

**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, January 12, 2010**

**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. Brode 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 - absent
George W. Sweeney, Sr.	Commissioner

There are six (6) Commissioners present.

**Additions/Deletions to Agenda**

Item #1 under Mr. Angel, Kent County Prevention Coalition, has been removed from the Agenda.

**Adoption of the Agenda**

**M-001-10** Motion was made by Mr. Sweeney, seconded by Mr. Angel and carried by Roll Call vote 6 yeas, 1 absent (Ennis) to adopt the Agenda as amended.

**Consent Agenda 10-01**

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.

*Item from January 5, 2010 Committee Meetings:*

- Murderkill River Area – Public Works Agreement – Amendment No. 2

**M-002-10** Motion was made by Mr. Brode, seconded by Mr. Sweeney and carried by Roll Call vote 6 yeas, 1 absent (Ennis) to approve Consent Agenda 10-01 as presented.

**Approval of Special Business Meeting Minutes of Tuesday, December 29, 2009**

**M-003-10** Motion was made by Mr. Angel, seconded by Mr. Brode and carried by Roll Call vote 6 yeas, 1 absent (Ennis) to approve the Special Business Meeting Minutes of Tuesday, December 29, 2009.

**PRESENTATIONS**

1. Tribute to Kiwanis Club of Dover for 75 years

Ms. Tanaka read the Tribute into the record. This group was organized on January 16, 1935 and has grown into the largest Kiwanis club in Division 11. They sponsor 8 service leadership programs. Kiwanis is a global organization of volunteers dedicated to changing the world one child and one community at a time. Kent County Levy Court extends sincere congratulations to the Kiwanis Club of Dover on its 75<sup>th</sup> Anniversary and wish them continued success.

Mr. Banta said he would personally present the Tribute on Wednesday evening at the Sheraton at the Kiwanis Club meeting.

## 2. Perfect Attendance Awards

Mr. Kujala stated 60 employees achieved perfect attendance this past year. This is rather amazing since we had 60 the previous year and several of the serial perfect attendees retired. By achieving perfect attendance they will receive one additional day off during the year and a certificate. He read the names of those present so they could go forward to receive their Certificates. They were: Mike Petit de Mange; Lorri Tanaka; Allan Kujala; Cindy Laird; Hilary Weliver; Jeremy Sheppard; John Butler; Jill Johns; Dale Jones; Alan Tyson; Mike Weyant; Colin Faulkner; Katy Ridgeway; Cristal Cannon; Hans Medlarz; Doug Poore; John Witzke.

## INTRODUCTIONS

None

## 7:15 P.M., PUBLIC HEARINGS

None

## OLD BUSINESS

None

Mr. Banta had one comment to make before going to New Business. He learned today that on January 12, 1920, the Kent Sussex Fair was first organized. He thought Mr. Brode would be interested in that information.

## NEW BUSINESS

### Mr. Angel:

1. Kent County Prevention Coalition - *item removed.*

### Mr. Sweeney:

1. *Action Item from January 5, 2010 Committee Meetings:* memorandum of Agreement between the Boy Scouts and levy Court re: Kesselring Property

A Memorandum of Agreement was reviewed last week in Committee, states Mr. Petit de Mange. It was an agreement to be established between Levy Court and the Boy Scouts of America Del-Mar-VA Council with respect to the future pending development of the Kesselring property we have been under negotiations

with for many years. The Agreement establishes future site development considerations and cooperative arrangement between Kent Levy Court and the Boy Scouts of America. We have seen a tentative concept development plan for the Boy Scouts portion of the site and I think we are pleased with the outcome of that prospect. Tonight we ask the Levy Court to endorse the Memorandum of Agreement and authorize the President of Levy Court to sign it to formalize the relationship.

Mr. Sweeney said that normally this would have been an issue ending under Consent Agenda. As a whole, we decided there was sufficient importance to bring this to light and be sure the media and public knew where we stood.

Mr. Brode said he had previously wished they had the area near Brecknock and the Scouts over near New Burton but after talking with fellow Commissioners and realizing the Scouts needed the wooded area he is in agreement and will not oppose.

Mr. Banta commented they have worked on this for seven years. It is a long time coming to fruition.

Mr. Angel agrees with everything that has been said. This is the first thing that hit when I first became a Commissioner. We almost lost this at one time but we got back on track and I believe that is why we are voting on it separately.

Mr. Buckson said he made some phone calls today. He thinks Levy Court has done a nice job of trying to offer partnerships and make sure things get moving. His phone call was "what is the expectation; is this fully funded; is there money that still needs to be raised?" I was told there is a substantial amount of money already set aside; that the project moving to Kent County will be a benefit, a cost savings benefit: there is already capital money that has been raised so that absolutely there is a significant amount of money that has been set aside to be sure the large portion of this project is funded. That doesn't mean they don't have fund raising left to do. I took comfort in that because we do not want to see a project we get excited about that is 15 years away from any type of reality.

