b) Contributions: The program is funded via payroll contributions. The County elects to pay the full cost of the state-mandated premium rate

(10) Non-Retaliation. Kent County prohibits retaliation against any employee who requests or uses PFML benefits. Violations may result in disciplinary actions.(11) Administration. The Human Resources Director shall administer this item and may establish procedures necessary to implement its provisions and remain compliant with changes in Delaware law. Employees with questions regarding PFML should contact Human Resources.]

- J. [Outside Employment. While on leave of absence, employees may not work or be gainfully employed either for themselves or others unless express, written permission to perform such outside work has been granted by the Human Resources Director. An employee on a leave of absence found to be working elsewhere without permission will be subject to disciplinary action up to and including termination.]
- K. General. A copy of the Family and Medical Leave Act of 1993 is available to all employees through the [~~Personnel~~][Human Resources] Department.
- L. [Retaliation. The County will not retaliate against employees who request or take leave in accordance with this policy. If you believe your rights under the FMLA have been violated, you may file a complaint with the Wage and Hour Division of the Department of Labor or file a private lawsuit in court. Call 1-866-487-9243 or visit dol.gov/fmla to learn more.]

§ 11-2. Donated leave. [Adopted 12-11-2001 (P-68C); 10-31-2023 by P23-02]

This Policy establishes a donated leave program for County employees, whereby employees may donate vacation leave, limited sick leave or both to other specified employees eligible for leave under the Family and Medical Leave Act Policy.

- A. Any employee of Kent County government may donate equal amounts of accrued sick and vacation leave (one vacation day for each sick day donated), vacation leave only, or up to three days of sick

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leave per calendar year (up to a total annual maximum value of \$35,000) to other donor-designated employees eligible for leave under the Family and Medical Leave Act (FMLA) policy. The donated leave will be converted into cash value at the donor's rate of pay and reconverted to equivalent hours of leave at the recipient's rate of pay and credited to the recipient's sick leave account. Sick leave may not be donated within three months of retirement.

- B. Donated leave may be used by a recipient only for a FMLA-qualifying event, which is diagnosed and certified by a physician as rendering the employee unable to work or an eligible family member requiring the employee's personal care for a period greater than five calendar weeks. Separate periods of need resulting from the same or a related FMLA-qualifying event occurring within any 12 consecutive months shall be considered the same period of eligibility. No employee may receive more than seven months of donated leave during any twelve-month period.
- C. Before receiving donated leave time, an employee shall have:
 - (1) Been a County employee for at least six months prior to the need;
 - (2) Used all of their sick leave and accrued vacation time (except that one week may be retained, if the employee chooses); and
 - (3) Established FMLA-qualifying justification for such receipt, which must be reviewed every 30 days.
- D. The donated leave program shall be administered by the [~~Personnel~~][Human Resources] Director, and any disputes

regarding eligibility shall be resolved by the Personnel Administration Board.

§ 11-3. Time off for deputies and chief deputies. [Adopted 9-30-2003, effective 7-1-2003 (P-21E, Subsections 2 — 5)]

Deputies and chief deputies shall serve at the pleasure of the appointing official and shall not accrue vacation or sick leave. The amount of any time off shall be determined by the appointing official.

§ 11-4. [Volunteer Emergency Response Leave]

- A. [Any employee who is a volunteer emergency responder will be provided up to seven consecutive days off from work, without pay, while responding to a governor-declared state of emergency, or up to 14 consecutive days off from work, without pay, while responding to a President-declared national emergency.]
- B. Any employee who is a volunteer emergency responder will also be allowed unpaid days off from work when the absence is due to an injury sustained by the employee when acting as a voluntary emergency responder.
- C. Where applicable, time taken under this policy due to an injury will run concurrently with leave taken under the federal Family and Medical Leave Act (FMLA).
- D. For purposes of this policy, “volunteer emergency responder” means a person who is a volunteer firefighter, member of a ladies’ auxiliary of a volunteer fire County, volunteer emergency medical technician, and/or a volunteer fire police officer. Members of the armed forces or National Guard are not included under this policy.
- E. Employees must make every effort to notify their supervisor each time they will be late or absent from work to respond to an emergency or disaster. The County may require employees to provide a written statement verifying that they responded to an emergency, including the date and time of the emergency and the date and time when they completed their volunteer services. Such verification should be signed either by the person in charge of the volunteer department or by an individual authorized to act on that person’s behalf and should be provided within seven days of the County’s request for verification.
- F. In the case taking leave for an injury sustained during a volunteer emergency response, the County may request a signed statement from the responsible medical professional indicating that the employee was seen by the medical professional, the date when the employee was seen and the estimated period of partial or total incapacity to perform the employee’s job. This statement should be provided within five days of the County’s request.]

§ 11-5. [Crime Victim Leave]

- A. [Employees who are the victim of a crime may take time off from work to participate in preparing for a criminal justice proceeding at the prosecutor’s request; attend any proceeding relating to the crime if the attendance is reasonably necessary to protect the interests of the victim provided the employee has the right to appear; or attend a criminal justice proceeding in response to a subpoena.]
- B. Employees will be eligible for leave under this policy if the employee is:
 - (1) The victim of the crime at issue in the proceedings;
 - (2) The parent, guardian, or custodian of a victim who is unable to meaningfully understand or participate

in the legal process due to physical, psychological, or mental impairment;

(3) The spouse, adult child or stepchild, parent, or sibling of the victim if the victim is deceased; or

(4) The legal representative of the victim (i.e., a member of the victim's family or an individual designated by the victim or by the court).

- C. Any employee who is a defendant, codefendant, or co-conspirator with respect to the crime is not eligible for time off under this policy.
- D. Time off under this policy will be without pay except that exempt employees may receive pay, as required by applicable law. Employees may elect to use accrued vacation while attending such proceedings or meetings.
- E. Before employees may take time off from work under this policy, the employee must provide their supervisor with a copy of the notice of proceeding. If advance notice is not feasible, the employee must provide appropriate documentation within a reasonable time after the absence.
- F. The County will not discriminate, or tolerate discrimination, against any employee because the employee takes time off in accordance with this policy.]

§ 11-4. National crisis/national disaster leave. [Adopted 11-8-2005, effective 11-8-2005]

This Policy establishes guidelines for the granting of special or extended leave to County employees with special skills responding to a crisis at the request of a government or a national professional organization.

- A. Whenever a national crisis or natural disaster occurs outside this jurisdiction, the specific skills of certain County employees may be needed by local, state and/or the federal government(s) or professional organizations to help respond to the event or its aftermath. Employees possessing such skills are encouraged to respond when called upon by governments in need or affiliated professional associations.
- B. Nonprobationary employees possessing a special talent or skill(s) needed to respond to such an emergency and desiring to provide extended or long-term assistance to the response effort must submit a written request and supporting documentation to their [~~department head~~][Department Head] for consideration. The [~~department head~~][Department Head] may approve the request if the employee's absence will not adversely impact the operations of the department/division/office, if the employee's previous job performance has been exemplary, if the employee has not taken any unpaid leave during the prior 12 months, and if the employee has not been the subject of disciplinary action for the preceding year. Such approval for special leave shall be for no more than 60 working days.
- C. Any employee on such approved leave shall be eligible for continued employee benefit coverage, but no other County compensation unless on vacation or similar type leave. If sufficient leave time is unavailable and the [~~department head~~][Department Head] approves, the [~~Personnel~~][Human Resources] Director at [~~his/her~~][their] sole discretion may advance up to, but not more than, 160 hours of vacation time to be paid back by the requesting employee as accrued upon [~~his/her~~][their] return.
- D. The County assumes and accepts no responsibility for the professional credentials or abilities of employees responding to requests for assistance under this Policy.
- E. It is the responsibility of the employee on national crisis/natural disaster leave to keep [~~his/her~~][their] [~~department head~~][Department Head] informed of his intended date of return.

§ 11-5. Military family leave. [Adopted 2-10-2009, effective 2-10-2009 (P09-01)]

The Kent County Levy Court strongly supports the armed forces of this country and the families that

provide support and comfort to them. This Policy has been developed to ensure compliance with the Family and Medical Leave Act (FMLA) amendments adopted in 2008 related to military family members.

- A. Eligibility. Full-time [~~permanent~~][regular] employees who have at least 12 months of service with Kent County and have worked for the County at least 1,250 hours during the preceding 12 months are eligible for military family leave.
- B. Entitlement. Kent County employees meeting the eligibility requirements indicated above are entitled:

- (1) To a maximum of 26 weeks of unpaid military caregiver leave per single twelve-month period, including any regular family and medical leave to provide care to a covered servicemember, defined as an individual in the regular armed forces, National Guard or Armed Force Reserves, who is certified to be undergoing medical treatment, recuperation, therapy, or outpatient treatment, or is otherwise on the temporary disability list due to serious injury or illness incurred in the line of duty while on active duty; or
 - (2) To a maximum of 12 weeks of unpaid active duty leave per single twelve-month period, including any regular family and medical leave for a qualifying exigency, if they are the parent, spouse, child, or next of kin of a servicemember in the National Guard or Armed Forces Reserves, such as:
 - (a) Attending official ceremonies or programs where the participation of the family member is requested by the military;
 - (b) Attending to farewell or arrival arrangements for a servicemember;
 - (c) Attending to affairs caused by the missing status or death of a servicemember;
 - (d) Making arrangements for urgent child care or elder care;
 - (e) Making financial and legal arrangements to address the servicemember's absence;
 - (f) Attending to certain post-deployment activities or spending time with a covered service member on temporary rest and recuperation leave; and
 - (g) Other purposes arising out of the call to duty, as agreed by the County and employee.
- C. Spouses employed. Spouses employed full-time by Kent County are jointly entitled to a combined total of 12 weeks or 26 weeks of family/military leave during any twelve-month period depending on the entitlement.
- D. Advance notice and certification.
- (1) The employee shall complete a military leave request form with as much as advance notice to the ~~[department head]~~[Department Head] and ~~[Personnel]~~[Human Resources] Office as possible and attach verification of the servicemember's call-up or active duty and the reason for the request. If such verification is not immediately available, it shall be submitted as soon as practicable. If verification is not provided as required, the County can deny FMLA and/or military family leave designation for the leave. The County retains the right, in its sole discretion, to designate any leave as FMLA/military family leave retroactively. Any notice received by the ~~[department head]~~[Department Head] should immediately be forwarded to the ~~[Personnel]~~[Human Resources] Director.
 - (2) When a request is for caregiver leave, an application shall be submitted as soon as practicable and state the nature of the relationship of the employee to the servicemember (spouse, child, parent or next of kin) and must include written certification. The written certification should state: a) the date on which the serious health condition commenced; b) the probable duration of the condition; c) the appropriate medical facts regarding the condition and its duration; and, additionally, d) that the covered servicemember is medically unfit to perform the duties of the member's office, grade, rank, or rating. If said certification is not immediately available, the County may, at its sole discretion, authorize military family leave; however, the employee must submit the required certification within five business days or the leave request may be denied. The County retains the right, in its sole discretion, to designate any leave as FMLA leave

retroactively.

- E. Administration. The County's policy is to integrate the provisions of military family leave with existing County leave policies, as defined in the Kent County Personnel Ordinance, wherever possible. Therefore, an employee requesting military family leave for a reason which would be allowable under another County leave policy must first exhaust all applicable accrued sick leave and vacation during the initial portion of the leave period. (At the employee's option, he or she may retain one week of sick leave.)
- (1) Eligible classified or unclassified employees are entitled to use 12 workweeks or 26 workweeks of unpaid leave as provided in the policy for military family leave-qualifying purposes during any rolling twelve-month period from the first day leave was taken. If the employee has a bank of accrued sick leave and vacation, the total of combined paid and/or unpaid leave will not exceed 12 weeks or 26 weeks, as the case may be. "Workweek" is defined as seven consecutive twenty-four-hour periods designated as a workweek by the department in which an employee works. As an alternative to 12 consecutive weeks of unpaid leave, an employee may request an intermittent leave or a reduced leave schedule. All such leave should be scheduled in such a way as to not unduly disrupt County operations.
 - (2) Employees requesting intermittent or reduced leave schedules may be required to transfer temporarily to an available alternative position with equivalent pay and benefits. The employee must be fully qualified to perform the duties of the alternative position. All alternative assignments must be approved by the ~~[Personnel]~~[Human Resources] Director.
 - (3) The amount of leave used on an intermittent or reduced leave schedule will be determined by counting only the amount of leave time actually taken.
 - (4) Leave without pay of less than one full day for documented military family leave-qualifying purposes will not affect an employee's Fair Labor Standards Act exempt status.
 - (5) When an employee requests leave of any kind, the ~~[Personnel]~~[Human Resources] Director will, upon notification, determine if the leave is military family leave-qualifying. The employee will be notified within three working days of the determination.
 - (6) All leave (paid or unpaid) taken for military family leave reasons will count against the employee's annual FMLA and military family leave entitlements.
 - (7) While on leave, an employee should contact ~~[his or her]~~ [their] supervisor at least once per month and indicate ~~[his or her]~~ [their] intention to return to work as scheduled.
- F. Health insurance and employee benefits.
- (1) Kent County will maintain the employee's applicable health and dental insurance, life insurance, and long-term disability insurance coverage for the duration of the military family leave period. The County will continue to pay the full cost of the County's share of the employee's insurance coverage; additional eligible dependent coverage must continue to be paid by the employee. Normal payroll deductions will be made for the eligible dependent and other coverage during any period of paid leave. The employee is responsible for paying the premiums for eligible dependent and other coverage during periods of unpaid leave. Employee payments are due in the ~~[Personnel]~~[Human Resources] Office by the 20th of each month.
 - (2) Upon the employee's return from military family leave, any unpaid employee insurance premiums will be deducted from the employee's pay.

- (3) If an employee does not return to work at the end of the military family leave period, the employee will reimburse the County for all insurance premiums paid by the County on the employee's behalf during the unpaid portion of the leave. As mandated in the Family and Medical Leave Act of 1993, as amended, the employee will not be liable to reimburse the County if the reason the employee does not return to work is due to the continuation, recurrence or onset of a serious health condition (either affecting the employee or an immediate family member) that would entitle the employee to leave or does not return to work due to other circumstances beyond the employee's control.
- (4) Military family leave will not be treated as a break in service for purposes of pension vesting and participation eligibility.
- (5) An employee will continue to accrue vacation and sick leave time at ~~[his or her]~~ [their] appropriate rates while on unpaid military family leave.
- (6) No part of military family leave will be considered a break in employment.

G. Job restoration.

- (1) Upon return from military family leave, the employee will be restored to ~~[his or her]~~ [their] original position or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.
- (2) Kent County may deny restoration of employment to a key employee if restoration of the employee to employment will cause substantial and grievous economic injury to the operations of Kent County. A "key employee" is defined as a salaried military family leave-eligible employee who is among the highest paid 10% of all employees employed by Kent County.
 - (a) Written notice will be given to any key employee at the time military family leave is requested or when military family leave commences, if earlier, if the County intends to deny restoration to employment on completion of the military family leave. The notice will be served either in person or by certified mail and will explain the basis for the finding that substantial and grievous economic injury will result. The notice will provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as length of leave and the urgency of the need for the employee to return.
 - (b) If a key employee does not return to work in response to the notification of intent to deny restoration, the employee is still entitled to all rights under military family leave. These rights will cease when the employee gives notice of intent not to return to work or at the conclusion of the leave period.

H. This policy shall become effective immediately upon adoption by Levy Court.

KENT COUNTY POLICY MANUAL

Policy 12

HARASSMENT AND DISCRIMINATION

**PART I
Sexual Harassment**

- § 12-1. Purpose.**
- § 12-2. Definition.**
- § 12-3. Sexual harassment prohibited;
reporting harassment.**

- § 12-4. Investigation of complaints;
confidentiality of complaints.**
- § 12-5. Internal complaint procedure.**

**PART II
Americans with Disabilities Act (ADA)**

- § 12-6. Discrimination prohibited.**

PART I
**Sexual [and Other
Prohibited] Harassment**
[Adopted 10-27-1992 (P-51)]

§ 12-1. Purpose.

- A. Both state and federal law prohibit sexual discrimination in the workplace. The Kent County Levy Court is firmly committed to compliance with these laws. It is essential that all employees be aware of and comply with the law and this Sexual [and Other Prohibited] Harassment Policy.
- B. The Levy Court strongly disapproves of sexual or other harassment of employees, and will appropriately discipline any employee whose conduct violates this policy.

§ 12-2. Definition.

- A. [In general, discrimination and harassment can be defined as conduct that disparages or shows hostility or aversion toward a protected status as well as treating someone differently, in whole or in part, because of a protected characteristic. Protected characteristics include:
 - (1) Race
 - (2) Religion
 - (3) Color
 - (4) Sex/gender (including pregnancy, childbirth, breastfeeding, or related medical conditions); gender identity or expression; and sexual orientation
 - (5) National origin
 - (6) Ancestry
 - (7) Physical or mental disability
 - (8) Genetic information/characteristics
 - (9) Age
 - (10) Military or veteran status
 - (11) Any other basis protected by applicable federal, state, or local law or ordinance or regulation
- B. The County also prohibits harassment based on the perception that anyone has any of these characteristics or is associated with a person who has or is perceived as having any of these characteristics.
- C. The conduct prohibited by this policy includes conduct in any form, whether verbal, non-verbal, visual, written, or physical. This includes, but is not limited to, e-mail, voice mail, internet activity, text messages, pictures, images, objects, writings, words, gestures, or physical contact.
- D. Harassment can take many forms, including: epithets or slurs; threats; derogatory names,

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HARASSMENT AND DISCRIMINATION

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comments, objects or visual depictions; jokes or teasing; and other verbal, nonverbal, written, visual or physical conduct that is based on a protected status.]

E. Sexual harassment [in particular can include a range of subtle or blatant behaviors and may involve individuals of the same or different gender. It] is defined as ~~[deliberate or repeated]~~ unwelcome sexual advances, requests for sexual favors, and other ~~[verbal or physical]~~ conduct of a sexual nature ~~[in situations when,]~~ [including but not limited to sexually-related images, jokes, teasing, uninvited touching or other sexually-related conduct when]:

- (1) The employee reasonably feels that submission or putting up with such conduct is an expressed or implied term or condition of employment;
- (2) The employee reasonably feels that submission to or rejection of such conduct becomes the basis for employment decisions affecting that individual; or
- (3) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

F. [Additionally, sexual harassment includes sexual misconduct, which is behavior of a sexual nature that also involves coercion, abuse of authority, or misuse of an individual's employment position.]

G. Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward someone because of that person's gender, gender identity or expression, or sexual orientation can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

H. Harassment, whether sexual or based on another protected characteristic, is not limited to the physical workplace itself. It can occur while employees are traveling for business or at County sponsored events. Calls, texts, emails, and social media usage by employees can also constitute workplace harassment, even if such activities occur away from the workplace, on personal devices, or during non-working hours.

I. Individuals must remain mindful that when conduct that may violate this policy occurs, it is not the intent of the person(s) engaging in the conduct that matters. Rather, it is the nature of the conduct and the impact that conduct has on others that matters.]

§ 12-3. ~~[Sexual h]~~[H]arassment prohibited; reporting harassment.

A. The Kent County Levy Court prohibits its employees from any [conduct] ~~[actions or words which]~~ [that may] constitute ~~[sexual]~~ harassment. Violation of this Policy will not be tolerated by Kent County and may result in discipline up to and including immediate termination. If employees have witnessed or feel they have been subject to any harassment of this nature, they must immediately report the harassment to their immediate supervisor ~~[or, if the complaint involves the employee's immediate supervisor, to]the ~~[Personnel]~~[Human Resources] Director or ~~[department manager]~~[Department Head]. ~~[Anyone receiving a complaint must report it to the Human Resources Director.]~~~~

§ 12-4. Investigation of complaints; confidentiality of complaints.

The ~~[Personnel]~~[Human Resources] Director or designee with assistance from the ~~[department manager]~~[Department Head] or immediate supervisor will immediately investigate complaints and take the appropriate action that may be necessary. ~~[Employees who register complaints or make reports of harassment may request that their complaints or reports be made in confidence.]~~ [Confidentiality will be maintained to the extent possible; however, complete confidentiality cannot be guaranteed, as the County's duty to investigate and take appropriate action may require the disclosure of information to individuals with a need to know.]

§ 12-5. Internal complaint procedure.

- A. The employee should directly report the behavior (preferably in writing⁹) to the [~~Personnel~~][Human Resources] Director, department manager or immediate supervisor within three working days of the offense. If not directly reported to the [~~Personnel~~][Human Resources] Director, [~~he/she~~][they] must be immediately advised a complaint has been received. [No one is permitted to conduct their own investigation without the involvement of the Human Resources Director.]

9. Editor's Note: The Sexual Harassment Complaint Form is on file in the County offices.

- B. Upon request, the person making the report shall give all pertinent relative facts of names, places, times, words or actions that were found offensive.
- C. Within three working days of the complaint, the person against whom the complaint is made will be counseled privately to determine ~~[his or her]~~ [their] perspective. [Any potential witnesses will also be interviewed.]
- D. Based upon the report, the investigator shall, within a reasonable time, determine whether the conduct of the person against whom the complaint has been made ~~[constitutes sexual harassment]~~ [violates County policy]. This determination will be made by examining the entire record and totality of circumstances on a case-by-case basis. If the investigator determines that the complaint is founded, he or she will take immediate and appropriate disciplinary action or make recommendation to the supervisor that has the authority to take immediate and appropriate disciplinary action. The discipline and appeal process according to the Kent County Code will be followed.
- E. Disciplinary action will include remedies up to and including termination. [Employees who engage in conduct that is determined to be unlawful may also be held personally liable for the conduct.]
- F. The ~~[Personnel]~~ [Human Resources] Director or designee with assistance from the ~~[department manager]~~ [Department Head] or immediate supervisor will conduct follow-up interviews with the complainant and the accused to inform them of the results of the investigation and the corrective action to be taken.
- G. All information regarding each case shall be held in the strictest confidence, [absent necessary disclosures to those who need to know]. Violation of this confidence will be subject to separate disciplinary action.
- H. [Adverse action will not be taken against anyone who, in good faith, reports or participates in an investigation under this policy. Retaliation or adverse action occurs when someone experiences a negative consequence because they, in good faith, filed a complaint or participated in an investigation under this policy. Retaliation is illegal and will result in disciplinary action, up to and including termination.]

PART II
Americans with Disabilities Act (ADA)
[Adopted 6-25-2013 (P13-03)]

§ 12-6. Discrimination prohibited.

This Policy affirms the County's commitment to follow state and federal laws that prohibit discrimination based on disability, to include people with disabilities in all aspects of employment, and to assure that disabled persons can fully participate in all programs, services, and activities offered by Kent County.

- A. People with disabilities who otherwise qualify shall not be discriminated against in any areas of employment, including, but not limited to, job application and compensation procedures, fringe benefits available by virtue of employment, and, to the extent possible, activities sponsored by the County.
- B. Persons with disabilities shall not be limited, segregated, or classified in a way that adversely affects their employment opportunities or status.
- C. The County shall not knowingly participate in a contractual or other arrangement or relationship that would subject qualified applicants or employees with disabilities to discrimination prohibited by the ADA.
- D. The County will make reasonable accommodations to the known physical or mental limitations of an otherwise qualified applicant or employee with a disability, unless the accommodation would impose an undue burden on the County. After a qualified individual requests reasonable accommodation, the County will make every reasonable effort to determine and provide the appropriate accommodation.
- E. The County will not coerce, intimidate, threaten, harass, or interfere with any individual exercising or enjoying ~~[his or her]~~ [their] right under Title I of the ADA or because an individual aided or encouraged any other individual in the exercise of rights granted or protected by Title I of the ADA.
- F. Any person with a disability who believes he or she has been discriminated against by an employee and/or a program sponsored by Kent County should contact the ~~[Personnel]~~ [Human Resources] Director, who serves as the County's ADA Coordinator. Employees can file a complaint with the ~~[Personnel]~~ [Human Resources] Director, the State Human Relations Commission, the federal Equal Employment Opportunity Commission (EEOC), or file suit in federal court. Disabled persons or potential employees may report the complaint to the ADA Coordinator, the State Human Relations Commission, or the federal Equal Employment Opportunity Commission (EEOC). Current employees are encouraged to seek resolution of all perceived actions of discrimination by contacting the ~~[Personnel]~~ [Human Resources] Director, or, in ~~[his/her]~~ [their] absence or implication, the County Administrator. All such complaints will be promptly investigated.
- G. All County employees are directed to comply with this policy regarding the ADA, and failure to do so can result in disciplinary action, up to and including termination.

