

City of Harrington
MINUTES
City Council Workshop
July 11, 2012

A workshop with the Harrington City Council was held on July 11, 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; Teresa Tieman, City Manager; and Kelly Blanchies, Clerk of Council.

Also in attendance: Alan Moore, Public Works Supervisor; John L. Baynard; Bill DiMondi; Mark Downes, Cabe Associates.

William Pepper, City Solicitor, entered the meeting at 6:45 pm.

Mayor Price called the meeting to order.

The Pledge of Allegiance was given.

Budget & Finance Committee

Loss of community service workers from prisons

The City Manager stated that the City has previously utilized the community service workers from the prisons and through probation and parole. That program has been put on hold. She stated that the Chief of Police believes there may be a resolution in the next three or four months. Primarily the City has used them for cleaning and lawn care. The City Manager stated that she received quotes for cleaning every other week for an annual cost of \$2,200 for City Hall and \$3,250 for the Police Station.

The City Manager stated that grass mowing is the other issue. The City mows the Parks and Recreation fields, the sewer plant, Public Works area, the pump stations, empty City lots, City Hall, the Police Station, and the Price Center, which is about twenty-four and a half hours of work. The contractor's bid for mowing was \$805 per week. With an estimated fourteen weeks of mowing left in the season, the total cost would be \$11,270. If the City hired someone at \$10 per hour for twenty-nine hours a week for fourteen weeks, the cost would be \$4,371.

The City Manager stated that Public Works was going to do more patching this summer, and the community service workers would be used to mow

grass. The Public Works could do less patching and handle the mowing. She stated that the cleaning is more of an issue.

Vice Mayor Lahman stated that the costs are not in the budget. Council Member Porter stated that \$11,000 is too much to spend.

Ordinance Review

Ordinance 12-13 – Amending Chapter 330, Sewers, relating to fats, oils, and grease interceptors and traps

The City Manager stated that there have been some issues in the last six months with pumps burning up and sewer backups. Some of the pump stations were caked in grease and not maintained regularly. To address the problems, staff established regular pump station maintenance. Some grease traps were inspected because of the issues, and there were problems with a couple of them. Kent County took over the grease trap inspections several years ago and performs them annually. The City staff believes that because of the problems that have occurred, more frequent inspections are needed. The proposed ordinance calls for quarterly inspections, with the option for more if necessary, and a fee of \$50 per trap per inspection, which will cover expenses.

The City Manager stated that the County ordinance is the basis for the proposed ordinance. The original thought was to establish a permit process, but after talking with the County, we realized that the City really just needs the inspection program. The revised draft was reviewed by the City Solicitor and City Engineer. High volume restaurants are not always the ones that need inspections.

Council Member Porter asked if the City knows where the problem spots are. The Public Works Supervisor stated that he has found a few and has contacted the managers.

The City Manager stated that permits are required by Kent County, so the City is not asking for a permit. The proposed ordinance talks about requirements for new facilities and traps and the right to inspect.

The City Solicitor entered the meeting.

Council Member Stubbs stated that even the outside of the pump stations look better maintained.

The City Manager stated that the proposed ordinance also states that repairs are at the expense of the permit holder, copies of permits are to be

provided to the City. The County does an annual inspection, and the City will do a quarterly inspection or more if needed.

Council Member Porter asked if restaurants would be billed twice. The City Manager stated that they have a permit from the County and will be billed for the inspection from the City. The fee is to cover the cost of having someone go to do the inspection. Council Member Stubbs stated that it is a small fee in order to avoid costly problems.

Vice Mayor Lahman stated that since the County already does an inspection, City inspection should be done if the restaurant is causing an issue since most of the restaurants are not. The City Manager stated that she does not know if most restaurants are not causing problems. Vice Mayor Lahman stated that this adds another expense to businesses. Council Member Stubbs stated that if it let go then it will be a bigger expense to the City of Harrington. The City Manager stated that they are being inspected once a year now, and there are still issues.

Council Member Minner asked if there could be less inspections based on performance. The City Manager stated that initially it was proposed to have monthly inspections, but because concern was expressed by the City Council about the cost, it was reduced to quarterly with the option of more if needed. Council Member Stubbs stated that someone has to be sent out to see if the business is doing what they are supposed to do. Vice Mayor Lahman suggested inspections twice a year. The City Manager stated that she is hesitant to reduce the inspections to less than four a year because that is how the problems arose.

Council Member Stubbs stated that if there is a problem with the transmission of wastewater, the City has to pay for it, not the County. The City has to look out for its own interest.

Council Member Bivans asked why the same number of days would be allowed for a repair for a scheduled or unscheduled inspection. The City Manager stated that if there is a problem, it should be corrected immediately. If there is an issue, we may just go conduct an inspection. Vice Mayor Lahman stated that if there is a backup on the line, inspections will have to be done.

The City Manager stated that the proposed ordinance is right from the County, so the record keeping requirements are the same and is not any additional work. The penalties are also the same as the County's.

Council Member Porter asked who is liable when a sewer backup causes damage. The City Solicitor stated that arguably, the City is.

Council Member Porter asked what the highlights of the proposed ordinance are. The City Manager stated that the City will be able to inspect grease traps and has enforcement procedures for any major contamination issues.

