

Regular Meeting of the Mayor and Commissioners
Town of Newport
August 18, 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 (late), Commissioner John Joswick. Also in attendance - Chief Mark Wohner, Solicitor N. Christopher Griffiths, Town Manager Wendy King.

Vice Mayor Spencer noted a correction needed to the minutes when discussing the CCED, the comment he made was "the town should *not* have to wait" and the word "not" was not present. Correction will be made. Vice Mayor Spencer made a motion to accept the corrected minutes. Commissioner Joswick seconded.

Town Manager's Report – Resolution 2022-02 will be presented to accept the site plan submitted by Harvey Hanna and Associates. Resolution indicates that the town manager and building inspector reviewed the plans and that they are by right with no need for variances. Council is also designating the town manager as the authorized agent to sign off on the plans. There were two letters sent to property owners for property code issues/questions involving a pool and a camper. Waste Management is looking at a mid-late September delivery of the cans. There was a question of how many cans already exist throughout town, so maintenance drove around on trash day to get a determination. Quotes are still pending for Ella Johnson Park track. Budget notes – General Operating was over for the month on the Liability Insurance line item, but fine for the year. Mayor MacDonald and Town Manager King received emails from WILMAPCO regarding Transportation Alternatives Program (TAP) and Delaware Bicycle Pedestrian Improvement funding opportunities, so Town Manager King reached out to Dave Gula from WILMAPCO to see if anything outstanding in the transportation plan could fit into either of those categories. There were a few that were included in the packet. Commissioner Banks asked if the information was online. The projects listed are part of the Newport Transportation Plan and they are on WILMAPCO's website. There was some discussion about the bike path funding and Ella Johnson Park and Vice Mayor Spencer said that initially there could have been a Phase II to enhance connectivity to Silview. Mayor MacDonald also referred to the streetscape improvements, but those projects would utilize TAP funds at a 20% match. Vice Mayor Spencer wanted to know if there was any response to the letters to the property owners about the code violations. There was a response from the property owner regarding the camper and the owner advised she was trying to evict the renter who owns the camper. There were various complaints from people living in the camper to the camper sitting on grass and not pavement. There was no response as of meeting date regarding the pool.

Police Chief's Report – Monthly department statistics for July, 2022. In 2024, the state will switch over to a new operating system so the radios currently used will no longer work. They are getting the last two new radios so the department will be in compliance. Chief Wohner handed out the Stalker Traffic Data sheet. He applied for a grant through the Office of Highway Safety for the device. The device will keep track of many things. The information will have to be shared with DelDOT on state roadways but will help with speed, volume, time of

day. He attended an FBI-LEEDA Executive Leadership training course which is part of a trilogy of courses and mirrors the FBI National Academy. Mayor MacDonald asked about the status of the new officer. The new officer is in final phases of clearance. He will attend the Dover academy which starts in early October. Mayor MacDonald asked for clarification on the Stalker device and if it would be used for law enforcement purposes only. Chief Wohner reiterated that the data will need to be shared on state roads, but within town, the traffic studies can be used more for deployment purposes and to monitor problem hours. It can be placed at the industrial park and in the neighborhoods for complaints as well. Mayor MacDonald said it may help with things like trucks coming through.

Alderman's Report - \$29,984 fines collected in July, 2022.

Maintenance Report – presented with no questions.

Solicitor's Report – Worked on some FOIA requests. Executive Session would be appropriate to discuss update in ongoing litigation. Mayor MacDonald asked that when we said we were not going to have special counsel continue to review the charter, it is done? Solicitor Griffiths said that yes, it was shut down and he has asked for an invoice to show services rendered. Mayor MacDonald asked if there would be a report to indicate how far he got. Solicitor Griffiths said that there was a report. Solicitor Griffiths noted that he was hired as special counsel and that his report would be considered privileged and should be kept confidential at the time of distribution.

