

**City of Harrington**  
**MINUTES**  
**City Council Meeting**  
**September 18, 2012**

**Public Comments**

There were no public comments.

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A meeting of the Harrington City Council was held on September 18, 2012 and was attended by the following: Mayor Robert E. Price, Jr.; Vice Mayor Cheryl Lahman; 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: Alan Moore, Public Works Supervisor; Jason Dean; and Connie Morgan.

Faye Smith, Finance Director, entered the meeting at 6:50 pm.

Jeff Bowers and Ronda Weber entered the meeting later.

Council Member Duane E. Bivans was absent.

Mayor Price called the meeting to order.

The Pledge of Allegiance was given.

**Minutes**

**September 4, 2012 City Council Meeting**

Council Member Stubbs asked how long RIO Supply was to assist in installing meters. The City Manager stated that according the bid document, the supplier was to provide a full time person to provide training and support as needed, which they have done.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Porter, to accept the September 4, 2012 City Council Meeting Minutes as presented. The MOTION passed unanimously.

## **Police Chief's Report**

Council Member Minner stated that the Police Department did a good job in passing the Criminal Justice Council on-site monitoring visit.

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

## **City Manager's Report**

Council Member Porter asked if automatic phone calls could be made when the hydrants are flushed. The City Manager stated that there is a charge to use the system unless it is an emergency. The schedule is on the website, in the newsletter, and on the electronic sign. Council Member Porter stated that he gets calls from citizens about brown water. The City Manager stated that City Hall receives less than twenty complaint calls each time.

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

## **Financial Report**

Council Member Porter asked about outstanding debts owed to the City. The City Manager stated that report is quarterly based on the billing cycle. The City Solicitor is pursuing some past due balances.

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

## **Departmental Reports**

### **Public Works**

Council Member Porter asked if Public Works is fully staffed. The Public Works Supervisor replied yes.

### **Library**

There were no questions.

### **Parks and Recreation**

There were no questions.

## **Fire and Ambulance**

There were no questions.

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

## **City Planner's Report**

Council Member Stubbs asked about the status of the Comprehensive Plan. The City Solicitor stated that he met with the City Manager and Clerk of Council to review and edit the Comprehensive Plan and will have an additional meeting. The City Manager stated that there are some substantive matters that will also need to be discussed.

Council Member Minner asked if the issues with the Comprehensive Plan should have been taken care of by URS. The City Manager stated that it was a draft that could have been better written and included some additional analysis. Mayor Price stated that it is the City's reputation that is presented to the State when the Comprehensive Plan is submitted.

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

## **City Engineer's Report**

Council Member Stubbs asked if the punch list is completed for the force main and pump station upgrade. The City Manager stated that Daisy has completed most of their items and requested a partial pay. Once Bearings check list is complete, the City will process their partial pay. All that will be left is to close the lagoons and treatment plant and resolve the fine issue.

Council Member Porter stated that Liberty Street has a drainage problem and needs to be paved. The City Manager stated that the City Engineer talked to Council about replacing the water line then paving Liberty Street as part of the water improvement projects. The City is applying for State revolving loan money to fix the water lines on Liberty, Route 14, and Route 13. Drainage can be addressed then too. Council Member Porter asked that Liberty Street be included in the Engineer's Report. The City Manager stated that it is included under Water Infrastructure Funding, which is being applied for right now.

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

## **Old Business**

The City Solicitor stated that the City now has the deed for 45 Clark Street; it has been sent to the Recorder of Deeds Office. The City Manager stated that once it has been recorded then the City can begin the process to have the building demolished.

## **New Business**

### **Request for waiver of impact fees – 10 Commerce Street**

Mayor Price stated that the Council has a letter from Ronda Weber to the City, the City Manager's response letter, and a drawing of the proposed layout.

Connie Morgan stated that Ronda Weber intends to open a bakery and a small café. When she signed the rental agreement, she was only aware that the property is zoned commercial and thought that would be adequate. When she applied for her business license, she found out that she may have to pay \$4,000 worth of impact fees. She is requesting that the impact fees be waived in whole or in part in an effort to get the business going.

Ronda Weber entered the meeting.

Council Member Porter asked why the property owner was not present. Ms. Weber stated that she believes that he was under the impression that the meeting started at 7:00 pm.

Vice Mayor Lahman asked if the floor plan has been approved by Public Health. Ms. Weber stated that it has been approved. Vice Mayor Lahman asked if there was a grease trap. Ms. Weber stated that there is not. Vice Mayor Lahman asked if Ms. Weber is willing to install a grease trap in a building that she does not own and stated that it does not appear that the bathroom is handicap accessible and a sink is missing. Vice Mayor Lahman stated that she is unsure that this is even a City issue yet. Ms. Weber stated that she has the approval from Public Health pending the variance on the prep sink because of the size of the building.

