

**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, June 15, 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. Brode.

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-133-10 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 10-11

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 June 8, 2010 Committee Meetings:

- Levy Court Budget Amendment 2A
- FY2011 – FY2012 General Labor & Equipment Contract Award and FY2009 – FY2010 Contract – Close Out Change Order
- Round 15 – Agricultural Land Preservation – Purchase of Development Rights
- Resolution 3125, Rural Development Housing Preservation Grant Preapplication
- Housing Rehabilitation Bids (> \$25,000)
- Proposed Kent County Levy Court Policy Amendment P10-02; re: §26-1. Kent County Medal

M-134-10 Motion was made by Mr. Brode, seconded by Mr. Eaby and carried by Roll Call vote 7 yeas to approve Consent Agenda 10-11 as presented.

Approval of Regular Business Meeting Minutes of Tuesday, May 25, 2010

M-135-10 Motion was made by Mr. Ennis, seconded by Mr. Angel and carried by Roll Call vote 7 yeas to approve the Regular Business Meeting Minutes of Tuesday, May 25, 2010.

PRESENTATIONS

1. Employee of the Month for June

Employee of the Month for June 2010 is James M. Gerardi from the Dept. of Public Works. He is a Maintenance Mechanic III in the Div. of Wastewater

Facilities and has been working for the County since July 2006. According to supervisors, James has an exemplary work ethic and exhibits superior supervisory skills and can be counted on to get any job done. He truly is an asset to Kent County. James lives in Commissioner Buckson's and Ennis' districts. Congratulations James on a job well done.

INTRODUCTIONS

None

It is not yet 7:15 so we will move to New Business, states Mr. Banta.

NEW BUSINESS

Mr. Angel:

1. MOU for Union Contract Extension, EMS

Mr. Kujala states the conditions the Union wanted were reviewed a couple of weeks ago and they have been incorporated in the MOU. The President and the Union Rep have signed off on the Agreement as it has been presented in the packets.

- M-136-10** Mr. Angel **moved** to authorize the President of Levy Court and County Attorney to execute a memorandum extending the existing agreement with AFSCME Council 81, Local Affiliate 781 representing paramedic employees for one year as proposed; seconded by Mr. Brode; carried by Roll Call vote 7 yeas.

Mr. Eaby:

2. Action Item from the June 8th Finance Committee Meeting re: Levy Court Budget Amendment 2B

Ms. Durham states this is Budget Amendment #2B. It was asked this be pulled from the Consent Agenda. It is for the funding of the change in the Clerk of the Peace office. Three thousand ten dollars is to be transferred from Contingency to cover the cost of the extension of hours for the License Specialist from 35 to 40 hours per week.

- M-137-10** Mr. Eaby states he did not support the initial decision to do this but it passed so I **move** to approve FY2010 Budget Amendment #2B; seconded by Angel; carried by Roll Call vote 6 yeas, 1 nay (Buckson).

Mr. Ennis:

1. **Introduction of Ordinance LC10-22**, An Ordinance Authorizing the issuance of General Obligation Debt (Federally Taxable—Build America Bond—Issuer Subsidy) of Kent County for the construction and equipping of sewer extension for Kitts Hummock Area Sewer District Expansion

and authorizing all necessary actions in connection therewith

Mr. Ennis read the Ordinance into the record. This is scheduled for Public Hearing on June 29, 2010 at 7:15 P.M.

Mr. Sweeney:

1. **Resolution 3126**, expressing opposition to the Recorder of Deeds legislation

Mr. Sweeney read the Resolution into the minutes. The mission of the Recorder of Deeds Office is to serve the people of Kent County by correctly recording and indexing documents in a timely and efficient manner. The Recorder of Deeds has built a strong relationship with the legal community as one providing expert service and maintaining hours of operation that benefit real estate agents, law firms, and title searchers. It is located in the County Administration building and is easily accessible to residents from both the Northern and Southern portions of Kent County. The Governor of the State of Delaware has announced its intention to pursue Legislation and a Constitutional Amendment to eliminate the County Recorder of Deeds Offices in each of the three (3) Counties in Delaware in favor of a single, centralized office. Kent County Levy Court is unanimous in its support for the Kent County Recorder of Deeds Office, its employees, and the invaluable service it provides our constituents. Kent County Levy Court does hereby express its opposition to any Legislation and/or Constitutional Amendment that would eliminate or transfer the Office and/or authority of the Kent County Recorder of Deeds from Kent County to the State of Delaware. Kent County Levy Court does urge each Representative and Senator representing any portion of Kent County to vote against any such Legislation, Resolution or Constitutional Amendment that would seek to eliminate the Office of the Recorder of Deeds as a County Office.

M-138-10 Mr. Sweeney **moved** to approve Resolution 3126 Support for the Recorder of Deeds office; seconded by Mr. Angel; carried by Roll Call vote 7 yeas.

