

**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, March 9, 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. Ennis and the Pledge of Allegiance was led by Mr. Sweeney.

Moment of Silence for our Troops

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

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

None

Adoption of the Agenda

M-038-10 Motion was made by Mr. Angel, seconded by Mr. Sweeney and carried by Roll Call vote 7 yeas, to adopt the Agenda as presented.

Consent Agenda 10-05

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 March 2, 2010 Committee Meetings

- Dawson Creek Subdivision Briefing from County Attorney
- Pension Cost Methods and Assumptions Recommendation

M-039-10 Motion was made by Mr. Brode, seconded by Mr. Angel and carried by Roll Call vote 7 yeas to approve Consent Agenda 10-05 as presented.

Approval of Regular Business Meeting Minutes of Tuesday, February 16, 2010

M-040-10 Motion was made by Mr. Angel, seconded by Mr. Brode and carried by Roll Call vote 6 yeas, 1 not voting (Ennis) to approve the Regular Business Meeting Minutes of Tuesday, February 16, 2010.

Approval of Regular Business Meeting Minutes of Tuesday, February 23, 2010

M-041-10 Motion was made by Mr. Sweeney, seconded by Mr. Angel and carried by Roll Call vote 6 yeas, 1 not voting (Ennis) to approve the Regular Business Meeting Minutes of Tuesday, February 23, 2010.

PRESENTATIONS

1. Presentation by the Lion's Club of Kent County to the Kent County Bookmobile

The Kent County Lions Club raised \$1,700 for the Friends of the Kent County Library to purchase large print books and audio books. This donation will benefit the Kent County Bookmobile and provide materials to assist the visually impaired. The book mobile currently makes stops at senior centers, senior communities, and health care facilities. The Lions hold as their primary interest projects involving vision to include blindness, eye health and exams. Many Lions Club members were present to present the check to Levy Court.

2. 911 Center Presentation: National Academies of Emergency Dispatch Center of Excellence Re-Accreditation

Kent County's Emergency Communications Center was recently awarded Re-Accreditation as an Emergency Medical Dispatch Center of Excellence by the International Academies of Emergency Dispatch. Kent County was awarded this distinction for their comprehensive implementation and compliance with the medical Priority Dispatch System and associated "20 Points of Excellence." Earning this award is voluntary and involves completing a detailed self-study and analysis. It demonstrates that Kent County's Emergency Communication Center is compliant with all international practice standards for Emergency Medical Dispatch.

3. Resolution 3075, American Red Cross Volunteers

Resolution 3075 was read into the record by Ms. Tanaka. Most everyone knows the American Red Cross for its work helping communities deal with major disasters, from a high-rise apartment fire or the threat from a hurricane. Just as important are the lesser-known "small disasters" that happen every day in Kent County, and the volunteers that make responding to them possible. Volunteers are the cornerstone of what the Red Cross does and are 97% of the work force of the Red Cross. Without their giving spirit, disaster relief operations would fall short and the mission of the Red Cross could not be fulfilled. From helping military families stay connected with service members around the world, teaching CPR and first aid in community centers, or supporting other Red Cross and Red Crescent Societies with emergencies around the world, volunteers are critical to the success of each and every Red Cross endeavor. March has been celebrated as "Red Cross Month" since 1943 when Pres. Franklin D. Roosevelt called the wartime fundraising campaign the "greatest single crusade of mercy in all of history." Kent County Levy Court proclaims March 2010 as American Red Cross Month. During this extraordinary time for our country, we encourage all county residents and Delawareans to support this organization's noble humanitarian mission.

M-042-10 Motion was made by Mr. Buckson, seconded by Mr. Angel and carried by Roll Call vote 7 yeas, to adopt Resolution #3075 The American Red Cross Volunteers.

The Resolution was presented to Dorothy Snyder.

