

**City of Harrington
MINUTES
City Council Meeting
March 16, 2015**

Public Comments

There were no Public Comments.

A meeting of the Harrington City Council was held at Harrington City Hall, 106 Dorman Street, on March 16, 2015 and was attended by the following: Mayor Anthony R. Moyer; Vice Mayor Cheryl J. Lahman; Council Member Duane E. Bivans; Council Member Fonda Coleman; Council Member Amy L. Minner; Council Member Charles W. Porter; Council Member Kenneth W. Stubbs; Norman Barlow, Chief of Police; William Pepper, City Solicitor; Teresa Tieman, City Manager; Dean Gary, Accountant; and Kelly Blanchies, Clerk of Council.

Planning Commission Members present: Chairman Jim Coudriet, Vice Chairman Jeff Retig, and Commissioners Elizabeth Brode and Stacey Sizemore.

Also present: Debbie Pfeil, City Planner, AECOM; Barbara Bullock; Charles Carr; Eric Marquis; Carrie Peterman; Jason Dean; and Jennifer Antonik.

Mayor Moyer called the meeting to order at 7:00 p.m.

The Invocation was given by the City Solicitor.

The Pledge of Allegiance was given.

Roll was called.

Proclamation declaring March 25, 2015 as Random Act of Kindness Day in memory of Madison Peterman

A MOTION was made by Council Member Minner, seconded by Council Member Porter, to move the proclamation to the first item on the agenda. The MOTION passed unanimously.

The proclamation was read by Mayor Moyer then presented to Carrie Peterman.

Introduction of Zoning Code 1st Draft

The City Manager thanked the City Planner, City Solicitor, and Clerk of Council for all the work they put into the draft Zoning Code.

The City Planner stated that the Comprehensive Land Use Plan has established the future land use for the City and now the Zoning Code and Zoning Map must match it. There was one scope change since the initial presentation of the Zoning Rewrite project. Also, the downtown meetings have been removed from the project, because a grant was just submitted for downtown development, which will mean a separate project focused specifically on that district.

The City Planner reviewed the schedule for the project.

The City Planner stated that the Zoning Code and Comprehensive Rezone will be adopted by ordinance at the same time in order to save money and to have consistent zoning and regulations.

The City Planner reviewed highlights from the draft Zoning Code.

The City Planner stated that all comments must be in writing, including from the public, City Council, Planning Commission, and consultants, and are due by May 6, 2015.

[See attached slideshow presentation.]

Mayor Moyer called for a recess at 7:38 p.m.

Mayor Moyer called the City Council Meeting back to order at 7:42 p.m.

Minutes

February 9, 2015 City Council Workshop

A MOTION was made by Council Member Minner, seconded by Council Member Coleman, to approve the February 9, 2015 City Council Workshop minutes. The MOTION passed unanimously.

Financial Report

Vice Mayor Lahman stated that the City spent a lot of time working on the water and sewer rates and reduced reserves in order to have lower rates; the tax increase was to balance the General Fund. Vice Mayor Lahman requested that the City Manager prepare a plan for consideration by the City Council to give a rebate of ten to fifteen percent on taxes. Council Member Porter stated that the City Council agreed to look at the possibility of a rebate when rates were increased.

Council Member Minner asked about the transfer tax allocation to fix potholes that had previously been on the financial report. The City Manager replied that

was for a specific year and work was able to be paid for out of the operating budget, so the funds were returned to the CIP fund.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to file the Financial Report for audit. The MOTION passed unanimously.

Old Business

Public Hearing

Ordinance 15-02 – Repealing and replacing Chapter 102, Building Standards, to adopt the 2012 International Residential and Building Codes

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to dispense with the reading of Ordinance 15-02. The MOTION passed unanimously.

