

**City of Harrington**  
**MINUTES**  
**City Council Meeting**  
**October 21, 2013**

A meeting of the Harrington City Council was held at Harrington City Hall, 106 Dorman Street, on October 21, 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; Kenny Brode, Police Lieutenant; William Pepper, City Solicitor; Teresa Tieman, City Manager; Faye Smith, Finance Director; Dean Gary, Accountant; and Kelly Blanchies, Clerk of Council.

Also present: Tom Wilkes, City Engineer, Remington, Vernick, and Beach; Joseph W. Collison, Sr.; Carolyn Porter; Reverend Trice; and Stacey Sizemore.

**Public Comments**

Joseph W. Collison Sr. stated that he has left messages for the Chief of Police stating that often a police car blocks his truck from leaving early in the morning. He has to back his truck up and drive across the neighbor's grass to leave. He has not received a return phone call. Lieutenant Brode stated that he will address it with the Chief of Police.

Mr. Collison stated that he has an issue with stray cats around his property. The City Manager stated that she will let the volunteers with the feral cat management program know.

Mayor Moyer called the meeting to order at 7:05 p.m.

The Pledge of Allegiance was given.

The Invocation was given by Council Member Bivans.

Roll was called.

**Minutes**

**September 17, 2013 City Council Special Meeting**

A MOTION was made by Council Member Minner, seconded by Council Member Porter, to accept the September 17, 2013 City Council Special Meeting Minutes as presented. The MOTION passed unanimously.

## **Police Chief's Report**

Lieutenant Brode stated that the LESO program is running again and nothing has been lost.

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

## **City Manager's Report**

Council Member Minner asked about the numbering of permits.

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

## **Financial Report**

The Finance Director stated that a summary of grass cutting was added to the report. The sewer usage bill was also included. Mayor Moyer asked how many of the grass cutting invoices have been paid by property owners. The City Manager stated that if the invoice is not paid, then it is relieved onto the tax bill. Statements are sent out for any outstanding bills.

Council Member Minner stated that there are a lot of overages for the copiers. The Finance Director stated that the City is under contract until the beginning of the year then will be going with the State contract for copiers.

Council Member Bivans stated that the City Hall vehicle does not appear on the Fuelman bill. The City Manager stated that it was being repaired and will begin to show on the report.

Mayor Moyer asked if the City receives a rebate on gas through Fuelman and asked for the staff to look into other options such as gas rewards credit cards.

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

## **Departmental Reports**

### **Public Works**

Council Member Bivans asked about the bids for sidewalk replacement. The City Manager stated that the Public Works Supervisor is putting together a list of sidewalks that are in need of repair.

Mayor Moyer asked if the DeIDOT work on Commerce Street is complete. The City Manager stated that she believes so except for some striping. Mayor Moyer stated that there are still cones out there in the way.

Council Member Bivans asked about customers with high usage. Vice Mayor Lahman stated that it is a courtesy for Public Works to go out to see if there is a leak. The City Manager stated that they will continue to read meters monthly, even though bills are quarterly, to help catch leaks. Mayor Moyer asked if it is the same customers that are repeatedly getting letters about their high usage. The City Manager replied some of them.

Council Member Minner stated that a lot of storm drains are getting cluttered with leaves and pine needles. The City Manager stated that the storm drains are checked when it rains. The Hanley Street flooding has been fixed; a damaged pipe has been replaced, and the ditch may need to be enclosed.

### **Library**

Council Member Bivans stated that the number of visitors at the library is growing and stated that it is good to have the events in a calendar format. Council Member Minner asked if the calendar is sent to the schools.

### **Parks and Recreation**

There were no questions.

### **Fire and Ambulance**

There were no questions.

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

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

Vice Mayor Lahman asked if the Comprehensive Plan is on schedule. The City Manager stated that the State has asked for some changes, and City representatives will be meeting with the State later in the month. The Public Hearing for the ordinance to adopt the Comprehensive Land Use Plan will be tonight but not the second reading.

Mayor Moyer asked about Friendship Village. The City Solicitor stated that the City has not accepted the infrastructure and is not liable for it even though the

houses are in the City. Mayor Moyer asked what would happen when it snows. Vice Mayor Lahman stated that she has met with the residents there; it is a frustrating situation, but there is nothing the City can do. The City did some cleaning up of safety issues on the empty lots and liened the property. Council Member Bivans asked about emergency services reaching the homeowners in severe weather. Vice Mayor Lahman stated that the City does not plow the mobile home park either. The City Solicitor stated that the roads are private in both situations.

Mayor Moyer asked Lieutenant Brode if the Fire Department has equipment that can go through deep snow. Lieutenant Brode stated that the Fire Department depends on DeIDOT to lead the fire trucks or uses four-wheel drive vehicles to pick people up and bring them to the ambulance.

Mayor Moyer stated that those citizens are paying full taxes and not receiving the same services. The City Manager stated that the question is should the rest of the taxpayers bear the expense of finishing those roads. It is an issue in other towns as well. Once the City starts maintaining the roads, then the City accepts full responsibility for getting them up to grade and finishing them.

