

**City of Harrington  
MINUTES  
City Council Meeting  
March 21, 2016**

**Open Forum**

The City Chaplain stated that the National Day of Prayer will be May 10, 2016 at 11 a.m. at the Fire Hall, and the Mayor's Prayer Breakfast will be in the fall.

The City Chaplain stated that he would like his alley paved.

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A meeting of the Harrington City Council was held at Harrington City Hall, 106 Dorman Street, on March 21, 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: Glen Howell, Kent County Commissioner; Aubrey Brown, City Chaplain; Barbara Bullock; Robbie Brode, Harrington Fire Company; and Jennifer Antonik, Harrington Journal.

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.

**Library check presentation by Commissioner Glen Howell**

Kent County Commissioner Glen Howell presented a check for library funds.

**Employee of the Year**

Mayor Moyer asked for the Employee of the Year to be tabled.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to table the Employee of the Year. The MOTION passed unanimously.

## **Police awards**

Mayor Moyer swore in new police officer Sam Wilkes.

The Chief of Police awarded Chief's Commendations to Sergeant Adam Gillespie (Harrington Police Department), Corporal Christopher Guild (Felton Police Department), Troopers Daniel Eby and Daniel Galiani (Delaware State Police), and Chief Mark Anderson (Greenwood Police Department) for their work in capturing a bank robbery suspect on February 20, 2016.

## **Minutes**

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to approve the minutes for the January 19, 2016 City Council Meeting, February 1, 2016 City Council Workshop, and February 22, 2016 City Council Meeting. The MOTION passed unanimously.

## **Financial Report**

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 16-01 – Amending Chapter 440, Zoning, related to Category B plan reviews**

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to suspend the reading of Ordinance 16-01. The MOTION passed unanimously.

Mayor Moyer read the synopsis for Ordinance 16-01:

This Ordinance amends Chapter 440 to clarify Category B plan reviews and to change the requirements for lot line adjustments from a Category B plan review to a zoning compliance certificate.

There were no comments from the public.

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

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to suspend the reading of Ordinance 16-02. The MOTION passed unanimously.

Mayor Moyer read the synopsis for 16-02:

This Ordinance amends the Municipal Fees for the City of Harrington to add different fees for varying types of Category B/Administrative plan reviews, add a fee for lot line adjustments, remove fee exemptions for site inspections, increase reinspection fees, charge a fee for each time a building plan is reviewed, and add fines for violating the juvenile curfew.

There were no comments from the public.

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

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

Mayor Moyer read the synopsis for Ordinance 16-03:

This Ordinance adds Chapter 240, Juvenile Curfew to establish a curfew for juveniles.

There were no comments from the public.

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

A MOTION was made by Council Member Porter, seconded by Council Member Marquis, to accept Ordinance 16-01. The MOTION passed by majority. Vice Mayor Bivans abstained, because he was not present for some of the discussion.

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

A MOTION was made by Council Member Porter, seconded by Council Member Marquis, to accept Ordinance 16-02.

A motion was made by Vice Mayor Bivans to table the juvenile curfew portion of Ordinance 16-02. The City Solicitor stated that a portion of an ordinance can be stricken but not tabled.

The MOTION to accept Ordinance 16-02 was rescinded by Council Member Porter.

A MOTION was made by Vice Mayor Bivans, seconded by Council Member Coleman, to strike the juvenile curfew violation fines from Ordinance 16-02.

Council Member Porter asked how the fines will be implemented. Mayor Moyer stated that another ordinance will be required. Vice Mayor Bivans stated that fines should not be adopted until the curfew ordinance is adopted.

Roll was called on the motion to strike the juvenile curfew violation fines from Ordinance 16-02: 5 Yes, 1 No (Bivans – Yes, Coleman – Yes, Marquis – Yes, Minner – No, Porter – Yes, Stubbs – Yes). The MOTION passed by majority.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to adopt Ordinance 16-02 as amended. The MOTION passed by majority. Council Member Minner voted against the motion.

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

A MOTION was made by Council Member Marquis, seconded by Council Member Minner, to accept Ordinance 16-03.

