

**City of Harrington**  
**MINUTES**  
**City Council Meeting**  
**December 17, 2012**

**Public Comments**

There were no Public Comments.

---

A meeting of the Harrington City Council was held on December 17, 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; Keith Shyers, Deputy Chief of Police; William Pepper, City Solicitor; Teresa Tieman, City Manager; Faye Smith, Finance Director; and Kelly Blanchies, Clerk of Council.

Also present: Mike Easton, Horty & Horty; Doug Phillips, Horty & Horty; Tom Wilkes, Remington, Vernick, & Beach; Richard Baker, Harrington Police Department.

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

The Pledge of Allegiance was given.

**Oath of Office for Richard Baker, Harrington Police Department**

Mayor Price administered the oath of office for Richard Baker.

**Resolution 12-R-07 – Supporting a turn lane from southbound DuPont Highway onto westbound Clark Street**

Mayor Price stated that Resolution 12-R-07 would be discussed now because the Chief of Police has to leave the meeting early.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to lift Resolution 12-R-07 from the table. The MOTION passed unanimously.

The Chief of Police stated that there has always been a turn lane from Route 13 to turn right onto Clark Street. A few years ago when the road was blacktopped, the turn lane was removed. There have been numerous complaints about potential hazards and near accidents.

The Chief of Police stated that Representative Outten told him that there were issues with drainage at that location that need to be corrected. The Chief of Police stated that he also spoke with Senator Simpson, and once the resolution is adopted, it can be forwarded to Representative Outten and Senator Simpson.

Council Member Minner asked if anyone has spoken with DeIDOT. The Chief of Police stated that Representative Outten spoke with DeIDOT, who said it is a drainage issue, and they black topped before fixing the problem.

A MOTION was made by Council Member Porter, seconded by Council Member Minner, to adopt Resolution 12-R-07. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

**Public Hearing on Resolution 12-R-10, authorizing the issuance of up to \$3,500,000 maximum aggregate principal amount of two series of general obligation bonds in order to finance costs associated with improvements to the City's municipal wastewater collection and conveyance system and improvements to the City's water distribution system**

There were no comments.

**Minutes**

**November 19, 2012 City Council Meeting**

Council Member Bivans asked that Public Comments be added to the Workshop agenda for further discussion about responding to comments made. The City Solicitor stated that Council can talk about it but cannot change how it is done because Council cannot discuss things that are not on the agenda because of the Freedom of Information Act. Comments made by the public can be put on a future agenda. Council Member Bivans stated that his concern is providing a response to people that make comments. Mayor Price stated that it is a moot point because it cannot change.

Vice Mayor Lahman asked if the topic can be discussed now because it is part of the minutes. The City Solicitor stated that the Council is really not supposed to ask for background information as part of the approval of minutes. If a citizen has a question, they can ask after the meeting, but it cannot be discussed with Council during the meeting.

Council Member Bivans stated that none of the issues that are brought up during Public Comments are discussed by Council at later meeting. Council owes it to the public to provide a response such as referring that person to the appropriate person or asking them to come back to another

meeting. The City Solicitor stated that his understanding was that the City Manager or Chief of Police were responding to those people.

Vice Mayor Lahman asked if Council Member Bivans would like at the next meeting how a Public Comment issue was addressed. Council Member Bivans stated that he would like to know how the issue was resolved. The City Solicitor suggested that could be included in the City Manager and Police Chief's reports.

The City Solicitor stated that he is apprehensive about a dialogue during Public Comments because only one side of the story is presented. Vice Mayor Lahman stated the City can get in trouble. Council Member Bivans stated that he would like feedback.

Council Member Bivans asked if the tax ditch reimbursement for John Wayne Hendricks could be discussed again at a workshop. The City Solicitor stated that it has already been acted on so a motion would have to be made by someone that voted in the majority to reconsider it at a Council meeting.

Mayor Price asked why Vice Mayor Lahman did not vote. Vice Mayor Lahman stated that she did not know that she could while presiding over the meeting in the Mayor's absence. The City Solicitor stated that Vice Mayor Lahman is still allowed to vote because she is a member of Council.

The City Solicitor stated that the issue can be placed on the agenda, but the motion to reconsider has to be made by Council Member Coleman, Porter, or Stubbs for it to be discussed again.

A MOTION was made by Council Member Stubbs, seconded by Council Member Porter, to accept the November 19, 2012 City Council Meeting Minutes as presented. The MOTION passed unanimously.

### **December 3, 2012 City Council Workshop**

Council Member Stubbs asked if there were still problems with the water at Messick's Mobile Home Park. The City Manager stated that Messick's tests were clear, but the State's tests showed bacteria still. Vice Mayor Lahman asked how frequently testing is done. The City Manager replied that she believes monthly.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to accept the December 3, 2012 City Council Workshop Minutes. The MOTION passed unanimously.

## **Police Chief's Report**

The Chief of Police introduced Bill Matt from the Delaware State Police. He is an instructor for the landlord training class. There is another class scheduled for January 19, 2013.

