

Newport Borough Council  
November 17, 2015  
Public Hearing – Zoning Ordinance & Map Amendments 7:00 P.M.  
Followed by the Mid Month Meeting  
Newport, Pennsylvania

President Gerald Robinson called the meeting to order at 7:00 P.M. with Borough Council Members Penny Frownfelter, Tami Halstead, Douglass Beatty, Carl Roush and John McNaughton present. Council Member James Prescott was absent.

**OTHERS PRESENT** - Mayor Mary Hetrick, Secretary/Treasurer Patricia Bowers and Code Enforcement Officer Rick Miller.

**GUESTS** – George Lyter (135 S Fifth St), Jim and Kay Kerr (429 Mulberry St), Jerry Gibbonney Jr (425 Mulberry St), Frank Campbell, Luke Roman and Jerry Gibboney Sr.

The purpose of this hearing is to hear public comments before Borough Council considers for adoption the amendments to Ordinance #348, Chapter 250 Zoning, §250-136 to include fire damaged structures as a conditional use. Also for fire damaged structures; change the wording to say “The owner of any structure damaged as a result of flooding, inundation or fire shall rebuild or repair structure within (2) years from the date the damage occurs” and to amend the Zoning Map to change the southernmost C-2 area encompassing the area south of the intersection of Pine Street and Mulberry Street from C-2 Downtown Commercial to C-1 Neighborhood Commercial. Also to change the setback requirements from (8) feet side yards to (8) feet total and not less than (2) feet on one side. The amendments to the Zoning Ordinance and Zoning Map were available for public review for the required period of time.

Notice of this public hearing was advertised in the paper of general circulation, property owners were notified and the area was posted where changes were being made.

President Robinson commented the change of Zoning Ordinance and Zoning Map came about because of the severe fire that happened on Mulberry Street that involved the loss of (2) properties approximately (2) years ago. Without changing the ordinance and map it would make rebuilding very difficult.

The Borough Council will listen to comments and then Council will decide to approve or disapprove the amendments.

At this time the President of Council opened up the floor for Public Comments to the amendments to the Newport Borough Zoning Ordinance and Map.

**George Lyter** commented he would be the most affected by the change in the ordinance but he wants to do everything he can to help Jerry (Gibboney). Mr. Lyter asked that if the ordinance changed would he be able to change his property into apartments. Code Enforcement Officer stated yes he could. Mr. Lyter commented he thought the (2) year limit should be longer. Should have more time to have everything cleaned up. Mr. Lyter commented he has no opposition to the approval of the ordinance and map change.

**Jerry Gibboney Jr.** commented the county recommendation is to go to (3) years for the rebuilding or repairs to the property; that should be ok. It might take longer to deal with the insurance. Code Enforcement Officer Rick Miller commented if work can't be completed within the (3) year time; that would fall under a hardship. Mr. Gibboney understood that you have to have guidelines.

**President Robinson** reported the following recommendations were received from Perry County Planning Commission staff: The Perry county Planning Commission recommends Newport Borough Council enact the Zoning Map and test amendments offered up by the Newport Borough Planning Commission on August 10, 2015. Their review did not identify any significant concerns with either the proposed map or text amendment.

With this recommendation they offered two (2) minor comments to consider as part of this process.

1. While the heading Damaged Structures in Section 250-136 seems to fit the type of issue. Rather than list the amendment under the Floodplain article of the ordinance perhaps it would be better serving if the amendment had its own section under the general provision (Perhaps Section 250-95).
2. The proposed change to Section 250-136 might consider another year extension. Perhaps from (2) to (3) years. Individuals may experience recognizable delays with reconstruction out of a landowner's control (insurance, permits, etc.)

They reminded the Borough that the Borough would need to forward a copy of the adopted amendments to the Perry County Planning Commission within 30 days of adoption of amendments to the ordinance.

There being no further comments from the public or Borough Council, Cl'm McNaughton moved, seconded by Cl'm Beatty to adopt the Zoning Amendments and Amended Zoning Map presented by the Newport Planning Commission with (2) changes recommended by the Perry County Planning Commission to change section 250-136 requirement of (2) years to (3) years to rebuild or repair structure and to put the Damaged Structures in the section under the general provisions (250-95). Motion carried unanimously.

**Hearing ended at 7:15 P.M.**

**APPROVAL OF BILLS** – Cl'm Roush moved, seconded by Cl'm Frownfelter to pay the outstanding bills presented for payment in the amount of \$6,274.25 from the General Fund Account, pay the outstanding bill presented for payment in the amount of \$166.08 from the Sewer Revenue Account and pay the outstanding bill presented in the amount of \$10,452.02 from the Liquid Fuels Account. Motion carried unanimously.