[Part III]
Other Accommodations

§ 12-7. [Accommodations for Pregnancy]

- A. [In accordance with the federal Pregnant Workers Fairness Act ("PWFA") and applicable state law, the County will make reasonable accommodations for known physical or mental limitations related to the pregnancy, childbirth or related medical conditions of a qualified applicant or employee, unless the

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HARASSMENT AND DISCRIMINATION

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accommodation would impose an undue hardship on the operation of the County's business.

- B. "Known physical or mental limitations" are those that the applicant, employee or their representative has communicated to the County. Those who wish to inform the County of such a limitation and/or request a reasonable accommodation under this policy should contact the Human Resources Director, preferably specifying in writing what barriers or limitations prompted the request.
- C. The following accommodations will typically be provided upon request:
 - (1) Allowing an employee to carry or keep water in or near their work area and to drink water as needed;
 - (2) Additional restroom breaks, as needed;
 - (3) Allowing an employee whose work requires standing to sit, as needed;
 - (4) Allowing an employee whose work requires sitting to stand, as needed; and
 - (5) Allowing an employee to take breaks, as needed, to eat and drink.
- D. For other accommodations, the Human Resources Director will evaluate information provided regarding any reported or apparent barriers or limitations and will engage in an interactive process to determine the nature of the limitation and what, if any, reasonable accommodation(s) may be appropriate. If, through this interactive process, the County and the individual arrive at a reasonable accommodation that does not impose an undue hardship on the operation of the County's business, the County will make that accommodation.
- E. Employees who wish to request time away from work to accommodate a limitation related to pregnancy, childbirth or a related medical condition should contact the Human Resources Director. However, the County will not require a qualified employee to take leave if another reasonable accommodation can be provided.]

§ 12-8. [**Religious Accommodations**]

- A. [The County will provide reasonable accommodation for employees' religious beliefs, observances, and practices when a need for such accommodation is identified, and reasonable accommodation is possible. A reasonable accommodation is one that eliminates the conflict between an employee's religious beliefs, observances, or practices and the employee's job requirements, without causing undue hardship to the conduct of the County's business.
- B. The County has developed an accommodation process to assist employees, management, and Human Resources. Through this process, the County establishes a system of open communication between employees and the County to discuss conflicts between religious practices and work requirements and to take action to provide reasonable accommodation for employees' needs. Any employee who perceives a conflict between job requirements and religious belief, observance, or practice should bring the conflict and request for accommodation to the attention of the Human Resources Director, preferably in writing.]



DEPARTMENT OF FINANCE DIVISION OF ASSESSMENT

To: Levy Court Commissioners

From: Cheryl Bundek, Assessment Supervisor
Susan Durham, Finance Director

Date: August 25, 2026

RE: EagleView Contract Renewal

Background & Justification

Overview

The [EagleView](#) software platform was originally introduced to the Assessment Office as part of the Tyler Technologies contract during the 2023/2024 Kent County Reassessment. Since its implementation, it has become an invaluable multi-departmental asset, utilized daily by the Assessment Office and the Planning Office, as well as by Public Works and Public Safety.

Key Benefits & Capabilities

- **Up-to-Date Imagery:** Renewing this contract ensures continued access to critical aerial imagery updated every two years. The most recent photos were captured in March 2025, with the next aerial photography flyover scheduled for the Spring of 2027.
- **Remote Assessment Tools:** The software allows staff to manipulate maps for varied views of property improvements. This enables highly accurate measurements when immediate on-site field reviews are not possible.
- **Historical Tracking:** Staff can easily research historical property timelines to verify exactly when improvements were added or removed using images captured in previous years.



DEPARTMENT OF FINANCE
DIVISION OF ASSESSMENT

EagleView Contract Renewal
Page 2

- **System Integration:** EagleView is now seamlessly integrated into Kent County's CAMA software, allowing instant parcel lookups. Because of seamless compatibility with our CAMA software and other software systems used by the County, EagleView is being treated as sole source.
- **Dynamic Map Layers:** The IT Department continuously updates parcel layers within the system to accurately reflect any changes in land size.

Motion

We move to renew the contract with EagleView for a period of six (6) years in the amount of \$432,972.00 (\$72,162.00 annually), and to authorize the President of Levy Court or designee to execute the agreement upon approval of the contract by the County attorney. The funding source for this contract will be the annual operating budget.



Budget Proposal

Proposal for: Kent County, DE
Project Name: DEKENT26 - Imagery - 2in
Quote Number: Q-66828
Contract Term: 6 Year(s)
Number of Projects: 3

EagleView Rep: Jonathan Broida
Phone Number: (804) 822-5288
Email: jonathan.broida@eagleview.com
Expiration Date: 7/31/2026

Quote Summary

Quote Total: USD \$ 432972.00

Annual Total : USD \$ 72162.00

Project 1

QTY	Product Name
633	Eagleview Reveal - 2in
633	Eagleview Reveal - Physical Delivery - Orthomosaic - 2in
1	Eagleview Cloud - Software - Plus
1	EagleView Cloud - Authorized Subdivisions
1	EagleView Cloud - Comprehensive Integration Bundle
1	EagleView Cloud - Disaster Response Program
1	EagleView Cloud - Early Access
1	EagleView Cloud - Capture History

Project 2

QTY	Product Name
633	Eagleview Reveal - 2in
633	Eagleview Reveal - Physical Delivery - Orthomosaic - 2in
1	Eagleview Cloud - Software - Plus
1	EagleView Cloud - Authorized Subdivisions
1	EagleView Cloud - Comprehensive Integration Bundle
1	EagleView Cloud - Disaster Response Program
1	EagleView Cloud - Early Access
1	EagleView Cloud - Capture History

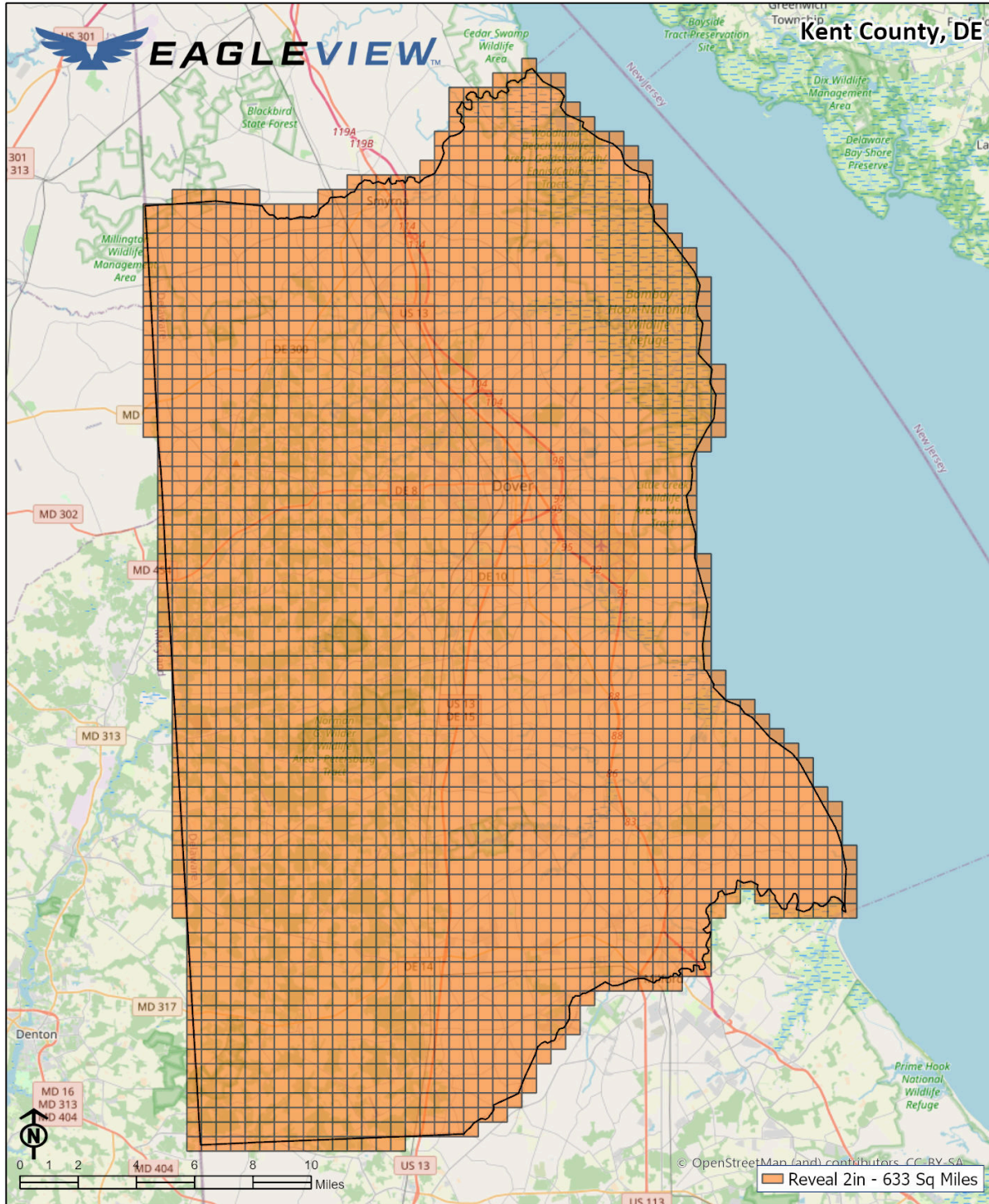
This quote is non-binding, creates no legal rights, duties or obligations, expressed or implied, on either party, and shall become binding only in the event that Pictometry and Customer enter into a definitive agreement incorporating it. The pricing quoted above does not reflect applicable taxes, which will be reflected in any resulting definitive agreement with Customer. This quote is valid until the date shown above, after which it expires. All Discounts are approximate.

Project 3

QTY	Product Name
633	Eagleview Reveal - 2in
633	Eagleview Reveal - Physical Delivery - Orthomosaic - 2in
1	Eagleview Cloud - Software - Plus
1	EagleView Cloud - Authorized Subdivisions
1	EagleView Cloud - Comprehensive Integration Bundle
1	EagleView Cloud - Disaster Response Program
1	EagleView Cloud - Early Access
1	EagleView Cloud - Capture History

TOTAL: USD 432,972.00

This quote is non-binding, creates no legal rights, duties or obligations, expressed or implied, on either party, and shall become binding only in the event that Pictometry and Customer enter into a definitive agreement incorporating it. The pricing quoted above does not reflect applicable taxes, which will be reflected in any resulting definitive agreement with Customer. This quote is valid until the date shown above, after which it expires. All Discounts are approximate.



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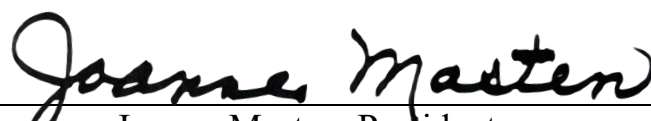
Resolution 4177

Celebrating Adult Education and Family Literacy Week September 13-19, 2026

- WHEREAS,** Delaware adult education serves over 15,000 individuals annually statewide with the James H. Groves Adult High School, Adult Basic Education, GED® Preparation, English as a Second Language, Family Literacy, Career Technical and Registered Apprenticeship programs; and
- WHEREAS,** adult secondary programs enable hundreds of Delawareans to obtain a high school diploma or GED credential, and prepare them for postsecondary technical training, apprenticeships, military training, and college; and
- WHEREAS,** the adult postsecondary and State Registered Apprenticeship programs offered through the statewide adult education network provide access to jobs that might otherwise be unavailable for adult learners, resulting in an \$11+ return for every \$1 invested; and
- WHEREAS,** family literacy programs serve more than 140 families statewide and engage multiple generations in learning together and assist adults who are parents/caregivers in obtaining the education and skills needed to become leaders within their family and partners in their child's educational development; and
- WHEREAS,** adults who participate in adult education programs have greater community engagement, are more likely to engage in civic activity, and are better prepared to support community initiatives and organizations; and
- WHEREAS,** these programs BUILD SKILLS, STRENGTHEN FAMILIES, AND CREATE COMMUNITY-MINDED CITIZENS.

NOW, THEREFORE, BE IT RESOLVED that the Kent County Levy Court does hereby proclaim **September 13 – September 19, 2026**, as **ADULT EDUCATION AND FAMILY LITERACY WEEK** in Kent County and urge our fellow citizens to recognize the importance of adult education and family literacy and to support local programs and initiatives.

BE IT FURTHER RESOLVED that this resolution be incorporated into the official minutes of the September 1, 2026, meeting of the Kent County Levy Court.


Joanne Masten, President


Robert J. Scott, Vice President


Jeffrey W. Hall, Commissioner


Terry L. Pepper, Commissioner


Allan F. Angel, Commissioner


Paul Hertz, Commissioner


George "Jody" Sweeney, Commissioner



Kent County Levy Court

September 2026 Employee of the Month

John DeAngelis

On this, the 1st day of September 2026,
the Levy Court of
Kent County, State of Delaware, does hereby recognize
John W. DeAngelis
Engineering Projecting Specialist
Department of Public Works – Engineering Division
for his exceptional initiative, dedication, and conscientiousness in
the delivery of services to the citizenry of the County.

Hon. Joanne Masten, President

Hon. Robert J. Scott, Vice-President

Hon. Allan F. Angel, Commissioner

Hon. Jeffrey W. Hall, Commissioner

Hon. Paul Hertz, Commissioner

Hon. Terry L. Pepper, Commissioner

Hon. George W. Sweeney, Commissioner



DEPARTMENT OF ADMINISTRATION

Division of Human Resources

INTEROFFICE MEMORANDUM

To: Levy Court Commissioners
VIA: Kevin Sipple, County Administrator
FROM: Trudena Horsey, Human Resources Director
SUBJECT: **September 2026** Employee of the Month
DATE: August 25, 2026



John DeAngelis

Kent County Department Heads have selected John DeAngelis from the Department of Public Works—Engineering Division as the **September 2026** Employee of the Month.

John currently serves as an Engineering Project Specialist and joined Kent County in September 2024. He began his career with the County as an Environmental Technician I in the Wastewater Facilities Division, bringing valuable experience from his previous role in the Delaware Division of Health and Social Services, where he held the same title. In May 2025, John was promoted to Engineering Project Specialist in the Engineering Division.

In his current role, John is responsible for creating street lighting and garbage collection districts; creating and extending sanitary districts and coordinating the transfer of pumping stations to the County; determining sewer capacity availability and requirements for new developments; and working with the Delaware Department of Transportation regarding the advisability and location of sewer infrastructure.

In addition to these responsibilities, John has taken ownership of the coordination and delivery of trash bins for all Kent County Trash District customers. As the primary person responsible for this function, he quickly mastered the process and has consistently demonstrated exceptional reliability and dedication. Whether delivering new trash bins or repairing damaged bins, John approaches each request with professionalism and a strong commitment to serving our residents, regardless of whether he is working in the heat, rain, or snow. Many residents have contacted the Engineering office and complimented his quick repair and delivery response and his friendly and helpful attitude.

According to Public Works Director, Sam Bautista, *"John exemplifies the type of employee who quietly makes a significant difference. His dependability, willingness to help, technical knowledge, and commitment to providing excellent customer service have made him a valuable asset to the Public Works Department and Kent County with his 30 years of customer service experience. His work directly impacts our residents every day, and he consistently represents the County with professionalism and pride."*

Congratulations John on a job well done!

John resides in Commissioner's Angel's and Pepper's districts.

Welcome TO THE COUNTY



Beth Armiger
Library Clerk

Community Services

We are excited to welcome Beth as our new Library Clerk. Beth joined Kent County on 7/13/2026. She brings valuable experience from her role as a Registered Nurse for 40 years. Beth is looking forward to continuing to help and support the members of our County.

Beth resides in Commissioner Hall and Pepper's district.



Charlie Clery
Library Clerk

Community Services

We are excited to welcome Charlie as our new Library Clerk. Charlie joined Kent County on 7/13/2026. They bring valuable experience from their role as a Community Services Worker V for the Appoquinimink Community Library. In conjunction with working at the Library, they also worked as a Visitor's Experience Rep with the Biggs Museum of American Art in Dover.

Charlie resides in Sussex County.



Belinda Brinton
Library Clerk

Community Services

We are excited to welcome Belinda as our new Library Clerk. Belinda joined Kent County on 7/27/2026. She brings valuable experience from her role as a Family Coach/Literacy Outreach Specialist with Agora Cyber Charter School. Prior to that, she was a Remedial Education Instructor with Eastern Lancaster County School District.

Belinda resides in Commissioner Sweeney and Pepper's district.

Welcome TO THE COUNTY



Kaylee Wiener
Dispatcher I

Public Safety

We are excited to welcome Kaylee as our new Dispatcher I. Kaylee joined Kent County on 7/27/2026. She brings valuable experience from her role as an Administrative Assistant with Roy's Electrical Service. Prior to that, she worked as a Bookkeeper with Austin's Lawn.

Kaylee resides in Commissioner Masten and Pepper's district.



Kathy Ortiz-Perez
Paramedic Trainee

Public Safety

We are excited to welcome Kathy as our new Paramedic Trainee. Kathy joined Kent County on 7/27/2026. She is currently enrolled in her last semester at Delaware Technical College in the Paramedic Program. Kathy looks forward to being a positive influence in Kent County.

Kathy resides in Sussex County.



Blaise Kelley
Paramedic

Public Safety

We are excited to welcome Blaise as our new Paramedic. Blaise joined Kent County on 7/27/2026. He brings valuable experience from his role as an EMT with DocGo. Prior to that, he served our Country in the United States Army.

Blaise resides in Sussex County.

INTRODUCED BY: Commissioner Allan F. Angel
DATE INTRODUCED: August 11, 2026
PUBLIC HEARING DATE: September 1, 2026
HEARING TIME: 7:00 P.M.
ADOPTION DATE: _____
EFFECTIVE DATE: Upon Adoption

ORDINANCE LC26-14

AN ORDINANCE AMENDING THE CURRENT KENT COUNTY CODE VOLUME I CHAPTER 68, PERSONNEL POLICY §68-7 VACANCIES, RECRUITMENTS AND APPOINTMENTS, SECTION D (5) TO UPDATE PRE-EMPLOYMENT DRUG SCREENING.

WHEREAS, the Kent County Levy Court deems it advisable to amend the Kent County Code to update the Personnel Policy to comply with findings from Federal case law regarding drug and alcohol screening for prospective employees;

NOW, THEREFORE, THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:

Section 1. Kent County Code Volume I, Chapter 68 Personnel Policy §68-7 (D) 5. is hereby amended by deleting the language identified in brackets and strike-through, and adding underlined language as follows:

Consistent with applicable law, candidates selected for employment in designated safety-sensitive positions ~~[must]~~ shall be required to submit to and pass a substance use test for illegal and illicit drug use, misused prescription drugs and abusive consumption of alcoholic beverages ~~[-and to the extent permitted by applicable law, marijuana will be included in testing]~~. This testing will occur after an offer of employment has been extended but before employment commences ~~[-usually on the first day of employment]~~. If the selected candidate fails to pass the test or a second confirming test, if applicable, the offer of employment shall be withdrawn, and they shall be ineligible for any appointment for a period of one year.

Section 2. This Ordinance is adopted pursuant to the powers conferred upon the Levy Court of Kent County, Delaware, in the Delaware Code, Title 9, Section 4110.

Section 3. The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any or the remaining provisions.

Section 4. This Ordinance shall take effect upon adoption.

ADOPTED BY THE LEVY COURT
OF KENT COUNTY, DELAWARE

President, Kent County Levy Court
This 11th day of August, 2026

ATTEST: _____
Clerk of the Peace

SYNOPSIS

This ordinance amends Kent County Code to reflect new requirements for pre-employment drug screening.

Suggested motion: I move to approve Ordinance LC26-14, An Ordinance Amending the current Chapter 68, Personnel Policy §68-7(D)5. Vacancies, Recruitments and Appointments.



DIRECTOR OF ADMINISTRATION

August 25, 2026

TO: Levy Court Commissioners

Via: Kevin Sipple, County Administrator

FROM: Joel Gartner, Director of Administration

RE: Amendment of Effective Date for Ordinance 26-10

Connolly Gallagher reviewed the subject ordinance (Ordinance 26-10 An Ordinance Amending the Current Kent County Code Volume I Chapter 68, Personnel Policy §68-21 Sick Leave (J)) and recommend a motion amending the effective date of the ordinance to clarify its effective date of August 11, 2026.

Following adoption of the ordinance at the Business meeting on August 11, 2026, there was some confusion on the effective date of the ordinance. The ordinance changed the effective date of a new personal leave provision for non-exempt employees to January 1, 2027 to align with the calendar year basis for this benefit. Due to an administrative error, the motion made (and seconded) at the meeting proposed the effective date as January 1, 2027. However, the ordinance itself is effective upon adoption (in this case when approved at the August 11, 2026 Business meeting). The provision itself (per the ordinance) will go into effect on January 1, 2027.

Suggested motion:

I move to amend the effective date of Ordinance 26-10 to August 11, 2026.

July 16, 2026

VIA CERTIFIED MAIL & EMAIL

Sarah E. Keifer, AICP, Director of Planning Services
Kent County Levy Court
Administrative Complex
555 Bay Rd.
Dover, Delaware 19901
sarah.keifer@kentcountyde.gov

**RE: Harmony Hills II, Subdivision Application SL-26-06
NOTICE OF APPEAL**

Dear Ms. Keifer:

This office represents TPD Management LLC (the "Applicant"), the applicant for Major Subdivision Application No. SL-26-06, Harmony Hills II.

Pursuant to 9 *Del. C.* § 4811 and Kent County Code, § 187-21(D), please accept this letter as the Applicant's formal notice of appeal from the July 9, 2026 decision of the Kent County Regional Planning Commission denying preliminary approval of Application No. SL-26-06, Harmony Hills II. Please also schedule this appeal for a hearing before the Kent County Levy Court at the earliest practicable date during August 2026.

The Applicant intends to submit a brief in support of its appeal so that the Levy Court has sufficient time to review and consider the issues presented before the hearing. Accordingly, please advise whether any applicable rules establish a deadline or briefing schedule for the submission of appellate materials, as I have not identified any such requirements in the Kent County Code or on the County website.

Thank you for your attention to this matter. Please let me know if you have any questions or require any additional information.

Respectfully,

/s/ Alex C. Burns

Alex C. Burns, Esq.

ACB/mgl

Cc: TPD Management LLC

1413 Savannah Road, Suite 1 | Lewes, Delaware 19958 | T (302) 645-2262 | F (302) 644-0306
www.lawbmf.com

DOVER, DE | LEWES, DE | GEORGETOWN, DE | WILMINGTON, DE | BALTIMORE, MD



DEPARTMENT OF PLANNING SERVICES

July 10, 2026

Email: dbarry@pennoni.com
Pennoni Associates Inc.
Douglas D. Barry, PE
121 Continental Drive
Suite 207
Newark, DE 19713

Re: SL-26-06 Harmony Hills II

Dear Applicant,

At its Business Meeting on July 9, 2026, the Regional Planning Commission voted to **deny** application SL-26-06 Harmony Hills, a preliminary plan for a 93-lot Major Subdivision including 53 single-family homes and 40 duplexes located inside the Growth Zone overlay district based on public safety.

The following reasons were given:

"You have a situation here that probably should have been something else on this site and not what you're doing now. I'm very concerned about the public safety of not only the children, but the adults themselves that are going to be living in that district, with one-way in and one-way out. If you have an accident at Peach Tree and the Entrance going into the subdivision, it would not be adequate passage for emergency vehicles, fire departments or whatever the case may be, illness or whatever. That presents a major problem for me. I was really hoping that they could work this out, apparently, they can't work it out, but those things need to be looked at very closely prior to coming before this commission. There are two of us on this commission that are in the fire service. We look at the public safety issues very clearly, that is a big dangerous issue when things pass. If you correct that problem, next time I'll vote for it. But I'm not going to vote and put those people's lives in jeopardy to live in that submission."

Should you have any questions or require further assistance, please contact me at the Planning Office (302) 744-2471.

