

Council Meeting
September 11, 2023
7:00 p.m.

The Council Meeting of Mayor and Council was held on the above date and time with Council members Carrow, Flatter and Paisley present. Mayor Smith was presiding. Recording Secretary Sue Muncey, Chief Carl Hutson, Town Manager Robert Cote, Gary Junge, Marvin Pedigo, Wayne Stover, Carol Eagle, Wendy Hales, Kevin M. Crews Sr., Andrew Faulkner, and David Ross were also in attendance. Ms. DeBenedictis was excused from the meeting.

1. **Call to Order** - Mr. Smith called the meeting to order at 7:00 p.m.
2. **Pledge to the Flag** – Mr. Carrow led the Pledge of Allegiance. Mr. Smith asked for a moment of silence to remember the victims on the 22nd anniversary of the terrorist attack that occurred on September 11, 2001.
3. **Determination of a Quorum** – Mr. Smith determined a quorum was present.
4. **Presentation of the Employee of the Quarter – 2nd Quarter 2023** – Mr. Cote thanked this employee for his exemplary service during the period of April through June 2023. During this period, specifically on the 24th of May 2023, Kevin selflessly volunteered his time to give back to his local community when he took part in the Clayton Elementary School's annual jobs in the community expo as a guest speaker, outlining what he and his teammates do and their roles as Department of Public Works technicians. While on the grounds of the expo, Kevin led the discussion and demonstration of what his team does on a daily basis specifically highlighting the town's high reach bucket truck to 95 of our local 2nd graders and his outstanding presentation skills and ability to spark the interest and attention of our local youths impacting their abilities to successfully complete their final projects on researching jobs in the local area. Kevin's relentless dedication and razor-sharp proficiency in his daily duties directly enabled the Department of Public Works team's ability to safely and successfully complete 175 Miss Utility requests and 243 work orders with 100% on time completion rate and zero safety related incidents. Finally, Kevin showcased his keen eye for detail and astute mechanical aptitude when the town's main lift station was experiencing a low pressure, low flow condition as a result of a failing Smith & Loveless pump assembly. He leapt into action by safely and quickly dismantling the warrant pump with his Public Works crew and replaced the severely worn impellor and associated seal assembly returning unit to full mission capable status in just four (4) hours ensuring there was zero negative impact to the town sewer infrastructure. The 2nd Quarter 2023 Employee of the Quarter is Kevin Crews Sr.
5. **Approval of Minutes** –

Mr. Carrow made a motion to accept the Council Meeting minutes of 08/14/23 and the Law & Legislature Committee Meeting minutes of 08/29/23 as presented in their written form. Mr. Flatter seconded the motion. Motion carried unanimously.

6. Approval of Income and Expense Report –

Mr. Paisley made a motion to accept the August Income and Expense Reports in its written form. Mr. Carrow seconded the motion. Motion carried unanimously.