Commissioners – Commissioner Joswick asked about vacant lots and if taxes are paid as if buildings were still there. There is only one lot where a building was demolished and redevelopment had not occurred within three years. That ordinance came into existence after the majority of buildings had already been demolished. He asked about a new security system at the boat ramp. Chief Wohner said that part of the bond bill funding is for surveillance so he would like to have a new camera system that can bounce back to the police station. Mayor MacDonald wanted to confirm receipt of an initial email from the Controller regarding the Community Redevelopment award and yes, that email had been received but next steps had not been provided. Commissioner Capriglione apologized for being late.

Mayor's Report - Mayor MacDonald spoke to Ryan Malloy from Barbacane Thornton in regard to the 2021 audit and if she believed there was any kind of fraud or other issues. We already spoke about TAP and she was glad that the projects were included in the town manager's report.

Public Comment – Richard Thompson, 3 Cedar Street. He said a few months ago he thought he read or heard that the state was going to assist the town with the boat ramp by putting lights in and cleaning the ramp up. Town Manager King acknowledged there is a lighting issue and we are in the process of getting quotes from electricians to have them fixed out of the bond bill funding that was recently granted to the town. He would love to see cameras continue because he had issues there years ago and the cameras assisted him in prosecuting the guy who got him. He clarified that cleanup was in reference to the ramp itself. You come out caked in mud, especially at low tide. Commissioner Capriglione said at one point, the firehouse used to take care of that.

New Business: Resolution 2022-002 – Subdivision Agreement. An agreement between the Town of Newport and Harvey Hanna Associates to redevelop the property in the overlay district in the General Business district west of Route 141 and to provide mixed use structures in the

Redevelopment Overlay District; all consistent with the 2014 Newport Comprehensive Plan. Mayor MacDonald read the agreement aloud. Commissioner Capriglione asked why approval is necessary. Solicitor Griffiths and Town Manager King replied that the building and zoning code required approval by council. He then asked if future updates to the town's comprehensive plan will affect this approval. Any future updates will not affect this approval. The plan was structured around current building code and comprehensive plan and would be grandfathered in. Commissioner Joswick asked to confirm building height not to exceed five floors; correct, but they can go under. Vice Mayor Spencer made a motion to approve; Commissioner Capriglione seconded. Roll call vote – all ayes.

Old Business – Board of Adjustment. Commissioner Capriglione confirmed that Frank Romanowski was no longer interested in serving. It will be brought back next month as Commissioner Spencer has a few people in mind. There are two people who were appointed by previous administration, but Commissioner Spencer was not interested in any of those appointments made by previous administration. Commissioner Banks said she had someone she could ask. Commissioner Spencer said he is working on charter amendments. Mayor MacDonald asked that prior to October's meeting to get in touch with the town manager. Vice Mayor Spencer also indicated that a comprehensive plan committee should be appointed in October since update needs to happen next year. There was a discussion about who was on the committee last time and how long the process took. Mayor MacDonald confirmed that charter updates and Board of Adjustments names should be ready for next month and Cooper Bowers from DelDOT will present.

Solicitor Griffiths asked the commissioners to consider an Executive Session to discuss current litigation as there has been movement he would like to bring everyone up to date on. Vice Mayor Spencer made the motion and was seconded by Commissioner Banks; all ayes.

Regular Meeting temporarily adjourned at 7:38 pm.

Vice Mayor Spencer made a motion to return to Regular Session at 7:49 pm. Commissioner Joswick seconded; all ayes.

Solicitor Griffiths announced that pursuant to FOIA, an Executive Session took place. Council conferred and no vote took place. Now that we are back in Regular Session, he would like council to consider a motion to allow the town manager to enter into an agreement to settle case #920C12-203. Vice Mayor Spencer made that motion; Commissioner Joswick seconded. Roll call vote; all ayes with Commissioner Capriglione abstaining.

Commissioner Joswick made a motion to adjourn. Commissioner Banks seconded. All ayes.

Meeting adjourned at 7:51pm.