

**City of Harrington**  
**MINUTES**  
**City Council Meeting**  
**June 18, 2012**

A meeting of the Harrington City Council was held on June 18, 2012 and was attended by the following: Mayor Robert E. Price, Jr.; Vice Mayor Cheryl Lahman; Council Member Duane E. Bivans; Council Member Fonda Coleman; Council Member Amy Minner; Council Member Wayne 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 in attendance: Tom Wilkes, Remington, Vernick, & Beach; Tom Carroll, Code Enforcement Officer; Sam Chick; Frank Tolson; Charles Baylor; Linda Niehorster; Richard Niehorster; Judy Diogo, Central Delaware Chamber of Commerce; Bobby Outten; Michael Lindquist; Jason Dean; Kim Robbins; and Leo Cushman.

Mayor Price called the meeting to order.

The Pledge of Allegiance was given.

Mayor Price stated that the agenda will be moved around to allow people to leave if they are here for a specific issue. He welcomed everyone to stay for the entire meeting.

**Minutes**

**City Council Meeting May 21, 2012**

Council Member Bivans asked when the Downtown Streetscape ramp would be fixed. The City Manager stated that it should be completed any day now.

A MOTION was made by Council Member Porter, seconded by Council Member Bivans, to accept the May 21, 2012 City Council Meeting Minutes as presented. The MOTION passed unanimously.

**Swearing In Ceremony and City Council Meeting June 4, 2012**

Mayor Price stated that the minutes for the June 4, 2012 Swearing In Ceremony and City Council Meeting are not ready and will be placed on next agenda.

## **Police Chief's Report**

The Chief of Police thanked Discover Bank, Walmart, and Calvary Wesleyan Church for their donations and help over the past year. He presented a plaque to each organization for their continued support.

The Chief of Police stated that the Police Department seized a 2000 Chrysler that he would like to sell. The car was seized as part of a drug bust from January of 2011. The trial was in October, and the Department received the car in May. Mayor Price asked if Council had any concerns about selling the car.

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.

Mayor Price stated that some of audience was in attendance for the sign ordinance, so public comments will now be heard then the First Reading of Ordinance 12-15.

## **Public Comments**

Sam Chick stated that several issues on the sign ordinance do not make sense.

Judy Diogo stated that she would like to offer help from the Central Delaware Chamber of Commerce in writing a sign ordinance like they did in Dover. She would consult sign companies, local business, and coordinate meetings.

Jason Dean stated that business owners need input.

Kim Robbins stated that she is upset because she chose her business location for the big sign.

Leo Cushman stated that he has ice cream trucks and believes that the proposed ordinance would make them illegal because of the sign on the vehicle and noise.

Linda Niehorster stated that franchise owners pay for signage. The City should not tell a business how to market itself.

Bobby Outten stated that the City should be friendly to bring in businesses.

## **New Business**

### **First Reading of Ordinance 12-15 – Amending Chapter 440, Zoning, relating to signs**

A MOTION was made by Council Member Minner, seconded by Vice Mayor Lahman, to table Ordinance 12-15 until a meeting is held with the Central Delaware Chamber of Commerce. Roll was called: 5 Yes, 1 No (Lahman – Yes, Bivans – No, Coleman – Yes, Porter – Yes, Minner – Yes, Stubbs – Yes). The MOTION passed.

Mayor Price recessed the meeting at 7:18 pm.

Mayor Price called the meeting back to order at 7:22 pm.

### **City Manager's Report**

Council Member Bivans asked about the notices left on doors for the new meter installation and if there was a different way to notify people. Council Member Porter recommended the automated calling system, Global Connect.

Council Member Bivans asked if City employees were mowing grass that was in violation of the Property Maintenance Code or if a contractor was. The Code Enforcement Officer stated that a contractor does and clarified the information on his report.

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

### **Financial Report**

Council Member Porter stated that the budget looks good. Mayor Price stated that the departments have done a good job of staying within their budgets.