Sincerely,



Sarah E. Keifer, AICP
Director of Planning Services

cc: TPD Management LLC (email:fdimondi@msn.com)
KCRM LLC (US Mail)
Ethel Higgins (US Mail)



DEPARTMENT OF PLANNING SERVICES

STAFF RECOMMENDATION REPORT

July 2, 2026

Application Number	:	SL-26-06
Preliminary Plan Title	:	Harmony Hills II
Zoning District	:	RMH (Residential Manufactured Home) / RS1 (Single-Family Residential)
Site Area	:	25.61 acres ±
Proposed Number of Lots	:	40 Duplexes + 53 Single-Family Lots
Relation to Growth Zone	:	Inside

I. STAFF RECOMMENDATION:

Staff recommends **CONDITIONAL APPROVAL** based on the information submitted as the application demonstrates compliance with the conditions for approval as outlined in the Code, as follows:

A. Code Requirements:

1. The final plan must meet all requirements of Chapters 171, 187, and 205 of the Kent County Code and all items in the final plan column of Appendix D of Chapter 187. This may include items that are not specifically outlined below. The final plan must be recorded within 24 months of the date of preliminary approval.
2. A list of additional requirements for the final plan is attached to this report.
3. In accordance with §187-43, it is required that a bond be filed for or deposited in escrow with the County or a letter of credit issued in a sum sufficient to ensure completion of requirements such as buffers, landscaping, and/or open space improvements imposed by the Levy Court or Regional Planning Commission. Such surety bond or letter of credit shall be required prior to issuance of a building permit as outlined in §187-83.B. This surety will guarantee that, if the developer is not able to financially complete the project, the funds will be available to complete the amenities promised to the residents of the community.

4. §187-62 requires the development to have a bus stop. The plan proposes a stop on the south side of Harmony Hill Drive, north of the intersection with Harmony Hill Circle. If required by the school District and/or Delaware Transit Corporation (DTC), the plan should also show a bus turnout area consistent with the design exhibits shown in Section 187-62.D. and E.

B. Recommendations:

Kent County Code §187-56(C) states that subdivision and/or land development plans shall be designed in accordance with the design requirements and standards contained in this chapter, with the objective of achieving the most advantageous and efficient use of land resources and yielding high quality living environments. For this reason, Staff has the following recommendations:

1. **An easement should be established on Lot 6 to allow the applicant or future HOA to install an entrance sign.** Due to the layout of the development, there is no open space available for a sign and the other lot near the entrance (Lot 1) has little room to accommodate signage.
2. **The applicant should explore options for claiming the area surveyed on the plans as Lands of Unknown Ownership.** If the applicant is able to claim ownership, it would prevent the area from becoming a landlocked, unbuildable parcel.
3. **Any tree clearing should not occur from April 1st to July 31st to reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, as recommended by DFW.**

II. WAIVER REQUESTS:

The applicant is requesting a waiver from Kent County Code §187-53I(4), Table X-3, requiring that stormwater management ponds/basins meet a minimum distance of 100' from the nearest residential dwelling setback line. The applicant is requesting the waiver to allow Stormwater Facility 1 to be 35' from the nearest residential setback and Stormwater Facility 2 to be 40' from the nearest residential dwelling setback line. Staff recommends that this waiver request be **APPROVED**. The proposed distances will still maintain the 30' setback required from parcel lines, which will allow sufficient buffer from the residential lots and provide enough room for access and maintenance of the stormwater area.

III. BACKGROUND INFORMATION:

- The applicant is requesting approval of a 93-lot development, with 40 duplex lots and 53 single-family lots.
- The Comprehensive Plan calls for medium-density residential uses in this area. The proposed subdivision plan is in conformance with the Comprehensive Plan.
- The subject site is 25.61± acres. Two of the parcels are currently utilized for single-family residences and the third parcel is vacant woodlands.
- The site is located on the east side of Harmony Hill Dr., approximately 0.13 miles east of Peachtree Run, east of Camden.
- The character of the surrounding area is primarily residential, with one institutional use and some vacant parcels. The project is adjacent to three residential subdivisions: Seabrook Village to the southwest, Harmony Hill to the northwest, and Star Hill Village to the northeast. There are also several individual single-family residences to the north and south of the site. Star Hill Elementary School is located to the northeast, and there are vacant parcels to the southwest and southeast.
- The site will be served by Kent County Sanitary Sewer and Tidewater Utilities.
- A landscape plan has been provided showing the proposed active open space improvements and tree plantings. Based upon the area of this project, the applicant is required to plant 50 trees. The applicant is proposing to plant 35 trees on individual lots and 16 trees along the street and within the open space parcels. The applicant is proposing a 0.7322-acre active open space area in the western open space parcel, which includes a gazebo with picnic tables, playground equipment, a volleyball court, and a paved walking trail.
- This proposal was exempt from the PLUS process, as it is located within the Kent County Growth Zone and proposes less than 200 dwelling units.

IV. AGENCY COMMENTS:

The following County and State agencies have reviewed the preliminary plan prepared by Pennoni Associates Inc. and have provided the following requirements, conditions and recommendations:

A. KENT COUNTY DEPARTMENT OF PUBLIC WORKS, Engineering Division

Contact: Brian L. Hall, Engineering Project Manager II

Requirements:

1. The property is “legally” located in KCSDD1 – Tidbury Branch Area.

2. The proposal must proceed in accordance with all applicable provisions of the Kent County Code, Chapters 128 (Fees) & 180 (Standards).
3. “Technically”, there are existing gravity sewer mains located on these properties.
4. Depiction of all existing and proposed SS easement, R-O-W, and dedication areas.
5. Creation of Kent County streetlighting & garbage collection districts (Kent County Code, Chapter 187).

Comment:

1. The Engineering Division grants “Conditional Approval”.

B. DEPARTMENT OF TRANSPORTATION

Contact: Joshua J. Schwartz

Comments:

1. The designer submitted for a pre-submittal meeting through PDCA and was held on March 2, 2026.
2. The developer shall submit plans for a Record Plan and Entrance Plan.

C. KENT CONSERVATION DISTRICT

Contact: Jared Adkins

Requirements:

Kent Conservation District has no objection to the proposed major subdivision.

1. A Stormwater Assessment Study must be submitted, and a pre-application meeting must occur prior to submitting a sediment and stormwater detailed plan application.
2. A detailed sediment and stormwater management plan must be reviewed and approved by Kent Conservation District prior to any land disturbance (i.e. clearing, grubbing, filling, grading, etc.). The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the District’s office.
3. The following notes must appear on the record plan:
 - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
 - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
 - A clear statement of defined maintenance responsibility for stormwater management facilities.

Advisory Comments to the Applicant:

1. The Kent Conservation District has drainage issues to the Northeast of the site on headstart lane. We will want to look at reducing any runoff from the proposed site to this area.
2. A new subdivision shall establish a stormwater maintenance district as a condition of approval. Fees for the district shall not be incurred until the

subdivision is complete and the stormwater infrastructure approved by the Kent Conservation District.

3. A minimum 15-foot maintenance access easement from the roadway is required at each facility.
4. It is strongly recommended that all storm drain pipes be designed in open space.
5. A letter of no objection to recordation will be provided upon approval of a Sediment and Stormwater Management Plan.

D. DOVER/KENT COUNTY METROPOLITAN PLANNING ORGANIZATION

Contact: Malcolm Jacob, Transportation Planner

Comments:

Peachtree Run Road, a major collector road, is not suitable for use by pedestrians. The road has a Level of Traffic Stress (LTS) of 4, and it has no shoulders and fragmented sidewalks, making it unsafe for anyone traveling without a personal vehicle. Dover Kent MPO's South Central Kent County Circulation & Sufficiency Study recommends pedestrian improvements to Peachtree Run Road. More specifically the study calls for sidewalks on the east side of Peachtree Run Road between Vanessa Drive and Lochmeath Way, as well as crosswalks across all approaches of the Peachtree Run Road and Lochmeath Way intersection. Pedestrian improvements to Peachtree Run Road are also identified as a necessary short-term project in Dover Kent MPO's Metropolitan Transportation Plan (MTP), Innovations 2050, and they are supported in the 2017 Kent County Regional Bike Plan .

The MPO believes these sidewalks should be completed before the proposed neighborhood is built, as without these improvements, residents of the neighborhood will be forced to rely on a personal vehicle to leave their street. A pedestrian connection from Harmony Hill Drive to Lochmeath Way in particular would benefit the residents as it would provide a safe route to the nearby businesses and the DART bus stops. Note that there is another DART bus stop on the western side of Peachtree Run Road across from the intersection with Harmony Hill Drive. Therefore, a crosswalk connecting to this location should also be considered.

Five-foot-wide sidewalks are shown in the site plan, matching the pedestrian facilities currently in place on Harmony Hill Drive. Pathways will also connect to the playground and other facilities. This internal network of sidewalks should be supplemented with ADA curb ramps and marked crosswalks at intersections and other key locations.

Note that the site plan proposes a total of 94 residential units. Assuming each household takes an average of ten (10) vehicle trips per day, the neighborhood would

contribute to an increase of approximately 940 daily trips on Peachtree Run Road, in addition to the trips currently generated by Harmony Hills. The applicant will need to work with DelDOT to ensure the surrounding roadways and intersections are able to handle the increase in capacity, and that congestion will not occur.

To address the issues of congestion and site access, Dover Kent MPO typically recommends that a new neighborhood include additional entrances. In addition to reducing congestion impacts, this will allow for better connectivity for motorists, bicyclists, and pedestrians, and it will improve access for first responders. In this case, there are two possible connections to Harmony Hill Drive, though each would have its unique challenges.

The first possible connection would be via Headstart Lane, which runs perpendicular to Harmony Hill Drive; the two roads will intersect once Harmony Hill Drive is extended. The challenges with this solution are that Headstart Lane is unpaved and not wide enough to accommodate vehicle traffic in both directions, and there are fences on both sides of the road as well as other obstructions. This is particularly the case at the southern end of the road (south of Greater Life Christian Church). If this access point were created, residents could enter and exit the neighborhood via Voshells Mill Star Hill Road. However, significant right-of-way issues would need to be addressed first.

The second possible connection would be via Casterline Court, one of three cul-de-sacs in the Seabrook Village neighborhood off of Lochmeath Way. This cul-de-sac has fewer constraints than the other two, which include houses and utilities. The challenge with this solution is that Newell Branch, a tributary of the St. Jones River, separates the two neighborhoods. The area along the stream is classified as wetland, meaning substantial environmental consideration would be needed for a road connection at this location. Even if environmental damage were avoided, the location of Newell Branch makes this connection less feasible.

Given the numerous constraints surrounding Harmony Hills, it would be difficult to create a second entrance to the neighborhood. However, Dover Kent MPO recommends that all the options be considered, so that the residents of Harmony Hills and first responders have improved access.

E. DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL (DNREC) DIVISION OF FISH & WILDLIFE

Contact: Faith Garcia, Environmental Review Coordinator

Comments: Attached.

V. OWNER/DEVELOPER:

The owner shall be aware of and be prepared to comply with all comments regarding this project stated in this report. All comments must be addressed in the final plan prior to final approval. Letters of “No Objection to Final Approval” from the following agencies will be required prior to final approval:

- A.** DelDOT, Division of Highways
- B.** Kent Conservation District
- C.** Office of State Fire Marshal
- D.** Kent County Department of Public Works
- E.** Kent County Division of GIS / 911 Addressing
- F.** Tidewater Utilities

This recommendation is offered without the benefit of public testimony and is based on the information presented when the application was received by the Department of Planning Services.

ENC: Data Sheet
Exhibit A – Location Map
Waiver Request
Additional Plan Requirements for Final Approval
DNREC Div. of Fish & Wildlife Comments (pg. 2-6)
Preliminary Plan



Kent County Levy Court

LOCATION AND ZONING MAP Exhibit A

Application: SL-26-06
Harmony Hills II

APPLICANT:

TPDL Management LLC

OWNER: Ethel Higgins &

KCRM, LLC

ENGINEER:

Pennoni Associates, Inc
c/o Douglas D Barry, PE

PRESENT ZONING DISTRICT:

RMH (Residential Manufactured Home)
RS1 (Single-Family Residential)

PRESENT USE:

Agricultural/Residential

PROPOSED USE:

52 Single Family Lots & 42 Duplexes
Major Subdivision

LEVY COURT DISTRICT:

5th - Sweeney

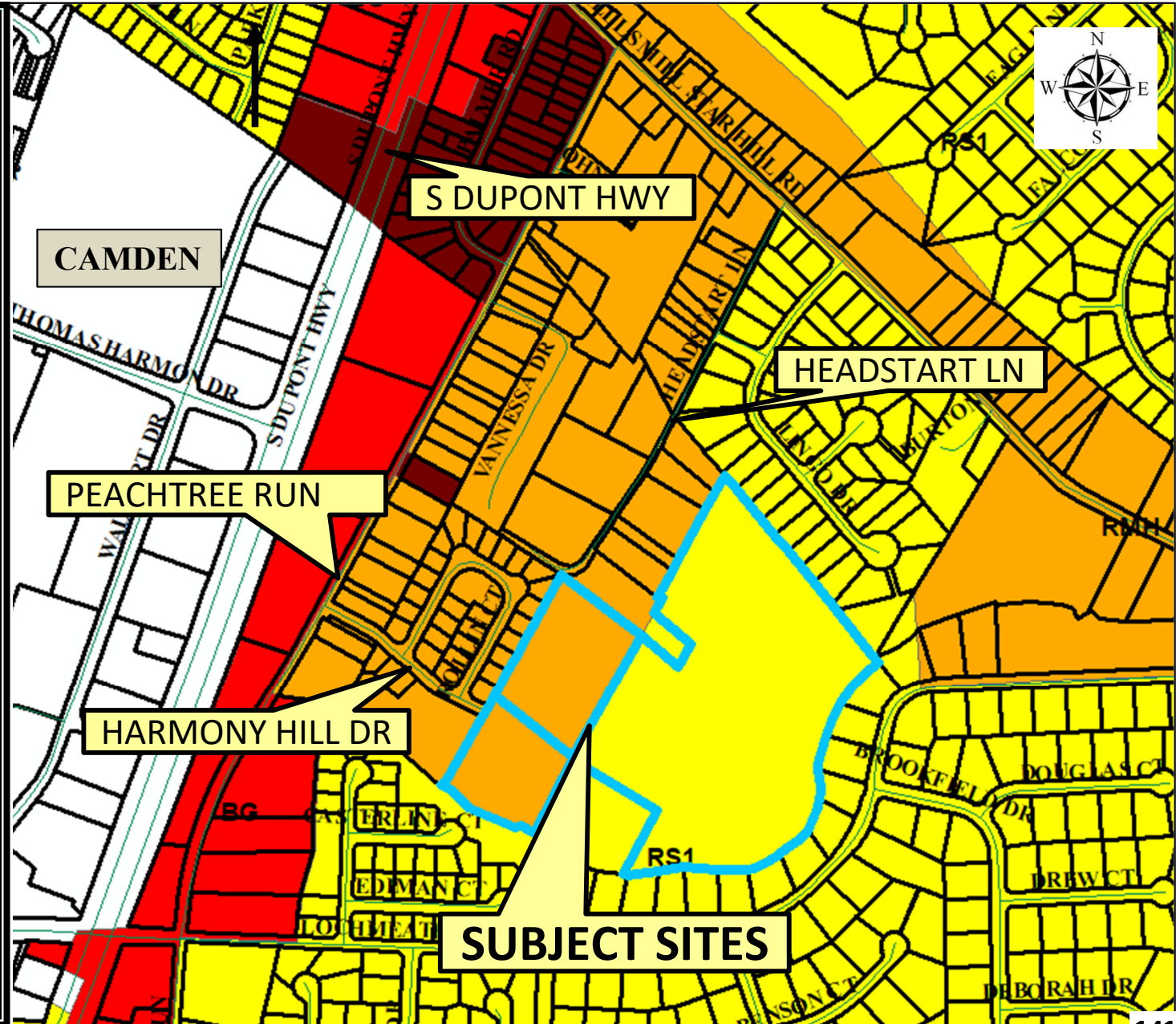
TAX MAP NO:

NM-00-094.00-02-38.00-000

NM-00-094.00-02-40.00-000

NM-00-094.00-02-41.00-000

LOCATION: Located on the east side
of Harmony Hill Dr., approximately
0.13 miles east of Peachtree Run, east
of Camden.





June 03, 2026

SALTA-25008

Jesse Lindenberg, AICP, Planner
Kent County Levy Court – Division of Planning
555 S Bay Road
Dover, Delaware 19901

RE: Waiver Request Letter – Harmony Hills II Residential Subdivision
Dover, Kent County, Delaware

Dear Jesse:

Please consider this letter as our formal request for a waiver from the Kent County Subdivision and Land Development Ordinance in support of the Harmony Hills II Residential Subdivision Project in Dover, Kent County, Delaware.

Waiver Request

Per Table X-3 ("Utility Infrastructure Bulk Standards"), stormwater management ponds/basins are to be setback a minimum of 30' from parcel lines and a minimum of 100' from building setback lines associated with the proposed lots within the subdivision. While the Applicant fully intends on complying with the requirement to locate permanent stormwater management ponds/basins a minimum of 30' from parcel lines, we are respectfully requesting a waiver from the requirement to locate permanent stormwater management ponds/basins a minimum of 100' from internal lot setback lines. The additional area within the designated passive open space is needed for stormwater management purposes for the project to meet the runoff and volume reductions stipulated by the Delaware Sediment and Stormwater Regulations as well as the Kent County Drainage Code.

If you have any questions/comments or require additional information, please do not hesitate to contact me at this office. We thank you for your continued assistance with this project.

Respectfully submitted,

PENNONI ASSOCIATES INC.

A handwritten signature in blue ink that reads "Douglas Barry". The signature is stylized with a large, looped "D" and a cursive "Barry".

Douglas D. Barry, PE
Associate Vice President

Attachments

cc: TPD Management LLC



DEPARTMENT OF PLANNING SERVICES

Additional Plan Requirements for Final Plan Approval

1. The creation of trash and streetlight districts are required in accordance with the provisions of §187-53(H). The applicant shall contact the Kent County Department of Public Works for information on this process (Phone 302-744-2430).
2. §187-53.C. requires that this project shall be served by a central water system that includes fire protection. Fire hydrant locations shall be located on the plan accordance with the Delaware State Fire Protection Regulations.
3. All major subdivisions must have lighted entrances. Indicate the type of lighting for the subdivision entrances on the plan.
4. In accordance with §187-60(H), sidewalk design and installation must comply with federal requirements of the Americans with Disabilities Act (ADA) and shall incorporate barrier-free access ramping at points of intersection with street crossings and at other locations so as to accommodate barrier-free pedestrian movement and access to buildings, parking areas, and other site amenities. All sidewalks shall be designed as an “accessible route” and shall conform to ANSI 117.1-1998 standards for handicapped accessibility. Provide typical curb ramp detail on the plan.
5. Active recreational improvements must be constructed in a proportion equal to or greater than the proportion of residential dwelling units completed. A construction schedule for the completion of the approved active recreational improvements will be required prior to final plan approval.
6. Acknowledgement of and compliance with §187-70, Ownership and maintenance of active recreation areas and passive open spaces, shall be required prior to final plan approval.
7. In accordance with §187-70, a copy of all Homeowners’ Association documents must be submitted for review by the Planning Department prior to consideration by the RPC for final approval, including the Articles of Incorporation for the Homeowners’ Association, Bylaws, and Maintenance Obligations Declaration documents.
8. This project will be required to join a stormwater maintenance district in accordance with §187-90.4(D)(1-5) of the Code.

Zone Overlay District / Parcel # ED-00-078.00-01-01.05-000

DFW Comments: A review of our database indicates that there are currently no records of state-rare or federally- listed plants, animals or natural communities at this project site.

4. **SL-26-06 Harmony Hills II:** Request for a Major Subdivision approval of a 94 lot Major Subdivision including 52 single-family homes and 42 townhouses located inside the Growth Zone overlay district / Parcel: NM-00-094.00-02-41.000, NM-00-094.00-02-40.00-000 & NM-00 094.00-02-38.00.000

DFW Comments:

Tricolored Bat

A review of our database indicates that the tricolored bat (*Perimyotis subflavus*) may occur on or adjacent to the project site. Due to population declines largely caused by white-nose syndrome, a fungal disease known only to affect bats, this species is proposed to be federally-listed as endangered under the U.S. Endangered Species Act (ESA). Section 7 consultation may be necessary. To determine the potential effect your project may have on the tricolored bat, visit the [USFWS Information for Planning and Consultation](#) (iPaC) tool to obtain an official species list and to use the final Range-wide Northern Long-eared Bat and Tricolored Bat Determination Key (Dkey).

Forested Wetlands

The forested wetlands on this property could support an array of plants and animals, most notably wetland dependent species such as amphibians. To reduce impacts to these species, we recommend following:

1. Avoid disturbance to and filling of isolated wetlands.
2. Maintain an upland buffer of at least 100 ft along wetlands.
3. Maintain input to natural wetlands at the pre-construction level. Avoid causing an increase or decrease in the naturally occurring water level.

4. Avoid diverting surface water from roadways and stormwater facilities into the wetlands on site. Water quality could be detrimentally affected by run-off, which can contain oil and other pollutants.
5. Avoid installing sewers with grates, which can create a hazard for amphibians and reptiles.
6. Design the development to exclude curbs. If road curbing is part of the design, curbing that allows small animals, such as turtles and salamanders, to climb out of the roadbed (such as Type 2 or Cape Cod curbing) is preferred over steep, vertical curbing.
7. Use open bottom box culverts to allow for natural substrate to remain and in-water passage of aquatic life. Additionally, culverts should be left as wide as possible to ensure that salamanders can travel through them.

For further information, contact our Environmental Review team (DNREC_EnvReview@delaware.gov). Additional information can also be obtained from the Partners in Amphibian and Reptile Conservation (PARC) '[Habitat management guidelines for amphibians and reptiles of the Northeastern United States](#)' or the PARC website: <http://www.parcplace.org>.

Forest Loss and Fragmentation

Based on a study conducted by the Delaware Forest Service, between 2002 and 2009, nearly 16,000 acres of unprotected forests occurred on land approved for development. The study also found that the average size of a forested parcel is less than 10 acres, illustrating that along with forest loss is an increase in forest fragmentation. Another study found that the cumulative loss of forest in Delaware has led to a corresponding loss of forest-dependent species (Environmental Law Institute. 1999. Protecting Delaware's Natural Heritage: Tools for Biodiversity Conservation. ISBN#1-58576-000-5).

For migratory birds, it is extremely important to conserve large tracts of forests in the State of Delaware due to its position within the Atlantic flyway. In addition, forests provide environmental services that benefit humans directly such as water quality protection (erosion control and sediment, nutrient, biological and toxics removal), climate moderation, aesthetic value and recreational opportunities.

Developments that occur within wooded areas significantly reduce the habitat value for wildlife due to clearing, fragmentation, and subsequent landowner activities. Actual forest loss may be higher than initial estimates once this site is built out and homes,

driveways, sidewalks, roadways, and stormwater management ponds are constructed. In addition, residents may clear additional trees for play areas, dog kennels, sheds, swimming pools, etc. Species that can tolerate habitat loss and fragmentation may attempt to co-exist with residents, while more sensitive species will likely be extirpated from the site and be forced into surrounding areas. Either scenario can result in an increase in human/animal conflicts.

Cumulative forest loss throughout the state is of utmost concern to our Division which is responsible for conserving and managing the states wildlife (see www.fw.delaware.gov and the Delaware State Code, Title 7). Because of an overall lack of regulatory protection, we must rely on landowners and/or the entity that approves projects (i.e., counties and municipalities) to consider implementing measures that will aide in forest loss reduction.

