

Minutes approved with an amendment. See page 21.

**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, April 27, 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. Buckson.

Moment of Silence for our Troops

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

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

Added: Introduction of Ordinances by Mr. Buckson

Deleted: Hunn Tribute, Employee of the Month and appt. of Ms. Ornauer

Adoption of the Agenda

M-083-10 Motion was made by Mr. Sweeney, seconded by Mr. Angel and carried by Roll Call vote 7 yeas to adopt the Agenda as Amended.

Consent Agenda 10-08

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 April 20, 2010 Committee Meetings:

- Kent Conservation District List of Proposed Ditch maintenance Projects
- Employee Council Bylaw Amendment
- Housing Rehabilitation Bids
- Wastewater Treatment Facility- Enhanced Forward Blower Control – Proprietary Upgrade Purchase Order Approval
- Wastewater Treatment Facility – Laboratory Services Award
- TMDL Research Agreements – Delaware Geological Survey (DGS) for US Geological Survey (USGS) – Nutrient & Dissolved Oxygen Water Quality Standards Development for the Lower Murderkill River
- County Owned Property – First Baptist Church of Frederica Short Term Lease Extension

M-084-10 Motion was made by Mr. Brode, seconded by Mr. Eaby and carried by Roll Call vote 7 yeas to approve Consent Agenda 10-08 as presented.

Approval of Regular Business Meeting Minutes of Tuesday, April 13, 2010

M-085-10 Motion was made by Mr. Angel, seconded by Mr. Brode and carried by Roll Call vote 7 yeas to approve the Regular Business Meeting Minutes of Tuesday, April 13, 2010.

PRESENTATIONS:

1. **Resolution 3088, Kent County Medal for David P. Buckson, Sr.**

Resolution was read into the minutes by Ms. Tanaka. Mr. Buckson has dedicated his life to public service by serving as Lt. Governor, Governor, Attorney General and judge on the Court of Common Pleas and Family Court for Kent County. He is a UD and Dickinson College Law School graduate. He served in the South Pacific Theater during World War II and led a National Guard unit. Mr. Buckson is the founder of the Dover Downs sports complex. He also operated a law practice in Dover for 45 years, formerly served on the Board of Kent General Hospital, past pres. of Cloverleaf Standardbred Owners Assoc., Master Mason in Union Lodge #5AF&AM and is a member of the American Legion, Del Vets, VFW, CDCC, Barratt's Chapel and Whatcoat United Methodist Church. Kent County Levy Court does hereby recognize, commend and award the Honorable David P. Buckson, Sr. with a Kent County Medal for Meritorious Service.

M-086-10 Motion was made by Mr. Angel to approve Resolution 3088, seconded by Mr. Sweeney and carried by Roll Call vote 7 yeas.

Mr. Buckson and his wife came forward to meet the Commissioners and County Administrator. Comments were made by all Commissioners and Mr. Buckson. Medal of Honor was presented by Mr. Banta and Mr. Buckson's son, LC Commissioner Eric Buckson.

2. Tribute to Mrs. Shirley Lillian Hunn - withdrawn
3. Employee of the Month - withdrawn
4. **Resolution 3087, Kent County Business Week**

Mr. Pepper read the Resolution into the minutes. A successful business invariably depends upon its reputation in the community it serves. The following have been nominated as outstanding business persons: Small Business Person of the Year: Lisa & Jennings Hastings, Janis Nesterak & Kimberly Fonda of Faw, Casson & Co, Dr. Stephanie Steckel, DDS, MS of Orthodontics on Silver Lake, PA, and John McKown of Delaware.net, Inc.; Corp. of the Year: Ed Dulin of Delaware State News, David Clendaniel of Dover Federal Credit Union, and George Bailey & Cornell Randolph of Sam's Club; Entrepreneur of the Year: Beverly Knight of Knight's Fine Jewelry, Alan Kovitz of Elevations Unlimited and Kelly Devine of Where Pigs Fly Restaurant. Kent County, DE proclaims May 16-22, 2010 as Kent County Business Week.

M-087-10 Motion was made by Mr. Eaby, seconded by Mr. Angel and Mr. Brode and carried by Roll Call vote 7 yeas to approve Resolution 3087.

