

**City of Harrington**  
**MINUTES**  
**City Council Workshop**  
**May 16, 2012**

A workshop with the Harrington City Council was held on May 16, 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 Wayne Porter; Council Member Jack Stewart; Council Member Kenneth Stubbs; William Pepper, City Solicitor; Teresa Tieman, City Manager; Faye Smith, Finance Director; and Kelly Blanchies, Clerk of Council.

Also in attendance: Ruth Peterman, Police Resource Manager; Tom Carroll, Code Enforcement Officer; Alan Moore, Public Works Supervisor; Daniel Tartt; Hettie Brown, The Humane Society; Kevin Usilton, Kent County SPCA; David Green; Vermont Bolden; and Amy Minner.

Mayor Price called the meeting to order.

The Pledge of Allegiance was given.

**Discussion on managing stray cats**

Daniel Tartt stated that he has met with the City Manager and Code Enforcement Officer about the stray and feral cat problem in Harrington. They asked that he provide more information. Mr. Tartt stated that he has consulted with the Humane Society; Dr. Little, the local veterinarian; and other City's ordinances.

Mr. Tartt introduced David Green; he is a resident here to speak on his family's experiences with feral cats. Mr. Green stated that his wife and daughter are scared of the cats, and the cats are burrowing under his steps and relieving themselves on the sidewalk. He stated that he is concerned that the cats may be diseased. He would be more comfortable if the cats belonged to a neighbor, and he knew they were vaccinated. Some neighbors are also beginning to feed the cats.

Mr. Tartt stated that the Public Works Supervisor has been trapping cats in Harrington for years and knows where the colonies are. Mr. Tartt asked if any of the Council Members questioned whether there was a stray cat problem in Harrington.

Mr. Tartt introduced Hetti Brown, Delaware State Director of the Humane Society of the United States. Ms. Brown presented a handout and reviewed the issues of having a feral cat population, ineffective solutions, and the trap, neuter, and return (TNR) method of managing populations. Ms. Brown stated that she will

help coordinate volunteers, fundraising, and community education to implement a TNR program.

Mayor Price stated that at the Senior Center there were many cats, and there was an issue with affording neutering services. Ms. Brown stated that there are low cost or high volume discounts and grants available that she will help coordinate. Mayor Price stated that there was an odor problem as well that cost money to correct. Ms. Brown stated that neutered cats are less likely to spray so the odor, noise, and property damage will be reduced. Animal food banks are also available for colony caretakers. There are resources available for funding and training.

The City Manager stated that she reviewed Milford's animal ordinance, and it is preferable to the one Harrington has.

Council Member Stubbs stated that a lot of money is spent to trap and remove cats, and it is not solving the problem. The Public Works Supervisor stated that even if all the cats are trapped and removed from an area, a few months later then can be many cats there again. Ms. Brown stated that many times those cats are euthanized, because they are not socialized and cannot be adopted. A TNR program is the most effective way to manage cats to extinction.

Council Member Stewart asked if the cats are released in the exact location that they are trapped. Ms. Brown stated that if there is an established colony, particularly with a caretaker, it is ideal to return them to that place. If it is an unsafe place then an attempt can be made to move them.

Kevin Usilton, Executive Director of the Kent County SPCA, stated that he drove through the City and saw a lot of cats. In Delaware there is dog control, but there is no funding or resources for cat control. There was a time that the SPCA accepted cats trapped by the City, but the shelter is too overwhelmed. Cats are accepted on a limited basis. There is a mobile van that can be used for spaying and neutering.

Mr. Usilton suggested providing resources so that owners can get their cats vaccinated for a nominal fee. Educate residents that rabies is very transmittable from cats to humans. Owned cats can be tagged and collared, so they can be identified as owned. For the feral cat population, colonies need caretakers for the TNR program and to handle sick cats by either taking them to the vet or to the SPCA to have them euthanized. A feral cat with an ear tipped indicates that it has been neutered and vaccinated. Those cats are expected to live about four years.

Mr. Usilton stated that it costs the SPCA about five dollars for a rabies vaccination. The City could sponsor that and give them for free or charge for them. Residents who are getting some kind of State aid for low income can buy a

certificate for twenty dollars or less to have a feral cat spayed or neutered. The resident has to apply for that through the Department of Agriculture.

