

City of Harrington
MINUTES
City Council Workshop
January 7, 2013

A workshop with the Harrington City Council was held on January 7, 2013 and was attended by the following: Mayor Robert E. Price, Jr.; Vice Mayor Cheryl Lahman; Council Member Duane E. Bivans; Council Member Amy Minner; Council Member Wayne Porter; Norman Barlow, Chief of Police; William Pepper, City Solicitor; Teresa Tieman, City Manager; and Kelly Blanchies, Clerk of Council.

Also present: Chris Hayward, Library Director; John Phillos, Delaware Division of Libraries; Doug Crouse, Friends of Harrington Public Library; and Tom Englehart.

Council Member Kenneth Stubbs entered the meeting at 6:50 pm.

Council Member Fonda Coleman was absent.

Mayor Price called the meeting to order at 6:30 p.m.

The Pledge of Allegiance was given.

Budget & Finance Committee

Library needs assessment presentation

The Library Director introduced John Phillos from the Division of Libraries and stated that he would explain the needs assessment process. Mr. Phillos stated that the needs assessment is the first step in planning any new infrastructure to determine if there is a need in a community and what that need is. The City would interview and hire a firm, with assistance from the State, to perform the needs assessment. The assessment would take several months to complete. A needs assessment was done for Harrington in 2001. It should be specific to the needs of the community based on information from residents, staff, and City Council. A building program would then be developed, which is a verbal description of what the building should include. The State will pay for the needs assessment, and if the City decides to build a library, then the State will pay up to half of eligible costs, including architectural fees, land acquisition costs, and construction costs. The City is responsible for furniture, fixtures, and equipment. Overall, it would take about 3 years for the whole project.

The City Manager asked about other means of funding. Mr. Phillos stated there are foundations in Delaware and other states that will provide

funding; Kent County has also contributed to library projects; local friends groups can also do fundraising. It is a good investment in the community.

Vice Mayor Lahman stated that previously the City was ready to build a new library when the County wanted to do a feasibility study. The Library Director stated that the State had determined that the location was not adequate. It is a good time now to move forward with the project because building costs are down, and there are still \$130,000 that the Friends of the Library raised and \$230,000 of State money that did not revert. Mr. Phillos stated that the State was willing to give the County money to perform a needs assessment for the whole county, but Kent County stopped the process.

Tom Englehart stated that he was involved with the previous library project and found that very few grants were available for construction. Mayor Price stated that he believes that capital money is a lot easier to get right now than general operating funds.

Mr. Phillos stated that the State is available to help, but all the decisions will be made by the City. The Library Director stated that no one is suggesting that Harrington build a library like Dover has, but is obvious that the current library is in poor condition. The City Manager stated that it is about monthly that there is a repair that has to be done. Vice Mayor Lahman stated that it is difficult to do business out of a house. The Library Director stated that the library has outgrown the space.

The City Manager stated that in discussions about a new library, they determined that it should be walkable. It was discovered as part of the job center at the library that people are having difficulty getting a job because they lack transportation. The Library Director stated that seven of the ten people at the job center on Friday had walked; two had been walked more than five miles.

Doug Crouse stated that Harrington needs a new library that is the right size. Other towns have gotten new libraries.

Council Member Minner asked what would happen if the needs assessment suggested renovating, and it was determined that the current building could not support those upgrades. Mr. Phillos stated that as part of the needs assessment, the current library will be surveyed. The firm conducting the needs assessment will not suggest something that is not a viable option. There have been some libraries that have been expanded and renovated. That option usually only works for very small libraries that are not growing.

The Library Director invited the Council to stop at the library to see how busy they are and view the building. The previous needs assessment identified that the Harrington Public Library is the only library in the United States that is located in a former funeral home.

Mayor Price stated that the library needs assessment will be placed on the agenda of the next meeting.

Council Member pay

Council Member Minner stated that the Charter says that Council is to be compensated per meeting as set by ordinance or policy. There is no ordinance or policy in place that states how Council is to be paid. Other towns pay their mayor and council a flat fee per night. One night, Harrington's Council was paid for three meetings that lasted about one hour and fifteen minutes. The City could have saved \$5,700 since June 4, 2012 in pay if Council Members were paid a flat fee per night rather than for the meeting, public hearing, and executive session.

Vice Mayor Lahman stated that she does not know where these figures came from because she was paid \$2,200 for the whole year.

Council Member Porter stated that the combined pay of all Council Members and the Mayor for a year is about \$22,000 for a hourly wage of \$.27. Council Member Porter stated that he was sued individually and was in court for four years. He was advised to get a personal lawyer, and his credit was tied up. Taxes have not been raised in ten years and no one was laid off. The Council takes all the responsibility for the City's \$3.5 million budget. No County or State elected officials volunteer their time for free. The City Council combined a lot of meetings to save money.

Mayor Price stated that committee meetings used to each be on different nights. Vice Mayor Lahman stated that the workshop meetings do save the City money rather than have each committee meet separately.

