

**MINUTES OF THE KENT COUNTY LEVY COURT  
REGULAR BUSINESS MEETING  
KENT COUNTY ADMINISTRATIVE COMPLEX  
555 BAY ROAD, DOVER, DE  
LEVY COURT CHAMBER, ROOM 203  
Tuesday, December 8, 2009**

**Call to Order**

The Regular Business meeting of the Kent County Levy Court was called to order at 7:00 P.M. by President Banta.

**Invocation & Pledge of Allegiance**

The Invocation was led by Mr. Ennis and the Pledge of Allegiance was led by Mr. Brode.

**Moment of Silence for our Troops**

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

**Roll Call and Determination of Quorum**

Allan F. Angel	Vice President
P. Brooks Banta	President
Harold K. Brode	Commissioner
Eric L. Buckson	Commissioner
Brad S. Eaby	Commissioner
Richard E. Ennis	Commissioner
George W. Sweeney, Sr.	Commissioner

There are seven (7) Commissioners present.

### **Additions/Deletions to Agenda**

Mr. Banta stated they would not recess to Executive Session; we will not have the Executive Session as printed – there will be one at the end of the meeting. Under Commissioner Sweeney we will not discuss the Library Agreement of Sale. At the end of the Agenda, the following items were omitted –Public Comments, Commissioner Comments and Informational Items. We will have Committee Meeting and then move into Executive Session.

### **Adoption of the Agenda**

**M-371-09 Motion** was made by Mr. Ennis, seconded by Mr. Sweeney and carried by Roll Call vote 7 yeas to adopt the Agenda as amended.

### **Consent Agenda 09-19**

Items on the agenda were discussed in committee. They are considered routine and non-controversial and will be acted upon by a single roll call vote of the Levy Court. There will be no separate discussion of these items unless a Commissioner so requests, in which event the item shall be removed from the Consent Agenda and considered separately.

**M-372-09 Motion** was made by Mr. Brode, seconded by Mr. Eaby and carried by Roll Call vote 6 yeas, 1 abstention (Angel) to approve Consent Agenda 09-19 as presented.

### **NEW BUSINESS**

#### **Mr. Sweeney:**

1. Library, Agreement of Sale - ITEM DELETED

#### **Mr. Ennis:**

1. *Committee Meeting Action Item from December 1, 2008:* SRF Loan Project: UV Upgrade

Mr. Medlarz reported the Clean Water Council considered the request for supplemental funding by Kent County and approved it last Wednesday in the full amount. We were able to remove the contingency from the motion and the only contingency left is that the award be made contingent upon the concurrence which is offered after they review the documents. We are well within our time lines for the UV project but the other two will be much closer. One will be later

this month and the other in January. There is a revised motion.

**M-373-09** Mr. Ennis **moved** to award the installation of the Microdynamics UV Disinfection System to Johnston Construction Company in the amount of \$2,340,296; contingent upon concurrence by DNREC; seconded by Mr. Angel; carried by Roll Call vote 7 yeas.

**Mr. Buckson:**

1. Appointment to the Board of Adjustment

**M-374-09** Mr. Mills has resigned his position from the SAB states Mr. Buckson, therefore, I **move** to appoint Delbert Mills to the Board of Adjustment; seconded by Mr. Brode; carried by 7 yeas.

**Mr. Eaby:**

1. Introduction of Ordinance LC09-43, An ordinance to amend Kent County Code Volume I, Chapter 128, Part 2, Article XI by inserting a new subsection 128-50 entitled "Dog Licensing Fees" which establishes a fee schedule for dog licensing in Kent County, Delaware for *Public Hearing on Tuesday, December 29, 2009 at 7:15 PM*  
(**Synopsis:** This Ordinance establishes the license fees to be assessed for dog licenses to be issued by Kent County in accordance with the provisions of Delaware Code Title 9, Chapter 9. Kent County Levy Court has contracted with Kent County SPCA for the management and issuance of Dog Licensing Services)

Mr. Eaby introduced Ordinance LC09-43 by reading it into the minutes. Public Hearing is December 29, 2009 at 7:15 PM.

