

**City of Harrington  
MINUTES  
City Council Meeting  
August 17, 2015**

**Open Forum**

William Brode thanked the City employees for help with his sewer and stated that it would be nice to highlight that the savings on refinancing will be used on water and sewer projects in the future.

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A meeting of the Harrington City Council was held at Harrington City Hall, 106 Dorman Street, on August 17, 2015 and was attended by the following: Mayor Anthony R. Moyer; Vice Mayor Duane E. Bivans; Council Member Fonda Coleman; Council Member Eric Marquis; Council Member Amy 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: Tom Wilkes, Remington, Vernick, and Beach Engineers, City Engineer; Alan Moore, Public Works Supervisor; Jennifer Antonik; Barb Bullock; and William Brode.

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

The Invocation was given by City Chaplain Aubrey Brown.

The Pledge of Allegiance was given.

Roll was called.

**Oath of office for Officer Carl Klotz**

Mayor Moyer administered the oath of office for Officer Carl Klotz.

**Public Hearing on proposed funding of up to \$2,638,902 of general obligation bonds to refinance four existing water and sewer project bonds**

There were no comments.

**Minutes**

Mayor Moyer asked if curbs have been painted. The City Manager stated that prisoners will be painting curbs in the next week or two.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to approve the minutes for the June 15, 2015 City Council Meeting, July 6, 2015 City Council Workshop, and July 20, 2015 City Council Meeting as presented. The MOTION passed unanimously.

### **Financial Report**

The City Engineer presented a video of the sewer line repairs on Hanley Street.

The City Manager stated that repairing the sewer lines to prevent inflow and infiltration (I & I) will reduce costs. The amount of sewer has already been decreased because of metered water readings.

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

### **Old Business**

#### **Public Hearing**

##### **Ordinance 15-08 – Amending Chapter 180, Municipal Fees, to add a fine for failing to obtain a rental inspection**

Mayor Moyer read Ordinance 15-08.

Barbara Bullock asked who is charged the fine. Mayor Moyer replied the landlord.

##### **Ordinance 15-09 – Adding a new Chapter entitled Disorderly Premises**

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to dispense with the reading of Ordinance 15-09. The MOTION passed unanimously.

Mayor Moyer read the synopsis of Ordinance 15-09:

This Ordinance adds Chapter 145, Disorderly Premises, to regulate disorderly premises.

Barbara Bullock asked who determines if limits are exceeded. The Chief of Police stated that the police officer would. Mayor Moyer stated that the guidelines are written in the ordinance.

**Ordinance 15-10 – Amending Chapter 440, Zoning, related to prohibitions in the Manufacturing Zone**

A MOTION was made by Council Member Porter, seconded by Council Member Minner, to dispense with the reading of Ordinance 15-10. The MOTION passed unanimously.

Mayor Moyer read the synopsis of Ordinance 15-10:

This Ordinance amends Chapter 440 to change the prohibited uses in the Manufacturing Zone.

There were no comments from the public.

**Second Reading of Ordinance 15-08 – Amending Chapter 180, Municipal Fees, to add a fine for failing to obtain a rental inspection**

A MOTION was made by Council Member Porter, seconded by Council Member Marquis, to dispense with the reading of Ordinance 15-08. The MOTION passed unanimously.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to accept Ordinance 15-08. The MOTION passed unanimously.

**Second Reading of Ordinance 15-09 – Adding a new Chapter entitled Disorderly Premises**

Mayor Moyer read Ordinance 15-09.

A MOTION was made by Council Member Porter, seconded by Council Member Marquis, to accept Ordinance 15-09.

Council Member Minner asked if there is a timeframe for when unpaid fines are added to the taxes. The City Manager stated that it is usually added the following year before taxes are due.

A vote was called for on the motion to accept Ordinance 15-09. The MOTION passed unanimously.

**Second Reading of Ordinance 15-10 – Amending Chapter 440, Zoning, related to prohibitions in the Manufacturing Zone**

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to dispense with the reading of Ordinance 15-10. The MOTION passed unanimously.

