

**A quorum of Planning Commission Members may be present at this meeting.**

**City of Harrington**  
**AGENDA**  
**City Council Workshop**  
**City Hall, 106 Dorman Street**  
**April 14, 2015**  
**6:30 p.m.**

**Public Comments** *(2 minute limit)*

The public comment segment of the Council Meeting is the time that the City extends the opportunity to the general public to share with us your questions, thoughts, comments, concerns, and complaints. Those wishing to step forward to take advantage of the public comment segment will be provided two (2) minutes. While City government is interested in taking appropriate action, no action can be taken while the City Council is not in session, and current law prohibits City Council from engaging in discussion of any comments made. Discussion of any item appearing on the agenda as a public hearing is prohibited during the public comments segment as an opportunity will be provided during consideration of that item.

**Call to Order**

**Pledge of Allegiance**

- 1. Comprehensive Rezone introduction**
- 2. Harrington Fire Department parking lot**
- 3. Budget**
- 4. Transfer tax**
- 5. Dedication of Parks and Recreation building to William (Bill) Falasco**

**Adjourn**

Posted 04/07/2015  
Kelly Blanchies  
Clerk of Council

Note: 29 Del.C. §10004(e)(2). 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. If there are questions or special accommodations are needed, please contact Kelly Blanchies at City Hall, 398-4476 (at least 72-hours in advance of the meeting for special accommodations).

1, 3, + 5

Comprehensive Rezone Introduction, Budget, and Dedication of Parks and Recreation building will be presented at the meeting. No information included in the packet.

**INSTRUCTIONS FOR FIRE DEPARTMENTS AND MUNICIPALITIES WISHING  
TO UTILIZE COMMUNITY TRANSPORTATION FUND (CTF) MONIES  
FOR FIRE DEPARTMENT PARKING LOT IMPROVEMENTS**

1. **STEP ONE:** Obtain the consent of the municipality where the Fire Company is located to act as “third party” for the project. DeIDOT cannot give CT funds directly to any fire company, as they are not eligible entities for direct CT funding. Therefore it is necessary that the fire company have the agreement with a municipality or government agency to act as third party before anything else occurs. It is the responsibility of the third party to :
  - a) **Follow Town Charter regarding obtaining a bid.** If the municipality does not have bid requirements in their Charter, they must go by the State Bid Requirements which are:
    - 1) Less than \$50,000 – Open Market Purchase
    - 2) \$50,000 - \$99,999 – Three letter bids
    - 3) \$100,000 and over – Formal Bid Process
  - b) **Use Prevailing Wage Rates.** According to State procurement law, “every contract or aggregate of contracts relating to a public works project in excess of **\$100,000 for new construction...or \$15,000 for alteration, repair, renovation, rehabilitation, demolition or reconstruction...**to which this or any subdivision thereof is a party and for which the State appropriated any part of the funds and which requires or involves the employment of mechanics and/or laborers shall contain a provision stating the minimum wages to be paid various classes of laborers and mechanics which shall be based upon the wages that will be determined by the Delaware Department of Labor, Division of Industrial Affairs, to be prevailing in the county in which the work is to be performed...” The Third Party is responsible for submitting the wage rate request to the Department of Labor.
  - c) **Sign a “third party agreement” with DeIDOT’s CTF office and obtain a Notice to Proceed (fully executed agreement) before the start of any work they plan to invoice against that agreement.**
  - d) **Invoice DeIDOT’s CTF office on Town letterhead, submitting contractor invoices as back up.** Please reference the CTF agreement number in your letter “invoice”. This number will be a XX-P-PROG-XXX number, such as 14-P-PROG-123. The first two numbers represent the fiscal year and the ending numbers are chronological to the CTF program. Also state the amount you are asking to be reimbursed and mention if this is a “final payment request”.
2. **STEP TWO** (done immediately upon obtaining consent from Municipality to act as third party):  
**Dedication to Public Use.** Before public funds (tax dollars) can be spent on private property, the

portion of property to receive the funding must be “dedicated to public use” [See appendix A for form and instructions]. Dedication does not change the ownership of the property, but does prohibit the usage of gates, ropes or other barricades or signage that indicates that parking by the public is prohibited. It is understood that public usage of the parking lot is for the purpose it was intended, parking, not camping or having a yard sale. While the dedication form must be recorded at the court house, the fact that a portion of the property is dedicated is not otherwise advertised to the public. If it is later found that dedicated property has been barricaded or signage has been put up to restrict public parking from that portion funded by CT funds, the Audit section at DeIDOT may require either the removal of the offending barricade or signage or the return of the CT funds. Dedication must take place before the CTF project will be made available for funding by the legislators. Dedication does not change the ownership of the property.