Mayor Moyer read the synopsis for Ordinance 15-02:

This Ordinance replaces Chapter 102, Building Standards, to adopt the 2012 International Building and Residential Codes and to delete additional handicapped parking requirements previously listed in the chapter. The International Building Code is amended to insert information specific to Harrington. The International Residential Code is amended to insert information specific to Harrington and to adopt standards similar to Kent County, as outlined in the Kent County Supplement to the International Building Code/2012 and International Residential Code/2012, effective October 1, 2014. This replaces the previously adopted 2006 editions of the International Building and Residential Codes and becomes effective on May 1, 2015.

There were no comments from the public.

Ordinance 15-03 – Amending Chapter 305, Property Maintenance, to adopt the 2012 International Property Maintenance Code

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to dispense with the reading of Ordinance 15-03. The MOTION passed unanimously.

Mayor Moyer read the synopsis for Ordinance 15-03:

This Ordinance amends Chapter 305, Property Maintenance, to adopt the 2012 edition of the International Property Maintenance Code. This replaces the previously adopted 2006 edition and becomes effective May 1, 2015.

There were no comments from the public.

Second Reading of Ordinance 15-02 – Repealing and replacing Chapter 102, Building Standards, to adopt the 2012 International Residential and Building Codes

A MOTION was made by Council Member Porter, seconded by Council Member Minner, to dispense with the reading of Ordinance 15-02. The MOTION passed unanimously.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to accept the second reading of Ordinance 15-02. The MOTION passed unanimously.

Second Reading of Ordinance 15-03 – Amending Chapter 305, Property Maintenance, to adopt the 2012 International Property Maintenance Code

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to dispense with the reading of Ordinance 15-03. The MOTION passed unanimously.

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to accept the second reading of Ordinance 15-03. The MOTION passed unanimously.

New Business

Appointment of election workers

The Clerk of Council stated that the election workers are the same as last year. Mayor Moyer stated that the Election Board will be Joan Knaub, Jean Miller, and Brenda DeLong, and Viva Poore will be Inspector, and Joyce Dyer and Judy Fergusson will be clerks.

Council Member Bivans requested that the election workers attend a meeting so that the Council Members can meet them.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to accept the appointment of the election workers. The MOTION passed unanimously.

Review of Charter § 7.4.2

Mayor Moyer read Charter § 7.4.2:

Contracts with the City. It shall be unlawful for the Council or the City's officers, agents, or employees, to make or enter into any contract for materials, supplies, work or labor for the use and benefit of the City with any member of Council or the Mayor, or with any partnership in which any member of Council, or the Mayor, is a partner, or with any corporation in which any member of Council, or the Mayor, is a director or has a controlling interest, except with the unanimous consent of the disinterested Council members, and any such contract shall be absolutely null and void without such unanimous consent.

The City Solicitor stated that any purchase is a contract. Council Member Porter stated that the City Council had previously agreed to allow the City Manager to make purchases under five hundred dollars (\$500) without the City Council's consent.

[At the April 20, 2015 City Council Meeting, the City Solicitor stated that he could not find in previous minutes a motion to allow the City Manager to make purchases under five hundred dollars (\$500) without the City Council's consent.]

Vice Mayor Lahman stated that Charter § 7.4.2 and 7.4.3 were referenced at the March 2, 2015 City Council Meeting. The City has never had a contract to exclusively use her business. Vice Mayor Lahman stated that her family has invested in the City and stayed current with all taxes and fees. The business has donated to City events far more than any profits received from the City. Vice Mayor Lahman stated that she does not want to be in violation of the Charter.

Council Member Minner stated that there must have been a reason why this was added to the Charter. Council Member Porter stated that there was a lack of bidding on big contracts.

Council Member Bivans stated that this matter needs further review and options can be discussed at a workshop.

A MOTION was made by Council Member Bivans, seconded by Council Member Minner, to table the Review of Charter § 7.4.2 to workshop. Roll was called: 2 Yes, 3 No, 1 Abstain (Lahman – Abstain, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No). The MOTION failed.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to grant the City Manager the authority to make any purchase under five hundred dollars (\$500), per incident, without City Council consent.

Council Member Bivans stated that the motion is out of order, because it cannot supersede the Charter. The City Solicitor stated that if the motion is approved unanimously then it complies with the Charter.

