

**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, November 10, 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. Angel.

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

Comments were made about some changes to the Agenda but it was decided to adopt as presented and discuss the item later.

Adoption of the Agenda

M-340-09 Motion was made by Mr. Brode, seconded by Mr. Ennis and carried by Roll Call vote 7 yeas to adopt the Agenda as presented.

Consent Agenda 09-17

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.

Items from November 3, 2009 Committee Meetings:

- Frederica West I Public Works Agreement
- DART Para-Transit Senior Transportation Subsidy
- DNREC Division of Fish and Wildlife, Dog Control MOA

M-341-09 Motion was made by Mr. Ennis, seconded by Mr. Angel and carried by Roll Call vote 6 yeas, 1 abstention (Sweeney) to approve Consent Agenda 09-17 as presented.

Approval of Regular Business Meeting Minutes of Tuesday, October 27, 2009

M-342-09 Motion was made by Mr. Sweeney, seconded by Mr. Brode and carried by Roll Call vote 7 yeas to approve the Regular Business Meeting Minutes of Tuesday, October 27, 2009.

PRESENTATIONS

1. Tribute to Veterans Day and the Vietnam Veterans Memorial

The Tribute was read into the record by Ms. Tanaka. Many Veterans were present, headed by Paul Davis and Joe Startt who came forward to receive the Tribute as well as a key to Kent County. All of them came forward to shake hands and be acknowledged. Comments were made by all Commissioners and Mr. Petite de Mange as well as Mr. Davis and Mr. Startt. All the Veterans were very grateful for all Levy Court has done to help get this Memorial.

2. Resolution 3066, National Adoption Day

Resolution 3066 was read into the record by Ms. Tanaka. This day is a collective national effort to raise awareness of the 129,000 children in foster care waiting to find permanent homes and loving families. Children awaiting adoption enter foster care as a result of abuse, neglect or abandonment. National Adoption Day is sponsored by the ST of Delaware's Div. of Family Services, Adoptive Families with Information and Support and the Interagency Committee on Adoption. Levy Court recognizes Saturday, November 21, 2009 as National Adoption Day. Crystal Roberts was present to receive the Resolution and thanked Levy Court for their interest in this effort. The Resolution was presented by Mr. Brode whose son and daughter-in-law were recipients of an adopted child, a little girl.

M-343-09 Motion was made by Mr. Brode, seconded by Mr. Angel and carried with 7 yeas to adopt Resolution 3066, National Adoption Day.

INTRODUCTIONS

Deputy Chief John Willson introduced the new employee in the Dept. of Public Safety, Emergency Medical Services Div. His name is Matthew C. Palmer and was hired November 1, 2009 as a Paramedic I. Matthew graduated from Middletown High School and successfully completed the DTC&C Paramedic Program. He will graduate in May 2010 with an Associates degree in Applied Science – EMT Paramedic. He was one of the top students in the class. Matthew currently resides in New Castle County.

7:15 P.M., PUBLIC HEARINGS

Mr. Ennis:

1. **Ordinance LC09-36**, An Ordinance authorizing the issuance of up to \$9,271,310 General Obligation Debt of Kent County for the construction of effluent disinfection and alternative energy type improvements to its Wastewater Facilities and authorizing all necessary actions in connection therewith

(SYNOPSIS): This Ordinance authorizes the issuance of up to \$9,271,310 of the County's General Obligation Bonds for the purpose of (i) financing the construction of certain improvements to its wastewater facilities, including but not limited to the Renewable Solar Energy Park Project which will include the installation of a photovoltaic solar system as well as a passive solar biosolids drying system and the UV Disinfection Project including, but not limited to, replacement of the biosolids chlorination and de-chlorination process and the wastewater treatment facility's water system expansions as well as the

aeration basin weir control (collectively, the “Project”); and (ii) pay the costs of issuance of the Bonds.)

Mr. Medlarz gave a brief summary. This brings the financial aspects of the improvements to the Wastewater Treatment Plant to a conclusion. A Notice of Intent was authorized last year; in April authorization was given for the filing of the actual application. In September you authorized the signing of the Letter of Conditions. That letter has a requirement that we have to present a Debt Obligation Coverage that comes in the form of a Bond. It is not a real bond; it does not have an underwriter; it does not have an investment bank. This serves as the sole purpose to secure the loan we receive from the State of DE through the Project. If this is approved tonight we file this, after it is advertised in the paper, with the State and then they will settle on our loan. We were required to do this within 120 days of signing the Letter of Conditions which will come up by early December. We are right on track. He noted there was one correction to be made under the Terms on Page 2. It should say 20 years rather than 40. Please note it in the motion.

