

City of Harrington
MINUTES
City Council Meeting
October 15, 2012

Public Comments

There were no public comments.

A meeting of the Harrington City Council was held on October 15, 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; Faye Smith, Finance Director; and Kelly Blanchies, Clerk of Council.

Also present: Tom Wilkes, Remington, Vernick, and Beach.

Mayor Price called the meeting to order at 7:01 p.m.

The Pledge of Allegiance was given.

Minutes

October 1, 2012 City Council Workshop

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Bivans, to accept the October 1, 2012 City Council Workshop Minutes as presented. The MOTION passed unanimously.

October 1, 2012 City Council Meeting

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Minner, to accept the October 1, 2012 City Council Meeting Minutes as presented. The MOTION passed unanimously.

Police Chief's Report

Vice Mayor Lahman asked what is happening with the LESO program. The Chief of Police stated that the new computer system is difficult to use, and no one is able to use it.

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

City Manager's Report

Council Member Minner asked about the research done by the Clerk of Council regarding Milford's impact fees. The Clerk of Council stated that she received a copy of Milford's ordinances regarding waiving of impact fees, and it had requirements for creating jobs for a specific amount of time, and it is a program that is used off and on, not continuously. Vice Mayor Lahman asked that if the jobs are not created then the impact fee must be paid. The City Manager replied yes.

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

Financial Report

Council Member Stubbs asked why the Fuelman report does not list all of the Public Works employees. The City Manager stated that she will check into it.

Council Member Minner asked if the donations received for the TNR program are being tracked separately. The Financial Director stated that the funds are tracked as a job, and a report can be produced for it.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Minner, to file the Financial Report for audit. The MOTION passed unanimously.

Departmental Reports

Public Works

Council Member Stubbs asked how many patches are left to complete. The City Manager stated that it is the spaces that are blank on the report. Council Member Minner stated that there are potholes on Second Avenue between Center and Third Streets that are not on the list.

The City Manager stated that she asked Remington, Vernick, & Beach for an estimate for preparing a street maintenance plan, so the streets can be maintained according to a schedule. It is \$17,000 and will be added to the budget for next year unless there is some grant money available.

Council Member Bivans stated that DeIDOT should be notified that there is a pothole on the westbound lane between Hardee's and Royal Farms.

Library

There were no questions.

Parks and Recreation

There were no questions.

Fire and Ambulance

There were no questions.

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

City Planner's Report

Council Member Bivans asked about there being no change to the projects. The City Manager stated that it is really up to the developers, the funding could be an issue.

Council Member Bivans asked about the email regarding Ronda's House of Treats. The City Manager stated that there was a question regarding the review process, so the City Planner verified what the process is. Council Member Bivans asked what stage Ronda's House of Treats is at. The City Manager stated that they submitted some documents that were not signed by the landlord, and once completed a plan review can be conducted.

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

City Engineer's Report

Council Member Stubbs asked if Daisy is finished the punch list. Tom Wilkes stated that they are not, and there is a meeting scheduled with them on Thursday about closing out the contract. Council Member Stubbs asked if DeIDOT will approve saw cuts to the road filled with tar. Mr. Wilkes stated that DeIDOT will probably not approve that.

A MOTION was made by Council Member Minner to accept the City Engineer's report as presented. There was no second. The MOTION failed.

Council Member Stubbs asked if the lagoon breach would be discussed later. The City Manager replied yes.

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

Old Business

Public Hearing

Ordinance 12-22 – Amending Chapter 16, Elections, to extend the deadline to return absentee ballots until the close of polls

There were no comments.

Ordinance 12-23 – Amending Chapter 9, Council Meetings, relating to the schedule of Council Meetings

There were no comments.

Second Reading of Ordinance 12-22 – Amending Chapter 16, Elections, to extend the deadline to return absentee ballots until the close of polls

A MOTION was made by Council Member Porter, seconded by Council Member Minner, to accept the second reading of Ordinance 12-22. The MOTION passed unanimously.