Council Member Bivans asked if the City has the authority to tell a judge what to do. The City Solicitor stated that there are minimum mandatory sentences that are imposed on various violations of the State and County Codes; it is not unusual.

Council Member Bivans asked if there are any provisions for a reward if a business passes the inspection twice in a row. The City Manager stated that there will be a minimum of four inspections no matter what. Council Member Stubbs stated that the person taking care of the pump stations will know if there is a problem and can trace it backwards. The City Manager stated that if an employee is investigating the cause of a problem, and there is no problem at the restaurant, then there will not be a charge for inspection. If a problem is found at a grease trap of a restaurant then they will receive an inspection charge and must take corrective action within fourteen days.

Proposed changes to Chapter 82, Animals, relating to feral cat management program

The City Manager stated that Hetti Brown from the Delaware Humane Society had made a presentation to Council. Areas with a feral cat problem have been identified. The revision of the Animal Chapter allows Harrington to begin to resolve its feral cat issue in a humane way. The proposed ordinance requires that animals be under control by their owners and domestic cats must wear identification.

The City Manager stated that there have been two meetings between the City, Ms. Brown, and the Director of the SPCA. Ms. Brown proposed revisions to the Animal Chapter to allow for the trap, neuter, return (TNR) program. We are going to start a trial program and are seeking donations and grants. The City is going buy traps and the Delaware SPCA will spay female cats for \$25 and males for free.

Mayor Price stated that the City should do some kind of public relations work at Heritage Day. The City Manager stated that there will be a Code Enforcement table at the Police's Night Out and Heritage Day, which will also have a volunteer who is familiar with the TNR program.

Vice Mayor Lahman asked who will be enforcing the ordinance. The City Manager stated that the TNR program will be run by volunteers. Training will be scheduled that will also be attended by City staff. The Public Works

Supervisor already handles animal issues currently and that will not change. Police Officers and the Code Enforcement Officer can fine people for violations.

Council Member Stubbs stated that it cost more to take the cats to the SPCA then to handle them through the TNR program. The City Manager stated that this is also more effective. Delaware SPCA will coordinate with volunteers and pick up trapped cats, spay or neuter them, give them rabies vaccinations, and return them. Mostly grants and donations will pay for the costs. City funds will be used as little as possible.

The City Manager stated that the City used to take cats to the SPCA but that was not effective to rid the City of feral cats, and the SPCA no longer takes any cats. Mayor Price stated that the City used to give a donation to the Kent County SPCA.

Vice Mayor Lahman asked if other cities have ordinances that prohibit certain breeds of dogs. The City Manager stated that she believes Dover does. Vice Mayor Lahman stated that she has seen children walking large breed dogs that they would not be able to control.

Proposed changes to Chapter 305, Property Maintenance, relating to ticketing

The City Manager stated that this ordinance adjusts the current Code to allow instant ticketing for certain violations. Once a notice is served that a violation has occurred, the owner has five calendar days to become compliant. If the owner does not correct the issue, then they are subject to a civil penalty (a ticket). There is no requirement for a certified letter, and if the same violation occurs within a twelve month period then that person can be ticketed without warning.

Mayor Price stated that he has to explain the process to people that complain about code violations. This would streamline the process.

The City Solicitor stated that this ordinance came from New Castle County and will be looked at by Harrington, Dover, and Kent County.

Council Member Minner stated that New Castle County includes a picture of the violation in the letter that they send. It is good to have the picture on file too. She stated that she would like to add a requirement for a picture under 107.2.

Council Member Porter asked if tenants or owners are responsible for code violations. The City Solicitor stated both but ultimately the owner because fines and fees become liens. It encourages landlords to be more

responsible in maintaining their properties. The City Manager stated that there is also an appeal process outlined in the ordinance.

Proposed changes to Chapter 330, Sewers, relating to EDU calculation

The City Manager stated that the Water Chapter will also have to be changed to match this ordinance; it will be the same language in both of them. There was a request for a plan review for a laundromat. EDU calculations for laundromats are very high and others have not put one in Harrington because of the cost of the impact fee. The County recently changed how they calculate EDUs for laundromats because of changes in recycling laws for water and high efficiency appliances. The City Planner calculated that Harrington's impact fee would be \$72,000 while under Kent County's ordinance, the impact fee would be \$20,000. Mayor Price stated that given the economic situation and continue the effort to be friendly to business, the City should piggyback on the County.

The City Manager stated that currently the City uses a standard of 225 gallons per day, while the County uses 250 gallons per day. She stated that she asked the City Engineer about it, and he told her that the gallons per day are calculated differently by everyone, and 250 is fine.

Proposed changes to Chapter 180, Municipal Fees

The Clerk of Council read through each section of the proposed ordinance. Vice Mayor Lahman suggested adding replacement to "Water meter antenna."

The City Solicitor suggested that the property maintenance ticket appeal to City Council be \$500 and show cause hearing fee be \$100. Council Member Minner asked why the appeal fees were so high. The City Solicitor stated that each Council Member would receive \$50 for that meeting, which would be \$350, plus staff time. The Clerk of Council stated that if the property owner wins their appeal then they get any money that they paid in fees returned to them.

There being no further business, the Council Workshop adjourned.

Respectfully Submitted,

Kelly Blanchies
Clerk of Council