Roll was called on the motion to grant the City Manager the authority to make any purchase under five hundred dollars (\$500), per incident, without City Council consent: 3 Yes, 2 No, 1 Abstain (Lahman – Abstain, Bivans – No, Coleman – Yes, Minner – No, Porter – Yes, Stubbs – Yes). The MOTION failed because it was not unanimous as required by Charter § 7.4.2.

Public Comments

Elizabeth Brode stated that as a resident of Friendship Village, she does not receive any services from the City for the taxes she pays.

Barbara Bullock stated that she previously asked about Charter § 7.4.3 because of conflict of interest.

City Council Comments

Council Member Minner stated that the Dorman Street Sewer Project will take approximately three months to complete, not a week, and asked if anyone has met with the school; parents need to be notified. The City Manager stated that the contractor is contacting the school. Mayor Moyer asked that the Police Department have an officer present in the morning and afternoons during the construction.

Council Member Porter asked the City Manager and Chief of Police to prepare a report on the services that Friendship Village receives. Mayor Moyer stated that the City reviewed this when taxes were raised last year, and taxes were lowered for Friendship Village, because the City is unable to provide them with street maintenance services.

Executive Session

There was no Executive Session.

There being no further business, a MOTION was made by Council Member Porter, seconded by Council Member Minner, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned at 8:19 p.m.

Respectfully Submitted,

Kelly Blanchies
Clerk of Council

Attachment: Chapter 440 Zoning Project slideshow

CHAPTER 440

ZONING

PROJECT



CITY OF HARRINGTON

ZONING PROJECT SCOPE INCLUDES:

- CHAPTER 440 ZONING REWRITE
- COMPREHENSIVE REZONE

ZONING PROJECT COST INCLUDES:

- ESTIMATED** SET HOURS BY TASK
- INCLUDES THREE CONSULTING SERVICES
(PLANNER, ENGINEER & LEGAL)
- CITY MANAGER / CITY CLERK

PHASE 1:

COMPLETED

PREPARATION / CREATION OF DOCUMENT

City Staff Preparation

One Scope Intro Meeting (Planning Commission & Ordinance Review)

Research / Creation of 1st Draft Document

~~One Input Meeting Downtown Zoning (proposed property owners)~~

1st Draft internal review (staff & consultants)

Five City Manager & Consultant Meetings (note: change of scope)

~~One Final Meeting Downtown Zoning (proposed property owners)~~

Coordinate changes of 1st Draft Document



PHASE 2:

BEGINS TONIGHT

INTRODUCTION AND COMMENT PERIOD

One Draft Presentation Meeting (PC & Ordinance Review)

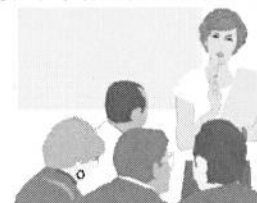
Specific section invitations (Mixed Use, Signage & Downtown Zone)

Review all received comments and prepare recommendation

One City Manager & Consultant Meeting

One Comment recommendation meeting (PC & Council Review)

Draft document update



PHASE 3:

FINAL PRESENTATION TO CITY COUNCIL

Final Draft Preparation

One 1st read Ordinance / Public Hearing date (City Council Meeting)

One Public Hearing / 2nd Read / Potential Adoption (Council Meeting)



PHASE 4: UNDERWAY (SAME SCHEDULE)

COMPREHENSIVE REZONE IMPLEMENTATION

Compare FLU, Existing Land Use, Existing Zoning & Proposed Zoning

One City Manager & Consultant Meeting

Prepare recommendations, maps & exhibits

One Rezone Implementation Meeting (PC & Ordinance Review)

City Staff complete property owner notifications & postings

One Rezone Implementation recommendation meeting (City Council)

One 1st Read Ordinance / Public Hearing date (City Council Meeting)

One Public Hearing / 2nd Read / Potential Adoption (Council Meeting)

