

City of Harrington
MINUTES
City Council Meeting
June 17, 2013

A meeting of the Harrington City Council was held at Harrington City Hall, 106 Dorman Street, on June 17, 2013 and was attended by the following: Mayor Anthony R. Moyer; Vice Mayor Cheryl Lahman; Council Member Duane E. Bivans; Council Member Fonda Coleman; Council Member Amy Minner; Council Member Charles W. Porter; Council Member Kenneth Stubbs; 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: Jim Coudriet; Tracy Coudriet; Harold Brode; Jeff Rettig; Dan McLaughlin; and Paula Mosley.

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

Public Comments

There were no Public Comments.

The Invocation was given by the City Solicitor.

The Pledge of Allegiance was given.

Minutes

May 29, 2013 City Council Workshop

Council Member Bivans asked if the overtime budget for Public Works was raised because of the water meter installation. The City Manager stated that the water meter installation contributed to overtime cost in that budget; the budget number was arrived at by averaging the last few years.

Council Member Bivans asked if the City was charged for the City Planner's report that contained the additional information that was requested. The City Manager stated that she will check. Vice Mayor Lahman stated that the City Planner indicated at the last meeting the City was not charged.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to accept the May 29, 2013 City Council Workshop Minutes as presented. The MOTION passed unanimously.

June 3, 2013 Swearing In Ceremony and City Council Organizational Meeting

Council Member Stubbs stated that he attended the organizational meeting and should be added.

Council Member Bivans suggested that the new businesses mentioned in the Address to the Electors should be contacted for positive and negative comments regarding locating their business in Harrington. Mayor Moyer suggested inviting those businesses to the July 8, 2013 Workshop.

A MOTION was made by Council Member Minner, seconded by Vice Mayor Lahman, to accept the June 3, 2013 Swearing In Ceremony and City Council Organizational Meeting Minutes as amended. The MOTION passed unanimously.

June 6, 2013 City Council Workshop

Council Member Bivans suggested receiving input on the sign ordinance from sign companies in Milford, Bridgeville, and Greenwood because those City's also have big events. The City Manager stated that the City Planner said we would send the proposed sign ordinance to companies that have done projects in Harrington. Mayor Moyer asked if Council Member Bivans was interested in reviewing the sign ordinances from those towns as well. Council Member Bivans replied yes, because they will have to have some kind of amendment for the special events.

Council Member Bivans stated that there is a typo on page four that says Mayor Price.

A MOTION was made by Council Member Minner, seconded by Council Member Stubbs, to accept the June 6, 2013 City Council Workshop Minutes as amended. The MOTION passed unanimously.

Police Chief's Report

The Deputy Chief of Police stated that Officer Davis was allowed to take ownership of the K-9, Nero, and Nero is retired.

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

City Manager's Report

Council Member Bivans asked about the sidewalk issue referenced in the report. The City Manager stated that there was a dangerous sidewalk that is being fixed.

Council Member Bivans stated that there are over seventy grass violations and asked about enhancing public awareness. Vice Mayor Lahman stated that it is like that every year. Mayor Moyer stated that it gradually goes down as the summer goes on. The City Manager stated that something can be put in the newsletter and on the website. Mayor Moyer suggested including why grass clippings cannot be blown into the street.

Council Member Minner asked about the Code Enforcement Officer attending meetings. The City Manager stated that questions can be addressed, but there are better uses of staff time than tying them up at night. If Council wants him to be here, then he can, but that takes away from code enforcement in the daytime. If there is a particular situation, then the staff may be asked to attend a Council meeting.

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

Financial Report

The Finance Director stated that the sewer bill for the month has not arrived yet.

Council Member Bivans asked about a few different uniform companies being used. The Finance Director stated one contract is ending, and the Police use different companies for cleaning and purchasing items. Mayor Moyer asked if uniforms would still be rented and if it is cheaper that way. The Finance Director stated yes.

Council Member Porter asked if new signature cards were made for the checks. The City Manager replied that the City is waiting for the bond on the Mayor to come back then the cards will be changed.

Council Member Bivans asked for clarification about voided checks.

Council Member Bivans asked about a payment. The City Manager replied that some equipment and materials that were left at Friendship Village were cleaned up and relocated to the far end of the development. Several letters were sent as part of the code enforcement process, and the cost is now a lien against the property.

Council Member Bivans asked about the cleaning service. The Finance Director stated that cleaning is done biweekly at City Hall and the police station.