Council Member Bivans asked if the Council would be paid \$50 for tonight's workshop or \$100 since there are items for the Budget & Finance Committee and Ordinance Review Committee. Council Member Porter replied \$50. Council Member Bivans stated that there was a meeting before when there was four or five public hearings. Vice Mayor Lahman stated that would be \$50. Council Member Bivans stated that the information that he received was that if people were present and spoke at the public hearing then Council was paid for that meeting. Vice Mayor Lahman stated that is not correct. The Clerk of Council stated that how the pay structure was explained to her when she began working for the City was that a workshop and council meeting each counted as a meeting and

if there was an executive session or public hearing during a Council meeting, then those were each considered an additional meeting. Council Member Bivans stated that he does not believe that Council Members should be paid for a public hearing unless there is dialogue.

Mayor Price stated that steps have been made to reduce meeting costs. There are times that he must take time off from work to attend meetings with State agencies, which he does not get paid for. Council Member Minner stated that the Mayor and Council chose to run for election and those things are part of the job. Mayor Price stated that he agrees, but it should not be forgotten.

Council Member Porter stated that people think the job is done for the constituents but no one is there for support when there are problems like being sued. Vice Mayor Lahman stated that each Council Member has something different to offer the citizens of Harrington and should be paid for what they do.

Mayor Price stated that last time Council pay was discussed was during the budget process. Vice Mayor Lahman stated that it has been discussed several times; some previous Council Members wished to decline their pay. Vice Mayor Lahman stated that it costs her money to attend meetings because she is not home to take care of her family.

Mayor Price stated that the Council had previously considered an annual salary, but it was determined that it was unfair that Council Members who did not attend all the meetings would be paid the same as those that did attend all the meetings. Council Member Porter stated that the budget for Council salaries was reduced this year.

Council Member Minner stated that she does not believe it is fair to the taxpayers that the City Council sometimes is paid \$150 per hour, because no one else in town is paid that much.

Council Member Bivans stated that he would like to see in writing how the Council is paid. Possibly Council could be paid \$10 for the additional meetings during the Council meetings.

Council Member Bivans stated that he believes that people do not come to meetings, because they feel like their voice is not worth anything. Mayor Price stated that the policy on Public Comments is to refer that person to the Chief of Police or City Manager for their issue to be addressed, and if they are not satisfied with the outcome, then the issue could be placed on an agenda for Council discussion. Council Member Porter stated that the Council got in trouble for responding to people's Public Comments. Council Member Bivans stated that Council picks and chooses who it will

let speak at Workshops and Council Meetings and who to give responses to. Mayor Price stated that he does not agree and everyone is given a chance to speak. The City Solicitor stated that four or five years ago there were two property owners at odds with one another. One would come to the Council Meeting, and Council would take action without the correct information.

Mayor Price stated that the Council pay issue should go back to the Budget & Finance Committee because more information is required. Council Member Porter said that as Chairman of the Ordinance Review Committee, he can call a separate meeting. Vice Mayor Lahman stated that the way to look at it is the annual numbers for salary cost because those have gone down over the last two years as meetings have been streamlined.

Council Member Bivans stated that this issue warrants looking at whether changes are deemed necessary or not. The City Manager stated that this is a policy decision for Council to make; the staff would just like clarification on how the Council would like to be paid. Council Member Bivans stated that he did not participate in the parade the last two years because he was told that the City Council is paid for that. Council Member Porter stated they are not. Council Member Bivans stated that the Council needs to come together to consider what is in the best interest of getting where the City wants to be. Vice Mayor Lahman stated that she wished Council Member Bivans asked about the issue instead of not participating.

Council Member Bivans stated that things change constantly and Council pay has not been looked at in 2012; it should be looked at again. Vice Mayor Lahman stated that the meeting structure has changed, so it cannot be said that Council did not consider it. Council Member Minner stated that there is no ordinance or policy that states how Council is to be paid as the Charter says it should. Council Member Bivans stated that regular employees are paid every two weeks and the Council quarterly.

Council Member Porter stated that he would like to look at this issue at a separate Ordinance Review Committee meeting.

Mayor Price stated that he did not run for election because of the pay but rather because his whole career has been around Harrington. The Council can address this to create a written policy. The City Solicitor stated that there was an understanding about Council pay but did not know if it was every in writing.

Mayor Price stated that the policy can be reviewed each year with the budget and changed if necessary, so this will remain a topic of the Budget & Finance Committee.

Ordinance Review Committee

Crime free leasing addendum

The City Manager stated that this ordinance change would require landlords to sign up for a housing seminar that is administered by the Harrington Police Department within twelve months of the issuance of a rental permit. Each property manager has to attend the seminar every three years. It also adds a crime free addendum to the lease that all tenants would have to sign and that the City will provide a template for. It would be accounted for by the City Clerk.

The City Solicitor stated that the word “administered” should be changed to “approved.” This proposal was designed to address the desire to have landlords attend the Attorney General’s class and to address some issues that were a part of the curfew discussion.

