

**City of Harrington
MINUTES
City Council Meeting
February 22, 2016**

Open Forum

William Brode stated that Public Works has done a good job with snow removal from the streets and that his sewer line has been fixed and asked if there are plans to pave or rehab the alleys in Harrington Manor.

The City Chaplain stated that the City did a good job with snow removal and requested that the alley by his house be improved. The City Chaplain stated that he is planning a Mayor's Prayer Breakfast and will provide further details later.

A meeting of the Harrington City Council was held at Harrington City Hall, 106 Dorman Street, on February 22, 2016 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: Aubrey Brown, City Chaplain, and William Brode.

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

The Invocation was given by the City Chaplain.

The Pledge of Allegiance was given.

Roll was called.

Minutes

The Clerk of Council stated that the January 19, 2016 City Council Meeting minutes are not yet available.

A MOTION was made by Council Member Minner, seconded by Council Member Stubbs, to approve the minutes for the January 4, 2016 City Council Workshop. The MOTION passed unanimously.

Financial Report

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

Old Business

There was no Old Business.

New Business

Harrington Fire Company

There was no update from the Harrington Fire Company.

Resolution 16-R-03 – Charter amendment to add term limits for the Mayor and Council Members

Mayor Moyer read Resolution 16-R-03.

A MOTION was made by Council Member Marquis, seconded by Council Member Minner, to accept Resolution 16-R-03. Roll was called: 4 Yes, 3 No (Bivans – Yes, Coleman – No, Marquis – Yes, Minner – Yes, Porter – No, Stubbs – No, Moyer – Yes). The MOTION passed by majority. Mayor Moyer voted to break the tie.

Council Member Porter asked if it takes three quarters of the City Council to approve a Charter amendment. The City Solicitor replied no.

Resolution 16-R-04 – Thanking the Harrington Fire Company for their assistance during the recent snowstorm.

Mayor Moyer read Resolution 16-R-04.

A MOTION was made by Council Member Minner, seconded by Vice Mayor Bivans, to accept Resolution 16-R-04. The MOTION passed unanimously.

Resolution 16-R-05 – Thanking the City of Harrington Public Works Department for their hard work during the recent snowstorm

Mayor Moyer read Resolution 16-R-05.

A MOTION was made by Council Member Minner, seconded by Vice Mayor Bivans, to accept Resolution 16-R-05. The MOTION passed unanimously.

Resolution 16-R-06 – 2016 Municipal Election date, rules, absentee voting, and Election Board

Mayor Moyer read Resolution 16-R-06.

A MOTION was made by Council Member Minner, seconded by Council Member Stubbs, to accept Resolution 16-R-06. The MOTION passed unanimously.

First Reading of Ordinance 16-01 – Amending Chapter 440, Zoning, related to Category B plan reviews

The Clerk of Council read Ordinance 16-01.

Council Member Porter stated that this ordinance resolves some of the things that the builders were complaining about.

Council Member Minner asked about sanitary sewer and water line maps. The City Manager replied that the City does not have good maps and do not want structures over water or sewer lines.

A MOTION was made by Council Member Minner, seconded by Council Member Porter, to accept the first reading of Ordinance 16-01. The MOTION passed by majority. Vice Mayor Bivans abstained because he was not present for the town hall meeting.

First Reading of Ordinance 16-02 – Amending Chapter 180, Municipal Fees, related to inspection and plan review fees

Council Member Porter stated that the escrows were put into place because the City was not receiving the money to cover the City's costs of the project.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to dispense with the reading of Ordinance 16-02. The MOTION was passed by majority. Vice Mayor Bivans abstained.

Discussion occurred regarding the fines for violating the proposed juvenile curfew ordinance.

Council Member Coleman asked what would happen if the parent cannot pay the fines and that some of the fines are expensive. The Chief of Police

stated that the Justice of the Peace Court would decide it like any other fine at the court.

A MOTION was made by Council Member Marquis, seconded by Council Member Minner, to accept the first reading of Ordinance 16-02 as amended with the addition of the Juvenile Curfew violations fines. Roll was called: 4 Yes, 3 No (Bivans – Yes, Coleman – No, Marquis – Yes, Minner – Yes, Porter – No, Stubbs – No, Moyer – Yes). The MOTION passed by majority. Mayor Moyer voted to break the tie.

First Reading of Ordinance 16-03 – Adding Chapter 240, Juvenile Curfew, to establish a juvenile curfew

Council Member Porter stated that the City Council should not be discussing a curfew because the City Solicitor has previously stated that a curfew is unconstitutional. The City Solicitor stated that it is not clear; it can be defended if the evidence is present at the public hearing to support a curfew. There is a constitutional right to travel and in general, juveniles have the same rights that adults do. If there are is no rational basis, such as crimes committed by or against the juveniles during the curfew hours, to support the curfew then it is a violation.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to dispense with the reading of Ordinance 16-03. The MOTION was passed unanimously.

Council Member Coleman stated that a curfew would violate the rights of juveniles.

Vice Mayor Bivans expressed concern that school busses may pick up children earlier than the 6:00 a.m. end time.

Vice Mayor Bivans asked how much time would be spent by police officers scrutinizing letters from parents. The Chief of Police stated that notes would likely be taken at face value and repeat offenders would be investigated further.

Discussion occurred regarding the implications of telling a juvenile to go home or dropping a child off at a neighbor's house.

The Chief of Police stated that hopefully a curfew would help parents, educate parents, and keep kids safe.

Council Member Porter stated that he is concerned about enforcement and the possibility of a lawsuit.

Mayor Moyer stated that it is clear that there is an issue and that the City needs to be proactive. Other municipalities have curfews.

A MOTION was made by Council Member Marquis, seconded by Council Member Minner, to accept the first reading of Ordinance 16-03. Roll was called: 4 Yes, 3 No (Bivans – Yes, Coleman – No, Marquis – Yes, Minner – Yes, Porter – No, Stubbs – No, Moyer – Yes). The MOTION passed by majority. Mayor Moyer voted to break the tie.

Police Department vacancies

The Chief of Police stated that there are two vacancies and that he has started the hiring process. The police academy starts on March 14. The Chief of Police is considering the possibility of sending two new hires through the academy or sending one person to the police academy and hiring an officer that is already certified. There would be a cost to buy out the contract of the certified officer.

Discussion occurred regarding officer retention and the benefits of hiring a certified versus noncertified officer.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to allow the Chief of Police to proceed as he sees fit. The MOTION passed unanimously.

Public Comments

The City Chaplain stated that crime does happen in town and commended the City Council for looking at a curfew. The police need the City's support.

Mr. Brode stated that kids need to be off the streets, and a curfew is worth a try to get kids on the right track before they are adults.

City Council Comments

Council Member Porter stated that salaries should be evaluated and that he wants statistics to support a curfew before it is adopted.

Vice Mayor Bivans stated that the City Council could consider volunteer hours rather than a fine.

Executive Session

There was no Executive Session.

There being no further business, a MOTION was made by Council Member Porter, seconded by Council Member Minner, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned at 8:28 p.m.

Respectfully Submitted,



Kelly Blanchies
Clerk of Council