

**City of Harrington**  
**MINUTES**  
**City Council Workshop**  
**June 6, 2013**

A workshop with the Harrington City Council was held at Harrington City Hall, 106 Dorman Street, on June 6, 2013 and was attended by the following: Mayor Anthony R. Moyer; Council Member Fonda Coleman; Council Member Amy Minner; Council Member Charles W. Porter; Council Member Kenneth Stubbs; Teresa Tieman, City Manager; Faye Smith, Finance Director; and Kelly Blanchies, Clerk of Council.

Also in attendance: Debbie Pfeil, City Planner.

Vice Mayor Cheryl Lahman entered the meeting at 6:33 pm.

Council Member Duane E. Bivans was absent.

Mayor Moyer called the meeting to order at 6:31 p.m.

The Pledge of Allegiance was given.

**Budget & Finance Committee**

**Presentation on Code Chapter 440, Zoning, rewrite and rezoning projects**

The City Planner stated that she met with the City Manager, City Solicitor, and City Engineer to go over a draft scope. It is hard to target a scope because the amount of comments and participation is estimated. The project involves not just URS but the City and other consultants as well; cost estimates for the City Solicitor and City Engineer are also being presented.

The City Planner stated that Chapter 440 is a City law that specifies how and for what purpose each parcel of private real estate may be used. It is a technical document. It is used by realtors, home owners, attorneys, developers, business, engineers, architects, surveyors, and mostly the City staff and consultants. When this tool is used correctly, everyone can be treated fairly and equally within the adopted regulations set forth by the Mayor and City Council.

The City Planner stated that regulations will not make everyone happy and are not written to make money. Since there is some history with the developments now and the City knows how much things cost, the fees

should be looked at again in the next two or three years. The general public does not know all regulations, and they are not always completely enforced. Regulations are not always easy to interpret. They are for the overall health and safety of the community.

The City Planner stated that there are some major and minor changes needed to Chapter 440, Zoning. There were previous updates made that help things run more smoothly.

The City Planner stated that everyone needs to work together on this project. If it comes to a vote and people are not on the same page, then the process may have to start over again. The zoning project scope includes the rewrite of Chapter 440, Zoning, and the comprehensive rezoning. There are ideas from the Comprehensive Plan to be implemented. The comprehensive rezoning is required by law within eighteen months of the Governor signing the Comprehensive Plan. It is important to have a zoning map and maps in the Comprehensive Plan that match. Both the rewriting and rezoning should be done at the same time.

The City Planner stated that the project cost is based on the estimated set hours by task and includes the City Planner, City Engineer, and City Solicitor.

The City Planner stated that phase one would include the preparation and creation of the document. The City staff would comment on the current zoning code; there would be an introduction meeting with the Planning Commission and Ordinance Review Committee; and a first draft document created. It is proposed to invite the property owners of the new Downtown Zoning District to a meeting to provide their input. The City Planner stated that she recommends the City lean on the technical consultants that will present the information and ask for direction.

The City Planner stated that phase two involves the introduction and comment period. A second draft will be presented. It is recommended to send drafts of specific sections to those that will use them inviting them to provide written comments. The areas with the most impact are probably mixed use, signage, and downtown zone. The entire Council will receive the draft for comments. It is not recommended that Council vote during one meeting for a document they have never seen.

The City Planner stated that the third phase is the final presentation to City Council, including an ordinance first reading, public hearing, and second reading.

The City Planner stated that phase 4 is the comprehensive rezone implementation. The future land use, existing land use, existing zoning,

and proposed zoning maps must be compared. If the zoning matches the Comprehensive Plan and Council does not approve the map, then the Comprehensive Plan map has to be redone. It is important to physically post a property that is changing zones. This phase must be completed within eighteen months of the signing of the Comprehensive Plan.

The City Planner stated that the cost for all three consultants for phase one is thirty-two thousand eight hundred thirty-two dollars (\$32,832); phase two is five thousand eight hundred seventy-four dollars (\$5,874); phase three is one thousand six hundred sixty-seven dollars (\$1,667); and phase four is five thousand six hundred seventy-three dollars (\$5,673).

The City Planner stated that she recommends the City Solicitor review the mobile home section of the Code for enforcement and tax collection improvements. The City Manager stated that staff time is not included in the costs and is estimated to be equivalent to the consultants' costs. The City Planner stated that costs are kept down by having the staff heavily involved. It is important to prioritize this project and allocate staff time to it.

The City Planner stated that to reduce costs, use in house printing and production, have minimal meetings and draft updates, follow the approved scope and schedule, get staff input up front, maintain consistent staff and committees, prepare all public notices and agendas, track public comments, and publish public resources on website and at the library.

