

**Council Meeting**  
**January 13, 2020**  
**7:00 p.m.**

The council meeting of Vice Mayor and Council was held on the above date and time with Council members Carrow, Smith, Brockenbrough, and DeBenedictis present with Vice Mayor Dias presiding. Recording Secretary Sue Muncey, Town Foreman Jeff Hurlock, Chief Carl Hutson, Town Solicitor Gary Junge, Brandon Shoupe, Isabella Dunning, Robert Andrews, Harold Shoupe, Candi Shoupe, Jonathan N. Burnett, Bob Wallace, Wayne Gladhill, John Holcomb, and Jessica Holcomb were also in attendance.

1. **Call to Order** - Mr. Dias called the meeting to order at 7:00 p.m.
2. **Pledge to the Flag** – Mr. Dias led the Pledge of Allegiance.
3. **Resolution – First State Military Academy** – Mr. Dias presented members of First State Military Academy with a resolution congratulating the Raiders Team for their placement while participating in organized athletic competitions.

4. **Approval of Minutes** –

*Mr. Carrow made a motion to accept the Public Hearing minutes from 12/09/19 and the Council Meeting minutes from 12/09/19 in written form. Ms. DeBenedictis seconded the motion. Motion carried unanimously.*

5. **Approval of Income and Expense Report** –

*Mr. Smith made a motion to approve the Income and Expense Report. Ms. DeBenedictis seconded the motion. Motion carried unanimously.*

6. **Communications** – No Communications

7. **Report of the Chief of Police** – Mr. Hutson stated they had 279 calls for service, 121 traffic arrests, and 46 criminal arrests. These were up due to the fugitive roundup. For 2019 the yearly complaints increased by 400. Chief Hutson, Lt. Rau, and Cpl. P. Bishop went to training for evidence in Dover on 12/3/19. This is the evidence program the State Police uses. They are trying to streamline where everyone uses the same system. We are looking to upgrade our system. All officers participated in the annual round-up on 12/5/19. Chief Hutson led the Christmas Parade on 12/7/19 followed by Cpl. Graham, Lt. Rau, PFC Andrews, and PFC Fox who assisted with traffic control. We still had a good turnout even though the date changed. Lt. Scott and Lt. Rau attended the career fair at Smyrna Middle School on 12/16/19. FSMA had their formation run through town on 12/20/19. Chief Hutson, Lt. Rau, and the fire police assisted with traffic control. We covered for Smyrna PD for their Christmas party. We did not do the Shop with Cop Program at Clayton Elementary School this past year. We would like to start it again next year. Instead we took the money we received from the Metal Masters grant and bought

items for two (2) needy families. The policies and procedures for Lexipol have been completed. They merged with another company who has training online. This is a good training tool for the officers to complete their required hours of training. Mr. Dias asked about the cameras. Mr. Hutson stated they had an issue with two (2) cameras by School Lane when the transformer blew. It was an easy fix. They have used the cameras. Mr. Carrow asked if the police training can be done in-house. Mr. Hutson stated yes – they can do during their downtime.

- 8. Report of the Town Foreman** – Mr. Hurlock stated he and Kelly met with the garbage collection company. There was an issue over the holiday. They discussed cleaning up if they spill trash while dumping. Residents are overfilling their cans. They also discussed about the trash truck leaking oil onto the road. A big part of the meeting was to discuss informing residents about how to recycle. Mr. Hurlock stated if it is contaminated, it will not be picked up. Mrs. Muncey stated during our debriefing, if the recycle is contaminated they have to contact the garbage truck to pick up the recycle. Mr. Hurlock stated they are charged \$72 per ton. They would like us to communicate with our customers about proper recycling. Mr. Hurlock stated Kelly took the lead on this project. Mr. Hurlock also stated that our contract states you can only have one (1) trash can of garbage put out. They are going to give us a list of customers who have more than one (1) can and the Town will follow-up with this. Mr. Smith stated he has two (2) recycle bins. Mr. Hurlock stated they are only concerned about the garbage. Mr. Hurlock stated he rode around town. We will send out a letter. Customers will be charged for the use of extra cans. Mr. Carrow asked if they had extra could they call for a special pickup. Mr. Hurlock stated yes. Mr. Carrow also wanted to thank Tom for the report that was sent out. It is very nice to have. He had very good comments.
- 9. Report of the Town Solicitor** – Mr. Junge had no report.
- 10. Report from Inspections/Enforcement** – Mr. Hurlock stated there was a fire at 403 Main Street. The subject has not responded. Mr. Hurlock will meet with the Code Enforcement Officer. Our crew will clean up the outside after we have exhausted all our options. Mr. Dias asked if it was occupied. Mr. Hurlock stated no. Mr. Carrow asked about a lien for our expenses. Mr. Hurlock stated besides labor there will be no expense. Mr. Smith stated an abandoned property is a long process.
- 11. Reports from Members of Council**
  - a. Report from Electric Committee** – Ms. DeBenedictis had no report.
  - b. Report from Street Committee** – Mr. Smith had no report.
  - c. Report from Water & Sewer Committee** – Mr. Brockenbrough had no report. Mr. Hurlock stated Sue provided everyone with a packet from Duffield. We have to have a risk and response plan. The cost is \$15,000. This is not in the budget. We can discuss impact fees. I am going to move on with it. Mr. Smith asked when it has to be completed by. Mr. Hurlock stated it needs to be done in 2021. Mr. Hurlock stated for the Route 300 job we should ask our consulting engineer to come and discuss. Some members of Council had questions. Mr. Smith suggested setting up a meeting and invite the builder.