Although leaving a forest intact is usually more beneficial to the existing wildlife and is preferential to clearing, we offer the following recommendations which, if implemented, will reduce impacts:

1. To reduce impacts to nesting birds and other wildlife species that utilize forests for breeding, we recommend that clearing not occur **April 1st to July 31st**. This clearing recommendation would only protect those species during one breeding season, because once trees are cleared the result is an overall loss of habitat.
2. We recommend that efforts to minimize the amount of clearing needed for the footprint of homes and infrastructure be employed. Landowners will likely desire amenities such as dog kennels, swimming pools, sheds, play areas etc. If feasible, mechanisms should also be put in place to reduce future clearing by landowners.
3. Given the benefit of trees in erosion control and flood abatement, tree removal for stormwater management should be minimized. This could include site plan reconfiguration to locate stormwater management facilities to non-forested areas, reducing the number and/or size of ponds, or employing alternative methods that do not require tree removal. Options should be discussed with project engineers or with the appropriate Sediment and Stormwater Plan approval agency.
4. To protect the function and integrity of wetlands, a minimum **100 ft buffer** should be left intact around the perimeter. This recommendation is based on peer reviewed scientific literature that shows an adequately sized buffer that effectively protects wetlands and streams - in most circumstances - is about 100-foot in width. Upland buffers also serve as habitat for many terrestrial species that are dependent on aquatic and wetlands habitats for a portion of their annual

life cycle. Lot lines, roadways, and infrastructure should not be placed within this buffer zone. Buffers are an integral component of aquatic and wetland habitats, reducing the amount of sediments, pollutants, and other non-point source material that may affect the function and integrity of habitat and the condition and survivability of aquatic organisms.

5. Larger, connected areas of open space should be left intact rather than smaller, fragmented sections that are often placed throughout subdivisions. These small, disconnected areas behind lots, on corners, and in other irregular places are often underutilized and can become a maintenance problem. In general, larger, connected areas are more beneficial to wildlife and may be more useful to the residential community as well. Forest fragmentation separates wildlife populations, increases road mortality, and increases “edge effects” that leave many forest dwelling species vulnerable to predation and allows the infiltration of invasive species.

Nuisance Mosquitos

Wetlands adjacent to this project provide significant habitats for mosquito production. Adult mosquitoes are not constrained by wetland boundaries and may emigrate from nearby wetlands to infest the development. This can lead to increased demands by residents for mosquito control services that the Mosquito Control Section is statutorily obliged to try to deliver and will then come at some additional expense to the State. This added cost burden for the State should be considered and recognized if the project is approved. If the applicant has any questions regarding mosquito control issues, they can contact the Mosquito Control Section Administrator at 302-739-9917.

Nuisance Waterfowl

Wet ponds created for stormwater management purposes may attract resident Canada geese and mute swans that will create a nuisance for community residents. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Short, manicured lawns around ponds provide an attractive habitat for these species. We recommend native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within an adequate buffer (15-30 ft in width) around the ponds (to be planted in accordance with the Sediment and Stormwater Plan approval agency requirements). When the view of the surrounding area from the pond is blocked, geese can't scan for predators and are less likely to reside and nest in the area of the pond.

At this time, we do not recommend using monofilament grids due to the potential for birds and other wildlife to become entangled if the grids are not properly installed and maintained. In addition, the on-going maintenance (removing entangled trash, etc.) may become a burden to the homeowners association or land manager.

The Division of Fish and Wildlife does not provide goose control services, and if problems arise, residents or the home-owners association will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with a reduction in the number of ponds, proper landscaping, monitoring, and other techniques, geese problems can be minimized.

5. **S-26-03 Preston Automotive Group:** Request for site plan approval for construction of an Auto Dealership, Retail & Restaurant space totaling 50,666 sq. ft. located inside the Growth Zone Overlay District / Parcel # NM-00-103.00-02-03.04-000

DFW Comments:

Tricolored Bat

A review of our database indicates that the tricolored bat (*Perimyotis subflavus*) may occur on or adjacent to the project site. Due to population declines largely caused by white-nose syndrome, a fungal disease known only to affect bats, this species is proposed to be federally-listed as endangered under the U.S. Endangered Species Act (ESA). Section 7 consultation may be necessary. To determine the potential effect your project may have on the tricolored bat, visit the [USFWS Information for Planning and Consultation](#) (iPaC) tool to obtain an official species list and to use the final Range-wide Northern Long-eared Bat and Tricolored Bat Determination Key (Dkey).

Forested Wetlands

The forested wetlands on this property could support an array of plants and animals, most notably wetland dependent species such as amphibians. To reduce impacts to these species, we recommend following:

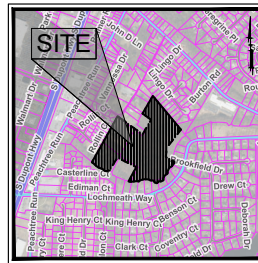
1. Avoid disturbance to and filling of isolated wetlands.
2. Maintain an upland buffer of at least 100 ft along wetlands.

KENT COUNTY APPROVAL	
ENGINEER CERTIFICATION	
I HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREIN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.	
DATE _____	
DOUGLAS D. BARRY, PE PENNON ASSOCIATES LICENSE NUMBER 10661	
OWNER/DEVELOPER CERTIFICATION	
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND, IF IT IS MY DESIRE TO HAVE THE PLAN DEVELOPED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.	
DATE _____	
ETHEL HIGDON	
OWNER/DEVELOPER CERTIFICATION	
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN AND THE PLAN WAS MADE AT MY DIRECTION, THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND, IF IT IS MY DESIRE TO HAVE THE PLAN DEVELOPED AS SHOWN AND IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.	
DATE _____	
ROSELLE	
WETLAND CERTIFICATION	
I HEREBY CERTIFY THE SUBJECT PROPERTY WAS EVALUATED FOR WATERS OF THE UNITED STATES, WATERS OF DELAWARE, AND WATERS OF THE ATLANTIC COAST REGION, VERIFICATION 1.0 (NOVEMBER 2016) AND STATE REGULATED WATERS AND SUBORDINATE LANDS SUBJECT TO REGULATION BY THE DELAWARE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL UNDER TITLE 7 CHAPTERS 86 AND 72 OF THE DELAWARE CODE. AN ON-SITE INVESTIGATION WAS CONDUCTED ON JULY 15, 2016 IN CONJUNCTION WITH THE 1562 CORPS OF ENGINEERS WETLAND DELINEATION MAINTAIN IN CONJUNCTION WITH THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL (ATLANTIC COAST REGION, VERSION 1.0 (NOVEMBER 2016) AND ASSOCIATED REGULATORY GUIDANCE DOCUMENTS. THE DELINEATION HEREON IS, IN MY BEST PROFESSIONAL JUDGMENT, ACCURATELY EXPRESSES THE LIMITS OF WATERS OF THE UNITED STATES, WETLANDS, AND SUBORDINATE LANDS WITHIN THE SUBJECT PROPERTY. NO STATE REGULATED WATERS ARE PRESENT WITHIN THE SUBJECT PROPERTY.	
DATE _____	
MICHAEL MARINA, PENNON ASSOCIATES	

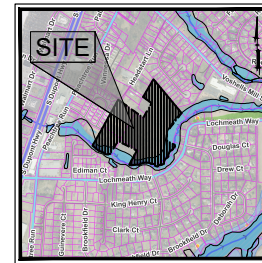
91 BRENDA LANE - SUITE A
CAMDEN, DELAWARE 19934



SOILS MAP
Scale: 1" = 1000'



LOCATION MAP
Scale: 1" = 1000'



WETLANDS MAP
Scale: 1" = 1000'

Sheet List Table	
Sheet Number	Sheet Title
1	COVER SHEET
2	NOTES SHEET
3	EXISTING CONDITIONS & DEMOLITION PLAN
4	RECORD SUBDIVISION PLAN
5	LINE AND CURVE TABLES
6	SITE PLAN
7	GRADING PLAN
8	UTILITY PLAN
9	LANDSCAPE PLAN
10	LANDSCAPE NOTES AND DETAILS
11	ACTIVE RECREATION PLAN
12	ACTIVE RECREATION DETAILS

PROPOSED AREAS

TOTAL ACREAGE WIN BOUNDARIES	26.61 ACRES
TOTAL ACREAGE WIN STREET RIGHT OF WAY	4.08 ACRES
TOTAL ACREAGE WIN LOTS	11.28 ACRES
TOTAL ACREAGE WIN ACTIVE RECREATION AREA	0.73 ACRES
TOTAL ACREAGE WIN PASSIVE OPEN SPACE	9.73 ACRES
TOTAL ACREAGE WIN WETLANDS	2.17 ACRES
TOTAL STORMWATER MANAGEMENT AREA	0.50 ACRES
RMH MINIMUM LOT AREA	0.06 ACRES
RMH MAXIMUM LOT AREA	0.17 ACRES
RS1 MINIMUM LOT AREA	0.12 ACRES
RS1 MAXIMUM LOT AREA	0.31 ACRES

PROPERTY SUMMARY

PARCEL #1:		7.00-09400-02-4100-000
PARCEL #2:		7.00-09400-02-4000-000
PARCEL #3:		7.00-09400-03-3800-000
DEED BVP:		
PARCEL #1:		D 9451200
PARCEL #2:		D 7181246
PARCEL #3:		W Q286
SITE ADDRESS:		
PARCEL #1:		256 HEADSTART LN
PARCEL #2:		202 HEADSTART LN
PARCEL #3:		1207 CREAMHAY WAY DOVER, DELAWARE 19901
OWNER:		
PARCEL #1:		KORN LLC
PARCEL #2:		KORN LLC
PARCEL #3:		ETHEL HOGGINS
OWNER ADDRESS:		
PARCEL #1:		1875 WINDSWEPT CIRCLE
PARCEL #2:		1875 WINDSWEPT CIRCLE
PARCEL #3:		1207 WINDHARBOUR RD DOVER, DELAWARE 19901
DEVELOPER:		TPOL MANAGEMENT LLC
DEVELOPER ADDRESS:		
PARCEL #1:		91 BRENDIA LANE, SUITE A
PARCEL #2:		CAMDEN, DELAWARE 19394
LOT AREA:		
PARCEL #1:		2.36 ACRES
PARCEL #2:		6.91 ACRES - 6.91 ACRES COMBINED
PARCEL #3:		18.73 ACRES
TOTAL:		26.81 ACRES
ZONING:		
PARCEL #1:		RMH - RESIDENTIAL MANUFACTURED HOMES
PARCEL #2:		RMH - RESIDENTIAL MANUFACTURED HOMES
PARCEL #3:		RMH - SINGLE-FAMILY RESIDENTIAL
EXISTING USE:		RESIDENTIAL/AGRICULTURE
PROPOSED USE:		DUPLEXES (40), SINGLE FAMILY HOMES (53) 40 DUPLEXES PROPOSED ON PARCELS 1 AND 2 & 1 SINGLE-FAMILY HOME ON PARCEL #1 AND 30 SINGLE-FAMILIES ON PARCEL #3)
EXISTING NUMBER OF LOTS:		3
PROPOSED NUMBER OF LOTS:		93
AVERAGE LOT SIZE (DUPLICATE):		0.09 ACRES
AVERAGE LOT SIZE (SINGLE FAMILY):		0.15 ACRES
ENVIRONMENTAL CONSTRAINTS:		
WETLANDS, GROUNDWATER RECHARGE, FOREST		ENTIRE SITE IS LOCATED WITHIN AN EXCELLENT RECHARGE AREA. COMPLIANCE WITH SECTION 401-79.2-50 MUST BE DEMONSTRATED)
WATER GROWTH ZONING:		WITHIN GROWTH ZONE
WATER SERVICE:		TOWNSHIP UTILITIES
SEWAGE SERVICE:		SEWER COUNTY
ACTIVE RECREATION AREA:		0.73 ACRES
PASSIVE OPEN SPACE:		6.53 ACRES
STORMWATER MANAGEMENT AREA:		6.50 ACRES
NUMBER OF PERMANENT MONUMENTS FOUND AND PLACED:		
EXISTING		19
PROPOSED:		30
NUMBER OF PERMANENT PINS FOUND AND PLACED:		
EXISTING		0
PROPOSED:		174
MAXIMUM SLOPE:		< 15%
MINIMUM SLOPE:		0.5%

FOREST CONSERVATION CALCULATIONS

PROPOSED PROJECT DENSITY	93/25.61 = 3.63
FOREST CONSERVATION REQUIRED (TABLE XI-1)	40%
EXISTING FOREST COVER ON ASSEMBLAGE	21.13 ACRES
SUBTRACT AREAS TO BE CLARED FOR STREET R/W	4.00 ACRES
NET FOREST COVER ON ASSEMBLAGE	17.05 ACRES
REQUIRED FOREST COVER TO BE PRESERVED	6.82 ACRES (0.40" / 17.05)
PROPOSED FOREST COVER TO BE PRESERVED	7.60 ACRES
	(> 6.82 ACRES - MEETS CODE)

ACTIVE RECREATION CALCULATION:

* INSIDE GROWTH ZONE: 300 SQ. FEET PER DWELLING UNIT OR $\frac{1}{2}$ ACRE, WHICHEVER IS GREATER.

LIGHTING

A STREETLIGHT DISTRICT SHALL BE CREATED FOR THE DEVELOPMENT, IN ACCORDANCE WITH THE REQUIREMENTS OF THE DEPARTMENT OF PUBLIC WORKS. ADDITIONALLY, THE SUBDIVISION MUST INCLUDE A LIGHTED ENTRANCE.

ZONING SUMMARY (RMH)

MINIMUM LOT SIZE (SF)

REQUIRED	PROPOSED
3,000	3,270
NA	7,711
25	25
25	25
6	5.93 (41%)

MINIMUM FRONT YARD SETBACK (FEET)
MINIMUM SIDE YARD SETBACK (FEET)
MINIMUM REAR YARD SETBACK (FEET)
MAXIMUM BUILDING HEIGHT (FEET)
TRACT AREA (ACRES)

ZONING SUMMARY (RMH)

MINIMUM LOT SIZE (SF)

REQUIRED	PROPOSED
4,500	7,250
NA	7,250
40	>40
40	>40
6	5.93 (41/6.8)

MINIMUM FRONT YARD SETBACK (FEET)
MINIMUM SIDE YARD SETBACK (FEET)
MINIMUM REAR YARD SETBACK (FEET)
MAXIMUM BUILDING HEIGHT (FEET)

ZONING SUMMARY (RS1)

MINIMUM LOT SIZE (SF)

REQUIRED	PROPOSED
5,000	5,170
NA	13,718
45	45
45	45
4	2.78 (52/18)

THESE PLANS ARE PRELIMINARY NOT FOR CONSTRUCTION

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AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

**PLS II RESIDENTIAL SUBDIVISION
PRELIMINARY PLANS**
DOVER, KENT COUNTY, DELAWARE

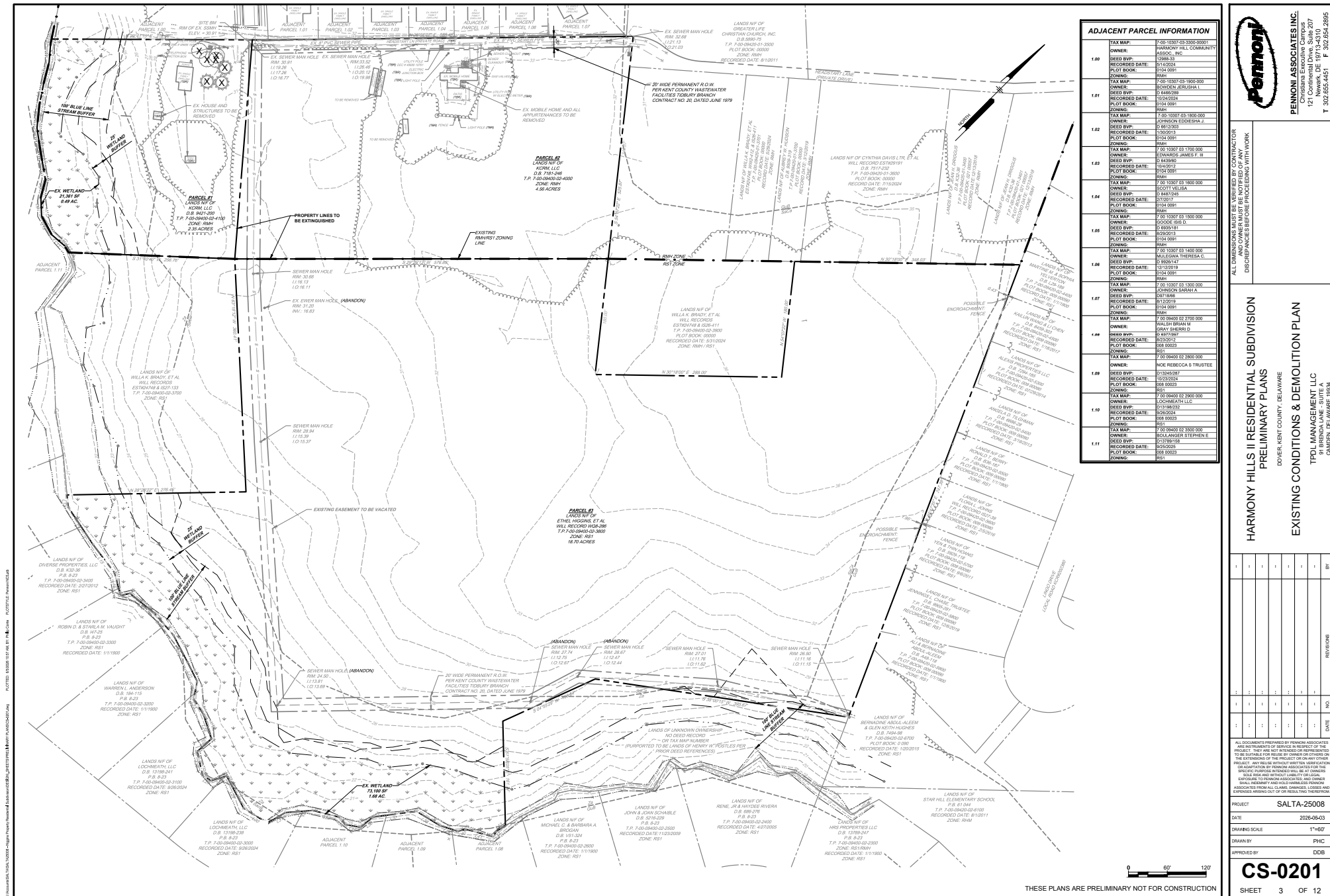
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PROJECT	SALTA-25008		
DATE	2025-06-03		
DRAWING SCALE	AS SHOWN		
DRAWN BY	PHC		
APPROVED BY	DOB		
CS-0001			
SHEET	1	OF	12



PENNONI ASSOCIATES INC.
Christiana Executive Campus
121 Continental Drive, Suite 207
Newark, DE 19713-4310
T 302.655.4451 F 302.654.2895



ADJACENT PARCEL INFORMATION	
1.00	TAX MAP: 7-00-1000-03-3000-0001 OWNER: HARMONY HILLS COMMUNITY ASSOC. INC. DEED BVP: 01/12/2013 RECORDED DATE: 01/12/2013 PLOT BOOK: 01/12/2013 ZONING: RMH
1.01	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 01/12/2013 RECORDED DATE: 01/12/2013 PLOT BOOK: 01/12/2013 ZONING: RMH
1.02	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 01/12/2013 RECORDED DATE: 01/12/2013 PLOT BOOK: 01/12/2013 ZONING: RMH
1.03	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 01/12/2013 RECORDED DATE: 01/12/2013 PLOT BOOK: 01/12/2013 ZONING: RMH
1.04	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 01/12/2013 RECORDED DATE: 01/12/2013 PLOT BOOK: 01/12/2013 ZONING: RMH
1.05	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 01/12/2013 RECORDED DATE: 01/12/2013 PLOT BOOK: 01/12/2013 ZONING: RMH
1.06	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 01/12/2013 RECORDED DATE: 01/12/2013 PLOT BOOK: 01/12/2013 ZONING: RMH
1.07	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 01/12/2013 RECORDED DATE: 01/12/2013 PLOT BOOK: 01/12/2013 ZONING: RMH
1.08	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 01/12/2013 RECORDED DATE: 01/12/2013 PLOT BOOK: 01/12/2013 ZONING: RMH
1.09	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 01/12/2013 RECORDED DATE: 01/12/2013 PLOT BOOK: 01/12/2013 ZONING: RMH
1.10	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 01/12/2013 RECORDED DATE: 01/12/2013 PLOT BOOK: 01/12/2013 ZONING: RMH
1.11	TAX MAP: 7-00-1000-03-1000-0001 OWNER: SCHWARTZ, JESSICA L. DEED BVP: 01/12/2013 RECORDED DATE: 01/12/2013 PLOT BOOK: 01/12/2013 ZONING: RMH

PENNONI ASSOCIATES INC.
12700 Corporate Center
Newark, DE 19714-3110
T 302.655.4451 F 302.654.2895

ALL DIMENSIONS MUST BE NOTIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

HARMONY HILLS II RESIDENTIAL SUBDIVISION
PRELIMINARY PLANS
EXISTING CONDITIONS & DEMOLITION PLAN
DOVER, KENT COUNTY, DELAWARE

NO.	DATE	BY
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PROJECT: SALTA-25008
DATE: 2025-06-03
DRAWING SCALE: 1"=60'
DRAWN BY: PHC
APPROVED BY: DDB

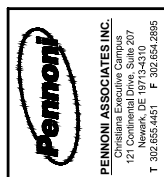
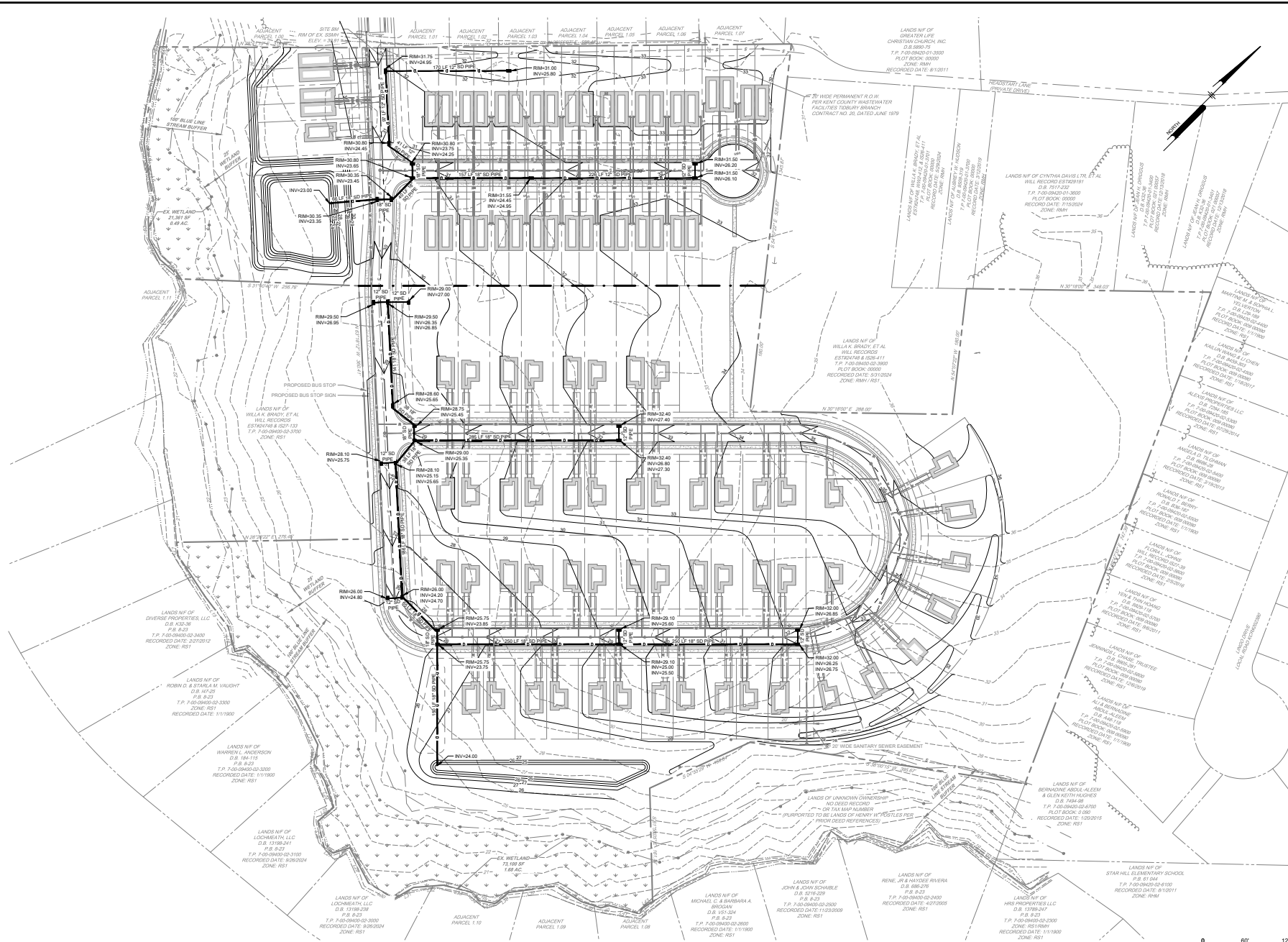
CS-0201
SHEET 3 OF 12