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

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

Council Member Bivans stated that Peck Avenue is still listed as part of the streets program. The City Engineer stated that Peck Avenue has been removed and Harrington Avenue and Calvin Street added by a recently approved change order. Council Member Minner asked about the catch basin at Second Avenue and Simmons Street. The City Engineer stated that it is in the scope of work.

Mayor Moyer asked if the City is still waiting on DNREC approval of the lagoon closure plan. The City Engineer stated that we are waiting for approval; a valid closure plan was submitted and revised based on meetings.

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

### **Old Business**

#### **Public Hearing**

#### **Ordinance 13-04 – Adoption of Comprehensive Land Use Plan**

The City Manager read Ordinance 13-04.

There were no comments from the public.

**Ordinance 13-05 – Amending Chapter 180, Municipal Fees, relating to quarterly trash rate**

The City Manager read Ordinance 13-05.

There were no comments from the public.

**Second Reading of Ordinance 13-04 – Adoption of Comprehensive Land Use Plan**

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to table Ordinance 13-04. The MOTION passed unanimously.

**Second Reading of Ordinance 13-05 – Amending Chapter 180, Municipal Fees, relating to quarterly trash rate**

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to suspend the reading of Ordinance 13-05. The MOTION passed unanimously.

A MOTION was made by Council Member Porter, seconded by Council Member Coleman, to adopt Ordinance 13-05. Roll was called: 4 Yes, 2 No (Lahman – Yes, Bivans – No, Coleman – Yes, Minner – No, Porter – Yes, Stubbs – Yes). Motion passed by majority.

**New Business**

There was no New Business.

**Public Comments**

Stacey Sizemore stated that the roof at the Parks and Recreation is in very poor condition and leaks badly. Mayor Moyer stated that the City is waiting for grant funding from the USDA to fix it.

**Appointment of committees and commissions**

Mayor Moyer stated that in 2011, the previous Mayor got rid of the Council committees; it does save money to have the Council act as a whole; each committee should have a chairman though. Mayor Moyer stated that he would

like to appoint Vice Mayor Lahman as the Chairman of the Budget & Finance Committee.

Vice Mayor Lahman asked if the Council voted to have chairmen appointed at a previous meeting. Mayor Moyer replied no. Vice Mayor Lahman asked what the Chairman would do. Mayor Moyer stated that the Committee Chairman would run the meeting and serve as the contact person for issues related to the committee.

Council Member Coleman asked who Mayor Moyer is appointing as chairman of each committee.

Mayor Moyer stated that he would like the appointments of the Council Committees tabled until the next meeting and that he would like a Personnel Committee, because the employee handbook calls for one as part of the grievance process; it provides an extra layer of protection and right of appeal. The rest of the committees will be presented in written form at the next workshop.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Minner, to table the appointment of Council Committees until the next City Council Meeting with discussion to occur at the next City Council Workshop. The MOTION passed unanimously.

Mayor Moyer stated that Jack Stewart has stepped down from the Planning and Zoning Commission and that he would like to appoint Carolyn Porter to the Planning and Zoning Commission. Carolyn Porter stated that she discussed with Mayor Moyer being appointed to the Board of Adjustment.

A MOTION was made by made by Vice Mayor Lahman, seconded by Council Member Coleman, to table the appointments to the Board of Adjustment and Planning and Zoning Commission. The MOTION passed unanimously.

### **City Council Comments**

Council Member Porter stated that when the City spends money, it has to be approved by Council. It must be a line item approved in the budget by the City Council and City Manager.

Council Member Bivans asked if Council Member Porter's comment is in reference to something. Council Member Porter stated that he just wants to stick to the Charter.

The City Solicitor stated that comments should be directed to the chair, and there should not be individual discussion between Council Members.

Council Member Minner stated that some volunteers are meeting regarding the Harrington Christmas Party and hopes that other Council Members and employees can come.

### **Executive Session**

#### **Messick's Mobile Home Park potential litigation**

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Minner, to recess the City Council Meeting for an Executive Session for a legal strategy session regarding potential litigation involving Messick's Mobile Home Park. The MOTION passed unanimously.

The City Council Meeting recessed at 8:03 p.m.

Mayor Moyer called the City Council Meeting back to order at 8:33 p.m. Those still present: Mayor Anthony R. Moyer; Vice Mayor Cheryl Lahman; Council Member Duane E. Bivans; Council Member Amy Minner; Council Member Charles W. Porter; Council Member Kenneth Stubbs; William Pepper, City Solicitor; Teresa Tieman, City Manager; and Kelly Blanchies, Clerk of Council. Also present were Stacey Sizemore and Reverend Trice.

#### **Action regarding Messick's Mobile Home Park potential litigation**

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to take no action to enforce the contract with Messick's Mobile Home Park. Roll was called: 5 Yes, 1 No (Lahman – Yes, Bivans – No, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). MOTION passed by majority.

There being no further business, a MOTION was made by Vice Mayor Lahman, seconded by Council Member Minner, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned at 8:35 p.m.

Respectfully Submitted,

Kelly Blanchies  
Clerk of Council