

NEWPORT BOROUGH COUNCIL
MID-MONTH MEETING
July 16, 2024

President Greg Shope called the meeting to order at 7:00 pm with the following Borough Council Members present: Christian Fickes, Penny Frownfelter, Barbara Leach, Mary Bucher, Tami Halstead, and Billie Dudley

OTHERS PRESENT: Newport Borough Secretary Shelly Damiano, Mayor Stephen Tice, Rebecca Myers

President Shope asked Cl'm Fickes to lead the Pledge of Allegiance.

President Shope announced that the meeting was being recorded.

AMENDMENTS TO THE AGENDA: None

PUBLIC COMMENT: None

APPROVAL OF JULY'S BILLS TO DATE: Treasurer Damiano
Gibson-Thomas Engineering Co., Inc. payment was split between 4 checks due to various grants:

1. Greenways Trails and Recreation Program
2. HATS Phase 1
3. HATS Phase 2
4. General Fund Engineering

MOTION: Cl'm Dudley moved, seconded by Cl'm Frownfelter to pay the July bills presented for payment.
Motion carried.

ORDINANCE No. 385 Amending Ordinance Chapter 215 Streets and Sidewalks: adding Sidewalk Cafés and Street Events: Council Discussion

1. Section 215-20: Permit year begins in January. Possible to prorate fees if initial permit began during the year. Fees have yet to be determined by council.
2. Section 215-20: Operation hours; Should be eliminated.
3. Section 215-22: Fee schedule: Will be passed by Resolution.
4. (2) Separate Permits: Street Event Permit and Alcohol Permit.
5. Provide physical permits for locality.
6. Intent of adding Sidewalk Cafés: To be pertinent for all businesses requesting to extend their business into the outdoor space of the sidewalk adjacent to their building.
7. Indemnification for Newport Borough
8. Purpose of Ordinance: 1. Revenue 2. Uniformity
9. Limited to Downtown District: already established
10. As per Cl'm Halstead: Cl'm Fickes formulated the ordinance, had it reviewed by an attorney and the borough solicitor, and then had Ordinance Committee tweak the ordinance content.
11. Street Events section would allow alcohol, thus legalizing those vendors that are within this category to participate in the Food Truck Festival.
12. Insurance coverage amounts of at least \$25,000/\$50,000: Both the independent attorney and the solicitor agreed on the wording of "at least" amount of insurance coverage. Requiring more might affect small businesses. The liability insurance of the nonprofit Host of the event is provided to the borough for insurance coverage.

MOTION: Cl'm Leach moved, seconded by Cl'm Dudley to tentatively approve Ordinance #385 Amending Ordinance #348 Chapter 215 Streets and Sidewalks: adding Sidewalk Café and Street Events with the following clerical changes:

Additions in **bold**: Deletions in *italics*.

1. §215-19 Definitions: PERMIT APPLICATION-establish **a** sidewalk café.
2. §215-20 Sidewalk Cafes: [Deletion of 2nd sentence in subsection a.] a. *Sidewalk café is limited to table service only with at least two tables.*
3. §215-20 Sidewalk Cafes: [Deletion of subsection c.] c. *The maximum hours of operation shall be from 8:00 a.m. to 8:00 p.m. prevailing time.*

ROLL CALL VOTE

Yeas: Greg Shope, Christian Fickes, Mary Bucher, Billie Dudley, Penny Frownfelter, Barbara Leach = 6

Neas: Tami Halstead = 1

Motion carried.

ORDINANCE No. 386 Amending Ordinance No. 348 Chapter 72 Alcoholic Beverages: Council Discussion

1. Cl'm Halstead explained SECTION III §72-3. Illegal to possess, carry or transport upon a park or playground now matches with Chapter 159 Parks and Recreation.

MOTION: Cl'm Leach moved, seconded by Cl'm Dudley to tentatively approve Ordinance #386 Amending Ordinance #348 Chapter 72 Alcoholic Beverages with the following clerical changes:

Additions in **bold**:

1. In the first paragraph, capitalization of "B": and the **Borough** Code,
2. In the second paragraph, all lower-case letters of the first "the": WHEREAS, **the** Borough
3. §72-2 Illegal to transport or possess open containers:
First sentence, insert "an":consume in **an** open container...