**OTHER BUSINESS**

**INFORMATIONAL ITEMS**

None

**PUBLIC COMMENTS**

None

**COMMISSIONERS COMMENTS**

Mr. Banta had a few comments in regard to the City Council meeting on Monday night in Dover. It has caused some concern in the County. Before noon today I

had seven calls – four from the Capital School District and three from Smyrna. These people ranged in age from 47 to 71. What they said was if the County continues to move forward in dialogue with the City in trying to dissect the difference in what is being charged in taxes they would insist that school tax also be brought into that. These seven families do not have children in school; some never had children. Their question is why are we paying for a service that we don't use? Second, I took time to determine in numbers what some of the residents of the City of Dover are paying in the way of County taxes. There is a host of things we do for the City beyond Schwartz Theatre, Robbins Hose Co., Boys and Girls Club, Viet Nam Memorial, Modern Maturity, 911 Call Center, Paramedics, Kent Economic partnership, etc. If you take the sitting Commissioners, the City Councilmen currently there, their actual tax average is \$176 a year. That is 48 cents per day. If you take the Call Center and the Paramedics, 48 cents is not a lot of money to pay for a paramedic. The cost of an average resident in the City of Dover comes to \$130 per year or 36 cents per day. As they go through the process it is my hope they discontinue this methodology and try to work with the County as a team. We want the County and the City to prosper and I think it is a shame they are entering into this. I understand there is to be some resolution before the General Assembly to call for this investigation to happen. My concern is it will drag on from now until July 1, 2010. It is a sad day for the County and the City. I believe we need to be a team and work together.

All Mr. Brode had to say was "it all has to do with the library".

Mr. Banta stated he had to concur that is probably the issue. We need to consider the cost factor – not only for the General Assembly but for the City and County; the time and effort index that will have to be placed on gathering a specific number of what is "a duplicate service".

Mr. Angel thanked everyone for their calls, letters and concerns during the ordeal of his knee replacement.

Mr. Banta recognized Rep. Robert Walls who just entered the room.

Mr. Buckson stated he was present at the meeting last night. You are aware of the article and there are some comments in there and I stand by them. I had not heard about the meeting, I saw it in the paper – it was brought to my attention. I was a little disappointed in that fact because we are somewhat connected as a County and a City. Communication needs to be better than that. I went because I wanted to hear the presentation. I deal in merit and logic. There is some argument to be made. Some information was given that warrants discussion. There is some argument to be made that after the discussion and the County gets a chance to present itself that you can understand it is a two way street and not a one way as was presented last night. The benefits the County presents to all

Municipalities is somewhat great but I am not afraid of the discussion. I am opposed to the duplication of services and the double taxation. If somebody presents to me a logical case that says here is a double taxation I think we need to address it. If there is duplication in government services we need to address it. The facts present themselves. I addressed that the issue of the library is done. I was one of the two Commissioners who supported a Commission but five, in a democratic process, did not support it and I respect that process. The library situation is done; if we want to have a discussion about duplication of services, taxation, etc., then let's have it but don't bring it forth because of the fact we are upset with the decision that was made on libraries. That was all I presented. I wanted to be sure you guys understand – that is where I was. I represented myself and was very clear on two situations where I said “this is Eric Buckson speaking for Eric Buckson”.

Mr. Banta said he could think of a couple areas where there could be duplication but there is no duplication of cost. The bottom line is the cost. I did a brief analysis over the last 24 hours and the cost factor just doesn't weigh out. I don't think the City has taken the time to figure out what they are getting for 48 cents per day and what we have done for many of the non-profit organizations in the City. We do our fair share with all County taxpayer's dollars going into the City. We have been a team for years but that doesn't happen now. I don't know what happened.

Mr. Buckson said the flavor at the meeting was the only way to make this happen was to not speak to Levy Court; speak to the Legislatures; speak to other municipalities; get everyone together and then force this into Levy Court's hand. What I tried to express to them was I don't believe that is the way to go. Yes, the library was one that did not go your way but that doesn't mean others won't. I ended with saying the City of Dover and Kent County arguing like this reminds me of two fleas arguing over who owns the dog. It does not make a lot of sense. I was trying to support us.

**Mr. Banta:**

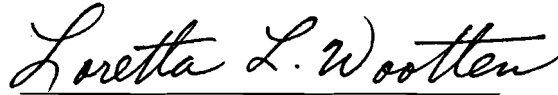
1. Move to go into Executive Session immediately following the Committee Meeting to discuss Matters of Pending Litigation and Legal Strategy pursuant to 29 Del.C. §10004(b)(4)

**M-375-09** Mr. Eaby **moved** to go into Executive Session immediately following the Committee Meeting to discuss Matters of Site Acquisition for a Publicly funded capital improvement and for Pending Litigation and Legal Strategy Session pursuant to 29 Del.C. §10004(b)(2) and (4); seconded by Mr. Angel; carried by Roll Call vote 7 yeas.

**ADJOURN** to Committee Meeting

**M-376-09 Motion** was made by Mr. Brode, seconded by Mr. Sweeney and carried by Roll Call vote 7 yes to adjourn to Committee Meeting. 7:28 PM

Mr. Banta stated 7 affirmative votes adjourn them into Committee Meeting and after that into Executive Session from which we will not be returning. We are adjourned.



Loretta L. Wootten  
Loretta L. Wootten  
Kent County Clerk of the Peace

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.