Mr. Buckson quickly rehashed – this can be a brief benefit to the County?

In a nutshell, said Mr. Medlarz, the benefits for the disinfection project is it is not only an environmental concern to use chlorine gas in the disinfection process but it is also a Homeland Security concern. We have to work with Homeland Security with many aspects of the storing and securing of chlorine gas. It is a benefit to our Staff as well as our surrounding neighbors because any chlorine gas escape poses a harm to Staff and neighbors. On the energy part this project is almost cost neutral. We are essentially replacing with renewable energy our energy based on greenhouse gases. It is physically and environmentally a good step.

Essentially, said Mr. Buckson, then this is an environmental benefit that in effect has potential to pay for itself. He asked if the SAB had an opinion on this.

Mr. Medlarz said they were involved in the environmental management system guidance developing the targets and objectives and in the application process to the State. When it comes to the financial security, they are not involved.

Public Hearing is Open on Ordinance LC09-36

IN FAVOR

None

IN OPPOSITION

None

Public Hearing is Closed on Ordinance LC09-36

M-344-09 **Motion** was made by Mr. Ennis to adopt Ordinance LC09-36 which authorizes the issuance of up to \$9,271,310 of the County's General Obligation Bonds for the purpose of (i) financing the construction of certain improvements to its wastewater facilities, including but not limited to the Renewable Solar Energy Park Project which will include the installation of a photovoltaic solar system as well as a passive solar biosolids drying system and the UV Disinfection Project including, but not limited to, replacement of the biosolids chlorination and de-chlorination process and the wastewater treatment facility's water system expansions as well as the aeration basin weir control (Collectively, the "Project"); and (ii) pay the costs of issuance of the Bonds; seconded by Mr. Angel.

Mr. Pepper reminded them that the Public Works Director desired an amendment to Section 3 under the Terms of the Bond to change the length of the Bond.

Mr. Medlarz again requested they reference in the motion the change from 40 to 20 years.

Mr. Banta told Mr. Ennis they needed an amendment from 40 to 20, whatever that means.

The term mentioned on Page 2, said Mr. Medlarz, should have read 20 years, not 40 years. Please entertain that amendment to your motion.

M-345-09 Mr. Ennis so **moved** to include that in an **amendment**; seconded by Mr. Angel.

Roll Call on the amendment:

Mr. Angel – yes

Mr. Brode – yes, no public opposition and comments made by Public Works Director

Mr. Buckson – yes, reasons stated

Mr. Eaby – yes, reasons stated

Mr. Ennis – yes, reasons stated

Mr. Sweeney – yes, reasons stated

Mr. Banta – yes, reasons stated

Roll Call reveals 7 yeas to approve the Amendment.

Roll Call on Main Motion:

Mr. Angel – yes, reasons stated

Mr. Brode – yes, reasons stated

Mr. Buckson – yes, reasons stated

Mr. Eaby – yes, reasons stated

Mr. Ennis – yes, reasons stated

Mr. Sweeney – yes, reasons stated

Mr. Banta – yes, reasons stated

Roll Call on Main Motion reveals 7 yeas to approve.

CLOSE PUBLIC HEARINGS

OLD BUSINESS

None

NEW BUSINESS

Mr. Angel:

1. *Action Item from November 3, 2009 Administration Committee Meeting:*
Kent County Prevention Coalition Grant

M-346-09 Mr. Angel made a **motion** to give the Kent County Prevention Coalition our support to help them get their grant by being a fiscal agent so they can help our citizenries of Kent County. The services they provide will help our children as well as our elderly. That is my motion.

Motion temporarily dies for lack of a second, states Mr. Banta.

Mr. Buckson was not sure how to proceed so made some calls. He received a

couple calls late today – one is relevant to the discussion based on what it is we have to do tonight. It was argued there was a timing concern that we maybe had to do this now in order for the project to move forward. I am in the position right now to second this motion because I do believe the arguments used were specifically directed towards whether or not we wanted to do this grant. My first thought was can we do the grant. I think we can do it without a lot of conflict after speaking with some of the people at the State and higher levels. The issue is do we want to do this. I talked to the issuer or Director of this particular grant at the State level, lady named Melissa Smith. She was very clear that she thought there was a lack of communication. She expressed the feeling that maybe she was somewhat wrong – that she needed to be more accurate and up to date on what was going on. She was very clear – it is good we would support this but it is not required tonight because they have yet to decide who is going to be the representative in the County. He checked and re-checked to be sure it was not necessary to make a decision tonight. My question is, based on information from Ms. Smith, should we make a decision on anything? Should we allow them to be identified and in the meantime decide if you want to do this or do you want to give them a final rubber stamp of no? I apologize, but I just got this message tonight at 5 or 5:30.