Second Reading of Ordinance 12-23 – Amending Chapter 9, Council Meetings, relating to the schedule of Council Meetings

A MOTION was made by Council Member Stubbs, seconded by Vice Mayor Lahman, to accept the second reading of Ordinance 12-23. The MOTION passed unanimously.

New Business

Review and approval of DNREC fine remediation plan

Mr. Wilkes stated that in the winter of 2009-2010 there were a series of storms that caused the wastewater treatment lagoons to get very full. The treatment plant operator contacted DNREC for permission to bypass full treatment and was allowed to do that, but a fine was assessed. DNREC wants the money put to use in improving the environment and are waiting to get a plan from the City. The City has met with DNREC several times and drafted a letter to reflect what was agreed to in those meetings. The City has been very active in trying to correct not only the breach problem but many sanitary sewer related issues. There is \$8.9 million dollars that

has been spent or planned to be spent on those projects. The end of the letter recommends spending \$20,000 over five years to make improvements to the previous sewer treatment outfall area on Browns Branch.

The City Manager stated that the original fine was around \$120,000. This issue has gone on for so long because of significant turn over in the City. The State wanted a project that would benefit the environment as well as the citizens of Harrington as part of the remediation to forgo the fine. The City's stance was that a lot of money had been spent, and the City is committed to correcting the problems. The plan outlined in the letter highlights all the things the City has done and acknowledges that DNREC wants a project with direct environmental impact. As part of the Comprehensive Plan, we want to show that we are fixing infrastructure and are ready for new development and businesses. This plan will be reviewed by DNREC, and they will give an opinion on it.

Mayor Price stated that the difference in meeting with DNREC this time was that all the key players were there. At certain times, the State was not receptive to negotiations. The City Manager stated that before the City was told that projects that were being done would not count towards the fine, but at the meeting with the Deputy Secretary of DNREC the City was told that they could be counted. Council Member Stubbs stated that the City has had many problems for a long time, and DNREC is tired of hearing about them.

Vice Mayor Lahman asked if the administrative fee was paid. The City Manager stated yes.

Council Member Minner asked if the money was discussed with DNREC and if they agreed to it. The City Manager stated that it was discussed, and they were very receptive.

Council Member Bivans asked if there was a possibility of reducing the fine further. The City Manager stated that she did not think so. Mayor Price stated that DNREC will not offset everything.

Council Member Stubbs asked how much it would cost to rehabilitate the outfall. Mr. Wilkes stated that \$20,000 should be enough to fill the outfall with cement so that it cannot be used again.

Council Member Porter asked what harm was done by the breach. Mr. Wilkes stated that most of the discharge was rainwater, so anything in the wastewater was diluted.

Council Member Minner stated that the letter does not address the lagoon closure and additional money will have to be spent on that. The City Manager stated that the plan for that still has to be approved by DNREC. The City asked to close the lagoons in a manner that would save the City about \$500,000 over the way that DNREC would like it done. At the same meeting we got approval to proceed with that plan and submit for DNREC approval.

A MOTION was made by Vice Mayor Lahman, seconded by Council Member Stubbs, to approve the fine remediation plan as presented and submit it to the State of Delaware Department of Natural Resources and Environmental Control for review. Roll was called: 6 Yes, 0 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – Yes, Porter – Yes, Stubbs – Yes). The MOTION passed unanimously.

Water meter installation project

The City Manager stated that at the Workshop, information was presented about the status of the water meter installation project. A question was asked about the cost to install Neptune meters throughout the whole City. The additional meters would cost \$9,610.54. To stay within the original budget of \$343,698.24, then all but nine of the two inch Master meters could be replaced.

Vice Mayor Lahman asked if there was contingency money built into the budget. The City Manager stated that there is no contingency money, but there is still money left in the water escrow account that can be used. The Financial Director stated that there is about \$90,000 available in the water escrow account.

