

City of Harrington
MINUTES
City Council Meeting
June 16, 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 June 16, 2014 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.

Also present: Alan Moore, Public Works Supervisor; Jim Coudriet, C. Carr; B. Bullock; Robert Souza; Pete Karras; and Marie Cunningham.

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

The Pledge of Allegiance was given.

The Invocation was given by the City Solicitor.

Roll was called.

Consent Agenda

Mayor Moyer stated that there is a procedural change in tonight's meeting to approve the reports and minutes with one roll call vote.

Council Member Bivans stated that he does not think the reports should qualify as consent agenda items. Mayor Moyer stated that the consent agenda will speed up the meetings.

Mayor Moyer read the description of the consent agenda from the meeting agenda:

Those items on the Council agenda which are considered routine and non-controversial shall be marked with an asterisk (*) and will be acted upon by a single roll call vote of the Council. There will be no separate discussion of these items unless a member of Council so requests, in

which event the matter shall be removed from the Consent Agenda and considered a separate item.

Council Member Bivans stated that he would like the May 29, 2014 City Council Workshop Minutes, the City Manager's Report, and the Public Works Departmental Report removed from the consent agenda.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to approve the consent agenda as amended. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

Minutes

May 19, 2014 City Council Special Meeting

Approved with the consent agenda.

May 19, 2014 City Council Meeting

Approved with the consent agenda.

May 29, 2014 City Council Workshop

Council Member Bivans stated that the discussion of the consent agenda was misleading and discussion occurred but the City Council did not vote at a meeting to approve the change to a consent agenda. Mayor Moyer stated that this is a procedural change and does not require a vote. The City Solicitor stated that is correct.

Council Member Bivans stated that he would like to reserve the right to refer to these minutes later in the meeting.

A MOTION was made by Council Member Bivans, seconded by Council Member Minner, to accept the May 29, 2014 City Council Workshop Minutes as presented. The MOTION passed unanimously.

Police Chief's Report

Approved with the consent agenda.

City Manager's Report

Council Member Bivans asked about street paving. The City Manager stated that the contract for Jerry's Paving is coming to a close and Zack's Excavating is starting the work on the ADA ramps then will mill and pave.

Mayor Moyer asked the City Manager to explain the phosphorus in the water. The City Manager stated that the iron and chlorine in the water mix to make rust, and the phosphorus prevents them from bonding so no rust is created. It prevents brown water. The Public Works Supervisor stated that there has been a visible improvement after two weeks, and it will continue to improve. Hydrant flushing was completed today, and the rust in the water was not as bad as it has been. Mayor Moyer asked if it has caused any problems. The Public Works Supervisor stated that it has not so far. Mayor Moyer stated that the residents that have had rust problems should be contacted. Council Member Bivans stated that the residents that have had rust problems would be able to tell the City if the phosphorus is really working. Council Member Bivans asked if only certain areas of the City are being treated. The Public Works Supervisor stated that the water is treated in the well house and distributed throughout the City; it also helps with the hardness of the water.

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

Financial Report

Approved with the consent agenda.

Departmental Reports

Public Works

Mayor Moyer stated that the paving contract states that socks must be placed on storm drains, but they were not. Mayor Moyer asked if the drains have been cleaned. The Public Works Supervisor replied yes and stated that the City Engineer has a few issues to discuss with the paving contractor. Council Member Stubbs stated that there are ADA ramp and driveway issues with the paving.

Council Member Bivans stated that the City Engineer should be on site to supervise the work. The City Manager stated that each phase is inspected by the City Engineer.

Mayor Moyer stated that millings should not be left in people's yards. The City Manager stated that the contractor has a certain amount of time to clean those sorts of things up, and they complied with the contract.

The Public Works Supervisor stated that the City has not had any problems with Jerry's Paving in the past and that this is the first time that Jerry has not been on site during the work.

Mayor Moyer asked about securing grates on drains to prevent them from being moved.

Council Member Bivans asked about the sewer back-ups on the Public Works Report and potholes. The Public Works Supervisor stated that blacktopping will be done.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to accept the Public Works Departmental Report as presented. The MOTION passed unanimously.

Library

Approved with the consent agenda.

Parks and Recreation

Approved with the consent agenda.

Fire and Ambulance

Approved with the consent agenda.

City Planner's Report

Approved with the consent agenda.

City Engineer's Report

Approved with the consent agenda.

Old Business

Public Hearing on Ordinance 14-04 – Amending Chapter 180, Municipal Fees, to repeal and replace the fee schedule

Mayor Moyer read Ordinance 14-04.

There were no comments from the public.