**ERROR & OMISSION INSURANCE PREMIUM** – President Robinson reported we received the invoice for the Error & Omission Insurance in the amount of \$21,025.00. Last meeting we approved the down payment of \$5,556.25. Now they want us to pay the balance of \$15,468.75 in (9) payments of \$1,813.11 and pay approximately \$900.00 for finance charges. The Borough never had to finance insurance before like this. Cl'm Frownfelter moved, seconded by Cl'm Beatty to pay the balance of the premium of \$15,468.75 in full; no payment plan. Motion carried unanimously.

**BOOT CAMP FOR BOROUGH OFFICIALS** – PSAB is offering Newly Elected Municipal Officials Boot Camp, also ideal for experienced leaders. The cost would be \$125.00. It is a (2) day training event. For this area it would be January 15<sup>th</sup> and 16<sup>th</sup>. Council members will inform the Secretary by December's meeting as to whether they plan to attend.

**MEDICAL PREMIUMS FOR EMPLOYEES** – Cl'm Frownfelter explained for 2015 our medical premiums were \$29,315. For 2016 the total premiums will be \$28,731.72. The employees provided Cl'm Frownfelter with their out of pocket expense for 2015 in the amount of \$20,780.17 total. She recommended to pay a portion back to the employee for 2015; 50% back to the employee. Cl'm Frownfelter moved, seconded by Cl'm McNaughton to pay 50% of the out of pocket expense for 2015 to each employee. Motion carried unanimously. There was a brief discussion for the out of pocket expense for 2016. Total out of pocket expense for 2016 would be \$23,000 divided by half would be \$11,500. Cl'm Frownfelter recommended putting that in the budget for 2016. Cl'm Frownfelter moved, seconded by Cl'm Beatty to pay 50% of the out of pocket expense for 2016 for each employee. Motion carried unanimously. Cl'm Frownfelter moved, seconded by Cl'm McNaughton to pay the medical premiums totaling \$2,394.31 for the borough employees for the year 2016. Motion carried unanimously.

**FICKES RUN WALL REPAIR** – President Robinson talked with the Borough Solicitor Bill Dissinger in regards to who's responsibility it is for the repair of the Fickes Run Wall. Solicitor Dissinger did not know the answer to that. If it is the property owner's, then the only thing we can do is complain about it. Frank Campbell made mention of the run coming down Caroline Street needing repair. The run comes down and runs along the park. The area below that is in deplorable condition. We aren't sure who that belongs to either. The part between the Park and the Water Authority is in pretty good condition however it is above that. President Robinson asked Borough Council members to take a drive up through there and take a look at it until the next meeting. Cl'm McNaughton commented in the winter time when

we get snow they plow that run full of snow. If we would get rain it would flood. We will find out who owns and then move forward from there.

**BOROUGH OFFICE HEAT** – President Robinson reported Hetrick looked at the electric in the office. We now have (2) heaters that do not work. The heaters are down along the bottom of wall and are covered up by furniture; maybe they should be relocated. Maybe look at some areas to relocate. Cl'm McNaughton commented he didn't think we needed to relocate. He will call and get quotes to fix. FYI. The street lights will be finished tomorrow by TRA.

**PATCH MANAGEMENT (POTHOLE KILLERS)** – President Robinson reported on the work that Patch Management would do. It is a different type of pot hole repair and is fully guaranteed. He would like to see the alleys done. We could virtually do all of them for \$19,500. We would have to get (2) other quotes. We also need to look to see if they fall under CoStars program also. Secretary will check with District 8. We also need to check the bid threshold amount. This could be paid out of the streets budget. Cl'm Beatty moved, seconded by Cl'm Roush to have Patch Management do the pothole repairs in the alleys for a cost of \$19,500.00. We need to check the threshold for bidding before we proceed with them doing the repairs. Motion carried unanimously.

**2016 PROPOSED BUDGET** – Secretary Bowers will update the budget with the new figures for medical and recheck all the figures for the next meeting.

**COMMUNICATIONS** – President Robinson commented the Borough received a letter in reference to the float that was in the Halloween Parade. He talked with the Lion's Club and no one had any idea who had entered the float. President Robinson commented it was done in poor taste and we had no knowledge of it. Cl'm Frownfelter asked what measures are in place so it doesn't happen again. President Robinson will write a letter to the Lion's Club and convey that they need to take steps so that does not happen again. Cl'm Frownfelter stated let them know that we will do whatever we can do to assist them. Mayor Hetrick received a phone call from the press and she gave no comment.

**STREETS** - Cl'm Halstead moved, seconded by Cl'm Frownfelter to authorize the rental of a lift to put up the snowflakes the week after Thanksgiving. Motion carried unanimously.

There being no further business to come before Borough Council, Cl'm Frownfelter moved, seconded by Cl'm Roush to adjourn the meeting at 8:30 P.M. Motion carried unanimously.

Respectfully Submitted,  
Patricia Bowers  
Secretary