Council Member Minner asked about the Council amendment to the project. The City Manager stated that the City was originally going to replace all of the Master meters then decided to keep the Master meters that still had warranties. We thought we had 1,300 meters and 300 Master meters, but we actually have 1,141 meters and 195 Master meters. Council was trying to save money but for \$10,000 more all meters can be the same and increase the efficiency.

Council Member Bivans asked if for \$10,000 all the meters will be radio read. The City Manager replied yes; the Public Works Supervisor believes that the whole City can be read by radio in two hours. The City Manager stated that she and Public Works would like to have consistency in the meters. Council Member Bivans stated that accuracy is important and is worth a little additional cost. Council Member Stubbs stated that Rio said their equipment could read the Master meters, and it would not cost the City any more.

A MOTION was made by Council Member Minner, seconded by Vice Mayor Lahman, to spend \$9,610.54 to be paid from the water escrow account for the additional radio read Neptune water meters. Roll was called: 4 Yes, 3 No (Lahman – Yes, Bivans – Yes, Coleman – No, Minner – Yes, Porter – No, Stubbs – No, Price – Yes). Mayor Price voted to break the tie. The MOTION passed.

First Reading of Ordinance 12-24 – Amending Chapter 120, Business Licenses

The City Manager read through the ordinance.

A MOTION was made by Council Member Porter, seconded by Council Member Stubbs, to accept the first reading of Ordinance 12-24. The MOTION passed unanimously.

First Reading of Ordinance 12-25 – Amending Chapter 314, Rental Properties

The City Manager read through the ordinance.

Council Member Porter asked about making the landlord training class offered by the Attorney General's Office mandatory. The City Solicitor stated that we do not know if the Attorney General's office will continue to offer the class. The Chief of Police stated that they are trying to schedule another class for December but has not heard if they will continue after that. The City Manager stated that the ordinance can be amended if the City decides to make the class mandatory, but the City should allow it to remain voluntary as long as people continue to attend. Council Member Porter asked the Chief of Police to check with the Attorney General's Office to see if the classes will continue to be held.

Council Member Porter stated that there are quite a few landlords that do not live in town. The City Manager stated that there are 261 rental parcels, 207 (79%) of those have owners that are out of town. The City has 1,050 parcels in the City, so 25% are rentals. That is not a high rental rate. The City Solicitor stated that owner occupied housing around the country is around 58%.

Mayor Price stated that previously a public comment had been made about what the City was doing regarding housing sales. There is a trend nationwide, not just in Harrington, of difficulty in selling houses. The City Manager stated that another comment was that Harrington's utility bills are higher than Georgetown. Based on 20,000 gallons of usage, Georgetown's water bill would be \$97.70, and Harrington's is \$96.17; the wastewater bill for Georgetown would be \$147.20, and Harrington's is

\$140. Georgetown bills are based on consumption and not a flat rate. If someone uses less than 20,000, then they would pay less. Felton's water rate is \$74. Lewis' rates are \$78 for water and \$138 for wastewater. Milford's rates are \$75 for water and \$108.29 for wastewater. Mayor Price stated that when the City was trying to get funding to do some projects, the rates had to be raised, because they were too low.

Council Member Minner asked what would happen if a landlord does not allow an inspection. The City Solicitor stated that one method would be to go to the Court of Chancery to get an injunction against the landlord. Council Member Porter stated that the inspection benefits the landlord by saying things were fine with the property in case anything happens. The City Solicitor stated that when a landlord tries to do an eviction, the first thing the tenant says is that there were always problems with the property. If it has been inspected annually then there is a base level to say everything was in Code. There is a benefit to the tenant too, because the substandard housing is eliminated.

A MOTION was made by Council Member Porter, seconded by Vice Mayor Lahman, to accept the first reading of Ordinance 12-25. Roll was called: 5 Yes, 1 No (Lahman – Yes, Bivans – Yes, Coleman – Yes, Minner – No, Porter – Yes, Stubbs – Yes). The MOTION passed.

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 at 8:05 pm.

Respectfully Submitted,

Kelly Blanchies
Clerk of Council