

**City of Harrington**  
**MINUTES**  
**City Council Meeting**  
**February 18, 2014**

A meeting of the Harrington City Council was held at Harrington City Hall, 106 Dorman Street, on February 18, 2014 and was attended by the following: Mayor Anthony R. Moyer; Vice Mayor Cheryl Lahman; Council Member Duane E. Bivans; 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; Dean Gary, Accountant; and Kelly Blanchies, Clerk of Council.

Also present: Tom Wilkes, City Engineer, Remington, Vernick, & Beach; Max Walton, Connolly Gallagher; Daniel Tartt; Sgt. Joe Perna; Marie Cunningham; Aubrey Brown; and Mr. and Mrs. Stats.

Council Member Fonda Coleman was absent.

**Public Comments**

There were no public comments.

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

The Invocation was given by Aubrey Brown.

The Pledge of Allegiance was given.

Roll was called.

**Life Saving Award**

The Chief of Police presented a life saving award to Sgt. Joe Perna and Daniel Tartt for resuscitating a cardiac arrest patient.

**Executive Session**

**Delaware State Fair pending litigation**

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

The City Council Meeting recessed at 7:10 p.m.

Mayor Moyer called the City Council Meeting back to order at 7:36 p.m. Those still present: Mayor Anthony R. Moyer; Vice Mayor Cheryl Lahman; Council Member Duane E. Bivans; 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; and Kelly Blanchies, Clerk of Council.

Also present: Tom Wilkes, City Engineer, Remington, Vernick, & Beach; Marie Cunningham; and Mr. and Mrs. Stats.

## **Minutes**

### **February 3, 2014 City Council Workshop**

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to accept the February 3, 2014 City Council Workshop Minutes as presented. The MOTION passed unanimously.

### **February 3, 2014 City Council Meeting**

The City Solicitor stated that the name Tom Whirley should be spelled Worley.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Minner, to accept the February 3, 2014 City Council Meeting Minutes as amended. The MOTION passed unanimously.

## **Police Chief's Report**

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 Stubbs asked about the wastewater pump problems at Messick's Mobile Home Park. The City Manager stated that the pump has been repeatedly clogged with debris. The park has been informed of the problem, and if continued repairs are needed, it will be at their expense.

Council Member Stubbs asked about the pump problems at Friendship Village. The City Manager stated that it is believed to be an electrical problem.

Council Member Bivans asked about charging people after the third emergency call for water problems. The City Manager stated that customers are advised to have a water shut off valve. Public Works is being called out to the same

property ten to fourteen times to turn water on and off. It is getting expensive with overtime.

Council Member Bivans asked about the fines for lack of snow removal. The City Manager stated that notice was made and twenty-four hours after the next snowfall, people will begin being fined for snow on their sidewalks. Mayor Moyer stated that provisions should be made for homeowners that are away.

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

### **Financial Report**

The Accountant stated that a request was made regarding the cost to the City for snow closures, so a report was included. Council Member Porter asked where that money comes from. The City Manager stated that it comes from the regular line item, so the budget may have to be amended. Mayor Moyer asked if a reimbursement from FEMA will offset it. The City Manager stated that it is not that kind of emergency. Mayor Moyer asked if any additional supplies are need. The City Manager stated that the Public Works Supervisor believes he has enough sand and salt for the rest of the winter. Mayor Moyer stated that Public Works has done a good job. Council Member Stubbs thanked the Chief of Police for the equipment he was able to acquire.

Mayor Moyer asked about the Accountant's note about combining Planning and Inspections lines. The Accountant replied that it was not budgeted correctly. The City Manager stated that some of the money is for the Zoning Code rewrite.

The City Manager stated that sewer usage is up nine percent from the wet weather this year. At this rate, the Kent County sewer bill will go over budget. Four hundred twenty thousand dollars was budgeted.

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

### **Departmental Reports**

#### **Public Works**

Council Member Stubbs asked about well number two. The City Manager stated that it is still being investigated but nothing has been found wrong. A filter will be placed to see if any sand is collected.

The City Manager stated that the State is not issuing any contracts to do microsurfacing, because they were not happy with the results last year.

The City Manager stated that the manhole at Mechanic Street and Dorman Street is in good shape and is not sinking.

Vice Mayor Lahman asked about water turn ons and offs. The City Manager stated that it is mostly because of burst pipes due to the cold.

The City Manager stated that an additional member of Public Works has obtained his water licenses. There are now three water system operators.

Mayor Moyer asked if the City has received the jet vac. The City Manager stated that it has arrived and training was completed. It has been used a little, but the weather has been very cold.

### **Library**

The City Manager stated that the City Council has been invited to attend a meeting regarding the Library Needs Assessment on February 24, 2014 at 6:00 p.m.

### **Parks and Recreation**

There were no questions.

### **Fire and Ambulance**

There were no questions.

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

### **City Planner's Report**

Mayor Moyer asked about the status of the Comprehensive Land Use Plan. The City Manager stated that a report was produced of all the meetings, and the Plan should be at the Governor's office now awaiting his signature.

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 Stubbs asked about the City Engineer's charge regarding BelAir Road Supply. The City Manager stated that the City Engineer had to prepare some documents for the lawsuit.

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

## **Old Business**

### **Public Hearing on Ordinance 14-01 – Amending Chapter 314, Rental Properties, to add a purpose statement and definition of rental dwelling unit**

There were no comments.

### **Second Reading of Ordinance 14-01 – Amending Chapter 314, Rental Properties, to add a purpose statement and definition of rental dwelling unit**

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to dispense with the reading of Ordinance 14-01. The MOTION passed unanimously.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to adopt Ordinance 14-01. The MOTION passed unanimously.

