

City of Harrington
MINUTES
City Council Meeting
July 15, 2013

A meeting of the Harrington City Council was held at Harrington City Hall, 106 Dorman Street, on July 15, 2013 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; William Pepper, City Solicitor; Teresa Tieman, City Manager; Faye Smith, Finance Director; and Kelly Blanchies, Clerk of Council.

Also present: Christine Hayward, Library Director; Hans Medlarz, Kent County Director of Public Works; Reverend Frances Benson; Greg Moore, Becker Morgan Group; Brad Hastings, Becker Morgan Group; Stacey Sizemore; and several members of the general public.

Mayor Moyer called the meeting to order at 7:00 p.m.

Public Comments

There were no Public Comments.

The Invocation was given by Reverend Frances Benson.

The Pledge of Allegiance was given.

Oath of Office for Police Officer Dustin Fraley

Mayor Moyer administered the oath of office to Officer Dustin Fraley.

Resolution 13-R-10 – Naming of Freedom Park pavilion in honor of Police Chief Norman Barlow

Mayor Moyer read Resolution 13-R-10.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to adopt Resolution 13-R-10. The MOTION passed unanimously.

Mayor Moyer presented the Chief of Police with the signed resolution. The City Manager presented a plaque commemorating the dedication of the Chief Norman Barlow Pavilion to the Chief of Police. Vice Mayor Lahman read a letter from Robert E. Price, Jr., former Mayor, congratulating and thanking the Chief of Police for his years of dedicated service to the community.

The Chief of Police stated that he would like to thank the Mayor and Council, his wife and family, and the men and women of the Harrington Police Department.

Report from Library Needs Assessment Committee

The City Manager introduced Greg Moore and Brad Hastings from Becker Morgan Group. She stated that the Library Needs Assessment Committee met on Saturday and interviewed four groups. The Committee selected Becker Morgan Group, which outlined how they will engage the public.

Mr. Moore stated that he, an engineer, and Mr. Hastings, an architect, will work together on the project. They have worked on other libraries in Delaware, Maryland, and Pennsylvania. Mr. Moore and Mr. Hastings described the process they used to get public input on the Lewes Library project.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to approve Becker Morgan Group to perform the library needs assessment. The MOTION passed unanimously.

The City Manager thanked the Library Needs Assessment Committee for their dedication in working all day Saturday. Vice Mayor Lahman stated that she is excited to see the Library project moving forward again.

Minutes

June 10, 2013 City Council Workshop

A MOTION was made by Council Member Minner, seconded by Council Member Porter, to accept the June 10, 2013 City Council Workshop Minutes as presented. The MOTION passed unanimously.

June 17, 2013 City Council Meeting

Council Member Bivans stated that the motion to approve the realtor contract for 45 Clark Street states that the vote was unanimous, and he believes that he voted no and would like the Clerk of Council to double check the audio for that meeting [upon review of the audio recording of the June 17, 2013 City Council Meeting, the Clerk of Council determined that the vote was unanimous in favor of the motion, and no change to the minutes is required].

A MOTION was made by Council Member Minner, seconded by Council Member Coleman, to accept the June 17, 2013 City Council Meeting Minutes as presented. The MOTION passed unanimously.

July 1, 2013 City Council Workshop

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to accept the July 1, 2013 City Council Workshop Minutes as presented. The MOTION passed unanimously.

July 1, 2013 City Council Special Meeting

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Coleman, to accept the July 1, 2013 City Council Special Meeting Minutes as presented. The MOTION passed unanimously.

Police Chief's Report

Mayor Moyer asked if any special preparations were being made for Delaware State Fair week. The Chief of Police stated that extra coverage was added.

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

City Manager's Report

Council Member Minner asked about the meeting with the Delaware State Fair Contract Committee. The City Manager replied that it was about negotiations.

Council Member Minner asked about the meeting with Kent County Economic Development and Harrington Raceway. The City Manager stated that she and the Mayor met with Jim Waddington and Patty Key and talked about the Delaware State Fair's plans and the food innovation district.