The City Planner stated that issues that increase costs are cancelled meetings, going backwards in the scope, changes in schedule or approach, extreme public outreach, and lack of committee meeting preparation. It is better to have public input up front. It is a Council document that is enforced by the City staff and consultants.

Council Member Porter asked if the project will be handled by the whole Council or a committee. The City Planner stated that she would like all of the Planning Commission involved and a minimum of three Council Members.

Vice Mayor Lahman stated that there was negativity surrounding the previous signage project. The City was being billed so many hours that it had to be stopped. The City Planner stated that sending the draft to the sign companies for comments should help. It is the City's job to determine the rules. Mayor Moyer stated that there is only one sign company in town. The City Planner stated that it will go to other sign companies as well. It is better to have the companies red line the draft then the consultants will form recommendations based on those comments.

Mayor Moyer asked if the costs for all the consultants are floating. The City Planner stated that the proposal is for specific hours for all three consultants. It is difficult to estimate for such a big project. The City will be able to track the spending through each phase.

Council Member Porter asked when the project will start. The City Planner stated that because of the cost, it has to be in the budget over two years. The City Planner stated that the City Solicitor recommended not having public hearings in the winter because no one would come out. The City Planner stated that the Comprehensive Plan comments were received from the State and were all favorable. The City Manager stated that she thought the comments were fair, and the Comprehensive Plan should be finished within about sixty days. The City Planner stated that the City wants the approval of all the State agencies before the City adopts the Comprehensive Plan.

Council Member Porter asked what is in carry over. The City Manager stated that the difference between the revenue is seventy-five thousand dollars (\$75,000), and we are using five thousand dollars (\$5,000) of it. Council Member Porter asked if it could be earmarked.

Mayor Moyer stated that when seventy-five percent of the project budget is expended, it needs to come back to Council. The City Manager stated that the Council will receive regular reports, probably quarterly; it will not just be monetary.

Council Member Minner asked if the Council could receive the staff's recommended changes on the current Code. The City Planner stated that it could probably be placed on a spreadsheet.

Council Member Porter asked how long it will take to do phase one. The City Planner stated probably three to four months. There will be other projects to handle as well.

Council Member Minner asked if the changes with the first draft will be highlighted. The City Planner stated that the clean final draft will be presented because of the amount of changes. The document needs to be more user friendly.

Mayor Moyer asked if there is more work to be done to the Comprehensive Plan. The City Planner stated that the City replies to the comments received from the State and reviews the public comments received. Those recommendations are presented to the Planning Commission for approval of the final draft, which is sent to the State. It should be done in September or October. Mayor Moyer asked if the zoning project has to wait until the Comprehensive Plan is completed. The

City Planner replied that the City has to wait to receive a letter from the State Office of Planning but not for the Governor's signature. There are no foreseeable problems. The only reason the zoning project is being brought up now is for budgeting.

Mayor Moyer asked if there are any unexpected costs that are coming up for the Comprehensive Plan. The City Planner replied no, and the zoning project will be billed by the hour. If things happen with turnover, then there will be a letter for a scope change.

The City Manager stated that the zoning project is not technically a capital improvement; it is a plan, so it would be budgeted in the operating budget. Mayor Moyer asked how much of the project would occur in this budget year. The City Planner stated that she is comfortable with phase one and two and up to phase three could happen this fiscal year.

Council Member Minner asked if the new zoning chapter has not had a final approval but someone would like to use their property in a manner that is not allowed in the current Code but would be in the new one, would that person be allowed to do it. The City Manager stated that the new zoning chapter is not law until it is adopted. The City Planner stated that the City is not doing a moratorium, so up until the point of adoption, the old code is used. The City Planner stated that she does not recommend a moratorium in this economy. The only people in queue would be those with outstanding building permits, and major site plans would be grandfathered if they are in conceptual. The City Planner stated that she does not anticipate anything that will cause issues because the downtown zone will allow more. There is a mixed use zone that is used in other towns that will be tweaked for Harrington.

Council Member Porter asked about the City Planner's monthly report. The City Planner stated that the monthly report is not billed if it takes under fifteen minutes to complete. The City Manager knows at any time what is being worked on. The second report was to justify what was presented on the monthly report. If there is a specific question, the Council Member can call to ask. There is no charge for quick phone calls.

Vice Mayor Lahman asked what is happening with Friendship Village. The City Planner stated that they are in foreclosure and under federal investigation. Mayor Moyer asked if that applies to the apartments as well. The City Planner replied no.

The City Planner stated that she works very hard and is open to questions but needs to be communicated with. She will reply by email to any questions too. She stated that she communicates back and forth with the

City Manager frequently, and when she receives inquiries, she tries to direct people as much as possible to available lots.

