

**MINUTES OF THE KENT COUNTY LEVY COURT
BUSINESS MEETING
KENT COUNTY ADMINISTRATIVE COMPLEX
555 BAY ROAD, DOVER, DE
LEVY COURT CHAMBER, ROOM 203
TUESDAY, JUNE 12, 2018**

Call to Order

The Business Meeting of the Kent County Levy Court was called to order at 7:00 p.m. by President Banta.

Invocation and Pledge of Allegiance

The Invocation was led by Mr. Howell 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 and led by Mr. Sweeney.

Roll Call and Determination of Quorum

Allan F. Angel	Commissioner
Eric L. Buckson	Commissioner
James E. Hosfelt, Jr.	Commissioner - Absent
Glen M. Howell	Commissioner
Terry L. Pepper	Vice President
George W. Sweeney, Sr.	Commissioner
P. Brooks Banta	President

There are six (6) Commissioners present; one (1) absent at Roll Call.

Adoption of Agenda

M-18-108 **Motion** to approve the Agenda as presented was made by Mr. Angel; seconded by Mr. Sweeney; carried by Roll Call vote six (6) yeas; one (1) absent.

Consent Agenda 18-10

Items on the Consent Agenda are considered routine and/or 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 items shall be removed from the Consent Agenda and considered separately under New Business.

• Levy Court Business Meeting Minutes of Tuesday, May 22, 2018

• Items from the June 5, 2018 Committee Meetings:

- o Position Description Revisions
- o Housing Rehabilitation Project Change Order Greater than 25% of Base Contract
- o Geotechnical Services (On-Call) Contract: Septage Receiving Project – Brownfields Change Order #3
- o Pump Station 15 Sewage Grinder Repair – Award
- o Solids Handling Building Roof Project – Bid Award
- o Laboratory Service Contract for DRBC Testing – Bid Award
- o Laboratory Services Contract – Change Order #3 – Eurofins QC, LLC.
- o Natural Gas Services - Authorization
- o Community Event Grant Program Guidelines Proposed Revisions

M-18-109 **Motion** to approve Consent Agenda 18-10 was made by Mr. Sweeney; seconded by Mr. Howell; carried by Roll Call vote six (6) yeas; one (1) absent.

PRESENTATIONS

Resolution 3702 – Retirement of John Robert Butler, Jr.

The following was read into the record by Ms. Tanaka:

Whereas, the retirement of **John Robert Butler, Jr.**, an employee of Kent County, State of Delaware, from his duties as Building Codes Inspector III, Department of Planning Services, Inspection and Enforcement Division, presents a suitable opportunity for expressing the esteem in which we hold **John Robert Butler, Jr.**, as a good and faithful public servant.

Therefore, be it resolved that the County of Kent express its' warmest appreciation and thanks to **John Robert Butler, Jr.** for the able and loyal manner in which he performed his public duties.

Be it further resolved that this resolution be his evidence of a right to the pension provided by the Kent County Employees' Retirement Program; and that this

Resolution be and hereby is incorporated into the official minutes of the June 12, 2018 meeting of the Kent County Levy Court.

M-18-110 **Motion** made by Mr. Sweeney and seconded by Mr. Pepper and Mr. Howell to approve Resolution 3702; carried by Roll Call vote six (6) yeas; one (1) absent.

Mr. Butler joined the Commissioners and County Administrator at the front for a final farewell and photos.

Mr. Banta: Well John, I think it's all been said. You are an outstanding employee and it's going to be a sincere loss, you not being here. I hope you have something planned for your retirement, I'm sure you do. What is it? Okay, well you've certainly earned this.

Mr. Buckson: I'll say what everyone else has said, congratulations. I guess you expect a lot of good things to occur, including a honey-do list, but make sure you enjoy everything. I know you will. I do appreciate you. Thanks.

Mr. Angel: Congratulations to you. Sorry to see you go though. Actually I think you could stay a few more years if you really wanted to though. Couldn't he? No? Congratulations.

Mr. Pepper: Well you've reached that point in your life that you work for all your life so just take advantage of it and do everything that you say you're going to do or say you want to do when you retire. Just get it done. You know, make a list and check them off as you go. Enjoy yourself and enjoy your family and enjoy your life. Congratulations.

Mr. Sweeney: I'm going to give you the secret to a successful list. You do the item, you write it down and you cross it off. Then you do the next thing, write it down and you cross it off. At the end of the day everything that you had on that list is crossed off. I'm hoping that your attitude and your professionalism in the Planning Department has been extended to the other guys who are there. A few years ago when I was putting my deck on you were a big help and checking around everybody said, yes, that's the way he is with everybody; not just because I was a Commissioner. I really appreciated that. We're going to miss you. Congratulations and good luck.