#	BEARING	DISTANCE
1	N 49°19'49"E	33.75
2	S 67°50'25"E	33.60
3	N 46°40'47"E	33.62
4	N 48°19'21"E	34.05
5	N 45°24'33"E	35.85
6	S 69°55'37"E	37.65
7	N 70°23'28"E	43.28
8	N 45°24'33"E	28.12
9	N 62°17'47"E	28.75
10	N 65°10'32"E	32.81
11	S 69°59'44"E	25.70
12	S 67°15'59"E	12.77
13	S 69°59'44"E	18.56
14	S 80°53'47"E	68.75
15	S 82°02'11"E	44.40
16	N 73°50'38"E	36.83
17	N 66°26'28"E	14.84
18	S 68°57'23"E	45.13
19	S 76°14'15"E	48.39
20	N 65°07'24"E	37.07
21	N 67°50'25"E	33.16
22	N 49°19'49"E	33.75
23	N 67°50'25"E	33.16
24	N 73°50'38"E	36.83
25	N 12°50'58"E	29.68
26	N 73°50'38"E	36.83
27	S 82°50'38"E	15.52
28	N 12°50'58"E	29.68
29	N 68°19'13"E	56.58
30	N 67°19'13"E	42.88
31	S 67°50'25"E	33.16
32	S 69°59'44"E	40.45
33	S 67°50'25"E	33.16
34	S 69°59'44"E	40.45
35	S 67°50'25"E	33.16
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91	S 67°50'25"E	33.16
92	S 69°59'44"E	40.45
93	S 67°50'25"E	33.16
94	S 69°59'44"E	40.45
95	S 67°50'25"E	33.16
96	S 69°59'44"E	40.45
97	S 67°	

PARCEL SURVEY TABLE						
CURVE #	RADIUS	DELTA	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C21	175.00	017°40'31"	54.31	27.13	54.09	S 17°40'31" E
C22	175.00	017°40'31"	54.31	27.37	54.09	S 01°58'58" W
C23	175.00	014°38'39"	44.72	22.48	44.60	S 11°12'33" W
C24	150.00	020°28'03"	7.46	3.73	5.28	S 28°40'49" W
C25	85.00	087°14'12"	126.42	81.00	117.27	S 73°04'42" W
C26	366.89	04°26'48"	31.03	15.51	31.02	N 95°56'18" E
C27	470.00	006°32'04"	53.60	26.83	53.57	N 95°52'14" E
C28	25.00	087°45'46"	40.48	26.34	36.20	S 1°05'55" E
C29	115.00	087°45'46"	40.48	26.34	36.20	S 1°05'55" E
C30	115.00	002°32'38"	8.85	3.44	8.84	N 92°32'58" E
C35	115.00	088°26'08"	186.69	104.48	154.71	N 18°18'17" E
C36	115.00	088°26'08"	186.69	104.47	154.89	S 77°13'15" W
C37	115.00	002°30'41"	7.35	3.68	7.35	S 13°09'18" W
C47	250.00	019°12'23"	82.04	41.30	81.77	S 19°58'53" W
C48	250.00	010°47'38"	79.98	40.25	79.73	S 62°58'15" W
C49	250.00	010°47'38"	79.98	40.25	79.73	S 1°49'46" E
C50	250.00	017°40'31"	54.31	27.37	54.09	S 17°40'31" E
C51	250.00	017°40'31"	54.31	27.37	54.09	S 17°40'31" E
C52	250.00	017°40'31"	54.31	27.37	54.09	S 17°40'31" E
C53	250.00	017°40'31"	54.31	27.37	54.09	S 17°40'31" E

THESE PLANS ARE PRELIMINARY NOT FOR CONSTRUCTION

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ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND OWNER MUST BE NOTIFIED OF ANY
DISCREPANCIES BEFORE PROCEEDING WITH WORK

HARMONY HILLS II RESIDENTIAL SUBDIVISION PRELIMINARY PLANS DOVER, KENT COUNTY, DELAWARE GRADING PLAN TPDL MANAGEMENT LLC CAMDEN, DELAWARE 19834

NO.	DATE	REVISIONS	BY
1			
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ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES
AND ITS AFFILIATES OR SERVICES IN CONNECTION WITH THE
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MADE BY PENNONI ASSOCIATES OR ITS AFFILIATES OR
SERVICES. ANY REVISIONS TO THESE PLANS MUST BE
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SERVICES.

PROJECT: SALTA-25008
DATE: 2025-06-03
DRAWING SCALE: 1"=60'
DRAWN BY: PHC
APPROVED BY: DOB

PLANTING NOTES AND SPECIFICATIONS

- ALL TOPSOIL SHALL BE A MINIMUM 4" IN ALL 500' AREAS, 4" IN TREE, SHRUB AND GROUND COVER BEDS.
- ALL LANDSCAPE AND GRASS AREAS ARE TO BE HAND RAKED AND LEFT CLEAR OF ALL STONES, ROCK, CONSTRUCTION DEBRIS AND ANY UNSUITABLE MATERIALS.
- LANDSCAPE CONTRACTOR WILL LOCATE ALL UNDERGROUND UTILITIES PRIOR TO ANY EXCAVATION AND PLANTING INSTALLATION.
- ALL PROPOSED LANDSCAPING TO BE NURSERY GROWN, TYPICAL OF THEIR SPECIES OR VARIETY. THEY ARE TO HAVE NORMAL VIGOROUS ROOT SYSTEMS FREE FROM DEFECTS AND INFECTIONS AND IN ACCORDANCE WITH ANSI Z60.1.
- ALL PROPOSED PLANTINGS SHOULD BE INSTALLED PER STANDARDS OF THE AMERICAN NURSERY AND LANDSCAPE ASSOCIATION, LATEST EDITION, AND STATE NURSERY LANDSCAPE ASSOCIATIONS WITH REGARD TO PLANTING, PIT SIZE, BACKFILL MIXTURE, STAKING AND GUYING.
- ALL PLANTING CONTAINERS AND BASKETS SHALL BE REMOVED DURING PLANTING. ALL PLANTS SHALL BE SET PLUMB AND POSITIONED SO THAT THE TOP OF THE ROOT COLLAR MATCHES, OR IS NO MORE THAN TWO (2") INCHES ABOVE, FINISHED GRADE. FINISHED GRADE, BACKFILL, 18-24 INCH LAYERS AND COMPACT BACKFILL TO ELIMINATE VOIDS. CONTRACTOR SHALL PROVIDE A FOUR-INCH HIGH EARTHEN WATERING SAUCER ALONG THE PERIMETER OF EACH PLANTING PIT. CONTRACTOR SHALL WATER NEWLY PLANTED VEGETATION PRIOR TO MULCHING PLANTING PIT. ALL VOIDS SHALL BE FILLED AND SETTLED INTEGRATED AS REQUIRED.
- AFTER INITIAL WATERING AND PRIOR TO MULCHING, CONTRACTOR SHALL APPLY HERBICIDES AND PRE-EMERGENT HERBICIDES AS REQUIRED TO ELIMINATE ANY WEED SEEDS OR PLANTS PRESENT ON ROOT BALL.
- ALL PLANTING BEDS AND PITS SHALL BE MULCHED WITH DOUBLE GROUND HARDWOOD MULCH AT A MINIMUM DEPTH OF 3".
- SEEDBED PREPARATION:
 - APPLY LIMESTONE AND FERTILIZER ACCORDING TO SOIL TESTS OR FERTILIZER MAY BE APPLIED AT THE RATE OF 360 POUNDS PER ACRE OR 4 POUNDS PER 1000 SQUARE FEET USING 9-20-10 OR EQUIVALENT. IN ADDITION, 300 POUNDS 4-12 PER ACRE OR EQUIVALENT OF SLOW RELEASE NITROGEN MAY BE USED IN LIEU OF TOP DRESSING.
 - WORK LIMES AND FERTILIZER INTO THE SOIL AS PRACTICAL TO A DEPTH OF 4-INCHES WITH A DISC, SPRING TOOTH HARROW OR OTHER SUITABLE EQUIPMENT. THE FINAL HARROWING OR DISING OPERATION SHOULD PARALLEL TO THE GENERAL CONTOUR. CONTINUE TILLAGE UNTIL A REASONABLE UNIFORM FINE SEEDBED IS PREPARED. ALL BUT CLAY OR SILTY SOILS AND COARSE SANDS SHOULD BE ROLLED TO FIRM THE SEEDBED WHENEVER FEASIBLE.
 - INSPECT SEEDBED JUST BEFORE SEEDING. IF TRAFFIC HAS LEFT THE SOIL COMPACTED, THE AREA MUST BE RETILLED AND FIRMED AS OUTLINED BELOW.
- IN AREAS DESIGNATED AS SOIL RESERVE SOIL IS TO BE INSTALLED ON MINIMUM 4" TOPSOIL. AREAS TO BE SOODED ARE TO BE PREPARED AS NOTED ABOVE FOR SEEDBED AREAS.
- TOPSOIL WITH A QUALITY ORGANIC SOIL AMENDMENT SHALL BE USED FOR ALL PLANTING AND SEEDING OPERATIONS.
- NOTIFY ALL UTILITY COMPANIES AND LOCATE ALL UTILITIES PRIOR TO EXCAVATING PLANT PITS. PLANT LOCATIONS MAY BE ADJUSTED IN THE FIELD TO AVOID INTERFERENCE WITH UNDERGROUND UTILITIES.
- SHOULD ANY DISCREPANCY ARISE BETWEEN THE PLANTING PLAN AND THE PLANTING SCHEDULE, THE PLAN SHALL GOVERN AS TO THE QUANTITY OF PLANT MATERIAL.
- ALL SHADE TREES TO BE PRUNED OF SIDE BRANCHES TO A HEIGHT OF 6' ABOVE GRADE EXCEPT WHERE NOTED IN PLANT SCHEDULE.
- ALL PLANT MATERIAL SHALL BE APPROVED UPON ARRIVAL TO THE SITE, UNLESS OTHERWISE NOTIFIED.
- PROPOSED PLANT MATERIAL MAY BE SUBSTITUTED BY SIMILAR PLANTS PRIOR TO INSTALLATION, SUBJECT TO APPROVAL BY THE LANDSCAPE ARCHITECT AND KENT COUNTY.
- DISTURBANCE OF EXISTING VEGETATION SHALL BE LIMITED TO WORK AREA. CONTRACTOR IS RESPONSIBLE FOR FINE GRASSING AND SEEDING ALL DISTURBED AREAS.
- ALL PLANTS SPACED 7' O.C. OR CLOSER SHALL BE IN CONTINUOUS MULCHED BEDS.
- SEED ALL DISTURBED AREAS WITH GRASS SEED MIX SPECIFIED IN SEDIMENT CONTROL REQUIREMENTS.
- ALL PLANT MATERIAL SHALL BE WARRANTED AGAINST DEATH AND UNSATISFACTORY GROWTH FOR A MINIMUM PERIOD OF ONE YEAR AFTER THE DATE OF WRITTEN FINAL ACCEPTANCE BY KENT COUNTY. ANY PLANT MATERIAL THAT DIES OR PERFORMS POORLY DURING THE WARRANTY PERIOD SHALL BE PROMPTLY REMOVED AND REPLACED IN KIND.

LANDSCAPE MAINTENANCE NOTES:

ANY AND ALL PLANT MATERIAL THAT DIES OR FAILS TO THRIVE SHALL BE IMMEDIATELY REPLACED WITH LIKE SPECIES. RECOMMENDED ANNUAL MAINTENANCE OF SITE VEGETATION TO INCLUDE BUT NOT BE LIMITED TO:

- FERTILIZER:** MOW LAWN - FERTILIZE TWICE PER YEAR.
- PRUNING:** PRUNING SHALL BE LIMITED OR REMOVAL OF DEAD WOOD OR BRANCHES FOR TREES OR FOR SIGHT DIFFERENCES/SAFETY REASONS. PRUNING OF SHRUBS AND TREES SHALL BE LIMITED TO THE PRUNING NECESSARY TO MAINTAIN THE NATURAL SHAPE OF THE PLANT EXCEPT FOR SHEARED BRANCHES.
- PEST CONTROL:** PRE-EMERGENT WEED CONTROL FOR MOWN LAWNS AND SHRUB BEDS MAY BE APPLIED IN FEBRUARY. CHEMICAL TREATMENT FOR INSECT INFESTATION AND DISEASE MAY BE APPLIED AND SHALL BE SPECIFIC TO THE PROBLEM.
- MULCHING:** MULCHING SHALL BE MAINTAINED AT A DEPTH OF 3" IN PLANT BEDS AND AROUND BASE OF TREES.
- MOWING:** MOWN LAWN BED MIX SHALL BE MOWN AT REGULAR INTERVALS THROUGHOUT THE GROWING SEASON. GRASS HEIGHT SHOULD NOT EXCEED 3 INCHES. MOWER BLADES SHALL BE SET AND 2-1/2 INCHES UNLESS OTHERWISE DIRECTED. WHERE APPLICABLE, RAN GARDEN AND/OR MEADOW SEED MIXES SHALL BE MOWN ONLY ONCE YEARLY IN LATE WINTER.
- PLANT PROTECTION:** AVOID EXCESS INTRUSION INTO THE ROOT ZONE AREA OF ESTABLISHED PLANTINGS.
- WATERING:** UNLESS STATED OTHERWISE IN THESE DOCUMENTS, PROVIDE APPROXIMATELY 1-INCH OF RAINFALL/WATER PER WEEK THROUGHOUT THE GROWING SEASON FOR THE FIRST YEAR.

PLANTING NOTES:

SET PLANTS PLUMB AND FACE TO GIVE THE BEST APPEARANCE OR RELATIONSHIP TO ADJACENT AREAS.

PRUNE ONLY TO REMOVE DEAD AND/OR BROKEN BRANCHES. ALWAYS PRUNE TO NODE OR CROTCH. DO NOT CUT LEADER.

SET TOP OF ROOT BALL SLIGHTLY ABOVE ADJACENT FINISHED GRADE.

REMOVE ALL FLAGGING, TWINE, STRING, TAGS, ETC., FROM BRANCHES AND LIMBS/TRUNKS FOLLOWING PLANTING.

3" MIN. LAYER OF MULCH

BACKFILL WITH SOIL REMOVED FROM EXCAVATION PIT. REMOVE STONES AND ROCKS LARGER THAN 2" AND OTHER DEBRIS. BREAK UP SOIL CLUMPS WHEN BACKFILLING. LIGHTLY COMPACT BACKFILL TO REMOVE AIR POCKETS AND VOIDS.

FINISHED GRADE

DEPTH OF BALL

SUBGRADE

BALL DIA.

2 x BALL DIA.

DO NOT MOUND MULCH AROUND TRUNK. KEEP MULCH PULLED AWAY FROM TRUNK MIN. 1"

COMPLETELY REMOVE WIRE BASKET. REMOVE BURLAP FROM TOP 1/3 OF BALL. IF WIRE IS SYNTHETIC OR TREATED (NONBIODEGRADABLE) REMOVE COMPLETELY.

DECIDUOUS TREE PLANTING

NOT TO SCALE



PENNONI ASSOCIATES INC.
Landscape Architecture
127 Columbia Center
Newark, DE 19710-4310
T 302.655.4541 F 302.654.2895

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

HARMONY HILLS II RESIDENTIAL SUBDIVISION
PRELIMINARY PLANS

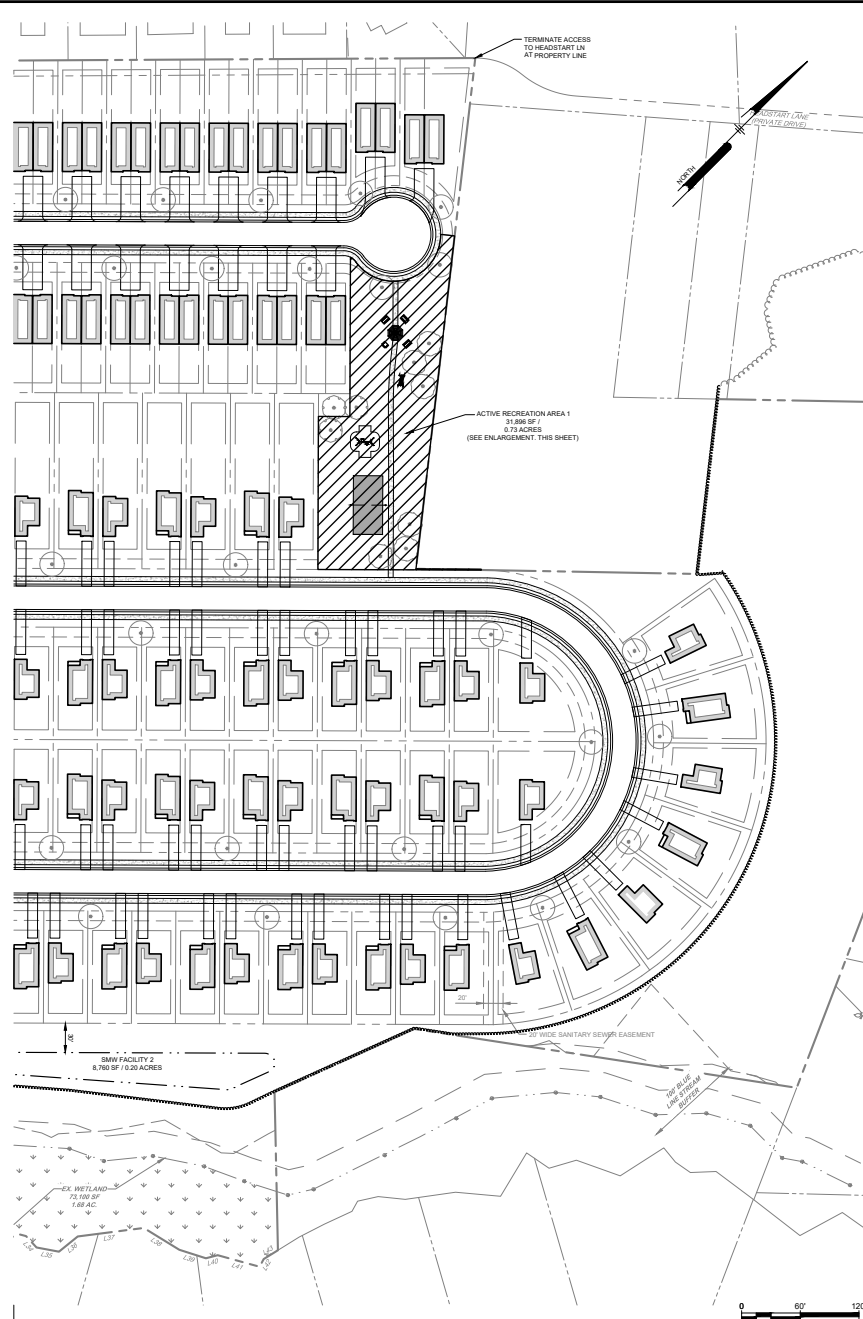
DOVER, KENT COUNTY, DELAWARE

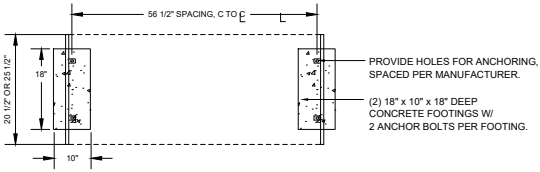
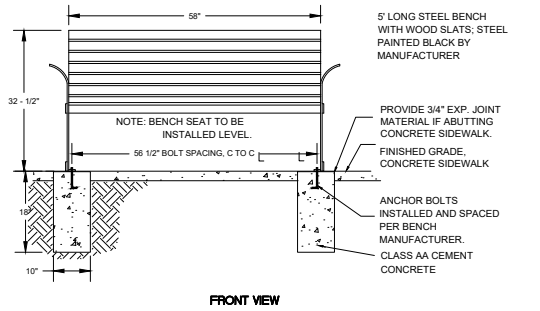
LANDSCAPE NOTES AND DETAILS

TPDL MANAGEMENT LLC

CAMDEN, DELAWARE 19554

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PLAN - ANCHOR BOLTS AND FOOTINGS

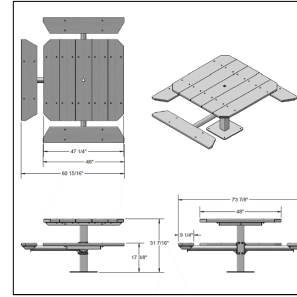
NOTE:
PROVIDE COMPLETE SHOP DRAWINGS FOR BENCH AND ANCHORING.

BENCH DETAIL

SCALE: NTS



SAND VOLLEYBALL COURT



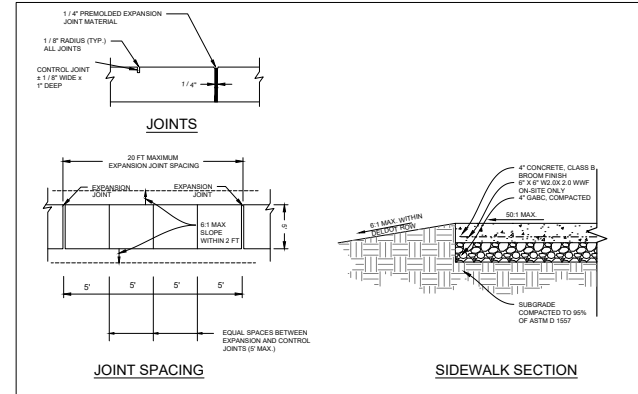
ADA COMPLIANT PICNIC TABLE



PICNIC PAVILION/GAZEBO



TOT LOT



ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR AND OWNER MUST BE NOTIFIED OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK

HARMONY HILLS II RESIDENTIAL SUBDIVISION
PRELIMINARY PLANS
DOVER, KENT COUNTY, DELAWARE
ACTIVE RECREATION DETAILS
TPPL MANAGEMENT LLC
CAMDEN, DELAWARE 19834

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ALL DOCUMENTS PREPARED BY PENNONI ASSOCIATES ARE AN INSTRUMENT OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE USED FOR ANY OTHER PROJECT OR PURPOSE. ANY REUSE OF THESE DOCUMENTS FOR ANY OTHER PROJECT OR PURPOSE WITHOUT WRITTEN PERMISSION OF PENNONI ASSOCIATES IS STRICTLY PROHIBITED. ANY REUSE OF THESE DOCUMENTS FOR ANY OTHER PROJECT OR PURPOSE WITHOUT WRITTEN PERMISSION OF PENNONI ASSOCIATES IS STRICTLY PROHIBITED. ANY REUSE OF THESE DOCUMENTS FOR ANY OTHER PROJECT OR PURPOSE WITHOUT WRITTEN PERMISSION OF PENNONI ASSOCIATES IS STRICTLY PROHIBITED.	
PROJECT	SALTA-25008
DATE	2025-06-03
DRAWING SCALE	NONE
DRAWN BY	PHC
APPROVED BY	DOB
CS-2202	
SHEET	12 OF 12

FW: Harmony Hills II

From Sarah Keifer <sarah.keifer@kentcountyde.gov>

Date Tue 7/7/2026 2:53 PM

To Jason Berry <jason.berry@kentcountyde.gov>; Kathleen Andrews <Kathleen.Andrews@kentcountyde.gov>

 4 attachments (4 MB)

Re: Harmony Hills 11 Development Project; Harmony Hills Bus Stop Approval.pdf; CS-1002-6 SITE PLAN 2026-07-07.pdf; GIS Exhibit.pdf;

From: Douglas Barry <dbarry@Pennoni.com>

Sent: Tuesday, July 7, 2026 2:28 PM

To: Sarah Keifer <sarah.keifer@kentcountyde.gov>; Jesse Lindenberg <Jesse.Lindenberg@kentcountyde.gov>

Cc: fdimondi@msn.com; Sal Leone (sal@fadoffice.net) <sal@fadoffice.net>; Tyler Patterson <tyler@pattersongroupde.com>

Subject: Harmony Hills II

Sarah – Good afternoon. Hope you are doing well.

At last Thursday's Public Hearing for Harmony Hills II, two items were brought up by the Regional Planning Commission – bus stop and a second entrance – that we would like to respond to.