### **FY 2014 Budget Review**

The City Manager stated that workers' compensation has been allocated to General Government, City Hall, Police, Public Works, Library, Fire Department, Parks and Recreation, Planning and Inspection, and Wastewater.

The City Manager stated that in the revised revenue, we were under budget by seventy-five thousand seven hundred fifty-two dollars (\$75,752). Council Member Minner asked if that includes the amount of the raises. The Finance Director stated yes.

The City Manager stated that she provided a summary of the CIP with just the transfer tax. That includes the first floor bathroom floor and carpet and the fire alarm system for City Hall. The Public Works building maintenance can be phased over the next several years at five thousand dollars (\$5,000) a year. The street sweeper replacement can be put off until 2016, but it will be ten years old then. As soon as the sweeping is completed the sweeper is cleaned. Mayor Moyer asked if the street sweeper could be sent back to the factory to be refurbished. Council Member Porter stated that it costs more to refurbish it than to replace it. Council Member Porter asked if twelve thousand dollars (\$12,000) a year could be saved toward the purchase of a new street sweeper. The City Manager stated that money could be put in the CIP reserve; maybe that amount should be increased to twenty-five thousand dollars (\$25,000) since there are only two years to go. Mayor Moyer asked if the Chief of Police has been asked to look for one. The Finance Director stated that equipment like that gets destroyed, and the Chief of Police has never seen a used one. Council Member Stubbs stated that the vacuum can still be used on an old street sweeper, which is good for when there are leaks and repairs.

The City Manager stated that using a carry forward balance is not the best way to do budgeting; revenues should match expenses each year. The City needs to think about what it is going to do for revenue, because next year, the City will not be able to take one hundred thousand dollars (\$100,000) out of sewer impact fees to pay for debt service.

Council Member Porter asked if the nine hundred fourteen thousand dollars (\$914,000) for the lagoon closing is set aside now. The City Manager stated that there is about two hundred thousand dollars (\$200,000) left from the force main, and the rest is in reserves. Council Member Porter stated that if the money is available, he would recommend closing the lagoons. Mayor Moyer stated that he talked to the Department

of Transportation, and they are doing construction on Route 1 and need places to dump fill dirt. It will be available as they work. The City Manager stated that she has asked the City Engineer to come to a Workshop to discuss the lagoon closure. The whole plan has to be approved by DNREC; they will be very concerned with what material goes into the lagoon. Most of the liquid has evaporated.

Council Member Porter asked if the FY14 budget will now be three million seven hundred thirteen thousand dollars (\$3,713,000). The City Manager replied yes.

Mayor Moyer asked where the forty thousand dollars (\$40,000) for the zoning project will show. The City Manager stated that it will be in the Planning and Inspections Department as a project. It will have its own number.

The City Manager stated that Parks and Recreation will repair some windows in the Price Center out of the CIP. The projects from City Hall, Public Works, and Parks and Recreation come to a total of eighteen thousand four hundred thirty dollars (\$18,430), which is less than half of what is in the transfer tax.

Mayor Moyer asked about the SCADA system. The City Manager stated that it is in the whole CIP, but the Council has to decide if it is going to approve it or not. That would come out of reserves. Mayor Moyer stated that he thinks that system is a necessity. Council Member Stubbs stated that the City has been very lucky that there have not been any spills and that there are reliable people checking on it. Even the outside appearance of the pump stations has improved.

The City Manager stated that following projects are being included in the CIP: the bathroom floors, the fire alarm system, the Library back steps (done by grant), streets, alleys, curbing, sidewalks, building maintenance, Hanley Street sidewalk (Community Development Block Grant funding and fund balance), window replacement, roof repair for Parks and Recreation (partial grant funding), Clark Street water main, and SCADA system. The projects on hold are phase two of the water improvements, sanitary sewer improvements, and the lagoon closure.

The City Manager stated that she does not know why the lagoon closing was not included in the original force main project. Council Member Stubbs stated that it has been back and forth with what the County wants. The City Manager stated that the County wants a half of a lagoon and the treatment plant for storage and wants to use it as a centralized receiving station. Mayor Moyer asked if the County is being charged. The City Manager stated that there has been no official action from the County.

Council Member Porter stated that the County should be invited to the Council Meeting when the lagoon closure will be discussed with the City Engineer. Council Member Minner asked if what the County wants will conflict with what DNREC wants. The City Manager replied no, it is included in the closure plan. Council Member Minner asked if the City could still be held liable for the property. Mayor Moyer stated that the land should be leased to the County.

There being no further business, the Council Workshop adjourned at 8:18 p.m.

Respectfully Submitted,

Kelly Blanchies  
Clerk of Council