- 7. Communications** – Mr. Paisley read two items of communication. The first was a letter from the Lions Club dated 09/01/23. The second was a letter from Asbury United Methodist Church.
- 8. Report of the Chief of Police** – Mr. Hutson stated there were 430 calls for service and 299 traffic summons. Cpl. Hume and Cpl. Hibbert attended Reunification Training at Lake Forest High School 08/01 and 08/02/23. Sgt. Bishop attended the Command Leadership Institute Training in Dover on 08/01 – 08/04/23. Lt. Scott and Cpl. Andrews assisted with Movie Under the Stars on 08/04/23. Lt. Scott, Sgt. Bishop, Cpl. Bishop, and Cpl. Fox assisted with the Peach Festival in Wyoming on 08/05/23. Chief Hutson, Lt. Scott, Cpl. Bishop, Cpl. Hume, and Cpl. Andrews assisted with Running Hot 5K in Clayton on 08/12/23. Cpl. Hibbert and Cpl. Andrews were present at Kee's Backpack Give Away in Clayton on 08/26/23. Chief Hutson led the LESO federal inspection on 08/29/23. Lt. Scott, Lt. Rau, and Cpl. Hume went to Meet and Greet at Clayton Elementary School and Clayton Intermediate School on 08/30/23. Mr. Carrow wanted to thank the Chief and his officers for the support they gave the schools on the first day of school by helping with the traffic.
- 9. Report of the Town Manager** – Mr. Cote respectfully submitted his report in written form. Mr. Cote gave an update on the fiscal 2021 audit. As of today, Mallie reviewed, and they are drafting the statements and reports. They should be completed within 14 days. The start of the 2022 audit should begin by the end of the calendar year.
- 10. Report of the Town Solicitor** – Mr. Junge had no report.
- 11. Reports from Members of Council**
- a. Report from Electric Committee** – Mr. Carrow had no report.
 - b. Report from Street Committee** – Mr. Carrow stated the patching has been completed. Mr. Cote stated the initial phase has been completed. They are now looking at the 2nd phase.
 - c. Report from Sewer & Stormwater Committee** – Mr. Flatter had no report. Mr. Cote stated a meeting was held with DelDOT in August to review the plans. Verdantas made all the changes. The next steps will be to finalize the project manual, put it out to bid, review and make a recommendation to Council, Council approval at the December 11 Council Meeting, letter of acceptance, and completion of paperwork.
 - d. Report from Equipment Committee** – Mr. Paisley stated on 09/12/23 he has a meeting with Public Works. His plan is to have the report to the Council prior to the next Council Meeting.
 - e. Report from Personnel Committee** – Mr. Flatter had no report. Mr. Cote stated there were two (2) open positions. The Customer Service Specialist started today. This is a part time

position, and the person lives in Clayton. The front office was down a position for 1-1/2 months. The Accounting & Finance Officer position – we continue to review resumes. Mr. Smith asked about the part-time position for Public Works. Mr. Cote stated he spoke to the Director of Public Works, and he is comfortable right now.

- f. Report from Public Safety Committee** – Mr. Smith had no report.
- g. Report from Budget Committee** – Mr. Flatter stated there will be a preliminary meeting with the Town Manager and the Department Managers in September. A full budget meeting will be held in October for the 2024 budget.
- h. Report from Economic Development Committee** – Mr. Carrow stated Railroad Days will be on 09/16/23 from 9:00 – 2:00. The Fire Company Open House is 10/9/23 from 6:00 – 9:00.
- i. Report from Downtown Development Rebate** – Mr. Paisley had no report.
- j. Report from DEMEC** – Mr. Cote stated the board retreat was on 08/02/23. They worked on the strategic plan. On 09/06 – 09/07/23 they held the Mutual Aid Workshop. Members were able to meet with other municipalities. Basically, what would we do as a joint action agency and what ideas would we reach out to make sure that our infrastructure and our power was restored as quickly as possible. On 09/14/23 the monthly board meeting will be held. On 9/20/23 the annual dinner will be held at Bally's. They will also have the ribbon cutting for the joint line worker training area at the business park in Smyrna on 10/03/23.
- k. Report from Board of Adjustments** – No report.
- l. Report from Planning & Zoning Committee** – Mr. Smith stated a meeting is scheduled for 09/27/23 at 7:00 p.m.
- m. Appeals Board** – No report.
- n. Law and Legislature Committee** – Mr. Paisley stated there is no word on when the Governor will be signing the new charter. In the interest of time, we may table five (5) of the ordinances which are being introduced. Mr. Paisley thanked the Office Manager for taking the time out of her weekend to compile 16 pages of minutes on the 11 ordinances that were discussed. There will be a change in the format of the flow of how ordinances will be presented per the Town Solicitor Mr. Chambers. The introduction will be read, it will be referred to the committee, and then it will go back to Council to discuss and vote. The next is Title III. Mr. Paisley will sit down with the Chief to review.