Public Hearing on Ordinance 14-05 – Amending Chapter 108, Vacant Buildings, to update requirements

Mayor Moyer read Ordinance 14-05.

Marie Cunningham asked for clarification on the requirement for a paid property manager to be licensed.

Public Hearing on Ordinance 14-06 – Amending Chapter 330, Sewers, to incorporate a new rate structure

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to suspend the reading of Ordinance 14-06. The MOTION passed unanimously.

Mayor Moyer read the synopsis of Ordinance 14-06:

This Ordinance amends Chapter 330 to outline a method for billing sewer users base and usage charges in order to operate and maintain the sanitary sewer system.

Robert Souza stated that he represents Harrington Raceway and Casino and the Delaware State Fair. The Delaware State Fair is opposed to a sewer rate change. A rate specific for the Fair was developed based on the contract. The numbers presented have not been consistent. Now there is a cost of service study that is going to be done, but the City is asking for a rate increase first. Mr. Souza asked for the ordinance to be tabled until the cost of service study is complete.

The City Manager stated that the rates can be adjusted if the study reveals a difference. The City Manager stated that the Fair asked that rates be calculated differently based on their contract, and the City assumes more risk with those rates. Mayor Moyer stated that the rates will be looked at again in three to six months and adjusted as needed.

Ms. Cunningham asked for clarification between a rate study and cost of service study. The City Manager stated that the cost of service study will look at how much it costs to provide services to each group such as residential, commercial, and the Fair; it fine tunes the rate study further.

Public Hearing on Ordinance 14-07 – Amending Chapter 425, Water, to incorporate a new rate structure

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to suspend the reading of Ordinance 14-07. The MOTION passed unanimously.

The Clerk of Council read the synopsis for Ordinance 14-07:

This Ordinance amends Chapter 425 to outline a method for billing water users base and usage charges in order to operate and maintain the water system.

There were no comments from the public.

**Public Hearing on Ordinance 14-08 – Amending Chapter 399,
Payment for Utility Services, to incorporate a new rate structure**

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to suspend the reading of Ordinance 14-08. The MOTION passed unanimously.

Mayor Moyer read the synopsis for Ordinance 14-08:

This Ordinance amends Chapter 399 to revise requirements for registered vacant buildings and discontinuance and full disconnection of utility services.

There were no comments from the public.

**Second Reading of Ordinance 14-04 – Amending Chapter 180,
Municipal Fees, to repeal and replace the fee schedule**

Council Member Bivans stated that he would like Ordinance 14-04 tabled, because it contains information on other ordinances.

A MOTION was made by Council Member Bivans, seconded by Council Member Minner, to table Ordinance 14-04. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

Mayor Moyer called for a recess at 8:10 p.m.

Mayor Moyer called the meeting back to order at 8:17 p.m.

A MOTION was made by Council Member Stubbs, seconded by Council Member Porter, to lift Ordinance 14-04 from the table. The MOTION passed unanimously.

The City Solicitor recommended amending “Vacant Building Inspection (yearly)” to “Vacant Building Inspection (yearly after first year).”

A MOTION was made by Council Member Bivans, seconded by Vice Mayor Lahman, to adopt Ordinance 14-04 as amended. The MOTION passed unanimously.

Second Reading of Ordinance 14-05 – Amending Chapter 108, Vacant Buildings, to update requirements

Vice Mayor Lahman asked about the registration of a building that the Code Enforcement Officer registers rather than the owner.

Council Member Minner stated that she disagrees with charging seventy-five dollars (\$75) annually for an inspection.

Council Member Bivans stated that requiring the building to be secure should mean that an inspection is not required annually. If the building is not secure, then the Code Enforcement Officer has reason to inspect it. The City Manager stated that it cannot be determined from the outside if the building is deteriorating on the inside.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to table Ordinance 14-05. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – Yes). The MOTION failed.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to adopt Ordinance 14-05.

Council Member Bivans stated that there is no just cause to charge an annual inspection. Mayor Moyer asked if the Code Enforcement Officer can inspect the building every other year if it is in good condition. Council Member Bivans stated that the ordinance is not written that way.

Vice Mayor Lahman stated that this ordinance drastically reduces the fees that are currently in place. Council Member Bivans stated that the right thing to do is to not support an ordinance that arbitrarily charges people seventy-five dollars (\$75).

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to add an additional section to the ordinance to modify § 108-4 B by removing the term “annually” and replacing it with the phrase “as deemed necessary by the Code Enforcement Officer” and adopt Ordinance 14-05 as amended. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

Second Reading of Ordinance 14-06 – Amending Chapter 330, Sewers, to incorporate a new rate structure

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to adopt Ordinance 14-06. The MOTION passed by majority. Council Member Bivans voted against the motion.

