

City of Harrington
MINUTES
City Council Workshop
June 13, 2012

A workshop with the Harrington City Council was held on June 13, 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 Amy Minner; Council Member Wayne Porter; Council Member Kenneth Stubbs; Norman Barlow, Chief of Police; Teresa Tieman, City Manager; and Kelly Blanchies, Clerk of Council.

Also in attendance: Tom Carroll, Code Enforcement Officer; Edward Welch; Anthony Moyer; Jimmy Messick; Jason Dean; Sam Chick; Kathy Maloney; Tom Weaver; Michael Lindquist; Zeke Wing; Kelly Jansen; Rhonda Schatzschneider; Frank Tolson; and Jack Stewart.

Mayor Price called the meeting to order.

The Pledge of Allegiance was given.

Ordinance Review

Council Member Bivans asked that the proposed changes regarding signs be moved to first on the agenda.

Proposed changes to Chapter 440, Zoning - § 440-82 regarding signs

The City Manager read the current Code section on prohibited signs. She stated that she has heard almost weekly that the City needs a better sign ordinance. The current ordinance is very vague and defines temporary signs based on the material they are made of. We have talked about updating the ordinance for some time. We need signs because they provide valuable information and advertisement. Signs are often misused, oversized, inappropriately lit, badly located, or too numerous. Sign clutter can overshadow buildings and erode a community's identity. Sign ordinances make all businesses use the same rules. Where there is an overabundance of competing signs, the messages are lost. Harrington's goal for signage is to control the size, number, and materials of signs so that our City provides a pleasing and inviting appearance to customers and an attractive business district. Individual businesses get assurance that their signs will not be obscured by their neighbor. Since small signs cost less than big ones, the total cost of each business' signs will be less in the long run. We have looked at other city's ordinances and taken the best of them to include in Harrington's ordinance.

The City Manager read the proposed ordinance section on prohibited signs. Pro-business is allowing for temporary signs for grand openings and community festivals as permitted by the City Manager. We have allowed temporary signs for businesses that have requested them for events. If we allow one type of portable signs then we have to allow all types. Most of the signs outlined in this ordinance are temporary signs, because permanent signs require permits. There is more to be done to clarify the City's sign regulations, but this is a start.

Council Member Bivans stated that the City should talk to local businesses about signs. Mayor Price stated that businesses can contact their Council Member with their opinions and can call City Hall to ask questions. Council Member Bivans stated that some businesses have been in town a long time and should be consulted as to what works. Mayor Price stated that this ordinance does not affect many businesses in town, and the calls the City has received with concerns have been based on misinformation. He stated he would like to get the correct information out so that both the Council and the citizens can make informed decisions. Individual businesses can talk to the City Manager or Code Enforcement Officer to see if the proposed changes would impact their business. We invite people to comment.

Council Member Bivans stated that if the City is really trying to revitalize then we need to be proactive with the businesses to find what is going to build up business. The City Manager stated that she agrees but meetings are not well attended.

Council Member Bivans asked why the current Code references City or State officials and the proposed ordinances states only the City Manager. Mayor Price stated that State regulations supersede City ones regardless.

Vice Mayor Lahman suggested combining subsections D and N.

The City Manager stated that the ordinance proposes a section on signs permitted and not requiring permits, which does not currently exist in the Code. She read the proposed ordinance section on signs permitted and not requiring permits.

Vice Mayor Lahman asked how many people would be affected by this ordinance. The City Manager stated that she can think of one person, and it is up to Council to decide what to allow.

Council Member Minner stated that the wording on some items are confusing. She asked if a fountain at the base of the sign would be considered visible matter. The City Manager stated that would be an architectural feature. Council Member Minner stated that the should be

more clearly defined requirements rather than saying the City Manager can determine what is allowed. The City Manager stated that she cannot allow one person to have something without good reasoning. She and the Code Enforcement Officer have established internal policies as a guide, so there is consistency. Someone has to make a decision though, and if someone is unhappy with the City Manager's decision, then they can appeal to the City Council. Council Member Minner stated that every electric sign competes with traffic signals.

Vice Mayor Lahman stated that she had someone come into her business regarding the sign ordinance that was belligerent, disrespectful, disruptive, and would not leave.

Council Member Bivans stated that the public should have their input at the Workshop. Council Member Porter stated that workshops are for the Council to discuss issues, and there are opportunities at regular Council meetings for public comments and public hearings. There has not been a more pro-business Council since he has been on Council.

The City Manager stated that when people circumvent the system and skirting the ordinance then the ordinance needs to be tightened up; that protects each business' investment.

Council Member Bivans stated that the Farmers' Market signs are attached to utility poles and asked if they would be deemed illegal under the proposed ordinance. The City Manager stated that the Farmers' Market is sponsored by the City so is allowed.

Council Member Minner stated that the Comprehensive Plan is being rewritten right now and will affect signage. Council Member Porter stated the City needs something in effect now to answer the questions that the City Manager is getting. After the Comprehensive Plan is approved, sign regulation can be looked at again.

Mayor Price stated that the Fire Department has signs that advertise different events, and he does not want to hamper their fundraising efforts. The City Manager stated that temporary signs are fine as long as they do not stay up for the long term.