Vice Mayor Lahman stated that dogs are not allowed to roam the neighborhood but owned cats are. The City Manager stated that is prohibited in Milford's ordinance. Mr. Usilton stated that cats live a lot longer when they are kept inside. Cats that are both indoors and outdoors are less of a nuisance than feral cats. The City can require owned cats to be tagged and remain on the owner's property, or the owner can be fined. Milford has a contract with the SPCA for advanced enforcement; otherwise the police usually pick up the cat or write the citation.

The City Manager asked if the tag comes from a veterinarian. Mr. Usilton stated that it can be a rabies vaccination tag or an identification tag bought at a pet store. At the SPCA rabies clinics, no tags are distributed.

Mr. Usilton stated that there is a food source or the cats would not be around. You cannot eliminate all the food sources. If the cats are spayed and neutered, then the population is stabilized and will not spread. A cat can have five litters a year.

Mayor Price thanked all the presenters and stated that the ordinances need to be examined. An Animal Control Committee would be helpful in addressing these issues and bringing proposals back to the City.

Vice Mayor Lahman asked if this has ever been a police issue. The City Manager stated that the Code says it is the police department's responsibility, but Public Works has always handled it. Mayor Price stated that the City used to pay a stipend to the SPCA to accept cats trapped by Public Works, but eventually they could not honor that anymore. Mr. Usilton stated that more funding is needed on a State level for all kinds of animal control to be more proactive and not reactive. Mayor Price stated that the City needs to start working on the problem regardless of State funding and needs to get information to the public about the program.

Council Member Bivans stated that he would like to see the people that feed feral cats have to take responsibility for them. Mr. Usilton stated that the caretaker will never be the owner of the cat, so if there are issues then the caretaker can be approached. Council Member Bivans asked what can be done in the meantime. Mr. Usilton stated that a cat on your property can be removed but that there is nowhere to remove them to.

The City Manager thanked Mr. Tartt for all his efforts with this project.

The meeting recessed.

Mayor Price called the meeting back to order.

## **Ordinance Review**

### **Proposed changes to Chapter 365, Streets and Sidewalks**

The Clerk of Council stated that the language for enforcement is being added and the costs to Chapter 180. The other change is to require cut grass be removed from the sidewalk and street.

Council Member Porter asked if sidewalks are going to be maintained by residents now. The Code Enforcement Officer stated that currently people will mow their grass and leave it on the sidewalk or blow it onto the street. In the current Code, there is nothing that says that cannot be done. Mayor Price stated that grass in the street goes down the drain and is a big issue. Mayor Price asked if leaves should also be addressed. The City Manager suggested adding debris to the section.

Council Member Porter asked if grass growing in the sidewalk is addressed. Vice Mayor Lahman stated that the City sprays the weeds in the curbing. The City Manager stated that there is a section that says weeds must be removed from sidewalks. Council Member Stewart stated that the sidewalks should be maintained by the homeowner. The Clerk of Council stated that the Chapter already prohibits homeowners from permitting grass to grow on sidewalks.

Council Member Bivans stated that he does not think leaves should be included in the Chapter. Mayor Price stated that leaves can block the drains. The Code Enforcement Officer stated that if someone has a lot of leaves in their yard, he can ask them to clean them up before they blow into the street.

The Code Enforcement Officer stated that people will ask him to show them in the Code where something is prohibited. Council Member Stewart stated that people do not understand how badly weeds deteriorate the sidewalks. Even if we cannot install new sidewalks, we should at least maintain what we have.

### **Proposed changes to Chapter 180, Municipal Fees**

The City Manager stated that City Council asked to have a fall clean up and include the cost in the trash fees. The cost per customer per quarter would be increased \$.84 to \$50.19. The grass cutting fine is increased to \$100. If we have to tell you more than once to cut your grass, the Code Enforcement Officer can fine the property owner \$100 and send a contractor to cut the grass and charge an administrative fee.

The City Solicitor stated that it should be called an administrative fee and not a fine. He stated that he will be proposing an amendment to Section 106 of the Property Maintenance Code to provide instant ticketing similar to what New Castle has. They have a program that works. Council Member Porter asked what ordinance that would change. The City Solicitor stated that the City has adopted the International Property Maintenance Code that is already in effect, and this will remove Section 106 from that and write our own. He stated that he thinks there should be a minimum fee of \$25 plus the cost of the contractor for abatement of violations.