Mr. Howell: I agree; it's a tremendous accomplishment. Obviously a lot of people are going to miss you, but we're all glad for you. Wish you the best; many long, healthy, happy years.

Mr. Petit de Mange: Well Bob, you've been with the department a little over 12 years, right? I was Planning Director when we hired you. I'm not sure how to make it when people that I hire are retiring before me. It doesn't seem fair.

Inaudible due to microphone issue

Mr. Butler: Well, I do want to thank the Commissioners for agreeing that I can retire. And I want to thank Mike first of all for hiring me. It was an ordeal going through the process of trying to pick the right person and I'm glad I was picked. I hope I was the right person and I tried to do the best that I could and treat people as fairly as I know I can. It's been a pleasure working here and I recommend to anybody to come here and work. It's been a real good adventure. Now I'm moving on to the next one. Thank you all very much.

Mr. Banta: You've been a real asset to the County and it's important that you get this official document that says you can retire. I think its July 1 maybe so you can't leave until then. Congratulations again.

PUBLIC HEARINGS

Mr. Sweeney:

1. **Resolution 3694**, 2018 Sewer Assessment Rolls for Kent County Sewage Disposal District No. 1 (KCSDD No. 1) as listed:
Bakers Choice, Bowers Beach, Burtonwood Village, Capitol Park, Carlisle Village, Cheswold, Colony West, Dover Air Force Base, Dykes Branch, East Dover, Felton, Frederica, Garrisons Lake I, Garrisons Lake II, Garrisons Lake IV, Garrisons Lake V, Generals Greene, Greater Houston-Breeders Crown Farm, Greater Houston-Southfield, Hartly, Hilltop, Isaacs, Kenton, Kitts Hummock, Little Creek, Little Heaven, Magnolia, Milford Neck Area, North Magnolia, Northeast (NESSD), Smyrna/Clayton, South Central, Tidbury.

Be it resolved, that the annual Assessment Roll for Kent County Sewage Disposal District No. 1 (KCSDD No.1) is accepted and adopted.

Be it further resolved, that the annual assessment be apportioned against the several lots and parcels of land herein according to the previously established zones of assessments so that each parcel shall be annually assessed in accordance with Tables I and II. The said assessments are to be billed in quarterly increments; therefore the sanitary sewer district quarterly rate is calculated as in Table III.

Public Hearing Open on Resolution 3694

In Favor – None

In Opposition – None

Public Hearing Closed on Resolution 36

M-18-111 Mr. Sweeney: **Move** to approve Resolution 3694, 2018 Sewer Assessment Rolls for Kent County Sewage Disposal District No. 1 as read previously; seconded by Mr. Buckson.

Roll Call

Mr. Angel: No public opposition, so yes.

Mr. Buckson: Yes, reasons stated.

Mr. Hosfelt: Absent

Mr. Howell: Yes, reasons stated.

Mr. Pepper: Yes, reasons stated and no increases.

Mr. Sweeney: No increases, no public opposition; this is an annual thing that we do, I vote yes.

Mr. Banta: A job well done by Public Works and the Finance Director, I vote yes.

Roll Call reveals six (6) yeas; one (1) absent. Resolution 3694 has been approved.

PUBLIC HEARINGS CLOSED

OLD BUSINESS – None

NEW BUSINESS

Mr. Angel:

1. Action Item from June 5, 2018 Administration Committee Meeting re: DVHT Resolution & Transition Update - **Resolution 3701**, Authorizing the Kent County Levy Court to enter into an intergovernmental Cooperation Agreement for the Levy Court's participation in the Delaware Valley Health Trust.

At this time, because of what we were talking about last week, I had this pulled because as I said I didn't vote for this because it's going to cost \$250,000, \$32,000 more for employees. Talking with Mr. Kujala before he left there's a possibility it could cost us another extra \$110,000 on top of that, depending on how it plays out. So, I'm not going to vote for it; I'm not going to vote against it. So, if Mr. Pepper would go ahead and make the motion for me because I can't approve it.

M-18-112 Mr. Pepper: Okay, I make the **Motion** to approve Resolution 3701 authorizing Kent County Levy Court to enter into an Intergovernmental Cooperation Agreement for the Levy Court's participation in the Delaware Valley Health

Trust; seconded by Mr. Pepper and Mr. Sweeney; carried by Roll Call vote five (5) yeas; one (1) not voting; one (1) absent.