INTRODUCTIONS

None

7:15 P.M., PUBLIC HEARINGS

Mr. Sweeney:

1. **Resolution 3072**, A Resolution upon a proposal to extend Kent County Sewage Disposal District No. 1 pursuant to Section 4606, Chapter 46, Title 9 of the Delaware Code, as amended (Kesselring Properties/Boy Scouts Complex – Isaacs Area)

Mr. Medlarz explains this is a joint property between the Boy Scouts and Kent County as well as a small portion of DelDot. The Boy Scouts of America have filed a request with the Dept. of Public Works; a TFS has been conducted and subsequently a SAB meeting scheduled at which the point the Board members reviewed the pros and cons of extending County sewer service in this area. These properties border the Town of Camden, City of Dover and the unincorporated area of Rodney Village. The Boy Scouts choose to work with the County. At the end of the SAB meeting the decision to recommend the extension was unanimous. There are no improvements needed because the line crossing the property can serve the needs of the Boy Scouts. They will have to make connections to that particular line but that is all. There are no off site improvements needed or any pump station upgrades, etc. It is a fairly easy one from an infrastructure standpoint. We have representatives of the Boy Scouts in the audience.

Public Hearing is Open on Resolution 3072

IN FAVOR

Andrew Riggi, Becker, Morgan Group on behalf of Boy Scouts – We are in favor of the extension.

IN OPPOSITION

None

Public Hearing is Closed on Resolution 3072

Mr. Sweeney stated he could not begin to say what good this will do for the County in the long run. The benefits in the end, the numbers I heard were 15,000 boys, thousands of parents, thousands of volunteers who all summer long will be coming to our County, dropping kids off for camping, spend the night, buy gas

M-043-10 and food; these are all good things for the County and great for Boys Scouts and everyone involved. I **move** to approve Resolution 3072 a Resolution to Extend Kent County Sewage Disposal District No. 1 pursuant to Section 4606, Chapter 46, Title 9 of *Delaware Code*, as amended; seconded by Mr. Brode and Mr. Angel.

Roll Call:

Mr. Angel – yes, based on Mr. Sweeney’s analogy and Staff recommendations

Mr. Brode – yes, reasons stated

Mr. Buckson – yes, reasons stated and no public opposition

Mr. Eaby – yes, reasons stated

Mr. Ennis – yes, reasons stated

Mr. Sweeney – yes, reasons stated

Mr. Banta – Kent County is the heart of DE and this organization will certainly enhance the heart of DE. I vote yes.

Roll Call on motion reveals 7 yeas to approve.

Mr. Angel:

1. Resolution 3073, Moores Meadows Garbage Collection District No. 67

Mr. Medlarz summarized briefly, stating this is the fourth phase of Moores Meadows. All other parts of the subd. have already been developed. We received a petition from the owner for extension of the garbage collection service. With all 26 lots still in Mr. Moore’s possession, this is a 100% petition and we have made him aware of the costs of \$224 per year. He will pass that on to all purchasers of any of the properties and/or homes. They will be aware of the extension.

Public Hearing is Open on Resolution 3073

IN FAVOR

None

IN OPPOSITION

None

Public Hearing is Closed on Resolution 3073

M-044-10 Mr. Angel **moved** to approve Resolution 3073 a Resolution Establishing Moores Meadows – Phase 4 Garbage Collection District No. 076A; seconded by Mr. Sweeney.

Roll Call:

Mr. Angel – yes, based on 100% ownership of Mr. Moore and staff recommendation

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 plus no opposition, staff recommendation

Roll Call reveals 7 yeas in favor.

CLOSE PUBLIC HEARINGS

OLD BUSINESS

None

NEW BUSINESS

Mr. Sweeney:

1. Kent County Dog Park Supplemental Funding Request

Mr. Sweeney said he stopped by the Park today and the pond has been stocked with a number of large Rainbow Trout. Anglers were there fishing and the dog park portion looks wonderful. There are some minor issues with the completion. Mr. Sheppard and Mr. Mumford will talk about those.

Mr. Sheppard stated there was a new proposal in the packets from the Parks Dept.

for new funding for the dog park. It came to our attention that per DNREC rules for procuring and instituting an open well on the Tidbury grounds that requirements unknown at the time would require us to put in a very high grade vandal resistant pump and system that would make sure nothing could be dumped back down into the well. They provided a draft letter telling us what we needed in order to meet their requirements. The majority of the funding being requested, which will not exceed \$10,000, has to do with the vandal proof pumping system, permitting and digging of the well, some brush removal and signage.