Mr. Banta said Kent County Levy Court is always a team player. We are always in a position to either compromise or work through problems. We think that working together in other projects has proven well.

Mr. Petit de Mange shared that today he had a visit from Jane Kesselring Edwards, her husband Bill Edwards and David Kesselring. It was an unannounced visit and very pleasant. They are excited about this prospect and they are following it. They stopped in to touch base and I learned that Jane Kesselring Edwards was recently going through a deposit box of her grandfather, who was Harvey Kesselring, and found among his personal papers his membership to the Boy Scouts. Apparently he had put it away in a safe place

many years ago. He was a Boy Scout in the 1900's time frame. She shared this with the Boy Scouts Council Del-Mar-VA and they were impressed. They feel, along with the Kesselring family, that this is some type of destiny for this property. I thought that a befitting story to share tonight. As the Kesselring family put it, "Harvey Kesselring will be very pleased with this outcome".

I have not been involved with this as long as some, said Mr. Sweeney, but it is an honor to make this motion tonight to keep prime land out of residential developer's hands and turning it into a nice area for Boy Scouts which will bring families from all over the Peninsula into this area. They will be here to spend money in our County; possibly stay in our County; eat in our County and buy gas in our County; stop at local Scout stores and spend their money in our County.

**M-004-10** This is a great partnership. With that, he **moved** to approve and authorize the President to sign the Memorandum of Understanding between Kent County Levy Court and the Del-Mar-VA Council of the Boy Scouts of America for Land Ownership, Use, Design and Development of the Kesselring Farm, Dover, Delaware 19901 as presented; seconded by Mr. Angel; carried by Roll Call vote 6 years, 1 absent (Ennis).

#### **TAX EXEMPTION REQUESTS:**

##### **Mr. Eaby:**

1. S. Lowman Pitts Day Care Center, Inc.; Parcel No. 2-05-067.18-03-15.01

Mr. Cox gave a summary: Geraldine Jones, Board Chairperson of S. Lowman Pitts Day Care Center, applied for exemption; 4,800 sq. ft. building on a 0.46-acre lot located on Walker Road; this Day Care Center was originally housed at Whatcoat United Methodist Church under the name of Whatcoat Day Care Center, Inc. and is continuing as a ministry of the church and relocated to improve the efficiency of their operation and for expansion; Polytech and Capital School districts were notified and took no position; they will apply to the City of Dover for exemption; BOA voted unanimously to recommend approval for exemption and if approved would become effective as of August 8, 2008 (date of acquisition of property); County's portion of annual ad valorem taxes would be \$503.75; Rec. of Taxes reports \$6,006.23 in current year and part-year tax 2008 and penalty remain posted to account; if exemption approved the tax and penalty will be removed.

**M-005-10** Mr. Eaby **moved** to approve the tax exempt request for the S. Lowman Pitts Day Care Center, Inc.; tax parcel No. 2-05-067.18-03-15.01 as a charitable organization under 9 Del. Code Sec. 8103; seconded by Mr. Angel; carried by Roll Call vote 6 years, 1 absent (Ennis).

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

1. Dover Miracle Revival Center; Parcels No.:
  - a. 7-00-111.00-02-17.02
  - b. 7-00-111.00-02-40.01

James Warrington, Pastor of Dover Miracle Revival Center requested exemption for two parcels - the first one a 4.9 acre parcel of vacant land on Barney Jenkins RD where the church plans to build a new sanctuary and community center; Polytech nor Caesar Rodney school districts took a position; BOA voted unanimously to recommend approval and if approved would become effective as of June 1, 2009; County's portion of annual ad valorem taxes on property if taxable would be \$27.59; tax office reports \$146.58 in current year tax and penalty remain posted but if approved will be removed from account.

Mr. Sweeney **moved** to approve the request for exemption from property taxes by Dover Miracle Revival Center as to parcel No. 7-00-111.00-02-17.02; no opposition and Kent County Board of Adjustment.

Mr. Brode asked if these were read in reverse from the way they are listed. He believes the numbers were read wrong.

Mr. Cox said the one he just read, the 4.9 acre parcel is the reverse order as they appear on the Agenda.

- M-006-10** Mr. Sweeney **amended the motion** to read: I move to approve the request for exemption from property taxes by Dover Miracle Revival Center as to parcel No. 7-00-111.00-02-40.01; seconded by Mr. Brode; carried by Roll Call vote 6 yeas, 1 absent (Ennis).