5. **Resolution 3089, Proclaiming the Month of May as "Community Action Month"**

Resolution was read by Mr. Pepper. Community Action agencies were created

when the Economic Opportunity Act of 1964 was signed into law. First State Community Action has more than a 44-year history of promoting self-sufficiency for the limited income and has made an essential contribution to individuals and families in Kent County and DE by providing them with innovative and cost effective programs. They are needed as major participants in the reform of the welfare system as we know it and they continue to need opportunities to improve their lives and their living conditions. DE and the entire United States must continue to wage war on poverty by providing support and opportunities for all citizens in need of assistance. Kent County Levy Court proclaims the month of May, 2010 as Community Action Month in Kent County, Delaware in recognition of First State Community Action Agency's hard work and dedication to the residents of DE.

M-088-10 Mr. Angel moved to approve Resolution 3089, seconded by Mr. Sweeney and carried by Roll Call vote 7 yeas.

Resolution was presented to Ms. Ava Stallings Hardy who was present in lieu of Executive Dir., Bernice Edwards.

INTRODUCTIONS

None

7:15 P.M., PUBLIC HEARINGS

Ms. Keifer stated this Public Hearing is being conducted for the purpose of giving the citizens of Kent County the opportunity to provide testimony to the Levy Court on the item that is before them that has been referred from the Regional Planning Commission. Everyone will have an opportunity to speak. All Statements will be made from the podium at the front of the room. For the record, please give your name and address. Copies of any written statements or exhibits used during the testimony should be provided to the Clerk of the Peace for inclusion in the record for that item. The procedure will be as follows:

The president or the staff will introduce the application;

Levy Court will then receive testimony from all of those in favor;

Testimony will then be received from those in opposition;

After everyone has had an opportunity to speak, the President will declare the hearing on that application closed and the Levy Court will consider their decision. Decisions will be made this evening, by the Levy Court, based upon public testimony received this evening as well as a recommendation report submitted to the Levy Court from the Regional Planning Commission. Ms. Keifer requested that the RPC recommendation report be included as part of the permanent record

for this proceeding. Public Notice of this hearing was published in the Delaware State News on 4/11/10.

PETITIONS FOR CONDITIONAL USE APPROVAL:

Mr. Brode:

1. **Application: C-10-02;** Applicant: Lee F. Slaughter, Jr.; Owner : Paul Wade, LLC; Present Zoning District: AR (Agricultural Residential); Present Use: Residential; Proposed Use: Same with Home Office; Area and Location: 0.88 acres ± located on the south side of Co. Rd. 162, approximately 1,900 feet west of Co. Rd. 161, west of Dover; **Kent County Property Identification Number: ED-00-075.01-01-15.00-000**

Brief summary was given by Ms. Keifer. This site is located on the south side of Sharon Hill Road, west of Dover. RPC took testimony on 3/31/10 and on 4/8/10 voted unanimously to recommend conditional approval of application. Conditions recommended include no storage of vehicles on the premises; accessory structures on property may not be used for the business; business may only be an office housed within the dwelling; any signage is prohibited; no display of any vehicles being sold.

Public Hearing is Open on Application C-10-02

IN FAVOR

Lee F. Slaughter, Jr., 2324 Sharon Hill RD, Dover, DE – Trying to comply with requirements of Motor Vehicle Department. They require he have an officc just for bookkeeping.

Mr. Brode reiterated it would be an office only.

IN OPPOSITION

None

Public Hearing is Closed on Application C-10-02

M-089-10 Based on unanimous approval of RPC, no opposition and Staff approval, Mr. Brode **moved** that Application C-10-02, Kent County Property Identification Number: ED-00-075.01-01-15.00-000 be approved; seconded by Ennis.

Mr. Buckson stated after reading notes he expected some opposition. Without someone standing in objection of this would the applicant had to have come through RPC as well as Levy Court?

No, this would ordinarily have been an administrative application, answered Ms. Keifer. Because an objection was voiced, it comes through the hearing process.

Roll Call:

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 reveals 7 yeas in favor.

Mr. Sweeney:

1. **Application: C-09-05;** Applicant/Owners: Paris Investments, Inc.; Present Zoning District: BG (General Business); Present Use: Outdoor Storage; Proposed Use: Same; Area and Location: 1.3 acres ± located on the east side of U.S. Rt. 13, approximately 847 feet south of Co. Rd. 370, south of Woodside; Kent County Property Identification Numbers: NM-00-120.00-01-10.01/000;

Ms. Keifer gave a brief summary; property located south of Barney Jenkins RD; RPC took testimony 3/31/10 and on 4/8/10 unanimously recommended conditional approval; two conditions are installing slats in the chain link fence to create continuous screen and inspection by Staff 6 months after approval by Levy Court, if approved, to determine compliance with Code requirements.