Council Member Porter stated that he agrees with all the fees and thinks the Code Enforcement Officer needs the instant ticketing program. The Code Enforcement Officer stated that grass cutting is overwhelming his time right now. The City Solicitor stated that the City should come up with five to ten common property maintenance issues for instant ticketing.

Council Member Bivans asked why the fine has to be called an administrative fee. The City Solicitor stated that fines require criminal prosecution, and we do not want to take that step. Appeals can be heard through the administrative process. Council Member Bivans asked if the City can cut the grass and keep the money. The City Manager stated that we do not have enough staff to cut all that grass. The City Solicitor stated that the fee is to cover the costs of assessing, correcting and billing the violation.

Council Member Bivans asked why the trash rate is being raised. The City Manager stated to cover the cost of a fall clean up. Council Member Bivans stated that before it was done at no cost. The City Manager stated that the contract was renegotiated last year and included one clean up, yard waste removal, and the regular trash collection. Vice Mayor Lahman stated that the rate went down last year and trash should pay for itself. Council Member Bivans stated that we are putting effort into cleaning up the City. The City Manager stated that the cost of a service should be covered with the service fee. That is smart fiscally. The City Solicitor stated that twenty years ago trash collection was included in the taxes, but fees like that began to be carved out. Mayor Price stated that when clean up week was done twice a year, it was budgeted for that. It was budgeted last year for only one clean up week.

## **Budget & Finance Committee**

### **Proposed FY 2013 Budget**

Mayor Price stated that the budget is still a work in progress, and the working copies will be collected at the end of the meeting. There is a

recap sheet included. The City Manager stated that the Financial Director has done everything the City Council has asked. The total carryover needed for all the changes is \$53,574, with that the budget is balanced. Mayor Price stated that it is a zero based budget and does not consider any other carryover balance.

Vice Mayor Lahman asked if the payout of vacation and sick time for the retiring Waste Water employee included. The Financial Director stated that she will have to figure out what that will be.

The City Manager stated that when the budget is approved, Council will receive a book that has the budget and capital improvement plan in it. So the budget will become a planning tool, communications device, a fiscal plan, and operations plan.

Vice Mayor Lahman asked what the anticipated carryover will be. The City Manager stated it is more than what is proposed to be used for the changes, but the audit is not complete. Once we know for sure what the amount is, then we can discuss how to use it.

The City Manager stated that creating the Planning and Inspections Department, as outlined in the budget, requires an ordinance. It is on for the first reading at the next meeting. That department captures planning, engineering costs associated with planning, and code enforcement. So that all the costs are budgeted, including building permits and consultants. Council Member Porter asked if the escrows would be included. The City Manager stated that they would and should be a wash.

Vice Mayor Lahman asked about the community impact fee. The City Manager stated that will have to be looked at and adjusted.

The Clerk of Council stated that Chapter 7 in the Code already established a Building Inspections Department, so the City Solicitor recommended editing that chapter to the Planning and Inspections Department. The ordinance is scheduled for the first reading on May 21, 2012.

Council Member Bivans asked about the income for the Mayor's Prayer Breakfast. The Mayor stated that the City does not pay for that; it pays for itself. Council Member Bivans stated that \$1,000 for flags seems high. The City Manager stated that flags are replaced as needed. Council Member Bivans stated that the American Legion and VFW sometimes donate flags. Council Member Bivans asked what the holiday celebration includes. The Financial Director stated that pole decorations for the new downtown streetscape light poles are included in that line. Mayor Price stated that we are also trying to get donations for that. Vice Mayor Lahman asked if the holiday party was also included in that. The City Manager replied yes.

Mayor Price stated that the City have not had any tax increases. The City has cut costs and researched alternative ways because of the economic climate. The City Manager stated that the budget is realistic.

Council Member Bivans asked if street maintenance includes the street sweeper. The City Manager stated the sweeper itself is paid for; street maintenance includes things like patching potholes and supplies for running the street sweeper and curb painting. The budget was increased so that more potholes can be patched.

Mayor Price stated that a lot of lines were combined to reduce the chart of accounts. The City Manager stated that the budget does not reflect the consolidations yet.

Council Member Bivans asked about the changes in the trash lines. The Financial Director stated that it was changed to reflect the two clean up weeks. Yard waste is now under contractual trash service.

There being no further business, the Council Workshop adjourned.

Respectfully Submitted,

Kelly Blanchies  
Clerk of Council