

City of Harrington
MINUTES
City Council Special Meeting
September 17, 2013

A special meeting of the Harrington City Council was held at Harrington City Hall, 106 Dorman Street, on September 17, 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: Logan Anderson, The Journal; and Kelly Hull.

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

Public Comments

There were no Public Comments.

The Invocation was given by the City Solicitor.

The Pledge of Allegiance was given.

Roll was called.

Minutes

August 19, 2013 City Council Meeting

Council Member Bivans asked for an update on the flooding on Franklin and Hanley Streets. The City Manager stated that the stormwater line needs to be jetted and replaced.

Council Member Bivans asked about Peck Avenue being removed as a project when the priority list is being followed. The City Manager stated that work on Peck Avenue is being delayed, because there is a development being constructed there. It is better to wait until after the construction is complete to pave.

A MOTION was made by Council Member Porter, seconded by Council Member Minner, to accept the August 19, 2013 City Council Meeting Minutes as presented. The MOTION passed unanimously.

Police Chief's Report

The Chief of Police stated that the grant for Freedom Park has been approved.

Mayor Moyer asked about the status of the new police officer. The Chief of Police stated that they are in the background phase and that the academy starts October 21, 2013.

Council Member Bivans stated that he is glad that the Chief of Police is still in contact with State officials regarding the turn lane from Rt. 13 onto Clark Street. The Chief of Police stated that once the drainage is fixed, the turn lane will be reinstated.

Council Member Minner stated that she was glad to see the sweep that took place in the City and that the Police Department is doing a good job.

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

City Manager's Report

Council Member Bivans asked for clarification on the code enforcement report.

Council Member Porter stated that he is glad to see that the City Manager is going to the international city manager's conference.

Council Member Bivans asked about the difference between the code enforcement report saying that a contractor was used to cut grass and the number of properties that the contractor was paid for on the financial report. The City Manager stated that it could be a timing issue; it can be reconciled. The Finance Director stated that the individual property is billed when an invoice is received from the contractor. The City Manager stated that unpaid invoices are a lien against the property.

Kelly Hull stated that the previous Code Enforcement Officer stated that once notice is given, the City can cut the grass at a property any time they want for a year.

Council Member Bivans asked about the listing of sign permits in the violations section of the code enforcement report. The City Manager stated that people had been told that they did not need a permit for refacing a sign when they actually did, so fees were waived so that the permits could be on file, and they were tracked through the violations portion for those specific permits only.

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

Financial Report

Council Member Minner asked about the city clean up fees under the Planning and Inspections Department. The Finance Director stated that is when a property has a code violation that needs to be corrected.

Council Member Minner asked about a reimbursement for a P.A. system. The City Manager stated that there was an incident at the Price Center where some equipment was damaged.

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

Departmental Reports

Public Works

Council Member Minner asked if the City maintains state-owned stormwater drains. The City Manager stated that the City will maintain them if they become a problem. The State has given the City permission to do that. We will not be reimbursed though.

Council Member Stubbs asked about the status of well #2. The City Manager stated that it has been turned back on. It cannot be determined what is causing the one issue.

Council Member Bivans asked to receive a copy of the blacktopping list and if sidewalks would be replaced on Hanley Street. The City Manager stated that the City is waiting to hear if we will receive Community Development Block Grant (CDBG) funds to complete the sidewalks on Hanley Street.

Mayor Moyer asked about the ADA ramps installation. The City Manager stated that all the ramps on Commerce Street are being replaced then the streets will be paved.

Mayor Moyer asked if Norfolk Southern could meet with Council; no notice was given when they worked on the Commerce Street railroad crossing. Vice Mayor Lahman stated that the City has tried to work with the railroad before unsuccessfully. Mayor Moyer stated that their building needs to be badly painted and maintained. Their temporary tower has been there a long time. Council Member Bivans asked if anyone monitors the wait time

at the railroad crossing, because they should be cited if it is more than the legally allowable time. The City Solicitor stated that the City used to get some response from Senator Carper's office.

Vice Mayor Lahman asked how long it usually takes for a road to be paved. The City Manager stated that it depends on the funding source, bidding process, and time of year.

Library

Council Member Bivans stated that the library report often says that the staff spends a lot of time assisting patrons with computers. He asked if the school district has been contacted to seek volunteers for community service hours. The City Manager stated that the library staff runs computer training programs, but assisting patrons with computers is how a lot of time is spent, but the Library Director does not feel that additional help is needed with that issue.

Council Member Bivans asked about the air conditioning not working at the Library for an extended period of time. The City Manager stated that the air conditioning does now work. One company tried to fix it unsuccessfully then a second company was able to get it working.

Parks and Recreation

There were no questions.

Fire and Ambulance

There were no questions.

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

City Planner's Report

Council Member Minner asked for elaboration on the Planning portion of the report.

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

City Engineer's Report

A MOTION was made by Council Member Minner, seconded by Vice Mayor Lahman, 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 to vote no to all committee appointees. The City Solicitor stated that the MOTION is out of order until the nominations are made.

Mayor Moyer stated that Rebecca Greene has volunteered to serve on the Board of Adjustment rather than Stacey Sizemore. Mayor Moyer asked for a motion to accept the appointment of Rebecca Greene; no motion was made.

Mayor Moyer stated that the appointments to the Personnel Committee are Council Members Bivans (Chairman), Coleman, and Minner.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to approve the Personnel Committee as presented. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No). The MOTION failed.

Mayor Moyer stated that the appointments to the Budget & Finance Committee are Vice Mayor Lahman (Chairman) and Council Members Stubbs and Minner.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to approve the Budget & Finance Committee as presented. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No). The MOTION failed.