Council Member Minner asked why the Public Works Department was not used to clean up Friendship Village. The City Manager stated that legally if the City starts to maintain that area then the City is responsible for it. None of that area has been accepted into the City, and the staff is busy with other things. The Finance Director stated that there was some very tall grass that had to be cut.

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

Departmental Reports

Public Works

Mayor Moyer asked if the depth measurements for the manholes are complete. The City Manager replied yes.

Council Member Minner asked if the storm water grates can be cleared before big storms. Council Member Stubbs stated that is usually done. The City Manager stated that the storm water management system is not sufficient, and there will be some flooding with heavy rain. There needs to be a regular maintenance schedule. Mayor Moyer stated that the City should look at upgrading the sewer jet. Council Member Stubbs stated that the debris needs to be vacuumed out while being jetted.

Library

The City Manager stated that the first meeting was held for the library needs assessment, and four companies will be interviewed on July 13, 2013. The following Monday, the group that is selected will give a presentation to the City Council.

Parks and Recreation

There were no questions.

Fire and Ambulance

There were no questions.

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

City Planner's Report

Mayor Moyer stated that a number of developers will be attending the July 8, 2013 City Council Workshop.

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

City Engineer's Report

Council Member Minner asked about the sanitary sewer master plan. The City Manager stated that it will be reviewed shortly.

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

Old Business

Appointment of committees and commissions

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to roll call vote all the City Council committees as a group and roll call vote each individual appointee to the other committees. The MOTION passed unanimously.

Mayor Moyer stated that the Personnel Committee appointments are Council Members Bivans (Chairman), Coleman, and Minner. No motion to approve was made.

Mayor Moyer stated that the Budget and Finance Committee appointments are Vice Mayor Lahman (Chairman) and Council Members Stubbs and Minner.

A MOTION was made by Council Member Minner to approve the Budget and Finance Committee as present. There was no second. The MOTION died for lack of a second.

Council Member Bivans stated that the issue of appointments of committees and commissions was not lifted from the table.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to lift the committee appointments from the table. The MOTION passed unanimously.

Mayor Moyer stated that he will not alter his committee appointments.

Mayor Moyer again stated that the Personnel Committee appointments are Council Members Bivans (Chairman), Coleman, and Minner.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to approve the Personnel Committee as presented. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No). The MOTION failed.

Mayor Moyer stated that there is not Personnel Committee in the City now. Vice Mayor Lahman stated that the City Council will act as a whole.

Mayor Moyer again stated that the Budget and Finance Committee appointments are Vice Mayor Lahman (Chairman) and Council Members Stubbs and Minner.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to approve the Budget and Finance Committee as presented. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No). The MOTION failed.

Mayor Moyer stated that the Charter and Ordinance Review Committee appointments are Council Members Minner (Chairman), Bivans, and Coleman.

A MOTION was made by Council Member Bivans, seconded by Council Member Minner, to approve the Charter and Ordinance Review Committee as presented. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No). The MOTION failed.

Mayor Moyer stated that the Comprehensive Plan Committee appointments are Council Members Porter (Chairman) and Stubbs and Vice Mayor Lahman.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to approve the Comprehensive Plan Committee as presented. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No). The MOTION failed.

Mayor Moyer stated that the appointments to the Board of Adjustment are Dan Tartt, Stacey Sizemore, Dan McLaughlin, Frank Tolson, and Walter Perdue.

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to roll call vote each individual appointment. The MOTION passed unanimously.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to approve the appointment of Dan Tartt to the Board of Adjustment. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to approve the appointment of Stacey Sizemore to the Board of Adjustment. 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 Minner, seconded by Council Member Bivans, to approve the appointment of Dan McLaughlin to the Board of Adjustment. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to approve the appointment of James Coudriet to the Planning and Zoning Commission. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to approve the appointment of Elizabeth Brode to the Planning and Zoning Commission. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to approve the appointment of Jeff Rettig to the Planning and Zoning Commission. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to approve the appointment of William Rogers to the Planning and Zoning Commission. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

Mayor Moyer stated that the Parks and Recreation Supervisor requested the appointment of Darryl Minner to the Parks and Recreation Advisory Committee.

Council Member Porter asked if that would be a conflict. The City Solicitor stated that he did not think so.

A MOTION was made by Council Member Bivans, seconded by Vice Mayor Lahman, to approve the appointment of Darryl Minner to the Parks and Recreation Advisory Committee. Roll was called: 5 Yes, 0 No, 1 Abstain (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Abstain, Porter – Yes, Stubbs – Yes). The MOTION passed by majority.

