

Town of Newport
Regular Meeting of the Mayor and Commissioners
February 15, 2024

Pledge of Allegiance.

Mayor Michael Spencer 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 Michael Spencer, Vice Mayor Michele MacDonald, Commissioner Stephanie Banks, Commissioner Michael Capriglione, Town Manager Wendy King, and Police Chief Mark Wohner. Solicitor Max Walton was absent.

Minutes from December 21, 2023, meeting were approved via motion by Commissioner Capriglione and seconded by Vice Mayor Michele MacDonald.

There was a moment of silence in remembrance of Commissioner John Joswick who passed away.

Town Manager's Report - No meeting was held in January because there was no quorum. Solicitor Walton was out of town and unable to attend the meeting. Attendance to New Castle County Chamber of Commerce Annual Meeting. Survey of the municipal building for the purpose of fencing was included in the commissioner packets. Chief Wohner supplied a map of a parcel that the town maintains but is state property near the 7-11 was included in the commissioner packets in case it wanted to be brought to the attention of the comprehensive plan members for future annexation to clean up property lines. James Wilson from Bike Delaware came to discuss the Newport River Trail and encourage the town to participate in the Complete Communities Enterprise District. Clean copies of the comprehensive plan update were included in the commissioner packets for review and introduction of changes will occur at the meeting. Charter change recommendations were included in the commissioner packets. Ordinance 2024-001 Impact Fee ordinance will be tabled since the solicitor will not be in attendance. DelDOT is doing the curb rehabilitation for ADA compliance around town. Peniel Methodist Church wanted to know if they could utilize the banners on the Market Street side for different events they have. FOIA request was received requesting police salaries. Phone call from Delaware Association of Professional Engineers asked about a non-existent building permit for 400 Water Street and noted that the town's engineering firm was not affiliated with DAPE and implied that they should be. Our engineers have other professional affiliations and it is not required they affiliate with DAPE. Budget line items that were overbudget were discussed. Commissioner Joswick served the town for eight years and he will be greatly missed. Mayor Spencer commented that the state-owned parcel could be brought in with the assistance of our state reps and not necessarily an annexation. He also mentioned Commissioner Joswick's continuing dedication to the town and attending meetings even though he was not feeling well the last few months. Town Manager King read the thank you note from Commissioner Joswick's family.

Police Chief's Report – Monthly statistics for January, 2024.

Alderman's Report - \$15,715 court collections for January, 2024.

Maintenance Reports – Vice Mayor MacDonald commented that they are out there cleaning up all the time. Mayor Spencer mentioned that code enforcement report looked sparse. There was follow-up on some previous matters and not much new.

No Solicitor Report.

Commissioners - No comments or questions.

Mayor – He attended the DE League dinner, but there was nothing relevant to report on.

Public Comment – Kevin Haigh, Augustine Street, complimented the maintenance department on snow removal.

New Business – Ordinance 2024-001 Impact Fee is tabled. Ordinance 2024-002 Comprehensive Plan updates. Mayor Spencer did a presentation of the recommended updates. The committee came up with a new name for the industrial park which is not in the ordinance. The highlights are that the R3 district (Newport Terrace Apartments) gets an extra floor so they can go to 4 floors and there is not a requirement to do mixed use on the first level. Ayre Street already has three floors and can do any use that is approved in the General Business district. The R2 parcel on Justis Street will stay the same. Parking did not change so anything to be done has to have a parking plan. Kevin Haigh asked where the Ayre Street changes were documented. Mayor Spencer said that Ayre Street always had three stories and the uses allowed in GB are permitted on Ayre Street. The current comprehensive plan has been on the town's website and it shows all of the information. Conversation and questions about what is being presented will occur next month at the public hearing and the documents will be available for the viewing public. It was noted that what changes were made were to satisfy the state because the comprehensive plan has to be updated every 10 years by law, but anything zoning-wise can be changed by ordinance at any time. The state does not like Boards of Adjustment and that is a driving factor in the state offering workshops through the Institute of Public Administration on zoning and land use to have municipalities make it so zoning is not too restrictive so it will not be necessary to have Board of Adjustment hearings over something that could easily be accomplished by council. The changes were also to accommodate businesses that were not in existence 10 years ago when our last plan was completed, like adding language to allow charging stations or STEM businesses in the GB district. Vice Mayor MacDonald wanted to know what the grayed out language was and that was the changes since the copies are not color. Commissioner Capriglione did mention that marijuana retail facilities would have to be located in the industrial park as an allowed use and not in the GB district. If the town does not allow it, they can be two miles from town borders. There hypothetically could be one at Greystone Plaza and one at Boxwood. Mr. Haigh asked about what is currently being allowed and it is not because the state has not established regulations for sale. It was suggested for consideration that a business license be significantly higher and that is not allowed per the state. Vice Mayor MacDonald made a motion to accept the first reading of Ordinance 2024-002. Commissioner Banks seconded. There were no questions. Roll call vote – all Ayes. Vice Mayor MacDonald wanted to clarify that the ordinance number was correct. 2024 -001 is the impact fee ordinance which has not been acted upon yet. The charter changes are by resolution, not ordinance.