ROLL CALL VOTE

Yeas: Greg Shope, Christian Fickes, Mary Bucher, Billie Dudley, Penny Frownfelter, Barbara Leach = 6

Neas: Tami Halstead = 1

Motion carried.

ORDINANCE No. 387 Amending Ordinance No. 348 Chapter 55 Shade Tree Commission: Council Discussion was only on a change in wording.

MOTION: Cl'm Frownfelter moved, seconded by Cl'm Dudley to tentatively approve Ordinance #387 Amending Ordinance #348 Chapter 55 Shade Tree Commission with the following change in wording in **bold**:

1. SECTION 1 §55-1 Creation of Shade Tree Commission; A. Definitions; 1) APPROPRIATE SHADE TREES – [change §55-2.B to] ...referenced in **the permit**.

ROLL CALL VOTE

Yeas: Greg Shope, Christian Fickes, Mary Bucher, Billie Dudley, Penny Frownfelter, Barbara Leach, Tami Halstead = 7

Neas: = 0

Motion carried.

MOTION: Cl'm Dudley moved, seconded by Cl'm Fickes to Approve to Advertise with changes Ordinance #385 Chapter 215 Streets and Sidewalks adding Sidewalk Cafes and Street Events, Ordinance #386 Chapter 72 Alcoholic Beverages, and Ordinance #387 Chapter 55 Shade Tree Commission. Motion carried.

OLD BUSINESS

Borough Garage Roof Quotes: Cl'm Fickes

As recorded in the June 4, 2024 Meeting Minutes, Borough Garage Roof Quotes:

Hominy Ridge - \$25,500.00

A2 - \$11,850.00

Additional Roof Quotes

A2 - \$18,850.00 (adding OSB Board)

Reliance Contracting LLC - \$26,740.00 (28 gauge and OSB Board)

Reliance Contracting LLC - \$35,192.00 (26 gauge and OSB Board)

Zook Hill Roofing LLC – 15,075.00 (28 gauge)

Gauge definition: The bigger the number, the thinner the metal.

26 gauge = 50-year warranty

28 gauge = 40-year warranty

Borough Garage Roof Quotes (continued): Cl'm Fickes

Zook Hill Roofing LLC did not recommend OSB board, as the screws can come loose in about 10 years.

Cl'm Fickes stated that he is not a roofer and listens to the recommendations of the professionals. With the quotes varying in gauge, OSB board, and gutter installation, he will table until the August 7, 2024 Regular Council meeting. New quotes will be obtained with the following specifications:

- 28 gauge
- Gutter and downspouts on lean-to
- Snow guards
- Ridge vents

Paving Bid Advertisement

MOTION: Cl'm Halstead moved, seconded by Cl'm Dudley to Approve to Advertise for Bids for Paving. Motion carried.

EMS: Environmentally Sensitive Maintenance Class: August 14 & 15, 2024

Cl'm Halstead confirmed that she was able to change the attendee from Cody Harris to Daniel Miller. Cl'm Halstead and Daniel Miller will attend the Dirt and Gravel Roads class. Attending this class will make Newport Borough eligible for additional resources.

Comments from the Public

Rebecca Myers is looking at options for the Newport Farmer's Market as the farmer's market has 2 wineries. She would like to bring the farmer's market to the center of Newport and so she wanted to listen in on the proposed Street Events Ordinance and the proposed amendments to the Alcohol Ordinance as it might relate to the farmer's market.

Timeliness in Council receiving Information for Review

Cl'm Fickes would like to see attachments sent on the Friday before a council meeting to give more time for all council members to review important information before a council meeting. This would help the council meeting move through a little faster. President Shope acknowledged the suggestion.

Next Meeting Date: Wednesday, August 7, 2024, at 7 pm.

ADJOURNMENT: Cl'm Dudley moved, seconded by Cl'm Halstead to adjourn at 8:17 pm. Motion carried.

Respectfully Submitted,

Shelly Damiano,
Secretary/Treasurer