7:15 P.M., PUBLIC HEARINGS

Mr. Eaby:

1. **Ordinance LC10-19**, An ordinance authorizing the issuance of Kent County, Delaware Recovery Zone Facility Bonds in an amount not to exceed \$4,400,000 for the benefit of Harrington Plaza, LLC to finance the construction of a Walgreens Pharmacy and retail store
2. **Ordinance LC10-20**, An Ordinance Authorizing the issuance of Kent County, Delaware Recovery Zone Facility Bonds in an amount not to exceed \$7,500,000 for the benefit of Reed Investments And Deewit, LLC to finance certain costs related to the redevelopment of the Dover Mart

Emily Ninan, a partner with Ballard and Spar, serving as Bond Council to the County, was present. She briefly went over the two Bond projects that were previously discussed at other business meetings. The first one, for the benefit of Harrington Plaza, LLC, is authorizing the issuance of Recovery and Facility Bonds not to exceed \$4.4 million, for the construction of a Walgreens Pharmacy and Retail Store. The second one is Reed Investments and Deewit, LLC, not to exceed \$7.5 million and is for the costs of redevelopment of The Dover Mart which will include, she believes, a Wawa and a bank site. For the record, these Bonds will not use the credit or the rating of the County; there is no liability on the County's part for re-payment of the debt service. Both of the projects use the Recovery Zone Bond allocation. The County received \$33 million in Recovery Zone Bond Allocation that can be used for these types of private activity, economic, development projects. If both projects are approved, which is almost \$12 million, you will still have \$21 million for other projects. There are Representatives from the borrowers present if you have any questions.

Mr. Eaby thanked Ms. Ninan for coming and presenting all the helpful information. Also, he thanked the Applicants for their input as well.

Public Hearing is Open on Ordinance LC10-19

IN FAVOR

None

IN OPPOSITION

None

Public Hearing is Closed on Ordinance LC10-19

- M-139-10** **Motion** was made by Mr. Eaby to approve Ordinance LC10-19 for the issuance and sale by the County of the Bonds in the aggregate principal amount not to exceed \$4, 400,000.00 in order to lend the proceeds thereof to the Applicant for the project which will tend to provide or maintain employment of citizens of the County and will serve a public purpose by contributing to the prosperity, health, safety and welfare of the citizens of the County as contemplated by the general ordinance. The Bonds will be the limited obligation of the County and the County will not pledge its full faith and credit or taxing power thereof but the Bonds will be payable solely from the revenues of the project the Applicant has set forth under the Bond Purchase and Loan Agreement and the project is within the Recovery Zone of the County and also no public opposition; seconded by Mr. Angel.

Roll Call:

Mr. Angel – yes, all reasons stated

Mr. Brode – yes, reasons stated

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

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.

Public Hearing is Open on Ordinance LC10-20

IN FAVOR

None

IN OPPOSITION

None

Public Hearing is Closed on Ordinance LC10-20

M-140-10 Mr. Eaby **moved** to approve Ordinance LC10-20 the issuance and sale by the County of the Bonds in the aggregate principal amount not to exceed \$7, 500,000.00 in order to lend the proceeds thereof to the Applicant for the project which will tend to provide or maintain employment of citizens of the County and will serve a public purpose by contributing to the prosperity, health, safety and welfare of the citizens of the County as contemplated by the general ordinance. The Bonds will be the limited obligation of the County and the County will not pledge its full faith and credit or taxing power thereof but the Bonds will be payable solely from the revenues of the project the Applicant has set forth under the Bond Purchase and Loan Agreement and the project is within the Recovery Zone of the County and no public opposition; seconded by Mr. Sweeney.

Roll Call:

Mr. Angel: yes, reasons stated

Mr. Brode – yes, reasons stated

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

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.

SEWER ASSESSMENT ROLL RESOLUTIONS:

2. Sewer District Assessment Roll Resolutions:

- a) Resolution 3095 - Bakers Choice Sewer District Assessment Roll
- b) Resolution 3096 - Bowers Sewer District Assessment Roll
- c) Resolution 3097 - Burtonwood Village Sewer District Assessment Roll
- d) Resolution 3098 - Capitol Park Sewer District Assessment Roll
- e) Resolution 3099 – Carlisle Village Sewer District Assessment Roll
- f) Resolution 3100 - Cheswold Sewer District Assessment Roll
- g) Resolution 3101 - Colony West Sewer District Assessment Roll
- h) Resolution 3102 – Dover Air Force Base Sewer District Assessment Roll
- i) Resolution 3103 – Dykes Branch Sewer District Assessment Roll
- j) Resolution 3104- Felton Sewer District Assessment Roll
- k) Resolution 3105- Frederica Sewer Assessment Roll
- l) Resolution 3106- Garrisons Lake I Sewer District Assessment Roll
- m) Resolution 3107- Garrisons Lake II Sewer District Assessment Roll
- n) Resolution 3108- Garrisons Lake IV Sewer District Assessment Roll
- o) Resolution 3109- Garrisons Lake V Sewer District Assessment Roll
- p) Resolution 3110 – Generals Green Sewer District Assessment Roll
- q) Resolution 3111 – Hartly Sewer District Assessment Roll
- r) Resolution 3112- Isaacs Sewer District Assessment Roll
- s) Resolution 3113- Kenton Sewer District Assessment Roll
- t) Resolution 3114- Little Creek Sewer District Assessment Roll
- u) Resolution 3115- Little Heaven Sewer District Assessment Roll
- v) Resolution 3116- Magnolia Sewer District Assessment Roll
- w) Resolution 3117 – North Magnolia Sewer District Assessment Roll
- x) Resolution 3118- Northeast (NESSD) Sewer District Assessment Roll
- y) Resolution 3119- Smyrna-Clayton Sewer District Assessment Roll
- z) Resolution 3123 South Central Sewer District Assessment Roll
- aa) Resolution 3124 Tidbury Sewer District Assessment Roll