Bus Stop

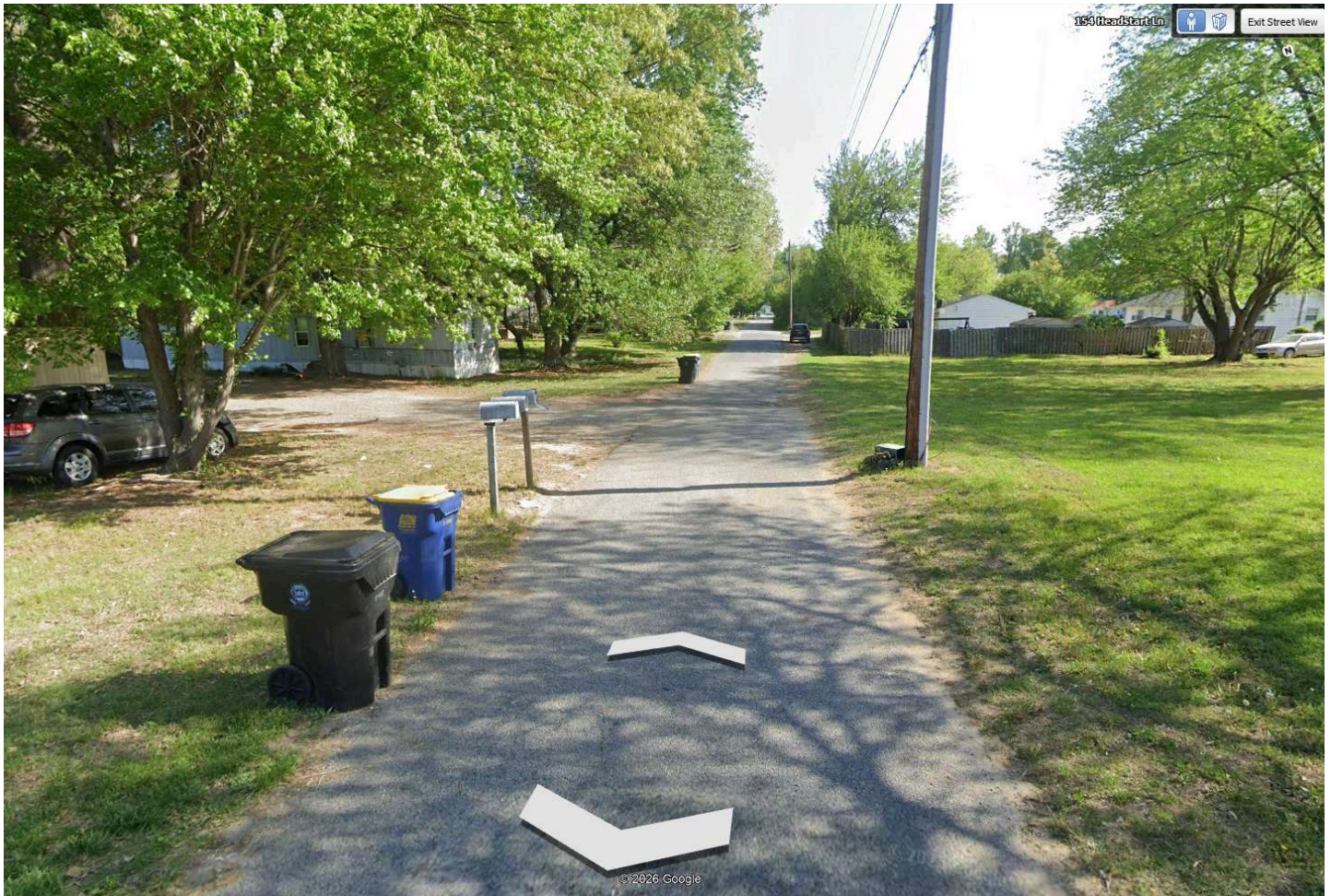
The developer was able to connect with the Caesar Rodney School District to discuss a proposed bus stop location within the proposed community. Please refer to attached email correspondence. In it, Bill Webb from the Caesar Rodney School District identifies two locations within the community for a bus stop. Students within the community can use the new sidewalks, painted crosswalks, and handicap ramps to safely walk to these bus stops. The bus stops will consist of signage and a concrete landing adjacent to the sidewalk for a bench for children to sit and wait for the bus. Please refer to attached Site Plan. In addition, a plan endorsed by Mr. Webb approving these two bus stop locations has been attached to this email.

Second Entrance

The proposed community consists of 93 new residential lots. Table XI-1 of the Kent County Code requires a second entrance for major residential subdivisions consisting of more than 51 lots, only when the second entrance is possible and permissible. Please refer to attached GIS Exhibit. A second entrance is not possible and permissible because the property is surrounded by a blue-line stream, its associated 100' riparian buffer area, and/or existing private residential lots. A second entrance through these environmentally protected areas and/or the existing private residential lots is not feasible.

Headstart Lane is a private drive serving multiple properties between the subject property and Voshells Mill Star Hill Road. The developer does not own any other property adjacent to Headstart Lane and converting this private drive to a public thoroughfare is outside the scope of this project.

Upon a cursory investigation, Headstart Lane lacks ample right-of-way to be converted to a public thoroughfare and would have to be completely rebuilt per DelDOT public street standards. Construction of this road would have significant impacts to the existing lots along this private drive, including driveway/yard impacts, right-of-way dedications, utility impacts, and increased stormwater runoff. In addition, it appears that converting Headstart Lane to a public thoroughfare would result in some existing dwellings along Headstart Lane to be within the public right-of-way, which is not permissible. Other existing dwellings may also be well within the front yard building setback adjacent to public roadways, as mandated by Kent County. Please refer to photograph below.



We look forward to this Thursday's Business Meeting. If you have any questions/comments or require additional information, please contact me at this office.

Thanks Sarah!

Respectfully,

Douglas Barry, PE
Associate Vice President

Pennoni
Christiana Executive Campus, 121 Continental Drive, Suite 207 | Newark, DE 19713
Direct: +1 302-351-5302 | **Mobile:** +1 302-353-7587
www.pennoni.com | dbarry@Pennoni.com



[Celebrating 60 Years!](#)

Re: Harmony Hills 11 Development Project

From Webb William <William.Webb@cr.k12.de.us>

Date Mon 7/6/2026 3:16 PM

To Francis DiMondi <fdimondi@msn.com>

Cc Douglas Barry <dbarry@Pennoni.com>; Sal Leone <sal@fadoffice.net>; Tyler Patterson <tyler@pattersongroupde.com>

You don't often get email from william.webb@cr.k12.de.us. [Learn why this is important](#)

Good afternoon, Sir.

We just lost power so I'm emailing from my cell.

I would like to use the first stop near the entrance followed by the second stop at the bend in the far-right corner of the picture.

Thanks

Bill Webb

Get [Outlook for iOS](#)

From: Francis DiMondi <fdimondi@msn.com>

Sent: Monday, 06 July 2026 14:43:44

To: Webb William <William.Webb@cr.k12.de.us>

Cc: Douglas Barry <dbarry@pennoni.com>; Sal Leone <sal@fadoffice.net>; Tyler Patterson <tyler@pattersongroupde.com>

Subject: Harmony Hills 11 Development Project

Mr. Webb,

Good afternoon..My name is Frank DiMondi and I got your name and contact information from Mike Marasco. Mike mentioned that you were the right guy to reach out to concerning our project. I left you a voicemail this afternoon but figured I would also try to reach you via email. I am a member of an LLC that is developing the new Harmony Hills 11 development right off of Peachtree Run behind the Honda motorcycle shop.

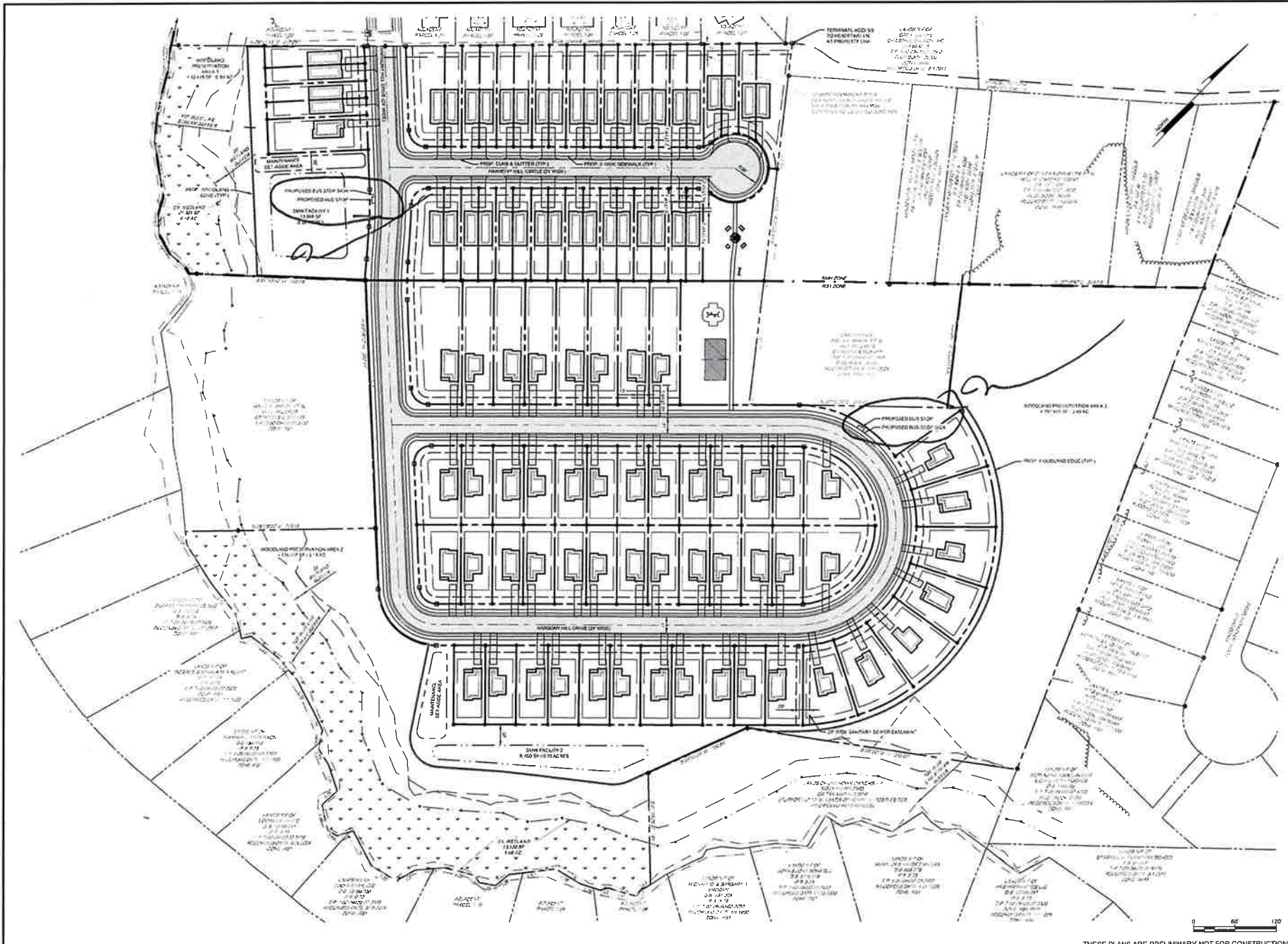
There appears to be some confusion regarding our request to locate a bus stop in the development in order to meet The County's requirements. The County has asked us to reach out to the School District again about locating the bus stop inside the new development. Unfortunately, the County's Planning Commission needs the district to sign off on the location before they will push our project forward to Kent County Levy Court for approval. We are now facing a deadline of 12:00pm tomorrow.

The site of the new development meets the County's regulations and requirements. It is properly zoned and is in the County growth zone map. The project has been designed as an affordable housing project which the County desperately needs.

I have attached a simple plot plan with a couple of suggestion on where the bus stop could be located. At this point all we need is an email from the School district acknowledging that the bus stop has been discussed and that a location has been agreed upon. I have also copied our engineer Doug Barry from Pennoni Associates on this email. If you should have any questions, please do not hesitate to contact Doug or myself directly. Your help in this matter would be greatly appreciated.

Thanks,

Frank DiMondi



THESE PLANS ARE PRELIMINARY NOT FOR CONSTRUCTION

Penntoni

PENNTONI ASSOCIATES INC.
121 Colonial Drive, Suite 207
Newark, DE 19714-4910
T 302 633 4451 F 302 634 2885

ALL DIMENSIONS MUST BE VERIFIED BY CONTRACTOR
AND FIELD SURVEYOR PRIOR TO CONSTRUCTION
DISCREPANCIES BEFORE PROCEEDING WITH WORK

HARMONY HILLS II RESIDENTIAL SUBDIVISION
PRELIMINARY PLANS
DOVER Kent County, DELAWARE

SITE PLAN
TPDI MANAGEMENT LLC
51 BRINDLEY LANE - SUITE A
PRAIRIE RIDGE, MISSOURI 63054

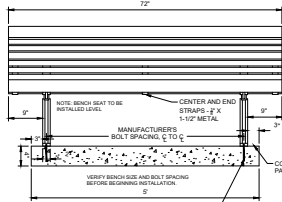
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PROJECT: SALTA-2500B
DATE: 10/06/03
DESIGNED BY: J. J. J.
DRAWN BY: PHC
APPROVED BY: DGS

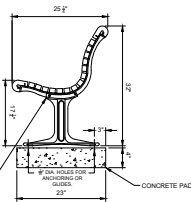
CS-1002
SHEET 6 OF 12



SCHOOL BUS STOP SIGN
NOT TO SCALE



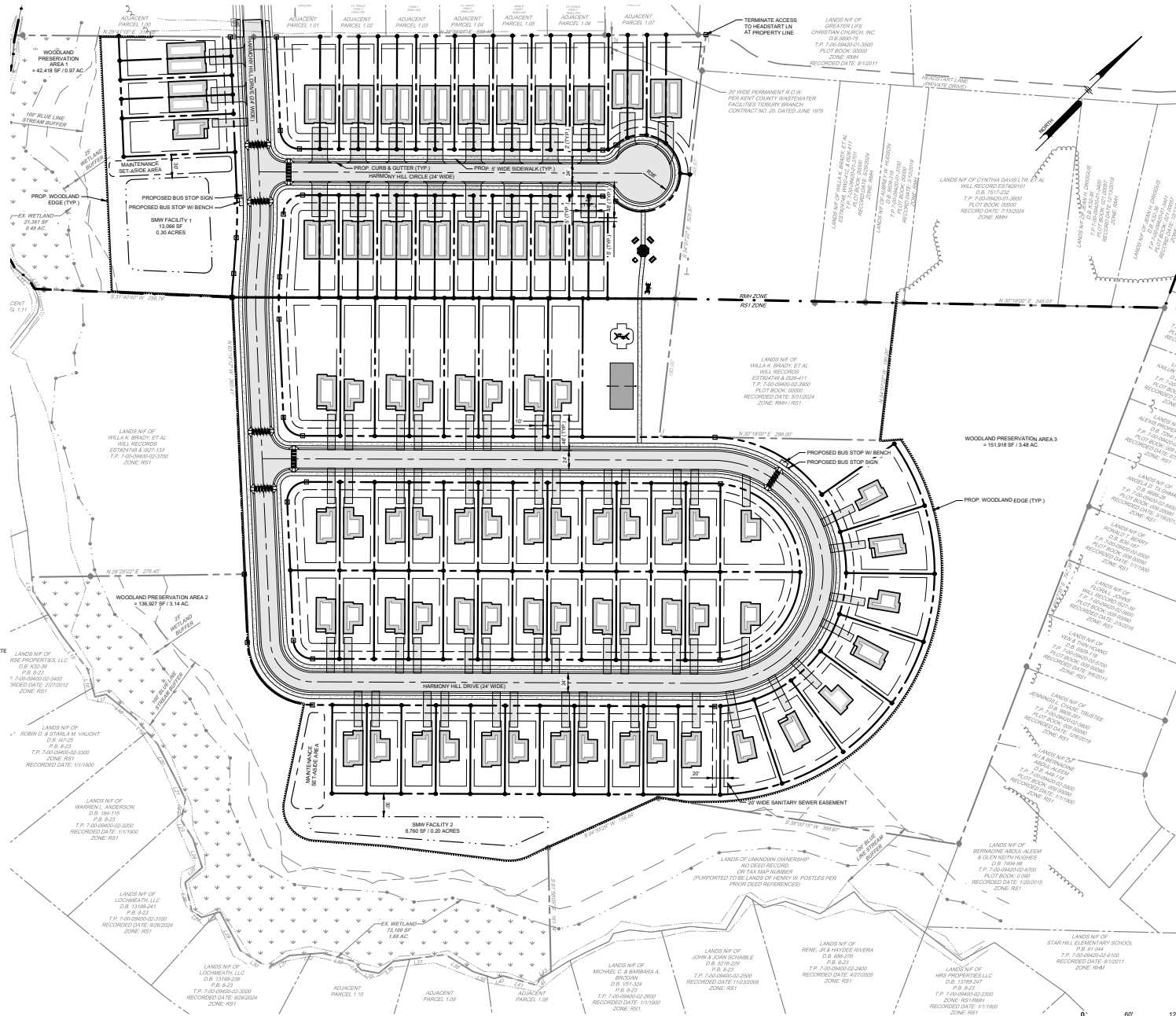
FRONT VIEW



END VIEW

STEEL BENCH WITH POLYESTER RECYCLED PLASTIC GRAY SLATS
AS DISTRIBUTED BY MANAGER ASSOCIATES, WARREN, OH 44085
AS MANUFACTURED BY LANDSCAPE FORMS, INC. (SEE SPEC.)
VENEER MODEL, OR APPROVED EQUAL.
TITLE 171, ANCHOR (SEE SPEC.) BENCH (SEE SPEC.) / SURFACE MOUNT

BENCH
NOT TO SCALE



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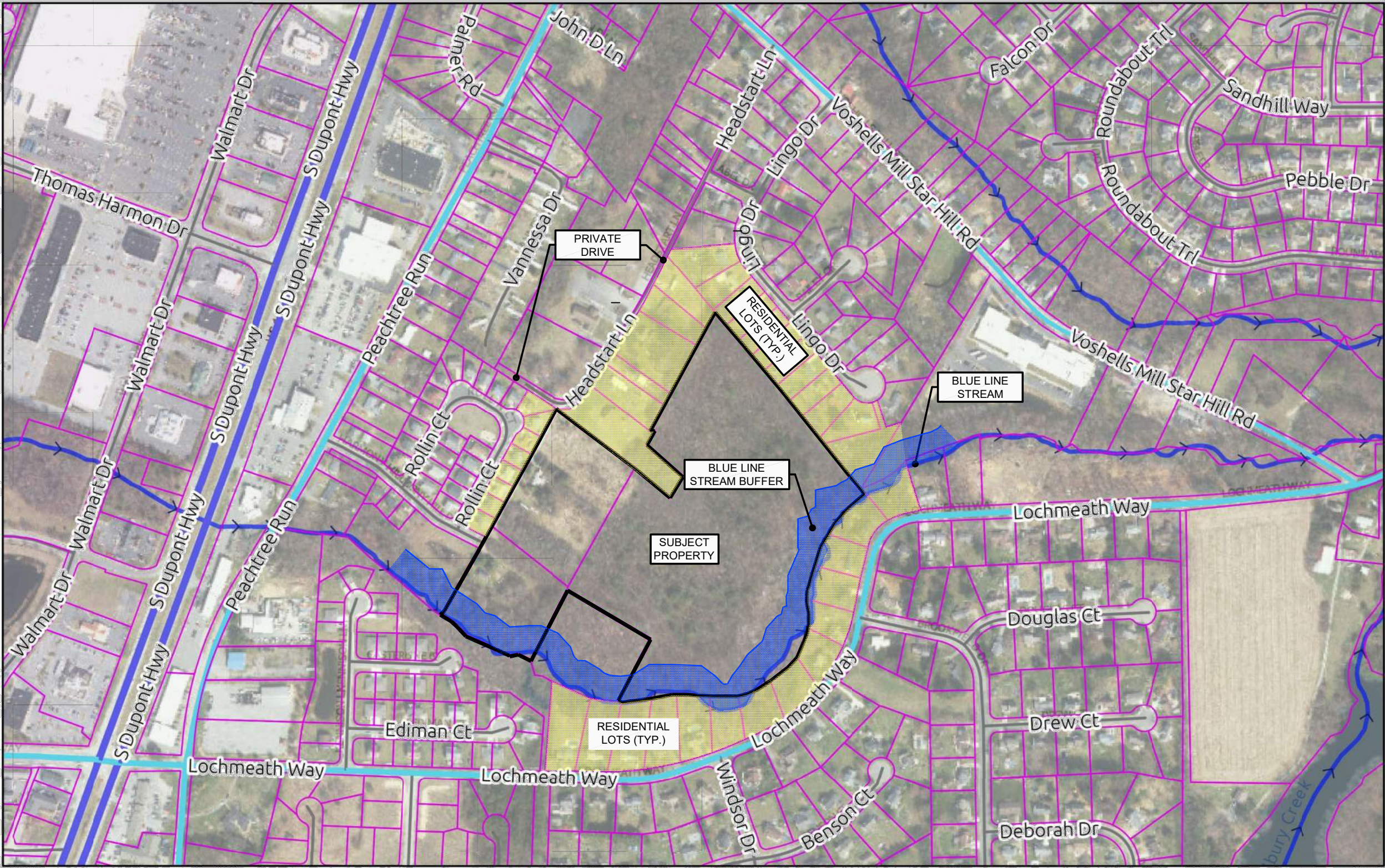
HARMONY HILLS II RESIDENTIAL SUBDIVISION
PRELIMINARY PLANS
DOVER, KENT COUNTY, DELAWARE
SITE PLAN
TPDL MANAGEMENT LLC
CAMDEN, DELAWARE 19834

NO.	DATE	REVISIONS	BY
1			
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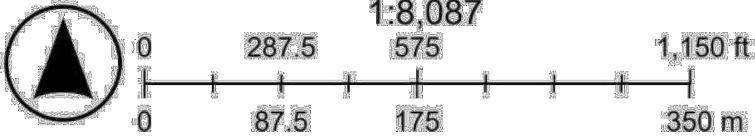
PROJECT: SALTA-25008
DATE: 2025-06-03
DRAWING SCALE: 1"=60'
DRAWN BY: PHC
APPROVED BY: DOB
CS-1002
SHEET 6 OF 12

Kent County GIS Map



7/6/2026, 2:23:44 PM

- | | | | |
|--------------------|-----------------|-------------------|--------------|
| Parcels | Major Collector | Blue Line Streams | Green: Green |
| Roads | Minor Collector | Imagery 2024 | Blue: Blue |
| Principal Arterial | Locals | Red: Red | |



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REGIONAL PLANNING COMMISSION
PUBLIC HEARING MINUTES
Conference Call Included
July 2, 2026

The following members were present:

David Peterman
Peter Servon
Denise Kaercher
Glenn Gauvry
Delbert Mills
Paul Davis
Bill Jester

Also present:

Sarah Keifer - Director of Planning
Tanner Jameson - Attorney

SL-26-06 Harmony Hills II: Request for approval of a 93 lot Major Subdivision including 53 single-family homes and 40 duplexes located inside the Growth Zone overlay district / Parcel: NM-00-094.00-02-41.000, NM-00-094.00-02-40.00-000 & NM-00-094.00-02-38.00.000

Plan Number and Title	: SL-26-06 Harmony Hills II
Location\	: Located on the east side of Harmony Hill Dr., approximately 0.13 miles east of Peachtree Run, east of Camden.
Owner	: Ethel Higgins 1207 Whiteoak Rd. Dover, DE 19901 KCRM LLC 1875 Windswept Cir. Dover, DE 19901
Applicant	: TPD Management LLC 91 Brenda Ln., Suite A Camden, DE 19934
Engineer	: Pennoni Associates Inc. c/o Douglas D. Barry, PE 121 Continental Dr., Suite 207 Newark, DE 19713
Present Zoning District RS1 (Single-Family Residential)	: RMH (Residential Manufactured Home) /
Levy Court District	: 5 th - Sweeney
School District	: Caesar Rodney
Fire District	: Camden-Wyoming
Size of Site	: 25.61 acres ±
Number of Proposed Lots	: 40 Duplexes + 53 Single Family Lots
Active Open Space	: 0.73 acres ±

Passive Open Space	: 9.72 acres ±
Stormwater Management Area	: 0.67 acres ±
Wetlands Area	: 2.17 acres ±
Total Acres Within Woodlands	: 21.13 acres ±
Woodland Preservation	: 7.60 acres ±
Average Lot Area	: 5,232 sq. ft. (0.12 acres ±)
Minimum Lot Area	: 3,625 sq. ft. (0.08 acres ±)
Maximum Lot Area	: 11,848 sq. ft. (0.27 acres ±)
Relation to Growth Zone	: Inside
Density	: RMH - 5.93 units per acre RS1 – 2.78 units per acre
Streets	: Public – To be constructed according to Delaware Division of Highways Specifications
Water	: Tidewater Utilities
Sewer	: Kent County Sewer
Kent County Property	
Identification Numbers	: NM-00-094.00-02-38.00-000, NM-00-094.00-02-40.00-000, NM-00-094.00-02-41.00-000

Mr. Jester: Please give us your name and address and you can be sworn or affirmed.