Mr. Matt stated that he volunteers for the program because he is a landlord in Delaware and other places. The Department of Justice identified that high crime areas in the City of Wilmington 75-85% are non-owner occupied. Deputy Attorney General Dan Logan was tasked with nuisance abatement on properties where certain crimes occur, which allows the Attorney General's Office to order corrections or sue the property owner civilly. The model that the program is based on is from Mesa, Arizona. Training is given to landlords and inspections are conducted. The class provides information to make landlords better and allows the Attorney General to prove that the landlord knows the right way to manage a property. When it started there was a series of three letters sent to landlords: the first invited them to the class, the second was more forceful, and the third stated that if serious crimes occur on the property then civil action could be taken. When the program is effectively employed it will cut down on calls for service from law enforcement.

Council Member Porter asked if the program will be ongoing. Mr. Matt stated that he is impressed that the City wants to be proactive and believes the program will continue because it is not costing the State any money since he is a volunteer. There is a definite need for the classes.

Council Member Porter stated that the City could offer an incentive to landlords for attending the class rather than make it mandatory. It is a partnership.

The Chief of Police left the meeting.

## **City Manager's Report**

Council Member Porter asked about past due sewer accounts. The City Manager stated that the City Solicitor is filing liens against the properties. The City Solicitor stated that two fairly large amounts from Farmington have been collected.

Council Member Stubbs asked about the status of water meter installations. The City Manager stated that Clarks Corner is completed, and there are only a few residential meters left to install.

Council Member Minner asked about the disagreement with Daisy. Tom Wilkes stated that the punch list has been completed to the satisfaction of DeIDOT. There was a meeting with them today about closing out the contract.

Vice Mayor Lahman asked about the demolition of 45 Clark Street. The City Manager stated the bids were rejected because the low bid was not compliant; they made an arrangement outside the bidding process that lowered his price and that was not afforded to everyone else bidding. On the advice of the City Solicitor, the bid was rejected, and the project will be rebid in January. They will be sealed bids, because the next lowest bid was greater than \$25,000. Mr. Wilkes stated that there is asbestos in the building, but it is non-fryable, or bound in a matrix, like in floor tiles. Asbestos is only dangerous when it is airborne. It still must be properly removed and disposed of.

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

### **Financial Report**

Council Member Bivans asked about the note on the miscellaneous income. The Financial Director stated miscellaneous income was much higher than expected because of a refund of the insurance premium from the previous fiscal year.

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**

There were no questions.

#### **Library**

There were no questions.

#### **Parks and Recreation**

Council Member Porter stated that the roof at the Parks and Recreation building leaks every time it rains. The City Manager suggested that City Council consider using \$35,000 of the carry forward balance to repair the roof. Mayor Price stated that if something is not done then the water will cause costly damage.

Mayor Price stated that the parade was wonderful, and the rain did not dampen the spirits of those watching or participating.

### **Fire and Ambulance**

There were no questions.

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

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

Vice Mayor Lahman asked about the Code Rewrite and Comprehensive Plan. The City Manager stated that she received the Comprehensive Plan chapters and is beginning to review them.

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

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

The City Manager stated that the water tower was inspected, and there were a few items that Public Works can take care of. The City Engineer recommends money be budgeted for an inspection every other year.

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

### **Old Business**

There was no Old Business.

### **New Business**

#### **FY 2011 audit**

Mike Easton stated that the draft FY 2011 audit was presented at the December 3, 2012 meeting. After that there were some discussions with the Mayor and City staff, but there are no significant changes. Some things, such as budgeting insurance to each department, will be corrected in the budgeting process. The City Manager stated that a revised FY 2013 budget will be presented so that the FY 2013 audit does not reflect those issues. Mr. Easton stated that the FY 2012 audit will have similar variances because that year is complete already.

Mr. Easton stated that there was a new governmentally accounting standards for FY 2011. It really just affects how the fund balance is presented; it must now be broken down into four or five categories.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to accept the FY 2011 audit. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

Mayor Price asked when work would begin on the FY 2012 audit. Mr. Easton replied that some work was completed simultaneously with the FY 2011 audit. The first step is input the audited adjustments.

**Resolution 12-R-11 – Ordering a special election regarding the issuance of up to \$3,500,000 maximum aggregate principal amount of two series of general obligation bonds in order to finance costs associated with improvements to the City’s municipal wastewater collection and conveyance system and improvements to the City’s water distribution system**

The Clerk of Council stated that the date for the special election will be February 5, 2013 from 12:00 pm from 7:00 pm. Mayor Price stated that the election workers tracked how many people voted every hour at the last regular election. The Clerk of Council stated that the last regular election was thirteen hours long, and the Charter requires the polls to be open for at least seven hours. Mayor Price stated that those hours allow people to vote before or after work depending on their schedule.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to adopt Resolution 12-R-11. 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**

The City Solicitor requested an Executive Session for legal strategy regarding potential litigation.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to recess the City Council Meeting for an Executive Session to discuss potential litigation. The MOTION passed unanimously.

The City Council Meeting recessed at 8:12 pm.

Mayor Price called the City Council Meeting back to order at 8:39 pm. Those still present: 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; William Pepper, City Solicitor; Teresa Tieman, City Manager; and Kelly Blanchies, Clerk of Council.

Mayor Price stated the on behalf of the City he would like to extend sympathy to the families of Frankie Collins and Dale Dean, who were both community minded people that were lost this week. Our thoughts and prayers go to Newtown, Connecticut with their losses and struggles. Mayor Price stated that he hopes everyone and their families have a good Christmas.

There being no further business, a MOTION was made by Council Member Minner, seconded by Council Member Stubbs, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned at 8:40 pm.

Respectfully Submitted,

Kelly Blanchies  
Clerk of Council