### **Bidding instructions for monition sales**

The City Solicitor stated that this is the written policy that Council had requested. The City Solicitor recommended continuing the current practice of participating in the bidding on properties that the City takes to monition sales in order to maximize the City's recovery of the debts owed to it, unless the City Manager finds in the circumstances of a case a valid reason to deviate.

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to accept the recommendation of the City Solicitor for the written policy regarding bidding instructions for monition sales. The MOTION passed unanimously.

## **New Business**

### **Resolution 14-R-01 – 2014 Municipal Election date, rules, absentee voting, and Election Board**

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to dispense with the reading of Resolution 14-R-01. The MOTION passed unanimously.

The Clerk of Council stated that previously voting has occurred at City Hall, this resolution moves voting to the Price Community Center for easier accessibility and more room. Vice Mayor Lahman stated that it is a good idea to move it across the street, because it is too crowded in Council Chambers, and City Hall is still conducting business during the day.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to adopt Resolution 14-R-01 as presented. The MOTION passed unanimously.

### **Scheduling of March Workshop**

The City Manager stated that she will not be here during the regularly scheduled Workshop. The Workshop was scheduled for March 17, 2014 at 6:30 p.m. with the Council Meeting immediately following.

### **Report of outstanding utility and tax receivables**

The City Manager stated that this report is an update. The tax receivables are way down. We continue to work with the City Solicitor to collect the out of town sewer amounts.

Mayor Moyer asked if past due amounts are collected if a property goes to Sheriff sale for someone besides the City. The City Solicitor stated that the Sheriff sale list is monitored, and a notice of lien is filed.

### **Usage Report**

The City Manager stated that the usage report is for informational purposes.

### **Ordinance 14-02 – Amending Chapter 365, Streets and Sidewalks, relating to snow removal from sidewalks**

The City Manager stated that currently the Code provides for twelve hours of daylight from when the snow stops for snow and ice to be removed from sidewalks. Twenty-four hours after it has ceased snowing or ice forming is clearer. Also included is some discretion for the City Manager in the case of extremely cold weather.

Council Member Bivans asked if bands of snow falling would be covered. The City Manager replied the twenty-four hours would begin after the last snow fall.

Council Member Bivans asked when the notification would go out about the time limit being extended for extremely cold weather. The City Manager stated that most likely as soon as the office opens.

Mayor Moyer stated that some consideration should be given to residents that are away. The City Manager stated that people still need to use the sidewalk even if the homeowner is not home. Contractors that will do snow removal and have a license with the City have been posted on the City's website. If someone contacts the City to say that they will be away, they can be referred to those contractors. Mayor Moyer suggested calling homeowners that notify City Hall that they are away when sidewalks need to be cleared before fining them. The automated phone call system would be sufficient.

A MOTION was made by Council Member Minner, seconded by Vice Mayor Lahman, to accept the first reading of Ordinance 14-02. The MOTION passed by majority. Council Member Bivans voted against the motion.

### **Public Comments**

Marie Cunningham stated that there were a number of days that did not reach freezing temperatures. The City Manager stated that if temperatures are forecasted to be low enough to cause frostbite, then the deadline to remove snow would be extended.

### **Appointment of committees and commissions**

Mayor Moyer stated that he would like to appoint Joan Knaub, Jean Miller, and Brenda Delong to the Election Board.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to approve the appointments to the Election Board as presented. The MOTION passed unanimously.

Mayor Moyer stated that he would like to appoint Viva Poore as the Inspector and Joyce Dyer as the Clerk for the election.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to approve the appointments of the Inspector and Clerk as presented. The MOTION passed unanimously.

Mayor Moyer stated that the Parks and Recreation Director asked that William Hudran be added to the Harrington Parks and Recreation Advisory Committee.

A MOTION was made by Council Member Minner, seconded by Vice Mayor Lahman, to approve the appointment to the Harrington Parks and Recreation Advisory Committee as presented. The MOTION passed unanimously.

Vice Mayor Lahman stated that she has the name of someone interested in serving on a committee if there are any openings.

### **City Council Comments**

Mayor Moyer stated that wind chill can also be a factor to consider when clearing snow from the sidewalks.

Council Member Bivans asked the reason for suspending the reading of ordinances and resolutions. Council Member Porter stated that the language can be difficult and that the synopsis tells you what the ordinance is trying to say.

Council Member Minner asked if absentee ballots can be returned to a locked box in the lobby. The Clerk of Council stated that each sealed ballot envelope has a voucher number and must be accounted for; ballot envelopes are handled only by the Clerk of Council and opened only by the Election Board in order to count the ballots.

### **Executive Session**

#### **Pending litigation**

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

The City Council Meeting recessed at 8:30 p.m.

Mayor Moyer called the City Council Meeting back to order at 8:50 p.m. Those still present: Mayor Anthony R. Moyer; Vice Mayor Cheryl Lahman; Council Member Duane E. Bivans; Council Member Amy Minner; Council Member Charles W. Porter; Council Member Kenneth Stubbs; William Pepper, City Solicitor; Teresa Tieman, City Manager; and Kelly Blanchies, Clerk of Council.

A MOTION was made by Council Member Bivans, seconded by Council Member Minner, to authorize the City Solicitor to settle the BelAir Road Supply litigation for twenty-five thousand dollars (\$25,000). Roll was called: 3 Yes, 2 No, 1 Absent (Lahman – Yes, Bivans – Yes, Coleman – Absent, Minner – Yes, Porter – No, Stubbs – No). The MOTION passed by majority.



There being no further business, a MOTION was made by Council Member Minner, seconded by Vice Mayor Lahman, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned at 8:52 p.m.

Respectfully Submitted,

Kelly Blanchies  
Clerk of Council

Note: Minutes typed from notes. Only a partial recording of the meeting was available.