Mr. Medlarz stated there was a procedure, unless something has been changed. The Hearing will be opened; we will go through each one and vote at the end.

No?

Mr. Banta stated that he, as the President, has chosen to change the method and asked Mr. Medlarz if he had any further comments before opening Public Hearing.

Mr. Medlarz' final comment is there is no change to the Sewer Assessment Rolls. The rates are the same as last year and each district pays a uniform maintenance rate in addition to an individually determined debt service rate.

For public information, we will open the Public Hearing on Item #3, Sewer District Assessment Resolutions. They go from a to double a; there are 27 of them in number and start with Resolution 3095 through 3119 then skip to 3123 and 3124. For the public record it should be noted that no one has entered these Chambers since I have read the Sewer District numbers. No one has entered the Chambers since I have given the numbers from 3095 to 3119 including 3123 and 3124.

Public Hearing is Open on Sewer District Assessment Rolls

IN FAVOR

None

IN OPPOSITION

None

Public Hearing is Closed on Sewer District Assessment Rolls

M-141-10 Motion was made by Mr. Eaby to approve the Sewer District Assessment Roll Resolutions a through double a, Resolution numbers 3095 through 3119 and 3123 and 3124 based on the fact there were no rate changes and the rates were set in accordance with DE law and no public opposition; seconded by Mr. Ennis.

Roll Call:

Mr. Angel – yes, reasons stated

Harold K. Brode - yes, reasons stated

Eric L. Buckson - yes, reasons stated

Brad S. Eaby - yes, reasons stated

Richard E. Ennis – yes, reasons stated

George W. Sweeney, Sr. – yes, reasons stated

Mr. Banta – yes, reasons stated

Roll Call on motion reveals 7 yeas.

Mr. Pepper confirmed for the record that no additional persons entered the Chamber from the start of your introductory comments through the tally of the vote.

CLOSE PUBLIC HEARINGS

OLD BUSINESS

None

NEW BUSINESS

Mr. Eaby:

1. **Commands to the Receiver of Taxes** to collect Sewer Assessment Rolls (these are official notices to the Receiver of Taxes to collect the taxes. Ref: Resolutions 3095 to 3119, 3123 and 3124)

M-142-10 Mr. Eaby **moved** to issue Commands to the Receiver of Taxes to collect Sewer Assessment Rolls. These are official notices to the Receiver of Taxes to collect the taxes. Ref: Resolutions 3095 to 3119, 3123 and 3124); seconded by Mr. Brode; carried by Roll Call vote 7 yeas.

OTHER BUSINESS

2. Vote to have Executive Session following the Committee Meetings on June 22, 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-143-10 Mr. Eaby **moved** to have Executive Session immediately following the Committee Meetings on Tuesday, June 22, 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. Brode; carried by Roll Call vote 7 yeas.

INFORMATION ITEMS

Mr. Petit de Mange had several comments. 1) The Kesselring property settlement occurred yesterday. We settled on the 53.7 acre property. We will have an official ceremony at the property next Tuesday beginning at 6 PM along New Burton Road and the family will be there along with representatives from DNREC and the Conservation Fund. We would appreciate any Commissioners who will be able to attend. 2) The library move is under way and going pretty smoothly. We anticipate opening for business on Monday, the 21st. 3) Tomorrow, Leadership will begin at 11 AM instead of 12 noon because of the picnic that begins immediately following Leadership. 4) Would like to wish Pres. Banta a very Happy Birthday today.

PUBLIC COMMENTS

None

COMMISSIONERS' COMMENTS

Mr. Banta wished to thank the County Administrator, all Directors and Public Safety for their dedication and service. They are always available. He also included the Staff. We have an outstanding team.

Mr. Brode questioned why the Commissioners were not included; they are always available too.

That is correct, stated Mr. Banta.

ADJOURN

M-144-10 Motion was made by Mr. Angel, seconded by Mr. Eaby and carried by Roll Call vote 7 yeas to adjourn the meeting.



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.