

**City of Harrington**  
**MINUTES**  
**City Council Meeting**  
**July 16, 2012**

**Public Comments**

There were no Public Comments.

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A meeting of the Harrington City Council was held on July 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 Amy Minner; Council Member Wayne Porter; Council Member Kenneth Stubbs; Norman Barlow, Chief of Police; William Pepper, City Solicitor; Teresa Tieman, City Manager; and Kelly Blanchies, Clerk of Council.

Also present: Tom Carroll, Code Enforcement Officer; Tom Wilkes, Remington, Vernick, & Beach; Chris Scott; Bob Scott; Jason Dean; Bill DiMondi; and Dawn Elliott.

Mayor Price called the meeting to order.

The Pledge of Allegiance was given.

**Minutes**

**City Council Meeting July 2, 2012**

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to accept the July 2, 2012 City Council Meeting Minutes as presented. The MOTION passed unanimously.

**Police Chief's Report**

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

**City Manager's Report**

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

## **Financial Report**

The City Manager stated that the report is the fiscal year end. Most departments were close to or under budget. Mayor Price stated that the Departments have done a great job.

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

## **Departmental Reports**

### **Public Works**

Council Member Stubbs asked about the list of street patching. The City Manager stated that the list is from last year but is still valid. The goal is to get all listed patches done by the end of the season.

The City Manager stated that a list of the completed water meter installations will be included in the future. Council Member Minner asked that a list of upcoming streets for water meter installations be included.

### **Wastewater Treatment**

There were no questions.

### **Library**

Council Member Bivans asked if the library offers computer training because the report states that they are busy with helping people with computers. The City Manager stated that they have conducted a training class and will suggest another one.

Council Member Bivans asked if the library closing was posted on the website. The Clerk of Council stated that the Library staff did post it on the event calendar.

### **Parks and Recreation**

There were no questions.

### **Fire and Ambulance**

Council Member Bivans asked about the manhours in the report.

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

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

Council Member Porter asked if the remaining money in the budget for the Comprehensive Plan would be spent. The City Manager stated that the budget is a not to exceed amount and does not recommend approving any additional funding. Vice Mayor Lahman stated that there is only \$600 left and several meetings left. The City Manager stated that the City Planner has not submitted any bills in excess of the budgeted amount.

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

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

Tom Wilkes stated that a sewer evaluation was done at the Friendship Village pump station. Currently there is not a concern, but once the development is built out, there could be a capacity issue. The City Manager stated that there had been problems at the Friendship Village pump station that concerned the Public Works Supervisor, so the City Engineer looked at the plans and evaluated them. It is a concern that the capacity down Dorman Street will not be sufficient.

The City Manager stated that additional streets need to be studied. It has been a long time since any sewer planning has been done for the City, and it would be wise to have a sewer master plan done. This kind of work is often covered by an in-kind matching grant. The current maps are from the 1970s. Mr. Wilkes stated that Friendship Village may not be the only trouble spot. Council Member Stubbs stated that the sewers are gravity fed and do not have much of a slope. The sewer lines definitely need to be checked.

### **Old Business**

#### **Public Hearing on Ordinance 12-15 – Amending Chapter 440, Zoning, relating to signs**

Bob Scott asked that the ordinance be table. He stated that the business association in Harrington is starting again. More than one business will be affected. Businesses should be given the opportunity for input. There could be an issue with interpretation and clarification.

Chris Scott stated that more than one business will be affected, and signs are needed to direct customers to businesses.

Jason Dean stated that people think the Central Delaware Chamber of Commerce would be involved. There is a problem with the size of residential signs and requiring wind cuts.

Dawn Elliot stated that her business would be affected and many things are open to interpretation. Prohibiting window signs adjacent to residential districts is unrealistic.

There being no further comments, Mayor Price closed the Public Hearing.

**Second Reading of Ordinance 12-15 – Amending Chapter 440, Zoning, relating to signs**

Mayor Price stated that there has been a workshop, first reading, and public hearing on Ordinance 12-15.

Council Member Porter stated that this ordinance was presented to the City Manager from a nonresident. Business owners are upset with the wrong person. This ordinance has been read through line by line several times. If the City goes by what is currently in the Code, the Code Enforcement Officer will be busy because of all the current sign violations. Ordinance 12-15 has been tweaked and will help businesses in town.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to adopt Ordinance 12-15 as presented.

Vice Mayor Lahman stated that she has received a lot of negative feedback about limiting temporary signs because of Harrington Parks and Recreation sponsorship signs.

A MOTION was made by Vice Mayor Lahman to amend § 440-82 A(15) of Ordinance 12-15 to no more than 180 days per calendar year and remove the limit of 30 consecutive days. There was no second. The MOTION failed.

Council Member Bivans stated that he is against adopting the ordinance because business people thought that they would have more input. He stated that a grandfather clause is needed for some businesses based on tenure.

A MOTION was made by Council Member Bivans, seconded by Council Member Minner, to grandfather choice businesses and exempt them from the provisions of Ordinance 12-15. Roll was called: 2 Yes, 4 No (Lahman – No, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No). The MOTION failed.

