

Regular Meeting of the Mayor and Commissioners
Town of Newport
July 21, 2022

Pledge of Allegiance.

Mayor MacDonald called the meeting to order at 7:00 pm and announced that the meeting was in compliance with the Delaware Open Meeting Act.

Attendance: Mayor Michele MacDonald, Vice Mayor Michael Spencer, Commissioner Stephanie Banks, Commissioner Michael Capriglione, Commissioner John Joswick. Also in attendance - Chief Mark Wohner, Solicitor N. Christopher Griffiths, Town Manager Wendy King.

Minutes from the June 16, 2022, meeting were approved via motion by Commissioner Joswick and seconded by Mayor MacDonald. All ayes.

Dave Gula from WILMAPCO provided an update of the Monitoring Committee meeting held a week prior. The Monitoring Committee discusses projects listed in the Newport Transportation Plan. Goals of the study are to keep Newport and surrounding areas safer for pedestrians and vehicles and assessing the reopening the Newport train station. The monitoring committee keeps up with projects and reports on those projects already funded and assists with prioritizes things as they come up. Newport River Trail is in design with DelDOT and has not yet been funded for construction. Final design has been funded. Some projects include some paving/rehab projects along SR-4, Boxwood Road streetlighting, railroad crossing, Marshallton roundabout, McArthur Drive truck traffic. There was no train stop update. New Castle County advised on their comprehensive plan update (which was approved after this meeting). No update from DART. Complete Communities Enterprise District. Newport River Trail will be part of the Wilmington loop and is a Delaware Greenways project with studies funded. Mayor MacDonald advised of the Delaware Greenways website (<https://delawaregreenways.org/newport-river-trail/>). There is information about what the trail could potentially look like. DelDOT will review the requests from council regarding the blocking of intersections on Market and Mary/John Streets (Don't Block The Box) and traffic coming into town, looking at ways to slow it down. Road design is being looked at. Ayre and Walnut Street road condition is being looked at. Striping on Water Street. Vice Mayor Spencer asked about a bridge update and there wasn't one, but had not heard of delays. Mayor MacDonald advised that Cooper Bowers from DelDOT asked for pictures of Water Street and Marsh Lane and was not sure who was providing them. She also mentioned the traffic calming that Chief Wohner referred to. Chief Wohner said that traffic calming ultimately should start prior to entering town. Solicitor Griffiths asked Mr. Gula to advise council who WILMAPCO is, who is part of it, and share the mission statement so everyone has a clear understanding of WILMAPCO's part. Mr. Gula stated that they are federally mandated to be here as there is a population of over 250,000 people. They are transportation planning agents, so they work closely with DelDOT and other highway agents, like rail. They are community-focused so something like the Newport Transportation Study, they would manage. They do a lot of public outreach throughout a project's process.

Senator Spiros Mantzavinos announced that through DNREC's part of the bond bill, \$30,000 was allocated for the boat ramp and of that, \$10,000 could be used for surveillance. The allocation had been there for a few years, but with the recession and other factors, it was removed. He also gave credit to Senator Jack Walsh who also represents the town. He also announced that the town received funding of \$500,000 through the Community Reinvestment

Fund for drainage and road work to be spent within a three-year period. He opened the floor for any questions regarding those fundings or for anything that happened in session through June 30, 2022. Commissioner Capriglione thanked Senator Mantzavinos for supporting the town. Senator Mantzavinos said that there were \$400,000 million in requests and \$90 million in awards, so he was happy to get this done for the town.