New Business

Resolution 13-R-09 – To adopt the FY13 Revised Budget, FY14 Operating Budget, and FY14 Capital Improvement Budget

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to accept Resolution 13-R-09. The MOTION passed by majority (5 Yes, 1 No). Council Member Bivans voted No.

Approval of Police Department Contract

Council Member Porter asked the City Solicitor if anything has changed in the contract. The City Solicitor stated that he was not involved; it looks like the same thing as last year. The City Manager stated that there have been no changes.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to approve the Police Department Contract as presented. The MOTION passed unanimously.

Approval of Fire Department Agreement

The City Manager stated that all employees, including those at the Fire Department, receive a two percent pay increase. Everything else has stayed the same. It is incorporated into the budget.

A MOTION was made by Council Member Minner, seconded by Council Member Stubbs, to approve the Fire Department Agreement with the two percent pay increase as presented. The MOTION passed unanimously.

Candidate selection for Police Department vacancy

The Deputy Chief of Police stated that with Officer Davis leaving, there is a vacancy. The Police Department would like to hire Dustin Fraley, a certified officer with the Milton Police Department. Since it is within a year of the previous advertisement for an officer, the City Solicitor approved of the position not being advertised again.

Mayor Moyer asked if the salary is already included in the current budget. The Deputy Chief of Police replied yes.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to approve the hiring of Dustin Fraley to fill the Police Department vacancy. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

Realtor contract for 45 Clark Street

The City Manager stated that the contract is with R & R Commercial Realty. The City Solicitor reviewed the contract. It will be for six months.

Mayor Moyer stated that no money will have to be paid before settlement, then it is seven percent.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to approve the realtor contract with R & R Realty for the sale of 45 Clark Street.

Council Member Bivans asked about offering the property to the adjoining neighbors. The City Manager stated that the neighbors would have to go through the realtor.

The MOTION to approve the realtor contract with R & R Realty for the sale of 45 Clark Street passed unanimously.

City Council Comments

Council Member Porter stated that the City will run without committees; it has done so for years in the past. Mayor Moyer stated that it is not fair to the City. The City Council wants to follow the Charter, and it is the Mayor's authority to make the appointments. It is childish for this to continue on. Until the appointments are made, it will be brought up at every Council Meeting, and the vote will be in the newspaper every Tuesday afterwards.

Public Comments

Jim Coudriet asked why there is so much friction and why the committees are not being appointed. Council Member Porter stated that the City Solicitor can explain why City Council cannot comment. The City Solicitor stated that the usual operating rules are that City Council does not comment during the Public Comment section because no action can be taken. Mayor Moyer stated that no action is being taken, someone just asked a question and wants an answer. The City Solicitor stated that if Council wants to answer then they can but that he cannot make anyone answer. Mayor Moyer stated that this is an example of how this Council deals with the public and letting them know what is going on. If there are reasons that they are not letting these appointments go through, let them speak their piece.

Paula Mosley stated that she has lived on Dorman Street since 1991, and there are problems with teenagers and children hanging out in the streets. The police respond to calls, but the situation is not getting any better. The Deputy Chief of Police stated that street assignments can be done, and an officer can sit on the street. Mayor Moyer asked if records are kept of how much contact is made with minors during the night, so the City can pursue a curfew.

Harold Brode stated that the City needs a curfew, because the teenagers will not listen unless the law has some teeth. Mayor Moyer stated that a curfew was the number one hot spot with the people he has spoken to. He stated that he will be working on it, and if the Police Department can get the information that is necessary then it could happen in the future. Vice Mayor Lahman stated that the City Council has discussed this issue many times. The City Solicitor stated that the City does not have the statistics to support a curfew that is legally defensible. Mayor Moyer asked what statistics are needed. The City Solicitor stated crimes during the curfew hours involving or against juveniles.

Mr. Brode stated that the curfew works in Dover. Vice Mayor Lahman stated that Dover has the statistics to support it. Mr. Brode stated that there are kids hanging out on the street. The Deputy Chief of Police stated that a sting operation was been set up for loitering, a marked police car goes by and asks the people to move on, then an unmarked car goes by afterwards to arrest anyone that is still there. No arrests were made. Mayor Moyer stated that he has seen transactions conducted during the day on Dorman Street. Vice Mayor Lahman stated that there are adults at those houses, and they let it happen.

The City Manager stated that Marleena Young, the Assistant Library Director, was on the radio and spoke with poise and confidence. The Library is a great resource.

Executive Session

There was no Executive Session.

There being no further business, a MOTION was made by Council Member Coleman, seconded by Council Member Minner, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned at 8:08 pm.

Respectfully Submitted,

Kelly Blanchies
Clerk of Council