Public Hearing is Open on Application C-09-05

IN FAVOR

Fred A. Voshell, Sr., 159 Princess Ann Ave., Viola, DE – Trying to bring all things into compliance.

Mr. Brode asked where this was in reference to the office at Canterbury Crossing.

Mr. Voshell said it was to the left.

Mr. Buckson wanted to verify the fencing as to how much of it had to be screened. Is it the entire fence or just part of it.

Ms. Keifer explained the Code requires it be screened from any adjacent properties and public rights of way. The recommendation from the Planning Commission is to screen the entire fence.

Mr. Sweeney wanted to verify again what part of the fence would be screened and

the requirements and what was recommended was reviewed again.

IN OPPOSITION

None

M-090-10 Mr. Sweeney **moved** to approve Application C-09-05 striking the first recommended condition from the Regional Planning committee that would have required 360 degrees of the fence to be completely screened. Along with that, no public opposition; the change complies with the County Comprehensive Plan and both RPC and Staff recommendation of approval; seconded by Mr. Angel.

Roll Call:

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 reveals 7 yeas in favor.

Mr. Eaby:

FY2011 ANNUAL OPERATING BUDGET

Summary of the Budget was presented by Ms. Elders.

Mr. Eaby thanked everyone for all their hard work on the Budget.

Mr. Banta had a couple of comments on Resolution 3077. 1) The assessed valuation is based on a 1986-87 assessment; 2) it was reported in December '09 that the average home owner in the corporate limits of the City of Dover was paying \$900 a year in County taxes. I think it is important as we go through this process to have some clarification. In research I have done, the average home owner in the City of Dover pays about 37 cents a day in taxes. Some are paying as high as 48 cents a day. The end result is the average home owner in the City of Dover does not pay \$900 a year in County taxes – he pays between \$147 and \$186 a year in County taxes. That is for clarification.

There was some discussion on how the General Fund was presented and the

personnel costs.

Mr. Eaby explained we are a service organization. It is typical for that type of organization to have a high personnel cost. Our biggest asset is our employees and that is where we would typically spend almost all of our income – that is all we have. We do need to watch our personnel costs and benefits.

Mr. Angel pointed out that we cannot co-mingle our sewer and general budget. Correct?

That is correct, answered Ms. Durham. One is an enterprise fund and one is a governmental fund.

1. Resolution 3077, FY11 Property Tax Rate

Public Hearing is Open on Resolution 3077

IN FAVOR

None

IN OPPOSITION

None

Public Hearing is Closed on Resolution 3077

M-091-10 Mr. Eaby moved to approve Resolution 3077 FY 2011 Property Tax Rate, that the Kent County Levy Court affixes the Property Tax Rate for fiscal year 2011 to be 31.0 cents on the basis of no public opposition; budget presents a balanced budget and in compliance and on time with County Code; seconded by Mr. Brode.

Roll Call:

Mr. Angel – yes, did not support this last year but will this year based on having a balanced budget and Mr. Petit de Mange has worked hard to make sure our budget is in order; also that we will keep our promise of trying to reduce it as we said we would

Mr. Brode – yes, reasons stated

Mr. Buckson – no

Mr. Eaby – yes, reasons stated

Mr. Ennis – yes, reasons stated

Mr. Sweeney – yes, reasons stated

Mr. Banta – yes, reasons stated

Roll Call reveals 6 yeas 1 nay (Buckson) to approve.

2. **Resolution 3078**, FY11 Old Mill Acres Suburban Park District Tax Rate

Public Hearing is Open on Resolution 3078

IN FAVOR

None

IN OPPOSITION

None

Public Hearing is Closed on Resolution 3078

M-092-10

Motion was made by Mr. Eaby to approve Resolution 3078 FY 2011 Old Mill Acres Suburban Park District Tax Rate that the Kent County Levy Court affixes the FY 2011 Old Mill Acres Suburban Park District Tax Rate for fiscal year 2011 to be 4.4 cents. No public opposition and part of the balanced budget; seconded by Mr. Sweeney

Roll Call:

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 reveals 7 yeas in favor.