Resolution 2024-001 to have the General Assembly amend the Charter of the Town of Newport. Section 3.09- Vacancies and Forfeiture of Office and believed that the Mayor with consent of the commissioners should have discretion to allow a commissioner to miss a meeting on a case by case basis without it triggering the removal process. *After much discussion, removal will occur if 4 meetings a year are missed.*

Section 3.12- Meeting of Commissioners – Mandatory meetings will occur except in the months of July and August unless called upon by the Mayor and Commissioners.

Section 4.01 Property Assessment Procedure – *Delete “C” and “D” because we use New Castle County’s assessment rolls and do not have a tax assessor.*

Section 4.02- Levy of Taxes – *Town Manager reviews the roll from New Castle County for accuracy and utilizes the roll for tax billing.*

Section 6.06 – Capital Program - *Any capital projects have to come before the Mayor and Commissioners in excess of \$25,000.*

Section 6.07-Power to Raise Revenue – *Potentially add impact fees and gross rental receipts.*

Section 6.09 – Power to Incur Bonded Indebtedness – *Remove “furnishing of water.”*

Section 7.02 – Assessor – *We don’t have an assessor so that can be removed.*

Section 7.07 – Town Building Inspector – *The Town Building Inspector is hired by and reports to the Town Manager.*

Section 7.08 – Town Plumbing Inspector – *Delete as the town does not have a town plumbing inspector and the Town Building Inspector is qualified to perform plumbing inspections.*

Section 8.05 – Voter Qualifications – *The Town will utilize the State of Delaware voter rolls.*

Section 8.06 – Absentee Voting – *There will be no provision for absentee voting.*

Section 9.04 – Powers and Duties of Town Manager – *Town Manager shall prepare and submit the annual operating budget and a Capital Plan and Budget as necessary.*

Section 10.02 – Board of Health – *Delete as there is no BOH.*

Section 11.01 – Planning Commission – *Delete as there is no Planning Commission.*

Section 11.02 Comprehensive Development Plan

A. *Development – 10 years or sooner, if required. Committee consists of two commissioners, two residents, and three business community members. Town Manager may submit input.*

B. *Adoption of the Development Plan – Change “Town Manager” to “Comprehensive Plan Committee”. Change “Planning Commission” to “Comprehensive Plan Committee.”*

Section 12.05 Charter Amendments – *Submission to General Assembly*

Section 3-05 Qualifications for Mayor & Commissioners – *Background check. If elected, reimbursed up to \$75.00.*

Section 3.08 – Commissioner Prohibitions –

B. *Appointments & Removals -Add ‘executive session’ to ...Mayor and Commissioners may express the views and fully and freely discuss with the Town Manager anything pertaining to the appointment and removal of such officers and employees.*

C. *Interference with Administration – There was much discussion about language ensuring that the Mayor and Commissioners will not be interfering with the everyday running of the town.*

Section 8.01- General Municipal Election – *Add “or Town Manager.”*

Section 8.04 – Election Board – *Sworn in by the State*

Section 9.04 – Powers & Duties of the Town Manager – *Remove “...unless otherwise by resolution of the Commissioners.”*

Section 10.01 – Police Department. *Remove “The Commissioners shall, from time to time, make such rules and regulations as may be necessary for the organization, government and control of the police department.” Remove “The Police Department shall such other duties as the Commissioners shall, from time to time, prescribe.”*

Commissioner Capriglione wanted clarification of the state-owned property near the 7-11 and if Chief Wohner wanted the Comprehensive Plan Committee to address it. He was told it was going to be addressed later. He also asked about possibly bringing in the state-owned lot that we are leasing and using as our maintenance yard. Town Manager King said that she wanted to have it brought in because there is a lot of work that needs to be done there and there are three bays that need to be demolished but because it’s in the county, we are not exempt from having the large application for demolition in addition to environmental studies needing to be completed prior to approval. Commissioner Capriglione said that there are other jurisdictions that have it in their charter that any property being

leased or run by the entity would be considered entity domain. Mayor Spencer was reluctant to move in that direction based on how the lease was negotiated.

There was some discussion about the church and the banners. They should come to the next meeting to make a presentation on what their intentions are.

Mr. Haigh asked if the charter changes were going to be put online prior to the meeting next month. They are not. The changes will be by resolution next month and the charter will be presented in the form that council wants it to be in. There was concern about people not knowing what is happening but the agenda is posted online and around town. Lack of participation is not due to lack of information.

Commissioner Banks made a motion to adjourn; Commissioner Capriglione seconded.

Meeting adjourned at 9:25 pm.