Vice Mayor Lahman asked about receding the motion since it was not a unanimous vote. The City Solicitor stated that the ordinance has been adopted and only another ordinance can repeal it.

Second Reading of Ordinance 14-07 – Amending Chapter 425, Water, to incorporate a new rate structure

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to adopt Ordinance 14-07. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

Second Reading of Ordinance 14-08 – Amending Chapter 399, Payment for Utility Services, to incorporate a new rate structure

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to adopt Ordinance 14-08. 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

Resolution 14-R-04 – Adopting a revised FY 2014 Budget and FY 2015 Budget

Mayor Moyer read Resolution 14-R-04.

Council Member Bivans asked about the breakdown of the tax increase from the May 29, 2014 City Council Workshop. It is an increase from what was presented in the water and sewer rate meetings. The City Manager stated that the slideshow stated that a twenty-three cent (\$.23) tax increase would be needed to offset the transfer from water and sewer; the total tax increase would not be known until the budget was done. For several years, the City has been using carry forward reserves to balance the budget, which accounts for seven cents (\$.07). Five cents (\$.05) was needed to balance the budget. The total is a thirty-five (\$.35) tax increase.

Vice Mayor Lahman stated that reserves have been used to pay the bill from Kent County for the sewer treatment charges and that cannot be sustained.

Council Member Bivans stated that it is important to specify which each portion of the tax increase is for.

A MOTION was made by Council Member Minner, seconded by Council Member Porter, to adopt Resolution 14-R-04. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

Police Contract

The City Manager stated that information is still being gathered for the health insurance and asked that the Police Contract be tabled.

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to table the Police Contract. The MOTION passed unanimously.

Fire Department Contract

The City Manager stated that there are no changes. The Accountant stated that he met with Kenny Brode to review the salaries.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to approve the Fire Department Contract.

Council Member Bivans asked why the City Council is approving the contract before it is approved by the Fire Company. The City Manager stated that it can be approved, and if the Fire Company has any problems, then the City can review it again.

A vote was called for on the motion to approve the Fire Department Contract. The MOTION passed unanimously.

First Reading of Ordinance 14-12 – Amending Chapter 212, Floodplain Regulations, to change the definition of Historic Structure

Mayor Moyer read Ordinance 14-12.

Vice Mayor Lahman asked if this ordinance is related to the Historical Society's museum being designated on the historic registry. The City Solicitor replied no and stated that FEMA approved the draft ordinance and now wants an additional change.

A MOTION was made by Council Member Porter, seconded by Council Member Minner, to approve the First Reading of Ordinance 14-12. The MOTION passed unanimously.

Report of Outstanding Utility and Tax Receivables

The City Manager stated that the total outstanding amount of last year's taxes is ten thousand three hundred eighteen dollars (\$10,318); the City Solicitor is working on collecting past due utility amounts.

A MOTION was made Council Member Porter, seconded by Vice Mayor Lahman, to accept the Report of Outstanding Utility and Tax Receivables. The MOTION passed unanimously.

Usage Report

A MOTION was made Vice Mayor Lahman, seconded by Council Member Porter, to accept the Report of Outstanding Utility and Tax Receivables. The MOTION passed unanimously.

2014 Pig Kissin' Contest sponsorship

The City Manager stated that the contest is asking for a sponsorship from the City of seventy-five dollars (\$75).

The City Manager stated that the Code Enforcement Officer and the Accountant are participating. Mayor Moyer asked if anyone from Council will participate.

Public Comments

Ms. Cunningham asked about contacting the newspaper about getting information out about treating the water and asked about a vote to implement the consent agenda. Mayor Moyer stated that the format change to a consent agenda is procedural and does not require a vote.

Pete Karras stated that the Public Works staff is kind, helpful, and friendly.

City Council Comments

Council Member Porter stated that the Public Works staff used to be able to take home their trucks and that should be reinstated. It is less likely that the trucks will be vandalized, and it allows for quicker reaction time. There were no pay increases. Mayor Moyer asked that this issue be placed on the next workshop agenda.

Vice Mayor Lahman asked that using the balance of unrestricted funds to repair inflow and infiltration issues also be discussed at the next workshop.

Council Member Minner asked about the cost of lawn meters and about signs advising residents of paving.

Council Member Bivans asked that the consent agenda be discussed at workshop.

Executive Session

There was no Executive Session.

There being no further business, a MOTION was made by Council Member Porter, seconded by Council Member Coleman, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned at 9:08 p.m.

Respectfully Submitted,

Kelly Blanchies
Clerk of Council