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

### **Departmental Reports**

#### **Public Works**

Council Member Stubbs asked about the paving on Milby Street. The City Manager stated that it will begin anytime, and the Public Works Supervisor has been in contact with the contractor.

Council Member Stubbs asked if there is an additional cost or work involved in installing the antennas in the water meter pit lids for the new water meters. Tom Wilkes stated that there is not an additional cost. The Code Enforcement Officer stated that a rubber gasket is removed from the lid and the antenna inserted.

### **Wastewater Treatment**

There were no questions.

### **Library**

Council Member Bivans stated that he appreciates the library providing the upcoming events in the report.

### **Parks and Recreation**

Council Member Bivans suggested additional evening hours through the summer at Parks and Recreation for teenagers to have something to do.

### **Fire and Ambulance**

Council Member Bivans stated that the first responders did a good job with the recent house fire.

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

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

Council Member Porter asked about the budget for the Comprehensive Plan. The Financial Director stated that there is about \$600 remaining. The City Manager stated that there were two invoices totaling about \$1,200 that were approved under the previous administration and coded to the Comprehensive Plan that the City Planner requested to be recoded.

### **City Engineer's Report**

Mr. Wilkes stated that he has submitted a punch list to Daisy for the force main project.

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

### **Old Business**

#### **Update on Police Contract**

The Chief of Police stated that the officers have approved the contract.

## **New Business**

### **Public Hearing on FY 2013 Budget**

There were no comments from the public.

### **Resolution 12-R-04 to adopt the FY 2013 Budget**

Vice Mayor Lahman asked if the Council is bound to follow exactly the Capital Improvement Plan or if there was flexibility. The City Manager stated that the budget can always be amended.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to adopt Resolution 12-R-04. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

### **Design, concept, and cost estimate for Downtown Streetscape Project Phase II**

Mr. Wilkes stated that the total estimated cost of the project is \$982,360 with the City's match as \$196,472. He suggested limiting the scope of this phase of the project to Commerce Street in front of the post office and Clark Street from Commerce Street to the railroad tracks. That area is about 42% of the total project and would bring the City's match down to about \$82,000.

### **Contract award for CDBG Mispillion Sidewalk Replacement Project**

Mr. Wilkes stated that the low bid for the project is Mitten Construction, and they have met all the requirements.

Council Member Minner asked why Mitten's bid for maintenance and protection of traffic was more than \$9,000 less than the other bids. Council Member Stubbs stated that some contractors handle that in house.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to approve the City Engineer's recommendation and award the CDBG Mispillion Sidewalk Replacement Project to Mitten Construction. Roll was called: 4 Yes, 0 No, 2 Abstain (Lahman – Yes, Bivans – Abstain, Coleman – Yes, Minner – Abstain, Porter – Yes, Stubbs – Yes). The MOTION passed. Council Member Bivans and Council Member Minner both stated that they abstained because of the price discrepancy between the lowest bid and the other bids.

**First Reading of Ordinance 12-13 – Amending Chapter 330, Sewers, relating to fats, oils, and grease interceptors and traps**

The City Solicitor stated that he would like this ordinance returned to committee because there are many changes he would like to make.

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to return Ordinance 12-13 to the Ordinance Review Committee. The MOTION passed unanimously.

**First Reading of Ordinance 12-14 – Amending Chapter 440, Zoning, relating to Commissioner attendance**

Council Member Bivans stated that it was discussed at the Workshop to add the ability for Commissioners to be excused. The City Solicitor stated that the Planning and Zoning Commission meets infrequently, and meetings are often scheduled at the convenience of the members, so missing three consecutive meetings would seriously impede the Commission's ability to conduct business and meet the legal requirements for a quorum.

A MOTION was made by Council Member Bivans, seconded by Vice Mayor Lahman, to accept the first reading of Ordinance 12-14. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

**Executive Session**

There was no Executive Session.

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

Respectfully Submitted,

Kelly Blanchies  
Clerk of Council

Note: There is an audio tape only until the recess at 7:18 pm.