Town Manager's Report – Benches were ordered for Memorial Park and across the Old Town Hall and paid for by ARPA funds. 2021 audit is ongoing. Property tax collection is at 95%. Notification that Belvedere Wine and Spirits filed an application with the ABCC (Alcoholic Beverages Control Commission) to expand their premises and a public hearing would be held if there were objections filed on or before August 5. Funding (\$500,000) for swales/E. Ayre Street roadwork and the DNREC bond bill for \$30,000. Opportunity to partner with Waste Management to provide trash cans to residents. Providing them for the residential community would be an initial cost share with Waste Management at \$33.50 per unit. Replacement cost would be \$67 per unit, with purchasing a small surplus in case replacement was necessary. Commissioner Capriglione was in favor simply because of the number of loose bags being placed on the curbs. Vice Mayor Spencer agreed and noted he just had replaced his can because it was being crushed by the truck. He felt that the town should purchase the initial can and have the resident pay for replacement cans, as did everyone else. Commissioner Capriglione made a motion to enter into a cost share with Waste Management to pay \$33.50 per trash container (approximately 275 units) to replace residential garbage cans as a one-time only purchase. Replacement would be paid for by resident. Commissioner Joswick seconded. All ayes. Budget amendment took place to remove ARPA funding from the General Operating budget. Mayor MacDonald has begun reviewing the charter and making recommendations for changes. Three bids were received for digging out the tree holes on the streetscape sidewalks on Market and Justis Streets. There was discussion on the reasons why it needs to be done, with or without removal of the healthy trees. Quotes for Ella Johnson Park trail are pending. Commissioner Capriglione asked about the low bid contractor and if we were happy with their work in the past. There was discussion about the bids. Commissioner Capriglione made a motion to accept Asphalt King's bid to replace/repair 23 3x3 concrete areas. Mayor MacDonald seconded the motion. All ayes.

Police Chief's Report – Monthly statistics for June, 2022. Staffing is thin because Corporal Betsch is on three weeks' military leave and there were scheduled vacations. Corporal Betsch will be on leave for seven months in 2023, so an officer is being sent to firearms instructor training and that same officer was attending use of force training at Middletown Police Department. Chief Wohner went through the FBI Internal Affairs training and will be going through Executive Training. The department is in the final stages of hiring and will be putting a condition offer out to the one candidate.

Alderman Report - \$26,144 court fines for June.

Maintenance Report was presented with no questions.

Solicitor's Report – There was special counsel working on the evaluation of the town's charter. He sent over his report and there were a few items that prior council wanted addressed that needed clarification. In reference to litigation, the litigant has agreed to have a meeting and conversation with the town manager, without attorneys, to see if this can be worked out in hopes that next meeting, there will be something that meets council's approval. An executive session will be recommended to discuss anything coming out of that meeting. Commissioner Capriglione stated that prior council asked for the charter evaluation and it seems we are

spinning our wheels and spending money and questioned why we are doing so. Solicitor Griffiths agreed and said he had a conversation with the town manager on how to proceed because he feels the special counsel missed the mark in one spot and was questioning whether he should go back to request clarification or to just be done. If council does not want him to go back to special counsel, he won't. Commissioner Capriglione said that council is smart enough to know what the charter says and how to abide by it and no offense to prior council, but he knows what the charter says and never questioned the charter. Vice Mayor Spencer said that while the charter needs to be updated, he agreed with Commissioner Capriglione and with no disrespect intended, he saw no merit in what the former council wanted to do. Solicitor Griffiths said he could shut it down and it was something that he agreed to pick up the fee on. Mayor MacDonald said that as a group, can a commitment be made to get revisions moving. Vice Mayor Spencer said he is looking at land use things because there were a few people who did not get the fact that John Joswick's annexation was state certified, so he would like to clean those up to avoid things like that in the future. Mayor MacDonald commented that Vice Mayor Spencer would be good at that because of the length of time he has served, but she was not confident she had the knowledge. Commissioner Capriglione suggested council review other towns' charters because he believes our charter is so complicated compared to everyone else's. There was discussion about timelines and Mayor MacDonald would like to see draft revisions at the September meeting. Commissioner Capriglione mentioned our section on absentee voting being at the discretion of the mayor and council but says the state law says allowing absentee voting is mandatory. Solicitor Griffiths said that we need to have a clean copy of what we would like the charter to look like, a redline, pass a resolution and pass it off the house, so there is time. September is a great time to have everyone's ideas out there. Discussion about whether it is a resolution or ordinance to make changes. Mayor MacDonald was curious what what items could be completely eliminated, ie planning commission. Town Manager King mentioned that a planning commission is in the building code in order to approve a major subdivision/site plan, but there has not been on in place in over 15 years. There was discussion that leaned toward the planning commission being redundant and unnecessary, especially if the plans are by right with no variances needed. The planning commission is not to be mistaken for the Comprehensive Plan committee where out of town people can serve. Commissioner Capriglione asked about the next update which would be next year. Vice Mayor Spencer advised that they can get started in January, 2023. There is not really much that needs updating but suggested taking a more in-depth look at the industrial park. He mentioned that the state does not really like Board of Adjustment so a lot was changed to reflect that. He asked Commissioner Capriglione if he was able to speak to Frank Romanowski regarding being on the Board of Adjustment and he hadn't. Mayor MacDonald summarized that there will be charter revisions ready for September, Comprehensive Plan starting next year, and not having a Planning Commission. Town Manager King said she would bring the plans to sign off on next month. Solicitor Griffiths said that he would be comfortable doing an administrative review with the town manager because if she can review the plans and determine they are code-compliant, she can recommend approval to council. Solicitor Griffiths said this discussion all came about because the of special counsel's review of the charter and that there was a motion to obtain special counsel to do the work so a motion would have to be made to dissolve it. Vice Mayor Spencer made a motion to discontinue charter evaluation by special counsel; Commissioner Capriglione seconded the motion. All ayes.