Mr. Angel asked where the money was coming from.

It should be coming from the same spot that we originally procured the money from, answered Mr. Sheppard. According to previous documents, we were getting it from the Big Oak Ball Field Complex because we had extra there.

Mr. Eaby asked how much the increase was. What did we have in the old budget for the well and how much was it with the new well.

Originally is was \$2,400 for the well and pumps, said Mr. Sheppard. It is considerably more expensive.

Mr. Buckson said it was in August that we decided to bring this back up. During the conversation it was very clear that we were using a Memo that related to Big Oak and some excess funding. It has always been understood that we had X amount of dollars; we still haven't met that; we are still OK. I believe we got an estimate and the estimate created the budget but in fact, the actuality is that we always had a ceiling of X amount left over that we could use. It is more of an increase over the original estimate than it is over the original budget. The budget was always a little higher – at least that is what the intention was.

Mr. Sweeney emphasized it had already been stated that fresh water was needed there. We do not want the dogs running up and drinking out of the ponds so fresh water is important. The DNREC decision is also important. It was explained earlier that somebody could, potentially, come into the park, break the pipe at the ground and dump something into the aquifer which could potentially go into millions of dollars to repair, depending on what was dumped. I believe the plan to put the high tech water pumps in is the right thing to do. I move to approve the Tidbury Creek County Dog Park Capital Project increase; seconded by Mr. Angel.

Mr. Petit de Mange suggested the motion Maker reference the source of funding for the record.

M-045-10 Mr. Sweeney amended his **motion** to approve an allocation not to exceed \$10,000

to supplement the original dog park budget with funding from Capital Projects Fund Balance; seconded by Mr. Angel.

Mr. Banta states the motion has not really been amended but clarified with Mr. Sweeney making it and Mr. Angel seconding.

Roll Call on motion reveals 7 yeas to approve.

Mr. Buckson:

1. **Introduction of Ordinance LC10-01, Kennels;** An Ordinance to amend Kent County Code, Vol. II, Chapter 205, Zoning, Article II, Definitions, §205-6 Definitions; Article IV, General Provisions §205-33; Article V, AC – Agricultural Conservation District §205-47, Permitted uses; Article V, AC – Agricultural Conservation District, §205-48, Conditional Uses; Article V, AC – Agricultural Conservation District, §205-53, Accessory Structure/Uses; Article VI, AR – Agricultural Residential District, §205-63, Permitted Uses; Article VI, AR – Agricultural Residential District, §205-64, Conditional Uses; Article VI, AR – Agricultural Residential District, §205-69, Accessory Structures/Uses; Article VII, RS-1 – Single-Family Residential District, §205-85, Accessory Structures/Uses; Article XXI, Conditional Uses, §205-308, Commercial Kennels; Article XXI, Conditional Uses, §205-365, Table of Conditional Uses; and Article XXVIA, Supplementary Regulations to revise and add definitions for types of kennels; include provisions for private kennels within the General Provisions section; permit farm and private kennels by-right; and establish an administrative review process for hunting kennels. NOTE: After this ordinance goes through RPC it will be back to Levy Court for public hearing (most likely in April).

(Synopsis: This Ordinance revises and adds definitions for kennels, farming kennels, hunting kennels, and private kennels; permits private and farming kennels by-right; includes provisions for private kennels within the General Provisions section; and permits hunting kennels of 20 or fewer animals as a conditional use through an administrative review and approval process subject to conditions that would preserve the character of the neighborhood and with the approval of the Director of Planning Services. Hunting kennels not meeting the required conditions or for which an adjacent property owner has submitted a letter of objection shall be subject to conditional use review and public hearing by the Regional Planning Commission and Levy Court.)

Mr. Buckson read the Ordinance into the record for Introduction.