PHASE 1- (SCOPE CHANGE)	\$32,832
PREPARATION & CREATION OF DOCUMENT	
PHASE 2-	\$5,874
INTRODUCTION & COMMENT PERIOD	
PHASE 3-	\$1,667
FINAL PRESENTATION TO CITY COUNCIL	
PHASE 4-	\$5,673
COMPREHENSIVE REZONE IMPLEMENTATION	
TOTAL PROJECT COST	\$46,046

~~PHASE 1- PREPARATION & CREATION OF DOCUMENT~~

PLANNER	\$25,992
ENGINEER	\$2,500
LEGAL	\$4,340

PHASE 2-INTRODUCTION & COMMENT PERIOD

PLANNER	\$2,394
ENGINEER	\$2,500
LEGAL	\$980

PHASE 3-FINAL PRESENTATION TO CITY COUNCIL

PLANNER	\$627
ENGINEER	\$760
LEGAL	\$280

PHASE 4- COMPREHENSIVE REZONE IMPLEMENTATION

PLANNER	\$2,553
ENGINEER	\$2,000
LEGAL	\$1,120

HIGHLIGHTS & LESSONS LEARNED..

“RESEARCH / COMPARISONS”

“USER FRIENDLY”

“HARRINGTON SPECIFIC”

“LIVING DOCUMENT”

HIGHLIGHTS & LESSONS LEARNED..

“REVIEWS / REQUIREMENTS”

Planning Commission Waivers - Site Specific

Definitions - 3 pages to 25 pages

23 Municipalities – 16 No Review Time

Preliminary Expiration 1 Year (6 month ext.)

Final Expiration 2 Years (18 month ext.)

HIGHLIGHTS & LESSONS LEARNED..

“REVIEWS / REQUIREMENTS”

ZCC Process / Submittal

Conditional Use Process

Category B Plan Review

Clarify / Add Permitted Uses

23 Municipalities – 15 Require Lines / Grades

Home Occupation Update

HIGHLIGHTS & LESSONS LEARNED..

“ZONING CLASSIFICATIONS”

Single-Family Residential Zone (R-1)

Manufactured Housing - Replacement

Downtown District / Central Commercial C-2

Mixed Uses

Build-to Line

Design Standards (protect Character)

Parking Reduction / In Lieu Fee

Traditional Neighborhood Development / TND

3 Housing Types - 50% Single Family

Design Standards

HIGHLIGHTS & LESSONS LEARNED..

“SIGNAGE”

United Sign Council
Speed Limit vs. Size
Definitions / Images
2 Sided Sign – Count 1 Side
Sign Area Computation Method
Clear Application Requirements
Nonconforming 10 years upon adoption

CHAPTER 440/ REZONE COMMENTS

1. Must be made in writing & legible for EVERYONE (electronic versions preferred)
2. Comments due May 6, 2015
3. Comment Submission:
 - a.) Delivered to City Hall
 - b.) Mailed to City Hall / Kelly Blanchies-106 Dorman St, Harrington DE 19952
 - c.) Electronic version sent to- kblanchies@cityofharrington.com
4. Document Locations:
 - a.) City website <http://harrington.delaware.gov/>
 - b.) City Hall for hard copy viewing
 - c.) City Library for hard copy viewing

All Comments will be registered & considered for Consultant/Staff Recommendations

CHAPTER 440 / COMPREHENSIVE REZONE SCHEDULE

Draft Presentation Meeting (PC & CC)

Release document on website

Invitation for Comments Released

Comprehensive Rezone Introduction (PC & CC)

Certified Notices (Rezone) mailed

Comments due (440 & Rezone) 51 days

Comments complied/mailed

Staff/Consultant Meeting

Comment 440/Comp Rezone Meeting (PC & CC)

Document update-Final

1st Read CC Meeting

2nd Read/Public Hearing

Advertise adoption Legal Notice

Monday, March 16

Tuesday, March 17

Monday, March 23

April 14 or 15

April 14-17

Wednesday, May 6

Friday, May 15 by noon

Week of May 18-22

Monday, June 8th

Week of June 9-11

Monday, June 15

Monday, July 20th

60 day challenge