

City of Harrington
MINUTES
City Council Meeting
April 21, 2014

Public Comments

There were no Public Comments.

A meeting of the Harrington City Council was held at Harrington City Hall, 106 Dorman Street, on April 21, 2014 and was attended by the following: Mayor Anthony R. Moyer; Vice Mayor Cheryl Lahman; Council Member Duane E. Bivans; Council Member Fonda Coleman; Council Member Amy Minner; Council Member Charles W. Porter; Council Member Kenneth Stubbs; Norman Barlow, Chief of Police; Keith Shyers, Deputy Chief of Police; William Pepper, City Solicitor; Teresa Tieman, City Manager; Dean Gary, Accountant; and Kelly Blanchies, Clerk of Council.

Also present: Debbie Pfeil, City Planning, URS Corporation; Barbara Bullock; Charles Carr; Marie Cunningham; Marleena Young, Assistant Library Director; John Phillos, Delaware Division of Libraries; Arden Bardol, Becker Morgan Group; and Phillip White.

Mayor Moyer called the meeting to order at 7:01 p.m.

The Invocation was given by Deacon Herzog.

The Pledge of Allegiance was given.

Roll was called.

Oath of Office for Shawn Jacobs

Mayor Moyer administered the Oath of Office for Police Officer Shawn Jacobs.

Minutes

February 25, 2014 City Council Workshop

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Coleman, to accept the February 25, 2014 City Council Workshop Minutes as presented. The MOTION passed unanimously.

February 26, 2014 City Council Workshop

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Coleman, to accept the February 26, 2014 City Council Workshop Minutes as presented. The MOTION passed unanimously.

March 19, 2014 City Council Workshop

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Coleman, to accept the March 19, 2014 City Council Workshop Minutes as presented. The MOTION passed unanimously.

March 19, 2014 City Council Meeting

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Coleman, to accept the March 19, 2014 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 Minner, to accept the Police Chief's Report as presented. The MOTION passed unanimously.

The Chief of Police left the meeting.

City Manager's Report

Council Member Bivans asked about the demolition of 8 Ward Street and stated that some of the information on the report should be updated.

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

Financial Report

Mayor Moyer asked if the number of water disconnects for nonpayment have gone up or down. The City Manager stated that the disconnects have been consistent.

Council Member Bivans asked about the travel and food budget line for City Hall. Mayor Moyer stated that line depends on when events and conferences take place and will not be even all year.

Council Member Bivans asked about the grass cutting invoices. The Accountant stated that the invoices not paid will be relieved with the tax bills.

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

Departmental Reports

Public Works

Council Member Bivans stated that he is glad to see the brown water complaints specified on the report and asked if they were improving. The City Manager stated that today was the first hydrant flushing since December because of the cold weather, and there were a lot of brown water calls today.

Mayor Moyer stated that jetting the storm drains has helped, and the jet vac was a wise investment.

Council Member Bivans stated that there is a lot of potholes. The City Manager stated that Public Works will work on the them when the weather is consistently warm.

Council Member Bivans asked about the status of the commercial water meters. The City Manager stated that the remaining meters to be replaced are very difficult ones and are still being worked on.

Council Member Bivans asked about street paving. The City Manager stated that Jerry's Paving will return to finish. Council Member Stubbs stated that the paving that was done on Commerce Street and Clark Street looks bad.

Council Member Bivans stated that the sidewalk and snow removal portions of the report should be updated.

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 Minner, seconded by Council Member Stubbs, to accept the Departmental Reports as presented. The MOTION passed unanimously.

City Planner's Report

The City Planner stated that the kickoff meeting for the rewrite of Chapter 440, Zoning, was held today. The project should be completed in March. Mayor Moyer asked who will be involved. The City Planner replied that the City Manager, City Solicitor, and City staff. There will only be twelve meetings with the City Council, Planning and Zoning Commission, and the public.

Council Member Bivans asked about the construction at the Harrington Retail Center. The City Planner stated that the owner has not contacted the City. The land has been cleared. An application for a building permit has not been received. The final site plan approval was good for two years, and they received an extension of one year; the site plan approval is set to expire in June 2014.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to accept the City Planner's report as presented. The MOTION passed unanimously.

City Engineer's Report

Council Member Bivans asked if paving will continue on the 2013 Road Program. The City Manager stated that it is dependent on the weather and Jerry's Paving.

Council Member Bivans asked about the wait to receive contracts from Zack Excavating for the 2014 Road Program. Mayor Moyer stated that the City Manager can check into it.