Mr. Ennis:

1. **Introduction of Ordinance LC10-10**, An Ordinance authorizing the issuance of General Obligation Debt of Kent County for the construction and equipping of sewer extension for Brookdale Heights and Hideaway Acres and authorizing all necessary actions in connection therewith for public hearing on Tuesday, March 23, 2010 at 7:15 PM

This Ordinance was read into the record by Mr. Ennis. It is scheduled for Public Hearing on March 23, 2010 at 7:15 P.M.

OTHER BUSINESS

1. Vote 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)

Mr. Banta states there will be no Executive Session this evening.

2. Vote to have Executive Session following the Committee Meetings on March 16, 2010, 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-046-10 Mr. Eaby **moved** to have Executive Session following the Committee Meetings on March 16, 2010, 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. Angel; carried by Roll Call vote 7 yeas.

INFORMATION ITEMS

Mr. Petit de Mange alerted all Commissioners to the fact they would be meeting on the 31st of March because the Health Insurance proposal from Blue Cross Blue Shield will not be in our hands until the 31st. That is a Wednesday and we will meet at 6:00, Caucus Room, to deal with that and any other items you want to talk about. I know Mr. Brode will be out of town and we will include him by way of conference call.

Mr. Angel said he attended NACo in Washington this week-end. The dental contract finally got signed so we will be able to offer a dental program but it is

not free. It is \$59 per individual per year or \$69 for limited family. This is on an eighteen month pilot program and we are a pilot County. Thirty-eight counties have been selected; this has been a long road but it is finally coming to fruition. Also, telecommunications - last February we changed from a standard that was known but now you have a box or new TV with a new coding system in order to watch TV. The Government auctioned off channels to make money to help pay for it; no one bid so it is going back to Congress. The safety channels that are coming forth are still coming but not right now because there is no money. As to the Services membership Committee – some counties have dropped off by not paying their dues and by not paying you have to give up your prescription card which is free because it is basically through the dues. I suggested this should be exclusivity - that if you pay your dues and it is offered, it is a pass through membership and with the dental card coming forth and other programs these are reasons NACo is important to us. I got a round of applause as well as making people think we are like a business. If we are going to offer it it should be through a exclusivity. Just because you are a County doesn't mean you get it. Everyone else pays for it and it is offered that way. I am sure we will have more dialogue on it later.

Mr. Eaby wanted to remind all parents to be vigilant. We had an incident in our neighborhood this afternoon where a guy was driving around and went by our house about six times. My wife had told the kids that if a car went by more than twice to come and tell her. They did that and the police were called; they came but the guy got out before the police got there. You have to be careful out there!

PUBLIC COMMENTS

None

COMMISSIONERS' COMMENTS

Mr. Banta said he was extremely pleased to have Mr. Ennis back on the dais. He has had tremendous ordeals; he is a gallant fighter. He overcame most of it and in time will get through the rest of it. We welcome you back; it is an honor to have you back with us; we missed you.

Mr. Ennis thanked everyone for their visits, cards and everything. With all that occurred, without your prayers and concerns I wouldn't be here tonight. Mr. Banta kept me very well updated so I pretty well know what has been happening in Levy Court. I can't say enough in appreciation to everyone.

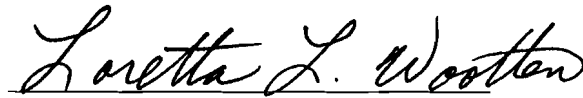
Mr. Banta said Mr. Buckson had stated he really missed Mr. Ennis because he was always able to buy his vote. I told him the one person whose vote you cannot buy is Commissioner Ennis.

Mr. Angel said his son-in-law was leaving in the morning to go back to Iraq. I appreciate a short evening so that I can spend some time with him and my daughter.

Mr. Buckson said he did not know where Mr. Banta comes up with his stuff. He told Mr. Ennis he was glad to see him back and wants to see more of him.

ADJOURN

M-047-10 Motion was made by Mr. Angel, seconded by Mr. Sweeney and carried by Roll Call vote 7 yeas to adjourn the meeting. **8:03 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.