12. Public Forum

No comments

13. Unfinished Business

- a. **Discuss and Vote on Changes to Town of Clayton Ordinance Section 1.2-2 Payment of Utility Charges. (RC)**

Mr. Cote stated this ordinance change allows another form of payment – direct withdrawal and changing the late fee from water to sewer.

Mr. Paisley made a motion to adopt Ordinance change 1.2-2 as presented. Mr. Carrow seconded the motion. Motion carried unanimously.

- b. **Discuss and Vote on Ordinance #2023-02 – An Act to Amend Section 8.2 of the Clayton Municipal Code Related to the Town Foreman. (RP)**

Mr. Paisley read the synopsis – This ordinance transitions the powers of the Town Foreman into the Town Manager – given that the duties of the original position have been split between the new Director of Public Works and the Town Manager positions.

Mr. Paisley made a motion to adopt Ordinance 2023-02. Mr. Flatter seconded the motion. Motion carried unanimously.

- c. **Discuss and Vote on Ordinance #2023-03 – An Act to Amend Section 1.2-7 of the Clayton Municipal Code Related to Water Meter Connection and Enforcement Thereof. (RP)**

Mr. Paisley stated the water system was sold to Artesian Water Company. He read the synopsis – This ordinance removes most of the references to the Town's water system being that it has be privatized. In addition, it still requires that homes continue to have water meters through Artesian Water Company Inc. Furthermore, of the provisions that stay in force, references to the Town Foreman were changed to the Town Manager.

Mr. Flatter made a motion to adopt Ordinance #2023-03. Mr. Paisley seconded the motion. Motion carried unanimously.

- d. **Discuss and Vote on Ordinance #2023-04 – An Act to Amend Section 1.3-1 of the Clayton Municipal Code Related to Requirements for Installation and Repair of Sidewalks. (RP)**

Mr. Paisley read the synopsis – This ordinance renames and amends the Town of Clayton code for sidewalks. Specifically, it requires that sidewalks be included in building plans before a building permit can be issued. In addition, it revises the provision for financing sidewalk repairs, installations, and replacements – extending the payment period to reimburse the town for said services and giving Council the option to enter into exclusive agreements.

Mr. Paisley made a motion to adopt Ordinance #2023-04. Mr. Flatter seconded the motion. Motion carried unanimously.

e. **Discuss and Vote on Ordinance #2023-08 – An Act to Amend Section 1.2-6 of the Clayton Municipal Code Related to Water and Sewer Service. (RP)**

Mr. Paisley read the synopsis - This act removes references to the Town's water system in the title and content of the ordinance and transfers necessary provisions to Artesian Water Company Inc. In addition, it removes the disconnection provision because the Town does not disconnect a customer's sewer service. Also, this act changes mention of the Town Foreman to the Town Manager and updates the provisions and fees for damages, obstructions, and interference with the sewer system and sewer connection. Finally, the act requires that any land and/or building(s) in the Town of Clayton connect into Artesian Water Company's water infrastructure.

Mr. Flatter made a motion to adopt Ordinance #2023-08. Mr. Carrow seconded the motion. Motion carried unanimously.