Douglas Barry: Douglas Barry, Professional Engineer, Pennoni Associates, 121 Continental Drive, Newark.

Mr. Jameson: And sir, do you swear from that the testimony you're about to give will be the truth?

Mr. Barry: Yes, Sir.

Mr. Jameson: Thank you.

Mr. Barry: So, 1st and foremost, thank you for being here. Such a hot evening the day before a holiday, we appreciate it. Appreciate your time. We are here tonight requesting preliminary approval of a 93 lot major sub division consisting of 40 duplexes and 53 singles. I think the previous advertisement might have said 40 duplexes that got corrected or I'm sorry, 40 towns that got corrected to the 40 duplexes in time for tonight's agenda. The assembly consists of three properties adjacent to the existing Harmony Hill Subdivision. They are split zoned RMH, RS1 and they're within the County designated growth zone. The plan before you is by right that's in conformance with the Cant County code and it's in in conformance with the Kent County comprehensive plan. It's also consistent with the character of the surrounding area. As Mr. Jester said, the project will be served by public water, tide water, and public sewer, Kent County, and Kent County's actually issued conditional approval. We agreed to comply with the staff recommendation report, including the sign easement been a Lot Number 6. We will agree to put that sign easement to be on that lot. We have submitted plans to the Caesar Rodney's School District on multiple occasions. We haven't heard back. The plans do show a bus stop on Harmony Hills Drive Extended. That's shown preliminarily. The final location will be in concert with what the school district in the DTC mandates. So, but for now there is a bus stop on the extended portion of the road in compliance with Kent County code. We are seeking one waiver from the requirement

to maintain storm water management facilities, a minimum of 100 ft from residential setback lines. While we agree to comply with the 30 ft offset from parcel lines, we are seeking this waiver so we can minimize post development discharge rates and volumes in accordance with Kent County drainage code. We met with the Kent Conservation District several times, twice, to discuss the intent for stormwater management. As also met with DeIDOT on multiple occasions, the internal subdivision streets, as well as the intersection of Harmony Hill Drive in peach tree run will need to be improved. So, after preliminary approval, we will be submitting formal plans to Delta for review and consideration. But for now, I think that's, that's it and we'll keep it short. I'm here to answer any questions, developers here as well, and we're happy to answer any questions you might have.

Mr. Jester: I thank you very much. And when I went out there today. I've read plans for 48 years but I had a little difficulty seeing how you were tying in back out to Peachtree Run. And when I went out there today and tried to get back on that road, I'm glad you say you're going to do some improvements because you cannot even see the traffic coming north. There's bushes blocking and everything there, so you're actually going to include where the intersection is there?

Mr. Barry: Correct. Where there's a, small deceleration lane. We're gonna be extending that and we'll address any concerns the State has at that time as well.

Mr. Jester: Are you going to be widening the road for any kind of left turn going south straight?

Mr. Barry: Not a left turn, there's a left turn there already that meets the dimensional requirements of the State, but we will have to add a right turn or deceleration lane into the subdivision.

I understand ... in auditable ... down there. That's correct?

Mr. Jester: Oh, ok, because I saw where you had the lot six and you wanted the signage and all to understand.

Mr. Barry: That's a private drive and there's NO intent to make it public and have public access through that private drive for this project.

Mr. Jester: I actually surveyed that years ago when I worked at DeIDOT and DeIDOT came over and did some hot mix work on it, tried to try to stay net straightened out, but it's still in terrible shape, right?

Mr. Barry: Right.

Mr. Jester: Okay, I'm going to open up to commissioners. Mr. Davis.

Mr. Davis: Oh, thank you for being here tonight you obviously meet the county code, ok? There's NO question about that. What you don't meet in, my judgment, is public safety. You're putting a subdivision in there with one way in and one way out, I went down at myself just the other day and spent a lot of time down there. So if you have an accident or where that stub is that goes around the back, and that house is on fire, and the fire department is there and it got it blocked. You can't get back to help those people. If you have an ambulance call, a secondary fire

call. I'm not happy with these subdivisions coming in here one way in and one way out and want to be right up front about it. You meet the code. When I look at public safety issues, I'm the fire service. Fire company can't get back there if the if the thing is blocked. Go down there and they got an answer call, there's NO way you're going to get back there because I spent a lot of time looking at Head Start Lane. Now, if Head Start Lane was repaired and things like that, and you tied it in, I wouldn't have a problem with it. But I have a major problem building these subdivisions, one way in and one way out and people buying properties and they think for the secondary entrance. You got school buses going to be going in there. Emergency vehicles going in there, it's gonna get blocked. Those people who are gonna be pinned in that subdivision. So I know you met the code, but I'm gonna lay it right on the table how I feel about the public safety. Your buying this property to build a bunch of nice places which is great. We need housing, but you're overlooking these people that's gonna live there, and I think that's a sad day with developers. Thank you.

Mr. Jester: Have you looked into anyone alternative about going out because I know one way you're really constrained by wetlands and all and the other way on Head Start Lane, the right-of-way on that particular roadway don't know what you'd have to do there. Have you looked at any alternatives at all?

Mr. Barry: So the, so the property's landlocked. It's surrounded by a Blue Line Stream in every direction. There is a private drive, but that it's private, it's not public, so there's NO way for the developer to make it a public street and access the property that way.

Mr. Jester: Yeah, cause I know you're adding 190 trips per day coming out of that roadway and I'm like Mr. Davis being a part of the fire service, so I don't know. I studied this, looked at this, went down there and actually walked it, and I didn't see any other way alternative either. I think Mr. Mills might have a question about the bus stop.

Mr. Mills: Yeah, the school bus stop. If we could pull the map back up there on the design of the development. If you could pinpoint out where you are seeing it. I looked at it on the map and I saw it said bus stop but where is it at on that map. Is that a DeIDOT stop or is that a school bus stop? Because there's a difference there's a difference let me explain there's a difference in it. Now you cannot stop a school bus where you're stopping DeIDOT busses for pickups. That's out outrageous you can't. I've been in the school bus business for many many years; so I know. Now on the map where it shows this stop, where does the bus go after you pick up kids inside there? There's no place I can see on here for sufficient turnaround.

Mr. Barry: The actual bus stop is not for DeIDOT. It's only for school busses.

Mr. Mills: Where is the turnaround for them at that bus stop

Mr. Barry: If you could turn it page six.

Mr. Jester: Had you asked him a question Mr. Mills?

Mr. Mills: I'm waiting for an answer, yeah.

Mr. Barry: I'm gonna wait till the sheet came up. While they're pulling it up, like, I said earlier, that's shown preliminarily. We haven't heard back from the school district.

Mr. Mills: Right, you probably won't.

Mr. Barry: Right, so we'll reach out to them again. We'll reach out to the DTC and to provide the final location of that.

Mr. Mills: The entrance into that development where it's at is that what's the distance back to the furthest house on that, if it's over half a mile, the kids can't walk out to the end, they have to have a bus stop someplace. The bus stop is on here but where is the bus going to turnaround?

Mr. Barry: It'll come south and then pick up the, the students and then loop around the subdivision street and then back up to the north.

Mr. Mills: That's not the best idea, I can tell you right now for a bus to go into development and have to loop around the streets to get turned around. We're trying to, what we're trying to do is try to get these buses coming in these developments in a place for that bus to be able to turn around right there, not back up. I'm talking about loop around and place for cars to be able to park for these people to bring these kids to these bus stops. To make it safer for these kids, we want to keep them off highway of any way possible we can on any street, so that means I'm looking at this development here we need to rearrange something here and it can be done. It's very simple to do it. Thank you.

Mr. Jester: Is there any pull off area by the bus stop where cars will be able to sit and wait and drop their kids off? I don't see any curve where you moved it over so there'll be any kind of parking area at the bus stop to allow the kids to wait for the bus to get there.

Mr. Barry: Yeah, so there'll be a stop sign there, so when the school bus comes in, it'll stop at the stop sign, it'll pick up the students and then it'll turn around.

Mr. Jester: I'm talking about the parents that are going to wait for that bus to be there. A lot of times they create where they do a reverse curve and you know and move the curve over so there's areas to park, so the cars aren't in the driving lane while they wait for the bus.

Mr. Barry: Understood. And someone asked about a half a mile walking distance or something like that. It's not that far, it's only like a 10th of a mile. And there are sidewalks, crosswalks, ADA ramps, so these kids will have a safe route to that bus stop. But again, if the school district wants us to put it in a different spot, I think the developer will be happy to appease them.

Mr. Jester: So you'll have to, you're going to try to have your answer to what is it serve by the end of what day Monday?

Mrs. Keifer: No, tomorrow's a holiday, so it'll be close of business Tuesday.

Mr. Jester: Okay. You'll try to have an answer to us.

Mr. Barry: Like I said, we reached out to him I wanna say three times, I haven't heard back, so we'll try we will continue to try.

Mr. Jester: I think you know our concerns now, so.

Mr. Barry: Understood.

Mr. Jester: Is there any other commissioners have any questions? If not, thank you very much. we'll see how this goes.

Unidentified caller: I have questions. I'm on the phone.

Mr. Jester: Is there anyone else here in favor of this application would like to speak?

Unidentified caller: I am not in favor. I have questions. I'm on the phone.

Mr. Jester: Okay, we're on the favor side now ma'am. I'll be asking you in a few minutes to come on. Anybody here else in favor of this application or on the phone? They usually raise their hand. Nobody wants to speak. Okay, so we'll go over the against side. 1st of all, we'll take care of the woman on the phone. I don't know if she says she's not against, but I guess she got some kind of questions she wants answered. Ma'am, could you introduce yourself and you can be either sworn or affirmed by attorney?

Stephanie Cantres: Okay, good afternoon. My name is Stephanie Cantres. I am a resident of Harmony Health.

Mr. Jester: Your address?

Ms. Cantres: 168 Rollin Court Dover Delaware 19901.

Mr. Jameson: And do you swear or affirm that the testimony you're about to give tonight will be the truth?

Ms. Cantres: Absolutely yes.

Mr. Jester: Okay ma'am, go ahead with your question.

Ms. Cantres: Yes, my concern is this development that they are proposing to have, it's more than a hundred homes considered safe. There's only one entrance id out. If there is a fire, an emergency, it's only going to be from ph tree run into Harmony Hill Lane, and then back into the proposed development. It's a very large development for only one entrance in and out. Did the Fire Marshall approve the condition?

Mr. Jester: Thank you for your comments. We've already kind of touched on that subject and how hazard it is. Pardon me, but does that mean you're against this application?

Mrs. Cantres: I am against because like the gentleman said before, it does meet the code, quote unquote, but it is very concerning. I have children, I have nieces, I have nephews in my own development, but if, you know, families from any new development or new homes and something would happen, how would they, you know, get in and out? Also the school safety, there is only one school bus stop and there is a DelDOT bus stop right on Peachtree Run It is the 104

bus that it stops across from the entrance and in the entrance for DeIDOT for any residents or community members to take the DeIDOT bus. I think it's going to be too congested.

Mr. Jester: Yeah, I think we've already.

Ms. Cantres: And it is also more than a mile. I'm sorry, it is going to be more than a mile when they, because looking at their plans, looking at the plans posted in the picture and also in your meeting it is going to be more than a mile for when the school buses come out or children to come out or parents to come and drop off their children at the bus stop.

Mr. Jester: They're actually creating a bus stop back in the development, ma'am, we've already been through that with the engineer and he's going to look at it extensively to see if it can be redesigned for our concerns.

Ms. Cantres: OK, the bus stop is gonna be in the development, but it's still going to be one entrance in and one entrance out.

Mr. Jester: That's correct.

Ms. Cantres: Headstart Lane, it's a small lane. And I, and in this plan that you have posted right here in harmony Hill and right here on your, in the meeting online, it does not show another or secondary entrance. That is very concerning safety reasons, very concerning.

Mr. Jester: Yeah, we went through that already ma'am. So we got the engineering studying all those things so they can get back to us by next week. So, I think Mr. Davis has a comment.

Mr. Davis: I have another question for the engineer if he can come back up. This subdivision, is that owned jointly by the 1st subdivision. Harmony Hill, the same people have it.

Mr. Barry: I'm sorry, can you ask that again?

Mr. Davis: Are both subdivisions owned by the same developer?

Mr. Barry: NO. I don't know who the developer was of Harmony Hills, but those lots that think have all been sold.

Mr. Davis: Okay, so two separate owners.

Mr. Barry: That's my understanding.

Mr. Davis: Because I got thinking what are you going about the school bus drop in the 1st subdivision? Was that ever addressed as a one in the 1st one? Yeah, maybe you can check that out if there's one there. Why couldn't you use that one for both subdivisions?

Mr. Barry: I mean we could in theory, but our intent was, the lots that are more south closer to the blue line stream that are far away from that. We wanted a second bus stop for that.

Mr. Davis: Well may I look at things to me. Public safety comes 1st. I don't know how I'm gonna vote on this, I have to think about it, but I just want you people to understand, you gotta start putting two instances, one in, one out because it's not right. You're buying these small parcels, not you, they're in small parcels, you got one road in there, they can't get out, if there's something happened at the main interest and that's not a good public safety issue to have. And that's I feel very strongly about that. Thank you.

Mr. Jester: Any other commissioners have any comments? Is there anyone else on the phone against this subdivision that would like to speak? Do you have anybody on the phone at all?

Unidentified caller: Yes. Hello?

Mrs. Keifer: Yes, could you give us your name and address please.

Velisa Scott: Yes, my name is Velisa Scott 149 Rolling Court Harmony Hill.

Mr. Jameson: And do you swear from testimony you're about to give tonight will be the truth?

Ms. Scott: Yes. I've basically heard everything. I agree with the commissioners far as safety and the bus stop issue and the one way in, one way out, and I actually oppose it due to safety, and we have multiple kids in our development already.

Mr. Jester: With the kids in your development now, do you have a bus stop in the development or is that on the road?

Ms. Scott: It's right at the stop time when you go out of the entry, the bus stops in the middle of the road on peace tree, and that's where the kids are picked up.

Mr. Jester: It's right at the entrance of Harmony Hill Dr, right?

Ms. Scott: Right, right. At the stop phone yes.

Mr. Jester: Okay, thank you. Do you have anything else you'd like to say?

Ms. Scott: No y'all touched everything that was concerning to me, yeah. That's fine.

Mr. Jester: Thank you very much for calling in. Is there anybody else on the phone would like to speak that is against this application?

Warren Collen: No sir.

Mr. Jester: Seeing there's NO one else on the phone or anybody here in house that would like to speak will be taking this application. Okay, I took her 1st. I'm sorry my fault. Please come up and give us your name and address so you could be sworn or affirmed.

Stephen Rucker: Good evening, I'm Stephen Rucker. My address is 3826 Peachtree Run Road, Dover Delaware. I live on Peachtree right East, excuse me, West of Harmony Hills development. And you all have made...

Mr. Jester: Hold on. You've gotta be sworn.

Mr. Jameson: Do you swear from the testimony you're about to give will be the truth?

Mr. Rucker: Yes.

Mr. Jameson: Thank you

Mr. Jester: Please pull the mic up, we can't quite hear you. OK, thank you.

Mr. Rucker: You all have mentioned concerns about this development. I am also concerned because I do live right there in front of Harmony Hills, the current development, and the traffic on peach tree currently, as Mr. Chairman mentioned, extreme amount and to add a subdivision with a one in, one out would increase the traffic right there on page three tremendously so definitely need another way to get into that harmony Hills two development besides Peachtree Ln. As the engineer mentioned, he does have some wetlands that he can go through that can connect to lock meet way. He can also maybe go down Headstart Lane. Again, that Headstart Lane would have to be required and brought up to the standards, of course. But those are possible solutions that the developer could use to get that subdivision back there without the issues on peach tree with the bus stop, the school bus stop, so forth. So, all those things are tremendous, to watch the school buses come down Peachtree during the school year and the traffic that is trying to get, you know, down Peachtree to Star Hill Elementary or just up, you know, the road up toward magnolia. Wow. And then in the afternoon for the school buses and the traffic parents trying to get their kids from Star Hill or from Magnolia. And then also trying to make that left hand turn right now into Harmony Hills, ooh, the traffic just backs up while that school bus has stopped there, right? Both, you know, northbound and southbound lanes, that school bus stops and the traffic just backs and backs and backs and eventually does clear, but between the hours of 03:30 and 04:30 you cannot get across peach tree, where I live anyway and where Harmony Hills entrances. It is just overwhelming, and then the same thing is in the morning. So, definitely take into consideration more than one entrance in exit into the development, along with the other issues with the bus stops, so, things to consider.

Mr. Jester: Thank you very much for your concerns. I think we all have that same. Any commissioners have any questions for this gentleman? If not, I'll keep it opened up. Is there anyone else here would like to speak that's against this application? Please come up to the mic and give us your name and address you can be sworn or affirmed.

Ms. Scott (on phone) I'm sorry I do have a question. My name is...

Mr. Jester: Ma'am. You had your time, I've got somebody in the audience coming up to the mic.

Flora Johns: Good evening. My name is Flora Johns. I live at 116 Lingo Drive, Star Hill.

Mr. Jameson: And do you swear or affirm that the testimony you're about to give tonight would be the truth?

Ms. Johns: Yes, I do.

Mr. Jameson: Thank you very much.

Ms. Johns: I know you all have touched on quite a few things that I'm concerned about, and, I just want to say I'm very much opposed of these developing happening behind my resident, I live on Lingo Drive. And as you could see where it says in harmony lane that sign said private property or something and it's got a little sign stand there. That's right behind my house from Lingo Drive. I don't know how much that little sign there you just passed. That my house on the other side, it maybe like harmony hills might be like 25 or 30 my it might be a few more feet behind my house. So once they build it, I mean I can hear things in harmony hills, and I live on Lingo drive, that's it that's how close we are. So I do oppose of the development there. You got 90 some says 93 developing duplexes in 53 single homes. That's a lot. And it might seems that we don't count on Lingo Drive and Star Hill, but we have to get out also. And like Mr. Davis said when the buses get to running, like in the morning, our kids comes out to the stop sign from lingo drive and the traffic backs up from the school, the parents are have to park their cars to drop their kids off. That comes all the way up to Lingo Drive sometimes. So, like I said, I'm very much opposed, I'm not gonna beat around a bush. When you start bringing in these developers, they develop the places, they run away and leave them and whatever happens to him happens, whatever happened to the people that purchase them, it happens, but the developer has his money and he's gone. So, I mean, we don't have the schools. We don't have the schools. We got Starhill elementary. We got kids coming in with these 93 duplexes in the 40 houses. Those kids, we already are overpopulated, we don't have the teachers, we don't have the schools. We bring these people in and as you were saying about the foreign company, they can't get back. 1st of all, but that many people you're gonna need another foreign company. They keep bringing in the developments and the developers is gone and we're left here struggling. So yes, I'm just saying I Flora Johns, I'm standing before you, asking you to deny this development. Thank you much. I appreciate your time.

Mr. Jester: Thank you very much. We appreciate your comments. Anybody here have any questions for her? Saying none. Thank you again. Anyone else here that would like to speak against this application, please come to the mic. Seeing none, or no hands raised, Oh, we still have one call or is she the one that's already spoke? Can I do I have to go back to her Mr. Attorney? If she's already spoke I will not recognize her for 2nd time. Do we have anybody new?

Pastor Donald Ashley: My name is Pastor Donald Ashely. I'm the pastor of the church at 240 Headstart Lane, Dover Delaware 19901.

Mr. Jameson: And do you swear from the testimony you're about to give will be the truth?

Pastor Ashely: Yes, I have great concerns about the development. We as also represent the other Star Hill Civic Association who was here away tonight that we've many times try to have Headstart Lane flipped over to public. We've even had petitions that had everybody signed, everybody was in agreement and they took us back around again to a long waiting, we've been at this for 15-20 years, trying to get this road flipped back over to the public. Years ago it was public when there was a nursery there called Headstart. That's how the name came. Headstart

Lane. When it burnt down, it went, they've flipped it back to private, so there's NO snow removal, there's NO care for the road. The road is terrible. Our church and some of us got together and put some money together just to fill the potholes if you've ever been there before or before now. And with potholes we had to drive around and I have over a hundred something congregants that meet there weekly. So if this was to come, we NO longer want to be overlooked to have Headstart Lane redone for an outlet of more people other than what we already have. It's gonna bring a lot more traffic. You know, our church has to deal with. So whatever happens and that's one of our fears that something tragic would happen to fire or anything like that because of trying to get down to one lane. It's gonna be hard for ambulance firemen or whoever it is to get down Headstart Lane like it is. So I have great concern, I wanna say as a pastor of the church, that, you know, we cannot continue I don't think we can continue into the future to overlook head start laying in the condition that it is that it is right now and add more people. Right? Which date like we've already discussed I don't want to go over it again for outlet for that, that large of development to come in and we still be overlooked. So those are my concerns as a pastor of the church on Headstart Lane.

Mr. Jester: Great comments because I used your driveway yesterday to get back on that side.

Pastor Ashley: you're welcome.

Mr. Jester: And I met a trash truck. I didn't think I was ever gonna get out of there with the poor condition of the lane was there and I saw your beautiful church back there.

Pastor Ashely: Thank you, Sir.

Mr. Jester: So. Getting back there to it and getting out with that one lane, I bet on services day everybody's kinda, good thing you already had your prayers for each other that way you can get out of there I guess.

Pastor Ashley: Absolutely, absolutely. So that is our great concern that we not be NO longer overlooked as a community. I think everybody that lives on Headstart Lane is in agreement to flip it back over to public because like I said, we get NO attention for snow or whatever it is, it's just kind of been overlooked for over 20 plus years.

Mr. Jester: Yeah, the best way to probably address that is talk to your senator or representative and also to talk to your Levy Court commissioner; try to get them all onboard. If you get them to ride back their one time I think they'll exactly how pour the conditions of the road are.

Pastor Ashely: Yeah, I think we've done that. But we keep getting the run around to where we started again. Like I said, those are our great concerns.

Mr. Jester: Thank you for your presentation. Does anybody here have any questions for the Reverend? Thanks again. Is there anyone else here in the audience would like to speak against this application? Anybody else would like to speak? Seeing nobody else here and I guess there is nobody new online, we'll be taking this application up next week. Thank you.

MINUTES OF THE KENT COUNTY LEVY COURT
REGIONAL PLANNING COMMISSION BUSINESS MEETING MEETING
KENT COUNTY ADMINISTRATIVE COMPLEX
555 BAY ROAD, DOVER, DE
LEVY COURT CHAMBER, ROOM 203
THURSDAY, JULY 9, 2026

Call to Order for Business Meeting

The Pledge of Allegiance

Roll Call and Determination of Quorum

Peter Servon
Glenn Gauvry
Delbert W Mills Jr.
Paul Davis
William G Jester
David A Peterman

Also present were:

Sarah Keifer, Director of Planning
Max Walton, Attorney

Approval of Agenda

Motion to approve the agenda made by Paul Davis; seconded by Peter Servon; carried by vote 6 yeas.

Approval of Minutes

June 11, 2026

Motion to approve the minutes for June 11, 2026 made by Glenn Gauvry; seconded by Paul Davis; carried by vote 6 yeas.