- d. Report from Equipment Committee** – Mr. Smith had no report.
- e. Report from Personnel Committee** – Mr. Carrow had no report.
- f. Report from Public Safety Committee** – Mr. Dias had no report
- g. Report from Budget Committee** – Mr. Smith stated an upcoming meeting will be set up.
- h. Report from Economic Development Committee** – Mr. Carrow stated he is going to check in on the new businesses and see how they did through the Christmas holiday. We have three movie nights set up for this year: May 30, August 29, and October 3. Mr. Carrow would also like to get recommendations for naming the new park. We are going to have a dedication ceremony in April or May.
- i. Report from Downtown Development Rebate** – Ms. DeBenedictis stated Penny sent out an email about large projects. The applications are due January 16 at 4:00 p.m.
- j. Report from DEMEC** – Ms. DeBenedictis had no report.
- k. Report from Board of Adjustments** – Mr. Hurlock stated a meeting is scheduled for January 27, 2020
- l. Report from Planning & Zoning Committee** – Mr. Hurlock stated for the Ovations project there is nothing in our Subdivision Ordinance for the builder to pay for inspections. We can charge for the plan review. The builder has agreed to pay \$350 per lot for the water/sewer. It will cost about \$388 per lot. We will have to eat the difference. We are in competition with every development in the area so Mr. Hurlock is reluctant to increase the fees. Mr. Carrow asked if this included streets. Mr. Hurlock stated the inspection includes sewer lines, water lines, and if the road is compacted correctly. Mr. Carrow asked if we had an escrow for the road with Old Country Farm. Mr. Smith stated we have a bond. Mr. Hurlock stated before we move on, Phase I has to be finished. Mr. Smith stated we can put this on the budget meeting agenda. Mr. Hurlock stated he wants to review it first.
- m. Appeals Board** – Mr. Hurlock had no report.
- n. Charter Committee** – Mr. Dias stated he will have Sue set up a meeting.

## 12. Public Forum –

Wayne Gladhill – He feels the limitation of one (1) trash can is harsh. This needs to be revisited. He also wanted to thank the Clayton Fire Department for taking two (2) nights to have Santa go around.

John Holcomb – He stated he agreed about Santa. The only issue he had with the trash is the holiday. It seems the recycle is always the week before.

Jonathan Burnett – He stated he has the opposite opinion about the garbage. He doesn't want to have to pay for someone else's garbage. He applauds people who recycle.

Mr. Smith stated we receive one bill. Mr. Hurlock stated we have a contract. Each person would receive another charge. He believes at Christmas they do pick up extra trash. Mr. Smith stated they have fill-ins during the holiday. Ms. DeBenedictis stated the trash was also one day behind.

## 13. Unfinished Business –

- a. Second Reading – An Act to Amend Town of Clayton 7.1-2.4 – Rate of Tax – Discuss and Vote.** Ms. DeBenedictis read in its entirety.

*Mr. Smith made a motion to approve the Ordinance to enact changes as presented. Ms. DeBenedictis seconded the motion. Motion carried unanimously.*

- b. Second Reading – An Act to Amend Town of Clayton Code Section 2.2-2.4 – Yard and Garden Collection – Discuss and Vote.** Ms. DeBenedictis read in its entirety.

*Mr. Brockenbrough made a motion to amend the changes as presented. Mr. Carrow seconded the motion. Motion carried unanimously.*

## 14. New Business –

- a. Discuss and Vote – Motion to Relevelize the PCA for the 2020 Fiscal Year.** Ms. DeBenedictis read in its entirety. Mr. Carrow explained to the audience that this can fluctuate yearly. Mr. Hurlock stated instead of changing the rate monthly, we do this once a year.

*Ms. DeBenedictis made the following motion: I move that the current PCA rate of power cost collection be increased from a charge of \$0.0051 per kilowatt-hour to a charge of \$0.0064 per kilowatt-hour to be billed beginning with the billing cycle at the end of January 2020. Even though the DEMEC rate for 2020 is slightly lower than the Town's wholesale rate for 2019, the 2020 PCA must be increased to collect the under collection of power costs that has occurred over the 2019 PCA period. The impact for this action represents an approximate 0.9% retail rate increase for Town electric customers. Mr. Carrow seconded the motion. Motion carried unanimously.*

**b. Request to be put on the Town Council Agenda – William O’Neal - Mr. O’Neill**  
called and stated he would have to reschedule.

**Adjournment**

*Mr. Carrow made a motion to adjourn the meeting. Mr. Smith seconded the motion. Motion carried unanimously. Meeting was adjourned at 7:46 p.m.*

Recording Secretary,

Sue Muncey