Mr. Banta said if timing is not the issue, I know some Commissioners have some unanswered questions. That does not mean we will not eventually approve it but I feel since the timing is not the issue and there are still questions then it might be wise not to take any action. I would yield to your position and the people you spoke with who have the knowledge and wisdom that said it does not have to be done tonight. If that is a true and honest assessment it might not be fair to them or to us if they have not yet identified the receivership of the funds.

Mr. Buckson wanted it clear that he communicated through a number that was on the RFP which was for the Director of this whole program. He was connected with Melissa Smith who identified herself as essentially the Lead for the State. He wanted to be sure of what our financial government is doing. Do they have to administer this program or just be the Financial Agent? She said we were just the Financial Agent. She also said we were way ahead of ourselves. We have not yet made a decision of who is getting that and there is no meeting we are aware of that is going to technically force you to vote tonight. These are good people who have showed up tonight; they have given an honest effort and want an honest answer. Do we have to give it to them tonight if we are unsure?

Mr. Brode said if we don't have all the information, can we vote on it tonight? It is not fair to us or them.

If there is something that can be brought forward, is it possible for them to speak, asked Mr. Buckson.

Mr. Banta reiterated they had spent quite a bit of time on this matter. He believes they could entertain one spokesperson to at least respond in an abbreviated way as to what you have said. Beyond that, I believe it would be ill advised to take testimony from more than one person. If there is one in the audience who is well versed and can either affirm or deny what Mr. Buckson has presented then I think we can

He was interrupted by Mr. Pepper.

What we need to do before anyone speaks, because this is not a public hearing, we will need a motion to suspend the rules to allow one person to speak on behalf of the Coalition, explained Mr. Banta.

M-347-09 Motion was made by Mr. Angel to suspend the rules and regulations; seconded by Mr. Buckson; carried by Roll Call vote 7 yeas.

One person from the audience, representing the Coalition, said Ms. Way called her a little after 5:30 and was extremely ill. She said she had no information to report so what Mr. Buckson is reporting appears to be correct. The information we had last week was they were going to make a decision and they were going to meet. Because they are still in the process of hiring people to present this they evidently have not made a decision as to who in Kent County will receive it.

M-348-09 Mr. Brode made a **motion** to Table until they obtained more information; seconded by Mr. Angel.

For clarification, said Mr. Petit de Mange, so we all have the same understanding, the information you referenced is to be provided by the Applicants. It is not something the Staff is to seek out?

That is my understanding, said Mr. Brode.

Mr. Buckson said if there is any information presented it might be we were in fact correct. They have not made a decision so I guess the expectation would be we get a confirmation from the State or the organization saying yes, we have been the official or we have been selected or we got word from the State that yes we must have Kent County or some other agency like yours vote and we need to have that decision by whatever date.

Roll Call on Tabling motion reveals 7 yeas.

TAX EXEMPTION REQUESTS:

Mr. Banta

1. Milford Housing Development Corporation, Parcel No. 1-17-010.17-03-37.00

Mr. Brode will be handling these for Mr. Banta.

Mr. Cox gave a brief summary for all parcels. This property is located on Commerce St., in Smyrna; used to provide housing for disadvantaged families in MHDC's Transitional Housing Program; Polytech and Smyrna schools took no position on request; MHDC indicates it plans to apply for Town of Smyrna exemption from city taxes; BOA voted unanimously to recommend approval and if approved would become effective June 1, 2009; County's portion annual ad valorem taxes would be \$169.57; no delinquent tax or penalties.

M-349-09 Mr. Brode **moved** to approve request for exemption from property taxes by Milford Housing Development Corporation as to parcel #1-17-010.17-03-37.00; seconded by Mr. Sweeney; carried by Roll Call vote 5 yeas, 2 absent (Angel, Buckson).

