

**City of Harrington**  
**MINUTES**  
**City Council Meeting**  
**February 3, 2014**

A meeting of the Harrington City Council was held at Harrington City Hall, 106 Dorman Street, on February 3, 2014 and was attended by the following: 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; Norman Barlow, Chief of Police; William Pepper, City Solicitor; Teresa Tieman, City Manager; Dean Gary, Accountant; and Kelly Blanchies, Clerk of Council.

Also present: Jason Dean; Phillip White; Marie Cunningham; Tom Worley, Comcast; Jonathan Gallo; and Charlie Baugher.

Council Member Fonda Coleman was absent.

**Public Comments**

Charlie Baugher stated that he was out of town when the last snow storm hit and returned to find a warning notice that the snow must be removed from the sidewalk. The ordinance should be fine-tuned to compensate for extenuating circumstances. Mr. Bauker stated that when he leaves town, he files a form with the Police Department notifying them. [See discussion under Departmental Reports – Public Works.]

Phillip White stated that he appreciated the presentation on the new businesses and is interested in businesses having input on the Zoning Code rewrite.

Marie Cunningham asked for data on the lifecycle of a business in town, the vacancy and turnover rate, and the reasons why businesses close or relocate.

Jason Dean stated that he urges the Zoning Code rewrite be expedited, because it is not conducive to signage.

Mayor Moyer called the meeting to order at 7:48 p.m.

The Invocation was given by the City Solicitor.

The Pledge of Allegiance was given.

Roll was called.

## **Minutes**

### **December 16, 2013 City Council Meeting**

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to accept the December 16, 2013 City Council Meeting Minutes as presented. The MOTION passed unanimously.

### **January 8, 2014 City Council Workshop**

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to accept the January 8, 2014 City Council Workshop Minutes as presented. The MOTION passed unanimously.

### **January 8, 2014 City Council Special Meeting**

A MOTION was made by Council Member Porter, seconded by Council Member Minner, to accept the January 8, 2014 City Council Special Meeting Minutes as presented. The MOTION passed unanimously.

## **Police Chief's Report**

The Chief of Police stated that February 13, 2014 is the award ceremony. Officer L.B. Stubbs was selected as employee of the month at the school.

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

## **City Manager's Report**

Council Member Bivans stated that an automated call went out about clearing sidewalks and asked why one did not go out about the trash pick-up being delayed. The City Manager stated that residents were informed if they called City Hall and that automated calls are usually made for safety related issues.

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

## **Financial Report**

The Accountant stated that a report was included for unbudgeted Police Department special funds. The City Manager stated that after discussion with the Police Department and the Accountant, it was determined that this was the best way to account for grant funding, and the budget can later be adjusted.

Vice Mayor Lahman asked if the Code rewrite is in the Capital Improvement Plan. The City Manager stated that it is included in the operating budget. Vice Mayor Lahman stated that the project has not been abandoned. The City Solicitor stated that the rewrite of the Zoning Code cannot begin until the Governor approves the City's Comprehensive Land Use Plan.

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 Porter stated that the Public Works Department did a good job with snow removal on streets and City owned sidewalks. Council Member Stubbs thanked the Chief of Police for finding equipment. Council Member Porter stated that the taxpayers do not realize that the equipment has been received for free. Council Member Bivans stated that Public Works did do a good job and now there are a lot of potholes to be fixed. Council Member Porter stated that a list of potholes is maintained.

The City Manager stated that many hours have been spent assisting residents with burst pipes and turning water off and on after hours.

Council Member Stubbs asked about the well that had issues. The City Manager stated that just one property owner had any issues.

Council Member Porter stated that he would like the requirements for snow removal from sidewalks revised. Vice Mayor Lahman stated that the other thing to consider is the children walking to school in the street, because the sidewalks are not shoveled. The City Manager stated that the Code Enforcement Officer is compiling a list of people willing to shovel sidewalks.

Mayor Moyer asked about changing the requirement for snow removal from twelve hours of daylight to twenty-four hours. The City Manager stated that twenty-four hours after the last snowfall is clearer. The temperatures were also very cold, so something about the time being extended at the discretion of the City Manager or Code Enforcement Officer could be added if the temperature is very harsh. If people will be away, then they should arrange for their sidewalk to be cleared, because we still have children walking to school and pedestrians on the sidewalks. The welfare of everyone must be considered.

Council Member Bivans asked about bidding out the repair of streets and sidewalks; the sidewalk on Hanley Street is very bad. The City Manager

stated that the City has tried to get funding for the Hanley Street sidewalks through the Community Development Block Grant unsuccessfully.

### **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 Minner, seconded by Vice Mayor Lahman, to accept the Departmental Reports as presented. The MOTION passed unanimously.

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

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

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

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

### **Old Business**

There was no Old Business.

### **New Business**

#### **First Reading of Ordinance 14-01 – Amending Chapter 314, Rental Properties, to add a purpose statement and definition of rental dwelling unit**

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to suspend the reading of Ordinance 14-01. The MOTION passed unanimously.

The City Manager stated that there were a lot of questions about what a rental dwelling unit was, so this ordinance clarifies it.

Council Member Porter asked if the landlord training classes are being offered. The Chief of Police stated that he is waiting to hear back from the Attorney General's Office.

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to accept the first reading of Ordinance 14-01 as presented. The MOTION passed unanimously.

### **Job descriptions**

The City Manager stated that the recommended changes were made except for adding accounts receivable to the Accountant's job description, because that would not be a segregation of duties.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to accept the job descriptions as presented. The MOTION passed by majority. Council Member Bivans voted against the motion.

