

City of Harrington
MINUTES
City Council Meeting
August 6, 2012

Public Comments

Todd Collison stated that when he drives through town late at night there are groups of children out on the streets.

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

A meeting of the Harrington City Council was held on August 6, 2012 and was attended by the following: Mayor Robert E. Price, Jr.; Council Member Duane E. Bivans; Council Member Fonda Coleman; Council Member Amy Minner; Council Member Wayne Porter; Council Member Kenneth Stubbs; Keith Shyers, Deputy Chief of Police; Teresa Tieman, City Manager; and Kelly Blanchies, Clerk of Council.

Also present: Jim Westoff, DeIDOT; Bill DiMondi, Delaware State Fair; Todd Collison; Mark Downes, Cabe Associates; George Scuse, Delaware State Fair; and Robert Souza, Harrington Raceway and Casino.

Vice Mayor Cheryl Lahman and William Pepper, City Solicitor, were absent.

Mayor Price called the meeting to order.

The Pledge of Allegiance was given.

Presentation on the Delaware Bicycle Summit by Jim Westoff, DeIDOT

Jim Westoff stated that he is visiting municipalities to encourage people to attend the Delaware Bike Summit. If the state will truly be bicycle friendly, both the State of Delaware and local governments need to work together. More people are riding bikes and cycling needs to be made safer. The summit is open to the public and paid for by sponsors.

Minutes

July 11, 2012 City Council Workshop

Council Member Porter stated that he understands that the community service workers from the prisons are available again. The City Manager stated that they are, and a schedule will be arranged.

A MOTION was made by Council Member Porter, seconded by Council Member Bivans, to accept the July 11, 2012 City Council Workshop Minutes as presented. The MOTION passed unanimously.

July 16, 2012 City Council Meeting

A MOTION was made by Council Member Porter, seconded by Council Member Bivans, to accept the July 16, 2012 City Council Meeting Minutes as presented. The MOTION passed unanimously.

Old Business

Public Hearing

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

Bill DiMondi stated that there are technical concerns with Ordinance 12-13. There is a meeting that will be scheduled between the City Manager and the Delaware State Fair regarding sewers.

Mark Downes stated that the ordinance mirrors Kent County's ordinance. In § 330-12 I there is no benchmark for compliance, such as meeting the county's permit requirements or sampling. Mr. Downes asked for clarification on whether the intent is to apply the requirements and penalties to the whole Chapter 330 or just the sections in this ordinance.

George Scuse stated that currently inspections at the Delaware State Fair are done on the wet well, not the grease traps. Grease traps are cleaned every Friday, and the wet well is cleaned every quarter.

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

There were no comments.

Ordinance 12-17 – Amending Chapter 305, Property Maintenance, relating to ticketing

There were no comments.

Ordinance 12-18 – Amending Chapter 330, Sewers, relating to EDU calculation

There were no comments.

Ordinance 12-19 – Amending Chapter 180, Municipal Fees

There were no comments.

Ordinance 12-20 – Amending Chapter 425, Water, relating to EDU calculation

There were no comments.

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

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

The City Manager suggested that Ordinance 12-13 be postponed until a meeting with the Delaware State Fair is held. After that meeting, she will review the ordinance again with the City Engineer and City Solicitor.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to table the second reading of Ordinance 12-13. Roll was called: 5 Yes, 0 No, 1 Absent (Lahman – Absent, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

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

Mayor Price stated that there was a public hearing and first reading on this ordinance.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to adopt Ordinance 12-16 as presented. Roll was called: 4 Yes, 1 No, 1 Absent (Lahman – Absent, Bivans – No, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed.

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

Council Member Minner asked about including pictures with violation letters. The City Manager stated that it would be the practice to include

pictures, but if for some reason pictures were not available, the process will not be stopped.

Council Member Bivans asked why only 5 days are given to correct a violation. Council Member Porter stated that what is being done now is not working. Council Member Minner stated that the Code Enforcement Officer can still work with people. The City Manager stated that this ordinance is designed to streamline the process, especially for repeat offenders.

Council Member Bivans stated that some problems are not being policed now under the current Code. Council Member Stubbs stated that a lot is based on complaints; the Code Enforcement Officer cannot see everything.

The City Manager stated that there are major issues that need to be addressed and a lot of time is spent handling smaller issues. This ordinance should speed up the handling of the more frequent issues.

Council Member Bivans stated that there is only one Code Enforcement Officer, but other City employees can point out issues to residents. The City Manager stated that the Code Enforcement Officer, the Police, and Public Works do work together to resolve issues.

Council Member Bivans asked if state of mind referred to a person's mindset or mental capabilities. The City Manager stated that it means a person's intent.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to adopt Ordinance 12-17 as presented. Roll was called: 5 Yes, 0 No, 1 Absent (Lahman – Absent, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

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

Mayor Price stated that there has been a first reading and public hearing on Ordinance 12-18.

