

**City of Harrington**  
**MINUTES**  
**City Council Meeting**  
**May 20, 2013**

**Public Comments**

There were no Public Comments.

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A meeting of the Harrington City Council was held on May 20, 2013 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 present: Jim Coudriet; George Scuse, Jr., Delaware State Fair; Anthony Moyer; and Representative Bobby Outten.

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

The Pledge of Allegiance was given.

**Minutes**

**April 15, 2013 City Council Meeting**

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to accept the April 15, 2013 City Council Meeting Minutes as presented. The MOTION passed unanimously.

**May 6, 2013 City Council Workshop**

A MOTION was made by Council Member Stubbs, seconded by Council Member Coleman, to accept the May 6, 2013 City Council Workshop Minutes as presented. The MOTION passed unanimously.

**May 6, 2013 City Council Special Meeting**

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to accept the May 6, 2013 City Council Special Meeting Minutes as presented. The MOTION passed unanimously.

### **Police Chief's Report**

Council Member Minner stated that it is reassuring that letters are received from other police and fire departments on how well the City's officers respond.

A MOTION was made by Council Member Minner, seconded by Council Member Coleman, to accept the Police Chief's Report as presented. The MOTION passed unanimously.

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

Council Member Porter asked if streets are being coated rather than blacktopped now. The City Manager stated that state roads are being microsurfaced in lieu of pavement. It prolongs the life of the street. Council Member Porter asked if that would be done to Commerce Street as well. The City Manager stated that she was told that Commerce Street would be paved. Mayor Price asked if the work is done. The City Manager stated that she is unsure.

The City Manager stated that she would like Harrington to start a pavement management program in order to save money by prolonging the life of the streets. It is in the capital plan for next year.

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**

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

### **Departmental Reports**

#### **Public Works**

Council Member Bivans asked if the list of potholes are ones that have been completed or need to be done. Mayor Price stated that they are ones that are done. The City Manager stated that there is a list of potholes that need to be fixed. Council Member Bivans asked for that list. The City Manager stated that they are in the budget documents.

Council Member Porter stated that Simpson Street is going to be blacktopped soon and asked if it is on the pothole list. The City Manager stated that Simpson Street is being paved this year.

### **Library**

There were no questions.

### **Parks and Recreation**

There were no questions.

### **Fire and Ambulance**

There were no questions.

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

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

Council Member Bivans stated that he would like more information about reaching out to the applicants and what the City is doing to grow. The City Manager stated that there is not enough time to go after each one. Usually it is a problem with financing. Harrington Retail Center received a letter about the expiration of their site plan approval; they owed the City some escrow money and are working on extending their approval. Council Member Bivans stated that the report is only saying that the City is waiting on the applicant does not indicate that the City wants business.

Vice Mayor Lahman asked if the City Planner should be paid to go after the businesses. Council Member Bivans stated that he does not want to pay for a report that does not change; she is not doing her job. Vice Mayor Lahman stated that the City Planner works as requested. Council Member Bivans stated that she should follow through with the businesses. Mayor Price stated that the City Planner should change the report to include an explanation line as to why progress is not being made, like if funding is an issue.

Council Member Bivans asked if the City is charged for the City Planner's report. Mayor Price stated yes. Council Member Porter stated that cost of the report is minimal compared to what it would cost to pursue every project.

Vice Mayor Lahman asked if there is money available in the budget. The City Manager stated that if the City Planner has to follow up with the projects then the City will be charged one hundred dollars (\$100) a hour. Council Member Bivans stated that the report is below standard, and the City should not be paying for it. The City Manager stated that to change the report, the City Planner will have to do research and that will cost money. Typically, the City waits for the applicant.

Vice Mayor Lahman stated that it looks like the City is over budget on professional fees in the Planning and Inspection Department, but it can be budgeted if that is what the Council wants.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to accept the City Planner's report as presented with a notation about the explanation lines. The MOTION passed unanimously.

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

A MOTION was made by Council Member Minner, seconded by Council Member Stubbs, to accept the City Engineer's report as presented. The MOTION passed unanimously.

### **Old Business**

#### **Appointment of Delaware State Fair Contract Committee**

Mayor Price stated that Vice Mayor Lahman, Council Member Porter, and Council Member Stubbs have the most longevity and know the most background on the contract with the Fair. Vice Mayor Lahman has a conflict though.

Mayor Price stated that the Committee should be Council Member Porter, Council Member Stubbs, the City Manager, the City Solicitor, the City Engineer, and the Public Works Supervisor.

Council Member Minner stated that this issue had been previously tabled.

A MOTION was made by Council Member Coleman, seconded by Council Member Stubbs, to remove the Appointment of Delaware State Fair Contract Committee from the table. Roll was called: 4 Yes, 2 No (Lahman – Yes, Bivans – No, Coleman – Yes, Minner – No, Porter – Yes, Stubbs – Yes). The MOTION passed by majority.