Council Member Porter stated that the City Council should deal with the owner to be sure the owner will allow any changes.

Council Member Porter stated that the Council just adopted new methods for calculating impact fees to be comparable to neighboring municipalities.

The ordinance had a public hearing. Vice Mayor Lahman asked when that ordinance was passed. The City Manager stated July.

Mayor Price stated that his concern is fairness. If fees are waived for one person then it is unfair not to waive them for everyone. The Council needs to be careful about setting a precedent. The City may want to look at impact fees themselves for fairness.

Council Member Porter asked the City Manager to explain what the impact fee is for. The City Manager stated that impact fees are collected and placed in a special account anytime there is growth or expansion of the utility system. Harrington has it for water and sewer, and there is also a community impact fee that supports streets and sidewalks. Impact fees are designed so that people that are currently in the system do not have to pay for the expansion of the system to accommodate growth. Those currently using the system have paid for the system so far and continue to pay through rates, so those causing additional costs should pay for their fair share.

The City Manager stated that some municipalities do have economic incentives such as reducing or waiving impact fees. Some are based on the number of jobs brought to an area. Harrington does not have a policy like that, but it could be explored. In Milford a waiver is given for one EDU if five to nine jobs are created and guaranteed for a certain number of years. Ms. Weber stated that she will be the only employee.

The City Manager stated that the EDUs stay with the property, so even if the tenant pays for them, the tenant cannot take them to another property if they move.

The City Manager stated that the City Engineer helps to calculate the cost of EDUs based on the amount of debt that will be incurred in the future for expansion of sewer and water transmission systems. There are guidelines to ensure that impact fees are fair. They are designed so that the people who are causing the need for growth are the ones that pay for that growth.

Ms. Weber stated that Milford is in the process of waving their impact fees between now and May. The City Manager stated that it is an economic development tool and based on the number of jobs created. Since there will be only one job created at this business, it would not qualify for a waiver even in Milford.

Ms. Weber asked how the fee is calculated. The City Manager stated that it is based on the number of fixtures and a mathematical formula. The City Engineer calculated it as two. Council Member Minner stated that she has spoken with the City Engineer that stated the number is rounded up, but

Ordinance 12-18 states that fractional EDUs shall be rounded to the nearest tenth. The City Manager stated that she can check with City Engineer.

Vice Mayor Lahman stated that it is a moot point to discuss waiving impact fees if the plans have not been approved by Public Health. Ms. Weber stated that the plans are approved pending the waiver for the additional sink. The City Manager stated that the calculation was based on the plans the City was given; if there are new certified plans, they should be submitted, and the City Engineer will calculate the EDUs again.

Jeff Bowers entered the meeting.

Mr. Bowers stated that he will pay the \$4,000 fee but does have a problem with the process. He stated that he had a building in Greenwood that required a change of use, and it was done by administrative review, cost \$42, and took three days. Unless extensive renovations are being done, then there should only be an administrative review. This is a small renovation to put in requirements from the Board of Health. The City Manager stated that the City does have a process for administrative review, but because of the change of use from retail to restaurant, there were impact fees associated with it and that is what the delay is. Mr. Bowers stated that projects should be looked at on an individual basis. Mr. Bowers stated that the City has invested in the downtown area, and it should be considered differently than the highway area. The policy needs to be changed to make the process easier. The City Manager stated that if the impact fees were agreed upon then the process would be as drawn out. We will double check to be sure that the City Engineer is using the right formula once we receive certified plans.

The Finance Director entered the meeting.

Mr. Bowers asked why meters are not used. The City Manager stated that impact fees are not related to usage; they are for the expansion of the system.

Council Member Porter stated that he wants to clarify that Harrington does have a streamlined system, like other municipalities, and wants to encourage business.

Mayor Price stated that once the certified plans have been received, the City Engineer will recalculate the impact fees.

### **Halloween trick-or-treat date and time**

The Clerk of Council stated that for the last three years, the time for trick-or-treating in Harrington was established as October 31 from 6:00 pm to 8:00 pm.

A MOTION was made by Council Member Minner, seconded by Vice Mayor Lahman, to set the time for trick-or-treating as October 31 from 6:00 pm to 8:00 pm. 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 Council Member Stubbs, to adjourn the City Council Meeting. The MOTION passed unanimously, and the meeting adjourned.

Respectfully Submitted,

Kelly Blanchies  
Clerk of Council