Council Member Coleman asked if the Code Enforcement Officer met with businesses. The Code Enforcement Officer stated that he has spoken with some businesses.

The Code Enforcement Officer stated that if the current code is enforced, most businesses, churches, and other organizations would be affected. The City Manager stated that the current code does not even allow realtor signs for properties that are for sale. The Code Enforcement Officer stated that the new ordinance allows more flexibility. Vice Mayor Lahman asked if the ordinance is fairer than what is currently in place. The Code Enforcement Officer stated that it is.

The Code Enforcement Officer stated that the City is here to help businesses understand the regulations, but no one has called. Council Member Bivans suggested setting up a meeting to provide clarification to people. Mayor Price stated that the sign regulations will have to be examined again after the Comprehensive Plan is complete, and the business group is a great idea.

There being no further discussion, roll was called on the MOTION to adopt Ordinance 12-15 as presented: 4 Yes, 2 No (Lahman – Yes, Bivans – No, Coleman – Yes, Minner – No, Porter – Yes, Stubbs – Yes). The MOTION passed.

## **New Business**

### **First Reading of Ordinance 12-13 – Amending Chapter 330, Sewers, relating to fats, oils, and grease interceptors and traps**

The City Manager stated that this ordinance allows the City to conduct inspections for any business with a grease trap and collect a \$50 fee. It is a companion to the County's Code and allows the City to protect its lines.

Council Member Porter asked if the City can do spot checks. The City Manager stated that the City can do spot checks now if there is a problem, but this ordinance is more proactive. Council Member Stubbs stated that when problems occur it is too late.

Vice Mayor Lahman asked if this issue was coming up because of the transmission of wastewater to the County. The City Manager stated that it would be coming up either way. The treatment facility has changed, but the City is still responsible for the transmission. Fats, oils, and grease can be a hazard and detriment to the transmission system, so we want to be able to check on the traps more regularly than the County does. Problems have occurred even with the annual County inspections. The ordinance

has been reviewed by the City Engineer, the City Solicitor, the County Engineer, and the County Environmental Program Manager.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to accept the first reading of Ordinance 12-13. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

**First Reading of Ordinance 12-16 – Amending Chapter 82, Animals, relating to feral cat management program**

The City Manager stated that the ordinance was reviewed by a legal consultant to the Delaware Humane society and that he recommended adding an exemption for cats in the TNR program in § 82-4 B and allowing microchips as an acceptable form of identification. There was also a concern that domestic cats have to be kept indoors or on a leash or be impounded. The City Manager stated that we may change that to be a series of fines if the cat is a nuisance to neighbors.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to accept the first reading of Ordinance 12-16. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

**First Reading of Ordinance 12-17 – Amending Chapter 305, Property Maintenance, relating to ticketing**

Council Member Porter stated that this ordinance would speed up the correction process for property maintenance violations.

Council Member Minner stated that there are a lot of fees associated with the appeal process. She asked about having a board of appeals. The City Solicitor stated that past experience has indicated a difficulty finding people to serve on boards.

Vice Mayor Lahman stated that the Code Enforcement Officer is already working with people to try to have issues corrected. The City Manager stated that there is a high rate of recidivism. Vice Mayor Lahman stated that landlords need to maintain their properties.

The City Solicitor stated that if the property owner wins the appeal, they are refunded any appeal fees that they paid.

Council Member Minner asked about tenants that are responsible for maintaining the property but do not. The City Solicitor suggested amending the lease to provide that if any fines are assessed, it is collectable as additional rent.

Council Member Porter asked the Chief of Police to distribute information on this ordinance to landlords when the next landlord training meeting is offered by the Attorney General's Office. The Chief of Police stated that the last meeting was successful and hopefully another meeting will be held in the winter.

The City Manager stated that this ordinance is aimed at repeat offenders. There are limited resources, and it is time consuming to continually go back to the same properties.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to accept the first reading of Ordinance 12-17. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

**First Reading of Ordinance 12-18 – Amending Chapter 330, Sewers, relating to EDU calculation**

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to accept the first reading of Ordinance 12-18. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

**First Reading of Ordinance 12-19 – Amending Chapter 180, Municipal Fees**

Council Member Porter asked about the waiving the fee for the water meter antenna if the breakage was accidental. Mayor Price asked what would be considered accidental. The City Manager stated that they are durable.

A MOTION was made by Council Member Stubbs, seconded by Vice Mayor Lahman, to accept the first reading of Ordinance 12-19. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

**First Reading of Ordinance 12-20 – Amending Chapter 425, Water, relating to EDU calculation**

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to accept the first reading of Ordinance 12-20. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

**Loss of community service workers from prisons**

The City Manager stated that she may have an alternative to hiring a part time worker to take care of the mowing. It would be a poor use of the existing limited resources to have the staff handle the cleaning. There is enough money in the current budget to cover the cost. Vice Mayor Lahman stated that it was previously a line item in the budget.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to contract for the cleaning of City Hall and the Police Station. The MOTION passed unanimously.

**Executive Session**

There was no Executive Session.

There being no further business, a MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned.

Respectfully Submitted,

Kelly Blanchies  
Clerk of Council