2. Delaware Municipal Electric Corporation, Parcel No. 1-17-018.00-01-04.03

Property is office building located on Artisan DR, Smyrna; Polytech nor Smyrna schools took any position; BOA voted unanimously to approve and if approved would be effective as of 6/1/09; County's portion annual ad valorem taxes would be \$673.01; ROT reports \$3,676.20 in taxes and penalties for current tax year remains posted to account. If exemption approved, this will be removed from account.

M-350-09 Mr. Brode **moved** to approve the request for exemption from property taxes by Delaware Municipal Electric Corporation as to parcel #1-17-018.00-01-04.03; seconded by Mr. Eaby; carried by Roll Call vote 5 yeas, 2 absent (Angel, Buckson)

3. Planters Woods Homeowners Association, Parcel No. 2-00-066.01-01-98.00

Property is 2.3 acres of vacant land located on Tall Tree Lane and used as passive recreation and open space; this parcel inadvertently omitted from a group of five common element parcels which were granted exemptions by Levy Court in Dec. 2008 so it was assumed the school districts would raise no objection therefore they were not contacted; BOA voted unanimously to approve and if approved would be effective as of 6/1/07; County's portion annual ad valorem taxes would be \$3.10; ROT reports \$66.46 in taxes and penalties for current tax year remains posted to account. If exemption approved, this will be removed from account.

M-351-09 Mr. Brode **moved** to approve the request for exemption from property taxes by Planters Woods Homeowners Association as to parcel #2-00-066.01-01-98.00; seconded by Mr. Eaby; carried by Roll Call vote 6 yeas, 1 absent (Angel).

4. Town of Smyrna Parcels:

- 1) 1-17-010.13-03-43.00
- 2) 1-17-010.17-05-40.00
- 3) 1-17-019.02-02-57.00
- 4) 1-17-019.17-03-58.00
- 5) 1-17-019.17-04-06.00
- 6) 1-17-028.01-01-97.00

All parcels are to be under one motion. First one is a 0.37 acre site on Main St. in Smyrna; town is considering renovating the dwellings on the property and the ultimate use has not yet been determined; in all of them Polytech and Smyrna neither one took a position; BOA voted unanimously to recommend approval and if approved would become effective 6/1/09; there are various taxes and penalties due for the current year which will be removed if approved and have varying amounts of County tax due if taxable; five of the six are Open Space or Recreation or water management or pump station parcels in subdivisions; six parcels owned by the Town of Smyrna.

Mr. Eaby questioned the Town Manager making request for an exemption for property in a development. He did not follow that.

Mr. Cox explained the Town ended up with ownership of the parcels.

M-352-09 Mr. Brode **moved** to approve the request for exemption from property taxes by the Town of Smyrna as to parcels: 1) 1-17-010.13-03-43.00; 2) 1-17-010.17-05-40.00; 3) 1-17-019.02-02-57.00; 4) 1-17-019.17-03-58.00; 5) 1-17-019.17-04-06.00; 6) 1-17-028.01-01-97.00; seconded by Mr. Buckson; carried by Roll Call vote 6 yeas, 1 absent (Angel).

Mr. Buckson:

1. Nature Conservancy, Parcel No. 5-00-154.00-01-11.00

Mr. Cox: property is a 1,050.6 acre tract with several building improvements located near Milford Neck Wildlife Area which the Conservancy plans to manage for several conservation-related purposes; Milford and Polytech contacted and took no position; BOA voted unanimously to recommend approval and if approved would be effective as of 6/1/09; County's portion of annual ad valorem taxes \$96.10; \$549.03 in tax and penalties remain posted to account; if approved they will be removed.

M-353-09 Mr. Buckson **moved** to approve the request for exemption from property taxes by The Nature Conservancy as to parcel #5-00-154.00-01-11.00; seconded by Mr. Brode; carried by Roll Call vote 6 yeas 1 absent (Angel).

2. Milford Housing Development Corporation
 - 1) Parcel No. 5-16-183.10-02-10.00
 - 2) Parcel No. 5-16-183.10-04-02.00

Both parcels in one motion; these come from Milford Housing Development Corporation; both are on Fourth St. in Milford and used to provide housing for disadvantaged families either in MHDC's Transitional Housing Program or its Land Trust Homeownership Program; Milford nor Polytech took a position; City of Milford has exempted these parcels; BOA voted unanimously to approve and if so will be effective 6/1/09; County's portion annual ad valorem taxes would be approx. \$103 each; no delinquent tax or penalties reported.