3. **Resolution 3079**, FY11 Royal Grant Suburban Park District Tax Rate

Public Hearing is Open on Resolution 3079

IN FAVOR

None

IN OPPOSITION

None

Public Hearing is Closed on Resolution 3079

- M-093-10** Mr. Eaby moved to approve Resolution 3079 FY2011 Royal Grant Suburban Park District Tax Rate that the Kent County Levy Court affixes the FY 2011 Royal Grant Suburban Park District Tax Rate for fiscal year 2011 to be 5.7 cents; no public opposition; part of balanced budget; seconded by Mr. Sweeney.

Roll Call:

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 reveals 7 yeas in favor.

4. **Resolution 3080**, FY11 Eagles Nest Suburban Park District Tax Rate

Public Hearing is Open on Resolution 3080**IN FAVOR**

None

IN OPPOSITION

None

Public Hearing is Closed on Resolution 3080

- M-094-10** Mr. Eaby moved to approve Resolution 3080 FY 2011 Eagles Nest Suburban

Park District Tax Rate that the Kent County Levy Court affixes the FY 2011 Eagles Nest Suburban Park District Tax Rate for fiscal year 2011 to be 6.5 cents; seconded by Mr. Sweeney.

Roll Call:

Mr. Angel – yes, reasons stated

Mr. Brode – yes, reasons stated

Mr. Buckson – yes, reasons stated

Mr. Eaby – yes, reasons stated, no public opposition and part of balanced budget

Mr. Ennis – yes, reasons stated

Mr. Sweeney – yes, reasons stated

Mr. Banta – yes, reasons stated

Roll Call reveals 7 yeas in favor.

5. **Resolution 3081**, Kent County Disposal District No. 1 User Rates

Public Hearing is Open on Resolution 3081

IN FAVOR

None

IN OPPOSITION

None

Public Hearing is Closed on Resolution 3081

M-095-10 **Motion** is made by Mr. Eaby to approve Resolution 3081 Kent County Disposal District No. 1 User Rates; user rate for Kent County Disposal District No. 1 for fiscal year 2011 be \$2.34 per 1,000 gallons of sewage transmitted into the District. This rate will be assessed on Sanitary Sewer Districts and others, except septage haulers, contracting with Kent County for sewage disposal services on the grounds of no public opposition and part of balanced budget; seconded by Mr. Brode.

Roll Call:

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 reveals 7 yeas in favor.

6. **Resolution 3082, FY11 Kent County Library District Tax Rate**

Public Hearing is Open on Resolution 3082

IN FAVOR

None

IN OPPOSITION

None

Public Hearing is Closed on Resolution 3082

M-096-10 Motion is made by Mr. Eaby to approve Resolution 3082 FY 2011 Library Tax District Tax Rate that the Kent County Levy Court affixes the Library Tax District Tax Rate for fiscal year 2011 to be 3.7 cents; seconded by Mr. Sweeney.

Roll Call:

Mr. Angel – yes, reasons stated

Mr. Brode – yes, reasons stated

Mr. Buckson – yes, reasons stated

Mr. Eaby – yes, no public opposition and balanced budget

Mr. Ennis – yes, reasons stated

Mr. Sweeney – yes, reasons stated

Mr. Banta – yes, reasons stated

Roll Call reveals 7 yeas in favor.

7. **Resolution 3083, FY11 Milford Library District Tax Rate**

Public Hearing is Open on Resolution 3083

IN FAVOR

None

IN OPPOSITION

None

Public Hearing is Closed on Resolution 3083

M-097-10 Motion is made by Mr. Eaby to approve Resolution 3083 FY 2011 Milford Library District Tax Rate that the Kent County Levy Court affixes the Milford Library District Tax Rate for fiscal year 2011 to be 7.75 cents for no public opposition and balanced budget; seconded by Mr. Sweeney.

Roll Call:

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 reveals 7 yeas in favor.

8. **Ordinance LC10-14, An Ordinance adopting the Annual Operating Budget for Kent County Delaware, for the fiscal year beginning on July 1, 2010 and ending June 30, 2011**

Public Hearing is Open ou Ordinance LC10-14

IN FAVOR

None

IN OPPOSITION

None

Public Hearing is Closed on Ordinance LC10-14

Mr. Angel had a statement – thoughts he had put on paper and read.