Mayor Moyer read the synopsis for Ordinance 15-10:

This Ordinance amends Chapter 440 to change the prohibited uses in the Manufacturing Zone.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to accept Ordinance 15-10 The MOTION passed unanimously.

### **Committee appointments**

Mayor Moyer stated that the people that have previously worked on the City's elections were not all available for the special election, so he would like to appoint Jean Miller, Carolyn Porter, and Jose Latorre to the Special Election Board, Viva Poore as Inspector, and Joyce Dyer and Brenda DeLong as Clerks.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to appoint the Special Election Board and staff as presented.

Vice Mayor Bivans asked if the special election appointments can be made before the resolution for the special election is adopted. Mayor Moyer stated that the appointments and resolution go together.

A vote was called for on the motion to appoint the Special Election Board and staff as presented. The MOTION passed unanimously.

Mayor Moyer stated that he would like someone from every district to help with the Library Fundraising Committee and asked the City Council to seek out volunteers. The library district extends beyond the city limits, so volunteers do not have to live in the City.

### **New Business**

#### **Resolution 15-R-09 – Authorizing funding of up to \$2,638,902 of general obligation bonds to refinance four existing water and sewer project bonds and establishing a time and place for a special election thereon**

Mayor Moyer stated that this resolution is necessary in order to have the referendum to refinance the loans.

Council Member Porter asked if absentee voting will be available. The Clerk of Council stated that absentee voting can be done and asked the City Solicitor if that should be included in the resolution since the regular

election resolution does establish the availability of absentee voting. The City Solicitor said that absentee voting should be added to the resolution.

A MOTION was made by Council Member Porter, seconded by Council Member Minner, to dispense with the reading of Resolution 15-R-09. The MOTION passed unanimously.

A MOTION was made by Council Member Porter, seconded by Council Member Minner, to accept Resolution 15-R-09 as amended to include the availability of absentee voting for the special election. Roll was called: 6 Yes, 0 No (Bivans – Yes, Coleman – Yes, Marquis – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

### **Mayor and Council term limit survey**

Mayor Moyer stated that he does not like the option to fill in the amount of terms for the limit; the available responses should be “No” and “Yes, 2 terms (8 years) for the Mayor and 3 terms (9 years) for Council Members.”

Mayor Moyer stated that if no one is running for office, then the existing council member would be allowed to continue to serve. Discussion occurred regarding adding a note on the bottom of the survey that if the seat is unchallenged then the term limits do not apply.

Council Member Coleman stated that the point of the survey was to give the public an opportunity to voice their opinion. Term limits would limit the voting process by not allowing people to vote for the candidate that they choose if that person exceeds the term limit.

A MOTION was made by Council Member Coleman to offer a selection for the number of terms if the “Yes” response is chosen on the survey. There was no second. The MOTION failed.

A MOTION was made by Vice Mayor Bivans, seconded by Council Member Marquis, that the term limit survey should include the responses “No” and “Yes, 2 terms (8 years) for the Mayor and 3 terms (9 years) for Council Members” and not include any other options for responses or a note about term limits not applying if there is no candidate. Roll was called: 4 Yes, 3 No (Bivans – Yes, Coleman – No, Marquis – Yes, Minner – Yes, Porter – No, Stubbs – No, Moyer – Yes). Mayor Moyer voted to break the tie. The MOTION passed by majority.

### **Date for September City Council Meeting**

Mayor Moyer stated that the council members should have received an invitation in the mail to attend the Bobby Quillin Race.

A MOTION was made by Vice Mayor Bivans, seconded by Council Member Minner, to move the September City Council Meeting to September 22, 2015. The MOTION passed unanimously.

### **Roof estimate for City Hall, Food Pantry, and Annex**

The City Manager stated that in the course of taking estimates for new rain gutters, it was discovered that the roof at City Hall is in need of replacing. The City Hall and Food Pantry roofs have not been replaced in excess of thirty years.

The City Manager stated that the three bids received were not equal in the amount of work to be performed and recommended accepting the bid from Bayside Roofing of forty-four thousand two hundred forty dollars (\$44,240), which includes a contingency of three thousand eight hundred forty dollars (\$3,840) to replace the roofs on all three buildings. The funding would come from the CIP reserve.