Commissioners – Commissioner Joswick asked council and Chief Wohner if they wanted to do Trunk or Treat at Richey School. Chief Wohner said that if the school does it, the police department will participate. Commissioner Joswick asked if council wanted to do Santa Claus at the Old Town Hall. Vice Mayor Spencer said that he would like to see some of the things

restarted. Mayor MacDonald said that Santa came around on the firetruck but did not know when they were coming to have the kids outside. Town Manager King thought conversations about reestablishing a committee to coordinate town events for kids or donations should not be coming from council. Things like holding a Christmas decorations contest can be coordinated by council but not things where a payment would need to be made to a vendor for services. Mayor MacDonald said more thought can be put into events that council can coordinate. Commissioner Capriglione said there was still money left over from the former community fund. If someone outside of council wants to step up and reestablish a community group, council could give them guidance, but should not be involved.

Mayor's Report – Council should discuss and determine if they want Newport to be a part of the Complete Communities Enterprise District. Cooper Bowers can come to a meeting to explain the benefits of CCED and she does not want it to be languishing out there. She had a meeting about the Downtown Development District and she found it interesting. It would be nice to have someone come out and explain what DDD was in detail. It does benefit residential and commercial property owners and there are only three spots left, although the governor opens it up from time to time. It started in 2014. There is a trickle-down effect to the residents, property owners and developers. Tenants that come in can also get some type of benefit. She does want to get the right person to come to a meeting and tell us about the program. She described the distillery in Smyrna and the development that occurred there. Vice Mayor Spencer said that Newport was one of the first places offered DDD and the town turned them down because at the time there were too many strings. One of the developers asked and there was no real benefit to the town. Mayor MacDonald said there was so much information to review, but she did see the part about rebates that the developers would receive. It is something that can be considered. Vice Mayor Spencer said there is one opportunity to have our downtown redeveloped and it should be developer-driven and not state-driven. The more we keep over things is the more control we keep over things. There is nothing wrong with getting additional information.

Public Comment – Jeff Biscoe, Justis Street, had no comment, but wanted to attend the meeting. Dave Gula, WILMPACO, wanted to comment on CCED and what the benefits would be. If the town is already walkable, the benefits of CCED do not move the needle that far as getting your project to the top. Having Cooper Bowers come out would be beneficial. Vice Mayor also mentioned that when he sat in on the CCED meeting a month or so ago, there was the question of how long it would take. The response was a year or two and the town should not have to wait that long for redevelopment.

Commissioner Capriglione said that on July 16, the National Suicide Hotline changed to the 988#. There was a 32% increase in calls and it was projected that it saved 1000 lives. They deal with suicide and mental illness.

Vice Mayor Spencer made a motion to adjourn. Commissioner Joswick seconded. All ayes.

Meeting adjourned at 8:19 pm.