Mayor Moyer stated that the appointments to the Charter/Ordinance Review Committee are Council Members Minner (Chairman), Bivans, and Coleman.

A MOTION was made by Council Member Bivans, seconded by Council Member Minner, to approve the Charter/Ordinance Review Committee as presented. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes,

Coleman – No, Minner – Yes, Porter – No, Stubbs – No). The MOTION failed.

Mayor Moyer stated that the appointments to the Comprehensive Plan Committee are Council Members Porter (Chairman) and Stubbs and Vice Mayor Lahman.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to approve the Comprehensive Plan Committee as presented. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No). The MOTION failed.

New Business

First Reading of Ordinance 13-04 – Adoption of Comprehensive Land Use Plan

Mayor Moyer read Ordinance 13-04.

Council Member Minner asked if the Comprehensive Plan had been approved by the State. The City Manager stated that it will be approved before the second reading.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to approve the first reading of Ordinance 13-04. The MOTION passed by unanimously.

First Reading of Ordinance 13-05 – Amending Chapter 180, Municipal Fees, relating to quarterly trash rate

Mayor Moyer read Ordinance 13-05.

Council Member Minner asked what the difference was between the company that won the bid for the current trash removal contract and the previous company. The City Manager stated that it was a decrease of only cents.

Vice Mayor Lahman asked what the amount of the increase of the quarterly trash rate will be. The City Manager stated one dollar and fifty-seven cents (\$1.57) per quarter. Mayor Moyer stated that the increase is because of the increased cost of getting rid of the trash.

Council Member Bivans stated the current contract expires on June 30, 2014. The City Manager stated that the contract will be put out to bid.

Mayor Moyer stated that the rates from the trash removal service went up last year, but the City has not raised the rates. The City Manager stated that the rate the City was charged has gone up in increments. The increase in 2012 was due to the addition of a fall clean-up week; there was only a spring clean-up week budgeted.

The City Manager stated that the contract with the trash removal company is for three years and includes escalations each year. Council Member Minner asked why this was not discussed with the budget. The City Manager stated that it was overlooked. The Finance Director stated that trash removal is self-funded.

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to approve the first reading of Ordinance 13-05. The MOTION passed by majority. Council Members Bivans and Minner voted no.

Halloween date and time

A MOTION was made by Council Member Minner, seconded by Council Member Coleman, to set the date and time of trick-or-treating as Thursday, October 31, 2013, from 6:00 p.m. to 8:00 p.m. The MOTION passed unanimously.

Revised outfall restoration plan

Council Member Bivans asked what changed in the scope to reduce the bid price from Teal Construction to forty-thousand dollars (\$40,000). The City Manager stated that the City will be doing some of the work and the area of the project was reduced. Since only one bid was received, and we did not want to rebid the project, the scope was adjusted.

The City Manager stated that Council approved spending forty-two thousand seven hundred twenty-four dollars (\$42,724) from the sewer escrow account in February 2013. That amount included five thousand dollars (\$5,000) for engineering and thirty-seven thousand seven hundred twenty-four dollars (\$37,724) for the restoration work. The revised price for the restoration work is forty thousand dollars (\$40,000), so approval is needed for the expenditure of the extra two thousand two hundred seventy-six dollars (\$2,276).

Council Member Minner asked if DNREC approved the revised plan. The City Manager stated that DNREC approved the plan, and the City is just alternating the scope a little. The revised plan will meet DNREC's approval.

Mayor Moyer asked if the Public Work's equipment will be sufficient to do the work that the staff will be doing. The City Manager stated that they will probably have to rent a jackhammer, which is included in this cost.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to approve the revised plan and additional funding of two thousand two hundred seventy-six dollars (\$2,276) from the sewer escrow account. The MOTION passed by majority. Council Member Bivans voted no.

Public Comments

Kelly Hull asked if once notice is given, her grass can be cut a year later. The City Manager stated that there is an ordinance that says if notified one time, the owner can be ticketed again within that year. Ms. Hull says her grass was cut, and she was charged for it. She was told that her grass could be cut anytime within a year after the first notice without any additional notices. The City Solicitor stated that is correct according to §305-5 of the Harrington Code. Ms. Hull stated that she would have to appeal that. The City Manager stated that the appeal period is over.

Logan Anderson asked if the year when no additional notice is required starts when notice is given. The City Solicitor stated that it is twelve months from the date of the corrective action.

Executive Session

Pending litigation

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Minner, to recess the City Council Special Meeting for an Executive Session to discuss pending litigation. The MOTION passed unanimously.

The City Council Special Meeting recessed at 8:13 p.m.

Mayor Moyer called the City Council Special 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; and Teresa Tieman, City Manager.

City Council Comments

Mayor Moyer stated that he has rented the Fire Hall for the same night that the City had previously rented it. He stated that he is paying for it and having a party

for the committee members and volunteers. It will probably be thirty dollars (\$30) a couple and have a DJ. We are going to try to make it a good time and extend it out to the public. If anyone on Council would like to help, it would be appreciated.

Council Member Bivans stated that there was a meeting with Burris regarding their truck traffic. They are supposed to put up a privacy fence to keep trucks off of Reese Avenue, which is a safety issue. Vice Mayor Lahman stated that it still looks like a gate. The City Manager stated that maybe a sign is needed.

Mayor Moyer stated that the trucks in town are getting out of hand. Property is being damaged, and the streets cannot handle the truck traffic. Council Member Stubbs stated that the police need to ticket trucks that are not local delivery. They are professional and know the truck routes.

Discussion occurred regarding installing speed bumps or stop signs in alleys, because cars are speeding on them.

Mayor Moyer stated that he would like to discuss the truck traffic in town at the next meeting or workshop.

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

Respectfully Submitted,

Kelly Blanchies
Clerk of Council