Council Member Minner asked about the floodplain ordinance rewrite. The Clerk of Council stated that it is being reviewed at the State right now. The City Manager stated that then it would be reviewed by the City Engineer. Council Member Minner asked if the residents that are affected by it will be notified. The City Manager replied yes.

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

Financial Report

Mayor Moyer asked what the Combat Violent Crime line is. The Chief of Police stated that it is a fifteen dollar assessment to all tickets; the money is divided

among police agencies. Last year Harrington received about seventeen thousand dollars (\$17,000).

Vice Mayor Lahman asked if the expenditure for the library needs assessment should be discussed. The City Manager stated that the Council approved to negotiate a contract; there is no money involved yet. The cost will be reimbursed by the State.

The Financial Director stated that the Kent County sewer bill has not been received yet. The City Manager stated that it is estimated to be about forty-one thousand five hundred dollars (\$41,500) based on the readings.

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

Departmental Reports

Public Works

Council Member Bivans stated that there is a pothole on Hanley Street by Burris.

Council Member Minner asked about a schedule for cleaning out storm drains. The City Manager stated that she is asking the Public Works Supervisor to do that.

Council Member Bivans stated that there is flooding on Franklin Street and Hanley Street.

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

Library

The Library Director stated that the report module was down, so she was unable to get figures for the report.

Council Member Bivans asked about the Job Center. The Library Director stated that it is great, and the basic computer classes are also full. People report back that they have gotten jobs.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Bivans, to accept the Library Report as presented. The MOTION passed unanimously.

Parks and Recreation

Council Member Minner stated that the dance recital was very good.

Council Member Bivans asked about possibility of extending the hours to get more use out of the Parks and Recreation building.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Bivans, to accept the Parks and Recreation Report as presented. The MOTION passed unanimously.

Fire and Ambulance

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Minner, to accept the Fire and Ambulance Report as presented. The MOTION passed unanimously.

City Planner's Report

Vice Mayor Lahman asked about the workshop with the developers. Mayor Moyer stated that it was positive. Council Member Porter stated that the City should advertise what it has to offer.

Council Member Bivans asked for an update on the drainage issue for the turn lane from Route 13 onto Clark Street. The Chief of Police stated that it is a funding issue for replacing the storm drain. Senator Simpson and Representative Outten are working on it.

Council Member Minner asked about the predevelopment meeting for 251 Delaware Avenue. The City Manager stated that possible uses of the land were reviewed. It has been appraised as residential, but it is actually zoned C-2. It is sixteen acres.

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

City Engineer's Report

Council Member Minner asked about the Community Transportation Funds for Grant Street. The City Manager stated that we are trying to transfer that money to Second Avenue and Simmons Street.

Mayor Moyer asked about the intersection of Benjamin and Smith Streets. The City Manager stated that Smith Street is being done tomorrow.

Mayor Moyer asked if any other State maintained streets are going to be micro surfaced. The City Manager stated that she will ask; some of the sections are coming up.

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

Old Business

Appointment of committees and commissions

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to extend the appointments to next year. The City Solicitor stated that the motion is out of order, because the Mayor has the right to nominate the committees, and Council can either confirm or reject the nominations.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to roll call vote the committee appointments. The MOTION passed unanimously.

Mayor Moyer stated that the Personnel Committee appointments are Council Members Bivans (Chairman), Coleman, and Minner. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No).

Mayor Moyer stated that the Budget and Finance Committee appointments are Vice Mayor Lahman (Chairman) and Council Members Stubbs and Minner. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No).

Mayor Moyer stated that the Charter and Ordinance Review Committee appointments are Council Members Minner (Chairman), Bivans, and Coleman. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No).

Mayor Moyer stated that the Comprehensive Plan Committee appointments are Council Members Porter (Chairman) and Stubbs and Vice Mayor Lahman. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No).

Mayor Moyer stated that there is one more space on the Board of Adjustment, and he is appointing Stacey Sizemore. He stated that he was told by one Council Member that Ms. Sizemore does not have any

experience. Other Board of Adjustment Members did not have any experience prior to their appointment to the Board. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No).

