

Town of Newport
Regular Meeting of the Mayor and Commissioners
August 20, 2020
7:00 pm

Mayor Spencer called all to rise for the Pledge of Allegiance.

He announced the meeting was in compliance with the Delaware Open Meeting Act.

Attendance: Mayor Michael Spencer, Commissioner Flo Czerwinski, Commissioner Carol Ann Gretz, Commissioner Michele MacDonald, Police Chief Mark Wohner, Town Manager Wendy King, and Solicitor N. Christopher Griffiths. Vice Mayor John Joswick was absent.

Minutes from the July 16, 2020, meeting were approved via motion by Mayor Spencer and seconded by Commissioner Czerwinski.

Oath of Office was administered to Commissioner Gretz.

Minutes from the June 25, 2020, meeting were not approved at July's meeting because there was not a quorum of attendees from that meeting. They were approved tonight via motion from Mayor Spencer and a second from Commissioner Gretz.

Public Comment: Stephanie Banks, 230 W. Ayre Street, advised that her trash was not picked up. Town Manager King will follow up. Gutter Guys employees are not adhering to stop signs and driving on W. Ayre Street too fast. Danger to children in neighborhood and park attendees. Speed bumps are requested. Mayor Spencer asked for more enforcement and a visit to the business as speed bumps are usually a last resort. Terry Spencer, 221 W. Ayre Street, says he spoke to police about the issue and noted he called the business and was told they do not govern their employees once they leave the shop. Mayor Spencer offered suggestions and was told that those solutions were attempted and were not working. Mayor Spencer advised that this was the first he had heard of this issue and needed an opportunity to address it and resolve the problem. Morris Thompson Jr., Ayre Street, requested speed bumps. Mayor Spencer said we will look into speed bumps. There was discussion amount the audience. Police Chief Wohner did note that emergency vehicles would have some difficulty navigating speed bumps. Commissioner Czerwinski said she would go to the business and discuss the matter with them. There is a petition circulating for speed bumps. Joe Stagliano, 200 Stonehurst Drive, requesting more police presence. Police Chief Wohner responded by providing statistics showing that the officers are in the neighborhood. There was discussion about the events leading up to the vehicle break-in/theft in Stonehurst. Pamela Beaumont, Stonehurst Drive, wanted to know if Stonehurst Garden Apartments were in town because they had similar break-ins and thought we should be putting out an automated call or have some other notification. It was noted that the County police would have to share events with the Newport Police and it was unlikely because they are on different radio frequency. Alyssa Adams, 16 N. Mary Street, advised she had her vehicle stolen, her son's vehicle was ransacked and her other son's vehicle showed an attempted break-in. There was chatter among the audience. Commissioner MacDonald expressed her sympathy and noted that she has a doorbell camera and that those break-ins are happening everywhere, not just our area. She said her neighbors had their lights stolen. More chatter among audience. April, 200 Stonehurst Drive, talked about a cross-communication system (NextDoor). She says she is finding

needles, baggies, etc., on her street. Discussion about the apartments being fenced, alleged drug activity. Commissioner Gretz shared her experience with a person looking into her home windows and windows of her vehicle. Jeff Sanders, Mary Street, said when he calls 911, the operators are indifferent and not very helpful.

Town Manager's Report – Potential Board of Adjustment hearing for Fedale Roofing, 309 E. Justis property was cleaned up and case filed in court, curb contractor marked curbs for repair, handicapped sign was installed on Justis Street, budget items, Manelski property on Augustine/Christian is town-owned at the steps/driveway and buyer's agent wanted an easement to confirm the town would not try to remove the driveway or steps. Commissioners have no interest in taking the driveway or steps. Solicitor Griffiths suggested the buyer's attorney file a simple easement to confirm and to alleviate the town of any liability.

Commissioner MacDonald mentioned that there were a few locations where cars were parked when the curbs were marked and to be sure they were not missed when the contractor came around.

Police Chief's Report – Monthly department statistics for July.

Alderman's Report - \$38,296 fines collected.

Code Enforcement – 309 E. Justis update, out for a few weeks, but back on the job. Cars with no tags. Someone from the audience (did not identify herself) asked who they would ask about issues with residential properties and asked Frank if he just did commercial. He responded that he was a sworn officer of the court and that he could handle both as the maintenance department sometimes gets caught up in other things. Woman stated W. Ayre Street residents were harassed. Before Mr. Walker could retort, Mayor Spencer advised that public comment was over and if she had a specific issue with the code officer, she could see him after the meeting.

Solicitor's Report – Employment issue and there are two more hearings regarding that issue, 309 E. Justis – complaint was filed and the owner was served. Waiting 20-day period for answer. House looks much better. Resolution regarding public comment guidelines.

Commissioners – Commissioner Gretz advised that the handicapped entrance to the Old Town Hall was blocked with overgrown weeds. Trash can up on Market Street was overflowing. Large trucks turning on Walnut from Market Street. Sign was supposed to be put up (5000 lb limit)? Chief Wohner advised that the sign does not prohibit the trucks access to Deaven Steel from Market and that he can only enforce what the sign allows. Commissioner Gretz thought it should prohibit access. Commissioner MacDonald commented about sign placement on Augustine and Christian Street being too high and the One Way sign is crooked.

Mayor's Report – Attended virtual meeting with members of Wilmapco and other partners to review results of the Newport Transportation Plan workshop,

Old Business – 2020-002 Rules of Procedure for Public Comment at Meetings. This resolution outlines protocol to participate in public comment. There will be a time limit of three minutes per speaker. There will be no one cutting off anyone from speaking because of content. The agenda will be restructured to allow for public comment to occur at the end of the town reports. Mayor Spencer reviewed the rules. Mayor Spencer made a motion to accept resolution 2020-002 by title. Commissioner Czerwinski

seconded. Commissioner Gretz disagrees with the time period based on a person's first amendment rights and the fact that someone could be dissuaded from speaking based on the subject matter. Solicitor Griffiths noted that according to the constitution, the only limitations made to free speech is the time, place and manner, so what is being done is permissible. The town cannot place content-based restrictions on someone's ability to speak. Commissioner Gretz still believes that three minutes is not enough time to get your point across. Mayor Spencer said that this is just a starting point – it can be evaluated over time. This is intended to be fair for all meeting participants. Solicitor Griffiths weighed in on tonight's public comment (at 33 minutes) and recommended that in order to know who has the floor, speaker, if able, should speak from a podium. An orderly meeting cannot occur with the "back and forth" conversations amongst the audience members. He noted that he rarely has seen the timer go off on a resident when speaking.

Mayor Spencer made a motion to adopt the resolution 2020-002 by title. Commissioner Czerwinski seconded. Approved 3-1; Commissioner Gretz opposed.

Mayor Spencer made a motion to adjourn; Commissioner Czerwinski seconded.

Meeting adjourned at 808 pm.