3. OTHER POSSIBLE REQUIREMENTS:

- a. NEW ENTRANCE PERMIT: If the entrance to the fire house is being enlarged due to the project, DeIDOT’s Planning Department’s Entrance Section needs to be notified as the change may necessitate a new entrance permit.
- b. CONSERVATION DISTRICT APPROVAL: If the project disturbs more than 5,000 square feet of previously undisturbed land, the Conservation District will need to assess the need for possible erosion control and stormwater management.

If you have any questions or want clarification on any of these points, please feel free to contact the legislative aide or one of the Community Transportation Fund (CTF) staff members at the numbers below:

Geri C. Smith, CTF Legislative Projects Manager at 760-2759

Edwin Tennefoss, CTF Program Manager at 760-2368

APPENDIX A: DEDICATION SAMPLE FORM AND INSTRUCTIONS

(ON FOLLOWING PAGES)

Prepared by:

Address:

Return to:

DEDICATION AGREEMENT  
FOR

\_\_\_\_\_  
[name of property and location]

We, the undersigned, are collectively the owners of all those certain lots, pieces and parcels of lands and premises situation in \_\_\_\_\_ Hundred, \_\_\_\_\_ County, State of Delaware, known as the parcels bordering \_\_\_\_\_ [name of road], and more particularly identified as Tax Parcels: [list]

(See Exhibit "A" attached hereto and incorporated herein by this reference).

As the sole owners of the said lands and premises, it is our desire and intent by this writing to create, acknowledge, and forever dedicate to public use the said \_\_\_\_\_ to public use.

It is the further desire and intent of the undersigned that, for and in consideration of the sum of One Dollar (\$1.00), the receipt and sufficiency of which are hereby acknowledged, this Dedication Agreement, dedicating the said \_\_\_\_\_ to public use, shall be binding upon our respective selves, heirs, administrators, successors, and assigns.

It is the further desire and intent of the undersigned that this Dedication Agreement be recorded in the Office of the Recorder of Deeds in and for \_\_\_\_\_ County, as a matter of public record.

IN WITNESS THEREOF, intending to be legally bound hereby, the undersigned have hereunto set their respective hands and seals upon the dates so indicated below.

Tax Parcel No.: \_\_\_\_\_

Name: \_\_\_\_\_

\_\_\_\_\_   
Witness to both

\_\_\_\_\_   
[type name of property owner here]

\_\_\_\_\_   
[type name of property owner here]

STATE OF DELAWARE )   
 ) SS.   
COUNTY OF SUSSEX )

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, A.D., \_\_\_\_\_, personally came before me, the Subscriber, A Notary public for the State and County aforesaid, \_\_\_\_\_, a party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed.

Given under my Hand and Seal of office, the day and year aforesaid.

\_\_\_\_\_  
Notary Public

Return to: [legislative aide]   
Address: Legislative Hall   
Dover, DE 19903

EXHIBIT "A" [Provide a plot plan or drawing of property to be dedicated to public use showing tax parcels represented as having ownership interest.]



## DEDICATION INSTRUCTIONS

### OVERVIEW

Community Transportation Funds (CTF) is public funding, i.e., tax dollars. Therefore, when CT funds are to be used on privately owned property, the property must be properly “dedicated to public use”.

The purpose of dedication is to realize a public benefit from the public funds. If a private subdivision wishes to use CT funds to pave the streets, improve curb and/or sidewalk, provide lighting or signage, etc., the land on which those funds are to be used must be dedicated to public use. In this venue that would mean that the public in general is free to drive/park on the streets and walk on the sidewalks. Once parcels are dedicated to public use, no prohibition such as gates, barricades, or “no parking” signage can be used to prohibit access of usage to the general public.

### COMPLETING THE DEDICATION AGREEMENT AND ATTACHMENTS

When a home owners association (HOA) is initiating the dedication, the following must be followed:

- If the individual properties each go to the center of the road (see metes and bounds description in deeds), you will need an Agreement for **each parcel owner** - 100% participation is required. Give them page 1 for reference and have them fill out and sign page 2 (with witness and notary). The completed page 2 should be returned to the community liaison – do not return them to the person named in the “return to” line – as this information is for the Recorder of Deeds office only.
- If the road has its own parcel number, you will only need one Agreement, signed by the persons(s) listed on the deed as owner(s) of the road.
- If the **owner** is a Maintenance Association, the signatures of the officers are required, in compliance with your by-laws.