M-354-09 Mr. Buckson **moved** to approve the request for exemption from property taxes by Milford Housing Development Corporation as to parcel #'s 5-16-183.10-02-10.00; 2) 5-16-183.10-04-02.00; seconded by Mr. Sweeney; carried by Roll Call vote 7 yeas.

Mr. Eaby:

1. Fox Hall West Addition Homeowners Association, Parcel No. 2-05-076.05-07-11.00

Mr. Brode is taking this one. Summary by Mr. Cox; 1.3 acres of vacant land located on Pebble Valley DR and used for storm water management; Polytech nor Capital schools took a position; City of Dover does not tax this; BOA voted unanimously to approve; if approved will be effective as of 6/1/09; County's portion of annual ad valorem taxes would be \$2.48; ROT reports \$18.18 in tax and penalties for current tax year remain posted; if exempted they will be removed.

M-355-09 Mr. Brode **moved** to approve the request for exemption from property taxes by Fox Hall West Addition Homeowners Association as to parcel #2-05-076.05-07-11.00; seconded by Mr. Sweeney; carried by Roll Call vote 6 yeas, 1 abstention (Eaby).

2. Wesley United Methodist Church, Parcel No. 2-05-077.09-05-08.00

Office building located on North St., Dover; Polytech and Capital take no position; City of Dover reports that its Appeals Board has recommended that the Council exempt this property; BOA voted unanimously to approve and if so would become effective 6/1/09; \$1,485.54 in tax and penalties reported for current year remains posted; if exempted they will be removed; County's portion annual ad valorem taxes \$230.64.

M-356-09 Mr. Eaby **moved** to approve the request for exemption from property taxes by Wesley United Methodist Church as to parcel #2-05-077.09-05-08.00; seconded by Mr. Brode; carried by Roll Call vote 7 yeas.

End of Tax Exemption Requests

Mr. Banta:

1. Appointments to the Investment Advisory Committee (3 members)

Mr. Banta asked that someone take this for him. He stated there are three people who have been carefully monitored and have met with the approval of the Director of Personnel and, I assume, by the Director of Finance and County Administrator. Each name needs to be called; the position is for the Investment Advisory Committee.

- M-357-09** Mr. Angel **called** the names R. Ronald Draper, Robert H. Merrill and W. Charles Paradee III (Trey) for approval; seconded by Mr. Brode; carried by Roll Call vote 6 yeas, 1 nay (Ennis).

Mr. Buckson:

1. **Introduction of Ordinance LC09-35;** APFO-Schools; An Ordinance to amend Kent County Code, Vol. II, Chapter 187 Subdivision and Land Development, effective June 10, 2003, as amended, Article XVII Supplementary Regulations, §187.90.2 Adequate public facilities, Item B, Definitions and Item F, Level of Service Standards, to repeal and re-enact adequate public facility regulations for schools
(SYNOPSIS: This ordinance repeals and re-enacts Adequate Public Facility standards for schools.)

Mr. Buckson read the Ordinance into the minutes calling for Public Hearing on December 15, 2009 at 7:15 P.M.

2. **Introduction of Ordinance LC09-37,** An Ordinance to amend Kent County Code, Vol. II, Chapter 187, Subdivision and Land Development by revising Article XVII, Supplementary Regulations, §187-90.2, Adequate Public Facilities, Item F, Level of Service Standards to provide that in cases where the existing Level of Service for an intersection or road segment is below the required Level of Service standard, the existing Level of Service shall, at a minimum, be maintained, and shall not be further reduced.
(SYNOPSIS: This ordinance adds a provision to the Roads portion of the Adequate Public Facilities Ordinance allowing that in cases where the existing Level of Service for an intersection or road segment is below the required Level of Service standard, the existing Level of Service shall, at a minimum, be maintained, and shall not be further reduced.)

This, too, was read into the minutes by Mr. Buckson calling for Public Hearing on December 15, 2009 at 7:15 P.M.

3. **Introduction of Ordinance LC09-38,** An Ordinance to amend the Comprehensive Plan Map Designation and the Official Zoning Map of Kent County, Delaware pursuant to the provisions of Kent County Code,

Vol. II, Chapter 205 Zoning, Article III, Section 205-8 and Section 205-9, and Article XXVIII (changes and amendments) effective December 01, 2000, as amended for Public Hearing on Tuesday, December 15, 2009 at 7:15 PM

(REF: Application CZ-09-03, Filed by Claudia Onken on behalf of Kathryn Moore; SYNOPSIS: This ordinance revises the Comprehensive Plan Map land use designation, and the Official Zoning Map for a portion of Tax Parcel SM-00-122.00-01-20.00/000 to permit commercial development.)