Vice Mayor Bivans asked if gutters are included in the bid prices. The City Manager replied no, the roofs would need to be replaced first.

A MOTION was made by Council Member Marquis, seconded by Council Member Stubbs, to accept the bid of Bayside Roofing for all three buildings. Roll was called: 6 Yes, 0 No (Bivans – Yes, Coleman – Yes, Marquis – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

### **Selection of Code Enforcement Officer**

The City Manager stated that eighteen people applied for the position and five interviews were held. The interview committee selected Adam Poplos. He will be able to help with planning in addition to code enforcement work. He has certifications and comes highly recommended.

Council Member Porter asked about the budget. The City Manager stated that the budget will be fine.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to accept the selection of Adam Poplos as Code Enforcement Officer. Roll was called: 6 Yes, 0 No (Bivans – Yes, Coleman – Yes, Marquis – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

### **First Reading of Ordinance 15-11 – Amending Chapter 440, Zoning, related to signage**

A MOTION was made by Council Member Porter, seconded by Council Member Minner, to dispense with the reading of Ordinance 15-11. The MOTION passed unanimously.

Mayor Moyer read the synopsis for Ordinance 15-11:

This Ordinance amends Chapter 440 to clarify sign regulations, correct reference, and clarify requirements for Zoning Compliance Certificates for signage projects.

The City Manager stated that this will make the intent more clear.

Mayor Moyer asked about the additional signage based on walls facing streets that Council Member Marquis previously requested. Council Member Porter stated that the City Planner recommended against that because of the cost to calculate the signage. The City Manager stated that is a separate issue than what is included in Ordinance 15-11, which only clarifies existing regulations.

A MOTION was made by Vice Mayor Bivans to table Ordinance 15-11 to workshop. Vice Mayor Bivans withdrew his motion.

Vice Mayor Bivans stated that each section should be discussed separately.

Mayor Moyer stated that the Board of Adjustment is an expensive way to get more signage on a property. The Board of Adjustment fee needs to be reviewed.

Mayor Moyer stated that the first reading of Ordinance 15-11 can be accepted, and it can be discussed further at the next workshop.

Council Member Porter asked what brought this ordinance up. The City Manager stated that it was a sign permit application.

Discussion occurred regarding what had been discussed at previous meetings about Council Member Marquis request to add additional changes.

Mayor Moyer stated that he thinks it would be more fair to allow a certain amount of square footage for each side that faces a street.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to accept the first reading of Ordinance 15-11. Roll was called: 4 Yes, 3 No (Bivans – No, Coleman – Yes, Marquis – No, Minner

– No, Porter – Yes, Stubbs – Yes, Moyer – Yes). Mayor Moyer voted to break the tie. The MOTION passed by majority.

### **City Council Comments**

Mayor Moyer asked for an update on the railroad station. The City Manager stated that the letter requesting repairs be done has been sent, but no reply has been received. The City Manager stated that she called about Center Street closing and did not receive a return call.

Vice Mayor Bivans thanked Public Works for cleaning up trees that were blocking sidewalks and stated that he would like the City to continue to seek quotes to replace the gutters. Vice Mayor Bivans stated that public comments should be allowed at the end of the meeting and that the open forum should not close early.

Council Member Stubbs stated that there are trees on Commerce Street that need to be trimmed in the Fall.

The City Manager stated that the City received ten thousand dollars (\$10,000) back from the DFIT workers' compensation trust.

William Brode stated that the City should look into a metal roof and that the public should have the opportunity to comment on each agenda item. Mayor Moyer stated that a metal roof was looked into, but asphalt shingles was determined to be the better option. Mayor Moyer stated that the open forum prior to the meeting is the opportunity for the public to comment on upcoming items. The City Solicitor stated that the City Council is a representative form of government rather than one where there whole town votes.

### **Executive Session**

There was no Executive Session.

There being no further business, a MOTION was made by Council Member Minner, seconded by Council Member Marquis, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned at 8:43 p.m.

Respectfully Submitted,



Kelly Blanchies  
Clerk of Council