Levy Court Action on Commission Recommendations - None

Old Business - None

New Business

C-26-04 McCoy, Bianca & Tyrel: Request for Conditional Approval of a Home Occupation (Daycare) located inside the Growth Zone Overlay District / Parcel: SM-00-140.02-01-53.00-000

Motion to recommend **approval** of application C-26-04, a conditional use for a home occupation (daycare) located inside the Growth Zone Overlay District. This is based on Exhibit A - Staff Recommendation Report dated July 2, 2026, Exhibit B - Public Hearing Testimony dated July 2, 2026, and the findings of fact that:

1. The subject site is zoned AC (Agricultural Conservation) and S205-53 permits a home occupation - daycare as a conditional use.
2. The location is appropriate and not in conflict with the Comprehensive Plan.
3. The public health, safety and general welfare will not be adversely affected.

made by Paul Davis; seconded by Glenn Gauvry; carried by vote 6 yeas.

CZ-26-02 / LC26-10 Taylor, Joseph Lewis IV & Christina L: Request to amend the Zoning Map from AR(Agricultural Residential) to BN(Neighborhood Business) located outside the Growth Zone Overlay District / Parcel: MN-00-187.00-01-45.00-000

Motion to recommend **denial** of ordinance LC26-02, amending the Zoning Map from AR (Agricultural Residential / Low Density Residential) to BN (Neighborhood Business) located outside the Growth Zone Overlay District. This is based on Exhibit A - Staff Recommendation Report dated July 2, 2026, Exhibit B - Public Hearing Testimony dated July 2, 2026, and the findings of the fact that: a. There was no mistake in the Zoning Map.

- b. Most of the surrounding properties are zoned AR, and the character of the area is primarily agricultural and single-family residential.
- c. The character of the area has not changed to such an extent that the Zoning Map should change.
- d. The existing non-residential zoning in the area continues to be farmed or is vacant.

e. The proposed BN zoning does not conform to the 2018 Comprehensive Plan - neither map 7B nor 7C identifies the area for future Neighborhood Commercial development. made by Glenn Gauvry; seconded by Peter Servon; failed by vote 3 yeas.

Motion to recommend **approval** of application CZ-26-02 / LC26-10 for the following reasons:

- The amount of farm land
- There were questions of items being sold that were not farm related but we do not know that, it could be vegetables grown on the property, may be a combination of antiques; sale of other items that are not always consistent with the zoning.

made by Paul Davis; seconded by Delbert W Mills Jr.; failed by vote 3 yeas.

Because the motion failed to receive the required number of positive votes, the application will move forward to the Levy Court with no recommendation.

SL-26-06 Harmony Hills II: Request for a Major Subdivision approval of a 93 lot Major Subdivision including 53 single-family homes and 40 duplexes located inside the Growth Zone overlay district / Parcel: NM-00-094.00-02-41.000, NM-00-094.00-02-40.00-000 & NM-00-094.00-02-38.00.000

Motion to deny application SL-26-06 Harmony Hills II made by Paul Davis; seconded by David A Peterman; carried by vote 5 yeas.

The motion, as described below, include the reasons for denial of application SL-26-06 Harmony Hills II:

"You have a situation here that probably should have been something else on this site and not what you're doing now. I'm very concerned about the public safety of not only the children, but the adults themselves that are going to be living in that district, with one-way in and one-way out. If you have an accident at Peach Tree and the Entrance going into the subdivision, it would not be adequate passage for emergency vehicles, fire departments or whatever the case may be, illness or whatever. That presents a major problem for me. I was really hoping that they could work this out, apparently, they can't work it out, but those things need to be looked at very closely prior to coming before this commission. There are two of us on this commission that are in the fire service. We look at the public safety issues very clearly, that is a big dangerous issue when things pass. If you correct that problem, next time I'll vote for it. But I'm not going to vote and put those people's lives in jeopardy to live in that submission."

S-26-03 Preston Automotive Group: Request for site plan approval for construction of an Auto Dealership, Retail & Restaurant space totaling 50,666 sq. ft. located inside the Growth Zone Overlay District / Parcel: NM-00-103.00-02-03.04-000

Motion to approve application S-26-03, a Site Plan application for construction of an Auto Dealership, Retail & Restaurant space totaling 50,666 sq. ft. located inside the Growth Zone Overlay District This is based on Exhibit A - Staff Recommendation Report dated July 9, 2026 and the findings of fact that: a. The site is zoned AC (Agricultural Conservation) in which Distribution of Agricultural Products is permitted by-right with conditions by §205-53.

b. The plan complies with all applicable conditions of approval as documented in the July 9, 2026 Staff Recommendation Report.

c. The application is compliant with the Comprehensive Plan.

d. The waiver from 187-79.D requiring a 30 foot buffer along arterial streets is granted and instead a 15 foot wide buffer shall be provided as shown on the landscape plan. Pursuant to Chapter 205 of the Kent County

Code and pursuant to 9 Del. C. §§4802 and 4811, the Commission has reviewed the application and, furthermore as part of this approval, the applicant shall comply with all Staff and Agency Requirements and Planning Staff Recommendations as described in the July 9, 2026 Staff Recommendation Report, including but not limited to the following:

a. The final plan shall include a bike rack large enough to accommodate at least four bicycles between the two buildings.

made by Glenn Gauvry; seconded by David A Peterman; carried by vote 6 yeas.

SLV-26-24 HRS Properties LLC: Requesting a Waiver from 187-58(F)(2) Access. Minimum of 25% of the proposed lots must front on a connected route / 187-58(G)(1) 600' Maximum Cul-de-sac length / 187-58(H)(1) street linkage to enable a Major Subdivision, located outside the Growth Zone Overlay District / Parcel # NM-00-107.00-01-22.00-000

Motion to approve application SLV-26-24 with modifications to permit a cul-de-sac or dead-end street with a maximum length of 1,300 feet and waive the requirement that a minimum of 25% of lots within a development must front on connected routes, to allow for the submission of a Major Subdivision application. This is based on Exhibit A - memorandum from staff dated July 9, 2026 and the finding that the existing surrounding land uses prevent connection of the development to other roadways and that a modified approval represents a minimal easing of the requirements that will better support the goals and objectives of the Comprehensive Plan. made by Paul Davis; seconded by Glenn Gauvry; carried by vote 6 yeas.

Ordinance LC26-06 Data Centers: An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, as amended by revising Article V - Permitted Uses, §205-53, Permitted use table and §205-59 Industrial uses and Article VI Conditions of Approval, §205-72 Industrial uses to add Data Center as a permitted use with conditions in the IL (Limited Industrial) and IG (General Industrial) zoning districts, define the use, and establish conditions for the use.

Motion to recommend **approval** of Ordinance LC26-06, Data Centers finding that the County's existing zoning ordinance already permits the development of data centers without the explicit conditions included in this ordinance that are designed to mitigate the impacts of such development and protect the health, safety, and general welfare of the citizens of the county. made by Glenn Gauvry; seconded by Peter Servon; carried by vote 6 yeas.

Election of Officers

1. Chairperson

- a. Open Nominations
- b. Close Nominations

Mr. Peterman nominated Mr. Jester for Chair and seconded by Mr. Mills. No other nominations were made. Mr. Jester will remain Chair.

2. Vice-Chairperson

- a. Open Nominations
- b. Close Nominations

Mr. Gauvry nominated Mr. Davis as Vice-Chair and seconded by Mr. Peterman. No other nominations were made. Mr. Davis will remain Vice-Chair.

Public Comment

- Paula Workman of 16 Freedom Dr spoke in opposition of data centers in Delaware.
- Melissa Wernersbach of 25 Drew Ct spoke in opposition of allowing data centers in Delaware.
- Brittany Williams of 120 Morning Dover Ln spoke in opposition of data centers in Delaware.
- Michael Cobb of 1584 S State St discussed additional conditions that should be included into the data center ordinance prior to approving a data center project.
- Virginia Harris of 152 Voshells Mill Star Hill Rd discussed concern on the project of Harmony Hill II regarding entrances and traffic that will follow.

Commission Comments

- Mr. Jester expressed his appreciation for the input and guidance from the attorney during these meetings
- Mr. Mills also thanked the attorney for their guidance and professionalism as well as discussing the concerns for public safety.
- Mr. Walton discussed his position and the importance of following law and regulations.
- Mr. Davis discussed appreciation for the attorney and provided his reasons on why the Harmony Hills II application will be moving to Levy Court

Other Business

Adjournment

Motion to adjourn the Business Meeting held on July 9, 2026 made by David A Peterman; seconded by Peter Servon; carried by vote 6 yeas.

Certifying Officer [Name, Title]

Signature

**BEFORE THE KENT COUNTY LEVY COURT
THE GOVERNING BODY OF KENT COUNTY, DELAWARE**

IN RE: :
HARMONY HILLS II SUBDIVISION :
 :
SUBDIVISION APPLICATION NO.: :
SL-26-06 :

**THE APPLICANT'S OPENING BRIEF ON APPEAL
FROM THE JULY 9, 2026 DECISION OF THE
KENT COUNTY REGIONAL PLANNING COMMISSION**

**BROCKSTEDT MANDALAS
FEDERICO LLC**

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Attorneys for the Applicant

Dated: August 4, 2026

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NATURE AND STAGE OF PROCEEDINGS

This is an appeal to the Kent County Levy Court, pursuant to 9 Del. C. § 4811 and Kent County Code § 187-21(D), from the July 9, 2026 decision of the Kent County Regional Planning Commission (the "Commission") denying preliminary approval of Major Subdivision Application No. SL-26-06, Harmony Hills II ("Harmony Hills II" the "Application" or the "Project").

TPDL Management LLC (the "Applicant") is the applicant for Harmony Hills II, a proposed 93-lot residential major subdivision consisting of 40 duplex homes and 53 single-family homes. The County's written notice states that the project is located inside the Growth Zone overlay district.

Notwithstanding that the Application fully complies with the County Code, on July 9, 2026, the Commission voted 5-1 to deny the Application based on public safety concerns.¹

On July 16, 2026, the Applicant timely appealed the Commission's denial and requested that the appeal be scheduled before the Levy Court. The matter is scheduled to be heard at the Levy Court Business Meeting on August 11, 2026.

This is the Applicant's Opening Brief in support of its appeal. This appeal presents a narrow question. The Commission denied the residential subdivision application. The denial completely rejected all the opinions of the Commission's most trusted advisors. First, the Kent County Department of Planning Services Staff ("Staff") determined Harmony Hills II fully complied with the Kent County Code, and therefore recommended for conditional approval. Moreover, the County's attorney advised in no uncertain terms that no code-compliance deficiency had been

¹ No Commissioner identified a provision of the Kent County Code that the Application failed to satisfy.

identified—meaning the plan fully complied with the County Code. The Commission, in an inexplicable and indefensible act, nevertheless denied the Application based on unparticularized and generalized public-safety concerns unrelated to any identified code requirement. The Applicant respectfully submits that the only appropriate outcome is that the Commission’s denial should be reversed because the stated basis for denial does not identify even one failure to satisfy an applicable requirement of the Kent County Code.

STATEMENT OF FACTS

Harmony Hills II is proposed for property identified in the Staff materials as Kent County Tax Parcel Nos. NM-00-094.00-02-38.00-000, NM-00-094.00-02-40.00-000, and NM-00-094.00-02-41.00-000. The site is located on the east side of Harmony Hill Drive, approximately 0.13 miles east of Peachtree Run, east of Camden. The Staff Report identifies the zoning as RMH (Residential Manufactured Home) / RS1 (Single-Family Residential).

The Project is consistent with the County Code and therefore does not seek any variances, conditional uses, or special exceptions. It proposes a 93-lot major subdivision consisting of 40 duplex homes and 53 single-family homes on approximately 25.61 acres. The Staff Report states that the project is located inside the Growth Zone and that the Comprehensive Plan designates the area for medium-density residential development which, as staff further concluded, conforms to the Comprehensive Plan.

Most importantly, Staff recommended conditional approval. The July 2, 2026, Staff Recommendation Report states: “Staff recommends CONDITIONAL APPROVAL based on the information submitted as the application demonstrates compliance with the conditions for approval

as outlined in the Code.” Staff also recommended approval of the Applicant's requested waiver from the stormwater-management setback requirement.

The Applicant addressed the principal issues later cited as grounds for opposition. With respect to school transportation, the Caesar Rodney School District requested two bus-stop locations within the proposed community. The Applicant's engineer advised Staff that students would be able to access those locations using proposed sidewalks, marked crosswalks, and ADA-compliant curb ramps. Thus, the proposed bus-stop locations were not merely suggested by the Applicant; they were identified by the School District itself.

With respect to access, the Dover/Kent County Metropolitan Planning Organization encouraged consideration of additional entrances but expressly recognized that “given the numerous constraints surrounding Harmony Hills, it would be difficult to create a second entrance to the neighborhood.” The Applicant's engineer similarly explained that the Code requires a second entrance for subdivisions of this size only when a second entrance is possible and permissible, and described why site conditions prevented an additional connection.

Staff recommended conditional approval because the Application indisputably demonstrated compliance with the Code. In its determination of compliance, Staff relied upon the fact that MPO expressly recognized the physical constraints affecting secondary access. It also relied upon the fact that the School District identified bus-stop locations within the development. Consistent with these conclusions, the County’s attorney advised the Commission that not a single code-compliance deficiency had been identified. The Commission did not identify any contrary code-compliance determination. Nevertheless, against all the evidence reviewed by the Commission and against the advice received by the Commission, the Commission, unexplainably, voted 5-1 to deny the Application. The written decision states that the denial was based on public-

safety concerns associated with the project's single point of access. The notice of decision does not identify any provision of the Kent County Code, or any credible record evidence, that the Application failed to satisfy, nor does it identify any objective standard that was unmet.

STANDARD OF REVIEW

The Levy Court's review "is limited to the correction of errors of law and to the determination of whether or not substantial evidence exists on the record to support the Commission's findings of fact and conclusions of law."² Questions of law, including the scope of the Commission's statutory authority and the interpretation of governing statutes, are reviewed de novo.³

Substantial evidence means, "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion."⁴ The Levy Court does not have the "authority to weigh evidence, determine the credibility of witnesses or make independent factual findings."⁵ But where the Commission's decision rests on an error of law, or where the stated grounds do not identify facts tied to applicable legal standards, the decision cannot stand.

² *JNK, LLC v. Kent Cnty. Reg'l Plan. Comm'n*, No. CIV.A. 06C-03-066RBY, 2007 WL 1653508, at *5 (Del. Super. Ct. May 9, 2007).

³ *Id.*

⁴ *Olney v. Cooch*, 425 A.2d 610, 614 (Del.1981) (quoting *Consolo v. Federal Maritime Commission*, 383 U.S. 607, 620 (1966)).

⁵ *State v. Dalton*, 878 A.2d 451, 454 (Del.2005) (citing *Johnson v. Chrysler Corp.*, 213 A.2d 64, 66 (Del.1965)).

ARGUMENT

I. SENATE BILL 23 CONFIRMS THAT BY-RIGHT RESIDENTIAL PROJECTS ARE SUBJECT TO ADMINISTRATIVE REVIEW, LIMITED TO OBJECTIVE STANDARDS.

Senate Substitute No. 2 for Senate Bill No. 23 has been enacted into law as the Housing for Every Delawarean Act (the “Act” or “Senate Bill 23”).⁶ The Act adds 29 *Del. C.* § 9223. Most importantly, § 9223 provides that a residential development application for a by-right use⁷ “shall be reviewed through an administrative review and approval process.”⁸ Planning commission or planning board review remains permissible only if that review is limited to determining compliance with applicable objective standards.⁹

The Act supersedes any inconsistent local-government review procedures.¹⁰ By-right residential development applications therefore must be evaluated based on compliance with objective standards rather than discretionary policy judgments or subjective views regarding whether a property should be developed.

Harmony Hills II is a residential project proposed in a zoning district where the use is permitted. Staff concluded that the Application complied with applicable requirements and

⁶ Senate Substitute No. 2 for Senate Bill No. 23 was signed by the Governor on July 13, 2026.

⁷ 29 *Del. C.* § 9223(a)(1) defines a “by-right” use as “a use identified as a permitted use within a zoning district under a local zoning ordinance that complies with all applicable objective standards and requirements”

⁸ 29 *Del. C.* § 9223(b) states that a “residential development application for a use that is permitted by-right under the zoning ordinance of a local jurisdiction shall be reviewed through an administrative review and approval process.”

⁹ 29 *Del. C.* § 9223(a)(2) defines “objective standards” as “standards that are measurable, uniformly applicable, and not subject to discretionary personal judgment.”

¹⁰ *Town of Fenwick Island v. State*, No. 153, 2026, 2026 WL 1468816, at *4 (Del. May 26, 2026) (“Under the Delaware Constitution, the General Assembly controls zoning within the State. Through various statutes, the General Assembly has delegated zoning authority to county and municipal governments. That delegation, however, is not immutable. The General Assembly may change or revoke delegated zoning powers and has done so frequently.”).

recommended conditional approval. The Commission did not identify any unmet objective standard. Instead, it denied the Application because Commissioners, without evidentiary support identifying a Code deficiency, disagreed with aspects of the project, particularly the existence of a single access point. Senate Bill 23 confirms that such discretionary objections cannot substitute for a determination that an application fails to satisfy objective standards.

Because the record contains no identified violation of an applicable objective standard, Harmony Hills II is entitled to approval through the administrative process required by § 9223. The Levy Court should reverse the Commission's decision to deny approval of the Application and direct Staff to complete administrative approval of the Project in accordance with the Act.

II. EVEN ASSUMING SB 23 DOES NOT APPLY, DELAWARE LAW REQUIRES THE SAME RESULT.

As the Superior Court recently cautioned, accepting a planning commission's claim that it may limit, let alone deny outright, an otherwise compliant development based on generalized policy concerns "would provide it limitless discretion and power to shape land developments well beyond the written Code" and "fly in the face of the requirement that landowners be put on written notice in advance of what is allowed."¹¹ If Delaware law does not permit a planning commission to limit a code-compliant development on that basis, it certainly does not permit the Commission to deny one outright. That is precisely what happened here. Even assuming for the sake of the argument that Senate Bill 23 does not apply to this review, well-established Delaware law does not permit the Commission to legislate from the dais by denying a code-compliant plan based on an ad hoc public-safety objection untethered to any unmet objective standard. For that reason, the

¹¹ *Smokey Hollow, LLC v. Sussex County Planning & Zoning Commission*, 2025 WL 2816524, at *1 (Del. Super. Oct. 1, 2025).

Commission's decision constitutes an error of law subject to correction by the Levy Court. Moreover, where the stated basis for denial is not tied to any identified requirement of the Kent County Code, the denial cannot be supported by substantial evidence of noncompliance.

Delaware courts have repeatedly reached the same conclusion: a land-use body may not deny a plan for a permitted use that satisfies applicable objective requirements based only on generalized health, safety, welfare, neighborhood-opposition, or planning-policy concerns.

*Tony Ashburn & Son, Inc. v. Kent County Regional Planning Commission*¹² is controlling and involved this very Commission. There, the Delaware Supreme Court reversed the Commission's denial of a subdivision application that complied with the Kent County Code. The Court held that statutes requiring consideration of health, safety, and welfare concerns did not confer authority to deny an otherwise conforming application.¹³ While the Commission may impose lawful conditions, “the Commission's power to impose conditions cannot be administratively enlarged to a power to deny a conforming application outright.”¹⁴

Ashburn did not stand alone. It adopted the reasoning of *DiFrancesco v. Mayor & Town Council of Elsmere*,¹⁵ which rejected the argument that a planning commission may reject a compliant site plan merely because the project is fairly debatable as to public health, safety, welfare, comfort, or convenience. *DiFrancesco* held that landowners are entitled to rely on permitted uses in the zoning ordinance, subject to compliance with specific criteria and reasonable

¹² 962 A.2d 235 (Del. 2008).

¹³ *Id.* at 241.

¹⁴ *Id.* at 242.

¹⁵ 2007 WL 1874761 (Del. Super. June 28, 2007), *aff'd*, 947 A.2d 1122 (Del. 2008).

conditions; otherwise, development rights would be subject to ad hoc requirements not found in the ordinance.¹⁶

*East Lake Partners v. City of Dover Planning Commission*¹⁷ reaches the same conclusion. There, the Superior Court reversed a planning commission's denial of a permitted multi-family site plan and held that the commission could not rely on a general power to protect health, safety, welfare, and neighborhood convenience to deny a use allowed by the zoning ordinance.¹⁸ The commission's role was limited to imposing reasonable conditions and safeguards; it could not effectively rezone the property by denying a permitted use.¹⁹ The governing authorities uniformly hold that compliance with applicable requirements warrants approval.²⁰ The Commission's decision therefore constitutes reversible legal error.

¹⁶ *Id.* at 3 (“When people purchase land zoned for a specific use, they are entitled to rely on the fact that they can implement that use provided the project complies with all of the specific criteria found in the ordinances and subject to reasonable conditions with the Planning Commission may impose in order to minimize any adverse impact on nearby landowners and residents. To hold otherwise would subject a purchaser of land zoned for a specific use to the future whim or caprice of the Commission by clothing it with the ability to impose ad hoc requirements on the use of land not specified anywhere in the ordinances. The result would be the imposition of uncertainty on all landowners respecting whether they can safely rely on the permitted uses conferred on their land under the zoning ordinances.”).

¹⁷ 655 A.2d 821 (Del. Super. Ct. 1994).

¹⁸ *Id.* at 827.

¹⁹ *Id.* at 825.

²⁰ *State ex rel. Daniel D. Rappa, Inc. v. Buck*, 275 A.2d 795, 797 (Del. Super. Ct. 1971) (“It is fundamental that County Council, in performing this administrative function, is bound by the subdivision regulations. If the plan submitted conforms to these regulations, there is no discretion or choice but to approve it.”).

III. THE COMMISSION'S STATED REASON DOES NOT IDENTIFY A CODE VIOLATION OR SUBSTANTIAL EVIDENCE SUPPORTING DENIAL.

A planning commission must state the grounds for disapproval with sufficient specificity to permit meaningful appellate review. A statement that a project raises public safety concerns is not enough unless the decision ties those concerns to specific facts and applicable legal requirements. Otherwise, appellate review becomes impossible because there is no legal standard against which the decision can be measured.

Here, the Commission's stated reason does not identify an unmet objective standard. It does not state that emergency access fails to meet a specific code requirement. It instead reflects a discretionary judgment that the site "probably should have been something else." The Commission's decision therefore cannot be understood as an enforcement of the Kent County Code. It can only be understood as a discretionary determination that a code-compliant project should not be approved because Commissioners believed the access arrangement presented public-safety concerns. But that is precisely the type of ad hoc decision-making consistently rejected by Delaware Courts. If the Commission believed additional measures were necessary and lawful, the proper course was to recommend a legislative amendment to the Kent County Code. It was not to deny the plan outright without identifying a code-compliance defect.

The Applicant does not question the sincerity of the concerns expressed by members of the Commission and appreciates their service to Kent County. But Delaware law does not permit a conforming application to be denied because Commissioners believe a property would be better suited for a different use or a different development pattern. Whether some Commissioners believed the property was an appropriate location for a subdivision is not the legal test.

CONCLUSION

This case is not about whether some Commissioners would have preferred a different subdivision design, a different access configuration, or even a different Code. It is about whether the Commission may deny a residential subdivision application that complied with the Kent County Code, that Staff recommended for conditional approval, that the Commission's attorney advised against denying, and for which no code-compliance deficiency was identified. Delaware law answers that question with a clear no.

The Commission's authority is to determine compliance with applicable legal requirements and, where appropriate, impose lawful conditions. It is not to deny a conforming application based on generalized policy objections untethered to an unmet code requirement.

Harmony Hills II is located within the Growth Zone. Staff concluded that it conforms to the Comprehensive Plan. Staff recommended conditional approval because the Application demonstrated compliance with the Code. The County attorney advised that no code-compliance deficiency had been identified. The Commission nevertheless denied the Application without identifying a single objective standard that was unmet.

WHEREFORE, the Applicant respectfully requests that the Kent County Levy Court reverse the July 9, 2026 decision of the Kent County Regional Planning Commission and grant preliminary approval of Harmony Hills II.

SIGNATURE BLOCK ON THE FOLLOWING PAGE

**BROCKSTEDT MANDALAS
FEDERICO LLC**

/s/ Alex C. Burns

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Attorneys for the Applicant

DATED: August 4, 2026

CERTIFICATE OF SERVICE

I, Alex C. Burns, hereby certify that on this 4th day of August, 2026, I caused two copies of The Applicant's Opening Brief on Appeal From the July 9, 2026 Decision of the Kent County Regional Planning Commission to be emailed and sent via certified mail to the following:

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Connolly Gallagher
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Dated: August 4, 2026