A MOTION was made by Council Member Stubbs, seconded by Council Member Minner, to accept the City Engineer's report as presented. The MOTION passed unanimously.

Old Business

Public Hearing on Ordinance 14-03 – Repealing and replacing Chapter 212, Floodplain Regulations, to adopt flood hazard maps, designate a Floodplain Administrator, to adopt administrative procedures, and to adopt criteria for development in flood hazard areas

Mayor Moyer read the synopsis:

This Ordinance repeals and replaces Chapter 212, Floodplain Regulations, to meet requirements under the National Flood Insurance Program (NFIP). This Ordinance adopts flood hazard maps, designates a Floodplain Administrator, adopts administrative procedures, and adopts criteria for development in flood hazard areas. The City of Harrington has participated in the NFIP since June 1, 1977 and must meet NFIP guidelines in order to continue participating in the program. The Federal Emergency Management Agency (FEMA) has established new Flood Insurance Rate Maps (FIRM) for the City of Harrington effective July 7, 2014.

Vice Mayor Lahman stated that very few residents are affected by the floodplain.

Barbara Bullock asked if Shaw Avenue is affected. The City Manager stated that the floodplain maps can be viewed in City Hall during regular hours.

Second Reading of Ordinance 14-03 – Repealing and replacing Chapter 212, Floodplain Regulations, to adopt flood hazard maps, designate a Floodplain Administrator, to adopt administrative procedures, and to adopt criteria for development in flood hazard areas

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to dispense with the reading of Ordinance 14-03. The MOTION passed unanimously.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to adopt Ordinance 14-03. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

New Business

Award of trash collection contract

Council Member Porter asked if there will be savings over the current contract. The Accountant replied that it is down about one thousand dollars (\$1,000).

Council Member Bivans asked about properties receiving an extra container. The City Manager replied that one refuse and one recycling can are provided; an extra container would mean an extra charge. Vice Mayor Lahman asked if extra trash is allowed if it does not fit in the can. The City Manager replied that is not allowed under the current contract.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to accept the low bid from Allied Waste Services of Delmar for the trash collection contract. The MOTION passed unanimously.

Impact fee study

The City Manager stated that she is asking that the City Council accept the impact fee report at this time, and the fees would be adopted with the budget.

Mayor Moyer stated that he has questions that he would like the City Engineer to address.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Coleman, to table the impact fee study. The MOTION passed unanimously.

DFIT move to self-insured Workers' Comp

The City Manager stated that the DeLea Founders Insurance Trust (DFIT) is looking at the feasibility of self-insuring for workers' compensation. DFIT has twenty municipal governments as members, including Harrington. The State and DCRB approved increases in workers' comp rates of fourteen percent effective July 1, 2014. Moving to a self-funded plan would remove DFIT members from the State rating system, and they would no longer be subject to industry induced rate increases. It is expected that there will be a significant decrease in the rate. AmeriHealth insurance company will be paid a fee to administer the workers' compensation plan.

Council Member Porter asked if Kent County is participating. The City Manager replied yes, many municipalities are participating.

Residential uses request for 25 Hanley Street

The City Planner stated that this is a unique request, because the building was always structured for two dwelling units. The Planning and Zoning Commission recommended approval for two residences. The City Planner stated that she has no objection to the request. To allow a residential use in a commercial zone, it must be approved by the City Council. The building meets the Code requirements. The storage yard on the property will stay.

Council Member Bivans asked about the parking. The City Planner stated that the driveway has room for four spaces.

Council Member Minner asked if the Building Inspector has approved. The City Planner replied yes, the building is code compliant. Mayor Moyer stated that the lot has been cleaned up nicely.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Coleman, to approve the residential uses request for 25 Hanley Street. The MOTION passed unanimously.

Resolution 14-R-02 – Adopting a list of other debts owed to the City of Harrington to be added to tax bills and setting forth the procedure for appeals

The Clerk of Council read Resolution 14-R-02.

A MOTION was made by Council Member Bivans to table Resolution 14-R-02. There was no second. The MOTION failed.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to adopt Resolution 14-R-02.

Council Member Bivans stated that some of the amounts are extremely small and that he disagrees with attaching them to taxes; a third of the amounts are less than one hundred dollars (\$100). The City Manager stated that property owners are sent two notices to collect the amount due then they are added to the relevy list. If the past due amounts still cannot be collected then the property goes into the monitions process after taxes are behind for two years. There is limited staff to do collections. A collection agency can be hired but that would cost additional money. Council Member Porter stated that all the small amounts add up to a large sum. The City Manager stated that seeking a monition on a small amount sets the tone to pay.

