

City of Harrington
MINUTES
City Council Meeting
April 16, 2012

A meeting of the Harrington City Council was held on April 16, 2012 and was attended by the following: Mayor Robert E. Price, Jr.; Vice Mayor Cheryl Lahman; Council Member Duane E. Bivans; Council Member Fonda Coleman; Council Member Wayne Porter; Council Member Jack Stewart; Council Member Kenneth Stubbs; William Pepper, City Solicitor; Teresa Tieman, City Manager; Faye Smith, Finance Director; and Kelly Blanchies, Clerk of Council.

Also in attendance: Chris Fazio, City Engineer, and Leonard Englehart.

Mayor Price called the meeting to order.

The Pledge of Allegiance was given.

Minutes

City Council Workshop March 14, 2012

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stewart, to accept the March 14, 2012 City Council Workshop Minutes as presented. The MOTION passed unanimously.

City Council Meeting March 19, 2012

A MOTION was made by Council Member Stewart, seconded by Council Member Stubbs, to accept the March 19, 2012 City Council Meeting Minutes as presented. The MOTION passed unanimously.

City Council Meeting April 2, 2012

A MOTION was made by Council Member Porter, seconded by Council Member Bivans, to accept the April 2, 2012 City Council Meeting Minutes as presented. The MOTION passed unanimously.

Police Chief's Report

A MOTION was made by Council Member Porter, seconded by Council Member Stewart, to accept the Police Chief's Report as presented. The MOTION passed unanimously.

City Manager's Report

Council Member Stubbs asked if the Fairgrounds waste water was still being tested. The City Manager replied that it is not. The City Engineer stated that because of the force main project and because we are not treating their sewage anymore, they have contacted the City to state that they did not want to be tested anymore. The City responded that we wanted to continue testing to maintain our system. The City Engineer stated that the next step is to come up with regulations as far as a binding agreement that allows us onto their property to do inspections. Council Member Stubbs stated that they have been in violation before and have clogged up the system. The City Manager stated that the County does not require testing like the City did because the Fairgrounds are not considered a major user. The City Manager stated that we are also going to require quarterly testing of all other restaurants in the City.

The City Manager stated that Public Works is taking over the maintenance of the pump stations and examining them almost everyday. When they find grease, they trace it back to the source.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to accept the City Manager's Report as presented. The MOTION passed unanimously.

Financial Report

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

Departmental Reports

Public Works

Council Member Porter stated that he has not seen the street sweeper running. Council Member Bivans stated that he sees the same streets swept repeatedly. He asked the City Manager to check if there is a scheduled route for the sweeper.

Council Member Stubbs asked what the schedule is for the East Milby Street water line replacement. The City Manager stated that the Public Works Supervisor feels confident that it can be completed by the end of April. After that it can be compacted and then left to settle and pave it after a month.

Council Member Bivans stated that he would like to see the East Milby Street project completed as quickly as possible but wants it to be done correctly. He stated that there is still flooding and standing water on West Milby Street.

Wastewater Treatment

There were no questions.

Library

There were no questions.

Parks and Recreation

There were no questions.

Fire and Ambulance

There were no questions.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to accept the Departmental Reports as presented. The MOTION passed unanimously.

City Planner's Report

Council Member Stubbs stated that there is progress being made on the Comprehensive Plan and that there are several meetings still scheduled.

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to accept the City Planner's Report as presented. The MOTION passed unanimously.

City Engineer's Report

Council Member Bivans asked about the request to replace the ADA ramp for the Downtown Streetscape Project. The City Engineer stated that the contractor wanted to try to fix the crack, and he told them they could try, but it would probably need to be replaced. He has sent the contractor a fifth and final request to replace the ramp or the bond will be pulled.

Council Member Stubbs stated that he is still seeing dead plants in the downtown planters. The City Engineer stated that the plants were replaced about two months ago and were in good shape then. The City Manager stated that at some point the plants are probably going to need to be replaced with grates because the City does not have the man power to maintain them. The City Engineer stated that maybe the grates could be incorporated in Phase II of the Downtown Streetscape.

Council Member Stubbs asked if the punch list has been completed for the pump station upgrades and force main installation. The City Engineer stated that DeIDOT has issued a punch list. Daisy is in dispute of the punch list stating that it is excessive. The City Engineer stated that he is fine leaving the contract open until they can work out their differences.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to accept the City Engineer's Report as presented. The MOTION passed unanimously.

Old Business

Request for additional payment by City Engineer for cost incurred with Force Main Project

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to lift this item from the table. The MOTION passed unanimously.

Council Member Stubbs stated that he can agree with the amount that covers personnel shortages at the City but not with the rest of the bill. The City should not have to pay more for DeIDOT and Daisy arguing. Mayor Price asked if the contingency has been fully used. The City Engineer stated that it has not.

The City Engineer stated that his company was asked to give a proposal to take the project from the beginning to end, but the previous City Manager was very specific in the scope that he only wanted a certain number of inspection months included. The project went over that by a month. The bill is for one month of construction inspection. The City Engineer stated that he values the relationship with the City and has not billed for any work on this project since this bill.

Council Member Porter asked if the City Engineer saw in the scope that the project would go over a month. The City Engineer stated that when he gave the proposal, the project was three months behind and had to get started so that the grant money was not lost. We were competing with other firms, and it did not make sense to go beyond what the scope called for. Council Member Porter stated that the engineering firm still made 10% on the project. The City Engineer stated that the industry standard is 10-15% on projects.