Mr. Buckson also read this Ordinance into the minutes. Public Hearing 12/15/09 at 7:15 P.M.

OTHER BUSINESS

1. Vote to have Executive Session following the Committee Meetings on November 17, 2009 pursuant to 29 Del.C. 10004(b)(2), (4), and (9); 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

M-358-09 Mr. Eaby **moved** to have Executive Session following the Committee Meetings on November 17, 2009 pursuant to 29 Del.C. 10004(b)(2), (4), and (9); 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; seconded by Mr. Brode and carried by Roll Call vote 7 yeas.

2. Move to go into Executive Session immediately following the 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).

M-359-09 Mr. Eaby **moved** to go into Executive Session immediately following the 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); seconded by Mr. Sweeney; carried by Roll Call vote 7 yeas.

INFORMATION ITEMS

Mr. Banta let it be known he is pleased with report on utility cost comparison. We have decreased consumption of water by \$130; lawn water by \$2,300; and reduced kilowatt hour consumption for July, Aug. and Sept. compared to last year, same time, by 105,000 kilowatt hours. This is a \$10,000 savings to the

taxpayers for the conservation program put into effect by the County Administrator along and in conjunction with the Dir. of Finance and various directors and employees.

Mr. Petit de Mange reminded everyone that today, November 10 marks the one year anniversary of Mr. Tuthill's passing. We received a nice e-mail this afternoon from Susanne and Emily once again thanking us for the dedication of the memorial plaque and reminded us that his life was enriched by his relationship with Levy Court.

Mr. Eaby attended the CDCC meeting this morning on behalf of Levy Court. Two things take away from it – how bad the economy is and they have lost a number of memberships, probably 12 this month, as a result of businesses closing, economy failing. On a happier note, the Chamber is sending a letter of support, as is the City of Dover, concerning the terrorist training facility that we are sending a letter on too. Hopefully, Queen Anne's County will get the nod on that and that will help us all.

Mr. Angel brought out that he, Mr. Banta, Mr. Buckson and Mr. Ennis attended the military affair on Base. We had a tribute for them; it was a nice affair.

Mr. Banta had a discussion with the Colonel; he believes they have a date set at the end of November for him to come and have a tour of the building and a little ceremony. That was a positive thing that came from that affair at the Landings.

Mr. Sweeny thanked the Commissioners for their indulgence during his 12 days in Kansas. I took advantage of being there and went to the Derby Public Library. It was closed but he had the opportunity to speak to the Derby Councilmen and the City Librarian. They were going from a 9,000 sq. ft. library to a 36,000 sq. ft. library; had a nice tour; got pictures to share; visited some city parks; there are no County libraries; no County parks; everything is municipal.

Mr. Buckson asked if he went by and checked on their annual tax rate for that area.

Their budget, said Mr. Sweeney, is, for Derby, \$123,000,000 per year for a population of only 25,000.

Translation, what is their tax rate, asked Mr. Buckson?

Mr. Brode wondered why the library was closed. Was it lapping over on anybody else's territory?

This is the honest truth, said Mr. Sweeney. When I was talking to the Derby City Councilmen and told him about some of the stuff here, he brought the City

librarian out to hear the story because they got such a kick out of it.

Mr. Eaby said he saw in their wisdom they did not have both a City and County library – just one provider.

PUBLIC COMMENTS

None

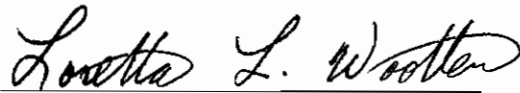
COMMISSIONERS' COMMENTS

Mr. Angel said he would like to have the KCP put back on under Mr. Buckson. There were two grants – one deadline that needs a fiscal agent, has to be done by December 1. We have the specific and the December 1st one. I want to be sure if we can do it under a conditional so at least the State will know we will go that way – as a fiscal agent. We will give them conditional approval if they are awarded and then they can still receive their grant. I would like for it to be under Mr. Buckson since I won't be here. I am having my knee replaced next Wednesday and hopefully won't be out too long.

We all wish you the best of luck in your surgery.

ADJOURN

M-360-09 Motion was made by Mr. Angel, seconded by Mr. Sweeney and carried by Roll Call vote 7 yeas to move into Executive Session. **8:47 P.M.**



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.