Council Member Bivans stated that he is concerned that there could be another way to reach out to collect the bill. The Account stated that many of the amounts on the list are relevies of the grass cutting bills. Mayor Moyer stated that everyone must pay their bills. The resolution is good, and notifications can be discussed.

Roll was called on the motion to adopt Resolution 14-R-02: 5 Yes, 1 No (Lahman – Yes, Bivans – No, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed by majority.

Library Needs Assessment

Arden Bardol stated that the Library Needs Assessment is wrapping up. The current library has been evaluated and deficiencies noted. Meetings

were held to develop building plans, which resulted in an eighteen thousand square foot building including a meeting room, with a kitchen, for one hundred and fifty people. Good input was received from focus group meetings. The next step is a town hall meeting with presentation then finalize the needs assessment with construction and maintenance costs.

Resolution 14-R-03 – Opposing HB 230

Mayor Moyer read Resolution 14-R-03.

A MOTION was made by Council Member Bivans to table Resolution 14-R-03. There was no second. The MOTION failed.

The City Solicitor stated that under this bill as written, no rational person would pay property taxes; it inhibits municipalities' ability to collect.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to adopt Resolution 14-R-03.

Council Member Bivans stated that the City Council should not pass the resolution without reading House Bill 230. Council Member Porter stated that he values the City Solicitor's opinion.

Council Member Minner asked when the bill will be voted on. The City Solicitor stated that it is in committee now.

Vice Mayor Lahman clarified that the bill states that properties cannot be sold at monitions sales and back taxes can only be collected when the house is sold to new owners. The Accountant stated that the resolution asks for an exemption for municipalities.

Mayor Moyer stated that the City cannot support some on the backs of other taxpayers.

Roll was called on the motion to adopt Resolution 14-R-03: 5 Yes, 1 No (Lahman – Yes, Bivans – No, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed by majority.

Appointment of Council Members for bank reconciliation

Mayor Moyer stated that the audit report called for a member of Council to review the bank reconciliation and that he would like to appoint Vice Mayor Lahman and Council Member Minner for that task. Vice Mayor Lahman stated that she would like the auditors to present what information should be reviewed and how.

The City Manager stated that any Council Member can stop in anytime to review the reconciliation.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to accept the appointment of Vice Mayor Lahman and Council Member Minner for the review of the bank reconciliation. The MOTION passed unanimously.

Appointment of election worker

Mayor Moyer stated that the previously appointed Election Clerk, Cheryl Harrington, will be unable to fulfill her obligation and that he would like to appoint Judy Fergusson to serve as a Clerk for the election. Ms. Fergusson has worked for the State for other elections.

A MOTION was made by Council Member Porter, seconded by Council Member Minner, to accept the appointment of Judy Fergusson as Clerk. The MOTION passed unanimously.

Public Comments

Phillip White stated that he manages the Salty Wave, and businesses are facing rate increases for workers' comp, LLCs, and minimum wage. Weaker businesses will not be able to handle those increases. It is important send a message to State government from the grassroots level by opposing HB 230.

City Council Comments

Council Member Minner stated that there is a ledge to get into the Price Center that should be corrected before the election.

Council Member Bivans asked about the Saturday hours for Spring Clean Up week. The City Manager stated that Representative Outten got money for landfill fees.

Mayor Moyer stated that he would like to see more people at the farmers' market. Council Member Bivans stated that a lot of farmers' markets offer afternoon and evening hours.

Council Member Bivans stated that stop signs are needed at the end of alleyways.

Executive Session

Preliminary discussion on site acquisition for a publicly funded capital improvement

A MOTION was made by Council Member Minner, seconded by Vice Mayor Lahman, to recess the City Council Meeting for an Executive Session for preliminary discussion on site acquisition for a publicly funded capital improvement. The MOTION passed unanimously.

The City Council Meeting recessed at 8:40 p.m.

Mayor Moyer called the City Council Meeting back to order. Those still present: Mayor Anthony R. Moyer; Vice Mayor Cheryl Lahman; Council Member Duane E. Bivans; Council Member Fonda Coleman; Council Member Amy Minner; Council Member Charles W. Porter; Council Member Kenneth Stubbs; William Pepper, City Solicitor; Teresa Tieman, City Manager; Marleena Young, Assistant Library Director; John Phillos, Delaware Division of Libraries; and Arden Bardol, Becker Morgan Group.

There being no further business, a MOTION was made by Council Member Minner, seconded by Council Member Coleman, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned at 9:42 p.m.

Respectfully Submitted,

Kelly Blanchies
Clerk of Council

Note: Minutes typed from notes. No recording available.