Vice Mayor Bivans stated that there should be more discussion about the impact of a curfew. During the town hall meeting, there was no discussion of the fees. There should be more input from the public.

Council Member Porter asked about the constitutionality of a curfew. The City Solicitor stated that it is not free from doubt, but other communities have adopted it, and citizens have testified to a need for it.

Vice Mayor Bivans stated that there is not significant data to support a curfew and asked what would happen when the curfew is reviewed after six months.

Vice Mayor Bivans stated that the curfew time should be the same all week long.

The MOTION to accept Ordinance 16-03 was rescinded by Council Member Marquis.

A MOTION was made by Vice Mayor Bivans, second by Council Member Coleman, to table Ordinance 16-03 until additional discussion can occur with notification to the public.

Council Member Porter asked about a timeline for moving forward with the ordinance. Vice Mayor Bivans stated that he would like to know what is working for a curfew in other communities and that an automated call to out to the public regarding a public hearing on the curfew.

The Chief of Police stated that there were about one hundred (100) disorderly complaints during the curfew hours in the last three years.

Vice Mayor Bivans stated that in the results of the survey on the downtown, all participants felt safe during the day and sixty-one percent (61%) felt safe during the night with loitering youths being the most common reason why participants felt unsafe. More people feel safe than unsafe.

Roll was called on the motion to table Ordinance 16-03 until additional discussion can occur with notification to the public: 6 Yes, 0 No (Bivans – Yes, Coleman – Yes, Marquis – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

### **Election Board appointment**

A MOTION was made by Council Member Coleman, seconded by Council Member Stubbs, to approve the appointment of Carolyn Porter to the Election Board. The MOTION passed by majority. Council Member Minner voted against the motion.

### **Builder and Developer Committee members**

Council Member Minner stated that nine people is too many for a committee and business owners are not part of the builder community, so she would like the committee to consist of the originally proposed members: Jeff Bowers, Richard Messick, Richie Sapp, Darrin Simpson, Roger Collison, Council Member Marquis, and Council Member Minner.

Council Member Minner stated that the meetings will be on the second Wednesday of each month.

A MOTION was made by Council Member Minner, seconded by Council Member Marquis, to appoint the Builder and Developer Committee as presented.

Council Member Porter stated that he would like some people that live in town on the committee. Council Member Minner stated that the members have close ties to the community. Mayor Moyer stated that the council members on the committee do live in town. Council Member Minner stated that having the City Manager at the meeting was very helpful. The City Manager stated that all final decisions are made by the City Council.

A vote was called for on the motion to appoint the Builder and Developer Committee as presented. The MOTION passed unanimously.

### **New Business**

#### **Harrington Fire Company**

Robbie Brode stated that there were twenty (20) fire and ninety-six (96) EMS incidents and that Richie Smith was selected as Kent County EMT of the month.

#### **Monition sale properties**

The City Solicitor suggested an executive session to discuss bidding strategies for specific properties.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to suspend the agenda item Monition sale properties until the end of the meeting. The MOTOIN passed unanimously.

### **Public Comments**

The City Chaplain stated that the curfew should be expedited and responsibility should lead back to the parents.

### **City Council Comments**

Council Member Coleman stated that some people did not receive notice about utility work.

Council Member Minner stated that a landlord told her how wonderful the Public Works and City Hall staff is.

**Executive Session**

**Legal strategy session regarding monition sale properties**

A MOTION was made by Council Member Porter, seconded by Council Member Minner, to go to Executive Session for a legal strategy session regarding monition sale properties. The MOTION passed unanimously.

The City Council Meeting recessed at 7:58 p.m.

Mayor Moyer called the City Council Meeting back to order at 8:09 p.m. Those still present: 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; and Kelly Blanchies, Clerk of Council.

**Monition sale properties**

There was no further discussion of monition sale properties.

There being no further business, a MOTION was made by Council Member Minner, seconded by Council Member Porter, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned at 8:10 p.m.

Respectfully Submitted,



Kelly Blanchies  
Clerk of Council