Council Member Stubbs stated that the ordinance looks standard. The City Manager stated that it will bring the City in line with the County.

Council Member Porter asked how this will effect setting the rate schedule once all the water meters are installed. The City Manager stated that this is a change to impact fees for new construction or uses, not consumption.

The main changes are to laundromats and car washes that recycle water and use high efficiency appliances.

Council Member Minner asked if the fee per EDU would be reexamined. The City Manager stated that would probably require a study and ought to be looked at because the City has just acquired a lot of debt. Council Member Minner stated that this is benefiting businesses.

A MOTION was made by Council Member Minner, seconded by Council Member Stubbs, to adopt Ordinance 12-18 as presented. Roll was called: 5 Yes, 0 No, 1 Absent (Lahman – Absent, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

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

Mayor Price stated that there has been a first reading and public hearing on Ordinance 12-19.

The City Manager stated that the parts relating to Ordinance 12-13 should be removed. The Clerk of Council stated that the City Solicitor had advised the City Council in a similar situation that the entire ordinance could be adopted.

Council Member Minner stated that there should not be a charge to appeal to the City Manager. The City Manager stated that it does cost time, which also means money, to review the appeal. If the appeal is not upheld, then there is no charge. It also serves as a deterrent for those that would appeal just because it is free of charge, which would cost the City money.

Mayor Price stated that it would cost \$850 to go through the entire appeals process. Council Member Stubbs stated that it costs a lot of money to administer. Mayor Price asked if someone who wants to appeal would be deterred by the cost.

Council Member Bivans stated that a person should be able to talk to the City Manager without a charge. The City Manager stated that anyone can come in and talk to her anytime.

Council Member Stubbs asked if other municipalities have a similar program. The City Manager stated that New Castle County does and Dover is working on it.

The City Manager stated that most of the time a conclusion will be reached before the formal appeals process begins. Council Member

Bivans stated that the cost will discourage people from filing appeals. Mayor Price stated that he does not want citizens to perceive that the City does not want to hear appeals and that is why it should be less expensive.

Mayor Price suggested adding the word formal to the property maintenance appeals items. Council Member Minner stated that language should also be added to the ticket make it clear that formal appeals only have a cost and costs would be refunded if they win the appeal. The City Manager stated that the ticketing ordinance does state that fees would be refunded. Council Member Bivans stated that the ordinance should state when the refund will be given. The Clerk of Council stated that Ordinance 12-17 has already been adopted, so any changes would require an additional ordinance.

A MOTION was made by Council Member Stubbs, seconded by Council Member Porter, to adopt Ordinance 12-19 as amended with the addition of the word "formal" to "Property maintenance ticket appeal to City Manager," "Property maintenance ticket show cause hearing fee," and "Property maintenance ticket appeal to City Council." Roll was called: 4 Yes, 0 No, 1 Abstain, 1 Absent (Lahman – Absent, Bivans – Abstain, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed. Council Member Bivans stated that he abstained because the ordinance should be tabled.

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

Council Member Minner asked if this ordinance has any effect on existing homes. The City Manager stated that it is only for new development or changes.

A MOTION was made by Council Member Stubbs, seconded by Council Member Minner, to adopt Ordinance 12-20 as presented. Roll was called: 5 Yes, 0 No, 1 Absent (Lahman – Absent, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

New Business

First Reading of Ordinance 12-21 – Amending Chapter 365, Streets and Sidewalks, relating to maintenance of street right-of-way

The City Manager stated that the current Code talks about the property owner's responsibility to maintain sidewalks but does not specify to the curblin or street. Harrington's Code implies that it is the responsibility of the adjacent property owner to maintain the right-of-way, but it does not

clearly state it. If there is a strip of grass between the sidewalk and curb, the property owner must mow that grass.

Council Member Bivans asked if the current Code states that property owners must maintain that area. The City Manager stated that it is vague, and it would take tremendous resources for the City to maintain that area in front of every house in the City. The City Manager stated that she had spoken with the City Solicitor who said that the Code implies that adjacent property owners must maintain the right-of-way.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to adopt Ordinance 12-21 as presented. Roll was called: 4 Yes, 0 No, 1 Abstain, 1 Absent (Lahman – Absent, Bivans – Abstain, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed. Council Member Bivans stated that he abstained because if it is already legal then there is no need to change the Code.

Appointment to Board of Adjustment

Mayor Price stated that he would like to appoint Brad Butler to the Board of Adjustment. He is concerned about the City, takes care of his property, and is of the opinion that if he would not like something next to him then he would not allow it next to someone else in the City.

A MOTION was made by Council Member Coleman to accept the appointment of Brad Butler to the Board of Adjustment. There was no second. The MOTION failed.

Executive Session

There was no Executive Session.

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

Respectfully Submitted,

Kelly Blanchies
Clerk of Council