Mr. Buckson:

1. Introduction of **Ordinance LC18-07**, 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. (Reference: CZ-18-04) for Public Hearing on Tuesday, July 24, 2018 at 7 P.M.
2. Introduction of **Ordinance LC18-08**, An Ordinance Adopting the 2018 Kent County Comprehensive Plan for Public Hearing on Tuesday, July 24, 2018 at 7 P.M.

Mr. Banta:

1. Command to the Director of Finance for Resolution 3694 pertaining to the FY2018 Sewer Assessment Rolls for Kent County Sewage Disposal District No. 1 (KCSDD No. 1) as listed **NOTE:** Upon the approval of the resolution, a command must be issued to the Director of Finance to collect the fees. (Command is a part of Resolution 3694.)

Mr. Banta: What this does, it reconfirms the fact that the Director of Finance will collect the fees as part of the Command of Resolution 3694. So, with that being said, the **Motion** would be the introduction of Resolution 3694 to Command the Director of Finance in order to collect those Disposal Districts that we just discussed about 10 minutes ago. If there's no question on that, that is my motion; seconded by Mr. Sweeney; carried by Roll Call vote six (6) yeas; one (1) absent.

M-18-113

OTHER BUSINESS

M-18-114

1. Mr. Pepper **Moved** to go into Executive Session immediately following the Committee Meetings of June 19, 2018 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 six (6) yeas; one (1) absent.

INFORMATION ITEMS

Mr. Sweeney: On June 19th there is a chance that I won't be here. This is Mr. William's first retreat at school and I don't know how he's going to handle that evening...whether or not it's an evening event that I'm required to be at or not but I may not be here.

PUBLIC COMMENTS - None**COMMISSIONER COMMENTS**

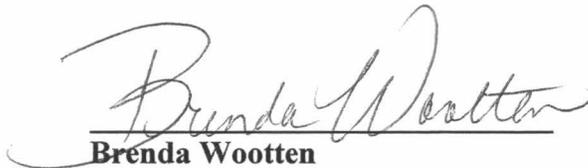
Mr. Pepper: The County Administrator, Commissioner Howell and myself attended the Safe Summer Days this past Saturday at Brecknock Park. I report that it was a success even though they had to close down about ½ hour early because of the torrential rains that followed, but it was a success. I did make it around to all the people who had displays up and thanked them for taking part and thanked them for being there. It was very nice, very well done.

Mr. Angel: Last night I was at the City of Dover, nonrelated issue, not as a Commissioner, I went as Joe Public for an issue with the City. But afterwards they had an issue with the Post Office, they had the Post Master General for Real Estate there basically, and afterwards I met with him and gave him some suggestions in our area for possible land; the Blue Hen, Value City, the old Civic Center. I brought it up to Mr. Petit de Mange and we had a discussion about it and I don't think you all want to do it but we have five (5) acres next door, too; they are looking for four (4), so just to keep them in Dover, close by. We don't want to see them lose. As I said to the people there that, it's going to be...that's a hub, I mean the restaurants in the area. They come there even for the Library at some point. They go to the Library or go to the Post Office, either/or. I've even had people from out-of-state want to see...want to know where the Golden Fleece was; taking them down and showing them, give them a little history and stuff. I think if they get it out of Dover, in that area it's going to be a killer for people coming into Dover. That's my belief. On another note, last week I did re-break my foot again. So I will not be running for the 17th for sure. I had till July to make my mind up, so just to let you know I will not be running. If I can't run...I can't walk, I can't run. I just want to make sure everybody gets that from me for the first time. I do have people calling me saying, hey, I'm so well known, just put your name on the ballot you'll get the votes but that's not how I operate and I think you all know that. Anyway, that's what I wanted to let you all know.

Mr. Petit de Mange: One thing I would like to acknowledge also, Kelly Pitts was with us at Safe Summer Day and took a lot of great photographs. They are on our "V" drive...I mean "I" drive, thank you, on the network drive and you certainly can view them there, there's a folder dedicated to them and, actually there must be a 1000 pictures in there but they are really, really good coverage, so thank you.

Mr. Banta: Appreciate the job you did, thanks Kelly.

M-18-115 **Motion** was made to adjourn by Mr. Sweeney; seconded by Mr. Angel; carried by roll call vote six (6) yeas; one (1) absent. **7:28 p.m.**


Brenda Wootten
Kent County Clerk of the Peace