Mayor Price stated that the issue he has is with the work stoppages that were no fault of the City. The City Engineer stated that he and the City Manager looked at the bill and figured that \$1,620 were due to work stoppages. Everything else is the cost of the activities that go along with

inspecting a multimillion dollar project. The City Manager stated that the engineering bill was \$524,422 and that includes both Remington, Vernick & Beach and Davis, Bowen, Friedel. A project this big that went only a month over is probably a good project, and everything else is within the budget, and overall the project is under budget.

Council Member Bivans stated that he does not think the City should pay for any costs associated with Daisy work stoppages. He indicated two additional items that the City Engineer agreed to remove from the bill. Mayor Price asked what Daisy's accountability is because they stopped the project and were not good at handling complaints.

Council Member Stubbs asked if the inspections were \$135 per hour. The City Engineer stated that for certain inspectors it is and some are \$100 or less. Certain aspects have to be inspected by an engineer. Council Member Stubbs asked if the mileage was from the New Jersey office. The City Engineer stated that it was from the Newark, Delaware office and also includes driving the length of the eleven mile pipe for inspections.

The City Engineer stated that he will remove \$2,295 from the invoice for cost incurred because of Daisy. Mayor Price stated that the City should be good stewards of the money on behalf of the USDA and would like to see Daisy held accountable.

The City Engineer stated that in the contract the construction company has so many months to complete a project and if not then it can be liquidated damages. Daisy did not go in excess of the contract. The City Engineer stated that this is the only time that he has come to ask for additional money on a project because this is the only time that the scope has exceeded what has been proposed in writing and that was because the request for proposal stated a specific amount of months to bid.

Vice Mayor Lahman stated that this is a very large project. The City Engineer stated that he is proud that the extra invoice was kept down as much as it was based on who they were dealing with. Under public bidding laws, contracts are awarded to the lowest apparent bidder, and it is very hard not to award to the lowest apparent bidder. Vice Mayor Lahman asked what percentage of the total contract this invoice amounted to. The City Manager stated .24% of the total project.

Council Member Stubbs asked how much money remained in the contingency fund. The City Manager replied \$220,149 and the project is basically finished. We think we can close the lagoons with the remaining money. Vice Mayor Lahman asked if that is within the grant guidelines. The City Engineer replied yes. The City Manager stated that the City is waiting for approval from DNREC of the proposed plan.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Bivans, to approve the additional payment to Remington, Vernick & Beach Engineers in the amount of \$16,075.25. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Porter – Yes, Stewart – Yes, Stubbs – Yes). The MOTION passed unanimously.

Second Reading of Ordinance 12-06 – Amending Chapter 297, Portable Storage Units

The Clerk of Council stated that the current chapter states that a permit for a portable storage unit is not required while a property is under construction. Mayor Price stated that if a permit is needed, the original permit is for thirty days with a possible extension of fifteen days and a renewal for thirty days for a total of seventy-five days. The Clerk of Council stated that there are not unlimited renewals of the permit; anything beyond seventy-five days has to come before Council for approval. Vice Mayor Lahman asked if that would limit a storage unit used during construction. The City Solicitor stated that it does not apply in that case.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to accept Ordinance 12-06 as presented. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Porter – Yes, Stewart – Yes, Stubbs – Yes). The MOTION passed unanimously.

Second Reading of Ordinance 12-07 – Amending Chapter 378, Taxation

The Clerk of Council stated that the City Clerk looked at the Kent County requirements for a senior citizen discount on taxes. There is a discount on school taxes for seniors with no income limitations and a discount on county taxes for seniors and the disabled with adjust gross income limits of \$16,000 for singles and \$22,000 for married couples. The City Clerk can request a list of those receiving a tax discount from Kent County; a FOIA request form must be completed and a fee paid. Mayor Price asked when the deadline to file for a discount with the County is. The Clerk of Council replied April 30.

The Clerk of Council stated that the current chapter does not require an application for the senior discount. The City Manager stated that the tax amounts would have to be adjusted after billed which increases human error and is time consuming. Vice Mayor Lahman stated that we would also have better budget figures.

Mayor Price stated that until people get used to the fact that we will use the County's list for our discount a lot of people will miss out if it is not

open to other applicants. The City Manager stated that our deadline could be May 31.

Council Member Stewart asked about public awareness. The City Manager stated that it can be included in the newsletter and posted at the senior center. The Clerk of Council stated that there is a list of people that are already receiving the discount, and they could be notified directly.

Mayor Price stated that he likes having both an age and income requirement for the senior citizen discount. The Clerk of Council stated that the ordinance as written does not have any income requirements.

Mayor Price stated that the County income limits are not very high. The City Solicitor stated that some income is excluded. The Clerk of Council stated that Social Security, railroad retirement, and income related to disability are excluded.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to table Ordinance 12-07 until the May 7, 2012 City Council Meeting. The MOTION passed unanimously.

Second Reading of Ordinance 12-09 – Amending Chapter 180, Municipal Fees

The Clerk of Council asked if the capitation tax needed to be removed from the ordinance since the ordinance amending the Taxation chapter was not yet approved. The City Solicitor stated that it can be included.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to accept Ordinance 12-09 as presented. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Porter – Yes, Stewart – Yes, Stubbs – Yes). The MOTION passed unanimously.

New Business

There was no New Business.

Public Comments

There were no Public Comments.

Executive Session

There was no Executive Session.

There being no further business, a MOTION was made by Council Member Porter, seconded by Council Member Stewart, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned.

Respectfully Submitted,

Kelly Blanchies
Clerk of Council