### **Comcast lease of 500 Porter Street**

The City Manager stated that this is a renewal of the existing lease and has been reviewed by the City Solicitor.

Council Member Minner asked how the monthly lease amount was determined. The City Manager stated that it has escalated by three percent every year since the initial lease.

Mayor Moyer asked if it is a non-service lease. The City Manager replied that the lease is for the land only.

Council Member Porter asked if the land had any value to the City besides the lease.

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to accept the Comcast lease of 500 Porter Street. The MOTION passed unanimously.

### **Bidding instructions for monition sales**

The City Solicitor stated that the properties sold at monition sales last week were purchased by buyers other than the City. It is the goal to be sure to get all the money that is owed to the City. The City Solicitor stated

that he recommends bidding it up to the point where the City is fully paid. If the City acquires the property, it can always be marketed and sold.

A MOTION was made by Council Member Minner, seconded by Vice Mayor Lahman, to prepare a written policy for the bidding instructions for monition sales and present it to the City Council for approval. The MOTION passed unanimously.

The City Solicitor stated that money is beginning to come in from the work on monition sales.

Mayor Moyer asked about collections from trailers and Farmington.

### **Scheduling of additional Workshop**

The City Manager stated that she would like two workshops scheduled to discuss the water and sewer rate study.

Workshops were scheduled for February 10 & 19, 2014 at 6:30 p.m.

### **2014 Street Program**

The City Manager stated that the 2014 Street Program is for milling and overlaying the road surface and installing ADA ramps for Dixon Street from Smith Street to Gordon Street, Mechanic Street from West Street to Dorman Street, and Wolcott Street from West Street to Dorman Street.

Mayor Moyer asked if the streets that were started in the fall will be finished in the spring. The City Manager replied yes, when the plants begin to make asphalt again; the bid was awarded to Jerry's Paving.

Vice Mayor Mayor Lahman asked if the streets follow the priority list. The City Manager replied yes, Remington, Vernick, and Beach provide an estimate for the streets then a letter is sent to legislatures to request funding.

Mayor Moyer asked if DeIDOT had plans to do microsurfacing on any other streets.

Council Member Minner asked if the Dorman Street sewer project would affect any of the paving. The City Manager replied no.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to approve Remington, Vernick, and Beach to provide professional engineering services and approve Dixon, Mechanic, and Wolcott Streets to be improved for the 2014 Street Program with funding

of fifty-four thousand three hundred seventy-five dollars (\$54,375) from State Senator Simpson, eighty-eight thousand three hundred seventy-five dollars (\$88,375) from State Representative Outten, and sixty-four thousand three hundred thirty-two dollars and fifty cents (\$64,332.50) from Municipal Street Aid. The MOTION passed unanimously.

### **Application for USDA funding**

Mayor Moyer stated that Remington, Vernick, and Beach should defend the reports that they put together. The City Manager stated that they will probably not agree to something open ended. The City Solicitor recommended asking the City Engineer if only the application to the USDA will be completed, including any public hearing that may be required, and not a referendum or public meeting.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to approve the proposal for engineering services from Remington, Vernick, and Beach to prepare a preliminary engineering report and an environmental report for the USDA funding application for a total amount not to exceed twenty-two thousand one hundred seventy-six dollars (\$22,176) pending clarification. The MOTION passed by majority. Council Members Bivans and Porter voted against the motion.

### **Proclamation declaring the month of February as City Goes Red**

Mayor Moyer read the proclamation declaring February as City Goes Red Month and February 7, 2014 as Wear Red Day in the City of Harrington in support of the Go Red for Women campaign to fight heart disease.

### **Public Comments**

Marie Cunningham stated that a path from the sidewalk to the street must also be cleared of snow and asked if the City has a combined or separate stormwater system and if the underlying causes of the failure of the referendum were determined.

Phillip White asked if no one paying impact fees is a good thing and stated that the City should focus on priorities.

Mayor Moyer introduced Jonathan Gallo and stated that he is running for the 30<sup>th</sup> District for the Delaware House of Representatives.

### **Appointment of committees and commissions**

Mayor Moyer stated that he would like to appoint Marie Cunningham to the Board of Adjustment.

A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to approve the appointment of Marie Cunningham to the Board of Adjustment. Roll was called: 5 Yes, 0 No, 1 Absent (Lahman – Yes, Bivans – Yes, Coleman – Absent, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

Mayor Moyer stated that the appointments for the Personnel Committee are Council Members Minner (Chairman), Bivans, and Coleman. A MOTION was made by Council Member Minner, seconded by Council Member Bivans, to approve the appointments to the Personnel Committee as presented. Roll was called: 2 Yes, 3 No, 1 Absent (Lahman – No, Bivans – Yes, Coleman – Absent, Minner – Yes, Porter – No, Stubbs – No). The MOTION failed.

### **City Council Comments**

Council Member Minner stated that she received an email regarding Facebook comments. The City Manager stated that we have not been able to figure out how to disallow comments on Facebook. Council Member Porter asked why the City needs Facebook. The City Manager stated that it is a way to notify residents.

Council Member Bivans stated that it was good to get information about businesses but nothing about present businesses was included and asked about no impact fees being collected. The City Solicitor stated that there was no added impact, so there were no impact fees. The City Manager stated that those properties had already paid impact fees. Council Member Stubbs stated that a change of use sometimes has to pay impact fees. Mayor Moyer stated that all businesses bring something to the City, not just impact fees.

### **Executive Session**

#### **Delaware State Fair pending litigation**

The Executive Session was postponed until a later date.

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 9:10 p.m.

Respectfully Submitted,

Kelly Blanchies  
Clerk of Council

Note: Minutes typed from notes. Only a partial recording of the meeting was available.