New Business

Concept approval for Kent County wastewater central receiving station

Hans Medlarz stated that the Sewer Advisory Board has moved to support a central receiving station. It would be good to have the City's approval to have the central receiving station in Harrington. The USDA has approved the reappropriation of funds to implement the plan. The City could sell, lease, or allow an easement for the property. According to the agreement already in place, the County is supposed to get the pump station and a lagoon.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to approve of the concept of a Kent County wastewater central receiving station in Harrington. The MOTION passed unanimously.

Mr. Medlarz stated that he will let the City know when the County's workshops will be held regarding the project. A lease that is set for the same term as the loan would probably be the best for the City and County. The City Solicitor stated that either a lease or a fee conveyance makes the most sense.

Council Member Minner asked if Mr. Medlarz would have a presentation for the Kent County Levy Court at the workshop. Mr. Medlarz stated that he would have a presentation and invite the haulers; the workshop will occur in the next six weeks.

Mayor Moyer asked what the time frame is. Mr. Medlarz stated that he would like to be open for business by the end of 2014. Mayor Moyer asked how long the construction would take. Mr. Medlarz stated nine to eleven months of construction.

Mayor Moyer asked if the receiving station would be manned. Mr. Medlarz stated that the intention is to have someone there six days a week.

Vice Mayor Lahman stated that there will be economic impact from having the trucks in the area as well. Mr. Medlarz stated that there will be between twenty and thirty trucks a day. Vice Mayor Lahman stated that hopefully those truck drivers will go to the stores, restaurants, and gas stations in Harrington.

Resolution 13-R-11 – To apply for a grant for Freedom Park

Mayor Moyer read Resolution 13-R-11.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to accept Resolution 13-R-11. The MOTION passed by unanimously.

Public Comments

Stacey Sizemore stated that she does not know why her appointment to the Board of Adjustment has not been approved. She stated that she has a bachelor's degree in Political Science, a master's in Education, co-operates a million dollar business, and manages eight rental properties.

City Council Comments

Vice Mayor Lahman stated that she is not in agreement with the Council committees, because the Council is not working together well and is divided. She does not want anyone on Council to be accused of doing things behind the back of the others. Vice Mayor Lahman stated that Council Member Porter, who has served on the City Council for twelve years, is only on a committee that is going away in three months and will not be revisited for five years; that is disrespectful. Mayor Moyer stated that by not having committees, it takes away from the employees' grievance process.

Vice Mayor Lahman stated that she does not want to divide the Council any further, members of Council are not being respected. She stated that Ms. Sizemore would be awesome at Parks and Recreation; most of her election platform was based on children. Most of the people on the Board of Adjustment have experience or served on the Planning and Zoning Commission and moved up. The Board of Adjustment is a committee that can override the Council and Planning and Zoning Commission, so people on that Board should be familiar with the City and know the rules and regulations.

Council Member Coleman stated that it is important to be mindful of why the Council is here. No personal issues should be brought up. We are adults and should be respectful and courteous when speaking to each other. Inappropriate comments do not need to take place. The citizens of the City do not need to hear the pettiness. We should give the City the best that we can provide. Vice Mayor Lahman stated that communication is key.

Council Member Bivans stated that Council Member is an elected position that represents the town. In his first year, he was never given the opportunity to serve on any committee. In his second year, he was placed on the Personnel

Committee. There were two instances when the Personnel Committee came together, and he was not included. The Council committees do not make decisions but only recommendations.

Vice Mayor Lahman stated that when there were committees, it created more meetings because then everyone had to be brought up to speed. It was consuming more time and money. Council Member Porter stated that it has saved thousands of dollars by not having committees. Council Member Minner stated that there was still a chairman and committee even though the Council met as a whole.

Council Member Bivans stated that when someone abstains from voting, then they have to give a reason. Only Vice Mayor Lahman has stated why she voted the way she did. If someone feels strongly, then they should say why. The City Solicitor stated that it is always an option to explain their vote, if that person wants.

Executive Session

There was no Executive Session.

There being no further business, a MOTION was made by Vice Mayor Lahman, seconded by Council Member Coleman, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned at 8:24 pm.

Respectfully Submitted,

Kelly Blanchies
Clerk of Council