Council Member Minner asked about A-frame and T-frame signs. The Code Enforcement Officer stated that those are displayed only when a business is open. Mayor Price stated that there have been issues in the past with those types of signs blocking the sidewalk. The City Manager stated that the key is that there is only one sign and that handicapped accessibility and traffic is not impeded.

Council Member Minner asked if the signs on vehicles section applies to residential areas as well. The City Manager stated if there are no other parking spaces available at someone's house then they are able to park on the street. The reason this section is included is so that cars and trailers are not left as a means of advertisement at the street. Council Member Minner stated that some businesses might not be able to afford a sign. The City Manager stated that it is difficult to make distinctions based on income. Council Member Bivans stated that an example would take the vagueness out of this section.

Council Member Minner stated that organizations holding a fundraiser, like a carwash, should be allowed to have people holding signs. Mayor Price stated that he would like to see nonprofit organizations able to do that.

Vice Mayor Lahman asked why limit the amount that windows are covered. The City Manager stated that it counts as an extra sign, and the City is limiting the number of signs.

Council Member Minner asked for clarification on signs in or adjacent to residential properties. The City Manager stated that the City does not want signs that infringe on residential areas, like one that flashes into someone's apartment.

Council Member Minner stated that there is currently a car dealership that has pennants on a streamer. The City Manager stated they would have to take it down. Council Member Minner asked if it can just be regulated that it be in good condition. The City Manager stated that it has to be enforceable, and one person's opinion of what looks good can be different than another's. Vice Mayor Lahman stated that she has a flag at her business and many business use flags that say open. Mayor Price stated that item needs to be looked at.

Council Member Minner stated that public signs should have permits. The City Manager stated that legal notices are posted and signs condemning a house. Vice Mayor Lahman stated that the City should be following all regulations.

Council Member Minner stated that there is no size limit on historical or memorial signs. The City Manager stated that item can be removed.

Council Member Bivans suggested substituting the word approved for the word permitted throughout the ordinance.

The Workshop recessed at 7:57 pm.

The Workshop was called back to order at 8:02 pm.

Ordinance Review

Proposed changes to Chapter 440, Zoning - § 440-122(B)(3) to address the attendance of Planning Commission Members

Mayor Price stated that committees have had difficulty conducting business when there this not a quorum.

Vice Mayor Lahman asked what if a member was sick. Mayor Price stated that there is all kinds of excuses as to why meetings are missed. The committees do not meet that often. The City Manager stated that an exception could be added when excused by Council for illness or life changing events.

Council Member Porter stated that you want to be fair to the rest of the committee, because if a member does not attend the meetings then they show up and voice their opinion or vote when they do not know the whole issue.

Council Member Bivans stated that using FMLA guidelines could cover an excused absence. He stated that the first part of the Chapter states that the Planning Commission should be referred to as the Commission, but it is not always referenced that way in the rest of the Chapter. The Clerk of Council stated that can be changed.

Proposed changes to Chapter 330, Sewers relating to fats, oils, and greases interceptors and traps

The City Manager stated when the City stopped treating wastewater and began transmitting it to the County, the City's largest user, the Delaware State Fair, requested to no longer be tested for fats, oils, and greases. Fats, oils, and greases (FOG) from food service facilities have a significant impact on the operations of the sewer lines, pump stations, and such. It is necessary to provide for the control of FOG to protect the property of the City and County. This section basically mirrors Kent County and was written by the City Solicitor and reviewed by the City Engineer and City Manager.

The City Manager stated that the City has had issues with sewers backing up down the line from restaurants that produce a lot of FOG. The County does inspections once a year but that is not working for Harrington's system, so we would like to be able to check more frequently. Mayor Price stated that there is history that supports inspecting more than once a year. The City Manager stated that we would like to inspection based on usage.

Mayor Price asked about having a progressive system where people that take care of their system are rewarded. Vice Mayor Lahman stated that \$350 a year is a lot for a small restaurant. Mayor Price asked how much it is to do the inspection. The City Manager stated that it is at least \$50 a visit.

Vice Mayor Lahman stated that if a business is causing issues that make the sewer back up then they should pay for the damages. The City Manager stated that it would have to be proven, and it is better to prevent issues than to have to fix them. Council Member Stubbs stated that it needs to be monitored so that the system is not abused.

The City Manager stated that there is a cost associated with the permits and the inspections of the FOG traps, but it is a preventative measure.

The City Manager stated that there can be an exemption for small businesses unless they are found to be in violation. Restaurants generate a lot of fats, oils, and greases because that is the way they cook.

Council Member Stubbs stated that when the grease traps get full, the FOG goes down the transmission line and makes them smaller and smaller. There could be issues years down the road. Plunging the system just moves the problem farther down the line.

The City Manager stated that she has heard a couple times about the costs to businesses and understands that Council wants to be business friendly. Businesses have to be responsible though, and there is a cost to doing business. A government cannot subsidize business.

Council Member Bivans stated that he heard that the County is doing away with part of their ordinance. The City Manager stated that we do not have to get rid of part just because the County does.

Council Member Minner asked if we could charge for DNREC charges for inspections. Mayor Price stated that the City's costs would be different.

There being no further business, the Council Workshop adjourned.

Respectfully Submitted,

Kelly Blanchies
Clerk of Council