- M-098-10** Mr. Eaby **moved** to approve Ordinance LC10-14 an Ordinance adopting the annual operating budget of Kent County, Delaware for the fiscal year beginning July 1, 2010 and ending June 30, 2011; seconded by Mr. Angel.

Roll Call:

Mr. Angel – yes, reasons stated

Mr. Brode – yes, reasons stated and thanked all for all work done

Mr. Buckson – yes; came tonight battling whether or not I would vote for the budget – not something I take lightly. He feels that if they want to protect the employees some changes will have to be considered

Mr. Eaby – yes, reasons stated, no public opposition, balanced budget

Mr. Ennis – yes, reasons stated; thanked everyone for this budget; believes it is one we can work with; everyone will accept and will get us through the next fiscal year with anticipation of maybe looking at some other areas.

Mr. Sweeney – yes, reasons stated; also thanked everyone for all their work. This is a lean budget. There is no rainy day fund. We do not have money sitting around waiting to reduce the tax or not raise it. It does not exist.

Mr. Banta – yes, reasons stated

Roll Call reveals 7 yeas in favor.

9. **Ordinance LC10-15, An Ordinance adopting the Annual Operating Budget for the Library Tax District of Kent County, Delaware for the fiscal year beginning July 1, 2010**

Public Hearing is Open on Ordinance LC10-15**IN FAVOR**

None

IN OPPOSITION

None

Public Hearing is Closed on Ordinance LC10-15

M-099-10 **Motion** was made by Mr. Eaby to approve Ordinance LC10-15 an ordinance adopting the annual operating budget for the Library Tax District of Kent County, Delaware for the fiscal year beginning July 1, 2010 on the basis of no public opposition and part of balanced budget; seconded by Mr. Sweeney.

Roll Call:

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 reveals 7 yeas in favor.

10. **Resolution 3084**, Command to Receiver of Taxes to collect Sewer Delinquent Accounts by District as of March 31, 2010

Public Hearing is Open on Resolution 3084

IN FAVOR

None

IN OPPOSITION

None

Public Hearing is Closed on Resolution 3084

M-100-10 **Motion** was made by Mr. Eaby to approve Resolution 3084 Command to the Receiver of Taxes to collect Sewer Delinquent Accounts by District as of March 31, 2010; no public opposition; part of balanced budget; seconded by Mr. Brode.

Roll Call:

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 reveals 7 yeas in favor.

CLOSE PUBLIC HEARINGS

OLD BUSINESS

Mr. Angel:

1. Medical/Health Insurance Request for Proposals (RFP)

Mr. Kujala said they approached the Brokers that submitted proposals for the health insurance program. They submitted their best and final offers. As a result Staff recommends the insurer be BCBS and the Broker be L&W for a flat fee of \$25,000.

Mr. Angel asked what the percentage was that we were faced with before going back for final offer.

Lyons proposal was a flat \$66,000 and L&W was proposing a 2% or better but they dropped down to \$25,000, answered Mr. Kujala.

Mr. Angel asked if this is the first time we have opted on a first and final offer that the Staff put in the RFP.

It is the first time, said Mr. Kujala, even though it has been here for a number of years. It paid off.

M-101-10 Mr. Angel **moved** to award the employee health/medical insurance program to Blue Cross Blue Shield of Delaware, brokered through L&W Insurance, for Fiscal Year 2011 for the current coverage's at the rates and fees quoted, and authorize the President of Levy Court to execute an agreement for services; seconded by Mr. Ennis.

Mr. Buckson brought up the Alternative 2 selection. That was the purpose of my no vote the last time. I believe the Alternative 2 vote deserves consideration and

would like to amend the motion to include Alternative 2.

Mr. Buckson **amended the motion** to include the Alternative 2.

With no support for the amended motion, it was asked if there were questions on main motion. There were none.

Roll Call on main motion reveals 7 yeas.

NEW BUSINESS

Mr. Eaby:

1. Appointment of Ms. Rexene Ornauer to the Dover/Kent County Metropolitan Planning Organization, Public Advisory Committee – **withdrawn**
2. Commands to the Receiver of Taxes for resolutions pertaining to the FY2010 Budget (Resolutions 3077 through 3084) NOTE: Upon the approval of the resolutions, commands must be issued to the Receiver of Taxes to collect the taxes

M-102-10 Mr. Eaby **moved** to issue command to the Receiver of Taxes for resolutions pertaining to the FY2011 Budget (Resolutions 3077 through 3084); seconded by Mr. Sweeney; Roll Call reveals 7 yeas.