When the property to be dedicated *is not represented by an authorized HOA*, **all** of the property owners whose property abuts the parcel to be dedicated must sign a signature page to be attached to the Dedication Agreement.

When the property to be dedicated is a parking lot, the signature of the Officer or Board of Officers legally authorized to represent in such matters is required upon taking a vote and coming to agreement in the matter of dedication. The Dedication Agreement signature page should reflect a comment to the effect that such a vote was taken and an agreement reached per the organization’s bylaws.

#### RECORDATION AT COUNTY COURT HOUSE

Once the Dedication Agreement, Signature Page(s) and Plot Plan or Drawing (Attachment "A") are prepared, they must be officially recorded at the County Court House in the County where the property to be dedicated is situated. The "recorders stamp", i.e., "Book" and "Page" must appear at the top of the document. The HOA or other party dedicating the document should make and keep a copy for future reference.

A copy of the RECORDED DEDICATION AGREEMENT must be provided to the legislative aide for the legislator providing CT Funds. The aide will in turn provide the documents to the CTF office at DeIDOT. At that time the legislator may fund the project in conjunction with the CTF Off

**ACTION FORM**

<b>PROCEEDING Council Meeting</b>	
<b>DEPARTMENT OF ORIGIN City Hall</b>	<b>DATE SUBMITTED: 04/14/15</b>
<b>PREPARED BY: Terry Tieman</b>	
<b>SUBJECT: Transfer Tax Allocation</b>	
<b>REFERENCE: City of Harrington CIP Funds Account Summary – March 2015;</b>	
<b>RELATED PROJECT:</b>	
<b>REVIEWED BY:</b>	
<b>EXHIBITS:</b>	
<b>EXPENDITURE REQUIRED: \$118,000</b>	<b>AMOUNT BUDGETED: \$0</b>
<b>FUNDING SOURCE (Dept./Page in CIP &amp; Budget): Midway Shopping Center Transfer Tax</b>	
<b>TIME TIMETABLE:</b>	
<b>RECOMMENDED ACTION:</b> Approve the expenditures for security cameras (\$18,000), City Hall vehicle (\$25,000) and Library Fund Allocation (\$75,000). Allocate the remaining transfer tax through the budget process.	

**BACKGROUND AND ANALYSIS**

The City of Harrington collects transfer tax in the amount of one and one half percent (1.5%) when a property changes ownership. The City of Harrington never budgets this revenue, however, the revenue is placed into a separate bank account, the CIP Fund. Council approves any expenditures from this account, either through the budget process or through individual allocations of the revenue throughout the budget year.

In the last three years, Council has elected to spend approximately half of the balance of the transfer tax in May for capital projects or projects that are onetime expenses. Revenues from this account are not used for operational expenses or expenses that are ongoing.

Over the last three years, the City has collected an average of \$77,545 per year in transfer tax. The current revenues for this year are \$192,882.96 more than the average.

During the current Fiscal Year we have collected approximately \$268,387.96 in transfer tax year to date. According to the March 31, 2015 CIP Funds Account Summary (attached), the CIP fund unrestricted fund balance is \$390,808 (previous balance and interest \$122,421 plus \$268,387).

One transfer tax payment accounts for \$149,250. This amount has been received for the sale of the Midway Shopping Center and three related properties. This is considered an extraordinary revenue for Harrington and we would like to consider allocating it according to the attached schedule entitled Proposed Allocation of Extraordinary Revenue.

**City of Harrington  
CIP Fund Unrestricted Balance  
As of March 31, 2015**

Unrestricted Funds	\$ 390,808
Extraordinary Revenue	<u>\$ 149,250</u>
<b>Unrestricted Funds minus Extraordinary revenue</b>	<b><u>\$ 241,558</u></b>
Funds available for projects	\$ 120,779
Unrestricted Fund Balance to remain in CIP Fund	\$ 120,779

**City of Harrington  
Proposed Allocation of Extraordinary Revenue  
As of March 31, 2015**

<b>Extraordinary Revenue</b>	<b>\$ 149,250</b>
<b>Proposed Allocations:</b>	
Library Fund	\$ 75,000
Camara Systems	
Library	\$ 6,000
Public Works Area and Wells	\$ 6,000
Parks and Recreation	\$ 6,000
City Hall Car	<u>\$ 25,000</u>
<b>Total allocated amount of Extraordinary Revenue</b>	<b><u>\$ 118,000</u></b>
Remaining balance available for allocation	\$ 31,250
<b>Total balance for available for allocation in FY 2016</b> (\$120,779 + \$31,250)	<b>\$ 152,029</b>