14. New Business

a. **Discuss and Vote on Potential Acquisition of 408 Main Street. (NS)**

Mr. Smith stated he was approached by the Lillian Smith Senior Center to tear down the house and make it into a parking lot. The cost of the house is \$200,000. Demo is \$42,500. Sitework and installation is \$27,800. It would be owned by the town as a public parking lot. Mr. Stover stated it would be the towns. The first 20' we could have a park with benches. The senior center is growing. Parking is a problem. Mr. Paisley stated his concern is it would be public parking. It couldn't be exclusive to the senior center. Mr. Carrow asked how many spots would there be? Mr. Stover stated 24 spots. Mr. Flatter asked if parking is an issue. Mr. Carrow stated yes. Mr. Carrow stated in the future we need to build a town hall. Do we want to take this on? What would the payment be? Mr. Smith stated with the new town hall we can re-subdivide this site back into three (3) properties and use one for a parking lot. Mr. Paisley wanted to ask the attorney if we could use impact fee funds. Mr. Junge stated he would have to research it. Mr. Smith stated the financing would go to the Budget Committee. Mr. Paisley asked about state funding. Mr. Carrow said only for site work. Mr. Smith asked if it has asbestos. Mr. Stover stated not that he is aware of. Mr. Smith stated it is hard to make a decision without that knowledge. Mr. Smith asked Mr. Stover if the temporary contract is good until 11/01/23. Mr. Stover stated yes. Mr. Smith stated the town will pay \$1,400 for the study. Mr. Flatter stated he agreed with Mr. Paisley but for different reasons.

Mr. Paisley made a motion to table and authorized the Town Manager to execute an asbestos study not to exceed \$2,000. Mr. Flatter seconded the motion. Motion carried unanimously.

b. Discuss and Vote on Potential Future of Adult Use Cannabis Dispensaries Located within the Town of Clayton. (RC)

Mr. Cote stated he was approached and is asking if Council wants him to explore further. Mr. Carrow asked what he would bring back. Mr. Smith stated how it affects the town, tax on the sale. Mr. Paisley stated he is in favor of exploring. Mr. Flatter stated more information is needed. Mr. Carrow agreed. Mr. Smith authorized Mr. Cote to gather data points. Mr. Cote stated he will research 100% what the General Assembly actually passed a few months ago. Mr. Cote stated at the DLLG Dinner there will be two (2) presenters speaking on this subject. His suggestion is he would present what the State is actually saying we can do as a municipality as well as he would set up a meeting with the solicitor's team to see what they can find out. He would look at how it would affect the town financially and would work with the Chief of Police to see if there would be any impact of crime rates increasing or decreasing potentially based on something like this. Mr. Smith stated he wants to see a municipality our size who travelled this road and the outcome.

c. Introduction of Ordinance #2023-06 – An Act to Amend Article 2-2.5 of the Clayton Municipal Code Related to Keeping of Pets. (RP)

Mr. Paisley read all the changes to Ordinance #2023-06.

d. Introduction of Ordinance #2023-07 – An Act to Amend Article 8.3 of the Clayton Municipal Code Related to Procedure to Annex Unincorporated Territory Contiguous to the Town. (RP)

Mr. Paisley read all the changes to Ordinance #2023-07.

Mr. Smith stated 14e, 14f, and 14g have been stricken from the agenda. This would change Town Foreman to Town Manager. They are waiting for the charter to change.

h. Introduction of Ordinance #2023-12 – An Act to Create Article 1.4 and Article 1.4-1 of the Clayton Municipal Code Related to Streets and the Handi-Park Program. (RP)

Mr. Paisley read all the changes to Ordinance #2023-12.

- i. **Introduction of Ordinance #2023-13 – An Act to Amend Article 2.2-2 of the Clayton Municipal Code Related to Handling and Disposition of Garbage, Trash, and Rubbish. (RP)**

Mr. Paisley read all the changes to Ordinance #2023-13.

- j. **Introduction of Ordinance #2023-14 – An Act to Amend Article 2.3-1 of the Clayton Municipal Code Related to Open Burning. (RP)**

Mr. Paisley read all the changes to Ordinance #2023-14.

- k. **Introduction of Ordinance #2023-15 – An Act to Create Article 2.3-6 of the Clayton Municipal Code Related to Short-Term Rentals. (RP)**

Mr. Paisley read all the changes to Ordinance #2023-15.

Mr. Smith stated 14l and 14m have been stricken from the agenda. This would change Town Foreman to Town Manager. They are waiting for the charter to change.

15. Adjournment

Mr. Carrow made a motion to adjourn. Mr. Flatter seconded the motion. Motion carried unanimously. The meeting was adjourned at 8:17 p.m.

Recording Secretary,

Sue Muncey