Mr. Sweeney:

1. Appointment of Mr. David Fry to the Dover/Kent County Metropolitan Planning Organization, Public Advisory Committee

M-103-10 Mr. Fry has shown a genuine concern for the County over the past few years and especially in the area of traffic management, states Mr. Sweeney. I **move** to approve the appointment of Mr. David Fry to the Dover Kent County Metropolitan Planning Organization, Public Advisory Committee; seconded by Mr. Eaby; carried by Roll Call vote 7 yeas.

Mr. Angel:

1. Resolution 3090 in Support of “3 Is Enough Campaign”

Mr. Angel read the Resolution. The Delaware General Assembly is contemplating legislation including House Bill 194 that would enable the expansion of gaming venues and the creation of additional casinos and gambling parlors in Delaware to the detriment of existing venues. The prospect of additional gambling venues in DE has given rise to a grass-roots movement referred to as the “Three is Enough Campaign”. Its purpose is to demonstrate to the General Assembly that the market for gaming in DE is limited and that the 3 existing gaming casino facilities in DE reasonably accommodate the market in

DE and that expansion of gaming to additional venues would dilute this limited market, would be duplicative, and would ultimately result in lost revenues for those existing venues that have made, and continue to make, substantial financial contributions to the DE economy through business activity, construction, employment, entertainment, tourism, and tax payments to both State and local governments. Kent County Levy Court stands in opposition to House Bill 194 and to any similar legislation to be considered by the Delaware General Assembly which would enable the expansion of casino gaming in DE beyond the existing three venues at Delaware park, Dover Downs, and Harrington Raceway.

M-104-10 Mr. Angel stated the reading of Resolution 3090 was his **motion**; seconded by Mr. Eaby.

Mr. Banta believes that economically we have to look out for the welfare of Kent County and of DE. It would seem that the process being considered does have the capacity to dilute revenue among one or two other areas that might have gambling and/or racing. What we currently have seems to work; if it ain't broke, don't fix it.

Roll Call on the motion reveals 7 yeas.

Mr. Buckson:

1. **Introduction of Ordinance LC10-13, re: Weeds and Plant Growth: An Ordinance to amend Kent County Code, Vol. I, Chapter 175, Property Maintenance, §175-1 Weeds and Plant Growth to revise the fees for County remediation of weeds and plant growth violations**

Ordinance was read into the minutes by Mr. Buckson for Introduction.

He also read Ordinances LC10-06, LC10-07, LC10-08 and LC10-09 into the record relating to employee and retiree benefits.

OTHER BUSINESS

2. Vote to have Executive Session immediately following the Committee Meetings on Tuesday, May 4, 2010, 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-105-10 Mr. Eaby **moved** to have Executive Session immediately following the Committee Meetings on Tuesday, May 4, 2010, 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 7 yeas.

INFORMATION ITEMS

Mr. Petit de Mange thanked Levy Court for their unanimous support of the Budget and Susan Durham for her guidance through the process. Everyone is to be commended for drawing in on the expenditures over the past several budgets. He reminded everyone of some of the things the County is still able to do. We are on the eve of opening our first County owned library; a major parkland expansion; Wastewater Treatment Plant continues to be improved; and next week you will learn about the civil air terminal expansion and possibilities for major economic development opportunities related to that. Things are happening in this County despite limited financial resources.

Mr. Banta reminded the Commissioners that the documents you have in regard to the Budget, please save them – it will save reproduction by Staff.

PUBLIC COMMENTS

None

COMMISSIONERS' COMMENTS

Mr. Angel said it was a great day when Governor Peterson was presented with the Medal for the work he has done on saving our coastline. The kids in the mock Levy Court embellished and reveled in their comments for Mr. Peterson.

He said last week was a hectic week. He had 17 functions with six of them on Thursday.

Mr. Angel also wanted to correct the paper. Mr. Buckson brought forth the snow removal. Mr. Sweeney and I were there and they gave us the credit but Mr. Buckson really gets the credit.

And, said Mr. Angel, the State is going after our Deeds and Wills. If we lose that we will be deep in you know what because there goes our revenue. We need to make a Resolution to save our Deeds and Wills.