Item B has been approved.

Mr. Cox then summarized Item A. This is a two acre parcel of vacant land located north of Barney Jenkins Road adjoining parcel no. 40.01 and will be used for the same purposes - to build a new sanctuary and community; neither Polytech nor Caesar Rodney schools took a position; BOA voted unanimously to recommend approval and if approved would become effective as of June 1, 2009; County's portion of annual ad valorem taxes would be \$19.53 if taxable; tax office reports that \$103.76 in current year tax and penalty remain posted but if approved will be removed from the account.

- M-007-10** Mr. Sweeney **moved** to approve the request for exemption from property taxes by Dover Miracle Revival Center as to parcel No. 7-00-111.00-02-17.02; no opposition and recommendation of KCBOA; seconded by Mr. Brode; carried by Roll Call vote 6 yeas, 1 absent (Ennis).

Item A is approved.

## **END OF TAX EXEMPTION REQUESTS**

**Mr. Buckson:**

1. **Introduction of Ordinance LC10-02; Building Permit Fee Surcharge ( APFO Compliance and Nonresidential Construction);** An Ordinance to amend Kent County Code, Vol. I, Chapter 105 Subdivision Building construction, as amended, Article III Building Permit Fee Surcharge, § 105-6. Surcharge established; applicability to reduce amount of the education surcharge for nonresidential construction and eliminate the surcharge for residential construction for which a mitigation payment has been made pursuant to the Adequate Public Facilities Ordinance (schools) for Public Hearing on Tuesday, February 23, 2009 at 7:15 PM

(Synopsis: This ordinance revises the building permit fee surcharge for education to reduce the surcharge amount for nonresidential construction and eliminate the surcharge for residential construction for which a mitigation payment has been made pursuant to the County's Adequate Public Facilities – Schools regulations)

Mr. Buckson read Ordinance LC10-02 into the record for Introduction. It is scheduled for Public Hearing on February 23, 2010 at 7:15 P.M.

#### **OTHER BUSINESS**

1. 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)

**M-008-10** Mr. Eaby **moved** 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); seconded by Mr. Angel; carried by Roll Call vote 6 yeas, 1 absent (Ennis).

#### **INFORMATION ITEMS**

Mr. Petit de Mange announced Leadership tomorrow at 12:00 noon.

#### **PUBLIC COMMENTS**

Nancy Wagner was present as a citizen. She realizes many worked on letters and words of encouragement to Queen Anne's County, MD when they began to work on the facility from the State Dept. to train families of the diplomatic Corp going overseas. I have always been interested in economic development for Kent County and Dover. She found an article of which she had a copy to give to

the Commissioners. When I noticed MD had rejected it I thought it was an opportunity for Kent Co., DE. I talked to Congressman Castle's office to see how to proceed and it was suggested that the Kent Co. Commissioners look at it and see if it is something they might be interested in. The proposal in MD was to go back to two Public Hearings and I am not sure what the outcome of that has been. I would be surprised if it has turned around that quickly and they have decided to approve it. Mike Petit de Mange suggested I come and give some suggestions as to what might happen. It seems like a perfect fit for Kent Co., DE. The only stipulation I have been able to find so far is that they want it within 150 miles of Washington – we fit that. I would imagine there is land available somewhere in Kent County - they are asking for 2,000 acres. I have no idea where that might be but I think it is worth looking at. We have a university here in Kent Co. that teaches languages they may be interested in. It seems like a perfect opportunity but it needs to be looked at by the Commissioners first because it is your County and you make those decisions. I wanted the opportunity to bring this to you. They talk about 500 jobs; a facility built by the Federal government; 26,000 visits of people coming in and out to be trained at the facility which could be a boost to our tolls, hotels, restaurants and a huge boost to economic development in Kent County. I think time is of the essence and it is a golden opportunity that needs to be looked at.

Mr. Banta explained they had embraced this and sent at least one letter of endorsement to the Commissioners. We were looking at it again this past week as to what acreage might be available in Kent County. Commissioner Sweeney indicated he was going to attend a Commissioner meeting in MD. I am not sure what came of that.

Mr. Angel says that what makes Dover and Kent County so well balanced is the influx of people we get from all over the world and the US to come here. To have highly trained people of 500 jobs and the educational system able to offer help would be great. Tourism would welcome the influx of travelers as well as the amount of jobs they could bring.

#### **COMMISSIONERS' COMMENTS**

None

**ADJOURN**

**M-009-10** Motion was made by Mr. Brode, seconded by Mr. Angel and carried by Roll Call vote 6 yeas, 1 absent (Ennis) to adjourn to Executive Session. **7:46 P.M.**

We will not return after Executive Session, states Mr. Banta.



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.