Council Member Bivans asked if the tenant must attend the class. The City Solicitor stated that the tenant does not.

The City Manager stated that the addendum gives the landlord leverage to evict a problem tenant.

Vice Mayor Lahman asked if there could be a half a day refresher course for those that have already completed the initial class. The Chief of Police stated that is a good idea.

The Chief of Police stated that at the State Chief’s meeting, they will push the program. It really does help the landlords. The City Solicitor stated that it helps absentee landlords because they may not be aware of what criminal activities are happening at the property, and now the police will report it to them. The Chief of Police stated that a lot of landlords do go the police for help in getting a bad tenant out, and the police would be able to testify about crimes reported at property.

The Chief of Police stated that if there are any major changes then a memo could be sent to the landlords. The City Manager stated that a mailing list could be established.

Council Member Porter stated that there was positive feedback after the first class. The Chief of Police stated that they have received quite a few calls about the upcoming class. The City Manager stated that the class will be on Saturday, January 19, 2013 if anyone is interested in attending.

Mayor Price asked if the City Solicitor was going to change the ordinance to state that the landlord could take a refresher course. The City Solicitor

stated that it is in the purview of the Police Department to determine what kind of seminar.

The Chief of Police asked about adding other types of crimes to the ordinance and not just drug-related activities. The City Solicitor stated that it all would all be included under criminal activity.

Council Member Minner asked if this ordinance would hold up in court. The City Solicitor stated that he believes so and that it is patterned off the noise ordinance.

Council Member Bivans asked if there could be a certificate or sign placed at the property to dissuade crime. The City Solicitor stated that it may deter the tenant but not someone passing by on the street.

Council Member Minner asked about a possible situation where a tenant's child may be taking drugs and the whole family is evicted. The Chief of Police stated that could be handled on a case by case basis. There would have to be continual crimes occurring at the property. A lot of people may think twice about renting a property with the lease addendum, because they already know that they will be a problem. The City Solicitor stated that it has worked in public housing.

Proposed ordinance to amend Chapter 330, Sewers, relating to EDU calculation

The City Manager stated the next two proposed ordinances relating to EDU calculation do not change the way EDUs are calculated. A few months ago a new way to calculate the EDUs was adopted. The City is now response for collecting the County's impact fee as well as the City's. These ordinances just refer to the County's method of calculating EDUs so that the City does not have to change its ordinances when the County updates theirs. It does not change anything currently, but if the County does change at some point, then the City will be the same. The City Engineer will be calculating the EDUs for the City and County. Most places that use the County to treat their wastewater do the same thing.

Council Member Porter asked about a letter sent by the City Manager regarding sewer rates. The City Manager stated that the letter included a worst case scenario estimate for the cost. The wastewater projects will reduce the fees to Kent County, so that will absorb some of the increased costs. Fixing the inflow and infiltration problem will reduce the amount of wastewater that the City sends to the County and the County also gives a credit for the work.

Council Member Porter asked if an open forum could be held at the Price Center because the sewer bills will go up, and it will give the City a chance to explain why. Council Member Porter stated that the forum should be before the special election on February 5, 2013 and should be publicized. The City Manager stated that it can be advertised on the sign and website, and an ad can be placed in the newspaper if Council wants.

Vice Mayor Lahman stated that it would be easier to budget with monthly bills. The City Manager stated that is the ultimate goal, but in the last year and half there have been so many changes with another still to come. The Council talked about changing the rates in July with the budget, but the first reading was just done, so it might be good to postpone until the second quarter after there are more readings and data. Letters went out to the properties that were on the leak detection report for high consumption. People have been calling with feedback.

The City Manager stated that the General Fund is subsidized by the water and wastewater fund in the amount of about \$700,000. The rates calculated by Jean Holloway from the Rural Water Association did not include that subsidy, so they were low. Dover's water budget is about \$14 million; their whole City budget is about \$140 million. Dover transfers about \$800,000 from water to their general fund.

Council Member Porter stated that sewer and water cannot be done all at one time, because the taxpayers would not like that. The City Manager stated that the reason both sewer and water projects are together was because it is cheaper all together. Having one project and one referendum saves money in the long run. Council Member Porter stated that people have asked why they should be in favor of raising their rates. The City Manager stated that without it then there will be leaks and outages. Fixing infrastructure also attracts businesses, because they need reliable service. Without businesses the tax and utility rates will be higher. The City has to think long term, and if the work keeps being deferred then more problems will occur, and it will be more costly to fix.

Proposed ordinance to amend Chapter 425, Water, relating to EDU calculation

Discussed along with Proposed ordinance to amend Chapter 330, Sewers, relating to EDU calculation.

Council Member Porter stated that an incident happened at his church. The Harrington Police Department had to be called, and they were very professional.

There being no further business, the Council Workshop adjourned at 8:13 p.m.

Respectfully Submitted,

Kelly Blanchies
Clerk of Council