Mr. Eaby stated they have had some challenging times as a County Government – you would have to live in a cave not to realize financial difficulties everyone has had to face. We have managed to steer this ship spectacularly, in my opinion, through the help and hard work of the people who are here everyday. The employees have been great – you didn't hear a lot of griping from them when they had to contribute to their pension, pay more for health insurance, when they didn't get a cost of living increase, when they didn't get a step increase – and that


was because they saw the hard work going on internally and they were willing to step up to the plate. It has been an honor to participate in this process and this government. Thank you!

Mr. Sweeney participated in the Youth and Government Day on Thursday. He had the opportunity to stand in the back and coach. The students were amazing; they were a very intelligent group. Secondly, last year, Mr. Buckson asked me to participate in the Life Long Learning project. New Castle and Sussex already have this program. It offers 10 week classes to anyone over 50 and is taught by people over 50. We are in the process of looking for instructors. If you know of anyone who might be interested, please have them contact me.

Mr. Banta commended Commissioner Ennis for his opening comments for Youth and Government Day. He then made comments about how little the City Commissioners about what this government does for the City of Dover. We do more for the City of Dover than for any other city and the average Councilman does not know that. That distresses me.

ADJOURN

M-106-10 Motion was made by Mr. Angel, seconded by Mr. Sweeney and carried by Roll Call vote 7 yeas to adjourn the meeting. 9:07 PM


Loretta L. Wootten *by JDM*
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.

***At the May 11, 2010 Regular business Meeting Mr. Angel asked for his comments re: vote on the Budget, Ordinance LC10-14 be put into the record. Please see pages 105 and 106 for those comments.**

**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, April 27, 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. Buckson.

Moment of Silence for our Troops

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

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

Mr. Angel's comments re: Ordinance LC10-14:

Before we vote I would like to make a statement if I could.

I have given this a lot of thought in the last couple months and I put down in words so bear with me please. Two years ago our budget had two separate lines for a COLA. I remember saying that one, it shouldn't be on a separate line and two we should keep it just in case the economy gets worse or to help defray any other unforeseen costs we had not thought of. But I was a good soldier at that budget discussion and I voted for it. Last year I brought forth some innovative ideas to restore the budget crisis we were facing. Looking at a business license fee, changing our investing process and three changing our banking practices by using modern technology to enhance the financial structure and save on manpower and a system that is antiquated, thus ensuring that the taxpayer's money was getting the best rates possible and ensuring the money collected was being used to its full potential; just like the business world. Last year this was a major sticking point for me because raising taxes was the easy way at that time to fix the problem, I felt. Which, at that time frame, I remember a great Democrat who turned Republican because he felt the party had left him. I'm not leaving the party but I also remember him saying the Government is not the solution to the problem the Government is the problem. That is why I could not support last year's budget. The core of my strength and that I drew from is based on facts and the ideas of what could be done. Those are the physiological difference of changing the system. I always look for the road less traveled. That's why I'm not a follower I'm a leader looking beyond what's ahead of me. We all have different we all come here with different backgrounds and at times we always don't meet in the middle and our voting record shows that. Our County Administrator has done a wonderful job cutting expenses and making this budget and the necessary means to get through a difficult year. Let me I want to read some of the things that we have done to help this budget. The proposed fiscal year 2011 the County Budget is about 2.5 million less than the actual expenditures in fiscal year 2008. The proposed budget is 800 thousand less than the amended current fiscal 2010 budget. Funding for 31 county positions has been cut saving \$1 million in wages and benefits and again next fiscal year on top of the ten positions that have consistently remained unfilled in 2009 and 2010. We do staffing, static wages and improving economy have reduced the County's pension contribution by almost \$600 thousand for 2011. Last year the State shifted full funding and responsibility for dog control onto the County. The cost equates to about three cents on the County tax rate. Over the past several years the State has reduced its funding on the paramedic program from 60 per cent to thirty per cent, a cost increase to the County equal to about 7.5 cents on the County tax rate. I feel renewed and with confidence in most of the issues I've brought forth that are now in this process. That's why I'm going to vote yes for

this year's budget. We still have issues to discuss but with communication that's coming forth these changes will be talked about in the near future. But, what I really want to say is also it is not about being right or wrong or anything that was proposed last year, it is about doing the right thing and that's why I'm supporting this budget. Thank you, Mr. President.