A MOTION was made by Council Member Coleman, seconded by Council Member Stubbs, to accept the appointment of the Delaware State Fair Contract Committee as presented.

Council Member Bivans asked what the point of the appointment of the committee is. Mayor Price stated that the Fair would like to renegotiate the way they are billed now that the City uses the County to treat wastewater. The Council decided that the Fair would pay the portion of the bill up to that point and start negotiations to clear up the remainder of the past billing and create a new agreement for the future.

Council Member Bivans stated that he does not believe the Council is at the point where the Committee should be formed. When the issue was discussed before, the discussion was that the Committee would be appointed when the partial payment was made. According to the letter that the City Manager included in the packet, the payment that was made was returned because the State Fair said that it was payment in full, which it is not.

The City Manager stated that the minutes would have to be pulled. The Clerk of Council read the motion made from the March 18, 2013 City Council Meeting:

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Bivans, to accept the payment from the Delaware State Fair for usage through February 29, 2012 and form a committee consisting of the City Manager, City Solicitor, City Engineer, and two Council Members to renegotiate the wastewater contract with the Delaware State Fair. Roll was called: 4 Yes, 1 No, 1 Absent (Lahman – Yes, Bivans – Yes, Coleman – No, Minner – Yes, Porter – Absent, Stubbs – Yes). The MOTION passed by majority.

Vice Mayor Lahman stated that the Committee can be appointed then. Council Member Bivans stated that the Committee is based on receiving partial payment. The City Solicitor stated that the partial payment affected the start of the negotiations; whether the Council appoints the Committee prior to the receipt of the partial payment was not clear from the discussion or the motion from the prior meeting. Council Member Bivans stated that if the partial payment is not received then there is no need to have the committee or negotiations. The City Solicitor stated that the matter was presented for a committee before a partial payment was ever received. The Council can appoint the Committee in hopes of getting the Fair to make the partial payment and begin negotiations or take the position that until partial payment is made then no Committee will be appointed.

Roll was called on the MOTION to accept the appointment of the Delaware State Fair Contract Committee as presented: 4 Yes, 2 No (Lahman – Yes, Bivans – No, Coleman – Yes, Minner – No, Porter – Yes, Stubbs – Yes). The MOTION passed by majority.

## **New Business**

### **Appeals of additions to tax bills**

The Clerk of Council stated that no appeals were received.

### **Resolution 13-R-08 – Reaffirmation of Charter changes**

Mayor Price read Resolution 13-R-08.

A MOTION was made by Council Member Bivans, seconded by Council Member Minner, to table Resolution 13-R-08. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No). The MOTION failed.

A MOTION was made by Council Member Stubbs, seconded by Council Member Porter, to accept Resolution 13-R-08.

Council Member Bivans stated that the proposed changes do not state what constitutes an emergency. Vice Mayor Lahman stated that issue was discussed, and the City Solicitor stated that there are enough safeguards. Mayor Price stated that the requirement for a super majority is a safeguard. The City Solicitor stated that it describes the narrow field of what the money can be spent on, there are multiple public hearings required, and a super majority vote of Council.

Vice Mayor Lahman stated that the City's State Senator said in the newspaper that the Charter changes use the typical language. Council Member Porter stated that the newspaper also said that it is a no brainer.

Roll was called: 4 Yes, 2 No (Lahman – Yes, Bivans – No, Coleman – Yes, Minner – No, Porter – Yes, Stubbs – Yes). The MOTION passed by majority.

### **Change in reporting chain**

The City Manager stated that this change would put the responsibility for the Clerk of Council under the City Manager. Mayor Price stated that this was discussed at the Workshop.

A MOTION was made by Council Member Bivans, seconded by Council Member Minner, to table the issue of the change in reporting chain. Roll was called: 3 Yes, 4 No (Lahman – Yes, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No, Price – No). The MOTION failed. Mayor Price voted to break the tie.

Mayor Price stated that most of Council could not complete the Clerk of Council's evaluation; it is not fair for the employee or the Council for the Council to give an evaluation on someone they do not know anything about. It needs to be addressed.

Council Member Minner asked if all employees receive the same evaluation. The Charter says that the Clerk of Council is under the Council. Mayor Price stated that for the evaluations of the Clerk of Council, City Manager, and Chief of Police, the Council is each given an evaluation to complete, and the scores and comments are combined.

Council Member Stubbs stated that the position was made full time to help out in City Hall. Council Member Bivans stated that on numerous occasions, Council Member Porter stated that the Clerk of Council is to respond to the Council.

Council Member Coleman stated that it was brought up in a meeting before that the Clerk of Council's job duties would not change as they pertain to the Council. It is not possible for the Council to evaluate the Clerk of Council on her day to day work. Vice Mayor Lahman stated that it needs to be looked at and more guidelines set down; oversight is an issue.

Council Member Bivans stated that it should remain the same. There is a concern that Council work will not get done. Mayor Price stated that many times it has been said that the Council work is priority.

Vice Mayor Lahman stated that if there is an issue that the Council is on a different page than the City Manager, and the Council wants the Clerk of Council to do something, while the City Manager says no, there is a conflict. Mayor Price stated that the City Manager works for the Council. Vice Mayor Lahman stated that there needs to be a stricter definition of the position; it does not say in the Charter that the Clerk of Council reports to the Council.

Council Member Bivans stated that the Council must evaluate the City Manager without seeing her every day; it is based on the interactions that do occur. The Clerk of Council is no different. The Personnel Committee decided that the Clerk of Council should be full time, but as a member of the Personnel Committee, Council Member Bivans stated that he was not contacted about moving the position under the City Manager. Council Member Coleman said the issue was discussed at a Workshop.

Council Member Minner asked if the Clerk of Council's evaluation could be different since she reports to the Council.

Vice Mayor Lahman stated that a Council Member could use all of the Clerk of Council's time on that person's personal agenda. None of the other Council Members would know what was asked of her. A copy of what is given out should be given to the whole Council.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, that the Clerk of Council report to the City Manager. Roll was called: 4 Yes, 2 No (Lahman – Yes, Bivans – No, Coleman – Yes, Minner – No, Porter – Yes, Stubbs – Yes). The MOTION passed by majority.

### **Report of outstanding utility and tax receivables**

Council Member Porter asked if properties that owe taxes are going to Sheriff's sale. The City Solicitor stated four or five monitions have been filed; one has been paid already. The properties must be two or more years in arrears.

Council Member Porter stated that the amount has gone down. The City Solicitor stated that many people in town stay a year behind in property taxes, but they have to pay interest.

### **Usage report**

The City Manager stated that this report is the meter readings.

### **Application for USDA refinance**

The City Manager stated that this was discussed at the Workshop. If the City refinances four million five hundred thousand dollars (\$4,500,000) of the City's current loans and went ahead with the same amount in debt, then the difference in debt service in FY14 would not change, in FY15 it would go down by eighty-six thousand five hundred twenty dollars (\$86,520), and in FY16 it would increase by eighty-four thousand five hundred seventy dollars (\$84,570). The combined savings over three years is one thousand nine hundred fifty dollars (\$1,950). In FY 17, the total increase in debt service would be eighty-four thousand five hundred seventy dollars (\$84,570). That amount divide by one thousand four hundred billed accounts is sixty dollars and forty-one cents (\$60.41). The quarterly increase in the worst case scenario would be fifteen dollars and ten cents (\$15.10). Doing the refinance would allow the fixing of most of the inflow and infiltration (I & I) in all four quadrants, so it is likely that the savings that would result in fixing the I & I would cover the majority of the debt service cost. The current payment to Kent County is four hundred twenty thousand dollars (\$420,000) a year. A good percentage of that can be attributed to I & I.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to table the application for USDA refinance until the new Mayor starts. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes,



Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

### **City Council Comments**

Mayor Price stated that he would like to thank everyone for allowing him to serve the City of Harrington for thirteen and a half years. He stated that he wrote a thank-you in the newspaper. The majority of the employees over the years have done an outstanding job with a lot of history, knowledge, and team work. When the budget has been tight, the departments really buckled down and did the best they could. The City owes them a great deal of gratitude. Mayor Price stated that his gratitude goes to the City Manager, the Chief of Police, and City Solicitor.

Vice Mayor Lahman presented Mayor Price with a plaque and tribute from the Council.

Representative Bobby Outten presented a tribute from the State of Delaware House of Representatives to Mayor Price for his service.

### **Executive Session**

#### **Clerk of Council Performance Evaluation**

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

The City Council Meeting recessed at 7:56 pm.

Mayor Price called the City Council Meeting back to order. Those still present: Mayor Robert E. Price, Jr.; Vice Mayor Cheryl Lahman; Council Member Duane E. Bivans; Council Member Amy Minner; Council Member Wayne Porter; Council Member Kenneth Stubbs; William Pepper, City Solicitor; and Teresa Tieman, City Manager.

A MOTION was made by Council Member Stubbs, seconded by Council Member Porter, to leave the Clerk of Council's evaluation as is and work with the City Manager on goals. Roll was called: 5 Yes, 1 No (Lahman – Yes, Bivans – No, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed by majority.

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.

Respectfully Submitted,

Kelly Blanchies  
Clerk of Council